UltraSystems
environmental•management•planning

Draft Doheny Hotel EIR

Prepared for the City of Dana Point

33282 Golden Lantern
Dana Point, California 92629

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Doheny Hotel EIR

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EXECUTIVE SUMMARY

I. Introduction

This Environmental Impact Report (EIR) is intended to explore potential impacts posed by the development of the proposed Doheny Hotel project.

The City of Dana Point is the Lead Agency under the California Environmental Quality Act (CEQA), and is responsible for preparing the Project EIR for the Doheny Hotel (hereby referred to as the "proposed project") (State Clearinghouse Number 2011061041).

II. Project Description

Location

The project site is at 25325 Dana Point Harbor Drive and at 34297 and 34299 Pacific Coast Highway (PCH) within the City of Dana Point. It is located within the City's Local Coastal Zone on a 1.5-acre site comprised of three contiguous fully developed parcels (APN's 682-166-08, 682-166-21, and 682-166-22).

Project Characteristics

The proposed project would develop the 1.5-acre site with a two to five-story hotel building containing 258 guest rooms and underground parking. Building massing in this development would be at an overall height of 86.5 feet, including roof top mechanical equipment and screening area. Without the mechanical equipment and screening, the hotel height would range from 76.5 feet to 78.5 feet.

The proposed hotel features asymmetrical elements, including varying wall façade heights and varying dimensions on different planes located at the corner entry, which reduces the bulk of the project. The third through fifth floors at the corner entrance of the project are terraced back from the lot line, creating dimension, and the placement of a garden roof area on the second floor reduce the overall massing of the structure and provides architectural relief. Ornamentation on the building's façade consists of rows of split pane windows each containing three mullions and highlighting color ribbon insets adorning the building skin. Building materials were not specified in the proposed plans, but based on preliminary elevations submitted the building will most likely be stucco. The roof is flat with a coping ledge that runs along the entire roof line that adds more variation horizontally to the building façade.

Each floor is proposed to contain less than 46,000 square feet of habitable space for guest rooms and associated amenities. Overall gross building area would consist of a total of 248,850 square feet. The proposed project would also include aspects such as green roofing, dual flush toilets, motion-activated HVAC, rain sensors, drip-watering, electric car charging stations, and implementation of an energy-monitoring program, with the aim of achieving LEED Silver status.

The main access point for the proposed hotel would be located at existing grade on Dana Point Harbor Drive, which would ramp down to the subterranean 55,100 square feet parking structure containing 275 valet parking spaces to accommodate guests'

vehicles. There would also be 50 off-site parking spaces located at the nearby South Coast Water District property.

The configuration of the first floor consists of multiple administrative offices, grand entry and guest lobby, meeting rooms, a large restaurant and a small gift shop. The second level houses the pool and associated deck, fitness room, another smaller restaurant with associated lounge and guest rooms. The third and fourth floors share almost identical layouts, featuring guest rooms of various sizes and an open area to view the second level pool deck. The third floor has a garden roof terrace and the fourth floor has a view of this amenity. Lastly, the fifth floor is composed of another green roof terrace, a bar/lounge and guest rooms.

The proposed project will also include enhancements to the City of Dana Point gateway marker signage, located adjacent to the project site at the southwest corner of PCH and Dana Point Harbor Drive. This corner will be embellished with new landscaping as well as a new County Harbor sign. Both the landscaping and signage will be incorporated into the project design.

The vision for the Doheny Hotel is to be a standalone, gateway project that welcomes both visitors and residents to the City of Dana Point. It is intended to have unique architectural and design features as a modern counterpoint to the homes and businesses in the community at large. Both a celebration of the modernization of hospitality in Southern California and an update to the amenities found at the corner of Dana Point Harbor Drive and the Pacific Coast Highway, the Doheny Hotel project intends a positive contribution to the City's trade and tourism.

III. Applicant Project Objectives

The following objectives have been established for the proposed project and are meant to aid decision-makers in their review of the project, the project alternatives, and associated environmental impacts:

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

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

- Minimize the impact of new development on the character of surrounding residential neighborhoods, so that the streetscape and quality of existing public view sheds are preserved.

IV. Areas of Public Interest

The City hosted a Public Scoping Meeting on June 28, 2011 at the Dana Point Community Center in order to present information about the proposed project and identify areas of possible concern for residents. Attendees were invited to write comments on comment cards and/or make comments verbally, which were recorded by UltraSystems Environmental staff. Residents who were not able to attend the meeting were also able to submit comments via letter, email, or

fax to the City up to three weeks after the meeting. The Scoping Meeting revealed three issues that most concerned residents: aesthetics, traffic, and land use. A summary of resident concerns over these topics is presented in the following paragraphs. Full text of the comments received can be found in **Appendix A**.

Aesthetics

Numerous residents expressed concerns about the hotel affecting ocean views and the disproportionate mass of the hotel for the area.

Traffic

Numerous residents expressed concerns about increased traffic generation at the intersection of Pacific Coast Highway and Dana Point Harbor Drive. They were also concerned about overflow parking and hotel guests parking in adjacent neighborhoods.

Intensity of Land Use

Numerous residents expressed a desire for the hotel to conform to the City's 35 foot height limit and to take up less area on-site (i.e., floor-area-ratio and setbacks).

V. Issues to be Resolved

Based upon an Initial Study and a Public Scoping Meeting, the City determined that there were enough potential impacts to justify processing an EIR. Thus, with regard to the proposed project, the City must determine:

- Whether this EIR adequately describes the environmental impacts of the project;
- Whether the proposed land use changes are acceptable given the character of the existing area;
- Whether the identified goals, policies, and mitigation measures should be adopted or modified;
- Whether there are other mitigation measures that should be applied to the project in addition to the mitigation measures identified in the EIR; and
- Whether there are any alternatives to the project that would substantially lessen the significant impacts of the proposed project and better achieve basic project objectives.
- Whether there are circumstances that warrant a Statement of Overriding Considerations in accordance with CEQA Guidelines.

VI. Project Alternatives

CEQA states that an EIR must address a "range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives" (14 Ca. Code of Reg. 15126.6[a]). Four project

alternatives were identified and analyzed for relative impacts as compared to the proposed project:

- No Project Alternative
- Three-Story Hotel Alternative
- Four-Story Hotel Alternative
- Option "B" Alternative

These alternatives were selected for further analysis and are evaluated in greater depth in Chapter 5 of this EIR.

No Project Alternative

Under the No Project Alternative, the proposed project would not be implemented and the site would remain in its current state, developed with a two-story hotel, a fast-food restaurant, a vacant commercial building and associated surface parking lots as described in Chapter 2, Project Description.

Three-Story Hotel Alternative

A three-story hotel project that conforms to the 35 foot maximum allowable height in accordance with the Dana Point Specific Plan is another possible alternative. For discussion purposes, this alternative would include the deletion of both of the fourth and fifth floors (114 rooms) and a reduction in the overall ceiling height on the first floor by five feet. With these changes, the Three-Story Alternative would result in a hotel project with 144 rooms, 35 feet overall height and a subsequent reduction in parking and trips generated. No variances for building height or building setbacks would be required. The 7,087 square foot dine-in restaurant space and the 12,103 square foot conference center/banquet/meeting area, as described in the proposed project, would remain the same in this alternative.

Four-Story Hotel Alternative

This alternative would be a four-story hotel project that would be between the 35 foot Three-Story Alternative and the 86.5 foot proposed project in overall height and conform to the building setbacks in accordance with the Dana Point Specific Plan. For discussion purposes, this would include the deletion of the entire fourth floor (70 rooms), which would result in a reduction in the overall building height of ten (10) feet. The reduction in building height would also facilitate a reduction in overall massing of the building. With these changes, the Four-Story Alternative would result in a project with a total of 188 rooms, a building height of 66.5-68.5 feet (76.5 feet with the mechanical equipment) and a subsequent reduction in parking and trips generated. A variance for building height would still be required. The 7,087 square foot dine-in restaurant space, the 12,103 square feet conference center/banquet/meeting area and roof top amenities as described in the proposed project, would remain the same in this alternative.

Option "B" Alternative

The Option "B" Alternative includes the 1.5-acre site for the proposed project and 0.76 acres of Lantern Bay Park, located immediately south of the subject site. This alternative would include a project with access to the hotel off of Dana Point Harbor Drive through an expanded entrance/driveway that would be located on a portion of Lantern Bay Park. The driveway would lead to two levels of subterranean parking beneath the hotel, with 50 public parking spaces provided on-site for use by the public. A portion of the 50 public parking spaces to be provided onsite would be self-parked, with the remaining public parking accessed through the valet service. Twenty-two parking spaces at-grade on the first floor would be readily accessed by the public and would not be valet. All other remaining parking areas would be accessed through the valet service. Parking for this alternative, a total of 398 spaces, would be provided entirely on-site. The 50 off-site parking spaces at the South Coast Water District would continue to be provided as part of this alternative, not as an additional parking area to meet the required parking, but available for special events and/or hotel employees to utilize, if needed.

This alternative assumes that a 0.76-acre portion of the adjacent City-owned Lantern Bay Park would be used to create an expanded driveway. This portion of the park would need to be acquired from the City prior to the implementation of the project. This aspect of the Option "B" Alternative would also entail an additional 58,560 cubic yards of excavation.

Under this alternative, the number of guest rooms would be increased to 273. Twenty-eight rooms, which is a net increase of 15 rooms, would be added to the hotel in between the first and second levels through the construction of a new mezzanine and a total of four rooms would be removed from the fourth and fifth floors to allow for additional articulation and stepping of the hotel façade that faces Pacific Coast Highway.

The overall height of the building would be the similar to the proposed project – 87.5 feet. An increase to 307,693 square feet of enclosed area, and 15,580 square feet of meeting space is included in the Option "B" Alternative, along with additional landscaping in and around the first level.

VII. Summary of Environmental Impacts and Mitigation Measures

Table ES-1 summarizes the conclusions of the environmental analysis contained in this EIR. Impacts are identified as significant or less than significant and for all significant impacts mitigation measures, project design features, or project requirements are identified. The level of significance after implementation of the mitigation measures, project design features, or project requirements is also presented.

The levels of significance before mitigation are based on findings from the Initial Study, comments from the public scoping process, and additional analysis conducted while writing the EIR. With implementation of mitigation measures, project design features, or project requirements, most impacts will be reduced to a less than significant level; however, impacts related to Aesthetics and Land Use will result in significant environmental impacts that cannot be mitigated. Significant environmental impacts will necessitate the preparation of a Statement of Overriding Considerations by the City.

Table ES-1
Summary of Environmental Impacts, Mitigation Measures, Project Design Features, and Project Requirements

Mitigation Measure = MM Project Design Feature = PDF Project Requirement = PR

< = Less than Significant Impact ! = Potentially Significant Impact

Environmental Impact	Level of Significance Before MM, PDF, or PR	MM, PDF, or PR	Level of Significance After MM, PDF, or PR
3.1 Aesthetics			
3.1-1 Scenic Vista	<	None required	<
3.1-2 Existing visual character or quality	!	MM 3.1-1: Construction Staging Plan	!
3.1-3 Public views of existing visual resources	<	None required	<
3.1-4 New source of light or glare	!	MM 3.1-2: Exterior Lighting Plan	<
3.2 Air Quality			
3.2-1 Temporary construction-related dust and vehicle emissions	!	MM 3.2-1: Water exposed surfaces MM 3.2-2: Enclose, cover and water earthwork MM 3.2-3: Cover trucks	<
3.2-2 Local and regional pollutant load	<	None required	<
3.2-3 NO_x emissions	!	MM 3.2-4: Utilize diesel engines (when possible)	<
3.2-4 Long-term air emissions	<	None required	<
3.3 Biological Resources			
3.3-1 Birds and nesting	!	MM 3.3-1: Biological survey MM 3.3-2: Nesting survey MM 3.3-3: Work area buffer zone and Biological monitoring	<
3.4 Cultural Resources			
3.4-1 Archaeological and/or historical resources	!	MM 3.4-1: Archaeological, paleontological, and Native American heritage monitoring	<
3.4-2 Paleontological resources	!	MM 3.4-1: Archaeological, paleontological, and Native American heritage monitoring	<

Environmental Impact	Level of Significance Before MM, PDF, or PR	MM, PDF, or PR	Level of Significance After MM, PDF, or PR
3.5 Geology and Soils			
3.5-1 Seismic activity	!	MM 3.5-1: Adherence to local building codes	<
3.5-2 Seismic activity	!	MM 3.5-2: Foundation design	<
3.5-3 Soil erosion	!	MM 3.5-3: BMPs, SWPPP	<
3.5-4 Land sliding	!	MM 3.5-4a: Shoring & monitoring system	<
Subsidence	!	MM 3.5-4b: Ground monitoring system	<
Liquefaction, Settlement	!	MM 3.5-4c: Foundation design	<
3.5-5 Expansive soil	!	MM 3.5-5: Foundation design	
3.6 Greenhouse Gas Emissions			
3.6-1 GHG emissions	!	PDF: 3.6-1 through 3.6-23	<
3.7 Hazards and Hazardous Materials			
3.7-1 Contamination plume	!	MM 3.7-1: Groundwater contamination assessment MM 3.7-2: Abatement of any vapor hazards and on-site soil vapor test	<
3.8 Hydrology and Water Quality			
3.8-1 Drainage patterns	!	MM 3.8-1: Collection and proper disposal of extracted ground water MM 3.8-2: Construction BMPs	<
3.8-2 Water quality	!	PR: NPDES General Permit requirements PR: SWPPP	<
3.8-3 Stormwater and urban runoff	!	MM 3.8-3: Post-construction BMPs	<
3.9 Land Use and Planning			
3.9-1 Dana Point Specific Plan height restrictions	!		!
3.9-2 Dana Point Specific Plan setback requirements	!		!
3.10 Noise			
3.10-1 Temporary construction-related noise and vibration	!	MM 3.10-1: Construction hours MM 3.10-2: Vibratory emplacement MM 3.10-3: Pre-auger pile holes MM 3.10-4: Resilient pad on pile drivers	<

Environmental Impact	Level of Significance Before MM, PDF, or PR	MM, PDF, or PR	Level of Significance After MM, PDF, or PR
3.10-2 Groundborne and roadway noise impacts	<	None required	<
3.11 Public Services			
3.11-1 Fire protection services	<	None required	<
3.11-2 Police protection services	<	None required	<
3.12 Transportation and Traffic			
3.12-1 Increased ADT volumes	!	PDF: 3.12-1 through 3.12-8	<
3.13 Utilities and Service Systems			
3.13-1 Water service	<	None required	<
3.13-2 Wastewater	<	None required	<

1.0 INTRODUCTION

1.1 Intent of California Environmental Quality Act

This Environmental Impact Report (EIR) has been prepared in conformance with the California Environmental Quality Act (CEQA) (California Public Resources Code Section 21000 [PRC] [18] et seq.); *California CEQA Guidelines* (California Code of Regulations, [CCR] Title 14, §15000 et seq.); and the rules, regulations and procedures for implementation of CEQA, as adopted by the City of Dana Point (City). The principal *CEQA Guidelines* sections governing the content of this document are §§15120 through 15132 (Content of an EIR), and § 15161 (Project EIR).

In accordance with § 15121 of CEQA, the primary purpose of this EIR is to provide decision-makers and the public with specific information regarding the environmental effects associated with the proposed project (consisting of the construction of a proposed two-to-five story hotel with subterranean parking, as discussed further in Chapter 2, Project Description); identify ways to minimize the potentially significant effects; and describe and analyze reasonable alternatives to the project. It should be noted that the City, the Applicant and project team members have, through a series of public outreach meetings, design studies and project refinements, incorporated Project Design Features (PDFs) into the project in order to avoid, reduce, or off-set potential impacts of the project and/or to specifically respond to anticipated local, state and federal agency permit approval requirements. These PDFs are specifically noted in the respective EIR impact sections (refer to Chapter 3). In addition, this EIR is the primary reference document in the formulation and implementation of a mitigation monitoring program for the project.

1.2 Initial Study & Notice of Preparation

The City of Dana Point determined that an EIR would be required for this project and issued a Notice of Preparation (NOP) and Initial Study on June 15, 2011. Comments received during the public review period, which extended from June 15 to July 18, 2011, are contained in **Appendix A**.

1.2.1 Summary of Scoping Meeting

In keeping with Section 15083 of the State CEQA Guidelines, the City of Dana Point conducted a Scoping Meeting on June 28, 2011 in the Dana Point Community Center Gymnasium. The meeting consisted of an “open house” format with different tables devoted to different topical areas that facilitated an open question and answer discussion for the public. At the conclusion of the open forum, the public provided both verbal and written comments.

The issues raised by attendees of the Scoping Meeting included concerns about the following:

- Need for the Project;
- Project Alternatives;
- Project Variances, Height of Hotel/Mass/Bulk;
- Hotel Rating;

- Hotel Aesthetics/Design;
- Hotel Landscaping;
- Hotel Water Use;
- Runoff Water from the Hotel;
- Groundwater Level;
- Blue Line Stream;
- Liquefaction of Site Soils;
- Noise, Light and Glare;
- Police and Fire Services for the Hotel; and
- Traffic/Circulation.

In response to these concerns, the City of Dana Point evaluated the potential for impacts of the proposed project. This evaluation and the subsequent discussion of implementation-related consequences are discussed in Chapters 3 and 4 of this EIR, respectively.

The NOP process is used to help determine the scope of the environmental issues to be addressed in the EIR. Based on this process and the Initial Study for the project, certain environmental categories have been identified as having the potential to result in significant impacts. Table 1-1 summarizes comments received from public agencies and interested parties that indicate potentially significant impacts are possible as a result of project implementation. Issues considered Potentially Significant are addressed in this EIR. Issues deemed Less Than Significant or having No Impact are not addressed beyond the discussion contained in the Initial Study.

Table 1-1
Doheny Hotel Project NOP Comments from Agencies/Interested Parties and Related Discussion within EIR

Agency or Interested Party	Comment from Agency or Interested Party	Discussion within EIR relating to Comments Received
State of California Department of Transportation	Traffic impacts on area roadways/PCH are possible	Section 3.12: Transportation and Traffic
California Coastal Commission	Impacts to aesthetics, biological resources, water quality and land use are possible	Section 3.1: Aesthetics Section 3.3: Biological Resources Section 3.8: Hydrology and Water Quality Section 3.9: Land Use
Department of Toxic Substances Control	Potential hazards and impacts including excavation, demolition, construction, and remediation are possible	Section 3.7: Hazards and Hazardous Materials
Native American Heritage Commission	Potential impacts to cultural resources, and tribal consultation are possible	Section 3.4: Cultural Resources
State of California Department of Parks and Recreation	Land use, hydrology, noise, and traffic impacts in the vicinity of Doheny State Beach are possible	Section 3.8: Hydrology and Water Quality Section 3.9: Land Use Section 3.10: Noise Section 3.12: Transportation and Traffic
County of Orange – Dana Point Harbor	Project description needs to be better defined; land use, aesthetics, noise, and traffic/parking impacts are possible	Chapter 2: Project Description Section 3.1: Aesthetics Section 3.9: Land Use Section 3.10: Noise Section 3.12: Transportation and Traffic
Orange County Fire Authority	Proposed project should include optical preemption devices and Secured Fire Protection Agreement	Section 3.11: Public Services
Orange County Public Works	Floodplain impacts are possible; compliance with DAMP is necessary	Section 3.8: Hydrology and Water Quality
South Coast Air Quality Management District	Air quality impacts are possible	Section 3.2: Air Quality
City of San Juan Capistrano	Traffic impacts to intersections in SJC should be discussed	Section 3.12: Transportation and Traffic

1.3 Purpose and Use of the Environmental Impact Report

CEQA requires that all state and local governmental agencies consider the environmental consequences of projects over which they have discretionary authority prior to taking action on those projects. This EIR has been prepared to satisfy CEQA, as set forth in the Public Resources Code Section 21000, et. seq., and the State CEQA Guidelines, 14 California Code of Regulations, Section 15000, et seq. The EIR is the public document designed to provide decision makers and the public with an analysis of the environmental effects of the proposed project, to indicate possible ways to reduce or avoid environmental damage, and to identify alternatives to the project. The EIR must also disclose significant environmental impacts that cannot be avoided; growth inducing impacts; effects not found to be significant; and significant cumulative impacts of all past, present and reasonably foreseeable future projects.

Pursuant to CEQA Section 21067, the lead agency means "the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment." The City of Dana Point has the principal responsibility for approval of the Doheny Hotel Project, and therefore is the CEQA lead agency for this project.

The intent of the EIR is to provide sufficient information on the potential environmental impacts of the proposed project to allow the City of Dana Point to make an informed decision regarding approval of the project.

This EIR has been prepared in accordance with requirements of the:

- California Environmental Quality Act of 1970, as amended (Public Resources Code Section 21000 et seq.)
- State Guidelines for the Implementation of CEQA of 1970 (herein referenced as CEQA Guidelines), as amended (California Code of Regulations Sections 15000 et seq.)

The overall purpose of this EIR is to inform the lead agency, responsible agencies, decision makers and the general public of the environmental effects of the development and operation of the proposed Doheny Hotel Project. This EIR addresses the potential environmental effects of the proposed project, including effects that may be significant and adverse; evaluates a number of alternatives to the project; and identifies mitigation measures to reduce or avoid adverse impacts.

1.4 Scope of the EIR

Based on the Initial Study and Environmental Checklist Form, the City of Dana Point staff determined that an EIR should be prepared for the proposed project. The scope of this EIR is based on the City's Initial Study and comments received in response to the NOP. Pursuant to Sections 15126.2 and 15126.4 of the State CEQA Guidelines, the EIR should identify any potentially significant adverse impacts, recommend mitigation measures that would reduce or eliminate these impacts to levels of insignificance, and identify any impacts that cannot be adequately reduced to levels of insignificance and/or mitigated.

The information contained in Chapter 2, Project Description, establishes a basis for analyzing future project-related environmental impacts.

1.4.1 Impacts Considered Less than Significant

The Initial Study identified four environmental impact categories as not affecting or being significantly affected by the proposed Doheny Hotel Project. Thus, the following topical issues are not addressed in the EIR:

- Agricultural and Forestry Resources
- Mineral Resources
- Population/Housing
- Recreation

The Initial Study also identified the following two impact categories as having potential significant impacts, but further analysis conducted during the writing of the EIR concluded that the impacts would actually be less than significant:

- Public Services (Section 3.11)
- Utilities and Service Systems (Section 3.13)

1.4.2 Potentially Significant Impacts

The Initial Study identified the following thirteen environmental categories as having the potential to experience significant impacts should the project be implemented, and are therefore analyzed in detail in Chapter 3, Technical Sections, of the EIR:

- Aesthetics (Section 3.1)
- Air Quality (Section 3.2)
- Biological Resources (Section 3.3)
- Cultural Resources (Section 3.4)
- Geology and Soils (Section 3.5)
- Greenhouse Gas Emissions (Section 3.6)
- Hazards and Hazardous Materials (Section 3.7)
- Hydrology and Water Quality (Section 3.8)
- Land Use and Planning (Section 3.9)
- Noise (Section 3.10)
- Transportation and Traffic (Section 3.12)

1.4.3 Unavoidable Significant Adverse Impacts

This EIR determined that there would be unavoidable significant adverse impacts to Aesthetics and Land Use. The project proposes a structure that exceeds the height limit and does not meet the minimum setback requirements in the Dana Point Specific Plan. This necessitates the preparation of a Statement of Overriding Considerations by the City.

1.5 EIR Organization

This EIR focuses on potentially significant changes in the environment that could result from implementation of the project. The EIR addresses a comprehensive range of environmental issue areas, based on the NOP responses, research, field investigations, project technical studies and agency consultation conducted throughout the EIR process. It is organized as follows:

- The *Executive Summary* provides a brief project description, summary of the environmental impacts, alternatives, and the potential environmental impacts and mitigation measures identified for the project.

- Chapter 1, *Introduction and Purpose*, describes the purpose of the EIR, background on the project, the Notice of Preparation (NOP), the use of incorporation by reference, and Final EIR certification.

- Chapter 2, *Project Description*, provides a detailed project description (as well as alternatives to the project), the project area and location, approvals anticipated to be included as part of the project, a description of the associated discretionary actions that are required, and intended uses of the EIR.

- Chapter 3, *Environmental Analysis*, provides for each environmental parameter analyzed:

  - ❖ Description of the thresholds used to determine if a significant impact would occur;

  - ❖ Methodology to identify and evaluate the potential impacts of the project;

  - ❖ Existing environmental setting;

  - ❖ Potential adverse and beneficial effects of the project;

  - ❖ Level of impact significance before mitigation;

  - ❖ Mitigation measures for the proposed project;

  - ❖ Level of significance of impacts of the project after mitigation is incorporated; and

  - ❖ Potential cumulative impacts associated with the proposed project and other existing, approved, and proposed development in the area.

- Chapter 4, *Consequences of Project Implementation*, describes the potential impacts of the project that were determined not to be significant in the Initial Study and therefore not discussed in detail in the EIR, the significant irreversible environmental changes associated with the project, and the growth-inducing impacts of the proposed project.

- Chapter 5, *Alternatives to the Proposed Project*, describes alternatives to the project, some of which may be considered during project deliberations.

- Chapter 6, *Organizations and Persons Consulted*, identifies the Lead Agency; preparers of the EIR; and all federal, state and local agencies, and other organizations and individuals consulted during the preparation of this EIR.

- Chapter 7, *List of Preparers,* includes background and roles for the personnel involved in the analysis and writing of this EIR.

- Chapter 8, *Bibliography*, identifies reference sources utilized for this EIR.

- Chapter 9, *Appendices*, provides relevant portions of project specific technical studies, reports and correspondence.

1.6 Documents Incorporated by Reference

Pertinent documents relating to this EIR have been cited in accordance with Section 15150 of the CEQA Guidelines, which encourages "incorporation by reference" as a means of reducing redundancy and length of environmental reports. The following documents, which are available for public review at the City, are hereby incorporated by reference into this EIR. Information contained within these documents has been utilized in various sections of this EIR.

- Dana Point Specific Plan/1986 Local Coastal Program

- City of Dana Point General Plan (Circulation Element, Public Safety Element, and Noise Element)

- Dana Point Harbor Revitalization Project Program EIR

- Orange County Zoning Code

1.7 Agency Approvals & Permits

UltraSystems has prepared a traffic analysis, visual simulation analysis, and biological assessment; and the applicant has prepared a shared parking analysis, a preliminary geotechnical evaluation, and a conceptual water quality management plan (CWQMP) that have been submitted to the City.

Pursuant to Section 15124(d)(1)(A) of the *State CEQA Guidelines*, the list of agencies expected to use this EIR for decision making includes:

- California Department of Fish and Game

- South Coast Air Quality Management District

- California Department of Transportation (Caltrans)
- Department of Toxic Substances Control
- San Diego Regional Water Quality Control Board

Pursuant to Section 15124(d)(1)(B) of the *State CEQA Guidelines*, the list of permits and approvals required to implement the proposed project includes the following City of Dana Point Entitlements:

- Certify Environmental Impact Report (State Clearinghouse # to be determined) and adopt Mitigation Monitoring Program for the Doheny Hotel Project.
- Approve Coastal Development Permit (CDP09-0011) to allow for development within the City's Coastal Overlay Boundary.
- Approve Variance (V09-0003) to allow for the project to exceed maximum height of 35 feet and for building footprint to encroach into required setbacks or approve a design that negates the variance requirement.
- Approve Conditional Use Permit (CUP09-0009) for hotel and restaurant uses and parking.
- Approve Site Development Permit (SDP09-0032) for development of the site.

1.8 Availability of the EIR

Once complete, the Notice of Availability for this EIR and copies of the document will be available at the addresses below:

City of Dana Point Community Development
Department and City Clerk's Office
33282 Golden Lantern
Dana Point, CA 92629

Dana Point Public Library
33841 Niguel Road
Dana Point, CA 92629

This EIR will also be available on the City's website at http://www.danapoint.org.

2.0 PROJECT DESCRIPTION

The City of Dana Point, acting as lead agency, has prepared this Environmental Impact Report (EIR) to analyze the proposed project and possible impacts that may occur as a result of its implementation. This project description contains a summary of the existing conditions in the City of Dana Point and the components of the proposed project, known as the Doheny Hotel. The proposed project intends the redevelopment and reuse of three contiguous parcels located within the Dana Point Specific Plan/Local Coastal Program area, adjacent to the Dana Point Harbor Revitalization Area along Pacific Coast Highway, which is designated as a local scenic highway. Elements of the proposed project include the following:

- A two-to-five story hotel complex which will contain 258 guest rooms, business/conference rooms, a restaurant, a rooftop bar/lounge, and rooftop pool and deck area
- An underground parking structure for 275 vehicles
- 50 parking spaces for vehicles off-site

The details of the existing community context, proposed project and the project site are described in the following sections, including the community background, project location, site characteristics, project objectives and project characteristics. This chapter also describes the cumulative scenario and the intended uses of the EIR.

2.1 City of Dana Point - History and Community Background

Incorporated in 1989, the City of Dana Point is named after Richard Henry Dana Jr. (1815-1882), a Harvard-trained lawyer, seaman and author of the classic sea journal, *Two Years Before the Mast* (1840). In his journal, Dana documents his voyage from Boston around Cape Horn to California on the merchant ship, Pilgrim. Therein, Dana describes the area once known as Capistrano Bay, as "the most romantic spot in California." Today, Capistrano Bay is known as Dana Point.

Dana Point became an incorporated city on January 1, 1989. The City includes the original “Dana Point” named after Richard Henry Dana, and the surrounding coastal area; a total area of 6.5 square miles. The City lies in the southwest portion of Orange County and is part of the larger Southern California region, an area in which the population and economy have grown substantially over the past 40 years. Dana Point is a coastal city with a picturesque Pacific coastline extending almost seven miles from Laguna Beach on the north to San Clemente on the south. This interface between water and land is characterized by rugged coastal bluffs separated by two major freshwater drainages San Juan Creek and Salt Creek, which empty into the Pacific Ocean. Development in the Dana Point area began in the early 1900’s, but substantial development did not occur until the decades following World War II. Over time, that development created the pre-incorporation communities of Dana Point, Capistrano Beach and Monarch Beach. A 2,500-boat harbor with many water related facilities and a major state park make the City a destination for many visitors. The Dana Point Harbor is also considered the gateway to Doheny State Park, one of California’s most popular public beaches.

2.1.1 Natural Physical Form

The physical landform of Dana Point is characterized by nearly seven miles of Pacific Ocean coastline consisting of prominent coastal bluffs and rolling hills, separated by two major drainage basins, which flow into the ocean. Between these two basins is a unique apex of land, a promontory known as the "Headlands," which overlooks Dana Point Harbor. This blend of the natural and man-made environment can be duplicated in very few places. The strong visual image created by this blend is a unifying element of physical form, easily recognized and remembered, and having fundamental importance and value.

2.1.2 Coastline

The coastline of Dana Point is an exceptional area where the interface between land and water can be experienced in different ways. With its combination of high coastal bluffs and coastal access where the San Juan and Salt Creek basins meet the ocean, both inhabitants and visitors to Dana Point have the opportunity to enjoy the coastline by viewing it from visual vantage points along the bluffs or further inland, or by utilizing community beaches and the harbor. Maintaining these different ways of experiencing the attractions offered by a beautiful coastline setting is fundamental in the establishment of an image of Dana Point's future.

2.2 Project Location

The City of Dana Point lies primarily within the coastal region of Orange County, which is bounded by the Pacific Ocean to the west. The City is located in the extreme western portion of Orange County, along the coastal region immediately adjacent to the Pacific Ocean. Dana Point is surrounded by the City of Laguna Beach (Orange County) to the north, the City of San Clemente (Orange County) to the south, and the cities of San Juan Capistrano (Orange County) and Laguna Nigel (Orange County) to the east. (See **Figure 2-1**, *Regional Vicinity Map.*) The City of Dana Point is regionally accessed via the San Diego (I-5) Freeway or Pacific Coast Highway (State Route 1), which connects the City to other coastal communities located within Orange County.

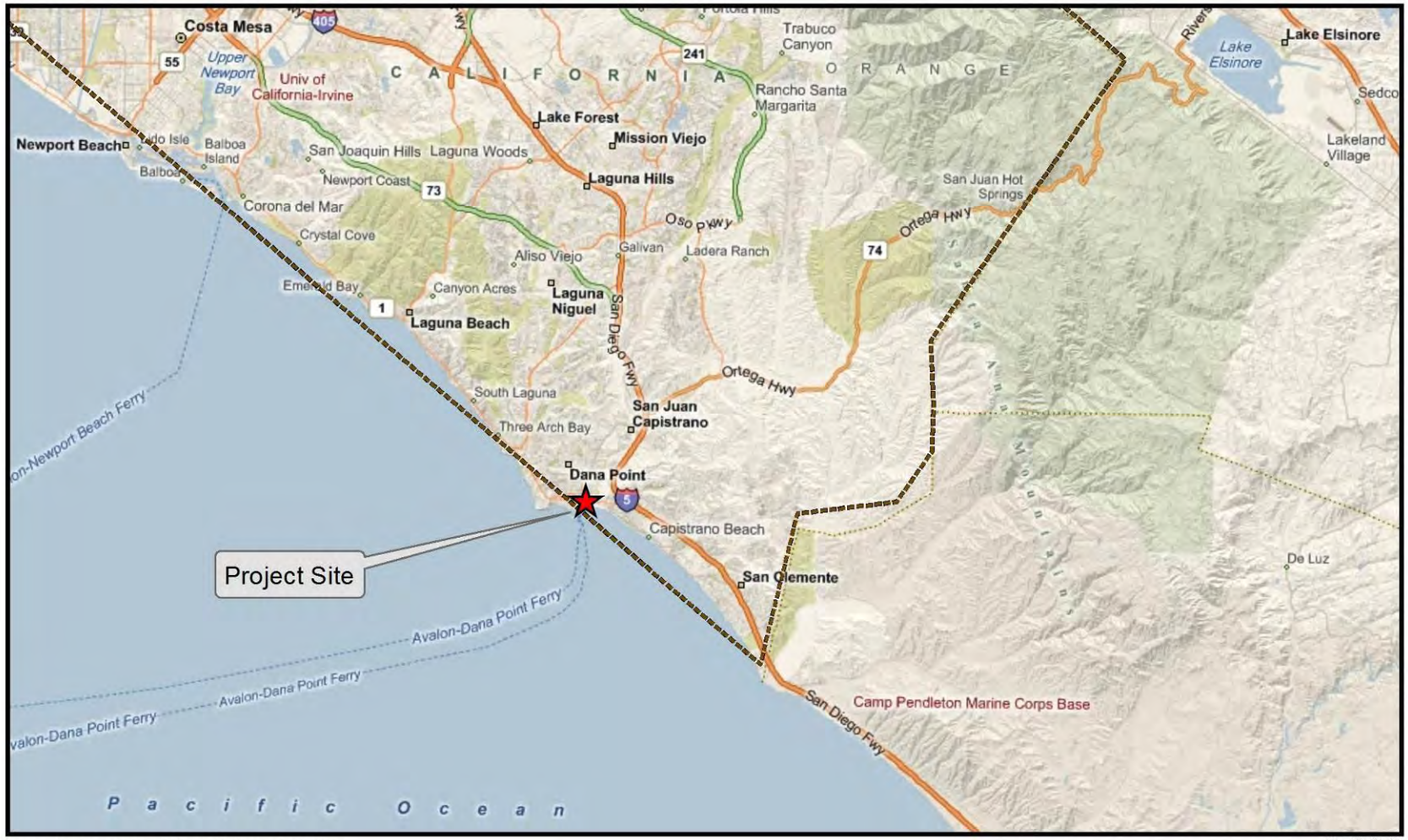
The project site is at 25325 Dana Point Harbor Drive and at 34297 and 34299 Pacific Coast Highway (PCH) within the City of Dana Point, as shown in **Figure 2-2**, *Project Vicinity Map*. It is located within the City's Local Coastal Zone on a 1.5-acre site comprised of three contiguous fully developed parcels (APN's 682-166-08, 682-166-21, and 682-166-22). Roughly 2,158 acres of the City lie within the Local Coastal Zone. Development in this area is subject to the Dana Point Specific Plan/Local Coastal Program (DPSP/LCP) guidelines. Currently, development in the vicinity adjacent to the subject property site can be characterized as a mixture of retail, recreational and residential uses. The subject property is currently developed with an existing Jack-In-The-Box restaurant, a vacant commercial building and a 46-room motel with associated surface parking lots encompassing approximately 21,134 square feet of building area. All of the existing improvements will be demolished to make way for the proposed hotel development.

The demolition of the existing 46-room motel will result in a loss of a lower cost visitor and recreational facility within the coastal zone. Section 30213 of the Coastal Act states that "Lower cost visitor and recreational facilities shall be protected, encouraged, and where feasible, provided." The City will incorporate appropriate conditions to fulfill this requirement as part of the Coastal Development Permit process.

Generally, the project site can be accessed by utilizing the San Diego (I-5) Freeway which is located to the north of the project site in the vicinity of Doheny State Beach or by traveling along Pacific Coast Highway. The site is located on the Dana Point 7.5-Minute United States Geologic Survey (USGS) Topographic Quadrangle (Dana Point Quadrangle 1968).

Looking southwest toward project site

Looking northeast toward project site



Source: World Street Map, ESRI, 2009; Google Earth 2011; Bing Maps 2011; UltraSystems Environmental Inc, 2011.

May 25, 2011

Figure 2-1
Doheny Hotel Site Location
Regional Vicinity Map

0 2 4 6 Miles

0 2 4 6 Kilometers

N

Legend

Doheny Hotel Site

Orange County Boundary

Source: Bing Maps, 2010; UltraSystems Environmental Inc, 2011

December 9, 2011

Map Scale: 1: 4,800
1 Inch = 400 feet

Feet
0 200 400 600

Meters
0 50 100 150

N

Legend

Doheny Hotel Project Site

Figure 2-2
Doheny Hotel Project
Project Vicinity Map

UltraSystems
environmental management planning

2.3 Land Use Development Controls

2.3.1 Project Site Zoning: Dana Point Specific Plan/Local Coastal Program

The project site is located within the Dana Point Specific Plan/Local Coastal Plan (DPSP/LCP) area of the City of Dana Point (**Figure 2-3**, *Coastal Zoning Map*). The DPSP/LCP designates the plan area for a mix of uses. The project site parcels are zoned for two types of land uses within this specific plan; Coastal Couplet Commercial (C-CPC) and Coastal Visitor Commercial (C-VC). Both the existing and proposed uses of the site are consistent with the land use designation of the Dana Point Specific Plan.

Two parcels that are part of the project are zoned C-CPC in the Dana Point Specific Plan. The purpose and intent of the C-CPC district is to facilitate a wide variety of commercial uses that benefit from the superior access of the Pacific Coast Highway. Additionally the intent of the C-CPC district is to provide a framework that preserves the functionality of the highway as a circulation access point. The principal uses permitted in this zone are retail and restaurants. Other permitted uses include hotels and motels, service businesses, offices, educational institutions, medical laboratories, public utilities, parking structures and athletic clubs. The proposed development of a two-to-five story, 258-guest-room hotel is consistent with the permitted uses encouraged for development in the C-CPC district.

The remaining parcel, located on Dana Point Harbor Drive, is zoned as C-VC, which primarily permits development of hotels, hostels, motels and restaurants. Additional uses are permitted by right in this district as well which are geared toward providing retail and tourist services that facilitate recreational activities that may be enhanced by the proximity to the beach and harbor. DPSP/LCP explains that the intent of the C-CPC designation is to “encourage retail and restaurant development that is attractive to local residents and tourists.”

2.3.2 California Coastal Commission Compliance: Coastal Development Permit

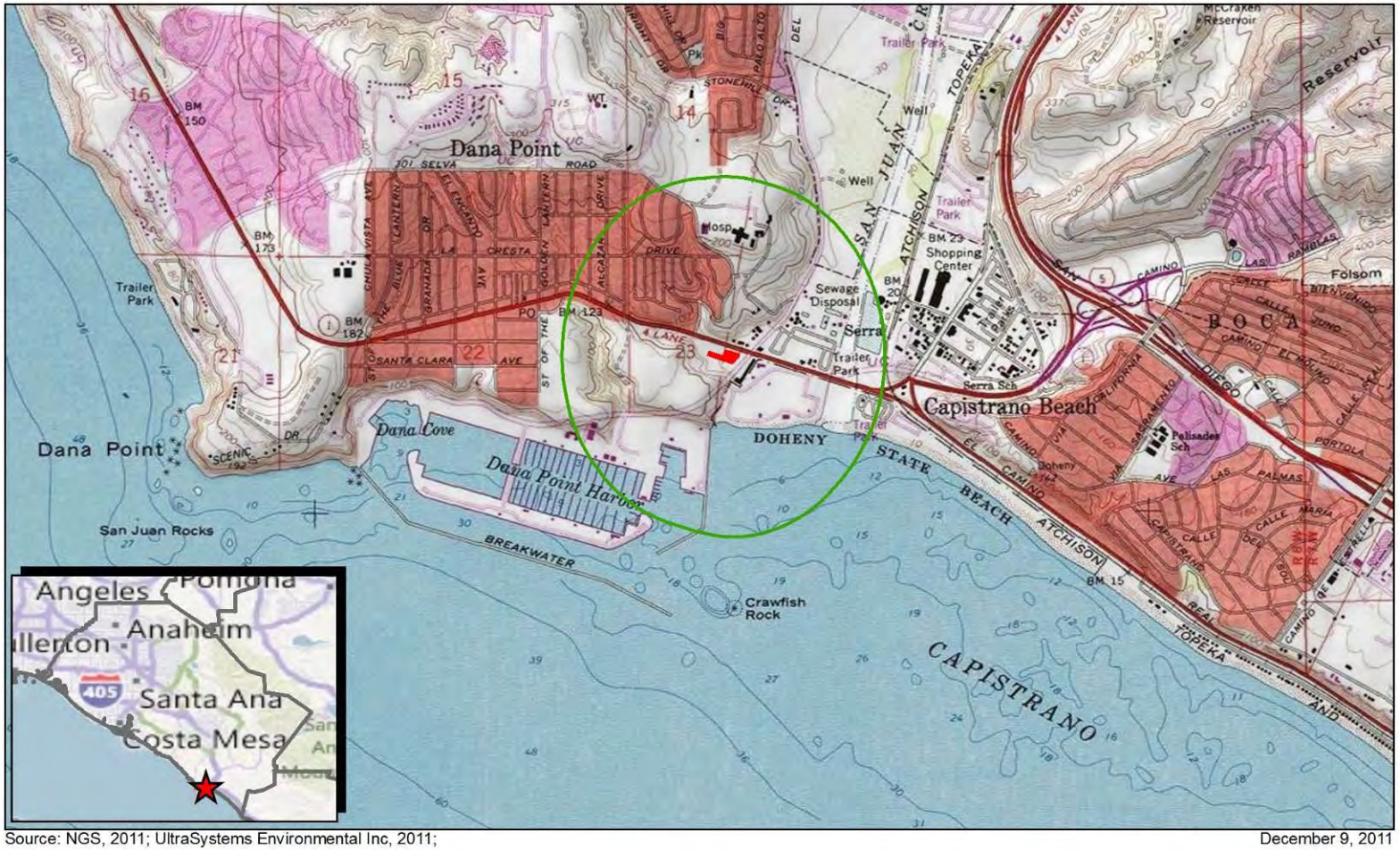
According to its mission statement, the Coastal Commission was established to protect, conserve, restore and enhance environmental and human-based resources of the California coast and ocean for environmentally sustainable and prudent use by current and future generations. The Coastal Commission, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the Coastal Act to include (among others) construction of buildings, divisions of land and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal permit from either the Coastal Commission or the local government.

The City of Dana Point has a certified Local Coastal Plan, and therefore issues Coastal Development Permits.

Figure 2-3: Coastal Zoning Map

2.4 Topography

The onsite topography is flat with a gentle southwest slope descending from Pacific Coast Highway toward Dana Point Harbor Drive. The site consists of disturbed soil as it is fully developed with existing buildings. The site is located on the Dana Point 7.5-Minute United States Geologic Survey (USGS) Topographic Quadrangle (**Figure 2-4**). Redevelopment and reclassification of parcels in the project vicinity have made slight changes in finished grade on some of the parcels involved in the project, but overall topography is characterized as a hillside coastal community consisting of topography that contains vegetative hills and valleys descending in elevation as they approach the sandy coastline. The general topography in the vicinity of the project site ranges in elevation from approximately 300 feet above mean sea level on the bluffs located to the northwest of the project site to a roughly 30 feet above mean sea level in Dana Point Harbor, which is located to the southwest. The elevation at the project site is approximately 100 feet above mean sea level. Most of the development in the area tends to integrate buildings into the natural topography in an effort to minimize the impacts of development on the coastline environment.



Source: NGS, 2011; UltraSystems Environmental Inc, 2011;

December 9, 2011

Map Scale: 1: 24,000

0 0.25 0.5 Miles

0 0.25 0.5 Kilometers

N

Legend

- Doheny Hotel Project Site
- Half-Mile Radius

Doheny Hotel

USGS Quad Map: Dana Point

Figure 2-4

UltraSystems environmental management planning

2.5 Applicant Project Objectives

The project is guided by the following goals and objectives:

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

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

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

2.5.1 Design

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

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

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

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

2.5.2 Circulation

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

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

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

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

2.5.3 Environment

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

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

2.6 Surrounding Land Uses

Surrounding conditions in the vicinity of the project site include a mixture of uses which are generally retail, recreational and residential. As depicted in **Figure 2.5**, the parcels located along Pacific Coast Highway and adjacent to the project site have commercial uses, such as a vacant service station, restaurants, hotels and other local service-oriented enterprises. Additionally, as illustrated in the photograph below, the project site is located near one of the City's entry bridges.

Figure 2-5: Parcels Adjacent to Project Site

The area to the south and west of the project site can be characterized as sparsely urbanized and recreational. As the topography slopes at variable rates toward the Dana Point Harbor and coastline, there is a resort-style hotel campus, a state beach containing recreational facilities (Doheny State Beach) as well as a public park (Lantern Bay Park). On the bluffs above and to the east of the project site are residential neighborhoods. The neighborhood also consists of assorted one-story single-family residences located approximately 200 feet above mean sea level that are oriented to take advantage of the coastal view.

Dana Point and surrounding areas near the Doheny Hotel site

2.7 Project Description

The proposed project is the development of an approximately 1.50-acre site with a two-to-five story hotel building that contains 258 guest rooms and parking located below the building. The hotel would be 86.5 feet tall in overall height, including mechanical equipment and screening located on top of the roof. The mechanical equipment area occupies 20.3% of the total roof area. Without the mechanical equipment area, the proposed project would be 76.5 feet to 78.5 feet in height as measured to the roof area above the fifth floor.

Each floor is proposed to contain less than 46,000 square feet of habitable space for guest rooms and associated amenities. The total buildable square footage would be 268,340 square feet. The proposed project also includes features such as green roofs, dual flush toilets, motion-activated HVAC, rain sensors, drip-watering, electric car charging stations, and implementation of an energy-monitoring program, with the aim of eventually achieving LEED Silver status.

The main access point for the proposed hotel would be located at existing grade on Dana Point Harbor Drive, which would ramp down to the subterranean 55,100 square foot parking structure containing 275 parking spaces to accommodate guests' vehicles.

The first floor would consist of multiple administrative offices, grand entry and guest lobby, meeting rooms, a large restaurant and a small gift shop. The second level of the proposed hotel would contain guest rooms, the pool and associated deck, a fitness room, and another smaller restaurant with associated lounge. The third and fourth floors would have almost identical layouts, featuring guest rooms of various sizes and an open area to view the second-level pool deck. The third floor would also have a garden roof terrace and the fourth floor would have a view of that amenity. Lastly, the fifth floor would have another roof terrace, a lounge with bar, and guest rooms.

The proposed project also includes enhancements to the gateway marker signage, located adjacent to the project site at the southwest corner of PCH and Dana Point Harbor Drive. This corner would be embellished with new landscaping as well as a new County Harbor sign. Both the landscaping and signage would be incorporated into the project design.

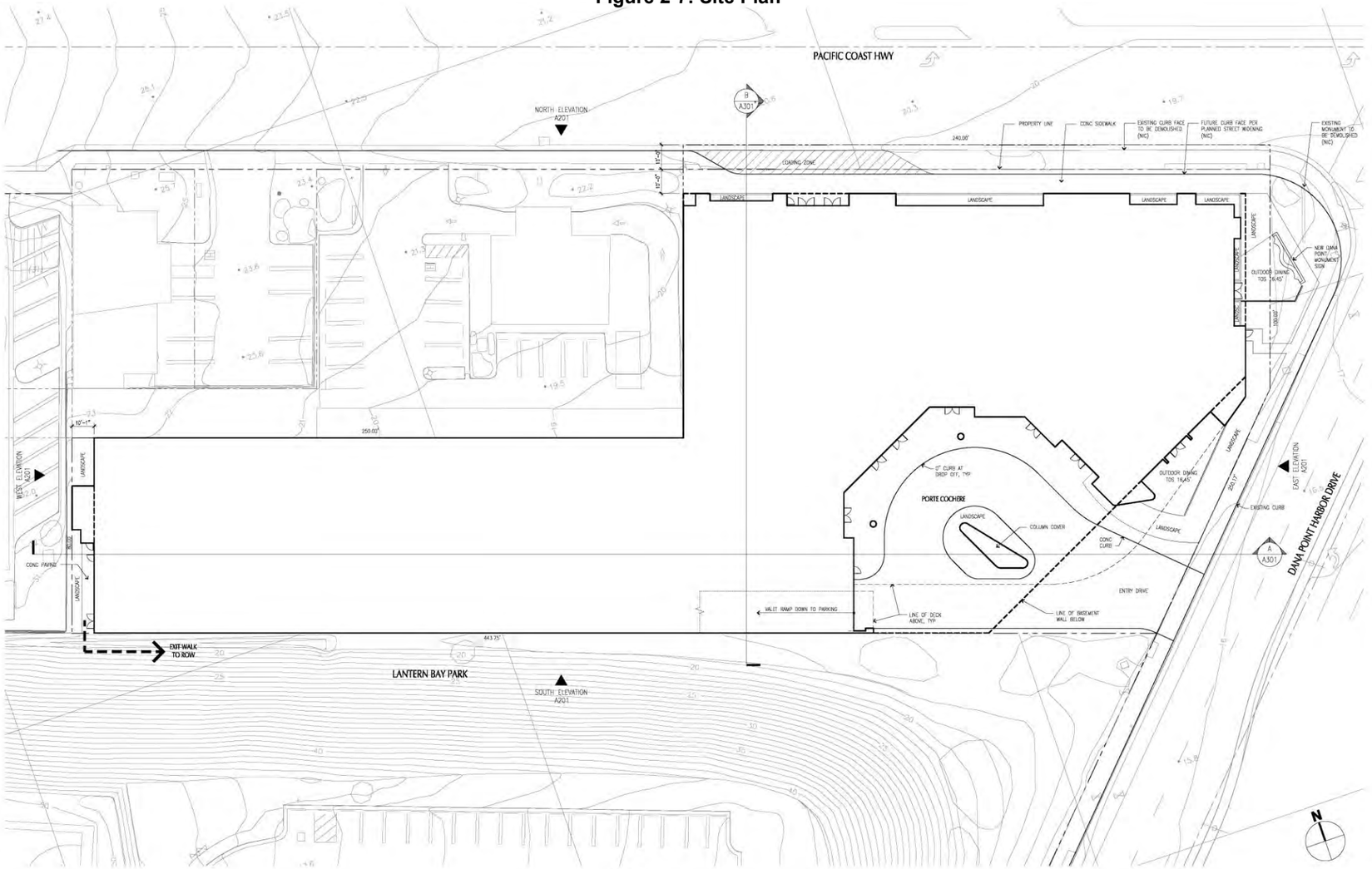
Details of the overall square footage breakdown are further illustrated in **Table 2-1**, *Proposed Project Components*, and the project plans are included as **Figures 2-6** through **2-12.**

Table 2-1: Proposed Project Components

Enclosed Building Area Summary		**Approximate Area (Square Feet)**
Basement / Parking	Parking Spaces	55,100
1st Floor	Public & Admin. Spaces	45,610
2nd Floor	Containing Guest Rooms	42,520
3rd Floor	Containing Guest Rooms	39,550
4th Floor	Containing Guest Rooms	39,550
5th Floor	Containing Guest Rooms	26,520
	Subtotal of Enclosed Building Area	248,850
Pool and Terrace Areas		
Pool Deck (2nd Floor)		8,400
Garden Terrace (3rd Floor)		1,750
Roof Terrace (5th Floor)		9,340
	Subtotal of Deck Area	19,490
Common Areas Space		
Meeting Space *(included in Enclosed Building Area above)*		12,103
Total Buildable Square Footage		**268,340**

Figure 2-6: Architectural Rendering

Figure 2-7: Site Plan



SITE PLAN

XA-SITE.DWG 1/16" = 1'-0"

BUILDING AREA SUMMARY

GUEST ROOM MODULES

2ND FLOOR:	66
3RD FLOOR:	74
4TH FLOOR:	74
5TH FLOOR:	44
TOTAL:	258

PARKING SUMMARY

123	3-STACKER STALLS
74	2-STACKER STALLS
42	SINGLE LEVEL STALLS
239	SUB-TOTAL STALLS NOT IN DRIVE AISLES
32	DRIVE AISLE PARKING SPACES
4	PORTE COCHERE PARKING SPACES
36	SUB-TOTAL DRIVE AISLE PARKING SPACES
275	TOTAL ON-SITE PARKING (WITH 50 OFF-SITE OVERFLOW STALLS = 325)

GROSS ENCLOSED AREA SUMMARY

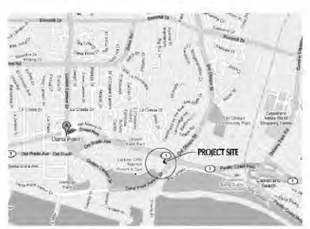
BASEMENT / PARKING:	55,100 SF
1ST FLOOR:	45,610 SF
2ND FLOOR:	42,520 SF
3RD FLOOR:	39,550 SF
4TH FLOOR:	39,550 SF
5TH FLOOR:	26,520 SF
TOTAL GROSS AREA:	248,850 SF

GROSS DECK / TERRACE AREA

POOL DECK (2ND FLR):	8,400 SF
GARDEN TERRACE (3RD FLR):	1,750 SF
ROOF TERRACE (5TH FLR):	9,340 SF
GUEST ROOM MODULES:	258
MEETING SPACE:	12,103 SF
VALET ON-SITE PARKING: (WITH 50 OFF-SITE OVERFLOW STALLS = 325)	275 STALLS*

*NOTE: SEE PARKING SUMMARY ON SHEET A201

VICINITY MAP



SHEET INDEX

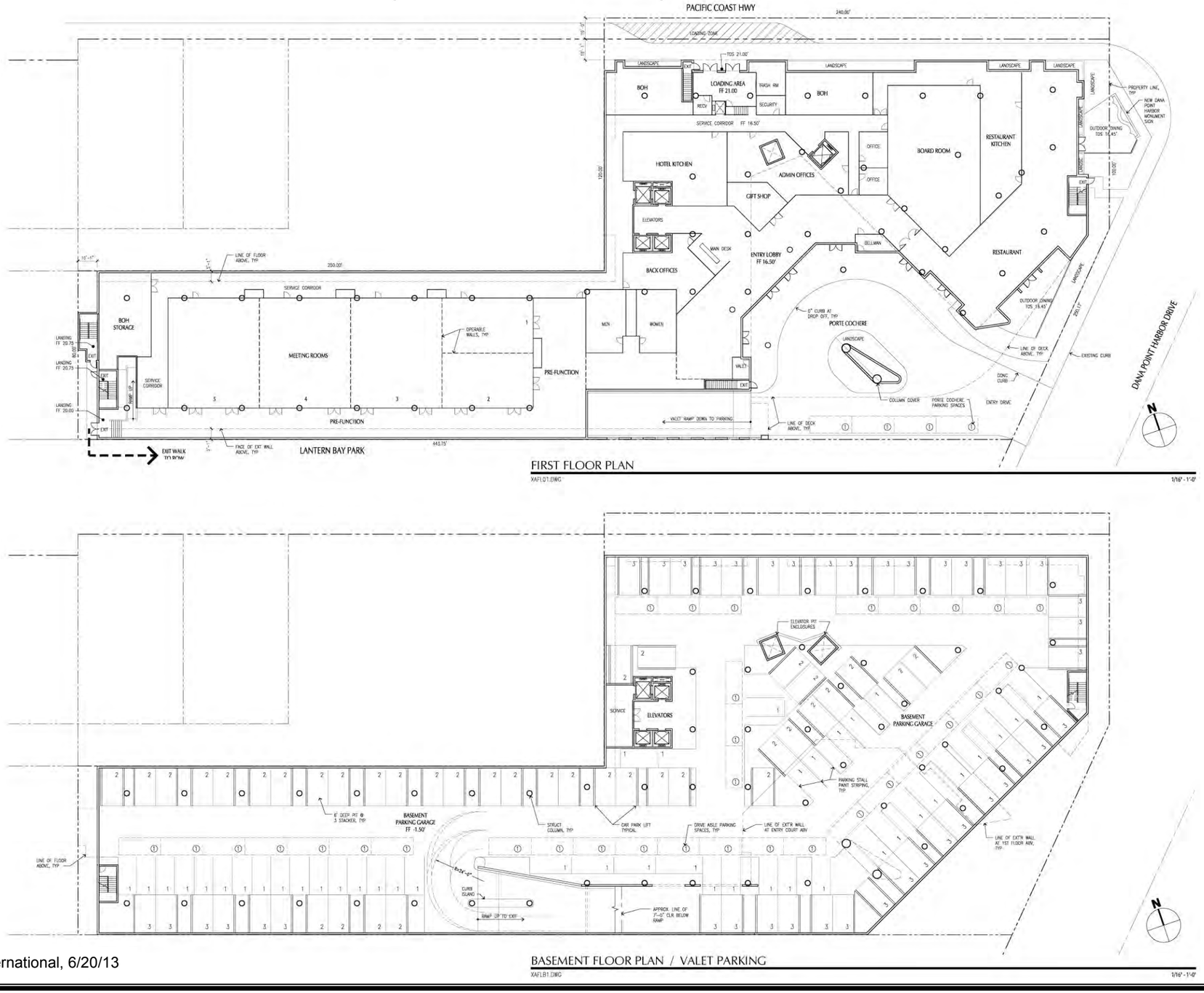
A200	SITE PLAN/COVER SHEET
A201	BASEMENT & FIRST FLOOR PLANS
A202	SECOND & THIRD FLOOR PLANS
A203	FOURTH & FIFTH FLOOR PLANS
A204	UPPER ROOF PLAN
A300	EXTERIOR ELEVATIONS
A301	BUILDING SECTIONS
L200	LANDSCAPE CONCEPT FLOOR PLANS
(RENDERING & COLORED ELEVATIONS HAVE ALSO BEEN SUBMITTED)	

PROJECT INFO

OWNER:	BEVERLY HILLS HOSPITALITY GROUP
PROJECT ADDRESS:	23325 DANA POINT HARBOR DRIVE DANA POINT, CALIFORNIA 92629
PLANNING ACTIVITY NUMBER:	PA-09-0193
COASTAL DEVELOPMENT PERMIT NUMBER:	CDP-09-0011

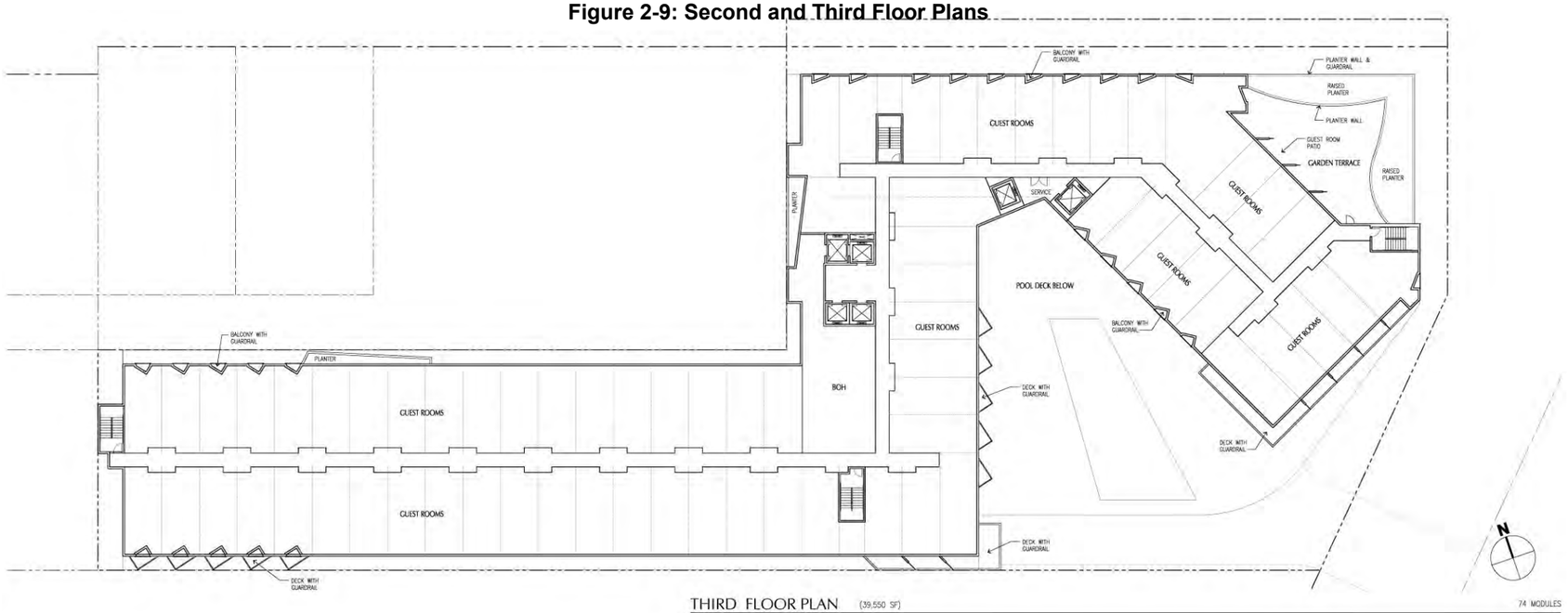
Source: Langdon Wilson International, 6/20/13

Figure 2-8: Basement / Valet Parking and First Floor Plans



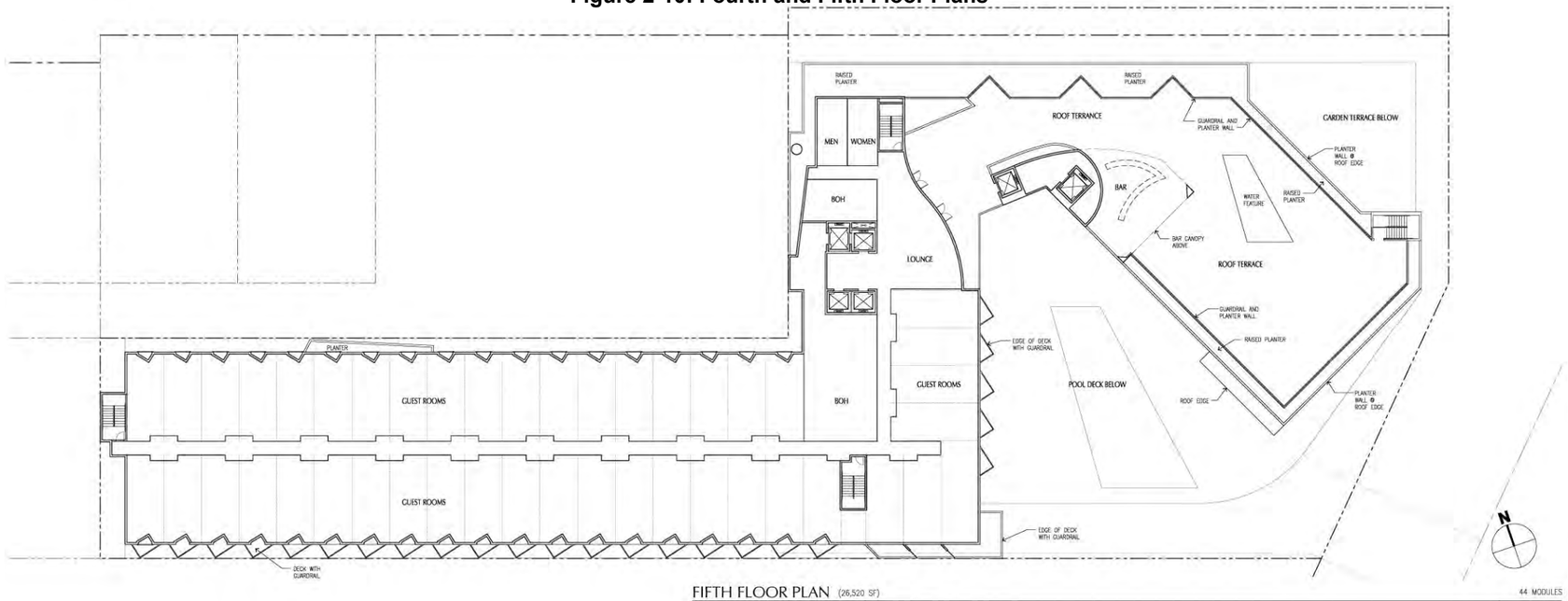
Source: Langdon Wilson International, 6/20/13

Figure 2-9: Second and Third Floor Plans



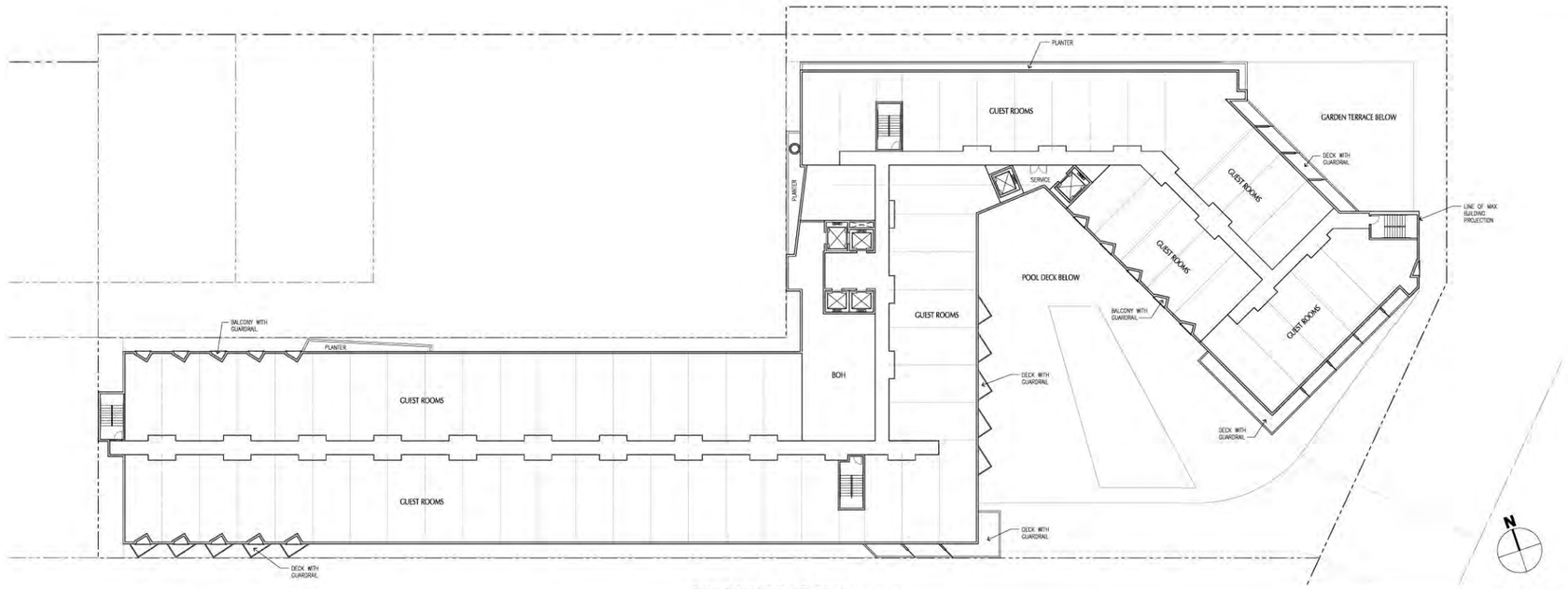
Source: Langdon Wilson International, 6/20/13

Figure 2-10: Fourth and Fifth Floor Plans



FIFTH FLOOR PLAN (26,520 SF) — 44 MODULES

XAFL05.DWG — 1/16" - 1'-0"

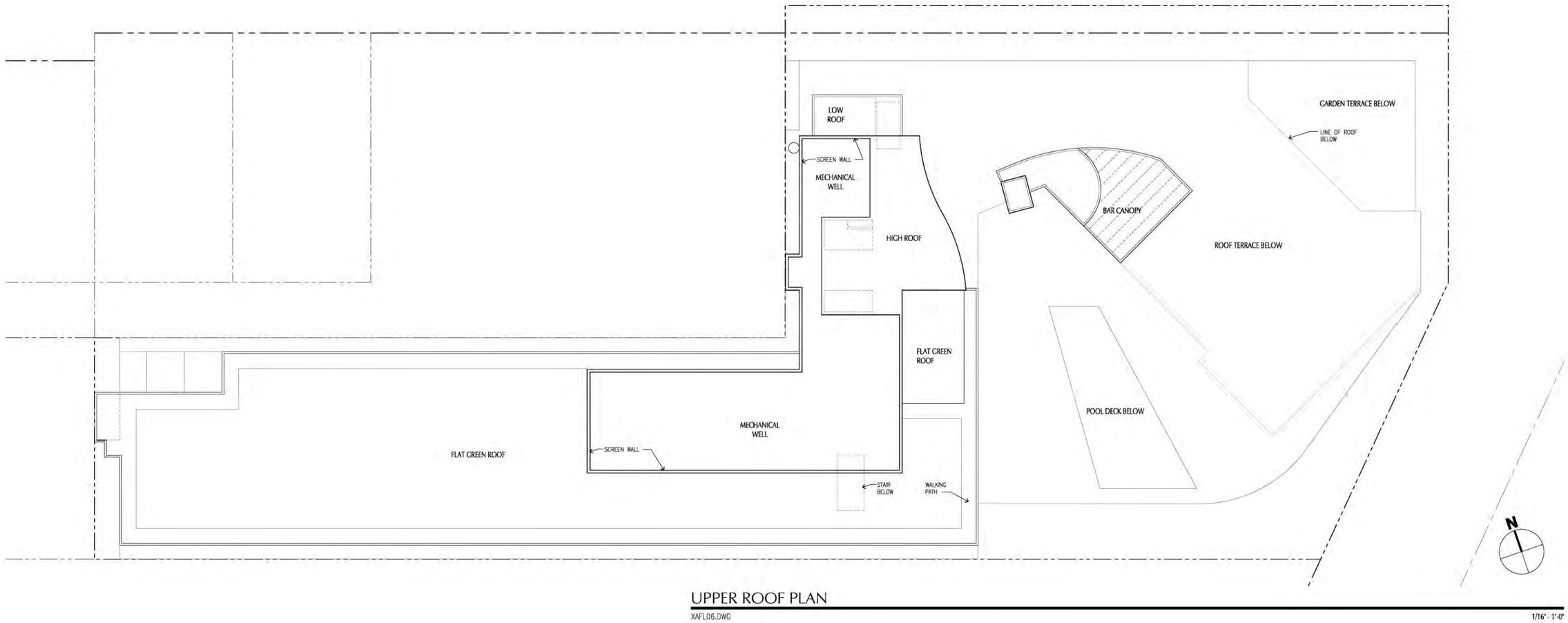


FOURTH FLOOR PLAN (39,550 SF) — 74 MODULES

XAFL04.DWG — 1/16" - 1'-0"

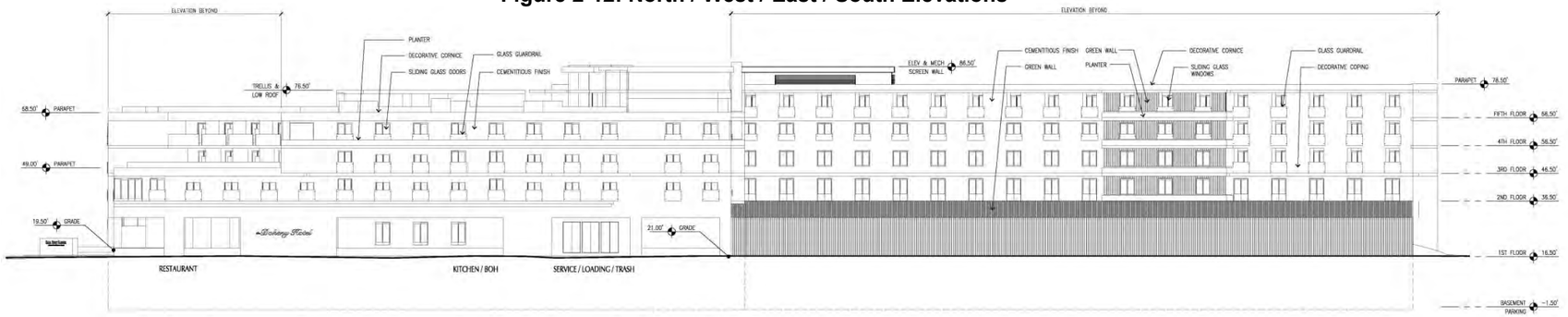
Source: Langdon Wilson International, 6/20/13

Figure 2-11: Upper Roof Plan

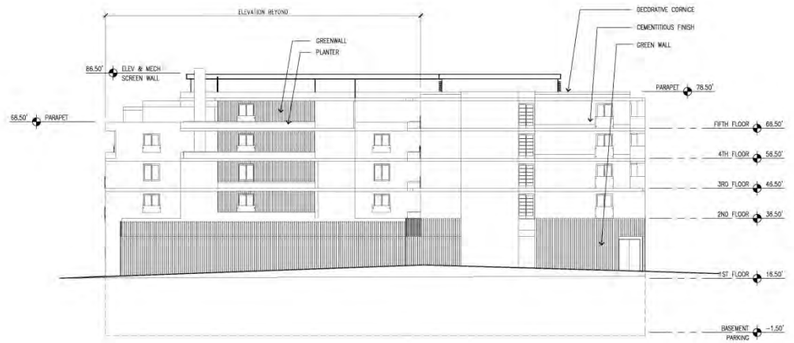


Source: Langdon Wilson International, 6/20/13

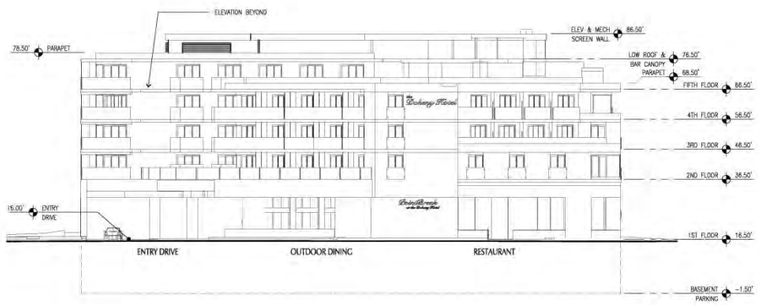
Figure 2-12: North / West / East / South Elevations



NORTH ELEVATION
XAFLO1.DWG 1/16" - 1'-0"



WEST ELEVATION
XAELEV-S.DWG 1/16" - 1'-0"

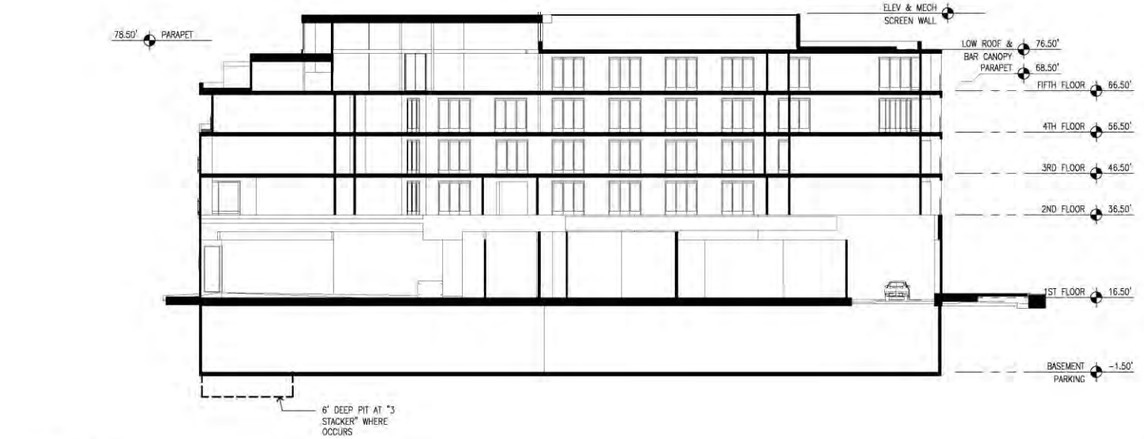


EAST ELEVATION
XAELEV-S.DWG 1/16" - 1'-0"

SOUTH ELEVATION
XAELEV-S.DWG 1/16" - 1'-0"

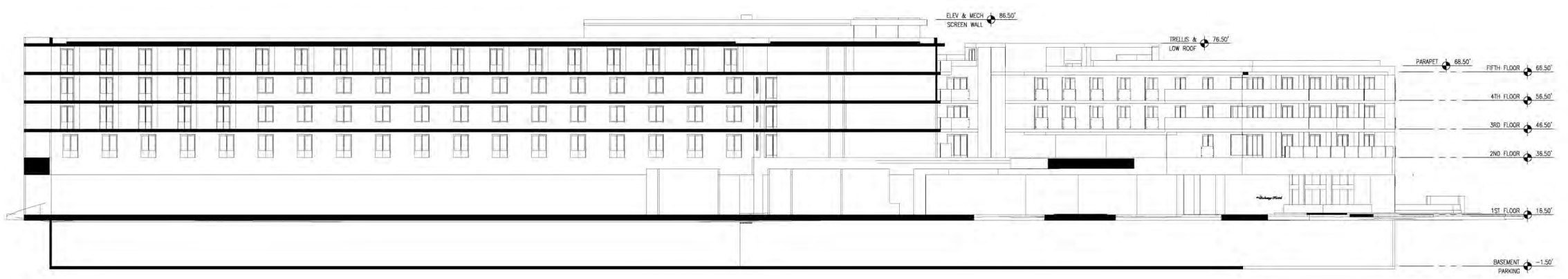
Source: Langdon Wilson International, 6/20/13

Figure 2-13: Sections A and B



SECTION B

XA-SECT-NS-2.DWG 1/16" - 1'-0"



SECTION A

XA-SECT-EW-1.DWG 1/16" - 1'-0"

Source: Langdon Wilson International, 6/20/13

2.7.1 Project Architecture

The proposed architecture for the project can be characterized as modern. Design elements proposed for the building's façade are mostly horizontal, symmetrical, and uniform. Offset asymmetrical elements located above the entry point give the building variable planes. Ornamentation on the building's façade consists of rows of split pane windows, each containing three mullions and highlighting color ribbon insets adorning the building skin. The roof would be flat with a coping ledge running along the entire roof line that would add variation of plane to the building facade. The ground floor level would have arched elements on the south elevation, which would be visible from Dana Point Harbor Drive.

2.7.2 Project Circulation and Parking

Ingress to the project site would be located on Dana Point Harbor Drive. From this access point, hotel patrons would enter a landscaped "porte cochere," which would serve the dual purpose of allowing passenger drop-off and access to parking located below the building. The project would provide 275 parking stalls. Parking of vehicles would be done through a valet parking attendant, and parking stalls would be accessed using car lifts.

2.8 Cumulative Development Scenario

As stated in Section 15130(b) of the CEQA Guidelines, the information utilized in an analysis of cumulative impacts should come from one of two sources, either:

- A list of past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency; or

- A summary of projections contained in an adopted General Plan or related planning document, or in a prior environmental document, which has been adopted or certified, which described or evaluated regional or area-wide contributions to cumulative project conditions.

The cumulative context for the proposed project includes the existing, previously approved and reasonably foreseeable future projects within the geographical area. **Table 2-2**, *Cumulative Projects*, lists these projects in order of proximity to the project site. The cumulative projects listed here were compiled from information obtained from the City of Dana Point. The proposed, approved, and pending projects are listed in Table 2-2.

Table 2-2: Cumulative Projects

Project	Land Use	Quantity
GPA07-01/ZTA07-02/ZC07-01/LCPA07-013	Residential Condo / Townhomes	176 DU
	Commercial Space	20.00 TSF
Dana Point Harbor Revitalization	Hotel	220 RM
	Marina	3016 B
	Recreation Community Center	43.60 TSF
	Library	2.50 TSF
	General Office Building	55.70 TSF
	Specialty Retail Center	41.90 TSF
	Quality Restaurant	15.00 TSF
	High Turnover (sit-down) Restaurant	81.15 TSF
	Auto Car Center	2.50 TSF
Dana Point Town Center	Retail/Restaurant	192.17 TSF
	Office	31.22 TSF
	Residential Condo / Townhomes	237 DU
	Institutional	50.00 TSF

2.9 Intended Use of this EIR

This EIR examines the environmental impacts of the proposed hotel project. This EIR is also being prepared to address various actions by the City and others to adopt and implement the proposed hotel project. It is the intent of this EIR to enable the City of Dana Point, other responsible agencies, and interested parties to evaluate the environmental impacts of the proposed project, thereby enabling them to make informed decisions with respect to the requested entitlements. The anticipated approvals required for this project are as follows:

Table 2-3: Anticipated Agency Approvals

Lead Agency	Action
City of Dana Point City Council	• Certify Environmental Impact Report (State Clearinghouse # to be determined) and adopt Mitigation Monitoring Program for the Doheny Hotel Project. • Approve Coastal Development Permit (CDP09-0011) to allow for development within the City's Coastal Overlay boundary. • Approve Variance (V09-0003) to allow for the project to exceed maximum height of 35 feet and for building footprint to encroach into required setbacks or approve a design that negates the variance requirement. • Approve Conditional Use Permit (CUP09-0009) for hotel and restaurant uses including rooftop bar and parking. • Approve Site Development Permit (SDP09-0032) to allow for development of the site.
Responsible Agencies	**Action**
South Coast Air Quality Management District	• Issue necessary permits to construct/permits to operate to allow for implementation of the project.
Regional Water Quality Control Board (San Diego Region)	• Issue a National Pollutant Discharge Elimination System Permit (NPDES) to allow for implementation of the project.

3.0 ENVIRONMENTAL ANALYSIS

3.1 AESTHETICS

This section of the EIR describes existing visual and aesthetic resources for the project area and the region, and evaluates potential impacts on these resources as a result of the proposed project. Potential impacts analyzed in this section include views, light and glare, shadow, and consistency with the City's design guidelines and the Dana Point Specific Plan.

3.1.2 Environmental Setting

i. Regulatory Setting

State Regulations

California Environmental Quality Act (CEQA)

CEQA establishes that it is the policy of the state to take all action necessary to provide the people of the state "with…enjoyment of aesthetic, natural, scenic and historic environmental qualities." (CA Public Resources Code Section 21001[b]) CEQA includes requirements for the consideration of project impacts to scenic resources, and requires that appropriate mitigation measures be included in a project with potential to adversely affect scenic resources, including within a scenic highway.

Local Regulations

Dana Point Specific Plan

The Dana Point Specific Plan (DPSP) was prepared in recognition that detailed planning was both required and desirable in the Dana Point community. The planning area is bounded on the north by the City's Town Center Area; on the south by the Pacific Ocean, Dana Point Harbor and Doheny State Beach; on the west by the Headlands Specific Plan Overlay Zone, with the exception of two residential enclaves that remain part of the DPSP; and on the east by San Juan Creek. The Specific Plan provides detailed guidance and policies in connection with various elements of the General Plan.

The Orange County Zoning Code is auxiliary to the land use regulations of the DPSP, and if any issue is not included within the DPSP land use regulations, the regulations of the County's Zoning Code shall be applicable. The project site is located within the DPSP area, and has two distinct zoning designations, Coastal Couplet Commercial (C-CPC) and Coastal Visitor Commercial (C-VC). The following chapters of the DPSP, including the Scenic Highways Element, Community Design Element, and Local Coastal Program, contain policies pertinent to the aesthetic and visual issues.

Scenic Highways Element of DPSP

Pacific Coast Highway (PCH) is a designated Type Three urbanscape corridor, which is defined as a route that traverses an urban area with a defined visual

corridor that offers a view of attractive and exciting urban scenes, and that has recreational value for its visual relief as a result of nature or the manmade designed efforts. The PCH Specific Plan Scenic Corridor provides recommended design concepts, guidelines and implementation techniques for major community entrances, landscape character, street furniture, street lighting and utilities, parking and access, and architectural style. It is also recommended to maintain a two-story height limitation within the PCH corridor.

Community Design Element of DPSP

The purpose of the Community Design Element of the DPSP is to establish an overall community design structure and guidelines for key sectors in the community. This element provides guidelines and recommendations to act as a guide to the future appearance, character and beautification of the Dana Point community. It identifies PCH as an "image corridor", and recommends the development of the PCH corridor in accordance to the Scenic Highway Element of the DPSP.

Local Coastal Program of DPSP

The Coastal Act requires that the scenic and visual qualities of the coastal areas be protected as a resource of public importance. New development should be sited to protect views, to minimize alteration of natural landforms, to be visually compatible with surrounding area, and to restore visual quality of degraded areas. In addition, any new development shall protect special communities and their unique characteristics.

City of Dana Point Design Guidelines

The Dana Point Design Guidelines are to be used in the planning of new development projects and major renovations in the City. The Guidelines communicate the qualities and characteristics expected of development in Dana Point. The City will use the guidelines to evaluate the design quality of development proposals which require discretionary approval.

PCH and Dana Point Harbor Drive are both City-designated "scenic highways." The Guidelines specify that when public views are affected by a proposed development project, careful site planning, architecture, and landscape design should be used to minimize interference with views. For instance, site organization should place buildings, parking areas, signs and other features in locations that preserve existing views. Similarly, building forms should be carefully designed and landscape elements carefully chosen to minimize disruption of public views. Finally, roof forms and story heights should be adjusted to preserve public views. .

ii. Existing Conditions

Existing On-Site Visual Character

The following information provides an overview of the existing condition of visual resources in the project site, which is located in Orange County within the City of Dana Point.

The subject property is located within urban setting of the coastal zone. Topographically, the subject property ranges from an elevation of approximately 34 feet above mean sea level (amsl) on the west side to about 20 feet amsl in the site's eastern limits. The site is currently occupied with one- and two-story buildings, including a Jack in the Box restaurant, a vacant commercial building and a 46-room motel with associated surface parking lots encompassing approximately 21,134 square feet of building area. The project site is also characterized by the existence of non-native trees and some landscaping. It is surrounded by other commercial uses and also directly abuts Lantern Bay Park, located immediately west of the project. The project site is not designated as an important visual amenity, does not possess any important aesthetic features, and offers a unique opportunity for improvement to the City's eastern gateway. **Figure 3.1-1** contains photographs illustrating the existing on-site visual character.

Existing Off-Site Visual Character

The project is surrounded by commercial developments of differing heights and sizes situated on the surrounding lush hills and bluffs. In addition, the Dana Point pedestrian bridge located at PCH and Del Obispo is within the vicinity of the project area and serves as a gateway marker for the city. It crosses PCH, east of Dana Point Harbor Drive and is characterized by pylons and mosaic art. The panoramic view of the Pacific Ocean and Doheny Beach are visual resources that are visible from the project site. Doheny State Beach has a distinct character formed by surf conditions, orientation, views, landform background, and access pattern.

The landforms of the headlands and coastal bluffs are the most prominent natural features of the City. They are visible from the region's coastline and coastal hillsides from a distance of up to 30 miles. Public views and pedestrian access to the bluffs are significant urban design and public resources of the City.

Inventory surveys of the PCH corridor in Dana Point indicated that there exists a mixture of many architectural styles of varying ages. **Figure 3.1-2a** and **3.1-2b** presents photographs illustrating the existing off-site visual character.

North Boundary from Sea View Park at Calle La Primavera/Manzanita

East Boundary from Northeast corner of PCH and Del Obispo Street

South Boundary from Southeast corner of Park Lantern and Dana Point Harbor Drive

West Boundary from Southeastern end of Crystal Cove Park

Figure 3.1-1: On-Site Visual Character

Dana Point Pedestrian Bridge East of Project Site

Residential Properties on PCH North of Project Site

Hotel on PCH North of Project Site

Lantern Bay Park South of Project Site

Figure 3.1-2a: Off-Site Visual Character

Commercial and Residential Properties West of Project Site

Lantern Bay Village West of Project Site

Doheny State Beach Visitor Center South of Project Site

Figure 3.1-2b: Off-Site Visual Character

iii. Methodology

Project impacts on the aesthetic character of the project area, which include construction activities and project implementation, are analyzed in relation to existing site and surrounding area conditions. Pursuant to CEQA, an evaluation of impacts on scenic vistas, scenic resources (such as trees, rock outcroppings, and historic buildings within a state scenic highway), light and glare, and compatibility of the proposed project with the surrounding vicinity is also included in this section.

This visual impact analysis, discussed in Section 3.1.4, utilizes a qualitative and descriptive approach through visual simulations to evaluate the proposed project. The analysis begins by defining the visual resources that could be affected by the proposed project. Visual simulations were prepared by VisionScape Imagery and represent the project area "before" and "after" the implementation of the proposed project. These simulations were developed from public view locations that demonstrate potential impacts on viewers sensitive to the proposed project. The simulations represent a conceptual overview, are subject to change, and are intended to provide the public with the form, size, and scale of the proposed project. The simulations were developed using photographs and 3-D modeling to develop an illustration of a realistic comparison. Through the visual simulations, this analysis evaluated the degree of obstruction of visual resources, as well as overall appearance and character of the project and its contribution to the surrounding area.

Community Design Elements

As previously discussed in the Environmental Setting of this section, the City has established guidelines to direct development to accomplish the desired character in the City. The City Design Guidelines indicate that all development proposals should demonstrate sensitivity to the contextual influence of adjacent properties and the neighborhood. As part of site planning, when possible buildings and open spaces should be located for mutual advantage of sunlight, circulation, and public views. In addition, building design should be compatible in scale, mass, and form with adjacent structures and the pattern of the neighborhood, with efforts to coordinate the actual and apparent height of adjacent structures. **Table 3.1-1** below provides a discussion evaluating the project's design and visual consistency with the Dana Point Design Guidelines and the Scenic Highways and Community Design Elements of the DPSP.

Table 3.1-1 – Design Guidelines Consistency

Design Criteria	Consistency
Projects should demonstrate sensitivity to the positive aspects of the surrounding neighborhood and buildings. New developments within the C-CPC District shall conform to the New England design theme in accordance to the Community Design Element and Exhibit 28[1].	The location of the proposed project is not included within the boundaries of the New England Design Theme Area of Exhibit 28 of the DPSP. Therefore, this design theme is not applicable for the proposed project, though the project would present a modern counterpoint to the theme as seen in the surrounding community. Implementation of the proposed project will add additional height and bulk, which are not consistent with other adjacent structures and introduces a higher density land use.
A two-story height limitation should be maintained within the PCH Corridor.[2] In addition, there is a 35-foot height limit.[3] Roof forms and story heights should be adjusted to preserve public views.[4]	The project's use of the two-story façade at the primary corner entrance on the eastern side reduces the bulk of the building. Likewise, the third– fifth floors of the building at the corner entrance are terraced back and reduce the apparent bulk of the structure. The western end of the project wraps behind the existing Del Taco Restaurant and creates a stepped building form. This design helps avoid long continuous wall planes and relieves the horizontal plane. The roof is flat with a coping ledge that runs along the entire roof line that adds more variation horizontally to the building facade. The flat roof allows public views to be preserved through a lower roof height. However, since the proposed project would be between two to five stories high, and have a height up to approximately 76.5 feet at the top of the fifth floor; 86.5 feet including mechanical screening, it would be inconsistent with the height limitation within the DPSP. Therefore, approval of this project would require a variance and a Statement of Overriding Considerations.
Buildings should be complementary in form and bulk with adjacent structures and the desired development patterns of the neighborhood.[5]	Adjacent developments vary in size, ranging from undeveloped land to single-story (gas station, Denny's restaurant, Del Taco) to multi-story buildings (Marriott Hotel, Best Western Plus Hotel). The proposed project would result in a building structure considerably larger and bulkier than some of these structures within the immediate vicinity. Implementation of the hotel project adds significant height and bulk and transforms the low-density project area into a higher density land use. The project's height and bulk are not consistent with other adjacent structures, and introduces a higher density land use. Thus, a variance and a Statement of Overriding Considerations will be required. However, the project's design and architectural treatments will help soften the project's visual impacts. The project's use of the two-story façade at the primary corner entrance on the eastern side reduces the bulk of the building. Likewise, the third – fifth floors of the building at the corner entrance are terraced back, and the placement of a garden roof area on the second floor reduce the overall massing of the structure, and provides architectural relief. The project also exhibits coordination with the form of adjacent buildings, including wrapping behind the existing Del Taco Restaurant to create a stepped asymmetrical building form. The bulk and form of the building contrasts with other buildings within the project vicinity, and is not necessarily consistent with this design guideline despite efforts

1 Dana Point Specific Plan, Coastal Couplet Commercial District
2 Dana Point Specific Plan, Scenic Highway Element
3 Dana Point Specific Plan, Coastal Couplet Commercial District
4 Dana Point Design Guidelines
5 Dana Point Design Guidelines

Table 3.1-1 – Design Guidelines Consistency

Design Criteria	Consistency
	to provide visual relief. This is evidenced by the need for height and setback variances.
Provide gateway markers identifying Dana Point at major entrances to the community. The gateway marker should be sufficient graphic size to be viewed from a moving vehicle[6].	The project is located on the southwest corner of the eastern entrance to the City, at the intersection of PCH and Dana Point Harbor Drive, and is oriented to the City gateway. There is an existing County of Orange Dana Point Harbor gateway marker on the southwest corner of the intersection, adjacent to the project site. As part of the project, a new sign will replace the existing signage and the corner will be embellished with new landscaping. There is also a pedestrian bridge at the east approach of the intersection, which acts as the gateway marker to the City. The project would be one of the initial properties that pedestrians and motorists will see upon their entrance into the City. As its proposed mass and bulk are of higher density than the surrounding area, the project provides a unique opportunity to act as a standalone gateway project to the City.
New development should contribute to the quality of the City's streets and pedestrian environment.[7] Develop a landscape planting scheme which emphasizes the major gateways to the community and the urban character of the PCH commercial areas[8].	As described above, the project utilizes various design principles to reduce the apparent bulk and size of the project. In addition, the project's landscape plan would add to the landscape character of the city's streets. Applicant would also provide enhancements to the corner and signage which will contribute to the pedestrian environment. The proposed landscape would implement a variety of plants along all sides of the project boundary. The project incorporates pedestrian-friendly elements into its building frontages, such as courtyards, balconies, patios, rooftop lounge, and emphasizes the eastern gateway of the City. The outdoor dining areas on Dana Point Harbor Drive add a noticeable visitor-serving use, which complements the place making of the area.
Consolidate parking, where appropriate, to eliminate the number of ingress and egress points into PCH[9].	The project would provide 275 parking spaces for hotel guests in an underground parking structure, as well as parking for employees at an off-site location. The entrance to the parking structure is onsite and there will be limited entry points to the hotel from PCH.

6 Dana Point Specific Plan, Scenic Highway Element
7 Dana Point Design Guidelines
8 Dana Point Specific Plan, Scenic Highway Element
9 Ibid.

View Simulations

In order to help evaluate the proposed project's potential visual impact within the context of adjacent properties, it is necessary to select a number of key viewpoints that would most clearly display the visual effects of the project. Key views also represent the primary viewer groups that would potentially be affected by the project. VisionScape Imagery has prepared visual simulations at seven key vantage points that represent principal views of motorists and pedestrians as they approach the gateway of the City. As part of the visual simulation process, a photograph of the existing conditions is taken at each of the vantage points. An image of the proposed project is then superimposed on the photograph in order to provide a visual representation of what the proposed project would be like within the surrounding environment. The seven key views are summarized in **Table 3.1-2** and are displayed in **Figure 3.1-4.**

3.1.3 View Simulations

The lookout points within the DPSP area to City visual resources, including bluffs and harbor, are indicated in **Figure 3.1-3**. **Figures 3.1-5** through **3.1-11** are photo simulations of Viewpoints 1 through 7 that represent views of the project site before and after the construction of the hotel project. Depending on the viewpoint, each provides a different vantage point and illustrates the different landscape elements and visual resources affected by implementation of the project. Through the discussion of the visual simulations, the level of significant impacts to visual resources will be discussed in Section 3.1.5.

Table 3.1-2 – Key View Locations

View No.	View Location	View Direction
1	Intersection of Del Prado Avenue, Copper Lantern Street, and Pacific Coast Highway	From west looking east
2	Southeastern end of Crystal Cove Park	From northwest looking southeast
3	End of Via Elevado	From northwest looking southeast
4	Sea View Park at Calle La Primavera/Manzanita	From north looking south
5	Public trail on northwest corner of PCH and Del Obispo Street	From north looking south
6	Northeast corner of PCH and Del Obispo Street	From east looking west
7	Southeast corner of Park Lantern and Dana Point Harbor Drive	From south looking north

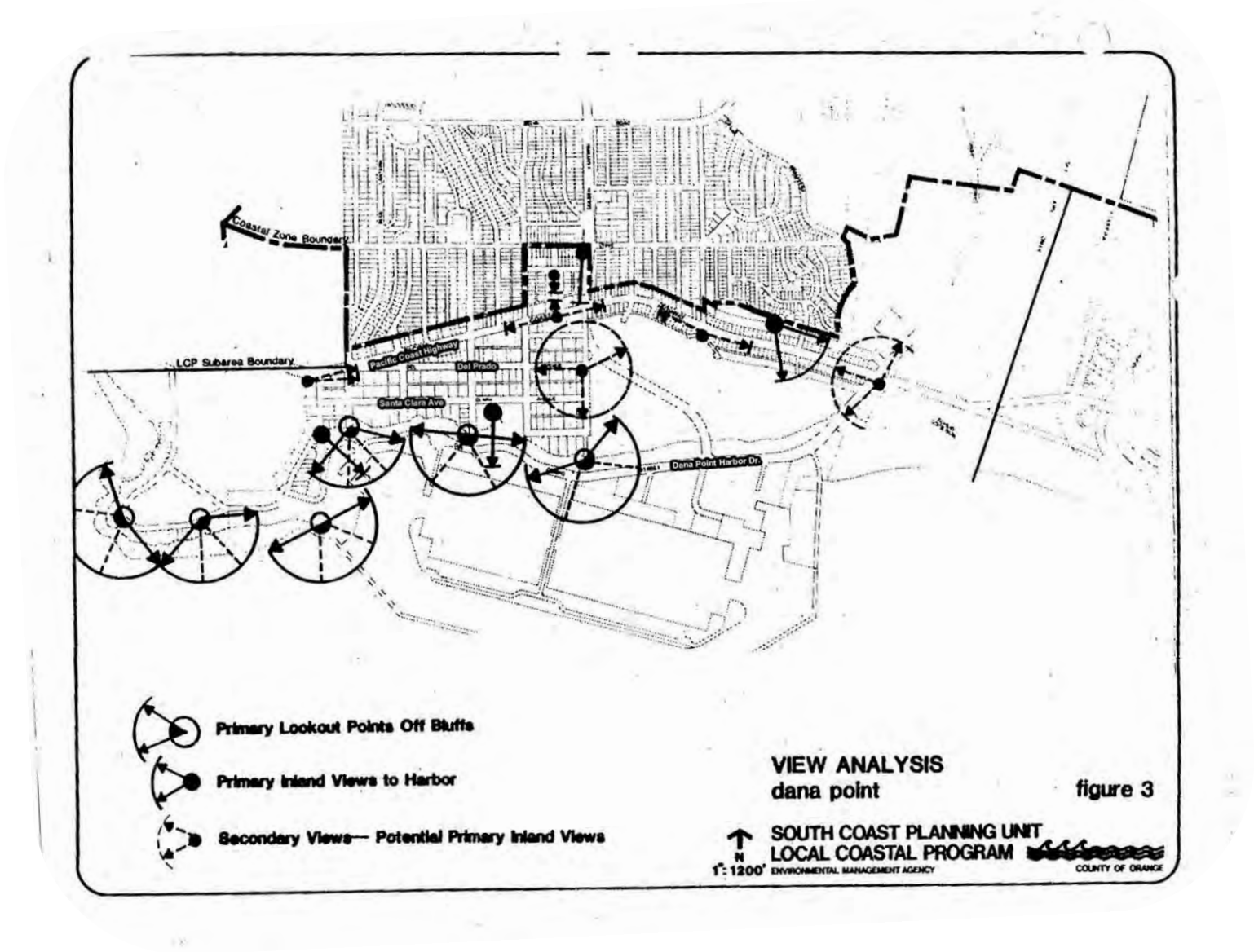


Figure 3.1-3: View Analysis from DPSP Land Use Plan

Figure 3.1-4: Key View Locations Map

Viewpoint 1

Viewpoint 1 looks eastward into the PCH roadway from the intersection of Del Prado Avenue, Copper Lantern Street, and PCH. This view is typical of what motorists and pedestrians travelling eastbound on PCH would see. PCH at this vantage point is downward sloping and is typical of an urbanized environment. Non-native trees on the northern boundary and commercial properties on the southern boundary of PCH comprise the middle ground of this viewpoint. The commercial properties are primarily one- and two-story buildings. The Dana Point pedestrian bridge gateway and distant residential properties along the coastal bluffs make up the background of this viewpoint. The Pacific Ocean is not viewable from this vantage point.

Figure 3.1-5 is a before and after photo simulation of the project implementation from Viewpoint 1. The overall character from this viewpoint virtually remains the same after project implementation. Due to the downward sloping landform of PCH and the project's siting at a lower elevation, the project appears to blend with adjacent properties even though the project is actually greater in bulk and density. The project does not appear to be out of character nor contrast greatly with adjacent properties from this vantage point. Only a small portion of the western façade of the project is visible from this viewpoint, though the project would result in greater land use intensity. The project does not obstruct any visual resources from this viewpoint from this viewpoint, including the coastal bluffs in the background.

Existing View

Proposed View

DOHENY HOTEL
ULTRA SYSTEMS
View 1
VisionScape IMAGERY
Visual Simulation

Figure 3.1-5: Viewpoint 1 Photo Simulation

Viewpoints 2 and 3

Viewpoints 2 and 3 share similar perspectives of the project site at different vantage points from a higher elevation on the north boundary of PCH. Viewpoint 2 is a view looking southeast at the project site from Crystal Cove Park, which is situated on the bluff north of PCH to the northwest of the site. This view is typical of what is afforded to park users and residences along the bluff. The roadway, commercial properties, and abundance of trees and plants dominate this view, extending from the foreground to the middle ground and merging to the background of the viewshed. The shoreline and slivers of the Pacific Ocean contribute to the background. The existing landscape, including the trees and oceanic backdrop, provides a distinctive contrast to the built environment, creating a striking visual pattern. The corridor from this viewpoint has a low-density development character and existing commercial properties share similar bulk and size. The form, lines, color, and texture of the built and natural environment are repeated throughout this landscape and form a continuous and harmonious visual pattern.

Viewpoint 3, northeasterly of Viewpoint 2, is a view looking southeast at the project site from the Via Elevado cul-de-sac on the bluff north of PCH to the northwest of the site. This view is typical of what is provided to residences situated along the bluff in the area. This existing view's prominent feature is comprised of the vast blue skies and ocean, extending from the middle ground, and merging with the background. The existing commercial properties are visible from this viewpoint, but are nestled and blended with the existing landscape. The Pacific Ocean and coastline comprises the background of this viewshed, and provides a striking contrast to the landscape and built environment. The visual landscape is free from visual encroachments, since the built environment is integrated and blended into the existing environment. The form, lines, color, and texture are repeated throughout this landscape, and form a continuous and harmonious visual pattern.

Figures 3.1-6 and **3.1-7** illustrate the project area before and after the implementation of the proposed project from the perspective of Viewpoints 2 and 3, respectively. The proposed project would transform the project site, resulting in greater bulk and size than the existing property. This creates a greater contrast to the surrounding area, since adjacent properties as well as properties in the project vicinity are smaller than the proposed hotel. The implementation of the project would result in a more vivid landscape image. The color scheme provides a greater contrast between the built and natural landscape element. The earth tones and contrasting trimmings of the project add to the distinction of the building. The green roof on the proposed project is also visible from these vantage points. However, implementation of the proposed project does not significantly encroach onto the visual resources identified above, including the Pacific Ocean, coastline views, and distant hills.

Figures 3.1-6 and **3.1-7** portray the architectural themes characterized in the design of the project. Ornamentation on the building's façade consists of rows of split pane windows each containing three mullions and highlighting color ribbon insets adorning the building skin. Building materials were not specified in the proposed plans, but based on preliminary elevations submitted the building will most likely be stucco. The roof is flat with a coping ledge that runs along the entire roof line that adds more variation horizontally to the building facade.

Since the vantage points from these viewpoints provide an extended view of the PCH corridor, it is evident that the project is much taller than existing properties along the corridor. While other properties in the project area blend into the landscape, the hotel stands out visually. Although the hotel is much larger than the surrounding area, the hotel does not significantly obstruct views of existing visual resources, including the Pacific Ocean. As illustrated in **Figures 3.1-6** and **3.1-7**, views of the Pacific Ocean from this vantage point after implementation of the project remain similar.

Existing View

Proposed View

DOHENY HOTEL
ULTRA SYSTEMS
View 2
Visual Simulation
VisionScape IMAGERY

Figure 3.1-6: Viewpoint 2 Photo simulation

Existing View

Proposed View

DOHENY HOTEL
ULTRA SYSTEMS
View 3
Visual Simulation
VisionScape IMAGERY

Figure 3.1-7: Viewpoint 3 Photo Simulation

Viewpoints 4 and 5

Viewpoints 4 and 5 share similar perspectives of the project site, since they provide viewers with a zoomed-in view, and a closer perspective of the hotel. Viewpoint 4 is a view looking south at the project site from the Sea View Park located at the intersection of Calle La Primavera and Manzanita. This view is typical of what is afforded to users of the parks and residents situated along the bluff in the area. The existing view consists of non-native trees that dominate across the middle ground. Glimpses of the existing property's rooftop are also visible from this viewpoint. Since the trees dominate this view, only a slight sliver of the Pacific Ocean is visible from this vantage point.

Viewpoint 5 is a view looking south at the project site from a public trail on a bluff located north of the site. This view is typical of what is afforded to residents situated along the bluff and users of the public trail in the area. View 5 is located northeasterly, relative to Viewpoint 4. Similar to Viewpoint 4, non-native trees and plants are the dominant view from this viewpoint, extending from the foreground to the middle ground of this view. The abundance of trees obstructs the view of the Pacific Ocean, and only a small sliver of the ocean is visible from this vantage point. While the landscape elements do not form a distinctive visual pattern, the visual resources of the landscape are intercompatible, and the color and texture are repeated throughout this landscape.

Figures 3.1-8 and **3.1-9** represent the project site before and after implementation of the proposed project. Implementation of the hotel creates a marked change in the landscape through the addition of a higher density development from these vantage points. It is important to note that the existing and proposed landscaping would not obscure the proposed building. Landscaping will be an enhancement to the site and provide additional softening of the building façade. Only limited portions of the northern façade of the hotel are visible from this perspective. Despite the project's size, the hotel would not significantly obstruct views of the Pacific Ocean. As portrayed in these figures, due to the elevation advantage from the neighborhood park and public trail on the north boundary of PCH, the project does not interrupt views of the Pacific Ocean and landscape.

Figure 3.1-8: Viewpoint 4 Photo Simulation

Figure 3.1-9: Viewpoint 5 Photo Simulation

Viewpoint 6

Viewpoint 6 is a view looking west at the project site from the northeastern corner of Del Obispo Street and PCH. This view is typical of what is afforded to motorists and pedestrians travelling east along PCH and south along Del Obispo Street, as they enter the City gateway. The foreground consists of the roadway, which extends and tapers out to the background. The elements that make up the middle ground include the existing low density commercial properties nestled against the natural landscape. The image is typical of an urban area - the commercial row is of similar low density bulk and mass, sits along the sloped landform, and creates a continuous visual pattern. Several properties, including the Marriott Resort, are visible nestled in the background. The form, lines, color, and texture of the built environment are repeated throughout this landscape, and form a continuous and harmonious visual pattern. However, there are elements, including the street lights, which encroach and interrupt the visual continuity of the view.

Figure 3.1-10 illustrates the viewpoint before and after the proposed project at Viewpoint 6. This viewpoint is considered the east entrance of the City. The hotel project transforms a low density area, adding significant height and bulk and creating a strong contrast between the hotel and surrounding area. This view illustrates another perspective of how the project utilizes modernistic architecture. It features asymmetrical elements, including varying wall façade heights and varying dimensions on different planes located at the corner entry, which reduces the bulk of the project. The third through fifth floors at the corner entrance of the project are terraced back from the lot line, creating dimension. This architectural treatment lessens the bulk and mass of the structure, and provides visual relief for pedestrians and motorists alike.

The Marriott Resort would no longer be visible from this vantage point after implementation of the proposed project. Similarly, several non-native trees would be removed to accommodate the hotel project, and would be replaced by palm trees along the perimeter of the project.

Figure 3.1-10: Viewpoint 6 Photo Simulation

Viewpoint 7

Viewpoint 7 is a view looking north at the project site from the southeast corner of Dana Point Harbor Drive and Park Lantern located south of the site. This view is typical of what is afforded to motorists, pedestrians, and bicyclists travelling north along Dana Point Harbor Drive as they enter the City gateway. The roadway that abuts the project site extends from the foreground and merges to the background of this viewpoint. Residences along the bluffs to the north of the site are visible from this viewpoint. An abundance of non-native trees and shrubs exist in the middle ground, and the project site is integrated to its environment. There is little contrast between the various landscape elements, since the existing property is integrated and nestled behind the natural landscape. The existing street lights and signs encroach onto this view and are typical of a low-density urban environment.

Figure 3.1-11 illustrates the view of the project site before and after the proposed project. Similar to other vantage points, implementation of the hotel adds significant height and bulk and transforms the low-density project area into a significantly higher density land use. The project features bold colors and texture that visually stand out against the landscape. The photo simulation is also able to illustrate the hotel as a multi-building structure. Implementation of the hotel creates an increased urbanized character.

From this vantage point, residences that were once visible on the bluffs to the north of the site are obstructed by the hotel project. Several non-native trees would be removed to accommodate the hotel project, and have been replaced by the project's landscaping.

Existing View

Proposed View

DOHENY HOTEL
ULTRA SYSTEMS
View 7
Visual Simulation
VisionScape IMAGERY

Figure 3.1-11: Viewpoint 7 Photo Simulation

3.1.4 Thresholds of Significance

The criteria used to determine the significance of an aesthetic impact are based on Appendix G of the *State CEQA Guidelines*. The following criteria address only environmental issues that were determined in the project Initial Study (IS) to be potentially significant. Issues determined in the IS to be less than significant or to have no impact are not reevaluated, in accordance with CEQA Guidelines Section 15063(c)(3)(A). As defined in CEQA, the proposed project would have a significant environmental impact if it were to:

- Have a substantial adverse effect on a scenic vista; or
- Substantially degrade the existing visual character or quality of the site and its surroundings; or
- Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

The viewsheds include all areas where physical changes associated with the proposed project can be seen from a sensitive viewpoint, or where other sensitive views could be affected. For purposes of this visual analysis, the hotel can be viewed by both pedestrians and motorists from points along PCH (north of the project) and from Dana Point Harbor Drive.

3.1.5 Project Impacts

Impact 3.1-1: The proposed project would have a less than significant substantial adverse effect on a scenic vista.

The proposed project is not located within a California State Scenic Highway, as designated by the California Scenic Highway Mapping System. However, the project site is located on the southwest corner of PCH and Dana Point Harbor Drive, in which PCH is designated as a scenic highway (Type Three urbanscape corridor) by the City of Dana Point. Significant views from PCH include panoramas and glimpses of the long views to the ocean and communities to the south.

The project would involve redeveloping three existing parcels that currently contain a Jack-in-the-Box restaurant, a vacant retail building, and 46-room motel. The proposed project would require a variance and result in a higher intensity land use, including a two- to five-story hotel complex, meeting rooms, restaurant, rooftop bar/lounge, and rooftop pool and deck area. The proposed project would result in significantly greater building height ranging from 76.5 to 86.5 feet in overall height and significantly greater building mass and bulk than the existing site uses. However, the visual simulations have demonstrated that the proposed project would not substantially affect public views of visual resources, including the ocean.

The project area's hilly topography offers visual relief and minimizes the visual impacts of the project to the visual resources along PCH. Public views of the ocean from residential areas, neighborhood parks, and public trail on the bluffs to the north of PCH would be preserved and minimally impacted after project implementation. Therefore, the project would result in a less than significant adverse effect on a scenic vista.

Impact 3.1-2: The proposed project would result in a potentially significant impact on the existing visual character or quality of the site and the surrounding area.

Construction Impacts

Project construction includes site preparation, such as grading activities, and other construction activities. All grading activities would occur in accordance to the grading requirements of the City of Dana Point Grading Manual. Temporary visual impacts would accompany project construction resulting from the presence of construction equipment within the work zones. These effects would vary in intensity throughout the construction duration and would be temporary in nature as the construction would occur in a staged manner. Construction staging areas and equipment storage may be perceived as a temporary visual impact.

No other temporary visual impacts other than those associated with construction are anticipated. MM 3.1-1, as discussed below, would minimize the construction related impacts of Impact 3.1-2.

Permanent Impacts

The existing visual character of the site and surrounding area is typical of a low density urban corridor. Adjacent developments vary in size, ranging from undeveloped land to single-story (gas station, Denny's restaurant, Del Taco) to multi-story buildings (Marriott Hotel, Best Western Plus Hotel). Generally there is a pattern of one and two story buildings with only a few exceptions. The area generally does not paint a continuous and consistent theme, and includes varying landscape designs, architectural styles, and vacant parcels. The project area provides some topographic relief in the form of hills and bluffs in this urban corridor.

As portrayed in the visual simulations, the proposed project would feature a two- to five-story modern building, incorporating flat roofs, and asymmetrical and uniform building façades. The proposed project would result in a building structure considerably larger and bulkier than some of these structures within the immediate vicinity. Implementation of the hotel project adds significant height and bulk, transforms the low-density project area into a higher density land use. This added building mass has resulted in the need for height and setback variances.

The project attempts to minimize the height and bulk of the building by incorporating certain design elements. For example, the project's use of the two-story façade at the primary corner entrance on the eastern side reduces the bulk of the building. Likewise, the third – fifth floors of the building at the corner entrance are terraced back, and the placement of a garden roof area on the second floor reduce the overall massing of the structure, and provides architectural relief. The western end of the project wraps behind the existing Del Taco Restaurant, and creates a stepped asymmetrical building form. This design helps avoid long continuous wall planes, and relieves the horizontal plane.

Despite efforts to provide visual relief, the project is not consistent with the goals of the DPSP, since the project appears incompatible in scale, mass and form with adjacent structures and development pattern of the neighborhood. Implementation of the project would transform the character of this eastern gateway and intensify the existing urban

character of the project area. The aesthetic impacts of the proposed project cannot be mitigated to a level of insignificance, and thus to approve the project as proposed, the City Council would have to adopt a Statement of Overriding Considerations.

Impact 3.1-3 The proposed project would result in less than significant impacts on the public views of existing visual resources.

The intersection of PCH and Dana Point Harbor Drive serves as the eastern entrance to the City and is identified by two gateway markers including a pedestrian bridge on the east approach, and the County of Orange Dana Point Harbor signage on southwest corner of the intersection, adjacent to the project site. As part of the project, a new sign will replace the existing signage and the corner will be embellished with new landscaping. Therefore, the project would improve the aesthetic quality of the gateway marker and would not affect the views of the pedestrian bridge.

The project would result in up to an 86.5 foot building with mechanical area, which is much taller than existing land uses. However, the project attempts to lessen the massing effect of the 86.5 foot building and blend with the surrounding area through the utilization of a combination of varying setbacks and roofline heights. This project's use of the two-story façade at the primary corner entrance on the eastern side reduces the bulk of the building. Likewise, the upper floors of the building at the corner entrance are terraced back and reduce the apparent bulk of the structure. As portrayed in the visual simulations, despite the bulk and mass of the project, it does not obstruct public views of visual resources, including the ocean. Although existing plants would be removed to construct the project, they would be replaced with the project's landscaping. Therefore, the project would result in less than significant impacts on the public views of existing visual resources and no mitigation measure is required for this impact.

Impact 3.1-4: The proposed project would create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

Light and Glare

The proposed project is located within an urbanized area with many sources of light. Existing sources of light within the project area include commercial lighting, street lights, security lighting, and reflective light from vehicles' windshields.

The proposed project includes glass windows along the north, east, and south facades of the project site, and glass railing along the east and south facades of the project site. The glass railings would be designed with non-reflective materials, and would not directly face residential areas. The proposed project would feature nighttime safety lighting for security purposes.

The proposed project would feature a rooftop lounge area. This project feature would include lighting to illuminate the rooftop establishment during its evening operational hours. The illumination would have the potential to have light spillover to neighboring properties that could affect the nighttime views in the area. Therefore, MM 3.1-2 would be implemented to minimize light and glare impacts on day and nighttime views in the area.

Shadows

Shading/shadow refers to the effect of shadows cast on sensitive adjacent areas by the proposed structure. The proposed project may have the potential to cast shadows on adjacent areas. The threshold criterion for determining significant impacts is whether the shadows would cast on shade-sensitive properties or public open space. Adjacent land uses include PCH and commercial properties, which are not considered sensitive uses for shadow impact analysis. There are no shade-sensitive uses within the north, west, and east side of the project site. The Lantern Bay City Park, located south of the project site, is an outdoor recreational facility and is considered a shade-sensitive use. Since structures do not cast shadows in the southerly direction, the proposed project would not cast shadows on the park, and recreational users would not be significantly affected by shadows from the project.

3.1.6 Cumulative Impacts

There are several other projects that have been completed, or would occur concurrently with the Doheny Hotel project and that would contribute to cumulative aesthetic/visual impacts in the project area. These projects include the PCH Traffic Congestion Relief Project, which has been completed; the Dana Point Harbor Revitalization Plan, which has not yet started; and the former Mobile Home Park site which has not yet started.

The PCH Traffic Congestion Relief Project constructed the Dana Point Pedestrian Bridge, which crosses PCH east of Dana Point Harbor Drive. The bridge features architectural treatments, lighting, and public art, creating a distinct gateway to the city. The Dana Point Harbor Revitalization Plan would affect the harbor south of Dana Point Harbor Drive, and would not visually affect the PCH corridor. Therefore, the proposed project would not contribute to significant cumulative adverse impacts on the project area.

3.1.7 Mitigation Measures

Due to the potential impacts as a result of the construction of the proposed project, the following mitigation measures are recommended:

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

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

3.1.8 Level of Project Impact Significance after Mitigation

Mitigation measures would be implemented for the proposed project. Mitigation measure 3.1-1 would address temporary visual impacts (Impact 3.1-1), including screening equipment associated with the construction of the project. The level of project impact significance would be less than significant with implementation of the mitigation measure.

Mitigation Measure 3.1-2 would address and minimize the light and glare impacts resulting from the nighttime lighting of the project. Implementation of the Exterior Lighting Plan would ensure that all exterior lighting would be directed within the project site, minimize lighting spillover onto neighboring properties, and minimize impacts to nighttime views in the area.

3.2 AIR QUALITY

3.2.1 Introduction

The purpose of this section is to discuss the potential short-term air quality impacts associated with the Doheny Hotel Project construction activity, in addition to long-term local and regional air quality impacts associated with the hotel operation.

Potential impacts of the proposed project are examined and prepared in accordance with the *CEQA Air Quality Handbook* prepared by the South Coast Air Quality Management District (SCAQMD), April 1993 (as updated through 2006);[1] California Air Resources Board (CARB) iADAM Air Quality Data Statistics (2007 through 2009); *City of Dana Point Doheny Hotel Traffic Impact Analysis* (August 2, 2012), prepared by Kunzman Associates, Inc.; and the *Draft Air Quality Analysis For Doheny Hotel Dana Point, California* (February 2012), prepared by UltraSystems Environmental Inc. (UltraSystems). Refer to **Appendix B** (*Draft Air Quality Analysis for Doheny Hotel Dana Point, California*) for additional assumptions and methodology used in this analysis.

3.2.2 Environmental Setting

i. Regional Climate

Air quality is affected by both the rate and location of pollutant emissions, and by meteorological conditions that influence movement and dispersal of pollutants. Atmospheric conditions such as wind speed, wind direction, and air temperature gradients, along with local topography, provide the link between air pollutant emissions and air quality.

The project site is located in the City of Dana Point (City) within the County of Orange. The City lies within the South Coast Air Basin (SCAB), which includes all of Orange County and the non-desert portions of Los Angeles County, most of Riverside County, and the western portion of San Bernardino County, including some portions of what was previously known as the Southeast Desert Air Basin. The distinctive climate of the SCAB is determined by its terrain and geographic location. The SCAB is a coastal plain with connecting broad valleys and low hills, bounded by the Pacific Ocean to the southwest and high mountains around its remaining perimeter. The general region lies in the semi-permanent high pressure zone of the eastern Pacific, resulting in a mild climate tempered by cool sea breezes with light average wind speeds. The usually mild climatological pattern is interrupted occasionally by periods of extremely hot weather, winter storms, or Santa Ana winds.

The vertical dispersion of air pollutants in the SCAB is hampered by the presence of persistent temperature inversions. An upper layer of dry air that warms as it descends characterizes high-pressure systems, such as the semi-permanent high-pressure zone in which the SCAB is located. This upper layer restricts the mobility of cooler marine-influenced air near the ground surface and results in the formation of subsidence inversions. Such inversions restrict the vertical

[1] South Coast Air Quality Management District, *CEQA Air Quality Handbook,* Diamond Bar, California (1993; Updated 2006).

dispersion of air pollutants released into the marine layer and, together with strong sunlight, can produce worst-case conditions for the formation of photochemical smog.

The atmospheric pollution potential of an area is largely dependent on winds, atmospheric stability, solar radiation, and terrain. The combination of low wind speeds and low inversions produces the greatest concentration of air pollutants. On days without inversions, or on days of winds averaging over 15 mph, smog potential is greatly reduced.[2]

The climatological station closest to the site is the Laguna Beach (Latitude 33.54528, Longitude -117.78139) station,[3] which is approximately 7.7 miles northwest of the project site (Latitude 33.465123, Longitude -117.689527). The annual average temperature recorded at this station is 61.1 degrees Fahrenheit (˚F), with the average temperature of 67.2˚F during summer and 54.7˚F during winter.[4] Precipitation in the area averages approximately 12.61 inches annually, and occurs mostly during the winter and infrequently during the summer.[5]

ii. Criteria Pollutants

The criteria air pollutants of concern are nitrogen dioxide (NO_2), carbon monoxide, particulate matter, sulfur dioxide, lead, and ozone, and their precursors. Criteria pollutants are air pollutants for which acceptable levels of exposure can be determined and an ambient air quality standard has been established by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB). Since the proposed project would not generate appreciable sulfur dioxide (SO_2) or lead (Pb) emissions,[6] it is not necessary for the analysis to include those two pollutants. Presented below is a description of the air pollutants of concern and their known health effects.

Nitrogen Oxides (NO_x) serve as integral participants in the process of photochemical smog production, and are precursors for certain particulate compounds that are formed in the atmosphere. The two major forms of NO_x are nitric oxide (NO) and nitrogen dioxide (NO_2). NO is a colorless, odorless gas formed from atmospheric nitrogen and oxygen when combustion takes place under high temperature and/or high pressure. NO_2 is a reddish-brown pungent gas formed by the combination of NO and oxygen. NO_2 acts as an acute respiratory irritant and eye irritant, and increases susceptibility to respiratory pathogens. A third form of NO_x, nitrous oxide (N_2O), is a greenhouse gas (GHG).

Carbon Monoxide (CO) is a colorless, odorless non-reactive pollutant produced by incomplete combustion of carbon substances (e.g., gasoline or diesel fuel). The primary adverse health effect associated with CO is its binding with

[2] South Coast Air Quality Management District (SCAQMD), *CEQA Air Quality Handbook*, April 1993, p. A8-1.

[3] Meteorological station location information from "Western US COOP Station Map," Western Region Climate Center, http://www.wrcc.dri.edu/coopmap/ (Accessed January 31, 2012).

[4] "Laguna Beach, California. Period of Record General Climate Summary – Temperature." Western Region Climate Center, http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca4647 (Accessed May 19, 2011).

[5] "Laguna Beach, California. Period of Record General Climate Summary – Precipitation." Western Region Climate Center, http://www.wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca4647 (Accessed May 19, 2011).

[6] Sulfur dioxide emissions will be approximately 0.07 pounds per day.

hemoglobin in red blood cells, which decreases the ability of these cells to transport oxygen throughout the body. Prolonged exposure can cause headaches, drowsiness, or loss of equilibrium; and high concentrations are lethal.

Particulate Matter (PM) consists of finely divided solids or liquids, such as soot, dust, aerosols, fumes and mists. Two forms of fine particulate matter are now regulated. Respirable particles, or PM_{10}, include that portion of the particulate matter with an aerodynamic diameter of 10 micrometers (i.e., 10 one-millionths of a meter or 0.0004 inch) or less. Fine particles, or $PM_{2.5}$, have an aerodynamic diameter of 2.5 micrometers (i.e., 2.5 one-millionths of a meter or 0.0001 inch) or less. Particulate discharge into the atmosphere results primarily from industrial, agricultural, construction, and transportation activities. However, wind action on the arid landscape also contributes substantially to the local particulate loading. Fossil fuel combustion accounts for a significant portion of $PM_{2.5}$. In addition, particulate matter forms in the atmosphere through reactions of NO_x and other compounds (such as ammonia) to form inorganic nitrates. Both PM_{10} and $PM_{2.5}$ may adversely affect the human respiratory system, especially in those people who are naturally sensitive or susceptible to breathing problems.

Reactive Organic Gases (ROG) are compounds comprised primarily of atoms of hydrogen and carbon that have high photochemical reactivity. The major source of ROG is the incomplete combustion of fossil fuels in internal combustion engines. Other sources of ROG include the evaporative emissions associated with the use of paints and solvents, the application of asphalt paving and the use of household consumer products. Adverse effects on human health are not caused directly by ROG, but rather by reactions of ROG to form secondary pollutants. ROG are also transformed into organic aerosols in the atmosphere, contributing to higher levels of fine particulate matter and lower visibility. The term "ROG" is used by the CARB for air quality analysis and is defined the same as the federal term "volatile organic compound" (VOC).

Ozone (O_3) is a secondary pollutant produced through a series of photochemical reactions involving ROG and NO_x. O_3 creation requires ROG and NO_x to be available for approximately three hours in a stable atmosphere with strong sunlight. Because of the long reaction time, peak ozone concentrations frequently occur downwind of the sites where the precursor pollutants are emitted. Thus, O_3 is considered a regional, rather than a local, pollutant. The health effects of O_3 include eye and respiratory irritation, reduction of resistance to lung infection and possible aggravation of pulmonary conditions in persons with lung disease. O_3 is also damaging to vegetation and untreated rubber.

iii. Air Quality Plans

The SCAQMD is required to produce plans to show how air quality will be improved in the region. The California Clean Air Act (CCAA) requires that these plans be updated triennially to incorporate the most recent available technical information.[7] A multi-level partnership of governmental agencies at the federal, State, regional, and local levels implements the programs contained in these

[7] CCAA of 1988.

plans. Agencies involved include the USEPA, CARB, local governments, Southern California Association of Governments (SCAG), and SCAQMD. The SCAQMD and the SCAG are responsible for formulating and implementing the AQMP for the SCAB. The SCAQMD updates its AQMP every three years. The 2003 AQMP was adopted in August 2003. The CARB approved a modified version of the 2003 AQMP and forwarded it to the EPA in October 2003 for review and approval. The 2003 AQMP updates the attainment demonstration for the federal standards for O_3 and PM_{10}; replaces the 1997 attainment demonstration for the federal CO standard and provides a basis for a maintenance plan for CO for the future; and updates the maintenance plan for the federal NO_2 standard, which the SCAB has met since 1992.

The 2003 AQMP is consistent with and builds upon the approaches taken in the 1997 AQMP and the 1999 Amendments to the Ozone State Implementation Plan (SIP) for the SCAB for the attainment of the federal O_3 air quality standard. However, this revision points to the urgent need for additional emissions reductions (beyond those incorporated in the 1997/1999 Plan) from all sources, specifically those under the jurisdiction of the CARB and the USEPA, which account for approximately 80 percent of the O_3 precursor emissions in the SCAB.

On June 1, 2007, when the analysis based upon the 2003 AQMP was substantially complete, the SCAQMD Governing Board adopted the 2007 AQMP. The 2007 AQMP builds upon improvements accomplished from the previous plans, and aims to incorporate all feasible control measures while balancing costs and socioeconomic impacts. This AQMP focuses on O_3 and $PM_{2.5}$. The 2007 AQMP also incorporates significant new scientific data, emission inventories, ambient measurements, control strategies, and air quality modeling.

iv. Regional Air Quality

The SCAQMD has jurisdiction over the SCAB. **Table 3.2-1** (Federal and State Attainment Status) shows the area designation status of the SCAB for each criteria pollutant for both the NAAQS and CAAQS. Based on regional monitoring data, the SCAB is currently designated as a non-attainment area for O_3, PM_{10} and $PM_{2.5}$; a federal maintenance area for CO and NO_2; and an attainment area for SO_2. Designation of the SCAB as a maintenance area means that, although the Basin has achieved compliance with the NAAQS for CO and NO_2, control strategies that were used to achieve compliance must continue. The Federal ozone classification is "extreme."[8] An extreme non-attainment area has an 8-hour ozone design value of 0.187 ppm,[9] and has the attainment deadline of June 15, 2024.

[8] U.S. Environmental Protection Agency. 2011. "8-Hour Ozone Nonattainment State/Area/County Report." Green Book. http://www.epa.gov/air/oaqps/greenbook/gncs.html#CALIFORNIA. Updated August 30, 2011.

[9] U.S. Environmental Protection Agency. 2011. "Designations." Green Book. www.epa.gov/air/oaqps/greenbook/define.html. Updated August 30, 2011.

Table 3.2-1 – Federal and State Attainment Status

Pollutants	Federal Classification	State Classification
Ozone (O_3)	Non-Attainment (Extreme)	Non-Attainment
Particulate Matter (PM_{10})	Non-Attainment (Serious)	Non-Attainment
Fine Particulate Matter ($PM_{2.5}$)	Non-Attainment	Non-Attainment
Carbon Monoxide (CO)	Maintenance	Attainment
Nitrogen Dioxide (NO_2)	Maintenance	Non-Attainment
Sulfur Dioxide (SO_2)	Attainment	Attainment

Sources: U.S. Environmental Protection Agency, "California 8-Hour Ozone Nonattainment Areas in Blue Borders." Green Book. [www.epa.gov/air/oaqps/greenbook/ca8.html]. Updated August 6, 2009; U.S. Environmental Protection Agency, "Counties Designated Nonattainment for PM-10." Green Book. [www.epa.gov/air/oaqps/mapppm10.pdf]. Accessed August 10, 2009; California Air Resources Board, "Area Designations Maps/State and National." [www.arb.ca.gov/design/adm/adm.htm]. December 23, 2011.

v. Local Air Quality

The SCAQMD monitors air quality throughout the SCAB at various monitoring stations. The project site is located within the District's Source Receptor Area (SRA) Number 21. The closest monitoring station is the Mission Viejo Monitoring Station (26081 Via Pera, Mission Viejo, CA 92691), about 11.4 miles northeast of the project site, which monitors CO, O_3, PM_{10} and $PM_{2.5.}$ The second closest monitoring station is the Costa Mesa Monitoring Station (2850 Mesa Verde Drive East, Costa Mesa, CA 92626), about 19.8 miles northwest of the project site, which monitors NO_2. Air quality monitoring data for CO, O_3, PM_{10} and $PM_{2.5}$ near the project site are shown in **Table 3.2-2** (Ambient Air Quality Monitoring Data for Mission Viejo). NO_2 monitoring data near the project site are shown in **Table 3.2-3** (Ambient Air Quality Monitoring Data for Costa Mesa).

Table 3.2-2 – Ambient Air Quality Monitoring Data for Mission Viejo

Air Pollutant	Standard/Exceedance	26081 Via Pera Mission Viejo		
		2007	2008	2009
Carbon Monoxide (CO)	Year Coverage	97%	96%	97%
	Max. 1-hour Concentration (ppm)	1.6	1.5	1.3
	Max. 8-hour Concentration (ppm)	2.16	1.10	1.00
	# Days>Federal 1-hour Std. of 35 ppm	0	0	0
	# Days>Federal 8-hour Std. of 9 ppm	0	0	0
	# Days>California 8-hour Std. of 9.0 ppm	0	0	0
Ozone (O_3)	Year Coverage	99%	96%	97%
	Max. 1-hour Concentration (ppm)	0.108	0.118	0.121
	Max. 8-hour Concentration (ppm)	0.090	0.104	0.095
	# Days>Federal 8-hour Std. of 0.075 ppm	5	15	10
	# Days>California 1-hour Std. of 0.09 ppm	5	9	7
	# Days>California 8-hour Std. of 0.07 ppm	10	25	14
Respirable Particulate Matter (PM_{10})	Year Coverage	93%	95%	99%
	Max. 24-hour Concentration (µg/m^3)	74.0	42.0	56.0
	#Days>Fed. 24-hour Std. of 150 µg/m^3	0.0	0.0	0.0
	#Days>California 24-hour Std. of 50 µg/m^3	ND	ND	6.1[a]
	Annual Average (µg/m^3)	23.0	22.6	23.6
Fine Particulate Matter ($PM_{2.5}$)	Year Coverage	79%	99%	95%
	Max. 24-hour Concentration (µg/m^3)	46.8	32.6	39.2
	State Annual Average (µg/m^3)	ND	10.4	9.5
	#Days>Fed. 24-hour Std. of 35 µg/m^3	ND	0.0	3.5[a]
	Annual Average (µg/m^3)	ND	10.4	9.5

Source: California Air Resources Board, "iADAM Air Quality Data Statistics." Internet URL: http://www.arb.ca.gov/adam/ (June 2, 2011).
[a] Estimated Days > Standard.

Table 3.2-3 – Ambient Air Quality Monitoring Data for Costa Mesa

Air Pollutant	Standard/Exceedance	2850 Mesa Verde Drive East Costa Mesa		
		2007	2008	2009
Nitrogen Dioxide (NO_2)	Year Coverage	96%	95%	98%
	Max. 1-hour Concentration (ppm)	0.074	0.081	0.065
	Annual Average (ppm)	0.013	0.013	0.013
	# Days>California 1-hour Std. of 0.18 ppm	0	0	0

Source:
California Air Resources Board, "iADAM Air Quality Data Statistics." Internet URL: http://www.arb.ca.gov/adam/ (June 2, 2011).

3.2.3 Regulatory Setting

Federal, state, and local agencies have set ambient air quality standards for certain air pollutants through statutory requirements and have established regulations and various plans and policies to maintain and improve air quality, as described below.

i. Federal Regulations

The Federal Clean Air Act (CAA), passed in 1970, established the national air pollution control program. The basic elements of the CAA are the National Ambient Air Quality Standards (NAAQS) for criteria air pollutants, hazardous air pollutants standards, state attainment plans, motor vehicle emissions standards, stationary source emissions standards and permits, acid rain control measures, stratospheric ozone protection, and enforcement provisions.

The NAAQS are the maximum allowable concentrations of criteria pollutants, over specified averaging periods, to protect human health. The CAA requires that the U.S. Environmental Protection Agency (USEPA) establish NAAQS and reassess, at least every five years, whether they are adequate to protect public health, based on current scientific evidence. The NAAQS are divided into primary and secondary standards; the former are set to protect human health within an adequate margin of safety, and the latter to protect environmental values, such as plant and animal life.

Data collected at permanent monitoring stations are used by the USEPA to classify regions as “attainment” or “nonattainment,” depending on whether the regions met the requirements stated in the primary NAAQS. Nonattainment areas are subject to additional restrictions, as required by the USEPA.

The CAA Amendments in 1990 substantially revised the planning provisions for those areas not currently meeting NAAQS. The Amendments identify specific emission reduction goals that require both a demonstration of reasonable further progress and attainment, and incorporate more stringent sanctions for failure to attain the NAAQS or to meet interim attainment milestones.

Table 3.2-4 (Ambient Air Quality Standards for Criteria Air Pollutants) lists the NAAQS and CAAQS for criteria pollutants.

Table 3.2-4 – Ambient Air Quality Standards for Criteria Air Pollutants

Pollutant	Averaging Time	California Standards[a]		Federal Standards[b]		
		Concentration[c]	Method[d]	Primary[c,e]	Secondary[c,f]	Method[g]
Ozone (O_3)	1 Hour	0.09 ppm (180 µg/m^3)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.07 ppm (137 µg/m^3)		0.075 ppm (147 µg/m^3)		
Respirable Particulate Matter (PM_{10})	24 Hour	50 µg/m^3	Gravimetric or Beta Attenuation	150 µg/m^3	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m^3		—		
Fine Particulate Matter ($PM_{2.5}$)	24 Hour	No Separate State Standard		35 µg/m^3	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m^3	Gravimetric or Beta Attenuation	15 µg/m^3		
Carbon Monoxide (CO)	8 Hour	9 ppm (10 mg/m^3)	Non-Dispersive Infrared Photometry (NDIR)	9 ppm (10 mg/m^3)	None	Non-Dispersive Infrared Photometry (NDIR)
	1 Hour	20 ppm (23 mg/m^3)		35 ppm (40 mg/m^3)		
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m^3)		—	—	—
Nitrogen Dioxide (NO_2)	Annual Arithmetic Mean	0.030 ppm (57 µg/m^3)	Gas Phase Chemiluminescence	0.053 ppm (100 µg/m^3)	Same as Primary Standard	Gas Phase Chemiluminescence
	1 Hour	0.18 ppm (339 µg/m^3)		0.1 ppm (188 µg/m^3)	None	
Sulfur Dioxide (SO_2)	24 Hour	0.04 ppm (105 µg/m^3)	Ultraviolet Fluorescence	—	—	Ultraviolet Fluorescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m^3)	
	1 Hour[h]	0.25 ppm (655 µg/m^3)		0.075 ppm (196 µg/m^3)	—	
Lead[i]	30 Day Average	1.5 µg/m^3	Atomic Absorption	—	—	—
	Calendar Quarter	—		1.5 µg/m^3	Same as Primary Standard	High Volume Sampler and Atomic Absorption
	Rolling 3-Month Average[j]	—		0.15 µg/m^3		
Visibility Reducing Particles	8 Hour	Extinction coefficient of 0.23 per kilometer–visibility of 10 miles or more (0.07 – 30 miles or more for Lake Tahoe) due to particles when relative humidity is less than 70%. Method: Beta Attenuation and Transmittance through Filter Tape.		**No Federal Standards**		
Sulfates	24 Hour	25 µg/m^3	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m^3)	Ultraviolet Fluorescence			
Vinyl Chloride[i]	24 Hour	0.01 ppm (26 µg/m^3)	Gas Chromatography			

a. California standards for ozone, carbon monoxide (except Lake Tahoe), sulfur dioxide (1 and 24 hour), nitrogen dioxide, suspended particulate matter–-PM_{10}, $PM_{2.5}$, and visibility reduction particles, are values that are not to be exceeded. All others are not to be equaled or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
b. National standards (other than ozone, particulate matter, and those based on annual averages or annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration in a year, averaged over 3 years, is equal to or less than the standard. For PM_{10}, the 24-hour standard is attained when the expected number of days per calendar with a 24-hour average concentration above 150 µg/m^3 is equal to or less than one. For $PM_{2.5}$, the 24-hour standard is attained when 98% of the daily concentrations, averaged over 3 years, are equal to or less than the standard.
c. Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25^{o}C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25^{o}C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
d. Any equivalent procedure which can be shown to the satisfaction of the CARB to give equivalent results at or near the level of the air quality standard may be used.
e. National Primary Standards: The levels of air quality necessary, with an adequate margin of safety to protect the public health.
f. National Secondary Standards: The levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a pollutant.
g. Reference method as described by the USEPA. An “equivalent method” of measurement may be used but must have a “consistent relationship

to the reference method" and must be approved by USEPA.
h. On June 2, 2010, the USEPA established a new 1-hour SO_2 standard, effective August 23, 2010, which is based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations. The USEPA also revoked both the existing 24-hour SO_2 standard of 0.14 ppm and the annual primary SO_2 standard of 0.030 ppm, effective August 23, 2010.
i. The CARB has identified lead and vinyl chloride as "toxic air contaminants" with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
j. National lead standard, rolling 3-month average: final rule signed October 15, 2008.

Source: California Air Resources Board, "Ambient Air Quality Standards." Internet URL: http://www.arb.ca.gov/research/aaqs/aaqs2.pdf. (September 8, 2010).

ii. State Regulations

The State of California began to set California Ambient Air Quality Standards (CAAQS) in 1969 under the mandate of the Mulford-Carrell Act. There were no attainment deadlines for the CAAQS originally. However, the State Legislature passed the California Clean Air Act (California CAA) in 1988 to establish air quality goals, planning mechanisms, regulatory strategies, and standards of progress to promote their attainment. The CARB, which became part of the California Environmental Protection Agency (Cal EPA) in 1991, is responsible for ensuring implementation of the California CAA, responding to the federal CAA, and for regulating emissions from motor vehicles and consumer products.

The California CAA requires attainment of CAAQS by the earliest practicable date. The state standards are generally more stringent than the corresponding federal standards. Attainment plans are required for air basins in violation of the state O_3, PM_{10}, CO, SO_2, or NO_2 standards. Responsibility for achieving state standards is placed on the CARB and local air pollution control districts. District plans for nonattainment areas must be designed to achieve a 5-percent annual reduction in emissions. Preparation of and adherence to attainment plans are the responsibility of the local air pollution districts or air quality management districts.

iii. Local Regulations

The SCAQMD is the local agency responsible for monitoring air quality, as well as planning, implementing and enforcing programs designed to attain and maintain NAAQS and CAAQS over the region.

The District's Rule 403, as described below, limits fugitive dust emissions during construction. For operations at hotels, the SCAQMD typically issues permits for certain types of stationary equipment, such as boilers and emergency generators. The permits impose conditions that limit air pollutant emissions. Even when equipment does not require a permit, it may still be subject to SCAQMD source-specific rules, such as those covering boilers, gas heaters, and other typical hotel equipment.

Rule 403

SCAQMD Rule 403 applies to any activities, such as construction, capable of generating fugitive dust (from demolition, excavation, etc.). Its purpose is to

prevent, reduce or mitigate fugitive dust emissions. Among other things, the rule requires that:

1. No person shall cause or allow emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area to remain visible in the atmosphere beyond the property line, or exceed 20 percent opacity (determined in the Rule 403 Implementation Handbook);

2. No person shall conduct active operations without utilizing applicable best available control technology (BACT) methods listed in Table 1 of Rule 403;

3. No person shall cause or allow an increase of PM_{10} levels to exceed 50 micrograms per cubic meter; and

4. No person shall allow track-out to extend 25 feet or more in cumulative length from the point of origin from an active operation.

Rule 1146

Dependent on the rated heat input capacity of commercial boilers, or process heaters used for the proposed hotel's operations, Rule 1146, Rule 1146.1, or Rule 1146.2 may apply. In general, the rules set limits for emissions of NO_x.

3.2.4 Thresholds of Significance

i. CEQA Guidelines

This analysis was prepared in accordance with Appendix G of the California Environmental Quality Act (CEQA) Guidelines, and with the SCAQMD *CEQA Air Quality Handbook*. Air quality impacts are typically divided into short-term and long-term impacts. Short-term impacts are associated with construction activities, such as site grading, excavation, and building construction of a proposed project. Long-term impacts are associated with the operation of a proposed project upon its completion.

In accordance with *State CEQA Guidelines* Appendix G, implementation of the proposed project would result in a potentially significant impact if it were to:

- Conflict with or obstruct implementation of the applicable air quality plan;
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation;
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors);
- Expose sensitive receptors to substantial pollutant concentrations; or
- Create objectionable odors affecting a substantial number of people.

Where available, the significance criteria established by the applicable air quality management district (AQMD) or air pollution control district (APCD) may be relied upon to make the significance determinations. As will be discussed in the next two sections, the SCAQMD has developed a *CEQA Air Quality Handbook* to provide a protocol for air quality analyses that are prepared under the requirements of CEQA.

ii. Emission Thresholds for Regional Impacts

The SCAQMD has established thresholds of significance, which are summarized in **Table 3.2-5** (SCAQMD Significance Thresholds) for pollutant emissions during a project's construction and operation. A project is considered to have a regional air quality impact if emissions from its construction and/or operational activities exceed the corresponding SCAQMD significance thresholds.

Table 3.2-5 – SCAQMD Significance Thresholds

Project Phase	Pollutant Emission Threshold (lbs/day)					
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$	SO_x
Construction	75	100	550	150	55	150
Operation	55	55	550	150	55	150
Source: SCAQMD, *CEQA Air Quality Handbook*, November 1993 (Revised October 2006).						

iv. Emission Thresholds for Localized Impacts

As part of its environmental justice program to address localized air quality impacts of a development project, SCAQMD developed localized significance thresholds (LSTs) in 2003.[10] LSTs represent the maximum NO_x, CO, PM_{10}, and $PM_{2.5}$ emissions from a project that are not expected to cause or contribute to an exceedance of the most stringent applicable federal or state ambient air quality standard. NO_x and CO LSTs are developed based on the ambient concentrations of that pollutant for each SRA and distance to the nearest off-site receptor. For PM_{10}, LSTs were derived based on requirements in SCAQMD Rule 403. Note that LST does not apply to ROG emissions, since there is no ambient air quality standard for ROG.

For the purposes of a CEQA analysis, the SCAQMD considers a sensitive receptor to be a receptor such as a residence, hospital, or convalescent facility where it is possible that an individual could remain for 24 hours. Commercial and industrial facilities are not included in the definition of sensitive receptor, because employees typically are present for shorter periods of time, such as eight hours. Therefore, applying a 24-hour standard for PM_{10} is appropriate not only because the averaging period for the state standard is 24 hours, but because the sensitive receptor would be present at the location for the full 24 hours.

The SCAQMD has developed mass rate look-up tables that can be used to determine whether a project may generate significant localized air quality impacts to off-site receptors (including sensitive receptors). Note that the use of LSTs is

[10] SCAQMD. 2003. *Localized Significance Threshold Methodology*.

voluntary, to be implemented at the discretion of the lead agency pursuant to CEQA.

3.2.5 Methodology

Estimated air emissions from the project's on-site and off-site project activities were calculated using the California Emissions Estimator Model (CalEEMod). CalEEMod is a planning tool for estimating emissions related to land use projects. The model incorporates EMFAC2007 emission factors to estimate on-road vehicle emissions; and emission factors and assumptions from the CARB's OFFROAD2007 model to estimate off-road construction equipment emissions.[11] The operational emissions take into account area emissions, such as space heating, from land uses and from the vehicle trips associated with the land uses. Model-predicted project emissions were compared with applicable thresholds to assess regional air quality impacts. The proposed project's operational emissions were estimated using CalEEMod and compared with the baseline emissions (from the existing 46-room motel and drive-through fast food restaurant) as of the NOP date. When applicable, the potential for the project to contribute to CO hotspots is assessed using the CALINE4 model.[12]

3.2.6 Project Impacts

The following discussion evaluates the proposed project's short-term and long-term emissions and compares them with the thresholds established above to determine impacts.

i. Short-Term Impacts (Construction)

Impact 3.2-1: Temporary construction-related dust and vehicle emissions would occur during site preparation and project construction. Implementing mitigation measures MM 3.2-1 through MM 3.2-3 (watering exposed areas during grading, etc.) would reduce localized particulate matter impacts to a less-than-significant level.

Project construction activities would generate short-term air quality impacts. Construction emissions can be distinguished as either on-site or off-site. On-site air pollutant emissions consist principally of exhaust emissions from off-road heavy-duty construction equipment, as well as fugitive particulate matter from earthworking and material handling operations. Off-site emissions result from workers commuting to and from the job site, as well as from trucks hauling materials to the site and construction debris for disposal.

[11] *California Emissions Estimator Model User's Guide Version 2011.1*. Prepared by Environ International Corporation, Emeryville, California for South Coast Air Quality Management District, Diamond Bar, California (February, 2011).

[12] California Department of Transportation. 1989. *CALINE4 Manual*. June.

a. Regional Impacts

The analysis focused upon the construction for the development of the Doheny Hotel. Project construction involves demolition of the existing structures on site, excavation for the underground parking lot, grading, hotel construction, paving, and application of architectural coatings to the hotel's interior and exterior.

Project construction emissions were estimated using the construction module of CalEEMod. For the purpose of this analysis, it was estimated that the construction of the proposed project would begin in 2014 and take 24 months to complete.[13] The types and numbers of pieces of equipment anticipated in each phase of construction and development were estimated based on equipment requirements of similar hotel construction projects, and CalEEMod defaults. Equipment exhaust emissions were determined using CalEEMod default values for horsepower and load factors, which are from the CARB's OFFROAD2007 model. **Table 3.2-6** (Proposed Project: Maximum Daily Construction Emissions, Unmitigated) summarizes the results of the modeling. For additional assumptions and methods refer to **Appendix B** (*Draft Air Quality Analysis for Doheny Hotel Dana Point, California)*

Table 3.2-6 – Proposed Project: Maximum Daily Construction Emissions, Unmitigated

Construction Activity	Maximum Emissions (lbs/day)				
	ROG	**NO_x**	**CO**	**PM_{10}**	**$PM_{2.5}$**
Maximum Cumulative Emissions	21.61	66.13	38.13	116.42	8.21
Construction Activities Corresponding to Maxima	Architectural Coating	Grading	Grading	Building Construction	Grading
SCAQMD Significance Thresholds	*75*	*100*	*550*	*150*	*55*
Significant (Yes or No)	**No**	**No**	**No**	**No**	**No**
Source: Calculated by UltraSystems with CalEEMod (Version 2011.1).					

According to **Table 3.2-6**, the proposed project would not have significant short-term regional air quality impacts.

b. Localized Impacts

The air quality analysis included estimation of the exposure of sensitive receptors to localized concentrations of criteria air pollutants. Sensitive receptors are persons who are more susceptible to air pollution than the general population, such as children, athletes, the elderly, and the chronically ill. For the purposes of a CEQA analysis, the SCAQMD considers a sensitive receptor to be a location such as a residence, hospital, or convalescent facility where it is possible that an individual could remain for 24 hours per day.[14] The nearest sensitive land use is an apartment complex on the north

[13] Letter from Ed Mandich, Project Manager, Hunsaker & Associates Irvine, Inc., Irvine, California to Erica Demkowicz, Senior Planner, City of Dana Point, Dana Point, California. January 20, 2012.

[14] Section 4.2.4 includes more information on how sensitive receptors are defined for the purpose of localized significance analyses.

side of Pacific Coast Highway. This multi-family residence is approximately 100 feet away from the hotel project site. **Table 3.2-7** (Sensitive Land Uses Near Proposed Project) describes each sensitive receptor further.

Construction of the proposed project would generate short-term and intermittent emissions. **Table 3.2-8** (Results of Localized Significance Analysis – Construction) shows the results of the localized significance analysis for the proposed project.

The analysis was based on SCAQMD's LSTs for a one-acre disturbance area 25 meters (82 feet) away from the nearest sensitive receptor. In general, for a given distance away from a sensitive receptor, the greater the construction area is, the greater the significance threshold is. Also, for a given construction site area, the farther away the receptor is, the greater the significance threshold is. Because the actual site is greater than one acre and is approximately 25 meters (82 feet) away, all unmitigated construction emissions, except PM_{10} and $PM_{2.5}$, are below the LSTs for the proposed project. However, with the fugitive dust control measures required under SCAQMD Rule 403 and mitigation measures MM 3.2-1 through MM 3.2-3 presented in Section 3.2.8, daily PM_{10} and $PM_{2.5}$ emissions are anticipated to be below their thresholds. Thus, with mitigation, localized impacts would be less than significant.

Table 3.2-7 – Sensitive Land Uses Near Project Site

Sensitive Land Use	Location	Distance from Doheny Hotel Site Boundary (Feet)
Best Western Plus Hotel Dana Point	34280 Pacific Coast Highway, Dana Point, CA 92629	100
Laguna Cliffs Marriott Resort & Spa	25135 Park Lantern, Dana Point, CA 92629	350
Single-family residential	25300 Terrace Lantern, Dana Point, CA 92629	360
Multiple-family residential	34300 Lantern Bay Drive, Dana Point, CA 92629	1,120
Multiple-family residential	34302 Pacific Coast Highway, Dana Point, CA 92629	100
Multiple-family residential	33831 Camino Capistrano, Capistrano Beach, CA 92624	4,000 and 260[a]
Single-family residential	25198 Via Elevado, Dana Point, CA 92629	500

[a] 4,000 feet from hotel and 260 feet from off-site parking area.
Source: UltraSystems with Google Earth. 2011.

Table 3.2-8 – Results of Localized Significance Analysis - Construction

Construction Activity	Maximum Emissions (lbs/day)			
	NO_x	CO	PM_{10}	$PM_{2.5}$
Proposed Project	**52.49**	**30.77**	**11.83**	**7.63**
Construction Activities	Grading	Grading	Grading	Grading
SCAQMD Significance Thresholds	*91*	*696*	*4*	*3*
Significant (Yes or No)	**No**	**No**	**Yes**	**Yes**

Source: Calculated by UltraSystems with CalEEMod (Version 2011.1).
SCAQMD. 2003. *Localized Significance Threshold Methodology*.

c. **Objectionable Odors**

Construction activities for the proposed project would generate airborne odors associated with the operation of construction vehicles (i.e., diesel exhaust), asphalt paving operations, and the application of paints and coatings. These emissions would occur during daytime hours only, and would be isolated to the immediate vicinity of the construction site and activity. Therefore, they would not affect a substantial number of people.

When project construction is completed, odors from the proposed uses of the proposed project would not significantly differ from odors emanating from typical hotels or restaurants. Although a South Orange County Wastewater Authority (SOCWA) wastewater treatment plant is approximately 1,000 feet northeast of the project site, the facility's first and only nuisance, or odor, violation occurred on January 2, 2001. Since then, the SOCWA wastewater treatment plan has been in compliance, and has had no other SCAQMD violations.[15] Therefore, the objectionable odors would result in a less than significant impact.

ii. Long-Term Impacts (Operations)

Impact 3.2-2: The proposed project would increase the overall local and regional pollutant load compared to the baseline conditions. However, the increase in operational air emissions as a result of the Doheny Hotel Project would not exceed the SCAQMD thresholds. Impacts are expected to be less than significant.

The primary source of operational emissions would be vehicle exhaust emissions generated from project-induced vehicle trips, known as "mobile source emissions." Other emissions, identified as "area source emissions," would be generated from energy consumption for water and space heating for the proposed hotel; structural maintenance and landscaping activities; and use of consumer products.

[15] "Facility INformation Detail (FIND)," South Coast Air Quality Management District, http://www3.aqmd.gov/webappl/fim/prog/novnc.aspx?fac_id=3866. (Accessed October 17, 2012).

a. Regional Impacts

Because the proposed project would include the demolition of a 46-room motel and a fast food restaurant with a drive-through, in addition to the construction of the Doheny Hotel, operational emissions for the opening year (2015) must be compared to baseline conditions as of the Notice of Preparation date (2010). The baseline conditions account for both area and mobile source emissions from the 46-room motel and the fast food restaurant with a drive-through as of 2010. The CalEEMod-predicted area source and mobile source emissions for both the proposed project and the baseline condition, as well as the differences in emissions from the two cases, are shown in **Table 3.2-9** (Proposed Project: Daily Project Operational Emissions).

Table 3.2-9 – Proposed Project: Daily Project Operational Emissions

Year	Emissions Source	Pollutant (lbs/day)				
		ROG	**NO_X**	**CO**	**PM_{10}**	**$PM_{2.5}$**
Baseline Year (2010)	Area Source Emissions	2.17	1.53	1.29	0.12	0.12
	Mobile Source Emissions	5.10	9.09	45.56	4.74	0.42
	Total Operational Emissions	**7.27**	**10.62**	**46.85**	**4.86**	**0.54**
Opening Year (2015)	Area Source Emissions	6.22	3.17	2.66	0.24	0.24
	Mobile Source Emissions	8.79	17.27	80.54	14	1.17
	Total Operational Emissions	**15.01**	**20.44**	**83.2**	**14.24**	**1.41**
Difference Between Baseline and Proposed Project	Area Source Emissions	4.05	1.64	1.37	0.12	0.12
	Mobile Source Emissions	3.69	8.18	34.98	9.26	0.75
	Total Operational Emissions	**7.74**	**9.82**	**36.35**	**9.38**	**0.87**
	SCAQMD Significance Thresholds	55	55	550	150	55
	Significant (Yes or No)	**No**	**No**	**No**	**No**	**No**
Source: Calculated by UltraSystems with CalEEMod (Version 2011.1).						

Table 3.2-9 shows that the proposed project's operational impacts would be less than significant

b. Impacts of Carbon Monoxide Hotspots

The SCAQMD does not ordinarily require localized significance analyses for operational emissions from stationary sources such as hotels. However, mobile sources associated with the project have the potential to create CO "hotspots." Hotspots are elevated concentrations of CO in small areas (mainly street intersections) that result from motor vehicle emissions in heavy traffic. They are analyzed because of their potentially significant effect on sensitive receptors. Adherence to the CAAQS or NAAQS is typically demonstrated through an analysis of localized (micro scale) CO concentrations. When ambient levels are below the State or federal CO standards excluding all project influences, a project is considered to have significant impacts if project-related emissions result in an exceedance of one or more of these standards. If ambient levels already exceed a State or federal standard, project emissions are considered significant if they increase

one-hour CO concentrations by 1.0 ppm or more or eight-hour CO concentrations by 0.45 ppm or more.[16]

Increased local vehicle traffic may contribute to off-site air quality impacts. The traffic increases in nearby intersections may contribute to traffic congestion, which may create "pockets" of CO called hotspots. These pockets have the potential to exceed the State 1-hour standard of 20 ppm and/or the 8-hour standard of 9.0 ppm, thus affecting sensitive receptors that are close to these roadways or intersections. CO hotspots typically are found at busy intersections, but can also occur along congested major arterials and freeways. They occur mostly in the early morning hours when winds are stagnant and ambient CO concentrations are elevated. In accordance with the California Department of Transportation (Caltrans) CO Protocol,[17] CO hotspots are evaluated when a project degrades the level of service (LOS) at a nearby signalized intersection to "E" or worse. Typically, hotspots analyses are not performed for unsignalized intersections, which have lower traffic volumes than those with signals. This is particularly the case when a hotspots analysis shows no impacts for the most congested, signalized intersections.

The proposed project's traffic analysis[18] suggests that with recommended roadway improvements,[19] the LOS for the two signalized intersections, Dana Point Harbor Drive and Pacific Coast Highway, and Dana Point Harbor Drive and Park Lantern, would not be degraded by the proposed project. Because the proposed project would not degrade the LOS at any nearby signalized intersections to "E" or worse, a CO hotspots analysis is not required.

iii. Conformity with Air Quality Management Plan

As discussed in Section 3.2.2, the SCAQMD has established an AQMP that proposes policies and measures to achieve federal and State standards for healthful air quality in the SCAB. The most recently approved AQMP was adopted by the SCAQMD Board of Directors on June 1, 2007.

The AQMP incorporates land use assumptions from local general plans and regional growth projections developed by SCAG to estimate stationary and mobile air emissions associated with projected population and planned land uses. If the proposed land use is consistent with the local general plan, then the impact of the project is presumed to have been accounted for in the AQMP. This is because the land use and transportation control sections of the AQMP are based on the SCAG regional growth forecasts, which incorporated projections from local general plans.

Another measurement tool in determining consistency with the AQMP is to determine whether a project would generate population and employment growth and, if so, whether that growth would exceed the growth rates forecasted in the

[16] SCAQMD. 1993. *CEQA Air Quality Handbook.* April.
[17] California Department of Transportation. 1997. *Transportation Project-Level Carbon Monoxide Protocol*.
[18] Kunzman Associates, Inc. *City of Dana Point Doheny Hotel Traffic Impact Analysis.* August 2, 2012.
[19] Kunzman Associates, Inc. *City of Dana Point Doheny Hotel Traffic Impact Analysis.* August 2, 2012. Page 114.

AQMP and how the project would accommodate the expected increase in population or employment.

The proposed project would not conflict with the land use designation specified in the Land Use Plan contained in the Dana Point Specific Plan/Local Coastal Program. In addition, the proposed project is neither a source of new housing nor a significant source of new jobs; hence, the proposed project is not considered growth or population-inducing on a regional scale. Therefore, the proposed project would not conflict with or obstruct the implementation of the AQMP. The impact would be less than significant.

3.2.7 Cumulative Impacts

Cumulative impacts account for both short-term (construction) and long-term (operational) impacts. Impacts are cumulatively significant when modeling shows that the combined emissions from the proposed project and other planned or existing projects would exceed air quality standards (SCAQMD Thresholds).

i. Short Term Impacts

Impact 3.2-3: The proposed project, in combination with the Dana Point Harbor Revitalization Project and the 169-unit residential development, GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01, would increase the short-term NO_x emissions within the surrounding areas. With the implementation of mitigation measures MM 3.2-4, regional NO_x emissions would be below the thresholds. Cumulative short-term impacts from the proposed project would be less than significant.

The Dana Point Harbor Revitalization Project (Revitalization Project),[20] which includes various construction, renovations, and improvements to the marina and the commercial area surrounding it, was approved in 2011; however, construction for it has not been started.[21] The proposed construction start date for the Revitalization Project is 2013. The proposed project construction may coincide with that of a proposed 169-unit residential development (GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01) across the Pacific Coast Highway and Del Obispo Street intersection to the northwest.

Considering the potential timing of construction for the Revitalization Project and GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01, and the proximity of the harbor and GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01 to the proposed project site, the maximum calculated construction emissions for each criteria pollutant from the Dana Point Harbor Revitalization Project,[22] and GPA 07-01/ZTA 07-02/ZC

[20] *Dana Point Harbor Revitalization Project Program EIR No. 591 Volume 1.* Prepared by RBF Consulting, Irvine, CA for County of Orange, Dana Point Harbor Department. January 31, 2006.
[21] Email communication from Erica Demkowicz, Senior Planner at City of Dana Point, Dana Point, California, to Ole Barre, Senior Project Manager, UltraSystems Inc., Irvine, California. January 18, 2012.
[22] *Dana Point Harbor Revitalization Project Program EIR No. 591 Volume 1.* Prepared by RBF Consulting, Irvine, CA for County of Orange, Dana Point Harbor Department. January 31, 2006. Table 4.6-9.

07-01/LCPA 07-01[23] were added to the emissions from this project to determine cumulative impacts for the proposed project. **Table 3.2-10** (Proposed Project: Maximum Daily Cumulative Construction Emissions) show the cumulative construction emissions for the proposed project.

Table 3.2-10 – Proposed Project: Maximum Daily Cumulative Construction Emissions

Construction Activity	Maximum Emissions (lbs/day)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Maximum Project Emissions (Unmitigated)	21.61	66.13	38.13	116.42	8.21
Dana Point Harbor Revitalization Project Emissions (Mitigated)	11.87	69.37	101.00	4.14	4.14[a]
GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01 (Mitigated)	19.80	23.90	35.60	3.70	0.90
Cumulative Emissions	53.28	159.40	174.73	124.26	13.25
SCAQMD Significance Thresholds	*75*	*100*	*550*	*150*	*55*
Significant (Yes or No)	**No**	**Yes**	**No**	**No**	**No**
Project as a percent of Cumulative Emissions	41%	41%	22%	94%	62%

[a] Revitalization Project EIR does not separate PM_{10} from $PM_{2.5}$, so UltraSystems assumed, as a worst case, that all PM_{10} is also $PM_{2.5}$.
Source:
UltraSystems
Dana Point Harbor Revitalization Project Program EIR No. 591 Volume 1. January 31, 2006.
Air Quality Analysis GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01. September 9, 2008.

Table 3.2-10 shows that cumulative construction emissions would be less than the regional significance thresholds for all criteria pollutants except NO_x. However, with the implementation of mitigation measures MM 3.2-4, the proposed project would emit a maximum of 41.33 lbs/day NO_x, which represents approximately 31% of the cumulative regional NO_x impacts from construction. Therefore, the cumulative construction impacts would be less than significant.

ii. Long-Term Impacts

Impact 3.2-4: The proposed project, in combination with the Dana Point Harbor Revitalization Project and GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01, would increase the long-term air emissions within the surrounding areas. The cumulative operational emissions for ROG, NO_x, CO, and $PM_{2.5}$ would exceed their respective SCAQMD thresholds; however, as a percent of the cumulative operational emissions, the proposed project's emissions are 10%,

[23] *Air Quality Analysis GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01*. Prepared for Keeton Kreitzer Consulting, Tustin, CA. September 9, 2008.

16%, 6%, and 2% of the respective ROG, NO_X, CO, and $PM_{2.5}$ cumulative emissions. Thus, additional mitigation measures would not be necessary. Cumulative long-term impacts from the proposed project would be less than significant.

Table 3.2-11 (Proposed Project: Daily Total Cumulative Operational Emissions) shows that the incremental criteria pollutant emissions with respect to the NOP baseline in addition to both the Revitalization Project and GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01's operational emissions for ROG, NO_x, CO, and $PM_{2.5}$ exceed their respective SCAQMD significance thresholds. However, as a percent of the cumulative operational emissions, the proposed project's emissions are 10%, 16%, 6%, and 2% of the respective ROG, NO_X, CO, and $PM_{2.5}$ cumulative emissions. Furthermore, the operational analysis for GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01 assumed a 2010 opening year for the residential units, which does not account for future improvements to mobile source NO_X and CO reduction (GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01 mobile sources make up 95% and 99% of the total operational NO_X and CO, respectively). Therefore, the cumulative operational impacts would be less than significant.

Table 3.2-11 – Proposed Project: Daily Total Cumulative Operational Emissions

Emissions Source	Pollutant (lbs/day)				
	ROG	**NO_X**	**CO**	**PM_{10}**	**$PM_{2.5}$[a]**
Proposed Project (Incremental based on NOP)	7.74	9.82	36.35	9.38	0.87
Harbor Revitalization Project (Mitigated)	27.20	2.74	80.44	41.16	41.16[a]
GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01[b]	46.40	48.00	449.70	78.60	15.20
Total	**81.34**	**60.56**	**566.49**	**129.14**	**57.23**
SCAQMD Significance Thresholds	55	55	550	150	55
Significant (Yes or No)	**Yes**	**Yes**	**Yes**	**No**	**Yes**
Project as a percent of Cumulative Emissions	10%	16%	6%	7%	2%

[a] Revitalization Project EIR does not separate PM_{10} from $PM_{2.5}$, so UltraSystems assumed as a worse-case scenario, all PM_{10} is also $PM_{2.5}$.
[b] Uses 2010 emission factors.
Source:
UltraSystems
Dana Point Harbor Revitalization Project Program EIR No. 591 Volume 1. January 31, 2006.
Air Quality Analysis GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01. September 9, 2008.

3.2.8 Mitigation Measures

i. ***Construction Phase***

The analysis of construction emissions determined that NO_x regional air quality impacts, and PM_{10} and $PM_{2.5}$ localized air quality impacts would be significant without mitigation. These impacts would be reduced to a less-than-significant level by the following measures:

MM 3.2-1: During grading, water exposed surfaces at least twice daily. (PM_{10} reduction: 34-68%)[24]

MM 3.2-2: Enclose, cover, and apply water twice daily to exposed piles of earthwork with 5% or greater silt content. (PM_{10} reduction: 30-74%)[25]

MM 3.2-3: All trucks hauling earthwork or other loose materials are to be covered or should maintain at least two feet of freeboard. (PM_{10} reduction: 7-14%)[26]

MM 3.2-4: When feasible, implement construction equipment with Tier 2 to Tier 3 diesel engines during grading. (NO_X reduction: 38-39%)[27]

3.2.9 Project Design Features

No air quality project design features have been identified for the proposed project.

3.2.10 Level of Project Impact Significance after Mitigation

The project's air quality impacts from construction and operations would be less than significant after mitigation measures are incorporated.

[24] SCAQMD. 1993. *CEQA Air Quality Handbook.* April. Page 11-15.
[25] Ibid.
[26] Ibid.
[27] SCAQMD. Table II - Off-Road Engine Emission Rates & Comparison Of Uncontrolled To Tiered Rates And Tiered To Tiered Rates. www.aqmd.gov/ceqa/handbook/mitigation/offroad/TableII.xls (Accessed October, 22, 2012).

3.3 BIOLOGICAL RESOURCES

3.3.1 Introduction

The purpose of this section is to describe the potential for threatened, endangered and other special-status biological species and habitats to occur on the Doheny Hotel Project site (project) located in City of Dana Point of Orange County, California. It also addresses the potential of the project to adversely affect those biological resources and recommends impact avoidance and minimization measures to reduce the potential impacts. A Biological Assessment was conducted for the project site and is included as **Appendix C**.

3.3.2 Environmental Setting

The project site is located adjacent to a mixed residential and commercial area that supports urban habitats typical of Southern California. Surrounding the project are Pacific Coast Highway (PCH) immediately to the north, Dana Point Harbor Drive to the east, Lantern Bay Park and its parking lot to the south, and commercial uses (restaurants) to the west of the project site. Vegetation within the project area and its 100-foot buffer zone consists mostly of weedy species and ornamental vegetation.

i. Hydrology

The project site is located approximately 0.3 miles west of San Juan Creek and approximately 0.3 miles north of the Pacific Ocean. A small drainage culvert containing a mix of non-native and native riparian vegetation, such as umbrella tree (*Schefflera actinophylla*)*, crystalline iceplant (*Mesembryanthemum crystallinum*)*, cattail (*Typha* sp.), willows (*Salix* sp.), elderberry (*Sambucus nigra*), Fremont cottonwood (*Populus fremontii*), sedges (*Carex* sp.), and mulefat (*Baccharis salicifolia*), is present at about 300 feet southwest of the site (Figure 3.3-1). The disturbed riparian vegetation area is approximately 2,700 square feet. Please note that the existing small drainage culvert does not have an obvious connection to the project site; however, standard water quality Best Management Practices common to most Southern California projects will contain pollutants within the construction site. Therefore, impacts to surrounding waterways are not expected. No other hydrological concerns are within the immediate location of the project study area.

ii. Critical Habitat

The project site is not within federally designated critical habitat for any special-status species. However the closest designated critical habitat, for steelhead trout (*Oncorhynchus mykiss*), is less than 0.3 miles west of the project site. Critical habitat for coastal California gnatcatcher (*Polioptila californica californica*) is located approximately 1.0 miles north and critical habitat for the Arroyo toad (*Bufo californicus*) is located approximately 2.6 miles northwest of the project site.

UltraSystems

Map Source: Google Earth 2011

Urban Area **Riparian Area**

Figure 3.3-1: Vegetation Map
Doheny Hotel Project Site

iii. Vegetation Communities (Urban Lands)

Urban lands are the only vegetation community identified at the project area (Figure 3.3-1). These are areas which have been cleared of pre-existing vegetation and usually feature exotic species that have replaced the original native vegetation. Species composition varies widely amongst urban lands, but they usually feature multiple canopy levels of different ornamental landscaping plants. Canopies may be continuous and discontinuous. The understory of any trees present usually consists of exotic ornamental shrubs and turf grass. Plant species in urban habitats may occur together or they may have been planted in monotypic stands. These low quality vegetation communities do not readily support special-status species due to continual maintenance.

iv. Special-Status Species

The project identified a special-status animal species to have moderate potential to occur at the project site. The Cooper's hawk (*Accipiter cooperii*) has moderate potential to occur onsite. This species is a species of special concern at state level that is not a threatened and endangered species. No special-status plant species was identified to have moderate to high potential to occur at the project site.

Cooper's Hawk

Although Cooper's hawk (*Accipiter cooperii*) was not observed during the 2011 field survey, this species has a potential for occurrence within the project site. The project is within seven miles of recorded occurrences of this species. Suitable foraging habitat is present within the large Eucalyptus and Pine trees immediately south of the project study area. Implementation of the Avoidance and Minimization Measures concerning nesting birds will confirm presence/absence. If presence is identified, further consultation with the agencies will be necessary.

3.3.3 Regulatory Setting

As discussed above, a special-status bird species have been identified to have moderate potential to occur at the project site. In addition, several other native bird species such as American crow (*Corvus brachyrhynchos*), bushtit (*Psaltriparus minimus*) and black phoebe (*Sayomis nigricans*) were observed during the 2011 field survey. Therefore, the Migratory Bird Treaty Act (MBTA) and the California Endangered Species Act (CESA) are discussed for this proposed project.

Migratory Bird Treaty Act

The original Migratory Bird Treaty Act (MBTA) of 1918 implemented the 1916 Convention between the United States and Great Britain (for Canada) for the protection of migratory birds. Specific provisions of the statute include the establishment of a federal prohibition, unless permitted, to:

> *…pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be*

shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of the Convention … for the protection of migratory birds … or any part, nest, or egg of any such bird.

Birds species protected under the provisions of the MBTA are identified by the List of Migratory Birds (50 CFR, § 10.13, as updated by the 1983 American Ornithologists Union Checklist and published supplements through 1995, USFWS).

California Endangered Species Act

The California Department of Fish and Game (CDFG) administers the California Endangered Species Act (CESA). The State considers an "endangered" species as one whose prospects of survival and reproduction are in immediate jeopardy. A "threatened" species is one present in such small numbers throughout its range that it is likely to become an endangered species in the near future in the absence of special protection or management. A "rare" species is one present in such small numbers throughout its portion of its known geographic range that it may become endangered if its present environment worsens. The rare species designation applies to California native plants. State threatened and endangered species are fully protected against take, as defined above. The term "species of special concern" is an informal designation used by CDFG for some declining wildlife species that are not state candidates for listing. This designation does not provide legal protection, but signifies that these species are recognized as sensitive by CDFG.

3.3.4 Thresholds of Significance

The criteria used to determine the significance of impacts on biological resources are based on Appendix G of the *State CEQA Guidelines*.

The proposed project would have a significant environmental impact if it were to:

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

- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The following definitions establish the significance criteria for biological resources:

- Endangered means that the species is listed as endangered under state or federal law.

- Threatened means that the species is listed as threatened under state or federal law.

- Sensitive habitat refers to habitat for plants and animals (1) that play a special role in perpetuating species using the habitat on the project site, and, (2) without which there would be substantial danger that the population of that species would drop below self-perpetuating levels.

Substantial effect means significant loss or harm of a magnitude that, based on current scientific data and knowledge, (1) would cause a species or a native plant or animal community to drop below self-perpetuating levels on a statewide or regional basis or (2) would cause a species to become threatened or endangered.

3.3.5 Project Impacts

Impact 3.3-1: The proposed project could have an impact on several bird species, including special-status species and nesting raptors.

As discussed above, one special-status bird species has moderate potential to occur at the project site. Several other birds species observed during the 2011 site survey, including Bushtit, American Crow *(Corvus brachyrhynchos)* and Black Phoebe, are protected under the MBTA and CDFG Code Section 3503. The existing stands of vegetation and large trees within the project study area have a high potential for use by nesting birds during the breeding season (February 15 to August 31). However, due to the potential for nesting raptors within the large trees, it should be noted that breeding during January (outside of "official" nesting season) is common and these mitigation measures would also apply to any actively nesting raptor during that time.

Project implementation and construction-related activities including, but not limited to, materials lay-down and equipment noise, may result in the disturbance of nesting MBTA-protected special-status species. Construction activities could affect raptors and other birds roosting or nesting in vegetation, including the large trees in the area, or bridge structures in, or adjacent to, work areas. Trimming or removal of vegetation could destroy or disturb active nests and equipment noise, vibration, lighting, and other human-related disturbance could disrupt normal activities of birds. Implementation of Mitigation Measures 3.3-1 through 3.3-3 are recommended to avoid and/or minimize impacts on nesting birds protected under the MBTA and CESA.

3.3.6 Mitigation Measures

To avoid impacts on nesting birds, vegetation clearing and construction activities should take place between September 1st and February 14th*, outside of the nesting season. However, if construction occurs between February 15th and August 31st, the following shall be implemented:

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

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

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

3.3.7 Cumulative Impacts

The proposed project would not create a significant impact on biological resources found and would not permanently affect special status animal species that may be present in the project site and surrounding areas. Although construction activities such that trimming or removal of the trees and equipment noise, vibration, and lighting at the site may result in temporary impacts to the Cooper's hawk and MBTA protected species, avoidance measures would be implemented to avoid potential adverse impacts. As a consequence, the proposed project would not contribute to or result in significant cumulative impacts to these animal species.

3.3.8 Project Impact Significance after Mitigation

Incorporation of the mitigation measures would reduce the significance of the project associated impacts to less than significant.

3.4 CULTURAL RESOURCES

3.4.1 Introduction

The purpose of this cultural resources section is to describe the potential for presence of prehistoric and historic cultural resources and paleontological resources to occur within the project area. It also addresses the potential of the project to adversely affect those cultural resources and recommends impact avoidance and minimization measures to reduce the significance of such potential impacts.

Information in this section is based on the *Phase I Cultural Resources Investigation of the Doheny Hotel Project, City of Dana Point, County of Orange, California*, prepared by UltraSystems Environmental, Inc. (March 2012), included as **Appendix D**.

3.4.2 Environmental Setting

i. Cultural Setting – Ethnography

The project area is within the historic territory of the Juaneño (Acjachemen) Native American society at the beginning of the Contact Period, A.D. 1769. The San Juan Creek valley was the core of their territory, which extended north along the Pacific Ocean to the San Joaquin Hills, east to the crest line of the Santa Ana Mountains, and south to Las Pulgas Creek.

Acjachemen settlement and subsistence systems probably extend back in time to the beginning of the Late Prehistoric Period, around A.D. 650. The Acjachemen were semisedentary gatherers and hunters. The lived in permanent villages ranging in size from 50 to 250 people located near permanent water and often at the nexus of several environments. Each village was within an established territory but usually had several separate plots of food resources (e.g. oak groves and fishing spots) located in other environmental zones. Small groups would leave the village for short periods of time to hunt, fish, and gather plant foods, often in seasonal rounds. While away from the village, they established temporary camps and created locations where food and other materials were processed.

Several Acjachemen villages were located in the general vicinity of the project site. The San Juan Creek valley was densely populated and villages were closely spaced because of the year-round availability of fresh water in San Juan Creek and its tributaries. The village of Acjacheme was located immediately east of the present location of Mission San Juan Capistrano. The village of Putuidem was located near the confluence of Oso and Trabuco creeks, and is represented by the archaeological site CA-Ora-855. Tébone was located on the west bank of San Juan Creek near its mouth and may be represented by archaeological site CA-Ora-21. The village of Sejat was located at the original Mission site, which was halfway between the mouth of Cañada Gubernadora and the downtown San Juan Capistrano town. Records place the original mission site at LaCoaugue Ranch, the location of archaeological site CA-Ora-243. Between Acjacheme and Tébone along the creek was the village of Julve.

ii. Cultural Setting - History

Although Spanish and other explorers visited the Alta California coast starting in the mid-1500s, Spanish occupation did not begin until the Portola land expedition of 1769 from New Spain (Mexico) founded missions and forts at San Diego and Monterey. The original site of Mission San Juan Capistrano was dedicated in November 1775, but because of an attack by the Kumeyaay tribe on Mission San Diego that same week, the new mission was not established until late 1776. The founding site was located at or near the Acjachemen village of Sajavit on San Juan Creek, roughly three miles upstream from the present mission, but was abandoned in 1778 because of insufficient water.

Mission San Juan Capistrano was a religious institution as well as an economic institution and center of directed culture-change. The mission eventually had large herds of cattle on land as far north as Newport Bay. Hides and tallow from the cattle were traded for imported goods. Ships trading with the mission anchored in the bay of San Juan Creek, El Embarcadero, now known as Dana Cove. In 1818 the French privateer Hipolito Bouchard anchored in Dana Cove and raided the mission during the time of general uprising against the Spanish Crown through the Americas.

Mexico achieved independence from Spain in 1822. Mexico's policy of liberality toward the Indian population and land distribution toward settlers, mission secularization began in 1834 and former mission lands were granted to retired Mexican soldiers and other citizens to use as cattle ranches. Niguel, a grant of 13,316 acres northwest of Dana Point, was awarded to Juan Ávila in 1842. The area east of San Juan Capistrano, the 46,433-acre Mission Viejo (Misión Vieja o La Paz) grant, was conferred to August Olvera in 1845 (soon purchased by Juan Forster). Also in 1845, the Boca de la Playa, a smaller grant of 6,607 acres southeast of Dana Point, was given to Emigdio Vejar.

Although many Acjachemen had died from European diseases and poor treatment by Spanish and Mexican settlers, some surviving Native Americans remained at Mission San Juan Capistrano, and the community continued as an Indian pueblo until, with the influx of Mexican colonists, it was organized into a formal town by Mexico in 1841. San Juan Capistrano continued as a small town after California became a part of the United States in 1848, following the invasion and capture of California by the United States Army and Navy in 1846. The town served as a small commercial center for the surrounding ranches. Walnut orchards were planted in the late nineteenth century and were replaced by citrus orchards in the early twentieth century.

Dana Point and Dana Cove were named for Richard Henry Dana, an American seaman who visited the area in 1835 and wrote about his adventures in *Two Years Before the Mast*. The community of Dana Point began in the late 1920s with the completion of Pacific Coast Highway. Dana Point Harbor was built in Dana Point Cove in the early 1970s. The City of Dana Point was subsequently incorporated in 1989.

3.4.3 Regulatory Setting

The proposed project falls within the provisions of the National Historic Preservation Act (NHPA) Section 106 (36 CFR 800).

Also provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15064.5. See Section 3.4.4 Thresholds of Significance for a description of applicable regulations.

3.4.4 Methodology

The project site is located adjacent to a mixed residential and commercial area that supports urban habitats typical of Southern California. The surrounding use of the project includes Pacific Coast Highway (PCH) immediately to the north, Dana Point Harbor Drive to the east, Lantern Bay Park and its parking lot to the south, and commercial uses (restaurants) to the west of the project site.

i. Information Sources

A cultural resources records search was conducted by the project archaeologist at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton, on August 11, 2011. The SCCIC acts as a branch of the California Historic Resources Information Systems (CHRIS) established by the Office of Historic Preservation (OHP), and maintains information concerning cultural resources and associated studies recorded in Orange and Los Angeles counties. The records search provided information on archaeological sites, historic resources, and cultural resource investigations recorded within one-half mile around the project area. During the records search, the California Historic Property Data File (HPDF) produced by the OHP was consulted. The HPDF includes properties listed on, or eligible for, the National Register of Historic Places (NHRP) and California Register of Historic Resources (CRHR). The HPDF also lists California Historical Landmarks (CHL) and California Points of Historic Interest (PHI).

The Native American Heritage Commission (NAHC) in Sacramento conducted a search of their Sacred Lands File and provided a list of Native American contacts for southern Orange Country. On August 18, 2011, letters were sent to eight Native American contacts on the list. The letter described the project and requested information about any traditional cultural properties, sites, or resources about which they may be concerned. There were two telephone responses by the Native American contacts during the course of the Phase I cultural inventory investigation.

A paleontological literature and records search was requested from the Los Angeles County Museum of Natural History. The review provided information about the potential for the geologic formations that underlie the project area to contain fossils.

ii. Site Reconnaissance

A reconnaissance of the project area was completed by Mr. Stephen O'Neil, M.A., RPA, UltraSystems Environmental archaeologist, on August 17, 2011. An intensive survey could not be completed because the original soil surface has been graded away for construction of the present structures, and structures and paved parking lots occupy approximately 90% of the project footprint. Remaining open land between structures and landscaped areas with exposed soil were surveyed.

3.4.4 Thresholds of Significance

i. Archaeological Resources

A significant archaeological impact would occur if grading and construction activities would result in a substantial adverse change to archaeological resources determined to be "unique" or "historic." "Unique" resources are defined in Public Resources Code § 21083.2; "historic" resources are defined in Public Resources Code § 21084.1 and the *State CEQA Guidelines* § 15126.4.

Public Resources Code § 21083.2(g) states:

As used in this section, "unique archaeological resources" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;

2. Has a special and particularly unique quality, such as being the oldest of its type or the best available examples of its type, or;

3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

ii. Historic and Prehistoric Resources

Under CEQA, an historical resource (these include built-environment, historic, and prehistoric archaeological resources) is considered significant if it meets the criteria for listing on the CRHR. The criteria for the CRHR are set forth in *CEQA Guidelines* § 15064.5, and include the following:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

2. Is associated with lives of persons important in our past;

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values, or;

4. Has yielded, or may be likely to yield, information important in prehistory or history.

Using the information outlined above, the first level of evaluation was to determine whether a site within a development area is considered eligible for the National Register of Historic Places (NRHP) or the CRHR, and therefore, is historically significant.

In accordance with *CEQA Guidelines* § 15064.5:

"A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment."

Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource and its immediate surroundings such that the significance of an historical resource would be materially changed.

The significance of an historical resource is materially impaired when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or legibility or, inclusion in the California Register of Historic Places; or

- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the sources is not historically or culturally significant; or

- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA."

A "unique" resource is defined in Public Resources Code § 21083.2 and is noted above under archaeological resources.

iii. Paleontological Resources

An impact on paleontological materials would be considered a significant impact if the project results in the direct or indirect destruction of a unique or important paleontological resources or site. The following criteria are used to determine whether a resource is unique or important:

- The past record of fossil recovery from the geologic unit(s);
- The recorded fossil localities in the project area;
- Observation of fossil material on site; and
- The type of fossil materials previously recovered from the geologic unit (vertebrate, invertebrate, etc.).

iv. CEQA Requirements

The following thresholds of significance, based on the criteria contained in Appendix G of the *State CEQA Guidelines*, are used to determine whether or not implementation of the project would result in significant cultural resources impacts. Impacts resulting from implementation of the project would be considered significant if the project would:

- Cause a substantial adverse impact in the significance of a historical resource as defined in *CEQA Guidelines* Section 15064.5;
- Cause a substantial adverse impact in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5;
- Disturb or destroy any known or unknown significant archaeological resource that is deemed to be unique as defined in CEQA Section 21083 (an archaeological resource is defined as an artifact, object, or site that clearly contains information needed to answer important scientific research questions, where there is a demonstrable public interest in that information and/or has a special and particular quality, such as being the oldest of its type or the best available example of its type); refer to Impact Statement 3.4-1;
- Directly or indirectly destroy a unique paleontological resources or site or unique geologic feature; refer to Impact Statement 3.4-2; and/or
- Disturb any human remains, including those interred outside of formal cemeteries.

3.4.5 Findings of Research and Fieldwork

i. Cultural Research

The historical property data file at the South Central Coastal Information Center (SCCIC) currently lists 28 properties in the vicinity of the City of Dana Point that have been evaluated for their potential historical significance. None of the sites are located within or directly adjacent to the project area.

One archaeological site has been documented with one-half mile of the project area. Site CA-Ora-21 is located 300 meters to the north, across Pacific Coast Highway from the project footprint, at the South Coast Water District parcel. This

was originally recorded by J. Romero in 1935 as a prehistoric "burial grounds," and is possibly the site of the ethnographic village of Tébone.

The records search showed that 24 cultural resources field investigations have been conducted within one mile of the project site, primarily for prehistoric cultural resources along San Juan Creek north of the project, and for historic resources along Pacific Coast Highway. No human remains were identified as a result of the field reconnaissance.

A search of Sacred Lands File at the Native American Heritage Commission (NAHC) failed to identify any traditional cultural properties. Letters were sent to the eight Native American contacts recommended by the NAHC. Responses were received from two contacts, Ms. Joyce Perry and Mr. Albert Cruz, Sr., each representing a different group of the Juaneño Band of Mission Indians. No specific Native American resources of cultural value were identified within the project footprint; both of them were aware of the proximity of the village of Tébone and were concerned that no cultural resource monitoring had been conducted when the land was initially graded away for construction of the current structures. They both recommended that cultural monitors, both an archaeologist and a Native American, be present during any ground-disturbing construction activities that take place for the current project.

ii. Paleontological Research

The Paleontological and Records Review obtained from the Los Angeles County Museum of Natural History indicates that the project area is underlain by sediments of the Capistrano Formation and marine terrace deposits. The Capistrano Formation has yielded fossil remains of foraminifera, echinoids, and marine vertebrates, including sharks and whales. The marine Terrace deposits have yielded marine invertebrate fossils (mollusks, crustacean, and echinoids) and marine vertebrate fossils (sharks, rays, and bony fish).

3.4.6 Project Impacts

i. Archaeological and Historical Resources

Impact 3.4-1: Implementation of the proposed project would potentially impact archaeological and/or historical resources located within the project area. However, with the incorporation of Mitigation Measure (MM) 3.4-1, impacts would be reduced to less than significant levels.

As discussed above in Section 3.4.4, the results of the records search conducted at the SCCIC, outreach with the State of California's Native American Heritage Commission and Native American community, and field reconnaissance completed by UltraSystems Environmental identified no archaeological and/or historical resources within the project area. As no archaeological and/or historical resources were observed within the area, no impacts in this regard are anticipated.

No human remains or cemeteries are anticipated to be disturbed by the proposed project. In the unlikely event that human remains are uncovered, then the project would comply with existing Public Resources Code Section 5097.98 requirements, including halting construction activities until the County corner can evaluate the find and notifying a Native American Representative if the remains are of Native American origin. With compliance with these existing regulations, impacts would be less than significant.

The current soils in the project footprint do have the potential to contain paleontological resources. Any ground-disturbing constriction activities have the potential to reveal fossiliferous strata.

ii. Paleontological Resources

Impact 3.4-2: Implementation of the proposed project may potentially impact paleontological resources that may exist on-site, but have not been documented. Implementation of MM 3.4-1 would reduce impacts to less than significant levels.

The result of the records searches demonstrates that paleontologically sensitive soils exist within the project area. The Paleontology Literature and Records Review obtained from the Los Angeles County Museum of Natural History indicates that the project area is underlain by sediments of the Capistrano Formation and marine terrace deposits. The Capistrano Formation has yielded fossil remains of foraminifera, echinoids, and marine vertebrates including sharks and whales. Therefore, earth-moving or earth-disturbing activities occurring as a result of implementation of the project may result in significant impacts to fossil remains. A program to mitigate impacts on such resources during excavation will require that prior to the issuance of any grading permit, the applicant shall provide written evidence to the City Engineer, City of Dana Point, that the applicant has retained a County-certified archaeologist, to observe grading activities and salvage and catalogue archaeological resources. If paleontological resources are found within the proposed project area, the mitigation program developed and conducted by the qualified paleontological monitor would mitigate impacts on paleontological resources to less than significant levels.

iii. Cumulative Impacts

Cumulative development may potentially affect cultural resources. Resources are evaluated and mitigated on a project-by-project basis and would result in a less than significant impact.

The proposed project, in conjunction with other past, present, or reasonably foreseeable projects, has the potential to result in a cumulative impact due to the potential loss of unknown paleontological and archaeological resources during earth-disturbing activities. Each incremental development would be required to comply with all applicable state, federal and county regulations concerning preservation, salvage, or handling of cultural resources. Additionally, the incorporation of MM 3.4-1 would reduce the project's incremental contribution to this cumulative impact. In consideration of these regulations, potential cumulative impacts upon cultural resources would not be significant.

3.4.7 Mitigation Measures

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

3.4.8 Level of Project Impact Significance after Mitigation

No significant impacts related to cultural resources have been identified following implementation of the Mitigation Measures referenced in this section.

3.5 GEOLOGY AND SOILS

3.5.1 Introduction

The purpose of this section is to describe the geologic, soil and seismic setting of the project area, identify potential related impacts associated with the proposed project, and recommend mitigation to reduce the significance of such impacts.

Information in this section is based on the *Preliminary Geotechnical Evaluation, Dana Point Hotel Project, City of Dana Point, Orange County, California*, prepared by GeoTek, Inc. (December 18, 2009); Response to Review Comments Re: Preliminary Geotechnical Evaluation, Dana Point Hotel Project, City of Dana Point, Orange County, California, prepared by GeoTek, Inc. (June 20, 2011); Second Response to Review Comments Re: Preliminary Geotechnical Evaluation, Dana Point Hotel Project, City of Dana Point, Orange County, California, prepared by GeoTek, Inc. (August 30, 2011); and two letters from GeoTek to the project applicant (dated September 24, 2011 and November 6, 2012) discussing the potential impacts of an offsite slope on the proposed project.

3.5.2 Environmental Setting

Geologic Structure

The site for the proposed project is located in the northwest-trending Peninsular Ranges in Southern California. The Peninsular Ranges area is an elongated area that is characterized by mountain ranges that are bound by parallel faults as well as valleys, extending southward from the Transverse Ranges at the northern side of the Los Angeles Basin southerly into Mexico. The project area lies at the southern end of the San Joaquin Hills, which trend to the northwest and extend southward from Newport Beach to Dana Point.

Surficial Units

GeoTek, Inc. performed a preliminary geotechnical evaluation (2009) and reported various materials based on site observations, subsurface excavations and review of published geologic maps. The results of their research and findings indicated that the site is underlain by surficial undocumented fill soils, Quaternary age alluvium and marine terrace deposits; however, the terrace deposits were not encountered during their site exploration.[1]

Fill soils were encountered in the upper portions of the excavated borings. The materials located in these borings consisted of silty fine sand to fine sandy silty clay and were encountered at depths ranging from 5-10 feet deep at the east side of the site, and from 15-20 feet deep at the west side of the side in the parking lot area.

Quaternary age alluvium was found in all excavated borings on the project site. Silty fine sand and fine sandy silty clay are the predominant soil types on the site, and have low to medium expansion potential.

[1] Preliminary Geotechnical Evaluation for Dana Point Hotel Project, City of Dana Point, Orange County, CA. Geo Tek, Inc., December 2009.

Bedrock Units

San Onofre Breccia. The San Onofre Breccia is a Middle Miocene age formation of marine origin, and forms the headlands portion at Dana Point. It consists of bedded breccia interbedded with sandstone and siltstone. The soil is generally silt or sand. It is in contact with the Capistrano Formation.

Capistrano Formation. The Capistrano Formation is of Late Miocene to Early Pliocene-age formation of marine origin. In the Dana Point area, the Capistrano Formation is widespread, with a total thickness of nearly 2,400 feet. This marine (ocean-deposited) bedrock formation is composed of subunits, including a siltstone facies, a sandstone facies, and sandstone with breccia.

Soil Corrosivity

Onsite soils are severely corrosive to buried metal in accordance with current standards referenced by corrosion engineers. Testing of these materials yielded a pH of 7.75, a chloride concentration of 96 ppm, and resistivity of 660 ohm-cm. However, these values are considered typical of soils native to Southern California.[2]

Soil Sulfate Content

Test results of on-site soil samples indicate that the water soluble sulfate range is less than 0.1 percent by weight. This is considered negligible per Table 19-A-4 of the 2010 CBC.[3]

Expansive Soils

Expansive soils are soils that expand when water is added and shrink when water is removed. Although the soils on-site are of low to medium expansion potential, the foundation will be designed to account for any effects of expansive soils on the proposed project site.

Soil Erosion

Soil erosion occurs when soils are exposed to elements (wind, water and construction activities) that could disrupt that stability of soil. Construction practices that address soil erosion will be incorporated into the project.

Subsidence

Subsidence occurs when soil sinks, and is related to withdrawals of groundwater. The proposed project site is not located in an area of subsidence; however, dewatering (removal of water from soil) will occur. Ground level monitoring and a dewatering method specific to the proposed project will address subsidence concerns.

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2 Preliminary Geotechnical Evaluation for Dana Point Hotel Project, City of Dana Point, Orange County, CA. Geo Tek, Inc., December 2009.

3 Response to Comments letter from Geo Tek, Inc. dated June 20, 2011.

Faulting and Seismicity

The City of Dana Point, along with most other cities on the coast of the Pacific Ocean, is located in a region of great seismic activity. As a result, it is subject to potentially destructive earthquakes. Earthquakes occur after a sudden release of energy under the surface of the earth. An earthquake occurs when subsurface rock masses are under strain and slide past one another. This occurs along a rupture plane (fault).

Active Faults

Potentially active faults are defined by the California Division of Mines and Geology (CDMG) as those that are thought to have generated earthquakes before Holocene time (the past 11,000 years) during the Quaternary period. Faults that are currently slipping, those that show evidence of earthquake activity, and those that have historical surface rupture are included as active faults. No active or potentially active fault is known to exist at the proposed project site and the site is not located within an Alquist-Priolo Earthquake fault Zone.[4]

Local Faults

i. Newport-Inglewood Fault Zone/South Coast Offshore Zone of Deformation

The closest active fault to the vicinity of the proposed project is the South Coast Offshore Zone of Deformation (SCOZD), which is approximately 3.4 miles (5.5 kilometers [km]) southwest of the proposed project site. The SCOZD is thought to be the probable offshore connection between the Newport-Inglewood Fault Zone, located to the northwest, and the Rose Canyon Fault Zone that is further south); the two form the Newport-Inglewood – Rose Canyon Fault Zone. The SCOZD extends approximately 42 miles from its northern terminus, which is located offshore approximately five miles south of Newport Beach, California, to its southern terminus, located offshore southwest of Oceanside, California.

ii. Fault Surface Rupture

Fault surface rupture occurs when the fault below that surface of the earth ruptures and extends to the surface of the earth. This could result in damage to a structure that is located on a fault. The proposed project site does not lie on a fault.

Primary and Secondary Hazards

Earthquakes have the potential to cause two types of hazards, the first of which is primary. Primary seismic hazards include ground shaking, ground displacement, subsidence and uplift resulting from seismic events. Primary hazards can therefore induce secondary hazards. These include ground failure, liquefaction, movement along nearby independent faults and dam failure.

4 Preliminary Geotechnical Evaluation for Dana Point Hotel Project, City of Dana Point, Orange County, CA. GeoTek, Inc., December 2009.

Seismic Shaking

Seismic shaking of structures occurs when an earthquake causes structural movement. Although there are no nearby faults to the proposed project site, there is a concern regarding seismic shaking resulting from the location of the proposed project site within a general region that experiences seismic activity. Adherence to local building codes that incorporate appropriate design and construction will address concerns relative to seismic shaking.

Liquefaction

Liquefaction is a process by which water-saturated granular soils transform from a solid to a liquid state because of a sudden shock or strain and behave as a liquid. Basic conditions necessary for liquefaction to take place are soil conditions conducive to liquefaction, including the relative density of sandy soils, confining pressure saturation of these materials by water, and a source of shaking. Liquefaction can result in the shifting of foundations, settling of roadways, and rupture of underground pipelines and cables. Buildings and other objects on the ground surface can settle, tilt and collapse as the foundations beneath them lose support and lightweight buried structures may float to the surface. Liquefaction usually occurs as a "quicksand" type of ground failure preceded by strong ground shaking. When a soil beneath a structure liquefies, the ground loses stability, and the structure loses its strength. Loss of bearing capacity under structures is potentially most damaging because it leads directly to compromises in the structure's foundation.

The proposed project site is located within a State of California designated Seismic Hazard Zone for earthquake induced liquefaction potential.[5] Although the proposed project site is located in this general zone, the foundation design of the structure would address effects of liquefaction.

Seismically Induced Settlement

Seismically induced settlement is caused by loose to medium-dense granular soils densified during or after ground shaking, and induced when excess pore water pressures dissipate. Dry and partially saturated soils as well as saturated granular soils are subject to seismically induced settlement. Structures can be affected by seismically induced settlement by experiencing movement that results from the seismic event. The foundation will be designed and constructed for the proposed site conditions to mitigate for seismically induced settlement.

Lateral Spreading

Lateral spreading tends to occur when a layer of liquefied soils moves laterally toward a slope or an open area. Fissures and substantial damage to structures can result from lateral spreading. Lateral spreading is not a concern for this site.

[5] Preliminary Geotechnical Evaluation for Dana Point Hotel Project, City of Dana Point, Orange County, CA. GeoTek, Inc., December 2009.

Landsliding

Landsliding occurs when earth or soil moves down a slope. Structures located either on or at the top of a slope can be damaged by landsliding, should the ground underneath them become unstable and begin to move. The project plan includes shoring where deep excavations are necessary to protect against temporary slope failures. Otherwise, landsliding is not anticipated for this site.

3.5.3 Methodology

The geological/geotechnical impacts have been assessed in accordance with the California Environmental Quality Act (CEQA). Field exploration and laboratory testing were performed as part of the scope of work for the geotechnical evaluation. This assessment addresses geological/geotechnical impacts in order to satisfy CEQA requirements.

3.5.4 Significance Criteria

The following thresholds of significance are based on criteria found in Appendix G of the *State CEQA Guidelines.* These criteria are used to determine whether implementation of the proposed project would result in significant geology or soils impacts. A project has the potential to create a significant environmental impact if it would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;
  - Strong seismic ground shaking;
  - Seismic-related ground failure, including liquefaction; or
  - Landslides;
- Result in substantial soil erosion or the loss of topsoil;
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse;
- Be located on expansive soils, as defined in the 2010 California Building Code, creating substantial risks to life or property, and/or have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

Potential impacts associated with the project site soils and the region's seismic activities are identified in the following section. Mitigation is provided to reduce the significance of impacts.

3.5.5 Project Impacts and Mitigation

Impact 3.5-1: The proposed project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving ground shaking because the project site could be exposed to strong seismic ground shaking.

As with much of Southern California, the proposed project site lies in an area that could be subjected to strong ground shaking in the event of a significant earthquake on an area fault. Earthquakes that can produce strong shaking at the project area may occur on active faults (e.g., the Newport-Inglewood Fault Zone). The mitigation measure below would reduce impacts resulting from potential seismic shaking to a less than significant level.

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

Impact 3.5-2: The proposed project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death because the project site could be exposed to seismic related ground failure, including liquefaction, seismically induced settlement, lateral spreading and landslides.

Liquefaction

The site is located within a State of California designated Seismic Hazard Zone for earthquake-induced liquefaction potential. The preliminary geotechnical report noted that there is a potential for liquefaction at this site. As part of the preliminary geotechnical evaluation, a liquefaction analysis was performed. Dry settlement and liquefaction analyses for the existing groundwater condition (13 feet below ground surface to a rise of 5 feet below ground surface) were included. Based on cone penetration tests (CPTs), underlying materials are mainly clayey and fine-grained. These are not usually prone to liquefaction. Minor sand layers were encountered within the CPT areas that may be prone to liquefaction. Per the preliminary geotechnical evaluation, it is noted that the upper layer (approximately 20 feet) would be removed in order to allow for construction. With the recommendation of a pile depth of 50 feet, the piles would penetrate past potentially liquefiable layers. A foundation system consisting of caissons with a mat slab is recommended for the site. Appropriate seismic design provisions, such as proper foundation design and construction, would be incorporated into design and construction that are based on building codes. The mitigation measure on the following page would reduce impacts resulting from potential liquefaction to a less than significant level.

Seismically Induced Settlement

The preliminary geotechnical evaluation indicates that some loose to medium-dense sandy layers were encountered in the fill soils underlying the project area, and that densification of these layers and associated seismically induced settlements may occur during earthquake shaking. The potential for seismically induced settlements is considered the most significant concern for the site. Current proposed site development

should be compatible with the minimum geotechnical design provided in the preliminary geotechnical report. Appropriate seismic design provisions will be implemented with project design and construction in accordance with governing building codes. The preliminary geotechnical report notes that total settlement resulting from earthquake induced strain is estimated to be approximately 5.6 inches for existing groundwater conditions, and 6.6 inches for higher groundwater conditions. It is typically assumed that differential settlements are approximately half of the total predicted. This would have a mitigating effect on the potential for differential settlement. A foundation system consisting of caissons with a mat slab is recommended for the site, as previously discussed. The mitigation measure below would reduce impacts resulting from potential seismically induced settlement to a less than significant level.

Lateral Spreading

Lateral spreading is considered negligible due to the absence of any significant slopes on or near the immediate vicinity of the site that would support the eastern part of the site, which is considered most vulnerable to liquefaction.[6] Therefore, no mitigation is required.

Landsliding

No significant slopes exist within the project area. However, an approximate 20 feet high 2:1 (horizontal to vertical) offsite slope is located along the southerly property boundary. Based on an evaluation by the Geotechnical Consultant[7], the offsite slope is surficial and grossly stable and the separation between the building and the toe of the offsite slope is acceptable. As a result, impacts due to landsliding would be less than significant. Therefore, no mitigation is required.

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

Impact 3.5-3: The proposed project could result in substantial soil erosion or the loss of topsoil.

The site is relatively flat, and is currently developed with structures and paving. The majority of the site's surfaces are currently impervious. Construction at the site would include demolition of the existing structures. The demolition activities would potentially expose the site soils during short-term construction activities. Soils will be exposed to wind and water erosion during construction. However, this exposure would be temporary in nature and subject to the National Pollution Discharge Elimination System (NPDES) requirements. Once constructed, the site would increase in impervious area by eight percent, and landscaping would be added to treat runoff (discussed in the Hydrology section of this document). Therefore, the proposed project would not result in permanent and/or substantial soil erosion or loss of topsoil. The following mitigation

6 Preliminary Geotechnical Evaluation for Dana Point Hotel Project, City of Dana Point, Orange County, CA. GeoTek, Inc., December 2009.

7 Response to Comments letter from Geo Tek, Inc. dated November 6, 2012.

measure would reduce impacts resulting from potential soil erosion to a less than significant level.

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

Impact 3.5-4: The proposed project site could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

Landsliding – Temporary Slopes

This project features a subterranean parking structure and a storm drain system that requires deep excavation that will result in temporary cut slopes. The geotechnical report prepared for this site recommends that shoring be utilized to protect against temporary slope failures. The project plan includes shoring where deep excavations are necessary. The proposed shoring consists of drilled piers and lagging. Portions of the shoring around the parking structure will be designed to be permanent and integral to the structure. To ensure that the shoring is performing adequately, ground movement monitoring will be implemented during construction. The shoring system and monitoring will reduce the impacts from landsliding to a less than significant level.

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

Lateral Spreading

Please refer to the discussion for Impact 3.5-2. No mitigation is required.

Subsidence

As mentioned previously, the project features a subterranean parking structure. The known groundwater beneath the subject site will be encountered during excavation of the parking structure. In order to accomplish the excavation below the groundwater, temporary dewatering of the parking structure area will be necessary until the foundation and retaining/parking structure walls are constructed.

Per a temporary dewatering evaluation conducted by Hydroquip Pumping and Dewatering Corporation and the Geotechnical Consultant, the temporary lowering of the water table during construction of the planned subterranean parking structure would not result in any significant or detrimental effects on existing improvements in the vicinity of the project site. The projected groundwater depth during dewatering is within the historical range of groundwater fluctuations at the site and would not cause significant

additional settlement because the site soils have already been preconsolidated. However, as a precaution, ground level monitoring will be implemented during temporary dewatering operations.

The nature of the site soils and ground monitoring will reduce impacts resulting from dewatering operations to a less than significant level.

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

Liquefaction

Please refer to the discussion for Impact 3.5-2 and Mitigation Measure 3.5-2. Effects resulting from potential liquefaction will be reduced to a less than significant level.

Collapse (Settlement)

When a load, such as fill or a building is placed, the underlying soil layers undergo a certain amount of compression. This compression is due to the deformation of the soil particles, the relocation of soil particles and the expulsion of water and air from the void spaces between the soil particles. As a result settlement can occur. For engineering purposes, it is important to estimate the total amount of settlement that would occur upon placement of a given load, such as a foundation element.

Total and differential settlement was estimated by the Geotechnical Consultant based on the soil properties and the foundation system. Implementation of the deep foundation system, the estimated settlement will have a less than significant impact.

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

Impact 3.5-5: The project site could be located on expansive soil, as defined in the 2010 California Building Code, creating substantial risks to life or property.

The preliminary geotechnical report indicated that the soils on-site are of low to medium expansion potential. The preliminary geotechnical report recommends foundations that incorporate appropriate design parameters with respect to potential soil expansion at the site. The preliminary geotechnical evaluation recommends that the hotel structure be supported on a mat slab supported by cast-in drilled pier foundations. The following mitigation measure would reduce impacts resulting from the presence of potentially expansive soils to a less than significant level.

MM 3.5-5: The foundation for the structure will be appropriately designed by the design engineer to mitigate for the expansive soil condition. With design and construction of the mat slab and cast-in drilled pier foundation, effect

resulting from potential expansive soil on the project will be reduced to a less that significant level.

3.5.6 Cumulative Impacts

No cumulative impacts with respect to Geology and Soils are anticipated resulting from implementation of this project. The proposed project would result in increased short-term impacts during construction, but they will be limited to the project site and will not impact surrounding areas. Additionally, incorporation of the mitigation measures identified above will reduce any potential impacts to a less than significant level.

3.5.7 Level of Project Impact Significance after Mitigation

No significant impacts related to geology and soils have been identified following implementation of the Mitigation Measures referenced in this section.

3.6 GREENHOUSE GASES AND GLOBAL CLIMATE CHANGE

The purpose of this section is to discuss the potential greenhouse gas (GHG) and climate change impacts associated with the construction and operation of the Doheny Hotel Project.

Potential impacts of the proposed project are examined and prepared in accordance with *CEQA Guidelines* (December 30, 2009), and the *Draft Greenhouse Gas Analysis for Doheny Hotel Dana Point, California* (March 2012), prepared by UltraSystems Environmental Inc. (UltraSystems). Refer to **Appendix E** (*Draft Greenhouse Gas Analysis for Doheny Hotel Dana Point, California)* for additional assumptions, methodology, and calculations used in this analysis.

3.6.1 Environmental Setting

i. Background

If the earth had no atmosphere, almost all of the energy received from the sun would be re-radiated out into space. Our atmosphere helps retain a major portion of the solar radiation through "the greenhouse effect." Short-wavelength solar radiation passes through the atmosphere and is absorbed by the earth's surface. The earth re-radiates the heat up into the atmosphere, at a longer wavelength. GHGs in the atmosphere absorb the longer-wavelength heat and then radiate it back downward. In general, as concentrations of GHGs in the atmosphere increase, global temperatures increase.

For many centuries, atmospheric GHG concentrations were relatively stable. As combustion of fossil fuels from industrial activities and transportation increased, concentrations of carbon dioxide (CO_2) in the atmosphere increased dramatically. The result has been an observed increase in average global temperature. The current consensus among scientists is that continued increases in atmospheric GHG will not only raise the average global temperature, but will also lead to changes in climate. While air temperatures will mainly rise, temperatures may decrease in some areas. Rainfall distribution and storm patterns will be affected. As polar ice melts, sea levels may rise, inundating coastal areas.

GHGs are defined under the California Global Warming Solutions Act of 2006 (AB 32) as CO_2, methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride (SF_6). Associated with each GHG species is a "global warming potential" (GWP), which is defined as the ratio of degree of warming to the atmosphere that would result from the emission of one mass unit of a given GHG compared with one equivalent mass unit of CO_2 over a given period of time. By this definition, the GWP of CO_2 is always 1. The GWPs of methane and N_2O are 21 and 310, respectively.[1,2] "Carbon dioxide equivalent" (CO_2e) emissions are calculated by weighting each GHG compound's emissions by its GWP and then summing the products. HFCs, PFCs, and SF_6 are not emitted by project sources, so they are not discussed further.

[1] *California Climate Action Registry General Reporting Protocol. Reporting Entity-Wide Greenhouse Gas Emissions, Version 3.1* (January 2009).

[2] These values were reported by the Intergovernmental Panel on Climate Change in 1995. Some GWP values have been updated since 1995 on the basis of improved calculation methods. The 1995 values continue to be used by international convention to maintain consistency in GHG reporting.

Carbon Dioxide (CO_2)

Carbon dioxide is a clear, colorless, and odorless gas. Fossil fuel combustion is the main human-related source of CO_2 emissions; electricity generation and transportation are first and second in the amount of CO_2 emissions, respectively. Carbon dioxide is the basis of GWP, and thus has a GWP of 1.

Methane (CH_4)

Methane is a clear, colorless gas, and is the main component of natural gas. Anthropogenic sources of CH_4 are fossil fuel production, biomass burning, waste management, and mobile and stationary combustion of fossil fuel. Wetlands are responsible for the majority of the natural methane emissions.[3] As mentioned above, CH_4, over a 100-year span, is 21 times more effective in trapping heat than is CO_2.

Nitrous Oxide (N_2O)

Nitrous oxide is a colorless, clear gas, with a slightly sweet odor. N_2O has both natural and human-related sources, and is removed from the atmosphere mainly by photolysis, or breakdown by sunlight, in the stratosphere. The main human-related sources of N_2O in the United States are agricultural soil management (synthetic nitrogen fertilization), mobile and stationary combustion of fossil fuel, adipic acid production, and nitric acid production.[4] Nitrous oxide is also produced from a wide range of biological sources in soil and water. Over a 100-year span, N_2O is 310 times more effective in trapping heat than is CO_2.[5]

3.6.2 Regulatory Setting

i. Federal Regulations

The federal government has been involved in climate change issues at least since 1978, when Congress passed the National Climate Program Act (92 Stat. 601), under authority of which the National Research Council prepared a report predicting that additional increases in atmospheric CO_2 would lead to non-negligible changes in climate. At the "Earth Summit" in 1992 in Rio de Janeiro, President George H.W. Bush signed the United Nations Framework Convention on Climate Change (UNFCCC), a nonbinding agreement among 154 nations to reduce atmospheric concentrations of carbon dioxide and other greenhouse gases. The treaty was ratified by the U.S. Senate. However, when the UNFCCC signatories met in 1997 in Kyoto, Japan, and adopted a protocol that assigned mandatory targets for industrialized nations to reduce greenhouse gas emissions, the U.S. Senate expressed its opposition to the treaty. The Kyoto Protocol was not submitted to the Senate for ratification.

In *Massachusetts et al. v. Environmental Protection Agency et al.* [549 U.S. 497 (2007)], the U.S. Supreme Court ruled that CO_2 was an air pollutant under the

[3] U.S. Environmental Protection Agency, "Methane." Climate Change Web Site. Internet URL: http://www.epa.gov/methane/. Updated April 1, 2011.

[4] U.S. Environmental Protection Agency, "Nitrous Oxide." Climate Change Web Site. Internet URL: http://www.epa.gov/nitrousoxide/. Updated June 22, 2010.

[5] Ibid.

Clean Air Act, and that consequently, the U.S. Environmental Protection Agency (USEPA) had the authority to regulate its emissions. The Court also held that the Administrator must determine whether emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. On April 24, 2009, the USEPA published its intention to find that (1) the current and projected concentrations of the mix of six key greenhouse gases—CO_2, CH_4, N_2O, HFCs, PFCs and SF_6—in the atmosphere threaten the public health and welfare of current and future generations, and that (2) the combined emissions of GHG from new motor vehicles and motor vehicle engines contribute to the atmospheric concentrations of these key greenhouse gases and hence to the threat of climate change (74 Fed. Reg. 18886). These findings are required for subsequent regulations that would control GHG emissions from motor vehicles.

ii. State Regulations

Executive Order S-3-05 (GHG Emissions Reductions). Executive Order #S-3-05, signed by Governor Arnold Schwarzenegger on June 1, 2005, calls for a reduction in GHG emissions to 1990 levels by 2020 and for an 80% reduction in GHG emissions to below 1990 levels by 2050.

The California Global Warming Solutions Act of 2006 (AB 32). In September 2006, Governor Arnold Schwarzenegger signed AB 32, the California Global Warming Solutions Act of 2006 (Health and Safety Code § 38500 et seq.), into law. AB 32 was intended to effectively end the scientific debate in California over the existence and consequences of global warming. In general, AB 32 directs the California Air Resources Board (CARB) to do the following:

- On or before June 30, 2007, publicly make available a list of discrete early action GHG emission reduction measures that can be implemented prior to the adoption of the statewide GHG limit and the measures required to achieve compliance with the statewide limit;

- By January 1, 2008, determine the statewide levels of GHG emissions in 1990, and adopt a statewide GHG emissions limit that is equivalent to the 1990 level (an approximately 25% reduction in existing statewide GHG emissions);

- On or before January 1, 2010, adopt regulations to implement the early action GHG emission reduction measures;

- On or before January 1, 2011, adopt quantifiable, verifiable, and enforceable emission reduction measures by regulation that will achieve the statewide GHG emissions limit by 2020, to become operative on January 1, 2012, at the latest. The emission reduction measures may include direct emission reduction measures, alternative compliance mechanisms, and potential monetary and non-monetary incentives that reduce GHG emissions from any sources or categories of sources as CARB finds necessary to achieve the statewide GHG emissions limit; and

- Monitor compliance with and enforce any emission reduction measure adopted pursuant to AB 32.

On December 11, 2008, the CARB approved the *Climate Change Scoping Plan*[6] pursuant to AB 32. The Scoping Plan recommends a wide range of measures for reducing GHG emissions, including (but not limited to):

- Expanding and strengthening of existing energy efficiency programs;
- Achieving a statewide renewables energy mix of 33 percent;
- Developing a GHG emissions cap-and-trade program;
- Establishing targets for transportation-related GHG emissions for regions throughout the state, and pursuing policies and incentives to meet those targets;
- Implementing existing state laws and policies, including California's clean car standards, goods movement measures and the Low Carbon Fuel Standard; and
- Targeted fees to fund the state's long-term commitment to administering AB 32.

Executive Order S-01-07 (Low Carbon Fuel Standard). Executive Order #S-01-07 (January 18, 2007) establishes a statewide goal to reduce the carbon intensity of California's transportation fuels by at least 10% by 2020 through establishment of a Low Carbon Fuel Standard. Carbon intensity is the amount of CO_2e per unit of fuel energy emitted from each stage of producing, transporting and using the fuel in a motor vehicle. On April 23, 2009 the Air Resources Board adopted a regulation to implement the standard.

Senate Bill 97. Senate Bill 97 was signed by the governor on August 24, 2007. The bill required the Office of Planning and Research (OPR), by July 1, 2009, to prepare, develop and transmit to the resources agency guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions, as required by CEQA, including, but not limited to, effects associated with transportation or energy consumption. On April 13, 2009 OPR submitted to the Secretary for Natural Resources its proposed amendments to the State CEQA Guidelines for greenhouse gas emissions. The Resources Agency adopted those guidelines on December 30, 2009, and they became effective on March 18, 2010. The amendments treat GHG emissions as a separate category of impacts; i.e. they are not to be addressed as part of an analysis of air quality impacts.

Section 15064.4, which was added to the CEQA Guidelines, specifies how the significance of impacts from GHGs is to be determined. First, the lead agency should "make a good faith effort" to describe, calculate or estimate the amount of GHG emissions resulting from a project. After that, the lead agency should consider the following factors when assessing the impacts of the GHG emissions on the environment:

[6] California Air Resources Board, *Climate Change Scoping Plan, a Framework for Change, Pursuant to AB32, the California Global Warming Solutions Act of 2006* (December 11, 2008).

- The extent to which the project may increase or reduce GHG emissions, relative to the existing environmental setting;

- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and

- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional or local plan for the reduction or mitigation of GHG emissions.

The Governor's Office of Planning and Research (OPR) asked the CARB to make recommendations for GHG-related thresholds of significance. On October 24, 2008, the CARB issued a preliminary draft staff proposal for *Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act*.[7] After holding two public workshops and receiving comments on the proposal, CARB staff decided not to proceed with threshold development.[8] Quantitative significance thresholds, if any, are to be set by local agencies.

Senate Bill 375. Senate Bill 375 requires coordination of land use and transportation planning to reduce GHG emissions from transportation sources. Regional transportation plans, which are developed by metropolitan transportation organizations such as the Southern California Association of Governments (SCAG), are to include "sustainable community strategies" to reduce GHG emissions.

Title 24. The Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24, Part 6, of the *California Code of Regulations*) were established in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. Compliance with Title 24 will result in decreases in GHG emissions. The California Energy Commission adopted the 2008 changes to the Building Energy Efficiency Standards on April 23, 2008 with an aim to promote the objectives listed below.[9]

- Provide California with an adequate, reasonably-priced and environmentally-sound supply of energy.

- Respond to Assembly Bill 32, the Global Warming Solutions Act of 2006, which mandates that California must reduce its greenhouse gas emissions to 1990 levels by 2020.

- Pursue California energy policy that energy efficiency is the resource of first choice for meeting California's energy needs.

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[7] California Air Resources Board. *Preliminary Draft Staff Proposal. Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act*. Planning and Technical Support Division, Sacramento, California (October 24, 2008).

[8] Personal communication from Douglas Ito, California Air Resources Board, Sacramento, California, to Michael Rogozen, UltraSystems Environmental Inc., Irvine, California. March 29, 2010.

[9] "2008 Building Energy Efficiency Standards." California Energy Commission, Sacramento, California. (http://www.energy.ca.gov/title24/2008standards/index.html). These became effective January 1, 2010.

- Act on the findings of California's Integrated Energy Policy Report (IEPR) that Standards are the most cost effective means to achieve energy efficiency. The report expects the Building Energy Efficiency Standards to continue to be upgraded over time to reduce electricity and peak demand, and recognizes the role of the Standards in reducing energy related to meeting California's water needs and in reducing greenhouse gas emissions.

- Meet the West Coast Governors' Global Warming Initiative commitment to include aggressive energy efficiency measures into updates of state building codes.

- Meet the Executive Order in the Green Building Initiative to improve the energy efficiency of nonresidential buildings through aggressive standards.

The provisions of Title 24, Part 6 apply to all buildings for which an application for a building permit or renewal of an existing permit is required by law. They regulate design and construction of the building envelope, space-conditioning and water-heating systems, indoor and outdoor lighting systems of buildings, and signs located either indoors or outdoors. Title 24, Part 6 specifies mandatory, prescriptive and performance measures, all designed to optimize energy use in buildings and decrease overall consumption of energy to construct and operate residential and nonresidential buildings.[10] Mandatory measures establish requirements for manufacturing, construction and installation of certain systems; equipment and building components that are installed in buildings.

iii. Local and Regional Climate Action Plans

Orange County, the City of Dana Point and the South Coast Air Quality Management District do not have formal plans or guidelines for reducing GHG emissions. In addition, there are no local quantitative thresholds of significance for GHG emissions. Refer to Section 3.6.3 for discussion regarding significance thresholds.

3.6.3 Thresholds of Significance

i. CEQA Guidelines

In accordance with *State CEQA Guidelines* Appendix G, implementation of the proposed project would result in a potentially significant impact if it were to:

- Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or

- Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases

[10] *2008 Building Energy Efficiency Standards for Residential and Nonresidential Buildings*, California Energy Commission, (December 2008).

ii. Thresholds of Significance

As of this writing, there are no regional or local climate action plans or general or specific plan provisions to reduce GHG emissions in the study area; the only applicable plan is the set of regulations to be developed under AB 32, which has a target of reducing GHG emissions to 1990 levels by 2020. Additionally, the lead agency (City of Dana Point) has not adopted quantitative thresholds of significance for GHG emissions from residential and commercial projects; however, the lead agency has agreed to establish a significance threshold based on AB 32. The potential significance of emissions from the Doheny Hotel project therefore depends upon the extent to which the project furthers or hinders implementation of AB 32. According to the *Climate Change Proposed Scoping Plan*,[11] approximately 30 percent of the business-as-usual (BAU) emission levels must be cut in order to achieve the 1990 levels of GHG emissions by 2020. Therefore, the greenhouse gas emissions for this project are deemed significant if the 2020 level of emissions do not reflect at least a savings of 30 percent from the BAU scenario as discussed in the methodology below.

3.6.4 Methodology

This analysis focused upon emissions of carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). Hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6) are emitted in negligible quantities by project sources, so they are not discussed further.

Emissions were calculated for the construction of the hotel and for the following three cases during hotel operation:

- **Construction**. GHG emissions resulting from demolition and construction emissions were calculated for calendar years 2013 and 2014[12], and were annualized over 30 years.

- **Notice of Preparation**. The date of the notice of preparation (NOP) of the draft environmental impact report was June 15, 2011 and the public scoping meeting was June 28, 2011. Emissions as of the NOP were considered to be the baseline for the analysis. The baseline emissions included the existing businesses on the property: a 46-room motel, a fast food restaurant with a drive-through, and a vacant commercial building.

- **Future**. Project operations were assumed to begin in 2015. Annual GHG emissions from the project were calculated for that year and as worst case, **were assumed to be the same for all subsequent years.**

[11] *Climate Change Proposed Scoping Plan Appendices Volume I: Supporting Documents and Measure Detail*. Prepared by the California Air Resources Board for the State of California (October 2008). Appendix C. p. C-63.

[12] The proposed construction year has changed since the preparation of the GHG emissions analysis from 2013 to 2014. Using 2014 as the start of construction will result in lower emissions estimates than were presented for 2013. This is because EPA and CARB mobile source emission limits become more stringent as time goes on. Because emissions are less than significant with the 2013 assumption, they will also be less than significant with the 2014 assumption.

- **CARB 2020 No Action Taken (Business as Usual)**. This scenario is equivalent to the one that the California Air Resources Board (CARB) used in developing an emission inventory to support the AB 32 Scoping Plan.[13] Business-as-usual (BAU) emissions are defined as "the emissions that would be expected to occur in the absence of any GHG reduction actions."[14] Assumptions used for estimating BAU emissions are discussed in **Appendix E** (*Draft Greenhouse Gas Analysis for Doheny Hotel Dana Point, California)*.

These three operational cases (NOP, Future, and BAU) are analyzed in order to determine the significance of the proposed project with respect to GHG emissions and climate change. A project's GHG and climate change impact is significant, as described above in Section 3.6.3, when less than 30 percent of the BAU GHG emission levels are achieved by 2020. First, the NOP case, or the baseline case, is compared to both the BAU case and the future case as described above. Then the BAU case and the future case are compared to determine the percent of GHG emissions saved between the two. In other words, the BAU case does not account for the progressive state and federal measures, as discussed above in Section 3.6.2, aimed at reducing GHG emissions, while the Future case does. The savings between the BAU case and the future case will be compared to determine the significance of impact from GHG emissions and climate change.

The proposed project will be both a direct and an indirect source of GHG emissions. **Table 3.6-1** (GHG Emission Source Categories for the Doheny Hotel) shows the types of emissions that were included in the analysis, while **Table 3.6-8** (Summary of Operating Emissions Estimates), which is found in Section 3.6.5, summarizes the GHG emissions from operation of the proposed project.

Table 3.6-1 – GHG Emission Source Categories for the Doheny Hotel

Direct Operating Sources	On-Site Natural Gas Combustion	
	Project-Related Mobile Sources	
Indirect Operating Sources	Electricity Generation	On-Site Electricity Use
		Water Supply
		Wastewater Treatment
	Wastewater Treatment Off-gassing	
	Landfill Gas Generation	
Construction Direct	On-Site Construction Equipment	
	Construction On-Road Mobile	
Note: Indirect construction emissions were not calculated because of a lack of construction data for on-site electricity use, water supply, and solid waste generated.		

i. Direct Operating Sources

a. On-Site Natural Gas Combustion

The proposed project would use on-site natural gas combustion mainly for space heating and gas-fired ranges for the in-hotel restaurant.

[13] California Air Resources Board, *Climate Change Scoping Plan Appendices. Volume I: Supporting Documents and Measure Detail. Appendix F: California's Greenhouse Gas Emissions Inventory* (December 2008).

[14] Ibid., p. F-3.

Natural gas use was determined from the baseline Natural Gas Intensity Factors[15] (NGIF), and the area of the land use. The baseline NGIF was obtained with the assumption that the previous businesses met pre-2002 Title 24 standards. For the future case, it was assumed that energy conservation measures required by Title 24 would reduce natural gas consumption by 3.2% between 2002 and 2005, and by 9.4% between 2005 and 2008.[16] To determine the GHG emissions, emission factors, which were obtained from the *California Climate Action Registry General Reporting Protocol,*[17] were applied.

b. Mobile Sources

The mobile source emissions calculated for the Doheny Hotel Project include the daily operation of motor vehicles by commuters who will work at the proposed site ("work trips"); delivery trucks that make shipments to the proposed hotel ("non-work trips"); and customers lodging at the hotel or dining in its restaurant ("customer trips"). Using EMFAC2011-SG[18] (Scenario Generator), a modeling tool for assessing emissions under different future growth scenarios, GHG emissions were calculated based on the number of annual trips and the vehicle miles traveled (VMT) for each of the three trip purposes.

NOP Case

The project traffic study[19] considers the proposed site's previous use; therefore, the NOP case accounts for the daily trips from the motel and fast food with a drive-through; the vacant commercial building was not included due to its vacancy. The modeling for the NOP case accounts for Senate Bill 1493 (Pavley I, or Pavley Rule), which requires passenger automobile manufacturers to implement GHG emission reduction technologies for vehicle models beginning in 2009,[20] and the Low Carbon Fuel Standards (LCFS), "a fuel standard that requires a reduction of at least 10 percent in the carbon intensity of California's transportation fuels by 2020."[21]

Future Case

The opening year of 2015 considers the daily trips associated with the proposed Doheny Hotel (hotel). To be conservative, the annual GHG emissions from 2015 were assumed

15 California Commercial End-Use Survey. Prepared by Itron, Inc. for the California Energy Commission, CEC-400-2006-005 (March 2006), p. 223.

16 Hayes, S.R. and Lu, E.C., *Climate Change Technical Report, Wilshire Grand Redevelopment Project.* Prepared by ENVIRON International Corporation, Emeryville, California for Thomas Properties Group, Los Angeles California (May 2010), Table 4-19, Note 2.

17 *California Climate Action Registry General Reporting Protocol, Version 3.1* (January 2009), Tables C.7 (CO_2) and C.8 (CH_4 and N_2O).

18 California Air Resources Board, *EMFAC2011-SG User's Guide*, (September 2011).

19 *City of Dana Point Doheny Hotel Traffic Impact Analysis*, Kunzman Associates, Inc. (August 2, 2012).

20 Ibid., pp. 40-41.

21 California Air Resources Board, *EMFAC2011 Technical Documentation* (September, 2011), p. 40.

to be the same for all subsequent years up until 2020.This scenario was modeled using EMFAC2011-SG, which accounts for the Pavley Rule, the Low Carbon Fuel Standards (LCFS), and the Tire Pressure Regulation,[22] which requires automobile service providers to meet specific rules for vehicles with a gross vehicle rating of 10,000 pounds or less (this results in a 2% GHG reduction for passenger vehicles).[23]

CARB 2020 No Action Taken (Business As Usual) Case

The BAU case for 2020 follows the same methodology as the future case, except it does not account for any of the GHG emission reduction standards such as the Pavley Rule, LCFS, and the Tire Pressure Regulation.

i. Indirect Source Emissions

a. Electricity

Several types of on-site and off-site project-related activities consume electricity, which is generated at many different locations and by several different technologies. That portion of the electrical energy that is generated through combustion of fossil fuels results in GHG emissions.

The first step in the GHG emissions analysis was to estimate the electricity demands of project operations. After that, emission factors relating GHG emissions to energy use were developed.

On-Site Electricity Consumption

Direct electricity consumption by the proposed project would consist mostly of space heating and cooling; lighting; and appliances.

Electrical energy consumption was determined from baseline Electricity Intensity Factors[24] (EIF) and the area of the land use. The baseline EIF was obtained with the assumption that the previous businesses met pre-2002 Title 24 standards. For the future case, it was assumed that energy conservation measures required by Title 24 would reduce electricity consumption by 7.7% between 2002 and 2005, and by 4.9% between 2005 and 2008.[25] To determine the GHG emissions, emission factors, derived from the fossil fuel carbon intensity factor,[26] were applied.

[22] Regulation to Reduce Greenhouse Gas Emissions from Vehicles Operation with Under Inflated Tires. § 95550 in subarticle 8 of article 4, subchapter 10, chapter 1, division 3, title 17, California Code of Regulations. 2009. http://www.arb.ca.gov/regact/2009/tirepres09/tirefinalreg.pdf.

[23] *Climate Change Proposed Scoping Plan*. Prepared by the California Air Resources Board for the State of California (October 2008). P. ES-1.

[24] From California Energy Commission's *Commercial End Use Survey*.

[25] Hayes and Lu, *Op Cit., Table 4-19, Note 2.*

[26] Refer to Appendix E (*Draft Greenhouse Gas Analysis for Doheny Hotel Dana Point, California*

Electricity for Water Use and Wastewater Treatment

Electricity is required for obtaining, conveying, treating and distributing municipal water supplies; electricity is also required for wastewater treatment. Water use was determined from water use intensities[27] and by CalEEMod modeling. To determine the indirect electrical energy use, factors comparing energy use per unit volume of water[28] were applied. **Table 3.6-2** (Potable Water Consumption Estimates) shows the estimates of water consumption for the three cases. Estimates also include the implementation of low-flow fixtures, which reduces hotel water consumption by 35% compared to the baseline.[29]

Table 3.6-2 – Potable Water Consumption Estimates

NOP	Area (ft²)	Water Intensity (gallons/year-1000 ft²)[a]	Gallons/Year	Mgal Per Year
Restaurant	1,059	303,534	321,442	
Motel	18,985	N/A	1,166,871	
Subtotal			*1,488,314*	
Outdoor[b]			154,452	
Total			***1,642,765***	***1.6428***
Future	Area (ft²)	Water Intensity (gallons/year-1000 ft²)[a]	Gallons/Year	Mgal Per Year
Hotel	174,560	N/A	6,544,627	
Restaurant	7,087	303,534	2,151,143	
Parking Lot	55,100	N/A	0	
Subtotal			*8,695,770*	
Outdoor[b]			727,181	
Low-Flow Savings[c]	N/A	N/A	(2,290,619)	
Total			***7,132,331***	***7.1323***
BAU	Area (ft²)	Water Intensity (gallons/year-1000 ft²)[a]	Gallons/Year	Mgal Per Year
Hotel	174,560	N/A	6,544,627	
Restaurant	7,087	303,534	2,151,143	
Parking Lot	55,100	N/A	0	
Subtotal			*8,695,770*	
Outdoor[b]			727,181	
Total			***9,422,951***	***9.4230***

[27] *California Emissions Estimator Model User's Guide Version 2011.1, Appendix D Default Data Tables*, prepared by ENVIRON International Corporation, San Francisco, CA for South Coast Air Quality Management District (February 2011), Table 9.1.

[28] *California Emissions Estimator Model User's Guide Version 2011.1 Appendix D Default Data Tables*. Prepared by ENVIRON International Corporation, San Francisco, California for South Coast Air Quality Management District, Diamond Bar, California (February 2011), Table 9.2.

[29] Email communication from Erica Demkowicz, Senior Planner at City of Dana Point, Dana Point, California, to Benjamin Wong, Air and Noise Scientist, UltraSystems Environmental, Inc., Irvine, California. February 23, 2012.

[a] N/A indicates that default CalEEMod water intensities do not exist, or do not match with running CalEEMod 2011.1.
[b] Assumed to be 28% of commercial water consumption.
[c] Based on 35% water consumption reduction from low flow fixtures

Following a similar methodology, waste use was estimated and a factor comparing wastewater treatment and electrical energy was applied. **Table 3.6-3** (Wastewater Generation Estimates) shows the estimates of wastewater generated for the three cases. **Table 3.6-4** (Total Electrical Demand) shows the total electrical demand from on-site direct electricity use, potable water use, and wastewater treatment. Note that electrical energy requirements for potable water and wastewater can be found in Table 6 of **Appendix E**. Also, the direct off-gassing from wastewater treatment is included in the **Table 3.6-8** (Section 3.6.5).

Table 3.6-3 – Wastewater Generation Estimates

NOP	Area (ft²)	Wastewater Generation (gallons/day)	Gallons/Day	Mgal Per Year
Restaurant	1,059	1800 per acre	44	
Motel	18,985 (46 rooms)	75 per room	3,450	
Total			***3,494***	***1.28***
Future	Area (ft²)	Wastewater Generation (gallons/day)	Gallons/Day	Mgal Per Year
Hotel	174,560 (258 rooms)	75 per room	19,350	
Restaurant	7,087	1800 per acre	293	
Parking Lot	55,100	0	0	
Low-Flow Savings[a]	N/A	N/A	(6,773)	
Total			***12,871***	***4.70***
BAU	Area (ft²)	Wastewater Generation (gallons/day-1000 ft²)	Gallons/Day	Mgal Per Year
Hotel	174,560 (258 rooms)	75 per room	19,350	
Restaurant	7,087	1800 per acre	293	
Parking Lot	55,100	0	0	
Total			***19,643***	***7.17***

[a] Assumes a 35% wastewater generation reduction based on the 35% water consumption reduction (from low flow fixtures) because the amount of wastewater generated is directly proportional to the amount of water discharged to the hotel plumbing system.

Table 3.6-4 – Total Electrical Demand

Type of Demand	Electrical Energy (Megawatt-hours per year)		
	NOP	Future	BAU
On-Site	46.31	2,702.78	3,122.08
Potable Water	18.25	79.24	104.70
Wastewater Treatment	2.44	8.98	13.70
Total	***67.00***	***2,791.00***	***3,240.48***

[a] Assumes a 35% wastewater generation reduction based on the 35% water consumption reduction (from low flow fixtures) because the amount of wastewater generated is directly proportional to the amount of water discharged to the hotel plumbing system.

Note: Electrical energy requirements for potable water and wastewater can be found in Table 6 of **Appendix E**.

b. Landfill Gas Generation

Methane and carbon dioxide are generated in landfills and released to the atmosphere. The first step in calculating their emissions was to estimate the amount of project-generated solid waste that would be landfilled.

Waste disposal by the proposed hotel and restaurant were calculated by using waste generation rates per room or square feet that were obtained from CalRecycle.[30] These values were used for the NOP, future, and BAU cases. **Table 3.6-5** (Solid Waste Generation) shows the results of the calculations. As a worst case, it was assumed that the hotel and restaurant would not reduce their waste disposal rates for either the project or BAU cases; and that the motel and fast food restaurant with drive through would not reduce their waste disposal rates for the NOP case. Additional calculations and assumptions can be found in **Appendix E** (*Draft Greenhouse Gas Analysis for Doheny Hotel Dana Point, California*).

[30] Estimated Solid Waste Generation Rates for Service Establishments. CalRecycle. June, 2011. http://www.calrecycle.ca.gov/wastechar/wastegenrates/Service.htm

Table 3.6-5 – Solid Waste Generation

NOP (2011)	Area (ft²)	Waste Disposal (lb/day)	Waste Generated (tons/year)
Restaurant	1,059	0.005 per square foot	0.97
Motel	18,985 (46 rooms)	2 per room	16.79
Total			***17.76***
Future (2020)[a]	Area (ft²)	Waste Disposal (lb/day)	Waste Generated (tons/year)
Hotel	174,560 (258 rooms)	1.5 per room	70.63
Restaurant	7,087	0.00375 per square foot	4.85
Parking Lot	55,100	0	0
Total			***75.48***
BAU (2020)	Area (ft²)	Waste Disposal (lb/day)	Waste Generated (tons/year)
Hotel	174,560 (258 rooms)	2 per room	94.17
Restaurant	7,087	0.005 per square foot	6.47
Parking Lot	55,100	0	0
Total			***100.64***

[a] Assumes current NOP (2011)solid waste generation rate achieves 50% waste diversion, while Future (2020) solid waste generation rate achieves 75% waste diversion per AB 341.

3.6.5 Project Impacts

Impact 3.6-1: The proposed project would increase the overall operational GHG emissions compared to the baseline existing conditions as of the NOP date. With implementation of the project design features, impacts from GHG emissions would be less than significant.

i. Construction Impacts

Table 3.6-6 (Construction Emissions Summary for 2013) and **Table 3.6-7** (Construction Emissions Summary for 2014) show the estimates of GHG emissions from construction of the project. Project construction would result in CO_2 equivalent emissions of 773.91 tonnes in 2013, or 25.80 tonnes amortized over 30 years and 615.38 tonnes in 2014, or 20.51 tonnes amortized over 30 years. However, construction would be complete by 2014. Accounting for amortization over 30 years, the maximum annual GHG emissions is 46.31 tonnes

from 2014 through 2042. The construction impacts, as well as the overall GHG impacts will be discussed below in the Operational Impacts Section.

Table 3.6-6 – Construction Emissions Summary - 2013

Type of Emission	Tonnes per Year			
	CO_2	CH_4	N_2O	CO_2e
Direct				
On-Site Combustion	480.68	0.06	0	481.88
Mobile Sources	291.81	0	0	292.03
Indirect				
Electricity Generation	ND	ND	ND	ND
Landfill Gas	ND	ND	ND	ND
Totals	***772.49***	***0.06***	***0***	***773.91***
30-Year Amortized Total	***25.75***	***0.002***	***0***	***25.80***
ND = No Data				

Table 3.6-7 – Construction Emissions Summary - 2014

Type of Emission	Tonnes per Year			
	CO_2	CH_4	N_2O	CO_2e
Direct				
On-Site Combustion	323.69	0.03	0	324.51
Mobile Sources	290.65	0.01	0	290.87
Indirect				
Electricity Generation	ND	ND	ND	ND
Landfill Gas	ND	ND	ND	ND
Totals	***614.34***	***0.04***	***0***	***615.38***
30-Year Amortized Total	***20.48***	***0.001***	***0***	***20.51***
ND = No Data				

ii. Operational Impacts

Table 3.6-8 (Summary of Operating Emissions Estimates) summarizes the results of the calculations described in the previous section. In 2020, CO_2e emissions are estimated to be 4,734 tonnes. This represents an increment of 4,064 tonnes over the NOP case. The "business as usual" case would have 5,810 tonnes of GHG emissions. Thus the project results in a savings of 1,076 tonnes, or 19% of what would occur without implementation of provisions of AB 32.

Table 3.6-8 – Summary of Operating Emissions Estimates

Emission Source	Annual Emissions (Tonnes)					% Savings
	NOP	Future	Increment	BAU	Savings	
Amortized Construction Emissions						
Construction	0	46	46	46	0	0%
Total Construction	**0**	**46**	**46**	**46**	**0**	**0%**
Direct Operational Combustion						
Mobile	585	3,359	2,774	3,656	297	8%
On-Site	72	579	507	640	61	10%
Total Direct	**657**	**3,938**	**3,281**	**4,296**	**358**	**8%**
Indirect Operational Emissions						
Electrical Generation	26	612	586	1,280	668	52%
Wastewater Treatment Offgas	6	22	16	34	12	35%
Landfill Gas	27	116	89	154	38	25%
Total Indirect	**59**	**750**	**691**	**1,468**	**718**	**49%**
Grand Total	***716***	***4,734***	***4,064***	***5,810***	***1,076***	***19%***

How much of an increase in GHG emissions this represents is uncertain. Some of the emissions from commercial energy use (e.g. restaurant patronage) would occur elsewhere if the project is not built. Because climate change is a global issue, it does not matter where the emissions occur. Whether there would be a net increase in mobile source GHG emissions is also uncertain. Thus, the assumption that the entire 4,734 tonnes per year are a net increase is conservative.

Compared to the BAU case, the project, under the future case, would result in CO_2e savings of approximately 1,076 tonnes, or 19%, which is less than the 30% savings established in the *Climate Change Proposed Scoping Plan*.[31] Therefore, the proposed project's GHG emissions are potentially significant without mitigation measures or project design features. However, with the additional 12 percent savings from the project design features (See Section 3.6.9), the proposed project would reflect GHG emissions savings of 31 percent from the BAU scenario. Thus, GHG and global climate change impacts of the proposed project would be less than significant.

[31] *Climate Change Proposed Scoping Plan Appendices Volume I: Supporting Documents and Measure Detail*. Prepared by the California Air Resources Board for the State of California (October 2008). Appendix C p. C-63.

3.6.6 Cumulative Impacts

Because GHG emissions and climate change are both cumulative and global, the project impacts are equivalent to the cumulative impacts. Therefore, cumulative impacts will not be discussed further.

3.6.7 Mitigation Measures

No mitigation measures were proposed because the project design features would reduce the impacts from GHG emissions to less than significant.

3.6.8 Project Design Features

Because of the lack of pertinent quantitative data, many of the project design features' GHG savings were not quantified in the analysis. Instead, the emissions estimate presented above focused on savings from meeting Title 24, but not exceeding it, and an increase in SDG&E's renewable portfolio standard through 2020. The analysis also included mobile savings from the Pavley Rule, LCFS, and the Tire Pressure Regulation. The following describes some of the project design features that would reduce GHG emissions by 30 percent beyond the BAU levels.[32] For a complete table of the GHG-reducing project design features, refer to **Table 3.6-9** (Project Design Features and Percent GHG Reduction).

Electricity Use

As explained in the methodology, a portion of electrical energy is generated through combustion of fossil fuels, which results in GHG emissions. Therefore, a reduction in electricity use will result in a GHG emission savings. **Table 3.6-9** describes the energy-efficient and water-efficient project design features that follow the recommended emission reduction actions in the *Climate Change Proposed Scoping Plan.*

Water Use

As explained in the methodology, potable water requires electricity to obtain, convey, treat and distribute. By reducing the amount of water consumed, electricity is saved in addition to the indirect GHG emissions as a result of electricity generation. A reduction in water use is also directly proportional to a reduction in the amount of wastewater that needs to be treated, and both the indirect and direct GHG emissions associated with the treatment process. Refer to **Table 3.6-9** for a list of water-efficient project design features.

[32] Email communication from Erica Demkowicz, Senior Planner, City of Dana Point, Dana Point, California to Benjamin Wong, Air and Noise Scientist, UltraSystems Environmental Inc., Irvine, California. February 17, 23, and 27, 2012.

Natural Gas Consumption

As explained in the methodology, burning natural gas produces direct GHG emissions. Therefore, a reduction in natural gas consumption will result in a GHG emission savings. Refer to **Table 3.6-9** for a list of natural gas-efficient project design features.

Solid Waste Disposal

As explained in the methodology, methane and carbon dioxide are generated in landfills and released into the atmosphere. Therefore, a reduction in waste that is directed to landfills will result in a GHG emission savings. Refer to **Table 3.6-9** for a list of solid waste reduction project design features.

Table 3.6-9 – Project Design Features and Percent GHG Reduction

Scoping Plan Emission Reduction Measure	PDF Number	Percent GHG Reduction	Project Design Feature	Description
Energy Efficiency and Conservation	3.6-1	Unknown	**Motion Activated Lighting in Public Areas**	Saves electricity in public areas by automatically shutting off lights when there are no occupants.
	3.6-2	Unknown	**LED Lighting**	LED lighting is typically more efficient than fluorescent and incandescent lighting, thereby saving electricity during hotel operations
	3.6-3	1	**Motion Activated Programmable HVAC Thermostats in Guest Rooms**	Reduces electricity spent cooling vacant guest rooms as opposed to occupied ones.
	3.6-4	Unknown	**Automated Monitoring of CO_2 Levels**	Reduces electricity consumption by allowing central air conditioning systems to deliver appropriate ventilation air to specific areas of the building that need proper ventilation.
	3.6-5	1	**Interior Light Power Reduction**	All interior non-emergency lights with direct line of sight to any openings in the building envelope would have their input power reduced by 50% between 11:00 PM and 5:00 AM.
	3.6-6	1	**Energy Efficient Appliances**	Reduces energy use through energy efficient appliances.
	3.6-7	1	**Passive Heating/Cooling Systems**	Appropriate insulation and ventilation will be implemented to save energy consumption related to heating and cooling.
	3.6-8	Unknown	**Energy-Monitoring Program**	An energy-monitoring program as part of a Building Management System would display building water, electric, and gas consumption for guests to view. The object of this program is to establish awareness of water, electric, and gas consumption amongst hotel guests.
	3.6-9	1	**Solar Orientation**	Incorporate roof overhangs that are sufficient to block the high summer sun, but not the lower winter sun from penetrating windows.
	3.6-10	1	**Low Energy Cooling**	Reduces energy consumption through the separation and optimization of the ventilation and thermal conditioning systems.
Real Time Energy Information Technologies	3.6-11	Unknown	**Measurement and Verification of Electrical Energy Usage in the Building**	Electrical energy usage would be monitored to provide feedback to building operators on potential energy reduction strategies.
Water Use Efficiency	3.6-12	1[b]	**Low Flow Shower Heads**	Reduces the flow rate of shower heads, which reduces water

Table 3.6-9 – Project Design Features and Percent GHG Reduction

Scoping Plan Emission Reduction Measure	PDF Number	Percent GHG Reduction	Project Design Feature	Description
				consumption
	3.6-13		**Dual Flush and Low Flow Toilets**	Dual flush toilets utilize efficient separate toilet tanks for solid waste, and for liquid waste.
	3.6-14	1	**Low Water Use Appliances**	Reduces water consumption through water efficient appliances.
Water Use Conservation	3.6-15	Unknown	**Establish Incentive Program Regarding Re-use of Linens During Guests' Stay**	Instead of washing linens every day, guests may choose to have sheets laundered every other day to conserve water.
	3.6-16	1	**Moisture and Rain Sensors**	Control landscape irrigation to reduce unnecessary watering.
	3.6-17		**Drip Watering Systems**	Reduces water consumption through efficient landscape watering.
Reuse Urban Runoff	3.6-18	1	**Green Roof**	Filter, store, and re-use rain water.
Solar Water Heating	3.6-19	<1[b]	**Solar Heated Pools**	Pools will be solar heated to conserve natural gas use.
Other	3.6-20	6[b]	**35% of Electricity From Renewable Sources**	A two year contract with the serving electrical utility company would provide a minimum of 35% of the building's electricity from renewable resources.
	3.6-21	1	**Provide Two Electric Car Charging Stations**	Providing two (2) electric car charging stations encourages hotel guests to drive electric cars, which emit fewer direct GHG emissions than conventional gasoline passenger vehicles.
	3.6-22	1	**No Wood Burning Fireplaces or Stoves**	Reduces direct GHG emissions from wood burning fireplaces or stoves.
High Recycling/Zero Waste – Commercial Recycling	3.6-23	1	**Establish a Recycling Program**	A recycling program for guests and employees may decrease the solid waste that ends up in landfills.
Total Project Design Feature GHG Savings		**12[c]**		

Notes:
[a] GHG emissions reductions obtained from Appendix B of the *CEQA and Climate Change white paper* prepared by the California Air Pollution Control Officers Association (CAPCOA). Where CAPCOA assigns a "Low" emissions reduction, a one percent reduction was assumed in order to quantify GHG emissions reductions.
[b] Already accounted for in the above analysis.
[c] Does not account for those savings identified in the above analysis.

3.6.9 Level of Project Impact Significance after Mitigation and Project Design Features

Impacts from GHG emissions during construction would be less than significant (See Section 3.6.5). **Project Design Features 3.6-1** through **3.6-23,** as described by the applicant, would ensure that GHG emissions impacts during operation remain less than significant.

3.7 HAZARDS AND HAZARDOUS MATERIALS

3.7.1 Introduction

This section addresses potential impacts related to the physical condition of the Doheny Hotel project area and adjacent uses due to past and present activities and uses involving hazardous materials. The analysis includes a review of existing on-site land uses and their associated activities. This section summarizes the review of federal, state and local agencies' databases of reported (suspect and/or known) hazardous materials and contaminated sites located within the study area, which is defined as the project site and listed sites within a 1.0-mile radius of the project site. Potential safety issues associated with the use, storage, emission, disposal and transport of hazardous waste on and within the immediate vicinity of the study area are discussed.

Information in this section is based on the *Phase I Environmental Site Assessment* (ESA) dated October 12, 2012 (included as **Appendix F**) performed by The Reynolds Group (TRG) on the project site located at 25325 Dana Point Harbor Drive, 34293 Pacific Coast Highway and 34297 Pacific Coast Highway, Dana Point, California.

The term "hazardous material" includes both hazardous substances and hazardous waste. A material is defined as "hazardous" if it appears on a list of hazardous materials prepared by a federal, state or local regulatory agency, or if it has characteristics defined as hazardous by such an agency. A "hazardous waste" is a "solid waste" that exhibits toxic or hazardous characteristics. The U.S. Environmental Protection Agency (EPA) defines "solid waste" as material that is discarded or has served its intended purpose, unless the material is specifically excluded from regulation; such materials are considered waste whether they are discarded, reused, recycled or reclaimed. The EPA classifies a material as hazardous if it has one or more of the following characteristics at specific thresholds: ignitability, corrosivity, reactivity or toxicity. A "historic recognized environmental condition" (HREC) is defined as a condition that in the past will have been considered a "recognized environmental condition" (REC), but which may or may not be considered a REC currently. HRECs are generally conditions that have in the past been remediated to the satisfaction of the responsible regulatory agency.

The purpose of the Phase I ESA was to identify any RECs at or near the property. The Phase I ESA was performed using generally accepted Phase I ESA industry standards in accordance with ASTM E1527-05: Phase I Environmental Site Assessment Process. In this report and as defined by the ASTM, a REC is "the presence of any hazardous substance or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substance or petroleum products into the structure, on the property, or into the ground, groundwater, or surface water of the property."

Based on historical research, the project site reconnaissance and interviews performed during the Phase I ESA, one REC was identified on the project site and one off-site REC was identified:

Project site REC documentation with the City of Dana Point Building Department indicated that a service station operated on the project site parcel in the early 1960's. There is an existing plume of gasoline beneath the project site as confirmed by investigations performed by URS Corporation (URS), the consultant for the adjacent north gas station with known soil and groundwater contamination. Two groundwater monitoring wells exist on the project site, including MW18 on the parcel containing the vacant commercial building that was previously occupied by a liquor store and MW19 on the motel parcel. Based on soil analytical results from samples collected during installation of well MW18 on the liquor store parcel (ref URS Interim Remedial Action Plan Offsite Property APN 682-166-22, dated June 3, 2011) which showed gasoline at very low concentrations at 15.5 feet below ground surface (bgs) in soils and negligible benzene concentrations, evidence does not exist to connect the former service station at the liquor store to the existing gasoline plume beneath the project site that was addressed by URS.

Off-site REC, the 76 Station at 34306 Pacific Coast Highway, is located adjacent north of the project site. Investigations have confirmed gasoline impact in soil and groundwater beneath the 76 Station and in the immediate vicinity resulting from former leaking of underground storage tanks at the 76 Station. The plume has migrated beneath the project site motel and liquor store, as detailed in the ESA. As such, the 76 Station is an off-site REC identified in the ESA.

3.7.2 Environmental Setting

The project site is situated at an elevation of approximately 25 feet above mean sea level on a gently sloping alluvial plain which trends in a southerly direction, towards the Pacific Ocean which is located less than 1/8 mile south and southwest of the project site.

The project site is located on Quaternary-ages alluvial (stream channel and stream terrace) and colluvial (slopewash) deposits (California Division of Mines and Geology [CDMG] 1973 AND 1974). According to URS investigations performed at the adjacent north former 76 Station (*URS Corrective Action Plan* (CAP), dated September 24, 2009, for 34306 Pacific Coast Highway, Dana Point), sediments adjacent southwest and southeast of the former 76 Station (area of the project site), consist generally of sand/silt mixture from grade to approximately 10-15 feet bgs, followed by clay and silt mixtures to approximately 24-40 feet bgs. Below approximately 40 feet bgs, soils primarily consist of sands to depth of 55-70 feet bgs (maximum depth of URS investigations in 2009). The URS September 2009 CAP states that studies in the immediate vicinity by others identified a confining silt/clay unit at 20 to 40 feet bgs in the area.

Emergency Response Plan

The City's *Emergency Plan* designates procedures that will be followed in responding to anticipated emergencies within the City of Dana Point. The plan describes how the City will prepare for, respond to, and recover from an emergency or disaster. It is consistent with state and federal guidelines regarding disaster planning. This includes consistency

with the State Administrative Manual (SAM) policies for disasters as well as Federal Emergency Management Agency (FEMA) guidelines. Additionally, the City maintains an Emergency Operations Center (EOC) and communications equipment to coordinate City services during local emergencies such as fires and power outages.

Orange County's *Emergency Response Plan* provides a detailed summary of the countywide organization and identifies the responsibilities of each component agency in the event of a disaster. The Orange County and Operational Area Emergency Operations Center (OC OA/EOC) is used for managing disaster response and recovery for County agencies, departments and constituents served by the County. The OC OA/EOC coordinates disaster response and recovery for its operational area (including all political subdivisions of Orange County) and coordinates operations resource requirements and availability with the State Regional Operations Center. The OC OA/EOC acts as a central point for coordination, and operational, administrative and support needs of the emergency workers. The OC OA/EOC is staffed with personnel from agencies within the County and various operational area jurisdictions and agencies (this may include but not limited to County personnel from law enforcement, public works, transportation, fire services, etc.) depending on the nature of the emergency.

According to the City's General Plan*,* Pacific Coast Highway and Dana Point Harbor Drive are designated as evacuation routes. The Doheny Hotel project area is accessed via Pacific Coast Highway and Dana Point Harbor Drive.

3.7.3 Regulatory Setting

Federal and state regulations exist to protect the human population and natural resources from contamination by hazards. At the federal level, the EPA regulates hazardous materials. Through the Resource Conservation and Recovery Act of 1976 (RCRA), the EPA regulates the management of hazardous waste; and through the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), the EPA regulates abandoned or closed hazardous waste sites. The California Hazardous Waste Control Law (HWCL) supplements the restrictions imposed by RCRA. The Department of Toxic Substances Control (DTSC) of the California Environmental Protection Agency (CALEPA) acts in conjunction with the federal EPA to enforce federal hazardous materials and waste regulations in California. The Regional Water Quality Control Board (RWQCB), Department of Public Health and the State Department of Health Services jointly oversee subsurface investigations and remediation of sites containing hazardous wastes. In addition to the federal and state regulations, the City of Dana Point has regulations in place to further protect the human population and natural resources from a variety of hazards and hazardous conditions.

Regulatory agencies maintain databases of known and potential hazardous waste generators, hazard storage facilities and contaminated sites. The Reynolds Group (TRG) was retained to perform a Phase I Environmental Assessment on the project site.

i. Records Research

TRG retained an environmental database firm, Environmental Data Resources, Inc. (EDR) of Milford, Connecticut, to provide a list of facilities within the project site that are currently under review, management, or notification by a regulatory agency as indicated in an EDR Radium Map with GeoCheck Report (see Appendix F). Depending on the database, and in compliance with ASTM standards, the approximate search distance includes only the project site or between 0.25 and 1.0 mile from the project site. It should also be noted that this information is reported as TRG received it from EDR, which in turn reports information as it is provided in various government databases. It is not possible for either TRG or EDR to verify the accuracy or completeness of information contained in these databases. However, the use of and reliance on this information is a generally accepted practice in the conduct of environmental due diligence.

ii. Site Reconnaissance and Public Records

Site Reconnaissance

On September 27, 2012 a representative of TRG conducted an inspection of the project site exteriors. An interior inspection was not performed at that time. The lack of interior inspection is considered a "date gap" according to AST standards, however it does not affect the findings of the investigation since, in a 2007 Phase I ESA performed by TRG, the motel and restaurant interiors were inspected and use has not changed since 2007, nor has the vacant liquor store changed which was included as an adjacent site in the 2007 Phase I. No environmental hazards, chemical use, waste, storage, environmentally hazardous leaks, spills, or dumping was observed during the inspection. No evidence of underground storage tanks (USTs), above ground storage tanks (ASTs), lifts/hoist, sumps, clarifiers, pungent or noxious air emissions, pits, ponds, lagoons, other standing water or wetlands were observed on the project site. A service station may have operated on the liquor store property parcel in the early 1960's according to the City of Dana Point Building Department records (see Section 8.6 and Appendix E of the ESA). No information was discovered to indicate if any USTs were ever removed.

A pad-mounted electrical transformer was observed in the parking lot of the motel on the project site. The transformer appeared in good condition, was not labeled with polychlorinated biphenyl (PCB) content, and no leaks or stains were observed on the unit or the concrete pad. The Edison Company is the owner of the transformer and would be responsible for any releases.

Two groundwater monitoring wells were noted on the property; MW18 on the liquor store parcel and MW19 on the motel parcel. Both are associated with the adjacent north former 76 Station where known soil and groundwater gasoline

contamination have impacted the immediate vicinity, including beneath the project site. Groundwater monitoring results from May 2012 for the 76 Station wells, including MW18 and MW19 on the project site, are provided in a table within Appendix E of the ESA. Elevated gasoline and gasoline constituent concentration have been detected in groundwater from both the MW18 and MW19 wells.

No adverse environmental conditions, other than the presence of groundwater wells MW18 and MW19, were observed during the inspection.

3.7.4 Significance Criteria

The following thresholds of significance, based on the criteria contained in Appendix G of the State CEQA Guidelines, are used to determine whether implementation of the Dana Point Hotel project will result in significant hazards and hazardous materials impacts. Impacts resulting from project implementation will be considered significant if the project will:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;

b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;

c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;

d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code, Section 65962.5 and, as a result, would create a significant hazard to the public or the environment;

e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area;

f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area;

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or

h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

3.7.5 Project Impacts

Impact 3.7-1: The proposed project is not located on a site included on the DTSC list; however, a nearby contamination plume may have the potential to have contaminated the project site.

A review of the DTSC ENVIROSTOR database indicated that the project site is not located on a federal superfund site, state response site, voluntary cleanup site, school cleanup site, corrective action site or tiered permit site. However, there is known groundwater contamination on-site from the Union 76 service station across the street. Remediation is underway at the service station, but has not begun on the project site. An on-site dual phase extractor has been installed at the service station. As part of the remediation, in February 2009, two monitoring wells (MW18 and MW19) have been installed on the project site. As of July 1, 2011, ConocoPhillips Company transferred the management of the environmental remediation activities at 76 Station number 7329 to Union Oil Company of California ("Union Oil"). From that date forward, Union Oil (or its designees or representatives, including Chevron Environmental Management Company) will manage the day-to-day corrective action/remediation obligations related to the referenced case (OCHCA CASE #99UT015).

Multiple work plans have been approved by the Orange County Health Care Agency (Public Services Environmental Health) to remediate the groundwater contamination. Continuous quarterly monitoring of Monitoring Wells 18 and 19 are included in these work plans. The first Interim Remedial Action Plan (IRAP) was approved in November 2009.

Elevated gasoline and gasoline constituent concentrations have been detected in groundwater from both the MW18 and MW19 wells. However, the mitigation measures below would reduce impacts to a less than significant level.

3.7.6 Cumulative Impacts

The conversion of the project site from restaurant and motel (commercial) land uses to multi-story hotel would not result in any cumulative impacts to hazards and hazardous materials. The proposed development would not be considered a hazardous waste generator, nor would it involve the transport, storage and/or disposal of hazardous materials. The project has the potential to expose persons to hazardous materials during the construction phase, and the project could expose persons to significant impacts from upset and/or accidental conditions relating to the presence of contaminated groundwater on the project site. However, those impacts would be specific to the project site and not contribute to any cumulative impacts from hazards and hazardous materials.

3.7.7 Mitigation Measures

MM 3.7-1: A Phase II Environmental Site Assessment shall be completed, which shall include an assessment of the on-site groundwater contamination (benzene and other contaminants, if any). If it is determined that the

benzene (and/or other contaminants, if any) levels are of a level that requires on-site remediation, the remediation shall be conducted so that the contaminant presence is reduced to a less than significant level.

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

3.7.8 Level of Significance After Mitigation

Implementation of mitigation measures 3.7-1 and 3.7-2 would reduce hazards and hazardous materials impacts to less than significant levels.

3.8 HYDROLOGY AND WATER QUALITY

3.8.1 Introduction

Information in this section was compiled from the *Preliminary Water Quality Management Plan (PWQMP) for The Dana Point Hotel*[1], prepared by Hunsaker & Associates (amended September 2011) (see **Appendix G**) and the *Preliminary Geotechnical Evaluation, Dana Point Hotel Project, City of Dana Point, Orange County, California*, prepared by GeoTek, Inc. (December 18, 2009).

An Initial Study was conducted in June 2011 before the completion of the PWQMP. Several issues referenced in the Initial Study as being "potentially significant" have, after being further researched in the PWQMP, been found to have less than significant impacts on the project. These are discussed in the following sections.

The proposed project includes features that address potential impacts to environmental resources by reducing or eliminating their otherwise untreated effects. Mitigation Measures are discussed in Section 3.8.6. The following Project Design Features (PDFs) are specified to be implemented, and will be further discussed at the end of Section 3.8.4.

- PDF 3.8-1: Two green roofs that cover approximately 79% of roof space of entire site.
- PDF 3.8-2: Two Katchall Purestream Biofiltration Units
- PDF 3.8-3: Two Katchall Trench Drain Filtration Units

3.8.2 Environmental Setting

Existing Conditions – Setting

The project site is located in the Dana Point hydrologic subarea of the San Juan hydrologic unit. This is within the San Diego Basin. The site is located in the San Juan Creek Watershed Management Area. Project drainage flows ultimately discharge to the Pacific Ocean at Doheny State Beach, approximately 600 feet west of San Juan Creek.

Watershed

The project site is located in the San Juan Creek Watershed Management. The San Juan Creek Watershed encompasses approximately 160 square miles and includes portions of the cities of Dana Point, Laguna Hills, Laguna Niguel, Mission Viejo, Rancho Santa Margarita, and San Juan Capistrano. San Juan Creek is the main tributary, and it originates in the Santa Ana Mountains area of the Cleveland National Forest. The Arroyo Trabuco and Oso Creek are smaller tributaries.[2]

[1] The name of the hotel changed to "The Doheny Hotel", but the PWQMP retained the old hotel name.
[2] http://www.ocwatersheds.com/SanJuanCreek.aspx. Accessed December 16, 2011.

Regulatory Setting/Applicable Regulations

The project will satisfy the requirements of Federal and State regulatory agencies and permits, including the following:

- The State Water Resources Control Board (SWRCB) National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity General Permit, under the Federal Clean Water Act;

- California's Nonpoint Source (NPS) Pollution Control Program; and

- San Diego Regional Water Quality Control Board Municipal Separate Storm Sewer System Storm Water NPDES Permit (MS4 Permit), Order No. R9-2009-0002, (CAS0108740) and subsequent orders thereof.

Federal Programs

The EPA is the main federal agency that is responsible for water quality oversight in the United States. The Clean Water Act (CWA) is the federal legislation that prescribes water quality control activities initiated by the EPA. Section 303 of the CWA requires the adoption of water quality standards for all surface waters in the United States. Under Section 303(d), every state is to develop a list of water bodies that do not meet water quality standards after the required levels of treatment by discharges of point sources. Total maximum daily loads (TMDLs) are put in place for every listed pollutant to bring the water bodies into compliance with established water quality goals.

Provisions of the CWA were amended in 1972 to prohibit the discharge of pollutants to waters of the U.S. from any point source, unless the pollutant discharge is in compliance with a National Pollutant Discharge Elimination (NPDES) permit. In 1987, amendments to the CWA were added to Section 402(p), which set a structure for regulating municipal, industrial, and construction stormwater discharges under the NPDES program. In November of 1990, the EPA published final regulations that created application requirements for stormwater permits for any municipal separate storm sewer system (MS4) that serves a population of over 100,000 ("Phase 1 communities"). Certain industrial facilities comprising construction sites 5 acres or more also fall under this. On December 8, 1999, the EPA published regulations for communities under 100,000 (Phase II MS4s) and operators of construction sites from 1 acre through 5 acres. In California, the EPA's NPDES permits are administered by the State Water Resources Control Board (SWRCB). This project falls in EPA Region 9.

State Programs

CWA and Nonpoint Pollution Sources

Nonpoint-source (NPS) pollution (polluted runoff) is a main cause of water quality impairments in California. Section 319 of the CWA requires that each state prepare a report that "identifies those navigable waters within the State which, without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain applicable water quality standards."

In order to comply with this, the SWRCB adopted California's NPS Control Program (NPS Program) in 1988. This program was updated and renamed the *Plan for California's Nonpoint Source Pollution Control Program* (Program Plan). The Program Plan addresses the requirement of CWA Section 319 by implementation of management measures (MMs). MMs are general goals for the control and prevention of NPS pollution. Fifteen general MMs have been identified by the SWRCB and other agencies to address urban area sources of nonpoint pollution. According to the Program Plan, the control of urban NPS pollution requires the use of two primary strategies:

- Prevention of pollutant loadings; and
- Treatment of unavoidable loadings

California's urban MMs are organized to parallel the land use development process in order to address the prevention and treatment of NPS pollution loadings during all phases of urbanization.[3]

SWRCB and the California Ocean Plan

The SWRCB has adopted a Water Quality Control Plan (WQCP) for ocean waters of California. This is entitled the *California Ocean Plan*. The *Ocean Plan* has established water quality objectives for physical, chemical, radioactive, bacteria, and biological characteristics. The Plan also includes general requirements for the regulation of wastes that are directly discharged into the ocean; effluent quality requirements for waste discharges directly into the ocean; discharge prohibitions; and general provisions.

CWA and NPDES General Construction Permit

The EPA currently has two permitting options available to meet the NPDES requirements (Individual Permits and General Permits). However, the SWRCB has chosen to adopt one statewide General Permit for California. This applies to all construction-related stormwater discharges (except for those on tribal lands, those in the Lake Tahoe Hydrologic Unit, and those discharges from California Department of Transportation [Caltrans] projects). Specific construction activities that are subject to the *General Permit* are clearing, grading, stockpiling, and excavation that results in soil disturbances of at least one acre of total land area. If the activity is part of a larger common plan of development or if significant water quality impairment would result from the activity, then construction activities disturbing less than one acre may still be subject to this permit.

The *Construction General Permit* requires all dischargers whose construction activity disturbs equal to or greater than one acre to:

- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) that specifies Best Management Practices (BMPs) to prevent all construction pollutants from contacting storm water, and also to keep all materials from erosion from discharging off-site into receiving waters.

[3] http://www.swrcb.ca.gov/water_issues/programs/grants_loans/319h/docs/2011/2011_appendix_i.pdf. Accessed January 30, 2012.

- Eliminate or reduce non-stormwater discharge to storm sewer systems and other waters of the United States.

- Perform inspections of all BMPs used as part of the project.

The proposed project would disturb greater than one acre of land, so it would be subject to the requirements of the NPDES *General Permit* for construction activity.

Local Water Quality Regulations

The City of Dana Point is a committee under San Diego regional Water Quality Control Board's National Pollutant Discharge Elimination System 9NPDES Permit No. CAS0108740. The City has adopted Chapter 15.10, Storm Water / Surface Water Quality Ordinance of the Dana Point Municipal Code to comply with said Order. Local development must comply with the ordinance and requirements as outlined in the City's Local Implementation Plan (LIP). The LIP details specific requirements for construction and post-construction Best Management Practices (BMPs) that will apply to this project.

i. Drainage Facilities

On-Site Drainage

Under existing conditions, the site drains northerly and southeasterly. The western edge and north area of the site discharge sheet flow northerly into the offsite Pacific Coast Highway street gutter system. The flow is then conveyed offsite to the east to Dana Point Harbor Drive. Flow then travels southerly until it discharges into an off-site catch basin on the west side of Dana Point Harbor Drive. Next, the flow is discharged into an off-site 54-inch reinforced concrete pipe (RCP) storm drain that conveys flow southeasterly under Dana Point Harbor Drive. This flow is discharged onto Doheny State Park, and finally to the Pacific Ocean. The southern part of the site discharges easterly into catch basins. Flow is collected in a 21-inch storm drain line that runs to the east, and is connected to an onsite portion of the previously discussed 54-inch RCP.[4]

ii. Groundwater

The project site is underlain by the San Juan Creek Groundwater Basin. This groundwater basin is a part of the Coastal Plain Basin in the western portion of Orange County. The project site is located in the lower portion of the San Juan Creek Basin. The underlying material in this area is, on average, lower in terms of permeability and infiltration capacity.

At the time of exploratory borings, groundwater was encountered at a depth of 13 feet below ground surface. Seasonal fluctuations in groundwater depth are normal, and are well documented in regional and groundwater wells in the area. Per a review of the State of California Department of Water Resources website conducted by GeoTek Inc., well number 08S07W36E00IS (located in the same water basin as the site), water levels have fluctuated over 50 feet throughout the

[4] Preliminary Water Quality Management Plan (PWQMP) for The Dana Point Hotel, prepared for Beverly Hills Hospitality Group, prepared by Hunsaker and Associates Irvine, Inc., amended September 7, 2011.

monitoring duration of the well (May 1949 through December 1987). There is no known documented ground subsidence in the subject site area over this time period.[5]

iii. Surface Water Quality

Pervious Surfaces and Soil Type

The site is developed with buildings and parking areas, and is currently 60% impervious. It is underlain by surficial undocumented fill soils, Quaternary-age alluvium, and marine terrace deposits. The fill materials generally consist of silty fine sand to fine sandy silty clay. This material is found approximately five to ten feet deep toward the eastern (low-lying) portions of the site, and 15-20 feet deep in the parking lot area at the west of the site. Interbedded silty fine sand and fine sandy silty clay are the dominant soil types at the site.[6]

Effect of Urbanization

Urbanization has the potential to increase pollutant levels over naturally occurring levels in downstream receiving waters. These receiving waters can accommodate a finite quantity of constituents. If a pollutant reaches a particular threshold, its quantity can have undesirable effects.

Water Quality and Project Site

The project is approximately 0.2 miles northwest of the Pacific Ocean shoreline via a storm drain pipe at the Doheny State Beach outlet. Doheny State Beach is USEPA (2010) 303(d)-listed for indicator bacteria from nonpoint/point sources. Other potential pollutants of concern include nutrients, pesticides, sediment, trash and debris, oxygen-demanding sources, oil, and grease. Due to project flows ultimately discharging into the Pacific Ocean, several other water bodies in the vicinity of the project (mentioned below) are potential 303(d) receiving bodies. Dana Point Harbor is 303(d)-listed for copper, toxicity, and zinc. An existing jetty separates Dana Point Harbor from the project's discharge point. These water bodies (listed below) are at a distance of approximately 500 yards from the project, and are impaired by indicator bacteria. Total maximum daily loads (TMDLs) for indicator bacteria are required and are in development for San Juan Creek mouth and the Pacific Ocean.[7] Table 3.8-1 provides details on water bodies.

- Pacific Ocean, Lower San Juan Hydrologic Subarea (HSA)
- San Juan Creek (mouth)
- Pacific Ocean, Dana Point HAS
- Dana Point Harbor

[5] Preliminary Geotechnical Evaluation for Dana Point Hotel Project, City of Dana Point, Orange County, CA. GeoTek, Inc., December 2009.

[6] Preliminary Geotechnical Evaluation for Dana Point Hotel Project, City of Dana Point, Orange County, CA. GeoTek, Inc., December 2009.

[7] Preliminary Water Quality Management Plan (PWQMP) for The Dana Point Hotel, prepared for Beverly Hills Hospitality Group, prepared by Hunsaker and Associates Irvine, Inc., amended September 7, 2011.

Table 3.8-1 – 303(d) Impairments for Downstream Water Bodies

Water Body	303(d) Pollutant/ Stressor	TMDL Status
Pacific Ocean Shoreline, Dana Point Harbor at Baby Beach	Total Coliform Enterococcus	TMDL Approved, effective date: September 15, 2009
Dana Point Harbor	Copper Toxicity Zinc	Copper & Zinc: 2019 Toxicity: 2021
San Juan Creek mouth (estuary) @ Pacific Ocean	Total Coliform, Fecal Coliform & Enterococcus	San Diego Water Board Adoption Date: February 10, 2010 State Water Board Approval Date: December 14, 2010 Office of Administrative Law Approval Date: April 4, 2011 US EPA Approval Date: June 22, 2011
Lower San Juan Creek (approx.. 1 mile upstream from mouth)	Total Coliform, Fecal Coliform & Enterococcus Other Impairments noted upstream of Dana Point City limits, include DDE, phosphorus, selenium, Total N as Nitrogen and toxicity.	San Diego Water Board Adoption Date: February 10, 2010 State Water Board Approval Date: December 14, 2010 Office of Administrative Law Approval Date: April 4, 2011 US EPA Approval Date: June 22, 2011
Pacific Ocean @ North Beach Creek	Total Coliform, Fecal Coliform & Enterococcus	San Diego Water Board Adoption Date: February 10, 2010 State Water Board Approval Date: December 14, 2010 Office of Administrative Law Approval Date: April 4, 2011 US EPA Approval Date: June 22, 2011
Pacific Ocean @ North Doheny State Beach Campground	Total Coliform & Enterococcus	San Diego Water Board Adoption Date: February 10, 2010 State Water Board Approval Date: December 14, 2010 Office of Administrative Law Approval Date: April 4, 2011 US EPA Approval Date: June 22, 2011
Pacific Ocean @ South Doheny State Beach Campground	Enterococcus	San Diego Water Board Adoption Date: February 10, 2010 State Water Board Approval Date: December 14, 2010 Office of Administrative Law Approval Date: April 4, 2011 US EPA Approval Date: June 22, 2011

Potential sources at Baby Beach include urban runoff/storm sewers, marinas and recreational boating, unknown non-point sources and unknown point sources.

3.8.3 Thresholds of Significance

The purpose of this technical evaluation is to determine the impact of the proposed project on surface water drainage and stormwater quality within the project site and vicinity. If any impact exists that the analysis determines would be significant, appropriate mitigation is specified to reduce project impacts to less than significant levels.

The thresholds of significance noted below, which are based on criteria contained in Appendix G of the *State CEQA Guidelines,* were used to determine whether implementation of the proposed project would result in significant impacts related to drainage, water quality, or hydrology. Impacts would be considered significant if the project would:

- Violate any water quality standards or waste discharge requirements.; refer to Impact 3.8-2 (Water Quality - Construction) and 3.8-3 (Water Quality - Long Term);

- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted); refer to Impact 3.8-1 (Drainage and Runoff);.

- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site; refer to Impact 3.8-1 (Drainage and Runoff);.

- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site; refer to Impact 3.8-1 (Drainage and Runoff);.

- Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; refer to Impact 3.8-1 (Drainage and Runoff);.

- Have a significant adverse impact on groundwater quality or otherwise substantially degrade water quality; refer to Impacts 3.8-2 (Water Quality - Construction) and 3.8-3 (Water Quality – Long Term);

3.8.4 Project Impacts

The following discussion evaluates the proposed project and compares it to existing conditions to determine impacts.

i. Drainage and Runoff

Impact 3.8-1: The proposed project would have the potential to alter drainage patterns and increase sedimentation during construction.

Existing Condition

In the existing condition, the site drains to the north and southeast. Sheet flow runoff from the north and west portions of the site discharges into the off-site Pacific Coast Highway street gutter system to the north. Flow is then conveyed eastward to a catch basin on the west side of Dana Point Harbor Drive, then travels to the southeast into an off-site 54-inch RCP storm drain under Dana Point Harbor Drive. It then discharges onto Doheny State Park, and ultimately to the Pacific Ocean. The south portion of the site discharges to catch basins, which transmit the flow to a 21-inch storm drain line that runs to the east and parallels the south border of the site. This then connects to the previously referenced 54-inch RCP storm drain. Drainage diagrams are found in the Preliminary Water Quality Management Plan (WQMP) in the Appendices of this report.

Proposed Condition

In the proposed (developed) condition, on-site runoff would be collected by a modified storm drain system. New storm drain improvements would include one new catch basin onsite, new storm drain lines and a relocation of the northwest portion of the existing major storm drain line by connecting upstream and discharging off-site downstream to an existing 54-inch City of Dana Point storm drain line. This relocation would be outside of the footprint of the building. The discharge from this 54-inch RCP flows through an existing Vortex separator BMP treatment control system (off-site) and continues to the Pacific Ocean at Doheny State Beach. Flows from the southern portion of the proposed hotel would discharge into a new 21-inch RCP storm drain line, which would run parallel to the south border of the project site. This would connect to the previously referenced 54-inch RCP offsite.[8] Discussion of water treatment devices follows below.

Project hydrology (based on assumed flow paths and storm drain locations) was studied by Hunsaker and Associates Irvine, Inc. The calculations were prepared using the 1986 Orange County Hydrology Manual as incorporated into the Advanced Engineering Software (AES) program. The Geotechnical report[9] was used to determine soil types for incorporation into the program for analysis of this site. The existing and proposed hydrologic conditions were analyzed to determine the hydrologic impacts of the project. The land use for the proposed project would be unchanged, and stormwater runoff generated from the project site would discharge into the same storm drain system as in the existing condition, as mentioned above. Additional catch basins would be provided.

[8] Preliminary Water Quality Management Plan (PWQMP) for The Dana Point Hotel, prepared for Beverly Hills Hospitality Group, prepared by Hunsaker and Associates Irvine, Inc., amended September 7, 2011.

[9] Preliminary Geotechnical Evaluation for Dana Point Hotel Project, City of Dana Point, Orange County, California. GeoTek, Inc.

The total 100-year storm on-site runoff generated under existing conditions is 25.1 cubic feet per second (cfs). The total 100-year onsite runoff generated under the proposed condition is 25.0 cfs. The proposed condition analysis assumed the incorporation of two green roofs into the project design.[10]

Table 3.8-2 (Pervious/Impervious Areas Comparison – Existing and Proposed Conditions) compares the existing and proposed pervious quantities. In the existing condition, the impervious areas are comprised of buildings, roads, and asphalt parking. The developed condition consists of access paths, uncovered parking, sidewalks, and parts of rooftops.

Table 3.8-2 – Pervious/Impervious Areas Comparison – Existing and Proposed Conditions

Project Area	Existing			Proposed		
	Acreage	Square feet	%	Acreage	Square feet	%
Total Area	1.51	65,776	100	1.51	65,776	100
Pervious	0.60	26,310	40	0.49	21,344	32
Impervious	0.91	39,466	60	1.02	44,431	68

The amount of impervious area would increase 8% from the existing to the proposed condition, and would constitute 68% of the site area. Although impervious area and runoff will increase as a result of this project, the previously described storm drain improvements will provide adequate capacity for the additional runoff.

The project would not significantly alter the drainage patterns of the site or area, including the alteration of the course of a river or stream, and the potential for erosion and siltation onsite or offsite would be less than significant with the implementation of Mitigation Measure 3.8-2, which is recommended to avoid and minimize impacts regarding potential erosion and/or siltation onsite or offsite. With implementation of these plans described in Mitigation Measure 3.8-2, effects of potential soil erosion will be reduced to a less than significant level.

There would be no changes to the hydrologic system resulting from the proposed development. The similar land use and small increase in impervious area would result in almost identical characteristics. No changes from the proposed project would impact downstream conveyance channels. There would be no increase in off-site flows. Therefore, no detrimental effects from erosion would result.[11]

Prior to the issuance of any grading permits, further drainage studies will be submitted to the Public Works Department. Also, the applicant will construct all applicable drainage improvements in accordance with the guidelines documented in the approved Water Quality Management Plan for The Doheny Hotel.

[10] Preliminary Water Quality Management Plan (PWQMP) for The Dana Point Hotel, prepared for Beverly Hills Hospitality Group, prepared by Hunsaker and Associates Irvine, Inc., amended September 7, 2011.

[11] Preliminary Water Quality Management Plan (PWQMP) for The Dana Point Hotel, prepared for Beverly Hills Hospitality Group, prepared by Hunsaker and Associates Irvine, Inc., amended September 7, 2011.

Subterranean Parking Structure

The proposed project features a subterranean parking structure, and the depth of the excavation of the proposed project would be approximately 20 feet. After dewatering, the water table would be lowered to approximately 23 feet below ground surface within the excavation area. The geotechnical report[12] prepared for this site indicates that the temporary lowering of the water table during construction of the planned subterranean parking structure would not result in any significant or detrimental effects on existing improvements in the vicinity of the project site. The projected groundwater depth is within the historical range of groundwater fluctuations at the site, and would not cause significant additional settlement to existing or nearby structures. The existing site soils have already been pre-consolidated to the groundwater levels associated with design level conditions. The temporary lowering of groundwater level of approximately 15 feet should not result in harmful ground subsistence, nor should it negatively affect nearby site improvements.[13] Also, per the preliminary geotechnical report, the lowering of the groundwater table resulting from activities associated with the subterranean parking structure is within the historical range, and would have no negative effects.[14]

Since dewatering will occur as part of this project, implementation of Mitigation Measure 3.8-1 is recommended to avoid and/or minimize impacts to extracted groundwater. With collection and proper disposal of the extracted ground water, effects of contaminated ground water entering the storm drain system will be reduced to a less than significant level.

ii. Water Quality – Construction

Impact 3.8-2 Grading, excavation, and construction activities associated with the proposed project could impact water quality resulting from erosion of exposed soils and subsequent deposition of particles and pollutants in drainage areas.

Construction controls are temporary and specific to the type of construction. Construction of the proposed project has the potential to produce certain pollutants that are typical of those generated at construction sites. Examples of these potential pollutants in runoff are nutrients, heavy metals, pesticides and herbicides, toxic chemicals related to construction and cleaning, waste materials, fuel, and lubricants. As part of the project's compliance with NPDES General Permit requirements, a Notice of Intent (NOI) would need to be prepared and submitted to the SDRWQCB that provides notification and intent that the project would indeed comply with the General Permit. Before the start of construction, a SWPPP is required for the construction activities on the project site.

Prior to issuance of any grading approvals, the project would be required to obtain permit approval from the NPDES Statewide Stormwater Permit for General Construction Activities prior to issuance of grading permits. A Stormwater Pollution Prevention Plan (SWPPP) must be prepared prior to the

[12] Preliminary Geotechnical Evaluation for Dana Point Hotel Project, City of Dana Point, Orange County, CA. GeoTek, Inc., December 2009.
[13] Ibid.
[14] Preliminary Geotechnical Evaluation for Dana Point Hotel Project, City of Dana Point, Orange County, CA. GeoTek, Inc., December 2009.

issuance of grading or building permits. Construction impacts will be analyzed and controlled through the preparation of a Runoff Management Plan and a Sediment Control Plan, also prior to the issuance of any grading/building permits.

iii. Water Quality – Long Term

Impact 3.8-3 Implementation of the proposed project could result in long-term impacts on the quality of stormwater and urban runoff, subsequently impacting water quality.

A Preliminary Water Quality Management Plan (PWQMP) was prepared by Hunsaker and Associates Irvine, Inc., and provides post-construction BMPs. The project site incorporates site design BMPs, source control BMPs, and treatment control BMPs (discussed in detail below). These are utilized to reduce or eliminate post-project runoff, control source pollutants, and treat stormwater runoff before it flows to the storm drain system. They are discussed later in this section. A final WQMP would be approved to provide post-construction BMPs, and that the site incorporate these recommendations. Also, Project Design Features 3.8-1 through 3.8-3 (discussed below) address treatment of site runoff. Implementation of BMPs and PDFs would reduce negative water quality effects to less than significant. The capacity of existing or planned stormwater drainage systems to provide additional sources of polluted runoff would not be exceeded due to treatment of runoff.

With implementation of Mitigation Measure 3.8-3 (that include the BMPs and PDFs listed above), the potential to violate water quality standards, objectives and beneficial uses and/or waste discharge requirements, threaten impaired water bodies with pollutant(s) of concern, discharge polluted runoff, increase quantity of runoff, significantly impact surface water quality, or otherwise degrade water quality or exacerbate water quality environmentally sensitive areas or impact aquatic habitat, will be reduced to less than significant. Water quality would not be substantially degraded.

The only anticipated change to downstream conditions is improved runoff water quality. This runoff would undergo treatment through project BMPs, in contrast to the existing condition, which does not include treatment. No negative effects on existing channel erosion are foreseen. It is anticipated that the proposed project would not have a significant potential for erosive conditions nor alteration of habitat of the downstream channels because there is an insignificant change in overall site impervious area.[15]

Although the project discharges to Doheny Beach, which is an Environmentally Sensitive Areas (ESAs), runoff will be treated before entering the storm drain system.

15 Preliminary Water Quality Management Plan (PWQMP) for The Dana Point Hotel, prepared for Beverly Hills Hospitality Group, prepared by Hunsaker and Associates Irvine, Inc., amended September 7, 2011.

Site Design BMPs / Low Impact Development

Two green roof elements that account for approximately 79% of roof coverage are incorporated into this project, which extensively decreases impervious area. The rooftop system is of the vegetated cover design, and is installed on the top of the fifth story roof. The second floor roof will contain a garden terrace area for the third floor and the fourth and fifth floor levels will have raised planter areas. The system is designed to resemble the natural hydrologic processes of interception, storage, and detention of the 24-hour, 85th percentile storm event. The system features a synthetic underdrain layer that promotes rapid drainage from the roof deck surface, and intercepts and retains water until the peak rainfall has passed. Two Katchall Purestream Biofiltration units (8 feet by 4 feet and 8 feet by 6 feet), and two Katchall Trench Drain filtration devices are also proposed. Water from the first level at the main entrance of the site, the open air terrace area, and strip of land to the north of the open air terrace area would be treated by the Katchall Purestream Biofiltration units. Flow from the valet ramp to the parking area below would be intercepted by the Katchall Trench Drain filtration devices. This flow would be directed to the storm drain before entering the parking garage. In the subterranean parking, a garage-level drain would pump flow to a grease trap separator before entering the sanitary sewer system. Flows from the trench drains would be discharged into the proposed 18-inch storm drain offsite and to the south. A proposed hanging storm drain would collect flow from off-site and to the north by way of grate inlets. This hanging storm drain line would be located in the parking garage and connect to the on-site storm drain system.[16]

Also, minimum width designs would be incorporated into the project. Streets, sidewalks, and parking lot aisles would be designed to minimum widths, while still complying with ADA regulations and safety requirements. Driveway courts that access the hotel entrance and overlook area are 24 feet wide. Landscaped buffers are used along Pacific Coast Highway, Dana Point Harbor Drive, and in parking areas.

The project also maximizes canopy interception through use of habitat enhancement/naturalization trees, flowering or fruiting accent trees, medium screening trees, massing trees, low/spreading flowering, accent and theme trees. Native drought tolerant trees, shrubs and groundcover would be utilized. Impervious surfaces and decorative concrete in landscaped areas would be minimized to the maximum extent practicable. A portion of on-site drainage would flow over landscaped areas before entering area drains and the storm drain system. The rooftop drains would drain via downspouts on the south and east roof areas into adjacent landscape areas that are along the project's eastern boundary. They would be attached to an area drain system before discharging off-site into the existing storm drain system.[17]

Source Control BMPs

Source control BMPs are measures (primarily nonstructural) that are designed to prevent runoff pollution and control sources of pollutants. These measures either reduce the amount of runoff from the site or prevent contact between potential pollutants and stormwater. They are to be included in all projects and are represented in items such as

[16] Ibid.

[17] Preliminary Water Quality Management Plan (PWQMP) for The Dana Point Hotel, prepared for Beverly Hills Hospitality Group, prepared by Hunsaker and Associates Irvine, Inc., amended September 7, 2011.

irrigation, landscape, signage, education, and maintenance. Also, source-control BMPs are often the most effective method to address non-storm (dry-weather flows).

Detailed descriptions of these non-structural and structural BMPs are included in Table 6-1 of the PWQMP. Non-structural BMPs include (1) education for property owners, tenants, and occupants, (2) activity restrictions, (3) common area landscape management, (4) BMP maintenance, (5) Title 22 CCR compliance, (6) local water quality permit compliance, (7) spill contingency plan, (8) underground storage tank compliance, (9) hazardous materials disclosure compliance, (10) uniform fire code implementation, (11) common area litter control, (12) employee training, (13) housekeeping loading docs, (14) drainage facility inspection, (15) street sweeping private streets and parking lots, and (16) retail gasoline outlets. Structural BMPs include (1) site design and landscape planning, (2) roof runoff controls, (3) efficient irrigation, (4) storm drain system signs, (5) pervious pavements, (6) alternative building materials, (7) fueling areas, (8) maintenance bays and docks, (9) trash enclosures, (10) vehicle and equipment washing areas, (11) outdoor material storage areas, (12) outdoor work areas, (13) outdoor processing areas, and (14) pool and fountain cleaning.

Treatment Control BMPs

Treatment control BMPs use treatment mechanisms to remove pollutants that have entered stormwater runoff and consist of public domain BMPs and manufactured or proprietary BMPs (MP-XX). The "XX" references numbers found in the California BMP handbook. Project Design Features (PDFs) are noted as well.

PDF 3.8-1: Green Roofs

Most of the site runoff will be treated via two (2) green roofs, which are vegetated systems that will be installed on the top of the second and fourth story. Each roof system is intended to mimic the natural hydrologic processes of the interception, storage and detention to control the 24-hour 85th percentile storm event. A green roof mimics predevelopment conditions by limiting the impervious area created by development. Green roofs filter, absorb, and evapotranspire precipitation to help mitigate the effects of urbanization on water quality and delivery of excess runoff to the local storm water conveyance systems and provide multiple benefits, including:

- Water Quality
- Runoff Quantity Reduction
- Energy Savings
- Reduction of Heat Island Effect
- Improved Air Quality
- Decrease of Global Warming Impacts
- Increase life of roof-waste reduction

- Acoustic Buffering

- Creation of Habitat

PDF 3.8-2: Two Katchall Purestream Biofiltration Units that will collect and treat flows from the open air terrace areas, the first level at the site's main entrance, site landscaped area along the project's most east boundary and from the strip of land north of the open air terrace area.

PDF 3.8-3: Two Katchall Trench Drain Filtration devices are proposed at the valet parking ramp and would continue to the subterranean parking level. These are approximately 12 inches wide and 20 inches long.

- Media Filter (MP-40): Similar to constructed media filter, but manufactured as self-contained filtering vaults, units, or cartridges.

3.8.5 Cumulative Impacts

Development projects can increase runoff flows and volumes at a site by altering the characteristics of a site. Each project must be evaluated to determine the impact on the municipal storm drain system and its potential to cause erosion or flooding on adjacent properties in the vicinity. The proposed project would improve hydrologic conditions downstream.[18]

3.8.6 Mitigation Measures

State regulations and programs such as the Municipal and General Construction Activity NPDES permits, the MS4 NPDES Permits, the City Local Implementation Plan, and the TMDL program have been put into place in order to protect receiving waters of the State of California. New projects are required to comply with these regulations and programs, where appropriate, to protect water quality in the receiving water body. In order to control and counter potential impacts, the proposed project is to comply with City ordinances, and water quality programs that are enforced through WQMPs and SWPPPs. The incorporation of the BMPs, as described in the project WQMP and as required per the State General Construction Permit, City Grading Ordinance and City Storm Water / Surface Runoff Water Quality Ordinance, will reduce potential pollutants that occur as a result of implementation of this project to the maximum extent practicable, as required by the State and San Diego Regional Water Quality Control Board.

MM 3.8-1: Extracted groundwater will be collected and transferred to an appropriate environmental disposal site. As an alternative, the extracted groundwater may be treated on-site and disposed of through use of the sanitary sewer system in accordance with requirements of the City of Dana Point and South Coast Water District. With collection and proper disposal of the extracted ground water, effects of contaminated ground water entering the storm drain system will be reduced to a less than significant level.

[18] Preliminary Water Quality Management Plan (PWQMP) for The Dana Point Hotel, prepared for Beverly Hills Hospitality Group, prepared by Hunsaker and Associates Irvine, Inc., amended September 7, 2011.

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

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

With implementation of the post-construction BMPs, as specified in the project's WQMP, the potential to violate water quality standards, objectives and beneficial uses and/or waste discharge requirements, threaten impaired water bodies with pollutant(s) of concern, discharge polluted runoff, increase quantity of runoff, significantly impact surface water quality, or otherwise degrade water quality or exacerbate water quality environmentally sensitive areas or impact aquatic habitat, will be reduced to less than significant.

3.8.7 Level of Project Impact Significance after Mitigation

Implementation of the Mitigation Measures 3.8-1 through 3.8-3 (that include Best Management Practices (BMPs), and Project Design Features) would reduce any potential issues regarding drainage/runoff, and water quality (construction and long-term) to a less than significant level. No significant and unavoidable impacts would occur.

3.9 LAND USE AND PLANNING

3.9.1 Introduction

The purpose of this section is to discuss the potential impacts of the proposed Doheny Hotel Project upon land uses on the project site and adjacent areas within the City of Dana Point. This section provides a discussion of existing conditions, including on-site and off-site land uses. Potential impacts of the proposed project are examined, including consistency with the *Dana Point Specific Plan* (1980), the *California Coastal Act* (1976), the *Dana Point Specific Plan Local Coastal Program* (1986), and the County of Orange Zoning Code.

3.9.2 Environmental Setting

Project Land Uses

The project site is located at 25325 Dana Point Harbor Drive and is approximately 1.48 acres in size. It is comprised of three separate parcels including APN # 68216608 (25325 Dana Point Harbor Drive), APN # 68216621 (34297 Pacific Coast Highway), and APN # 68216622 (34293 Pacific Coast Highway).

The site is currently occupied by a Jack-in-the-Box restaurant, a vacant commercial building, and an operational 46-room motel (Dana Point Harbor Inn) with associated surface parking lots, encompassing approximately 21,134 square feet of building area.

The site is within the City of Dana Point's Coastal Zone and Dana Point Specific Plan Area. It has two land use designations under the Land Use Element of the Local Coastal Plan (LCP) for the Dana Point Specific Plan Area. The portion of the overall subject site that faces Pacific Coast Highway (PCH), which includes the Jack-in-the-Box and the vacant commercial/former liquor store, is designated "Community Commercial" (CC). The existing 46-room motel which fronts Dana Point Harbor Drive is designated "Tourist Recreational/Commercial" (TRC).

The project site has two zoning designations under the LCP for the Dana Point Specific Plan Area. The portion of the overall subject site that faces PCH, which includes the Jack-in-the-Box and the vacant commercial/former liquor store, is zoned "Coastal Couplet Commercial" (C-CPC). The existing 46-room motel which fronts Dana Point Harbor Drive is zoned "Coastal Visitor Commercial" (C-VC).

Adjacent Land Uses

The proposed project is located within a developed urban environment. Adjacent existing land uses include:

North: Pacific Coast Highway (PCH) is directly to the north. Beyond PCH there is a commercial strip including a hotel, restaurant and former gas station site. There is also a small two-story multi-family residential complex. The designated land use for this area is "Community Commercial" (CC) and it is zoned "Coastal Couplet Commercial" (C-CPC).

East: There is a County of Orange Dana Point Harbor gateway marker signage located adjacent to the site. Dana Point Harbor Drive is directly to the east. Beyond Dana Point Harbor Drive there is a large vacant lot with several trees and other vegetation. The designated land use for this area is "Tourist Recreational/Commercial" (TRC) and it is zoned "Coastal Visitor Commercial" (C-VC).

South: The parking lot of Lantern Bay Park is to the south. The designated land use for this area is "Recreational" (R) and it is zoned "Coastal Recreation Space" (C-R).

West: Several commercial uses including two fast food restaurants and a scuba center are to the west. The designated land use for this area is "Tourist Recreational/Commercial" (TRC) and it is zoned "Coastal Visitor Commercial" (C-VC).

3.9.3 Regulatory Setting

State

California Coastal Act Of 1976

The *California Coastal Act* of 1976 (California Public Resources Code §30000 et seq.) sets state policies for the conservation and development of California's coastline by addressing public access, coastal recreation, the marine environment, coastal land resources and coastal development. Under provisions of the Coastal Act, each local government along the coast must develop a Local Coastal Program (LCP) consistent with these policies. An LCP consists of a land use plan, zoning documents and other implementing actions. The California Coastal Commission (CCC) exercises regulatory authority over development within the Coastal Zone (CZ) until the local LCP is certified by the CCC, at which time primary land use authority reverts to the local level under authority of the certified LCP. The Doheny Hotel Project is within the CZ. All landside improvements within the CZ must be consistent with a certified LCP, and require a Coastal Development Permit (CDP) from the City.

Local

City of Dana Point General Plan

The certified Land Use Plan (LUP) policies, land use designations, and maps, diagrams, figures, tables and other graphics for the areas of the City of Dana Point's coastal zone, except the uncertified areas covered by the existing certified Dana Point Specific Plan/Local Coastal Program, are contained in the Land Use, Urban Design, and Conservation/Open Space Elements of the City's General Plan.

The policies, land use designations, and maps, diagrams, figures, tables and other graphics which apply specifically to the other areas of the City which are covered by the existing Dana Point Specific Plan/1986 Local Coastal Program are contained within the Dana Point Specific Plan/Local Coastal Program. These LUP policies, land use designations, and maps and other graphics contained in the Dana Point Specific

Plan/Local Coastal Program remain in effect for local coastal program purposes for those specific geographic areas.

The proposed project is located within the Dana Point Specific Plan (DPSP) area which includes the 1986 City of Dana Point Local Coastal Program. Therefore the policies, land use designations, maps, and diagrams for the site are found within the Dana Point Specific Plan/1986 Local Coastal Program.

City of Dana Point 1986 Local Coastal Program (LCP)

The following general policies provide the framework for the LUP[1]:

1. The County[2] will adopt the policies of the Coastal Act (PRC Sections 30210 through 30263) as the guiding policies of the land use plan.

2. Where policies within the land use plan overlap, the policy which is the most protective of coastal resources will take precedence.

3. Where there are conflicts between the policies set forth in the coastal land use plan and those set forth in any element of the County's General Plan or existing ordinances, the policies of the coastal land use plan will take precedence.

4. Prior to the issuance of a coastal development permit, the County will make the finding that the development meets the standards set forth in all applicable land use plan policies.

It is a policy of the 1986 LCP that "Future visitor-serving facilities will be located in those areas designated as tourist recreation/commercial by the Land Use Plan."[3]

Land Use Element of the Dana Point Specific Plan

The proposed project site has two land use designations under the Land Use Element of the LCP for the Dana Point Specific Plan Area. The portion of the overall subject site that faces PCH, which includes the Jack-in-the-Box and the vacant commercial/former liquor store, is designated "Community Commercial" (CC). The existing 46-room motel which fronts Dana Point Harbor Drive is designated "Tourist Recreational/Commercial" (TRC). These land uses are illustrated in **Figure 3.9-1** *Local Coastal Plan Land Use Map.*

1 City of Dana Point Local Coastal Program for the Dana Point Specific Plan Area. October 1986. Page 2.
2 The County or functional equivalent, i.e., the City of Dana Point.
3 City of Dana Point Specific Plan, Local Coastal Program, 1986. Page X-7.

Service Layer Credits: National Geographic, Esri, DeLorme, NAVTEQ, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, iPC, Copyright:© 2011 Esri, DeLorme, NAVTEQ, TomTom, Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community; City of Dana Point, 1980, 2012/2013; UltraSystems Environmental, Inc., 2012/2013

March 28, 2013

Scale 1:15,600
1 Inch = 1,300 Feet

N

0 650 1,300 Feet

0 200 400 Meters

Legend

- Project Location
- Coastal Zone Boundary
- Commercial/Residential
- Community Commercial
- Conservation
- Heavy Density/Congregate Care
- High Density
- Medium Density
- Other Open Space
- Quasi - Public Facilities
- Recreational
- Residential/Commercial
- Tourist Recreational/Commercial

Headlands Development and Conservation Plan

- Recreation & Conservation Open Space
- Residential
- Visitor/Recreational/Commercial

Doheny Hotel Project

City of Dana Point
Coastal Land Use Map

UltraSystems
environmental management planning

The CC land use designation "provides for retail trade, convenience goods, services and professional office uses. In addition, it allows for financial, insurance, real estate and personal and professional services for wholesale trade."[4]

Hotels and restaurants are allowed within CC areas subject to a Coastal Development Permit.

The TRC land use designation is "applicable to areas which, because of unique natural man-made amenities on or near the site, facilitate maximum conservation of the amenities through comprehensive site planning involving a mix of uses emphasizing recreation oriented commercial activities, open space preservation and conservation of significant natural features. Typical uses to be encouraged include public or private recreational, cultural, social, and educational facilities; gift and specialty shops; food and drink establishments; hotels and other permanent overnight accommodations; limited residential development; and required parking facilities."[5]

Guidelines for the TRC land use designation are as follows:[6]

- To encourage multi-use developments combining the above uses and any others which achieve the intent of this designation.
- To provide for a mix of uses, which will facilitate both seasonal and year-round activities.
- To vary the uses from site to site so as to capitalize on the particular location, size and uniqueness of each area.
- To require (1) an adopted community (specific) plan and (2) a features plan for the parcel(s) in question, as input to mandatory site plan review for 'any zoning to implement this designation.'
- To provide for maximum public access to the amenities afforded by the site.
- To arrange buildings, structures and man-made improvements so that scenic aspects of the site are available for public enjoyment.
- To conserve natural features of the site through use of site alterations and grading that enhance the natural scenic and recreational features of the site.
- To consider the nature and significance of the natural amenity, as well as the feasibility of tourist recreation development, in determining the proportion of open space to man-made improvements.
- To require that facilities accommodating overnight tourists be permanent structures.

[4] City of Dana Point Local Coastal Program for the Dana Point Specific Plan Area. October 1986. Page 80.
[5] Ibid. Page 81.
[6] Ibid. Pages 81-82.

- To limit residential uses to timeshare condominiums, timeshare stock-cooperatives, timeshare community apartments and ancillary residential uses (i.e., units occupied by the owner or employee of a TRC use).

Hotels are an encouraged use within TRC areas and are consistent with this land use designation.

Zoning Designations

The proposed project site has two zoning designations under the LCP for the Dana Point Specific Plan Area. The portion of the overall subject site that faces PCH, which includes the Jack-in-the-Box and the vacant commercial/former liquor store, is zoned "Coastal Couplet Commercial" (C-CPC). The existing 46-room motel which fronts Dana Point Harbor Drive is zoned "Coastal Visitor Commercial" (C-VC). These zoning designations are illustrated in **Figure 3.9-2** *Local Coastal Plan Zoning Map.*

Figure 3.9-2: Local Coastal Plan Zoning Map

The C-CPC district "is intended to provide an environment which will take advantage of the superior access of the Pacific Coast Highway and couplet area, yet not unduly limit effective use of the highway. New development is to be compatible with the Community Design Element of the Dana Point Specific Plan. The C-CPC district implements the 2.2 Community Commercial Land Use designation of the DPSP and LCP/LUP."[7]

Retail businesses and restaurants are principal permitted uses within the C-CPC district of the Dana Point Specific Plan, but are subject to the provisions of a Coastal Development Permit. They must also comply with the site development standards for the district. Hotels, motels, service businesses, parking lots and parking structures are listed as other permitted uses within the C-CPC district and are also subject to the provisions of a Coastal Development Permit.

The site development standards for the C-CPC district specify a maximum allowable building height of 35 feet.[8] The proposed building height is 86.5 feet, which includes rooftop maintenance equipment and mechanical screening, and 76.5 to 78.5 feet in height as measured to the top of the fifth floor without mechanical screening. The site development standards for the C-CPC district also specify a minimum front building setback of five feet from the right-of-way line of the ultimate street, a 5 foot street side setback, and zero feet from the property line abutting non-residential districts.[9] The proposed building setbacks for the portion of the property within the C-CPC district (i.e., Jack-in-the-Box and vacant commercial building) are as follows:

> Pacific Coast Highway (North) – 10-foot front setback from PCH; portions of the hotel's front façade along PCH will "jog in and out" creating some undulations in this street façade. The 10-foot setback will be from the proposed curb, which will result after a 10-foot portion of the subject property is dedicated for street purposes (i.e., right hand turn lane and loading zone).
>
> Dana Point Harbor Drive (East) – 10-foot street side setback; approximately 52 linear feet of the hotel façade on Dana Point Harbor Drive (closest to the corner of PCH and Dana Point Harbor Drive) will have a 10-foot setback from the property line. An outdoor patio area will encroach into the required 5-foot street side setback.
>
> Del Taco (West) – 0 feet; the proposed hotel will be built on the subject site to the western-most property line shared with the existing Del Taco restaurant, with no setback adjacent to Del Taco.

The proposed building setbacks are in compliance with the standards for the C-CPC district with the exception of the Dana Point Harbor Drive side; therefore a variance granted by the Planning Commission will be required.

The C-VC district is intended "to provide the regulations which will permit the development and maintenance of a commercial area that will supply the needs of

[7] City of Dana Point Local Coastal Program for the Dana Point Specific Plan Area. October 1986. Page 141.
[8] Ibid. Page 143.
[9] Ibid.

tourists and other visitors to the coast while preserving unique natural features of the environment."[10]

Hotels are a principal permitted use within the C-VC district but are subject to the provisions of a Coastal Development Permit.[11] They must also comply with the site development standards for the district. The maximum allowable building height within the C-VC district is 35 feet.[12] The proposed building height is 86.5 feet, which includes rooftop maintenance equipment and mechanical screening, and 76.5 to 78.5 feet without the mechanical screening area. The site development standards for the C-VC district also specify a minimum building setback of 20 feet from the front, 10 feet from the side, and 10 feet from the rear of any exterior property line.[13]

The proposed building setbacks for the portion of the property within the C-VC district (i.e., existing 46-room motel) are as follows:

> Dana Point Harbor Drive (East) – 12-30 feet; hotel façade along Dana Point Harbor Drive will have a proposed front setback that will range from 12 to 30 feet.
>
> Lantern Bay Park (South) – 0 feet; the proposed hotel will be built on the subject site up to the southern-most property line, with no setback adjacent to Lantern Bay Park. This is considered a side setback.
>
> McDonald's (Southwest) – 10 feet; the proposed hotel will be constructed on the subject site with a 10-foot rear setback facing McDonald's restaurant. A stairwell will encroach into the 10-foot rear setback.
>
> Del Taco & Scuba Center – 0 feet; the proposed hotel will be constructed on the subject site up to the northwestern property line that faces the rear of the existing Del Taco restaurant and existing scuba center, with no setback adjacent to the Del Taco and scuba center. This is considered a side setback.

The proposed building setbacks are not in compliance with the standards for the C-VC district. Both sides, the front, and the rear will require a variance granted by the Planning Commission.

Overall, the proposed building of the site is not consistent with the Dana Point Specific Plan because it exceeds the maximum allowable height and does not meet the minimum building setback requirements for the side and rear property lines as well as the front of the building facing Dana Point Harbor Drive.

Community Design Element

The *Community Design Element* (CDE) contained within the Dana Point Specific Plan acts as a guide to the future appearance, character and beautification of the Dana Point community. The purpose of the CDE is to establish an overall community design structure and guidelines for key sectors in the community. The proposed project lies within the Pacific Coast Highway (PCH) corridor. Page IX-2 of the CDE says to develop

[10] City of Dana Point Local Coastal Program for the Dana Point Specific Plan Area. October 1986. Page 146.
[11] Ibid.
[12] Ibid. Page 148.
[13] Ibid.

the PCH corridor as per the recommendations proposed in the Specific Plan Scenic Highway Element. This Element is discussed in Section 3.1 of this EIR.

City of Dana Point Design Guidelines

The Dana Point Design Guidelines are to be used in the planning of new development projects and major renovations in the City. The Guidelines communicate the qualities and characteristics expected of development in Dana Point. The City will use the guidelines to evaluate the design quality of development proposals which require discretionary approval.

PCH and Dana Point Harbor Drive are both City-designated "scenic highways." The guidelines specify that when public views are affected by a proposed development project, careful site planning, architecture and landscape design should be used to minimize interference with views. Site organization should place buildings, parking areas, signs and other features in locations that preserve existing views. Building forms should be carefully designed to minimize disruption of public views. Roof forms and story heights should be adjusted to preserve public views. Landscape elements should be carefully selected to minimize disruption of public views. The Design Guidelines are discussed in detail in Section 3.1 of this EIR.

3.9.4 Thresholds of Significance

Appendix G of the *California Environmental Quality Act (CEQA) Guidelines* was used to define significance thresholds for this analysis. As such, a project will normally have a significant adverse environmental impact on land use if it will:

- Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect;
- Physically divide an established community;
- Conflict with any applicable habitat conservation plan or natural communities plan;
- Result in land use compatibility conflicts with existing or proposed uses.

3.9.5 Project Impacts

Building Height

Impact 3.9-1 *The proposed project conflicts with the Dana Point Specific Plan, which currently allows for a maximum height of 35 feet in the "Coastal Couplet Commercial" zone and "Coastal Visitor Commercial" zone.*

The proposed project site has two zoning designations. The portion of the overall subject site that faces PCH, which includes the Jack-in-the-Box and the vacant commercial/former liquor store, is zoned "Coastal Couplet Commercial" (C-CPC). The site development standards for the C-CPC district specify a maximum allowable building

height of 35 feet.[14] The existing 46-room motel which fronts Dana Point Harbor Drive is zoned "Coastal Visitor Commercial" (C-VC). The maximum allowable building height within the C-VC district is 35 feet.[15] The proposed building height is 86.5 feet, which includes rooftop maintenance equipment and screening; without the rooftop maintenance equipment and mechanical screening area, the height is 76.5 to 78.5 feet. This conflicts with the maximum allowed height in both zones. Therefore, the City will need to grant a variance for height with a corresponding Statement of Overriding Considerations, or the project applicant will have to decrease the building height to be consistent with the Dana Point Specific Plan.

Building Setbacks

Impact 3.9-2 *The proposed project conflicts with the Dana Point Specific Plan, which currently requires a minimum building setback of 10 feet from the rear, 10 feet from the either side, and 20 feet in the front of any exterior property line in the "Coastal Visitor Commercial" zone.*

The proposed project site has two zoning designations. The portion of the overall subject site that faces PCH, which includes the Jack-in-the-Box and the vacant commercial/former liquor store, is zoned "Coastal Couplet Commercial" (C-CPC). The site development standards for the C-CPC district also specify a minimum building setback of five feet from the right-of-way line of the ultimate street, and zero feet from the property line abutting non-residential districts.[16] The proposed project will have an outdoor patio area that will encroach into the required 5-foot street side setback. The proposed building setbacks are discussed in detail in Section 3.9.3 and are in compliance with the standards for the C-CPC district, with the exception of the side setback along Dana Point Harbor Drive.

The existing 46-room motel which fronts Dana Point Harbor Drive is zoned "Coastal Visitor Commercial" (C-VC). The site development standards for the C-VC district specify a minimum building setback of 20 feet from the front, 10 feet from the side, and 10 feet from the rear of any exterior property line.[17] The proposed building setbacks are discussed in detail in Section 3.9.3. A 12-30 foot front setback is proposed for the hotel façade along Dana Point Harbor Drive which conflicts with the minimum 20 foot front setback for the C-VC district. A zero-foot setback is proposed for the side portion of the property adjacent to Lantern Bay Park, which conflicts with the minimum 10 foot side setback for the C-VC district. There is a stairwell that will encroach into the 10-foot rear setback near McDonald's. A zero-foot side setback is proposed for the property line that faces the rear of the Del Taco and scuba center. The City will have to grant variances for the front, sides, and rear setbacks with a corresponding Statement of Overriding Considerations, or the project applicant will have to increase the building setbacks to be consistent with the Dana Point Specific Plan.

3.9.6 Cumulative Impacts

The proposed project is consistent with existing land uses surrounding its boundaries. No cumulative impacts to land use and planning are anticipated as a result of the

[14] Ibid. Page 143.
[15] Ibid. Page 148.
[16] Ibid.
[17] Ibid.

proposed project. Chapter 4 includes a discussion about potential cumulative impacts from nearby project development and future City growth.

3.9.7 Project Requirements

Controls are imposed on new developments through the permitting process via the adoption of conditions of approval or through enforcement of existing ordinances and regulations. The City has developed extensive guidelines for development that will be implemented as the proposed project is carried out.

The proposed project would require several entitlements, including a Coastal Development Permit, variances for building height and setbacks, a Conditional Use Permit and Site Development Permit.

Per the Orange County Zoning Code Section 7-9-150.3(e)(1), the following findings must be made by the approving authority, in this case the Dana Point Planning Commission, in order to approve any discretionary permit:

- The use or project proposed is consistent with the General Plan (in this case the City's General Plan does not apply to the project site; it instead must be consistent with the Dana Point Specific Plan and Local Coastal Program).

- The use, activity or improvement(s) proposed is consistent with the provisions of the Zoning Code.

- The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.

- The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity.

- The approval of the permit application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

Coastal Development Permit - A Coastal Development Permit (CDP) is a discretionary request for review of development plans for a proposed use, structure or activity located within the City's Coastal Zone as established by the California Coastal Act and defined in the City's Local Coastal Program (LCP). All development projects undertaken within the Coastal Zone require the approval of a CDP unless specifically exempted.

Variance - A variance is a discretionary entitlement which permits departure from the strict application of the development standards. Due to the location of the proposed project, the Dana Point Specific Plan and Orange County Zoning Code are the applicable documents. A variance is required because the project applicant proposes to construct a building that will exceed maximum building height standards as well as encroach into required yard setbacks.

In addition to the findings required by Section 7-9-150.3(e)(1) of Orange County Zoning Code the following findings shall be made by the approving authority prior to the approval of any variance application[18]:

- There are special circumstances applicable to the subject building site which, when applicable zoning regulations are strictly applied, deprive the subject building site of privileges enjoyed by other property in the vicinity and subject to the same zoning regulations.

- Approval of the application will not constitute a grant of special privileges which are inconsistent with the limitations placed upon other properties in the vicinity and subject to the same zoning regulations, when the specified conditions are complied with.

Conditional Use Permit - For the proposed project, a Conditional Use Permit (CUP) is required for hotel, restaurant, rooftop bar operation, and parking uses. A CUP is a request to allow a use which, while permitted under the use standards of a particular zoning district, may have potential to create adverse impacts on surrounding development. The permit is "conditional" in that specific restrictions, or conditions, are typically placed on the use to ensure that it will not adversely affect the vicinity and/or the City as a whole.

Section 7-9-150.1(c) of Orange County Zoning Code states that the purpose of a use permit is to provide for the public review of detailed final plans for a proposed use. Uses which require a use permit are regarded as having a relatively moderate to high potential for adverse impacts on the subject site or surrounding community due to the nature or magnitude of the use vis-a-vis the sensitivity of the subject site or surrounding community.

A use permit is a precise plan of development and shall include the following:

(1) A description of the use(s) and operating characteristics.

(2) A plot plan showing the location of all uses.

(3) Supplementary exhibits, as necessary, to show other information which may be required such as building elevations, landscaping, and grading.

(4) Conditions of approval.

Use permits shall be processed per Section 7-9-150.3(c), Public Hearings, of the Orange County Zoning Code.

If the land use regulations of a planned community or a specific plan allow a use permit to modify the site development standards to be less restrictive than otherwise stated in the enabling ordinance, such a use permit shall always require a public hearing before the Zoning Administrator or equivalent[19] per Section 7-9-150.3(c).

[18] Orange County Zoning Code Section 7-9-150.3(e)(2)

[19] A hearing before the Director of Community Development for the City of Dana Point would be the functional equivalent.

If the land use regulations of a planned community or specific plan allow a use permit to authorize a use not specifically identified or permitted by the enabling ordinance, such use permit shall always require a public hearing before the Planning Commission or equivalent[20] per Section 7-9-150.3(c).

Establishment, maintenance and operation of the use or uses proposed by the application shall be in compliance with the information and specifications shown on the approved use permit.

Site Development Permit – For the overall hotel project, it has been determined that a Site Development Permit is required. A Site Development Permit is a request for a detailed review of development plans for a proposed use, structure or activity. Site development review consists of ensuring that any new building or structure and associated site improvements are designed to create a unified functional and comprehensive site plan with an integrated architectural theme that is compatible with and will complement and enhance the subject and surrounding properties, as determined by the Director of Community Development.

Section 7-9-150.1(c) of Orange County Zoning Code states that the purpose of a site development permit is to provide for administrative review of detailed development plans for a proposed use. Uses which require a site development permit are regarded as having a relatively low potential for adverse impacts on the subject site or surrounding community due to the nature or magnitude of the use vis-a-vis the sensitivity of the subject site or surrounding community.

A site development permit is a precise plan of development and shall include the same elements described in Section 7-9-150.1(c) for use permits.

A site development permit shall be processed per Section 7-9-150.3(d), Administrative action.

If the land use regulations of a planned community or a specific plan allow a site development permit or site plan to modify the site development standards to be less restrictive than otherwise stated in the enabling ordinance, such a site development permit shall always require a public hearing before the Zoning Administrator or equivalent[21] per Section 7-9-150.3(c).

If the land use regulations of a planned community or specific plan allow a site development permit or site plan to authorize a use not specifically identified as permitted by the enabling ordinance, such site development permit shall always require a public hearing before the Planning Commission[22] per Section 7-9-150.3(c).

Establishment, maintenance and operation of the use or uses proposed by the application shall be in compliance with the information and specifications shown on the approved site development permit.

[20] A hearing before the Dana Point Planning Commission would be the functional equivalent.
[21] A hearing before the Director of Community Development for the City of Dana Point would be the functional equivalent.
[22] A hearing before the Dana Point Planning Commission would be the functional equivalent.

3.9.8 Mitigation Measures

No mitigation measures are proposed.

3.9.9 Level of Project Impact Significance after Mitigation

No mitigation measures are proposed. The land use impacts of the proposed project cannot be mitigated to a level of insignificance, and thus to approve the project as proposed, the City Council would have to adopt a Statement of Overriding Considerations.

3.10 NOISE

3.10.1 Introduction

The purpose of this section is to discuss the potential noise impacts on-site and on surrounding land uses from construction and operation of the Doheny Hotel Project. This section will evaluate short-term (construction) impacts as well as long-term (operational) impacts.

Potential impacts of the proposed project are examined and prepared in accordance with the *General Plan Guidelines*, prepared by Governor's Office of Planning and Research (2003); *City of Dana Point General Plan Noise Element* (July 9, 1991); City of Dana Point Municipal Code; *City of Dana Point Doheny Hotel Traffic Impact Analysis* (August 2, 2012), prepared by Kunzman Associates, Inc.; and *Draft Noise Analysis For Doheny Hotel Dana Point, California* (February 2012), prepared by UltraSystems Environmental Inc. (UltraSystems). Refer to **Appendix H** (*Draft Noise Analysis for Doheny Hotel Dana Point, California)* for additional assumptions and methodology used in this analysis.

3.10.2 Environmental Setting

i. Noise Sources

The main sources of noise on and near the project site are automobile and truck traffic on surrounding roads. Pacific Coast Highway is classified as a major arterial in the City of Dana Point Circulation Element.[1] It is currently a six-lane divided highway, providing three travel lanes per direction (east and west). The posted speed limit is 35 miles per hour in the vicinity of the project. Dana Point Harbor Drive is a four-lane divided primary arterial. The posted speed limit is 30 miles per hour.

ii. Ambient Noise Measurements

In December, 2011 UltraSystems conducted ambient noise sampling at four locations in the general project area. **Table 3.10-1** (Characteristics of Ambient Noise Measurement Locations) lists the measurement sites, sampling dates and times, and why each site was chosen. These locations are shown in **Figure 3.10-1** (Ambient Noise Measurement Locations).

1 *City of Dana Point General Plan, Circulation Element*, p. 23. June 27, 1995.

Table 3.10-1 – Characteristics of Ambient Noise Measurement Locations

Site	Sampling Location	Date	Time Interval	Purpose of Selection
1	Laguna Cliffs Marriott Resort and Spa 25135 Park Lantern Dana Point, 5 feet from building	12-08-11 Thursday	0736-0751 Day	Existing hotel near project site
2	34302 Pacific Coast Highway Dana Point, 3 feet from residential building	12-08-11 Thursday	0905-0920 Day	Residences near project site
3	25300 Terrace Lantern Dana Point, 3 feet from residential building	12-08-11 Thursday	0936-0951 Day	Residences near project site
4	33831 Camino Capistrano Capistrano Beach, 10 feet from residential building	12-08-11 Thursday	1035-1050 Day	Residences near off-site parking for project site

The sampling locations were chosen to provide an exposure baseline for evaluation of construction and operational impacts. Another selection criterion was that they be as close as practicable to the proposed project site or roadways where traffic is estimated to increase due to the proposed project. Measurements were taken as close to the sensitive receivers as possible; the site #4 measurement in **Table 3.10-1** above, accounts for a preexisting wall between the shortest line of sight from the receiver to the proposed project. Three of the sampling sites were close to residences that are located near the proposed project or off-site parking area, while one sampling site was a nearby hotel.

A Quest SoundPro Model DL-1-1/3 sound level meter was used in the "slow" mode at each site to obtain a 15-minute average sound level (L_{eq}), as well as other metrics. The meter's microphone was maintained 5 feet above ground. One sample was taken at each measurement site during morning rush hour on a weekday. Refer to **Appendix H** (*Draft Noise Analysis for Doheny Hotel Dana Point, California)* for noise meter output records.

Table 3.10-2 (Measured and Calculated Ambient Noise Levels) shows the results of the ambient noise sampling. The 15-minute L_{eq} values ranged from about 53 to 65 dBA, with the maximum values ranging from about 63 to 75 dBA. This relatively high maximum value occurred due to heavy traffic passing by on Pacific Coast Highway. The L_{90} values, which approximate the noise levels without major noise sources, such as individual trucks, airplanes or helicopters, were about 49 to 58 dBA. Site number 2 is closest to the proposed project. Its 15-minute L_{eq} during the day was 65.1 dBA. CNEL values ranged from 65.1 dBA at Site 3 to 71.8 dBA at Site 2[2].

[2] The CNEL values are an overestimation because only one measurement, during morning rush hour, was taken per site.

Table 3.10-2 – Measured and Calculated Ambient Noise Levels

Site	Measurement Results (dBA)			Average (dBA)
	15-Minute L_{eq}	L_{max}	L_{90}	CNEL
1	60.8	65.7	57.9	67.5
2	65.1	75.2	55.7	71.8
3	58.4	63.4	53.1	65.1
4	53.2	64.1	48.9	59.9

Figure 3.10-1: Ambient Noise Measurement Locations

3.10.3 Regulatory Setting

To limit population exposure to noise levels that are physically and/or psychologically damaging or intrusive, the federal government, the State of California, various county governments, and most municipalities in the state have established noise policies, standards and ordinances.

i. State of California

The California Department of Health Services (DHS) Office of Noise Control has studied the correlation of noise levels with effects on various land uses. (The Office of Noise Control no longer exists.) The most current guidelines prepared by the state noise officer are contained in the "General Plan Guidelines" issued by the Governor's Office of Planning and Research in 2003.[3] These guidelines establish four categories for judging the severity of noise intrusion on specified land uses:

- **Normally Acceptable**: Is generally acceptable, with no mitigation necessary.
- **Conditionally Acceptable**: May require some mitigation, as established through a noise study.
- **Normally Unacceptable**: Requires substantial mitigation.
- **Clearly Unacceptable**: Probably cannot be mitigated to a less-than-significant level.

The types of land uses addressed by the state standards, and the acceptable noise categories for each, are presented in **Table 3.10-3** (Land Use Compatibility for Community Noise Sources). There is some overlap between categories, which indicates that some judgment is required in determining the applicability of the numbers in every situation.

Title 24 of the California Code of Regulations requires performing acoustical studies before constructing dwelling units in areas that exceed 60 dBA L_{dn}. In addition, the California Noise Insulation Standards identify an interior noise standard of 45 dBA CNEL for new multi-family residential units. (Local governments frequently extend this requirement to single-family housing.)

[3] State of California, *General Plan Guidelines*. Governor's Office of Planning and Research, Sacramento, California (2003).

Table 3.10-3 – Land Use Compatibility for Community Noise Sources

Land Use Category	Noise Exposure (dBA, CNEL)						
	55	60	65	70	75	80	
Residential – Low-Density Single-Family, Duplex, Mobile Homes							
Residential – Multiple Family							
Transient Lodging – Motel, Hotels							
Schools, Libraries, Churches, Hospitals, Nursing Homes							
Auditoriums, Concert Halls, Amphitheaters							
Sports Arena, Outdoor Spectator Sports							
Playgrounds, Neighborhood Parks							
Golf Courses, Riding Stables, Water Recreation, Cemeteries							
Office Buildings, Business Commercial and Professional							
Industrial, Manufacturing, Utilities, Agriculture							

	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply system or air conditioning will normally suffice.
	Normally Unacceptable: New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
	Clearly Unacceptable: New construction or development should generally not be undertaken.

Source: State of California, 2003.

ii. Federal

The U.S. Department of Housing and Urban Development has set a goal of 45 dBA L_{dn} as a desirable maximum interior standard for residential units developed under HUD funding (HUD, 1985). While HUD does not specify acceptable exterior noise levels, standard construction of residential dwellings constructed under Title 24 of the California Code of Regulations typically provide 20 dBA of acoustical attenuation with the windows closed and 10 dBA with the windows open. Based on this assumption, the exterior L_{dn} or CNEL should not exceed 65 dBA under normal conditions.

iii. Local Standards

The primary regulatory documents that establish noise standards in the City of Dana Point are the City's Noise Ordinance (Chapter 11 of the Dana Point Municipal Code) and the Noise Element contained within the City's General Plan.

The Noise Element of the City's General Plan establishes noise standards for land use categories with compatibility recommendations for each category as shown in **Table 3.10-4**. Noise exposures are defined as clearly compatible, normally compatible, normally incompatible, and clearly incompatible. Hotels are classified under Visitor/Recreation Commercial. Less than 55 to 60 dB CNEL is considered clearly compatible for this land use designation and 60 to 70 dB CNEL is normally compatible. Higher exterior CNEL levels are designated as either normally incompatible or clearly incompatible. Interior levels for Visitor/Recreation Commercial are recommended at 45 dB CNEL or lower within the Noise Element.

The proposed project is located in a 65-dB CNEL noise contour designated by the noise contour map within the Noise Element of the General Plan. The City's General Plan states that the 60-dB CNEL contour is the noise level for which any proposed noise sensitive land uses should be evaluated on a project-by-project basis and projects may require mitigation to meet City and/or State noise standards. For the 65-dB CNEL contour in which the proposed project is located, noise sensitive development will be permitted only if appropriate mitigation measures are taken.

Table 3.10-4 – Noise/Land Use Compatibility Matrix

Land Use Categories		Community Noise Equivalent Level CNEL						
Designations	Uses	<55	60	65	70	75	80 >	
Residential (All except mobile home)	Single Family, Duplex, Multiple Family	A	A	B	B	C	D	D
Residential	Mobile Home	A	A	B	C	C	D	D
Visitor/Recreation Commercial	Hotel, Motel, Transient Lodging	A	A	B	B	C	C	D
Neighborhood Commercial, Community Commercial	Commercial, Retail, Bank, Restaurant, Movie Theater	A	A	A	A	B	B	C
Professional/Administrative, Industrial, Business Park	Office Building, Research and Development, Professional Offices, City Office Building	A	A	A	B	B	C	D
Community Facility	Amphitheater, Concert Hall, Auditorium, Meeting Hall	B	B	C	C	D	D	D
Visitor/Recreation Commercial, Community Commercial	Children's Amusement Park, Miniature Golf Course, Go-cart Track, Equestrian Center, Sports Club	A	A	A	B	B	D	D
Community Commercial, Industrial/Business Park, Community Facility	Automobile Service Station, Auto Dealership, Manufacturing Warehousing, Wholesale, Utilities	A	A	A	A	B	B	B
Community Facility	Hospital, Church, Library, Schools' Classroom	A	A	B	C	C	D	D
Recreation/Open Space	Parks	A	A	A	B	C	D	D
Recreation/Open Space	Golf Course, Cemeteries, Nature Centers, Wildlife Reserves/Habitat	A	A	A	A	B	C	C
Recreation/Open Space	Agriculture	A	A	A	A	A	A	A

Zone A Clearly Compatible	Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise requirements
Zone B Normally Compatible	New construction or development should be undertaken only after detailed analysis of the noise reduction requirements are made and needed noise insulation features in the design are determined. Conventional construction, with closed windows and fresh air supply systems or air conditioning, will normally suffice.
Zone C Normally Incompatible	New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of noise reduction requirements must be made and needed noise insulation features included in the design.
Zone D Clearly Incompatible	New construction or development should generally not be undertaken.

Construction Noise and Exemption

Based on Section 11.10.014 (Special Provisions) of the City of Dana Point Municipal Code (Municipal Code), construction noise associated with any real property[4] is exempt from Chapter 11.10 (Noise Control) of the Municipal Code provided construction does not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or any time on Sunday or a Federal holiday. Therefore, the following Municipal Code provisions for construction noise do not apply to this project.

The City's Noise Ordinance prohibits noise-producing construction activity between 8:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or any time on Sunday or a Federal holiday.[5] More specifically, grading and equipment operations within 0.5 mile of a "structure for human occupancy" is prohibited from 5:00 p.m. to 7:00 a.m. on weekdays, and is generally prohibited on Saturdays, Sundays, and holidays recognized by the City of Dana Point[6]. Construction on Pacific Coast Highway (PCH), specifically, the installation of the right turn-only lane on PCH, between the San Juan Creek Bridge and Crystal Lantern, must be done at night and is prohibited from 5:00 a.m. to 9:00 p.m. Sunday through Thursday.[7] Daytime work may be acceptable if approved by the City Engineer, or his designee.

Operational Noise

The Municipal Code designates the entire City as "Noise Zone 1"[8] and the noise standards are as described in **Table 3.10-5** (Exterior and Interior Noise Standards).

With respect to noise associated with outdoor gatherings, or special events related with the proposed Doheny Hotel, the Municipal Code has a special provision stating that "Outdoor gatherings, public dances and shows; provided said events are conducted pursuant to a license or permit duly issued by the City" are exempt from the Municipal Code.[9] Additionally, normal hotel use of roof area (i.e., bar/lounge and pool) must comply with the City's Noise Ordinance.

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4 According to Treasury Regulations, Subchapter A, Section 1.263A-8 (c)(1), real property includes, but is not limited to: unsevered natural products of land, buildings, and inherently permanent structures. Additionally, Section 1.263A-8 (d)(3)(ii), states that the demolition of a standing building generally constitutes an activity that is an improvement to real property.

5 *City of Dana Point Municipal Code, Title 11 (Peace, Morals and Safety), Chapter 11.10 (Noise Control),* §014 (e).

6 *City of Dana Point Municipal Code, Title 8 (Buildings and Construction), Chapter 8.1 (Grading and Excavation Control), Article 5 (Grading Permit Requirements),* §250.

7 *City of Dana Point Municipal Code, Title 14 (Streets and Sidewalks), Chapter 14.1 (Streets and Sidewalks Code), Article 1 (General Regulations),* §140 (d).

8 *City of Dana Point Municipal Code, Title 11 (Peace, Morals and Safety), Chapter 11.10 (Noise Control),* §008.

9 *City of Dana Point Municipal Code, Title 11 (Peace, Morals and Safety), Chapter 11.10 (Noise Control),* §014 (b).

Table 3.10-5 – Exterior and Interior Noise Standards

Exterior and Interior Noise Standards			
Noise Zone		Noise Level (dBA)	Time Period
1	Exterior[a]	55	7:00 a.m. - 10:00 p.m.
		50	10:00 p.m. - 7:00 a.m.
1	Interior[b]	55	7:00 a.m. - 10:00 p.m.
		45	10:00 p.m. - 7:00 a.m.

[a] For a cumulative period of time within an hour, it is unlawful for any person at any location within the City to create any noise, when measured on any residential property, to exceed the exterior noise standard:

- for more than 30 minutes;
- plus 5 dB(A) for more than 15 minutes;
- plus 10 dB(A) for more than 5 minutes;
- plus 15 dB(A) for more than 1 minute; or
- plus 20 dB(A) for any period of time.

[b] For a cumulative period of time within an hour, it is unlawful for any person at any location within the City to create any noise, when measured on any residential property, to exceed the interior noise standard:

- for more than 5 minutes;
- plus 5 dB(A) for more than 1 minute; or
- plus 10 dB(A) for any period of time.

3.10.4 Methodology

i. Characteristics of Sound

Sound is a pressure wave transmitted through the air. It is described in terms of loudness or amplitude (measured in decibels), frequency or pitch (measured in hertz [Hz] or cycles per second), and duration (measured in seconds or minutes). The decibel (dB) scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Because the human ear is not equally sensitive to all frequencies, a special frequency-dependent rating scale is used to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against upper and lower frequencies in a manner approximating the sensitivity of the human ear. The scale is based on a reference pressure level of 20 micropascals (zero dBA). The scale ranges from zero (for the average least perceptible sound) to about 130 (for the average human pain level).

The normal range of conversation is between 34 and 66 dBA. Between 70 and 90 dBA, sound is distracting and presents an obstacle to conversation, thinking, or learning. Above 90 dBA, sound can cause permanent hearing loss. Examples of various sound levels in different environments are shown in **Table 3.10-6** (Typical Sound Levels).

Table 3.10-6 – Typical Sound Levels

Common Sounds	A-Weighted Sound Level in Decibels	Subjective Impression
Oxygen Torch	120	Pain Threshold
Rock Band	110	
Pile Driver at 50 feet	100	Very Loud
Ambulance Siren at 100 feet	90	
Garbage disposal	80	
Vacuum Cleaner at 10 feet	70	Moderately Loud
Air Conditioner at 100 feet	60	
Quiet Urban Daytime	50	
Quiet Urban Nighttime	40	Quiet
Bedroom at Night	30	
Recording Studio	20	Just Audible
	10	Threshold of Hearing
	0	

Sources: Aviation Planning Associates. 1978. Calculations of Maximum A-weighted Sound Levels (dBA) Resulting from Civil Aircraft Operations.

A noise environment consists of a base of steady "background" noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway.

To the human ear, a sound 10 dBA higher than another is judged to be twice as loud; 20 dBA higher is four times as loud; and so forth. According to the EPA, a difference of more than 3 dBA is a perceptible change in environmental noise, while a 5-dBA difference typically causes a change in community reaction, and an increase of 10 dBA is perceived by people as doubling of loudness.[10]

ii. Noise Measurement Scales

Several rating scales have been developed to analyze adverse effects of community noise on people. Since environmental noise fluctuates over time, these scales consider that the effect of noise on people depends largely upon the total acoustical energy content of the noise, as well as the time of day when the noise occurs. Those that are applicable to this analysis are as follows:

- L_{eq}, the equivalent noise level, is an average of sound level over a defined time period (such as 1 minute, 15 minutes, 1 hour or 24 hours). Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure.

- L_{90} is a noise level that is exceeded 90 percent of the time at a given location; it is often used as a measure of "background" noise.

[10] *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*. U.S. Environmental Protection Agency (USEPA). (March 1974).

- CNEL, the Community Noise Equivalent Level, is a 24-hour average L_{eq} with a 4.77-dBA "penalty" added to noise during the hours of 7:00 p.m. to 10:00 p.m., and a 10-dBA penalty added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime.[11] The logarithmic effect of these additions is that a 60-dBA 24-hour L_{eq} would result in a calculation of 66.7 dBA CNEL.

- L_{dn}, the day-night average noise, is a 24-hour average L_{eq} with an additional 10-dBA "penalty" added to noise that occurs between 10 p.m. and 7 a.m. The L_{dn} metric yields values within 1 dBA of the CNEL metric. As a matter of practice, L_{dn} and CNEL values are considered to be equivalent and are treated as such in this assessment.

iv. Noise Attenuation

The noise level from a particular source generally declines as the distance to the receiver increases. Other factors such as the weather and reflecting or shielding also intensify or reduce the noise level at any given location. Typically, a single row of buildings between the receiver and the noise source reduces the noise level by about 5 dBA. The U.S. Department of Housing and Urban Development (HUD) has stated that exterior noise levels can normally be reduced by 15 dBA inside buildings constructed with no special noise insulation.[12] The USEPA estimates that residences in "warm" climates provide at least 12 dBA of exterior-to-interior noise attenuation with windows open and 24 dBA with windows closed.[13]

Noise from traffic on roads depends on the volume and speed of traffic and the distance from the traffic. A commonly used rule of thumb for traffic noise is that for every doubling of distance from the road, atmospheric spreading over "hard" or "soft" sites reduces the noise level by about 3 or 4.5 dBA, respectively. For a stationary source, the noise is reduced by at least 6 dBA for each doubling of distance. Further, because of the logarithmic nature of the decibel scale, a doubling of traffic on any given roadway or doubling a stationary source would cause a noise increase of approximately 3 dBA.

v. Characteristics of Vibration

Vibration is sound radiated through the ground. Groundborne noise is the rumbling sound caused by the vibration of building interior surfaces. The ground motion caused by vibration is measured as peak particle velocity (PPV) in inches per second and is referenced as vibration decibels (VdB). Typical outdoor sources of perceptible groundborne vibration are construction equipment and traffic on rough roads.

The American National Standards Institute (ANSI) indicates that vibration levels in critical care areas, such as hospital surgical rooms and laboratories, should

[11] *Technical Noise Supplement*. California Department of Transportation, Division of Environmental Analysis, Sacramento, California (November 2009), p. 2-57.
[12] *Noise Guidebook.* U.S. Department of Housing and Urban Development (HUD) (1985).
[13] *Protective Noise Levels. Condensed Version of EPA Levels Document*. U.S. Environmental Protection Agency, Office of Noise Abatement and Control, Washington, DC, EPA-550/9-79-100 (November 1978).

not exceed 0.2 inch per second of PPV.[14] The Federal Transit Administration (FTA) also uses a PPV of 0.2 inch per second as a vibration damage threshold for fragile buildings and a PPV of 0.12 inch per second for extremely fragile historic buildings. The FTA criteria for infrequent groundborne vibration events (less than 30 events per day) that may cause annoyance are 80 VdB for residences and buildings where people normally sleep, and 83 VdB for institutional land uses with primarily daytime use.[15]

vi. Sensitive Receivers

Sensitive land uses, or sensitive receivers, are those for which quiet is an essential element in their intended purpose, such as indoor concert halls; places where people sleep; and institutions such as schools, libraries and places of worship. The nearest sensitive land use is an apartment complex on the north side of Pacific Coast Highway. This multi-family residence is approximately 100 feet away from the hotel project site. **Table 3.10-7** (Sensitive Land Uses Near Project Site) describes each sensitive receiver further.

Within the Noise Element of the City's General Plan, a former mobile home park site adjacent to the proposed project site is referred to as a sensitive receiver. It is located north of Pacific Coast Highway, east of Del Obispo, and experiences noise levels in the 65 to 70 CNEL range. This site is currently vacant and will likely be developed in the future. The General Plan states that changes to this area will need sound mitigation due to the high CNEL range located next to a sensitive receiver.

Table 3.10-7 – Sensitive Land Uses Near Project Site

Sensitive Land Use	Location	Distance from Doheny Hotel Site Boundary (Feet)
Best Western Plus Hotel Dana Point	34280 Pacific Coast Highway, Dana Point, CA 92629	100
Laguna Cliffs Marriott Resort & Spa	25135 Park Lantern, Dana Point, CA 92629	350
Single-family residential	25300 Terrace Lantern, Dana Point, CA 92629	360
Multiple-family residential	34300 Lantern Bay Drive, Dana Point, CA 92629	1,120
Multiple-family residential	34302 Pacific Coast Highway, Dana Point, CA 92629	100
Multiple-family residential	33831 Camino Capistrano, Capistrano Beach, CA 92624	4,000 and 260[a]
Single-family residential	25198 Via Elevado, Dana Point, CA 92629	500

[a] 4,000 feet from hotel and 260 feet from off-site parking area.

[14] American National Standards Institute (**ANSI**). 1983. *"Guide to the Evaluation of Human Exposure to Vibration in Buildings"*, ANSI S.329-1983.

[15] *Transit Noise and Vibration Impact Assessment*, FTA-VA-90-1003-06. U.S. Department of Transportation, Federal Transit Administration (May 2006).

Sensitive Land Use	Location	Distance from Doheny Hotel Site Boundary (Feet)
Source: UltraSystems with Google Earth. 2011.		

3.10.5 Thresholds of Significance

i. CEQA Guidelines

This analysis was prepared in accordance with Appendix G of the California Environmental Quality Act (CEQA) Guidelines. These guidelines have been used to establish thresholds of significance for this analysis.

In accordance with *State CEQA Guidelines* Appendix G, implementation of the proposed project would result in a potentially significant impact if it were to:

- Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- Expose persons to or generate excessive groundborne vibration or groundborne noise levels;
- Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project;
- Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project;
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels;
- For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels

ii. Thresholds of Significance

There are two criteria for judging noise impacts. First, noise levels generated by the proposed project must comply with all relevant federal, state and local standards and regulations. Noise impacts on the surrounding community are limited by local noise ordinances, which are implemented through investigations in response to nuisance complaints. It is assumed that all existing regulations for the construction and operation of the proposed project would be enforced. In addition, the proposed project should not produce noise levels that are incompatible with adjacent noise sensitive land uses as defined in the City's Noise Ordinance.

The second measure of impact used in this analysis is the significant increase in noise levels above existing ambient noise levels as a result of the introduction of

a new noise source. An increase in noise level due to a new noise source has a potential to adversely impact people.

Based on the applicable noise regulations stated above, the proposed project would have a significant noise impact if it would:

- Conflict with applicable noise restrictions or standards imposed by regulatory agencies.
- Cause the permanent ambient noise level at the property line of an affected land use to increase by 3 dBA CNEL to or within the "normally unacceptable" or "clearly unacceptable" ranges for the affected land use (as shown in **Table 3.10-3**).
- Construction takes place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and any time on Sunday or a Federal holiday.
- Contribute to a significant cumulative noise impact.

3.10.6 Project Impacts

Noise impacts associated with land use development projects include short-term and long-term impacts. Construction activities, especially heavy equipment operation, would create noise effects on and adjacent to the construction site. Long-term noise impacts include project-generated on-site and off-site operational noise sources. On-site (stationary) noise sources would include operation of mechanical equipment and other industrial processes, landscape and building maintenance, other commercial and industrial activities, and roof top activities and special events. Off-site noise would be attributable to aircraft operations and project-induced traffic, which would cause an incremental increase in noise levels within and near the project vicinity.

This section also evaluates potential groundborne vibration that would be generated from the construction or operation of the proposed project.

i. Short-Term Noise Impacts (Construction)

Impact 3.10-1: Temporary construction-related noise and vibration impacts would occur during paving and building construction phases, respectively. Implementing Mitigation Measure 3.10-1 would reduce noise impacts to a less-than significant level, while implementing Mitigation Measures 3.10-2 through 3.10-4 would reduce groundborne noise impacts to a less-than-significant level.

The construction of the proposed project could generate noise levels in excess of standards adopted in local ordinances. Noise impacts from construction activities would be a function of the noise generated by the operation of construction equipment and on- road delivery and worker commuter vehicles, the location of equipment, and the timing and duration of the noise-generating activities. For the purpose of this analysis, it was estimated that the construction

of the proposed project would begin in 2014 and take 24 months to complete.[16] The types and numbers of pieces of equipment anticipated in each phase of construction and development were estimated based on equipment requirements of similar hotel construction projects, and modeling[17] defaults, which are based on a construction survey performed by the South Coast Air Quality Management District (SCAQMD).[18] **Table 3.10-8** (Construction Equipment Noise Characteristics) lists the equipment expected to be used. For each equipment type, the table shows an average noise emission level (in dB at 50 feet, unless otherwise specified) and a "usage factor," which is an estimated percentage of operating time that the equipment would be producing noise at the stated level.[19] A construction schedule was developed, and includes six phases: demolition, site preparation, grading, building construction, paving, and architectural coating. Each phase includes a different mix of construction equipment defined by a construction survey performed by SCAQMD.[20]

Table 3.10-8 – Construction Equipment Noise Characteristics

Equipment Type	Maximum Sound Level (dBA @ 50 feet)	Usage Factor (%)
Cement and Mortar Mixer	79	40
Concrete/Industrial Saw	90	20
Forklift[21]	65	50
Generator Set	81	50
Grader[22]	85	40
Paver	85	50
Paving Equipment	77	50
Pile Driver (Impact)[23]	84	33
Roller	85	20
Tractor/Loader/Backhoe	79	40

16 Letter from Ed Mandich, Project Manager, Hunsaker & Associates Irvine, Inc., Irvine, California to Erica Demkowicz, Senior Planner, City of Dana Point, Dana Point, California. January 20, 2012.

17 California Emissions Estimator Model (CalEEMod)

18 *California Emissions Estimator Model User's Guide Version 2011.1 Appendix D Default Data Tables*. Prepared by ENVIRON International Corporation, San Francisco, California for South Coast Air Quality Management District, Diamond Bar, California (February 2011). Table 1.2.

19 Equipment noise emissions and usage factors are from Knauer, H. et al., 2006. *FHWA Highway Construction Noise Handbook.* U.S. Department of Transportation, Research and Innovative Technology, Administration, Cambridge, Massachusetts, FHWA-HEP-06-015 (August 2006), except where otherwise noted.

20 *California Emissions Estimator Model User's Guide Version 2011.1 Appendix D Default Data Tables*. Prepared by ENVIRON International Corporation, San Francisco, California for South Coast Air Quality Management District, Diamond Bar, California (February 2011). Table 1.2.

21 *Construction Noise Threshold Criteria and Control Plan.* Prepared by Advanced Engineering Acoustics, Simi Valley, California for County of Ventura (November 2006), p. 4; usage factor is estimate by UltraSystems.

22 City of Moreno Valley, *Moreno Valley General Plan, Final Program EIR* (July 2006) (http://www.moreno-valley.ca.us/city_hall/general-plan/06gpfinal/ieir/5_4-noise.pdf), p. 5.4-8 is reference for sound level; usage factor is estimate by UltraSystems.

23 Reference noise level at 25 feet. This value was calculated as a one-hour time-weighted average, accounting for the durations of peak sound levels from impacts and from pile driver exhaust, and of intervening silences. Data for this analysis were obtained from Zechmann, E. and C. Hayden. 2009. "Analysis of Pile Driver Exhaust and Impact Noise," *Journal of the Acoustical Society of America* 125(4): 2744-2744.

Equipment Type	Maximum Sound Level (dBA @ 50 feet)	Usage Factor (%)
Welding Machine	74	40

a. Construction Noise Impacts

Using the construction equipment noise emission characteristics given in **Table 3.10-8** and methods suggested by the Federal Transit Administration (FTA),[24] UltraSystems estimated composite hourly L_{eq} values at the closest sensitive receiver points. **Table 3.10-9** (Maximum One-Hour Construction Noise Exposures at Nearest Sensitive Receivers) summarizes the maximum noise exposures that would be anticipated from project construction. Please note that these estimated construction noise levels represent a conservative (worst-case) scenario, in which three of the loudest pieces of construction equipment would be operating on the same schedule and in the same area on the construction site (paver, paving equipment, and roller). These worst-case values would not be continuous, nor would they be typical of noise levels throughout the construction period. The maximum exposure, 79.8 dBA L_{eq}, would occur at the proposed hotel site in 2014, during the paving phase.

Table 3.10-9 – Maximum One-Hour Construction Noise Exposures at Nearest Sensitive Receivers

Sensitive Receiver	Distance (Feet)	Maximum One-Hour L_{eq} (dBA)	Exceeds Exterior Noise Standard? (55 dBA)
Nearest Residence to Proposed Hotel Project Site	100	79.8	Yes[b]
Nearest Residence to Proposed Off-site Parking[a]	260	73.0	Yes[b]

[a] Does not account for brick wall obstructing line of sight to proposed off-site parking.
[b] In accordance with Section 11.10.014 (Special Provisions) of the Municipal Code, construction activities are exempt from the noise standard given that construction does not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or any time Sunday or a Federal holiday.

The existing sensitive receivers nearest the project site are residents located approximately 100 feet north of the hotel project site and residents located approximately 260 feet northeast of the proposed off-site parking. In accordance with Section 11.10.014 (Special Provisions) of the Municipal Code, the construction activities would be exempted from the noise limits (**Table 3.10-5**) provided that the associated construction activities do not occur between 8:00 p.m. and 7:00 a.m. on weekdays and Saturdays, or any time on Sunday or a Federal holiday. Although the construction noise exposures would exceed the Municipal Code-established exterior noise standards, the impacts from construction are less than significant, and no mitigation is necessary because of the exemption described above.

[24] *Transit Noise and Vibration Impact Assessment*, FTA-VA-90-1003-06. U.S. Department of Transportation, Federal Transit Administration (May 2006).

b. Vibration Impacts

It is expected that groundborne vibration from project construction activities would cause only intermittent, localized intrusion. The proposed project's construction activities most likely to cause vibration impacts are:

- **Heavy Construction Equipment**: Although all heavy, mobile construction equipment has the potential of causing at least some perceptible vibration while operating close to buildings, the vibration is usually short-term and is not of sufficient magnitude to cause building damage. It is not expected that heavy equipment such as large bulldozers would operate close enough to any sensitive receivers to cause vibration impact.

- **Trucks**: Trucks hauling building materials to construction sites can be sources of vibration intrusion if the haul routes pass through residential neighborhoods on streets with bumps or potholes. Repairing the bumps and potholes almost always eliminates the problem. The anticipated haul route for the proposed project would not pass through any residential neighborhoods. Haul routes typically include use of Pacific Coast Highway, Del Obispo Street, Stonehill Drive, or Golden Lantern.

The FTA has published standard vibration levels for construction equipment operations, at a distance of 25 feet.[25] The calculated vibration levels expressed in VdB and PPV for construction equipment at distances of 50, 100, and 150 feet are listed in **Table 3.10-10** (Vibration Levels of Construction Equipment).

Table 3.10-10 – Vibration Levels of Construction Equipment

Equipment	PPV at 50 ft. (in/sec)	Vibration Decibels at 50 ft. (VdB)	PPV at 100 ft. (in/sec)[a]	Vibration Decibels at 100 ft. (VdB)[a]	PPV at 150 ft. (in/sec)	Vibration Decibels at 150 ft. (VdB)
Large Bulldozer	0.0315	78	0.0111	69	0.0059	63
Loaded Truck	0.0269	77	0.0095	68	0.0051	62
Jackhammer	0.0124	70	0.0044	61	0.0023	55
Small Bulldozer	0.0011	49	0.0004	40	0.0002	34
Pile Driver (Impact Type)	0.2277	95	0.0805	86	0.0428	80
[a] 100 feet is representative of the nearest sensitive receiver to the proposed construction.						

Source: Calculated by UltraSystems from FTA data.

As shown in **Table 3.10-10**, the vibration level of construction equipment at the nearest sensitive receiver (100 feet) is at most 0.0805 inch per second, which is less than the FTA damage threshold of 0.12 inch per second PPV for fragile historic buildings and equal to the FTA threshold for human annoyance of 80 VdB. As shown in **Table 3.10-10**, pile driving at 100 feet would produce vibration levels of approximately 86 VdB. Since the vibration levels for pile driving would be greater than the 80 VdB threshold for the nearest residential sensitive receiver, groundborne vibration or groundborne noise impacts from the project's construction activities are expected to be significant without

[25] Ibid, p. 12-12.

mitigation. Mitigation measures 3.10-2 to 3.10-4 are presented in Section 3.10-8 and would reduce the VdB below the FTA threshold of 80 VdB.

ii. Long-Term Noise Impacts (Operational)

Impact 3.10-2 *On-site, groundborne, and roadway noise impacts to existing noise receivers would be less than significant. However, roadway noise would impact the hotel guests of the proposed project. Applying PDF 3.10-1 through PDF 3.10-6 would reduce the roadway noise impact to hotel guests to less than significant.*

a. On-Site Noise Impacts

As discussed above, the Noise Element of the City's General Plan has defined compatibility recommendations for specific land uses. The proposed project is classified as Visitor/Recreation Commercial with less than 60 dB CNEL is clearly compatible, 60 to 70 dB CNEL is normally compatible, less than 80 dB CNEL is normally incompatible, and higher than 80 dB CNEL is clearly incompatible. Also, the proposed project is located in the 65 dB CNEL contour map, which requires that noise sensitive projects within the 65 CNEL contour must have noise mitigation.

The commercial land uses on the project site (hotel, restaurant and a rooftop bar/lounge) would generate noises associated mainly with traffic entry and egress. These noise-generating activities are frequently sited adjacent to residential neighborhoods, and would not be considered significant noise sources. Additionally, special roof top events, such as banquets, and air conditioning units may cause noise impacts. These sources are discussed below.

In addition to normal hotel use of the roof area (i.e., bar/lounge and pool), the roof top terrace and bar/lounge area may include special/private events that may include, but are not limited to: music, lighting, and food and alcohol service, as well as regular use by hotel guests. Everyday use of the bar/lounge and pool area must comply with the City's Noise Ordinance, while all roof top terrace activities and other such outdoor special events associated with the proposed hotel would typically require a special event permit and approval by the City prior to the event. Based upon the issuance of a permit, the activities would be subject to the permit conditions as well as the City's Noise Ordinance. Additionally, the City would apply appropriate measures to control potential noise impacts.[26] Furthermore, all activities on the roof top terrace would be subject to the exterior noise standards of the City's Noise Ordinance (**Table 3.10-5**); therefore, these sources would not be considered a significant noise source.

Typically air conditioning units associated with hotel operations are mounted in an enclosure, or are located in a housed shelter. The air conditioning units for the proposed project will be located on the roof of the hotel in an enclosed

[26] Ibid.

area. With adherence to the 2010 California Building Code, which is adopted by the City of Dana Point,[27] long-term noise impacts associated with air conditioning units would not be considered a significant noise source.

b. Vibration Impacts

Operation of the proposed project would not involve significant sources of groundborne vibration or groundborne noise. Thus, operation of the proposed project would result in no impact.

c. Roadway Noise Impacts

The principal noise source in the project area is traffic on local roadways. The project may contribute to a permanent increase in ambient noise levels in the project vicinity due to project-generated vehicle traffic on neighborhood roadways and at intersections. A noise impact would occur if the project contributes to a permanent increase in ambient noise levels affecting sensitive receivers along roadways that would carry project-generated traffic.

Table 3.10-11 (Proposed Project Average Daily Traffic Volumes) shows the average daily traffic (ADT) for existing conditions and for the project opening year. Note that Stonehill Drive and Camino Capistrano are not included because the off-site parking would not generate a significant amount of traffic; instead, the off-site parking would serve as special event and/or hotel employee parking. At worse-case, the increase in total traffic due to the project is estimated to be 60% (56,400 ADT existing compared to 90,100 with the project). Furthermore, the increase in total traffic from the project ranges from 19% (76,000 ADT existing compared to 90,100 with the project) to 60%.

As discussed in Section 3.10.4, a difference of more than 3 dBA is a perceptible change in environmental noise, while a 5 dBA difference typically causes a change in community reaction. Given the logarithmic nature of the dBA metric, an increase of 3 dBA requires a doubling of the strength of the noise source. Therefore, traffic near the project site would have to double before sensitive receivers even perceived an increase. Because the total ADT near the project area would increase by at most 60%, and not double,[28] the increase in noise would not be perceptible, and the impact would be less than significant.

[27] Building & Safety. City of Dana Point. (December 2010). Internet URL: http://www.danapoint.org/index.aspx?page=218. Accessed February 28, 2012.

[28] *City of Dana Point Doheny Hotel Traffic Impact Analysis*. Kunzman Associates, Inc. August 2, 2012.

Table 3.10-11 – Proposed Project Average Daily Traffic Volumes

Roadway	Existing ADT	Opening Year ADT (without Project)	Opening Year ADT (with Project)[a]	Traffic Doubles?
Dana Point Harbor Drive	12,500 – 13,800	12,700 – 14,000	12,800 – 14,600	No
Pacific Coast Highway (SR-1)[b]	33,100 – 46,300	39,000 – 52,200	39,300 – 52,800	No
Park Lantern	1,100 – 2,100	1,100 – 2,100	1,100 – 2,100	No
Del Obispo Street[b]	9,700 – 13,800	15,200 – 19,400	15,500 – 20,700	No
Total Traffic	56,400 – 76,000	67,900 – 87,700	68,700 – 90,100	No

[a] Includes ADT from Dana Point Harbor Revitalization Project
[b] Includes ADT from GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01
Sources:
City of Dana Point Doheny Hotel Traffic Impact Analysis. Kunzman Associates, Inc. August 2, 2012
UltraSystems.
Note: Opening year (2015) ADT accounts for 0.25% area wide growth factor described in Traffic Impact Analysis

d. Noise Exposure for Hotel Guests

To estimate the impacts of future traffic noise on guests at the proposed Doheny Hotel, peak-hour L_{eq} levels at the hotel's exterior wall closest to Pacific Coast Highway were modeled using the Federal Highway Administration's Traffic Noise Model (TNM) Version 2.5. The L_{eq} values were used to calculate 24-hour CNEL levels at every floor with a guest room facing Pacific Coast Highway (Floors 2, 3, and 4). Refer to **Appendix H** (*Draft Noise Analysis For Doheny Hotel Dana Point, California*) for assumptions and methodology.

Table 3.10-12 (Noise Exposure for Hotel Guests) shows the calculated noise exposures for hotel guests.

Table 3.10-12 – Noise Exposure for Hotel Guests

Floor	Projected Noise Level (dBA CNEL)		
	2011 (Existing)	2015 (No Project)	2015 (With Project)
Second	76.8	77.6	77.7
Third	76.4	77.2	77.3
Fourth	76.1	77.0	77.0

Sources:
Technical Noise Supplement. Caltrans. November 2009
TNM 2.5
UltraSystems
Note: A conservative Day/Evening ratio of 70%/15% was used to convert L_{eq} to CNEL.[29]

As shown in **Table 3.10-12**, traffic noise exposure at the hotel exterior facing Pacific Coast Highway would be between 77 and 78 dBA CNEL. According to the State of California guidelines in **Table 3.10-3**, this level is "normally unacceptable," for hotels (between 70-80 dBA CNEL).

[29] Ibid, Table 6-17. p. 2-63

According to the City's Noise Element of the General Plan, the Existing, No Project, and With Project CNEL levels are above acceptable levels and are designated as normally incompatible based on the Noise/Land Use Compatibility Matrix within the General Plan. Normally incompatible development, according to the Noise Element, should be generally discouraged. However, construction may proceed as long as there is a detailed analysis of noise reduction requirements and noise insulation features included in the design of the project. Project Design Features 3.10-1 through 3.10-6 are presented in Section 3.10.9 featuring these requirements.

3.10.7 Cumulative Impacts

The Dana Point Harbor Revitalization Project (Revitalization Project), which includes various construction, renovations, and improvements to the marina and the commercial area surrounding it, was approved in 2011; however, construction for it has not been started.[30] Construction of the Revitalization Project is proposed to begin in 2013.[31] The construction and operation of a 169 unit residential project (GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01) may coincide with the proposed project.

i. Short-Term Noise Impacts (Construction)

Though the Revitalization Project is approximately 800 feet away from the proposed project site, noise, as discussed in Section 3.10.4, attenuates as the distance increases. As the distance doubles from a point source,[32] such as moving construction equipment, to a receiver, noise is reduced by 6 dBA.[33] With reference distances for typical construction equipment at 50 feet (see **Table 3.10-8**), noise from the Revitalization Project construction would be reduced by 24 dBA.

GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01 is approximately 325 feet across Del Obispo Street, which would account for approximately 12 dBA in construction noise attenuation. Additionally, according to the Noise Impact Analysis for GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01,[34] the construction noise, "with buildings and other topographical barriers to interrupt line-of-sight conditions," the potential noise around the construction site is "reduced."

In addition, soft surfaces such as dirt, grass, or trees would cause further attenuation; also walls, buildings, and other objects in each cumulative project's respective noise path would cause additional noise reduction. Since the effects of construction noise are relatively local, the overlapping construction periods from the Revitalization Project, GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01, and the proposed project would not be cumulative. With Mitigation Measure 3.10-

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30 Email communication from Erica Demkowicz, Senior Planner, City of Dana Point, Dana Point, California, to Ole Barre, Senior Project Manager, UltraSystems Environmental, Inc., Irvine, California. January 18, 2012.

31 *Dana Point Harbor Revitalization Project Program EIR No. 591 Volume 1.* Prepared by RBF Consulting, Irvine, CA for County of Orange, Dana Point Harbor Department. January 31, 2006.

32 Construction equipment moves around in many directions, so for the purpose of these noise calculations, construction equipment is treated as a number of stationary point sources.

33 Technical Noise Supplement. Prepared by ICF Jones & Stokes, Sacramento, California for California Department of Transportation Division of Environmental Analysis, Sacramento, California.(November 2009). p.2-29; 2-32.

34 Noise Impact Analysis GPA 07-01/ZTA 07-02/ZC 07-01/LCPA 07-01. Prepared for Keeton Kreitzer Consulting, Tustin, California. (September 2008). p. 9.

1 (Section 3.10.8), the proposed project would be exempt from the exterior noise standards established in the Municipal Code, and the short-term cumulative noise impact would be less than significant.

ii. Long-Term Noise Impacts (Operational)

The opening year ADT described in **Table 3.10-11** includes traffic from the Revitalization Project. Because the traffic does not double on any of the individual roads affected, nor does it double in overall ADT, the cumulative operational noise would not result in an increase of 3 dBA; thus, the impact would be less than significant.

Noise Exposure for Hotel Guests

Because **Table 3.10-11** includes traffic from the Revitalization Project, there would be no further cumulative impacts to discuss.

3.10.8 Mitigation Measures

The following measures would reduce noise and vibration impacts from construction of the proposed project to less than significant:

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

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

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

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

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

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

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

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

3.10.9 Project Design Features

The final site design and design of the hotel must ensure that interior exposures in guest rooms are below 45 dBA CNEL. The following Project Design Features shall be considered in final project design.

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

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

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

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

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

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

3.10.10 Level of Project Impact Significance after Mitigation

Mitigation Measures 3.10-1 through 3.10-4 would ensure that short-term noise and vibratory exposures during construction remain less than significant (See Section 3.10.6 for discussion and Section 3.10.8 for the mitigation measure language). Project Design Features 3.10-1 through 3.10-6 are recommended in the detailed design of the hotel to reduce the roadway noise exposure to hotel guests to less than significant noise levels (See Section 3.10.6 for discussion and Section 3.10.9 for the project design feature language). Other long-term operational impacts from on-site noise impacts such as air conditioning units and special outdoor events are less than significant (See Section 3.10.6).

3.11 PUBLIC SERVICES

3.11.1 Introduction

This section discusses the characteristics of the existing environment related to public services that would be potentially impacted by the construction of the Doheny Hotel. The public services addressed in this EIR are fire and police protection. The Initial Study determined that there would be no impacts to public transportation, schools, libraries, or parks, therefore those topics are not discussed.

3.11.2 Environmental Setting

Fire Protection

The Orange County Fire Authority (OCFA) provides regional emergency response to all fires, medical aids, rescues, hazardous materials incidents, wildland fire, aircraft fire and rescue services to John Wayne Airport, and other miscellaneous emergencies. OCFA was created on March 1, 1995, and is governed by a 24-member Board of Directors, with representatives from the 22 cities it protects and the Orange County Board of Supervisors. The OCFA serves a population of 1.3 million in an area of 511 square miles including 178,000 acres of wildland. The cities and unincorporated areas that the OCFA protects are served by 61 fire stations located throughout Orange County.

There are currently two fire stations within the City of Dana Point. The fire station closest to the project site is Fire Station 29, located approximately 0.81 mile east of the project site at 26111 Victoria Boulevard. This station is staffed with three battalion chiefs, three captains, three engineers, and six firefighters. In 2009, the station received 3,017 calls. The second station is Fire Station No. 30, located 1.8 miles northwest of the project site. This station is staffed with three captains, three engineers, three firefighters, and reserve firefighters. In 2009, the station received 1,931 calls. The table on the following page includes additional OCFA fire stations that would be available to respond to emergency situations.

Table 3.11-1 – OCFA Fire Station Staffing and Reported Calls

Fire Station #	Location	Apparatus	Personnel	2009 Calls
29	26111 Victoria Boulevard Dana Point, CA 92624	PM Engine 29 Battalion 6	3 - Battalion Chiefs 3 - Captains 3 - Engineers 6 - Firefighters	3,017
30	23831 Stonehill Drive Dana Point, CA 92629	PAU Engine 30 Engine 330 Air Utility 30 Patrol 30	3 - Captains 3 - Engineers 3 - Firefighters Reserve Firefighters	1,931
50	670 Camino de Los Mares San Clemente, CA 92673	Engine 50 Engine 350 Ambulance 50	3 - Captains 3 - Engineers 3 - Firefighters 6 - ETTs	4,276
7	31865 Del Obispo San Juan Capistrano, CA 92675	Engine 7 Engine 307 Medic 7 Water Tender 7 Patrol 7	3 - Captains 3 - Engineers 9 - Firefighters Reserve Firefighters	4,855
49	31461 Street of the Golden Lantern Laguna Niguel, CA 92677	PAU Truck 49	3 - Captains 3 - Engineers 6 - Firefighters	1,098

Source: OCFA, 2012.

The OCFA Disaster Preparedness Division implements the City's Disaster Plan and assists individuals and organizations with Disaster Planning and the formation of evacuation strategies. The City's General Plan has set the following goal for fire protection: First fire engine to reach emergency scene within 5 minutes and paramedics to reach the scene within 10 minutes for 80 percent of City.

Police Protection

The City of Dana Point contracts with the Orange County Sheriff's Department (OCSD) for law enforcement services. Dana Point Police Services (DPPS) is staffed by twenty-six full time deputies, five sergeants, and five parking control officers. DPPS provides a Special Enforcement Team (SET), the Community Support Unit, bicycle patrol, and the Harbor Patrol Division located at 1901 Bayside Drive in Corona Del Mar. Also, DPPS is supported by a Crime Prevention Specialist and the Volunteers in Police Support (VIPS), a large network of neighborhood watch programs that includes approximately 200 block captains. Additional staff consists of a school resource officer, community support deputies, motor officers, and special enforcement officers, all of whom play a part in the South County Directed Enforcement Team.[1] Deputies respond to over 17,000 calls for service per year in the City.

DPPS provides patrol and law enforcement services for the project area. The Central Justice Center, the main OCSD facility, is located at 700 Civic Center West, Santa Ana, approximately 28.9 miles northeast of the project site. The South Operations Division, located at 11 Journey, Aliso Viejo, is available for walk-in traffic and four officers there serve as the main facilitators for solving neighborhood problems, code enforcement, and

[1] Orange County Sheriff's Department. 2011. Website: http://www.ocsd.org.

follow-up criminal investigations in the greater north side area.[2] The City's General Plan has set the following goal for police protection: Deputy at the scene of an emergency call within 5 minutes, 50 percent of the time, and to all emergencies within 8 minutes. Response to non-emergency calls to be 15 minutes or less, 75 percent of the time.

3.11.3 Significance Criteria

The criteria used to determine the significance of impacts to public services are based on Appendix G of the *CEQA Guidelines*. The following criteria address only environmental issues that were determined in the project Initial Study (IS) to be potentially significant. Issues determined in the IS to be less than significant or to have no impact are not re-evaluated, in accordance with *CEQA Guidelines* Section 15063(c)(3)(A). The proposed project would have a significant environmental impact if it were to:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:
    - Fire Protection
    - Police Protection

3.11.4 Project Impacts

Fire Protection

Impact 3.11-1 *The proposed project would require fire protection services. However, analysis has concluded that the project would not increase the need for fire protection beyond the capabilities of the Orange County Fire Authority (OCFA). Therefore, the project impact would be less than significant.*

The proposed project would generate additional demand for fire protection services in comparison to the existing uses, since the proposed project is a more intensive land use than what currently exits onsite. Fire protection services in the City are provided through a contract with the Orange County Fire Authority (OCFA). The project site is not located within a Very High Fire Hazard Severity Zone/Special Fire Protection Area,[3] which would otherwise be subject to special development regulations and standards.

In 2011, fire calls to the OCFA for the existing project site were as follows:

[2] Orange County Sheriff's Department. 2007. Website: http://www.ocsd.org.
[3] http://www.ocfa.org/_uploads/pdf/sfpa-dpt.pdf, Last accessed December 2011.

Table 3.11-2 – OCFA Reported Calls at Project Site

Location	Number of Calls
34297 Pacific Coast Highway (Jack in the Box Restaurant)	2
25325 Dana Point Harbor Drive (Dana Point Harbor Inn)	6
34299 Pacific Coast Highway (Vacant commercial building)	0

Source: OCFA, 2012.

Half of the six calls for the existing motel required Emergency Medical Services (EMS). There were only two fire calls for the Jack-in-the-Box restaurant and there were no calls in the vacant commercial building in 2011. Since implementation of the project would result in greater use intensity, the project may result in an increased number of calls for fire services.

For the purpose of this analysis, the Laguna Cliffs Marriott Resort & Spa, which is directly southwest of the project site, was assumed to be similar to the proposed project. In 2011, 18 calls were placed from the resort for fire services. Half of the calls required EMS, with the remaining calls consisting of cancelled dispatch, non-medical visits, and alarms. Due to the similar nature and proximity of the proposed project to the resort, it can be anticipated that similar calls would occur after project implementation. As seen in the above numbers, there were 12 (or 200%) more fire calls to the Marriott resort than to the existing motel. The proposed project would include a fire alarm system and automatic sprinklers will be installed per OCFA requirements. Therefore, implementation of the project would not result in a significant impact to existing fire services.

Police

Impact 3.11-2 *The proposed project would require police protection services. However, analysis has concluded that the project would not generate additional need beyond the existing capabilities of the OCSD. Impacts in this regard would be less than significant.*

The City contracts for police protection services with the County of Orange Sheriff's Department. Since the project is a hotel and meant to accommodate tourists, it would not likely add a significant permanent number of people to the existing population. The proposed project would generate additional demand for police services in comparison to the existing uses, since the proposed project is a more intensive land use than what currently exits onsite. It would have 258 rooms, 12,103 square feet of meeting space, and one restaurant.

In 2011, police calls to OCSD for the existing project site were as follows:

Table 3.11-3 – OCSD Reported Calls at Project Site

Location	Number of Calls
34297 Pacific Coast Highway (Jack in the Box Restaurant)	4
25325 Dana Point Harbor Drive (Dana Point Harbor Inn)	58
34299 Pacific Coast Highway (Vacant commercial building)	0

Source: OCSD, 2012.

The majority (approximately 38%) of the 58 calls that occurred in the existing motel were disturbance calls. There were only four police calls for the Jack-in-the-Box restaurant and there were no calls for the vacant commercial building in 2011. Since implementation of the project would result in greater use intensity, the project may result in an increased number of calls to the police.

For the purpose of this analysis, the Laguna Cliffs Marriott Resort & Spa, which is located directly southwest of the project site, was assumed to be similar to the proposed project. In 2011, 44 calls were placed to the police station from the resort. The category of calls that contained the highest incidents was disturbance-related calls, comprising of 8 or 18.2% of all police calls from the resort. Other calls included but were not limited to illegally parked vehicles, assisting outside agencies, and drunk driving. Due to the similar nature and proximity of the proposed project to the resort, it can be anticipated that similar calls would occur after project implementation. As seen in the above numbers, there were 14 (or 24.1%) more police calls for the existing motel than for the Marriott resort. The proposed hotel would include private security and at least one security guard will be on the premises at all times. Therefore, implementation of the project would not result in a significant impact to existing police services, and would not require additional police officers.

3.11.5 Cumulative Impacts

The proposed project, combined with cumulative projects, would not result in a significant impact on the demand of public services.

The City of Dana Point is almost completely built out and there is limited space for new development that could increase the demand on public services. Other planned or reasonably foreseeable future projects that could increase such demand include the redevelopment of the Dana Point Harbor as well as the development of a vacant parcel adjacent to the project site. The implementation of these other projects, combined with the proposed project, would not result in significant cumulative impacts on public services. Therefore, cumulative impacts on public services would be less than significant and do not require mitigation measures.

3.11.6 Mitigation Measures

No mitigation measures are proposed.

3.11.7 Project Design Features

The proposed project includes features that reduce or eliminate potential impacts to environmental resources. The following Project Design Features (PDFs) are specified to be implemented.

PDF 4.11-1 *The project is not located within the very high fire hazard severity zone per the OCFA (Orange County Fire Authority) maps. However, exposed building construction shall meet all requirements for exposed sides, per OCFA requirements. Additionally, automatic sprinklers shall be provided in all applicable structures, per OCFA requirements.*

PDF 4.11-2 *Interior and exterior water conservation measures will be incorporated into the project. Measures will include (but not be limited to) low-flush toilets, low-flow faucets, and the installation of efficient irrigation systems to minimize runoff and evaporation.*

3.11.8 Level of Project Impact Significance after Mitigation

No mitigation measures are proposed, therefore the project impacts to public services will remain less than significant.

3.12 TRANSPORTATION AND TRAFFIC

3.12.1 Introduction

This section discusses and analyses the transportation and traffic impacts associated with development of the proposed project. Analysis in this section is based on existing Levels of Service (LOS) at key intersections around the proposed project site as well as traffic volumes along nearby roadways compared to Year 2013[1] (project buildout) and Year 2025 (cumulative) scenarios. Information for this section was obtained from the *Doheny Hotel Traffic Impact Analysis (TIA) (Revised)* prepared by Kunzman Associates, Inc. on August 2, 2012.[2] The TIA is included for reference in **Appendix I.**

The TIA presents LOS analysis for the following key intersections under Existing, Year 2013 and Year 2025 for Weekday, Saturday, Weekday Peak Season and Saturday Peak Season scenarios:

- Del Obispo Street/Dana Point Harbor Drive (NS) at:
    - Pacific Coast Highway (SR-1) (EW)
    - Project Access (EW)
    - Park Lantern (EW)

Additionally, the TIA presents ADT volumes for the following roadway segments near the proposed project site under Existing, Year 2013 and Year 2025 for Weekday, Saturday, Weekday Peak Season and Saturday Peak Season conditions:

- Pacific Coast Highway (PCH) west of Del Obispo Street
- Del Obispo Street north of PCH;
- PCH east of Del Obispo Street;
- Dana Point Harbor between PCH and southern edge of project boundary;
- Dana Point Harbor between Park Lantern and southern edge of project Boundary;
- Park Lantern east of Dana Point Harbor Drive;
- Park Lantern west of Dana Point Harbor Drive; and

[1] The proposed construction year has changed since the preparation of the traffic impact analysis from 2013 to 2014. Robert Kunzman of Kunzman Associates indicated via email to Kelly Hickler of UltraSystems Environmental on July 9, 2013 that there would be no benefit to updating the analysis to Year 2014 and the change in the base volume would be unnoticeable. The Year 2013 projections were based on a 0.25% annual growth rate. If a 0.25% annual growth rate for an additional year was applied to the base count there would be an increase of one vehicle for every 400 vehicles. This would end up adding 0 to 1 vehicles per turning movement and adding 0 to 5 vehicles to each through movement during a peak hour. This is an unnoticeable increase and the Levels of Service would not change.

[2] Kunzman Associates, Inc. *Doheny Hotel Traffic Impact Analysis (Revised)*, August 2, 2012.

- Dana Point Harbor Drive south of Park Lantern.

A Supplemental TIA was prepared by Arch Beach Consulting on February 18, 2012 titled *Draft Supplemental Traffic Analysis Doheny Hotel I-5/PCH Interchange*.[3] This supplemental TIA is provided for reference in **Appendix J** of this EIR. The supplemental TIA includes a discussion and analysis of the following intersections and roadway segments under Existing, Year 2013[4] and Year 2025 Weekday, Saturday, Weekday Peak Season and Saturday Peak Season conditions:

- **Intersection:** Interstate 5 (I-5) southbound ramps at PCH;
- **Intersection:** I-5 northbound ramps at PCH; and
- **Roadway Segment:** PCH southwest of I-5.

3.12.2 Environmental Setting

i. Regulatory Setting

Orange County Congestion Management Program

In June 1990, the passage of the Proposition 111 gas tax increase required California's urbanized areas – areas with populations of 50,000 or more – to adopt a Congestion Management Program (CMP). The Orange County Transportation Authority (OCTA) is designated as the Congestion Management Agency (CMA) for the County, and is responsible for the development, monitoring, and biennial updating of Orange County's CMP. The most recent CMP was prepared by OCTA in 2011.

Within the study area, the Congestion Management Program Highway System includes two arterials: Del Obispo Street/Dana Point Harbor Drive, Pacific Coast Highway (SR-1), and includes one intersection: Del Obispo Street/Dana Point Harbor Drive at Pacific Coast Highway (SR-1).

The goals of Orange County's CMP are to support regional mobility and air quality objectives by reducing traffic congestion; to provide a mechanism for coordinating land use and development decisions that support the regional economy; and to determine gas tax fund eligibility. State legislation also requires that the CMP contain a process to analyze impacts of land use decisions by local governments on the regional transportation system. A Traffic Impact Analysis (TIA) is required for CMP purposes for all proposed developments generating 2,400 or more daily trips, or 1,600 daily trips for developments with direct access to a CMP Highway System link.

The Doheny Hotel project is estimated to generate 1,409 daily trips. Thus, the project is not required to comply with the Congestion Management Program Traffic Impact Analysis Guidelines.

[3] Arch Beach Consulting, *Draft Supplemental Traffic Analysis Doheny Hotel I-5/PCH Interchange*, February 18, 2012.

[4] See footnote 1.

City of Dana Point General Plan

The Circulation Element of the City of Dana Point General Plan guides the development of the City's circulation system in a manner that is compatible with the Land Use Element. It addresses the circulation improvements needed to relieve traffic congestion due to future land uses, and establishes a hierarchy of transportation routes with specific development standards described for each category of roadway.

The major traffic problem within the City, as identified in the *City of Dana Point, Circulation Element, Technical Report*, exists primarily on the section of Pacific Coast Highway (PCH) where State Route 1 (SR-1) ends and becomes PCH. The intersection of Del Obispo Street and PCH is of particular concern since the proposed project site is directly to its southwest, and this intersection will be used the most by hotel patrons exiting or entering the site.

Orange County Zoning Code

The proposed project site is located within the boundary of the Dana Point Specific Plan Area (DPSP Area); therefore, the Orange County Zoning Code Chapter 7-9-145 entitled *Off-Street Parking Regulations* shall apply. The intent of this chapter is to provide for the on-site, off-street parking of motor vehicles that are attracted by the use or uses on a proposed premise. Section 7-9-145.2 entitled *General Requirements* requires that off-street parking facilities shall be located on the same building site and conveniently proximate to the use or uses that they are to serve. The proposed project includes the development of a hotel and according to Section 7-9-145.6 entitled *Off-Street Parking Requirements,* motel and hotel uses are required to have one parking space for each guest unit, plus additional parking as required for accessory motel/hotel uses. Considering that the proposed project includes the development of 258 guest rooms, a minimum of 258 off-street parking spaces would be required by the Orange County Zoning Code.

ii. Existing Conditions

This analysis assesses the project area during periods of average traffic volume. To determine the existing operation of the project area, traffic volumes during weekday morning (a.m.), weekday evening (p.m.) and Saturday mid-day peak hours were obtained in March of 2011. To account for peak season traffic increases, a peak season factor of ten (10) percent has been utilized as prescribed by City of Dana Point staff.

Regional Access and Interstate 5

The project site can be accessed regionally via the San Diego Freeway (I-5). I-5 is located east of the proposed project site and provides regional access from Los Angeles County to San Diego County. Access to I-5 can be obtained via the Pacific Coast Highway (SR-1) exit, located approximately 1.2 miles to the east of the project site. On a broad scale, I-5 is a north-south freeway that traverses the west coast of the United States originating at the US-Canada border in Washington State, and terminating at the US-Mexico border in San Diego

County. In the Southern California area, I-5 connects with other Interstates and State Routes such as I-405, I-110, I-605, SR 91, Beach Boulevard – SR 39, SR 22, SR 55, and the San Joaquin Hill Toll Road – SR 73, providing access to all parts of Southern California. The northbound side along Interstate 5 at the I-5/PCH interchange consists of four-mixed flow travel lanes and one carpool lane; and, the southbound side consist of has five mixed-flow lanes and one auxiliary lane. The auxiliary lane becomes an exit lane-only to PCH north of the interchange. Per Caltrans, existing (2010) average daily traffic (ADT) volumes on I-5 are 243,000 ADT south of PCH, and 231,000 ADT north of PCH.

Pacific Coast Highway – Camino Las Ramblas

Pacific Coast Highway (PCH) is also known as State Route 1 (SR 1) in the project vicinity. PCH would provide direct access to the proposed project via its intersection with Del Obispo Street/Dana Point Harbor Drive. In the area of the interchange, PCH transitions from a six-lane divided highway to a four-lane divided highway. The posted speed limit on PCH, west of the interchange, is 55 miles per hour (MPH). East of the interchange, PCH becomes Camino Las Ramblas, which provides access to residential areas on the east side of I-5. At the interchange, PCH has direct, free-flowing on- and off-ramps with I-5. The only signal-controlled movements at the interchange are the northbound and southbound off-ramps to Camino Las Ramblas. Per Caltrans, existing (2010) ADT volumes on PCH, west of I-5, are 37,000 ADT.

Existing Roadway Network

The local street network near the proposed project site includes: Del Obispo Street/Dana Point Harbor Drive, Pacific Coast Highway (PCH), and Park Lantern. The TIA and supplemental TIA focus on these roadways. A description of each roadway is provided below:

Del Obispo Street/Dana Point Harbor Drive: This street runs in a north-south direction with two lanes of travel in each direction (total of 4 lanes). It is classified as a Primary Arterial (100 ft. right-of-way) in the City of Dana Point General Plan Circulation Element. Del Obispo Street/Dana Point Harbor Drive currently carries approximately 10,600 to 11,900 vehicles per day during weekday conditions; 8,800 to 12,500 vehicles per day during Saturday conditions; 11,800 to 13,300 vehicles per day during weekday peak season conditions; and 9,700 to 13,800 vehicles per day during Saturday peak season conditions.

Pacific Coast Highway (PCH): This east-west roadway is divided into three lanes in each direction (a total of 6 lanes) and is classified as a Major Arterial (120 ft. right-of-way) in the City of Dana Point General Plan Circulation Element. PCH, in the area of the proposed project site, currently carries approximately 33,000 to 41,600 vehicles per day during weekday conditions; approximately 29,700 to 37,700 vehicles per day under Saturday conditions; approximately 36,700 to 46,300 vehicles per day under weekday peak season conditions; and, approximately 33,100 to 41,900 vehicles per day under Saturday peak season conditions. PCH borders the north side of the proposed project boundary and along this segment there are four eastbound lanes (three through- and one left

turn lane) and three westbound lanes. The posted speed limit is 35 mph along this segment of PCH and parking is not permitted on either side of the roadway.

Park Lantern: This roadway runs in an east-west direction and is not classified in the City of Dana Point General Plan Circulation Element. Park Lantern is divided into four lanes (two lanes eastbound and two lanes westbound) to the east of Dana Point Harbor Drive. West of Dana Point Harbor Drive, Park Lantern is a two lane roadway (one lane eastbound and one lane westbound) that terminates into a cul-de-sac at the entrance of the Marriot Hotel. Park Lantern currently carries 1,000 to 1,800 vehicles per day under weekday conditions; approximately 1,100 to 1,400 vehicles per day under Saturday conditions; approximately 1,100 to 2,100 vehicles per day under weekday peak season conditions; and 1,200 to 1,500 vehicles per day during Saturday peak season conditions. Park Lantern is located directly south of the proposed project site and has a posted speed limit of 25 mph. Parallel parking is permitted along the eastbound and westbound sides of Park Lantern between the eastern boundary of Lantern Bay Park to the entrance for the Marriot Hotel at the cul-de-sac terminus.

Existing Daily Traffic Volumes

As discussed above, the TIA and Supplemental TIA provides analysis for existing Average Daily Traffic (ADT) volumes for street segments around the proposed project site. The street segments analyzed around the proposed project site include:

- Pacific Coast Highway (PCH) west of Del Obispo Street;
- Del Obispo Street north of PCH;
- PCH east of Del Obispo Street;
- Dana Point Harbor between PCH and southern edge of project boundary;
- Dana Point Harbor between Park Lantern and southern edge of project boundary;
- Park Lantern east of Dana Point Harbor Drive;
- Park Lantern west of Dana Point Harbor Drive;
- Dana Point Harbor Drive south of Park Lantern; and
- PCH southwest of Interstate 5.

The existing weekday ADT volumes were obtained from the *City of Dana Point 2011 Traffic Flow Map* reduced by the peak season factor and factored from peak hour counts obtained by Kunzman Associates in March 2011 using the following formula for each segment:

- Weekday PM Peak Hour (Approach Volume + Exit Volume) * 10.0 = Segment Volume

The existing Saturday ADT volumes were obtained from factored peak hour counts conducted by Kunzman Associates in March 2011 using the following formula for each intersection segment:

- Saturday Mid-Day Peak Hour (Approach Volume + Exit Volume) * 10.0 = Segment Volume

The existing weekday peak season ADT volumes were obtained from the *City of Dana Point 2011 Traffic Flow Map* and factored from peak season factored peak hour counts conducted by Kunzman Associates in March 2011 using the following formula for each roadway segment:

- Weekday Peak Season PM Peak Hour (Approach Volume + Exit Volume) * 10.0 = Segment Volume

The existing Saturday peak season ADT volumes were obtained from factored peak season peak hour counts conducted by Kunzman Associates in March 2011 using the following formula for each roadway segment:

- Saturday Peak Season Mid-day Peak Hour (Approach Volume + Exit Volume) * 10.0 = Segment Volume

For the street segment of PCH southwest of Interstate 5 as analyzed in the Supplement TIA existing ADTs under Weekday and Saturday conditions were obtained from the Caltrans website.[5] Under existing Weekday and Saturday Peak Season conditions a peak factor was applied to the existing traffic counts to account for a peak season of traffic volumes, since the traffic counts at the roadway segment was counted in the off-season. A factor of nine percent was calculated and verified using the last ten years of available Caltrans data.

Table 3.12-1 shows the existing ADT volumes for the roadway segments under existing Weekday, Saturday, Weekday Peak Season and Saturday Peak Season Conditions.

Figure 3.12-1 depicts the existing weekday average daily traffic volumes, and **Figure 3.12-2** depicts the existing Saturday daily traffic volumes for the intersections of Del Obispo Street and Dana Point Harbor Drive at PCH.

[5] California Department of Transportation, Caltrans Website, http://www.dot.ca.gov/hq/traffops/saferesr/trafdata/2010all, accessed February 18, 2012 by Arch Beach Consulting.

Table 3.12-1 Existing Roadway Segment ADT Volumes				
Roadway Segments	**Existing ADT Volumes**			
	Weekday Conditions	**Saturday Conditions**	**Weekday Peak Season Conditions**	**Saturday Peak Season Conditions**
PCH west of Del Obispo Street	33,000	29,700	36,700	33,100
Del Obispo Street north of PCH	10,600	8,800	11,800	9,700
PCH east of Del Obispo Street	41,600	37,700	46,300	41,900
Dana Point Harbor between PCH and Southern Edge of Project Boundary	11,900	12,500	13,300	13,800
Dana Point Harbor between Park Lantern and Southern Edge of Project Boundary	11,900	12,500	13,300	13,800
Park Lantern east of Dana Point Harbor Drive	1,000	1,400	1,100	1,500
Park Lantern west of Dana Point Harbor Drive	1,800	1,100	2,100	1,200
Dana Point Harbor Drive south of Park Lantern	11,900	11,400	13,300	12,500
PCH southwest of I-5	37,000	33,500	40,000	36,500

As shown above in **Table 3.12-1**, the ADT volumes for the studied roadway segments range from a low of 1,000 (Park Lantern east of Dana Point Harbor Drive) to a high of 41,600 (PCH east of Del Obispo Street) during existing Weekday conditions; a low of 1,100 (Park Lantern west of Dana Point Harbor Drive) to a high of 37,700 (PCH east of Del Obispo Street) during existing Saturday conditions; a low of 1,100 (Park Lantern east of Dana Point Harbor Drive) to a high of 46,300 (PCH east of Del Obispo Street) during Weekday Peak Season conditions; and, a low of 1,200 (Park Lantern west of Dana Point Harbor Drive) to a high of 41,900 (PCH east of Del Obispo Street) during Saturday Peak Season conditions. **Figures 3.12-1** and **3.12-2** show the existing ADT volumes for the studied roadway segments under Weekday and Saturday conditions, respectively. **Figures 3.12-3** and **3.12-4** show the existing ADT volumes for the studied roadway segments under Weekday and Saturday Peak Season conditions. **Figures 3.12-5, 3.12-6, 3.12-7** and **3.12-8** show the existing ADT volume for PCH southwest of Interstate 5 under Weekday, Saturday, Weekday Peak Season and Saturday Peak Season conditions.

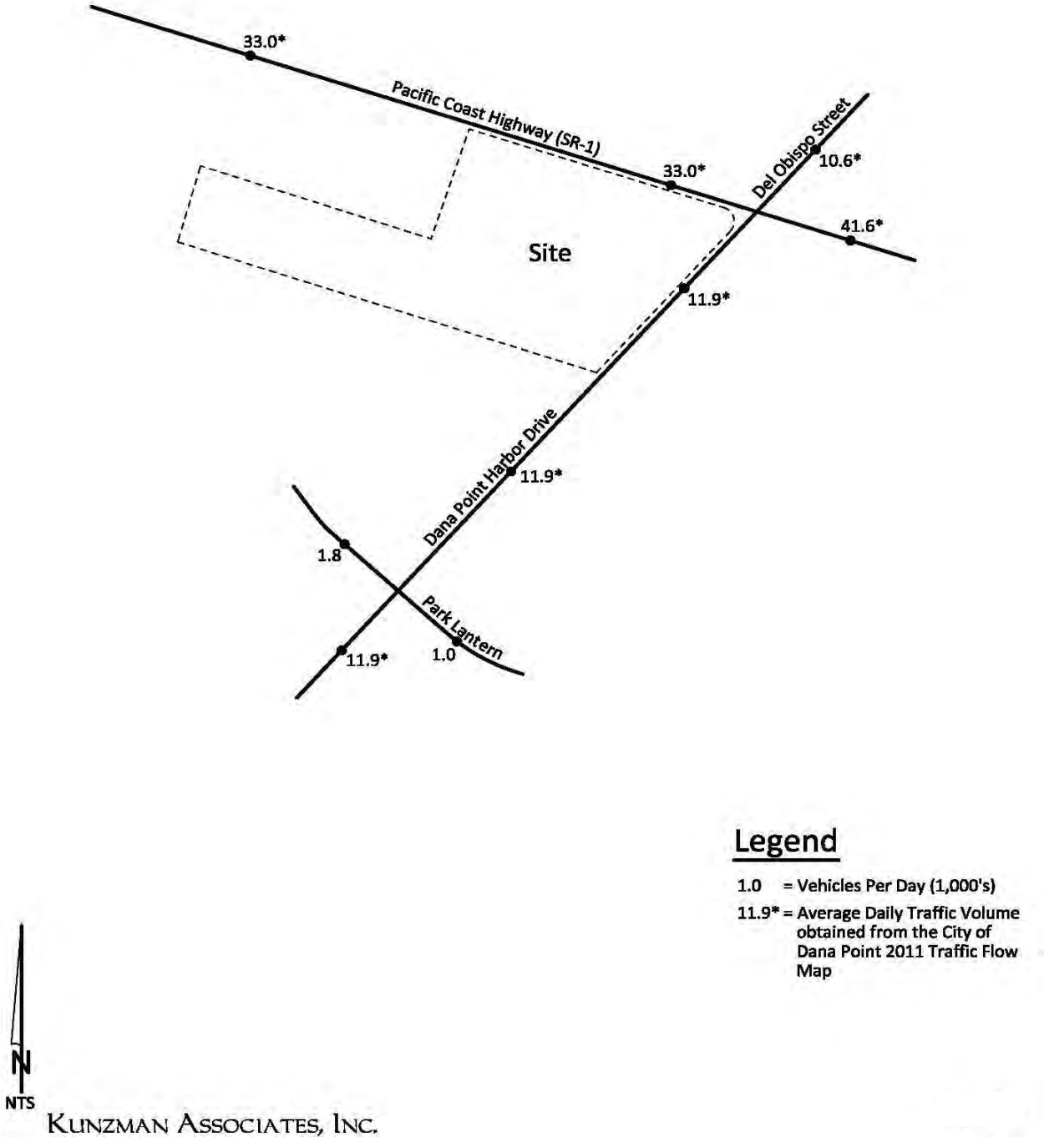

Figure 3.12-1: Existing Weekday Average Daily Traffic Volumes

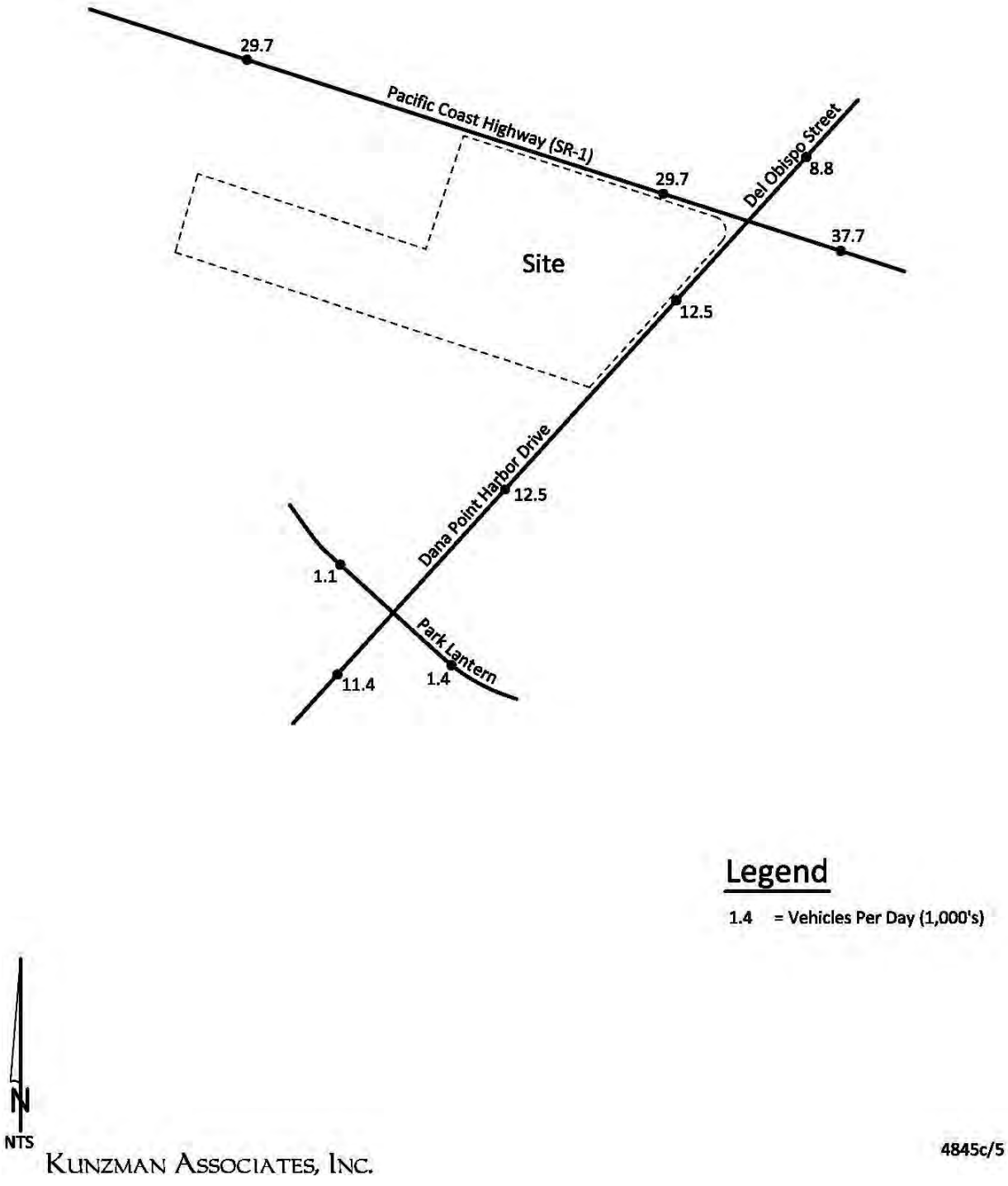

Figure 3.12-2: Existing Saturday Daily Traffic Volumes

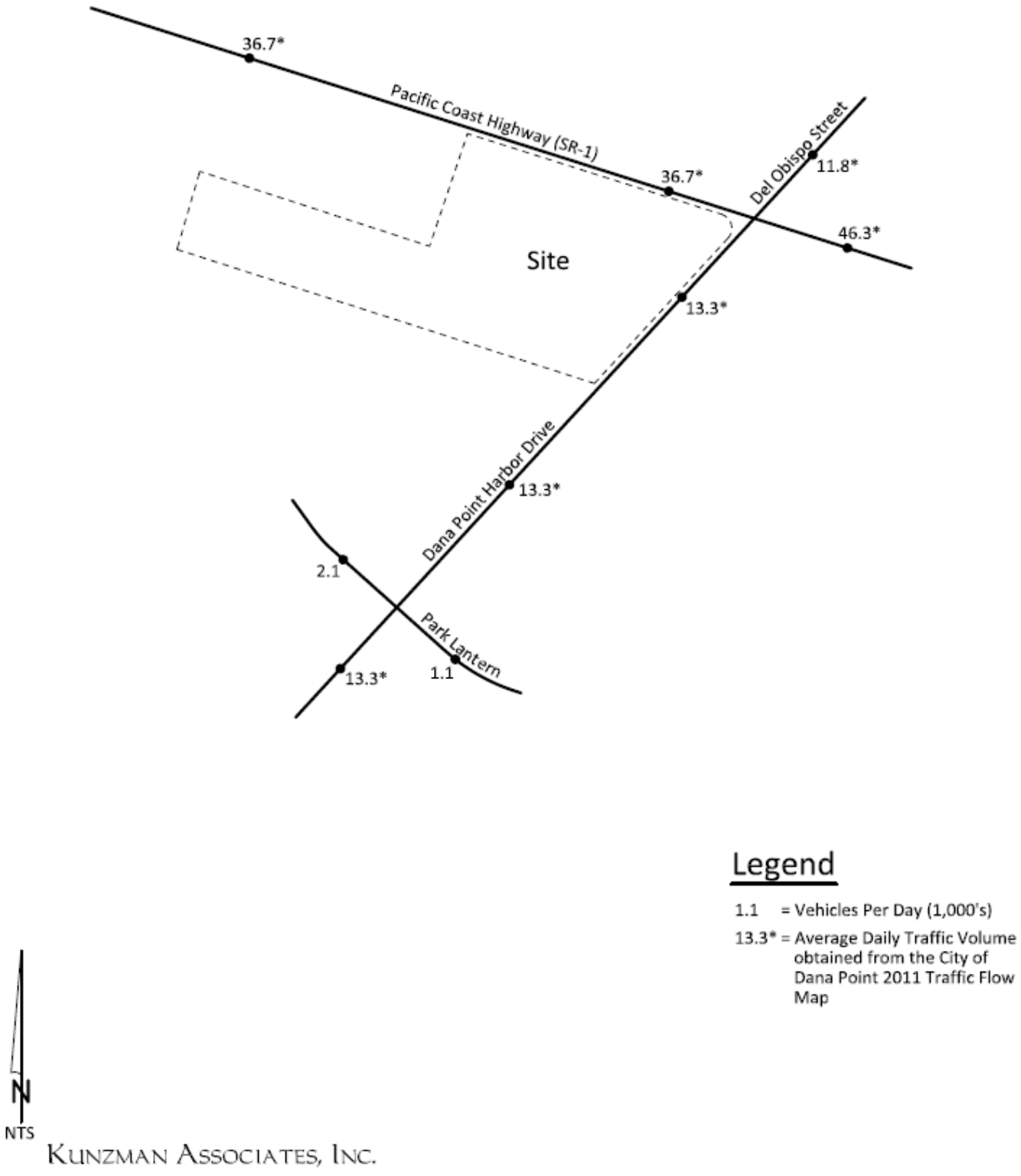

Figure 3.12-3: Existing Weekday Peak Season Average Daily Traffic Volumes

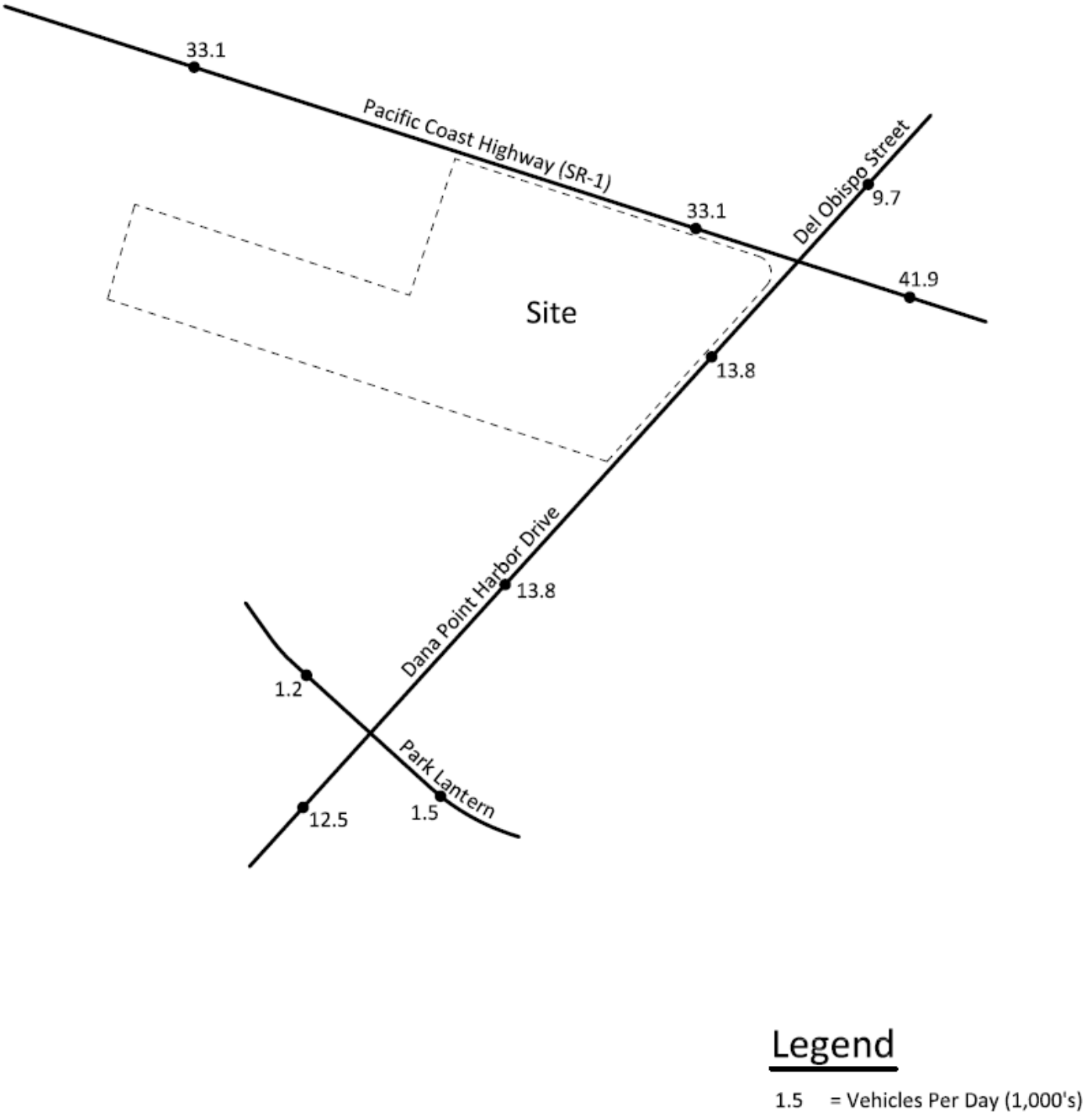

Figure 3.12-4: Existing Saturday Peak Season Average Daily Traffic Volumes

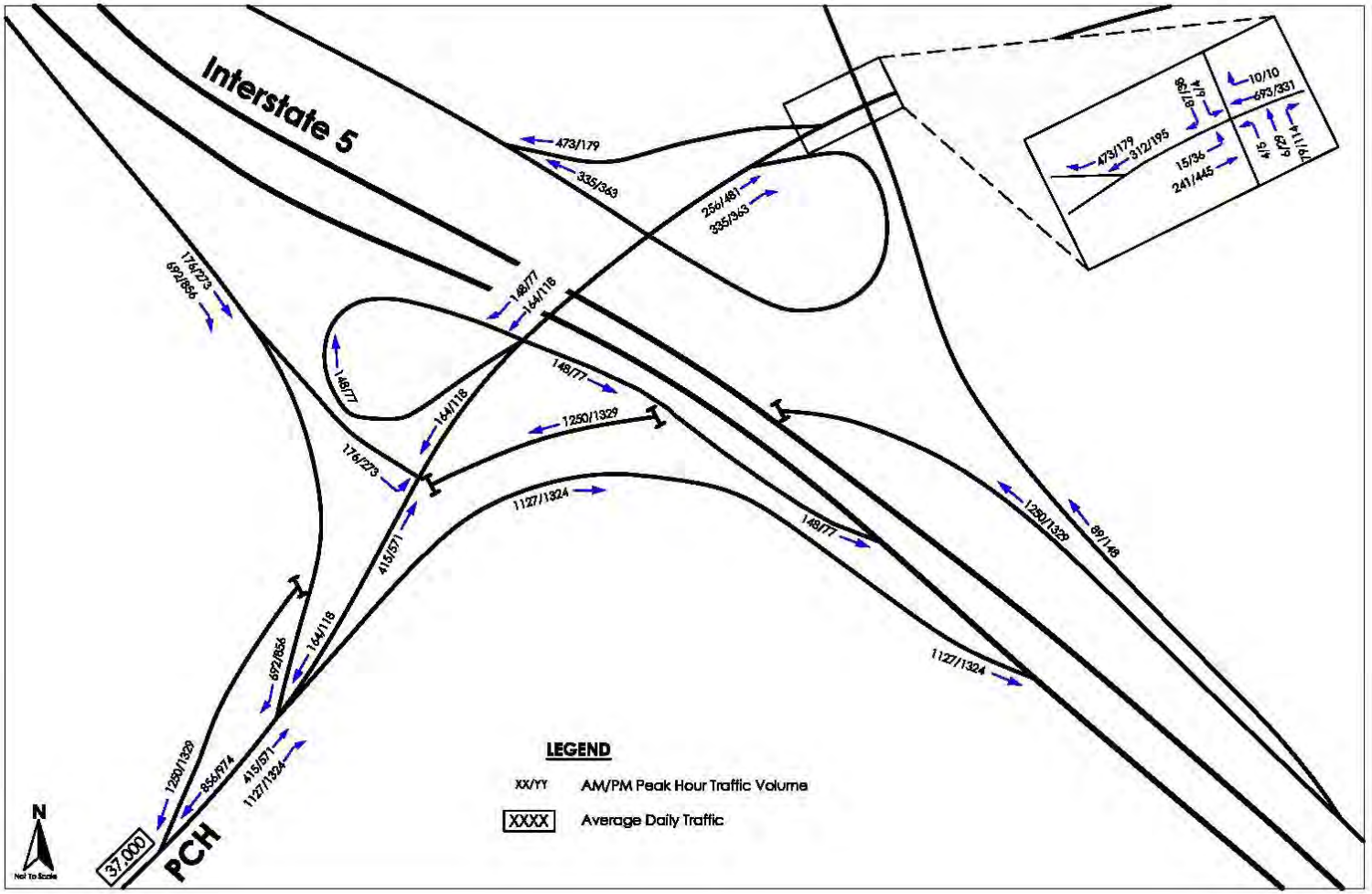

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Figure 3.12-5: Existing Weekday Daily and Peak Hour Traffic Volumes

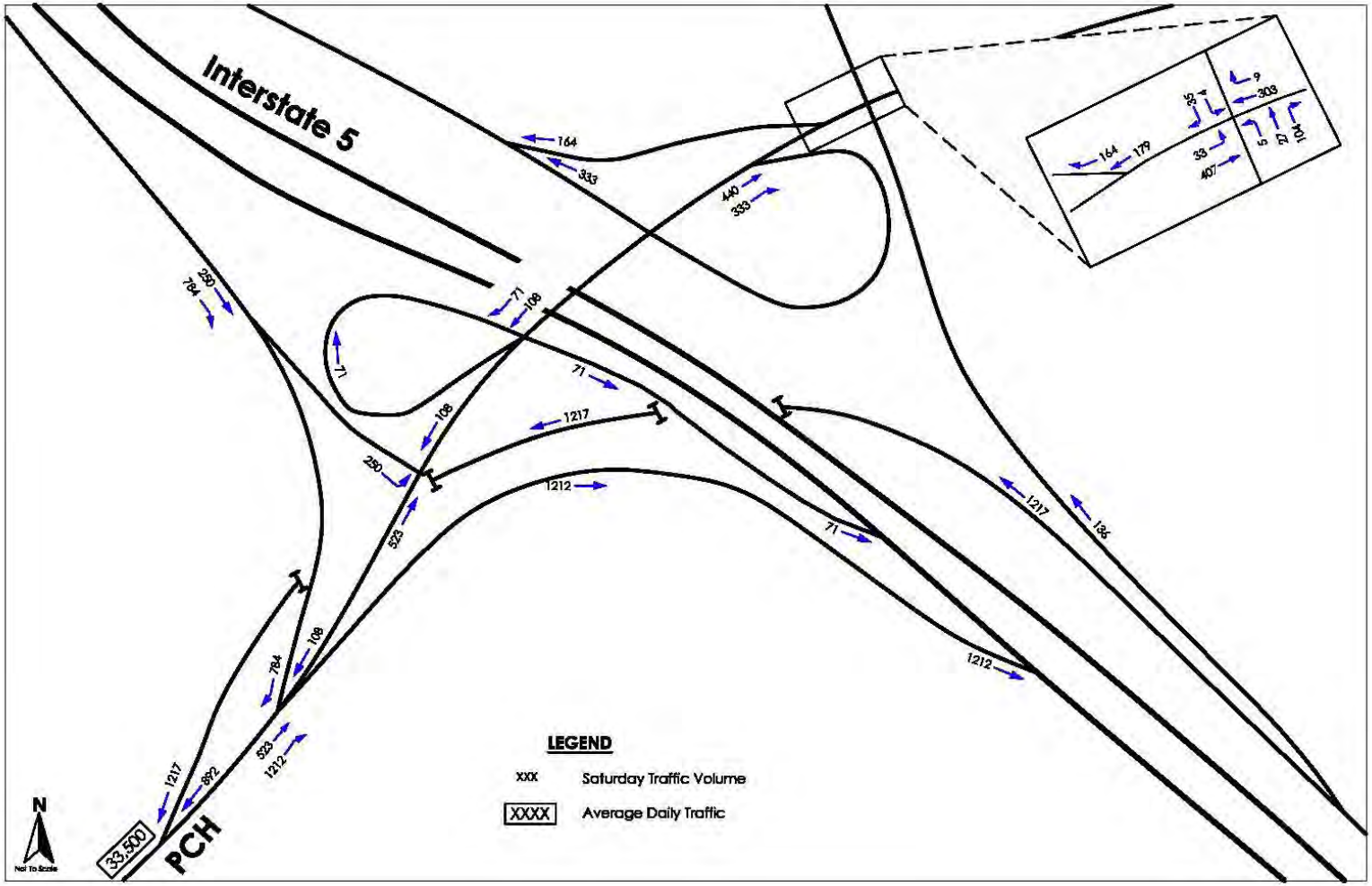

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Figure 3.12-6: Existing Saturday Daily and Peak Hour Traffic Volumes

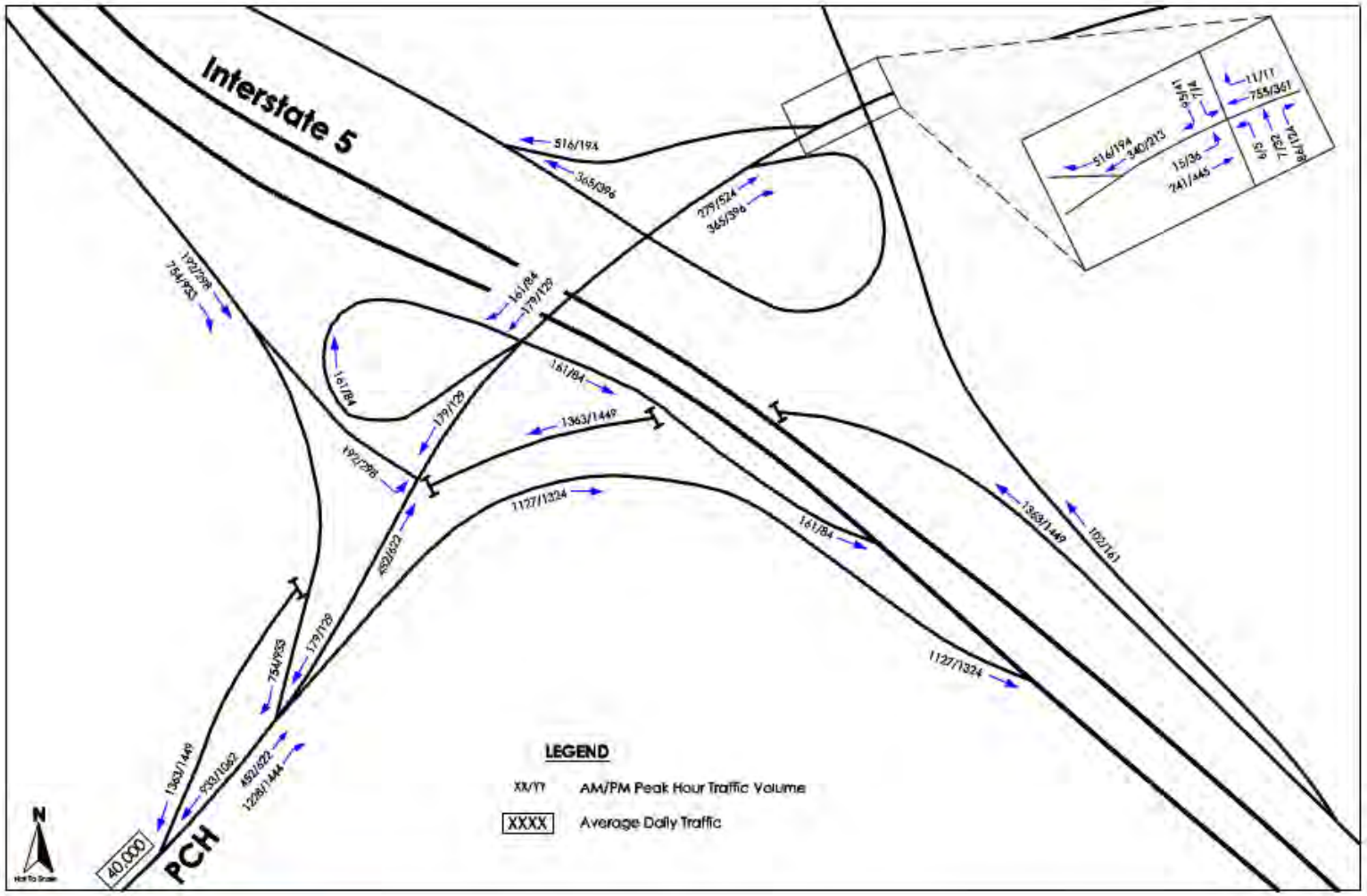

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Figure 3.12-7: Existing Weekday Peak Season Daily and Peak Hour Traffic Volumes

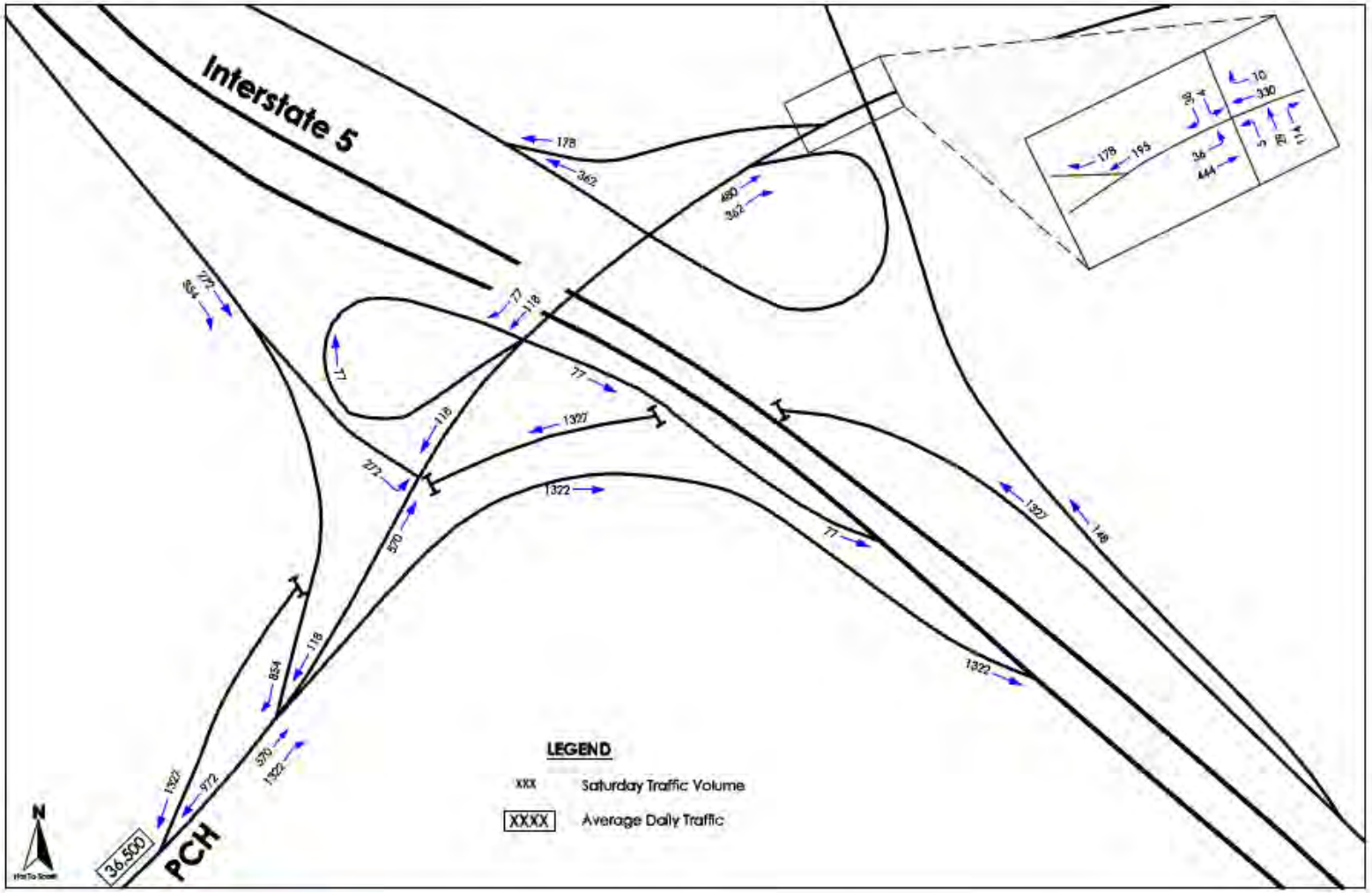


Figure 3.12-8: Existing Saturday Peak Season Daily and Peak Hour Traffic Volumes

The existing development on the proposed Project site currently generates 699 daily vehicle trips during the week and 847 daily vehicle trips on a Saturday.

Existing Levels of Service (LOS)

The existing LOS for the project intersections are shown in **Table 3.12-2**. Existing LOS are based upon factored manual weekday morning, weekday evening, and Saturday mid-day peak hour intersection turning movement counts. A peak season factor has been applied to the existing traffic counts to account for non-peak season conditions when the traffic counts were conducted. The City of Dana Point staff provided a 10-percent peak season factor to be utilized. A verification of this factor was calculated using the last ten years of available California Department of Transportation data. The calculated peak season versus non-peak season factor is 9 percent. The conservative 10 percent peak season factor provided by the City of Dana Point has been utilized in this analysis.

There are two peak hours in a weekday. The morning peak hour is between 7:00 AM and 9:00 AM, and the evening peak hour is between 4:00 PM and 6:00 PM. The actual peak hour within the two-hour interval is the four consecutive 15-minute periods with the highest total volume when all movements are added together. Thus, the evening peak hour at one intersection may be 4:45 PM to 5:45 PM if those four consecutive 15-minute periods have the highest combined volume. There is one peak hour on a Saturday. The mid-day peak hour is between 10:00 AM and 2:00 PM.

Table 3.12-2 : Existing Intersection Levels of Service (LOS)

Intersection	Control	Non-peak Season			Peak Season		
		Weekday		Weekend	Weekday		Weekend
		Morning	Evening	Midday	Morning	Evening	Midday
Del Obispo Street/Dana Point Harbor Drive at PCH	Signal	A	B	A	A	B	B
Del Obispo Street/Dana Point Harbor Drive at Park Lantern	Signal	A	A	A	A	A	A
I-5 southbound ramps/PCH	Signal	B	B	B	B	B	B
I-5 northbound ramps/PCH	Signal	B	B	B	B	B	B

As shown above in **Table 3.12-2**, the study intersections under existing conditions operate at an LOS A and B during Non-Peak Season Weekday and Weekend Morning, Evening and Midday conditions and during Peak Season Weekday and Weekend Morning, Evening and Midday conditions.

3.12.3 Project Conditions

The proposed project consists of the development of a 258 room hotel with a 12,103 sq. ft. conference /banquet facility and a 7,087 sq. ft. restaurant. Parking for the proposed project would include a total of 325 parking spaces; 275 of which are on-site parking spaces and 50 are off-site overflow parking spaces. The proposed project will take the place of the existing uses on the site and would continue to be accessed by Del Obispo Street/Dana Point Harbor Drive.

Project Trip Generation

The traffic that would be generated by the proposed project is determined by multiplying an appropriate trip generation rate by the quantity of land use. Trip generation rates were determined for daily traffic, weekday morning peak hour inbound and outbound traffic, weekday evening peak hour inbound and outbound traffic, and Saturday mid-day peak hour inbound and outbound traffic for the proposed land use. By multiplying the traffic generation rates by the land use quantity, the traffic volumes are determined. **Table 3.12-3** shows the traffic generation rates and peak hour volumes and project daily traffic volumes. The traffic generation rates are from the Institute of Transportation Engineers, Trip Generation, 8th Edition.

The proposed project is estimated to generate approximately 2,108 daily vehicle trips on a weekday, 145 of which will occur during the morning peak hour and 152 of which will occur during the evening peak hour. The proposed project is estimated to generate approximately 2,113 additional daily vehicle trips on a Saturday, 186 of which will occur during the mid-day peak hour. The proposed project is expected to generate approximately 1,409 additional daily vehicle trips under Weekday Peak Season conditions, 87 of which will occur during the morning peak hour and 104 of which will occur during the evening peak hour. Under Saturday Peak Season conditions, the proposed project is estimated to generate approximately 1,266 additional daily vehicle trips, 114 of which will occur during the mid-day peak hour.

Table 3.12-3 Project Traffic Generation

Land Use	Quantity	Units	Weekday							Weekend			
			Peak Hour						Daily	Peak Hour			Daily
			Morning			Evening				Mid-day			
			Inbound	Outbound	Total	Inbound	Outbound	Total		Inbound	Outbound	Total	
Trip Generation Rates													
Hotel		RM	0.34	0.22	0.56	0.31	0.28	0.59	8.17	0.40	0.32	0.72	8.19
Fast Food With Drive-Thru		TSF	25.17	24.18	49.35	17.60	16.24	33.84	496.12	30.29	29.10	59.39	722.00
Trips Generated													
Existing Hotel	-46	RM	-16	-10	-26	-14	-13	-27	-376	-18	-15	-33	-377
Existing Fast Food With Drive-Thru	-1.277	TSF	-32	-31	-63	-22	-21	-43	-634	-39	-37	-76	-922
Pass-by Percentages			49%	49%	49%	50%	50%	50%	49%	49%	49%	49%	49%
Pass-by Trips			16	15	31	11	11	22	311	19	18	37	452
Subtotal			-32	-26	-58	-25	-23	-48	-699	-38	-34	-72	-847
Proposed Project (Hotel)	258	RM	88	57	145	80	72	152	2,108	103	83	186	2,113
Difference			56	31	87	55	49	104	1,409	65	49	114	1,266

Project Trip Distribution

To determine the traffic distribution for the proposed project, peak hour traffic counts of the existing directional distribution of traffic for existing areas in the vicinity of the site, and other additional information on future development and traffic impacts in the area were reviewed. The proposed project's trip distribution pattern assumes that a southbound U-turn movement will be allowed at the intersection of Dana Point Harbor Drive and Park Lantern. It is assumed that the 10 percent of the project traffic exiting the proposed project site and heading south on Dana Point Harbor Drive will potentially use the Dana Point Harbor facilities and/or utilize Golden Lantern.

Project Trip Assignment

Based on the identified traffic generation and distributions, project weekday and Saturday ADT volume additions to local roadway segments are presented in **Table 3.12-4** below.

Table 3.12-4 Project ADT Volumes of Roadway Segments

Roadway Segments	Project ADT Volumes	
	Weekday Conditions	Saturday Conditions
PCH west of Del Obispo Street	500	400
Del Obispo Street north of PCH	300	300
PCH east of Del Obispo Street	600	500
Dana Point Harbor between PCH and Southern Edge of Project Boundary	1,300	1,200
Dana Point Harbor between Park Lantern and Southern Edge of Project Boundary	700	600
Park Lantern east of Dana Point Harbor Drive	0	0
Park Lantern west of Dana Point Harbor Drive	0	0
Dana Point Harbor Drive south of Park Lantern	100	100
PCH southwest of I-5	600	500

3.12.4 Thresholds of Significance

According to Appendix G of the CEQA Guidelines, a project would result in significant impacts in the transportation/circulation system if the project would:

- Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit;

- Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways;

- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks;

- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);

- Result in inadequate emergency access; or

- Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.

3.12.5 Project Impacts

Impact 3.12-1 *Development of the proposed project will increase the ADT volumes of roadway segments and key intersections in the vicinity. The increase in ADT volume could cause heavier traffic conditions along these roadway segments and at key intersections during morning, midday and evening hours. With implementation of **Project Design Features 3.12-1** through **3.12-8**, impacts to local roadway segments and key intersections would be less than significant.*

The following analysis presents a comparison between existing intersection LOS conditions and roadway segment volumes to Year 2013 plus Project intersection LOS and roadway segment volume conditions. The comparison takes into account Weekday, Saturday, Weekday Peak Season and Saturday Peak Season scenarios.

Roadway Segment Volumes

Roadway segments adjacent to and near the proposed project site are expected to have an increase in ADT volume upon completion and commencement of operation of the proposed project. Analysis has been conducted on the increase in ADT volumes expected to occur along the local roadway segments analyzed in both the TIA and the TIA Supplement. To determine the impact associated with development of the proposed project, roadway segment volumes were estimated for the expected year of operational commencement in the year 2013[6]. **Table 3.12-5**, presented below, shows the estimated

[6] See footnote 1.

roadway segment ADT volumes under the Year 2013 without Project scenario. The estimated roadway segment ADTs are based on weekday, Saturday, weekday peak season and Saturday peak season conditions.

Table 3.12-5 Year 2013 without Project Roadway Segment ADT Volumes

Roadway Segments	2013 without Project ADT Volumes			
	Weekday Conditions	Saturday Conditions	Weekday Peak Season Conditions	Saturday Peak Season Conditions
PCH west of Del Obispo Street	33,200	29,800	36,900	33,300
Del Obispo Street north of PCH	10,700	8,800	11,900	9,700
PCH east of Del Obispo Street	41,800	37,900	46,500	42,100
Dana Point Harbor between PCH and Southern Edge of Project Boundary	12,000	12,600	13,400	13,900
Dana Point Harbor between Park Lantern and Southern Edge of Project Boundary	12,000	12,600	13,400	13,900
Park Lantern east of Dana Point Harbor Drive	1,000	1,400	1,100	1,500
Park Lantern west of Dana Point Harbor Drive	1,800	1,100	2,100	1,200
Dana Point Harbor Drive south of Park Lantern	12,000	11,500	13,400	12,600
PCH southwest of I-5	47,100	44,300	50,100	47,300

As shown above in **Table 3.12-5**, under Year 2013 without Project conditions roadway segment ADTs are expected to range from a low of 1,000 on Park Lantern east of Dana Point Harbor Drive to a high of 47,100 along PCH southwest of I-5 during weekday conditions. During Saturday conditions roadway segment volumes are expected to range from a low of 1,100 along Park Lantern west of Dana Point Harbor Drive to a high of 44,300 along PCH southwest of I-5. During Weekday Peak Season Conditions roadway segment ADT volumes are expected to range from a low of 1,100 along Park Lantern east of Dana Point Harbor Drive and a high of 50,100 along PCH southwest of I-5; and, during Saturday Peak Season conditions range from a low of 1,200 along Park Lantern west of Dana Point Harbor Drive and a high of 47,300 along PCH southwest of I-5.

Upon completion in the year 2013[7], the proposed project is expected to increase ADT volumes along these studied roadway segments. During weekday and weekday peak season conditions the proposed project is expected to increase ADT volumes along studied roadway segments between 0 and 1,300 vehicles. During Saturday and Saturday peak season conditions the proposed Project is expected to increase ADT volumes along the studied roadway segments between 0 and 1,200 vehicles. **Table 3.12-6** shows the estimated ADT volumes of the studied roadway segments under Year 2013 plus Project Conditions.

Table 3.12-6 Year 2013 plus Project Roadway Segment ADT Volumes

Roadway Segments	2013 plus Project ADT Volumes			
	Weekday Conditions	Saturday Conditions	Weekday Peak Season Conditions	Saturday Peak Season Conditions
PCH west of Del Obispo Street	33,700	30,200	37,400	33,700
Del Obispo Street north of PCH	11,000	9,100	12,200	10,000
PCH east of Del Obispo Street	42,400	38,400	47,100	42,600
Dana Point Harbor between PCH and Southern Edge of Project Boundary	13,300	13,800	14,700	15,100
Dana Point Harbor between Park Lantern and Southern Edge of Project Boundary	12,700	13,200	14,100	14,500
Park Lantern east of Dana Point Harbor Drive	1,000	1,400	1,100	1,500
Park Lantern west of Dana Point Harbor Drive	1,800	1,100	2,100	1,200
Dana Point Harbor Drive south of Park Lantern	12,100	11,600	13,500	12,700
PCH southwest of I-5	47,700	44,800	50,700	47,800

As shown above in **Table 3.12-6**, the studied roadway segment ADT volumes are expected to range from a low of 1,000 along Park Lantern east of Dana Point Harbor Drive to a high of 47,700 along PCH southwest of I-5 during the weekdays under 2013 plus Project Conditions; a low of 1,100 along Park Lantern west of Dana Point Harbor Drive to a high of 44,800 along PCH southwest of I-5 on Saturdays; a low of 1,100 along Park Lantern east of Dana Point Harbor Drive to a high of 50,700 along PCH southwest of I-5 during Weekday Peak Season; and, a low of 1,200 along Park Lantern west of Dana Point Harbor Drive to a high of 47,800 along PCH southwest of I-5 during Saturday

[7] See footnote 1.

Peak Season. Although the proposed project is expected to increase ADT volumes along the studied roadways, the increase is expected to be minimal and will not degrade the existing traffic conditions. However, in order to ensure that development of the proposed project will not degrade current traffic conditions along these studied roadway segments, the project applicant will be required to implement **Project Design Features** as presented in Section 3.12.7 of this EIR. Implementation of **Project Design Features PDF 3.12-1** through **PDF 3.12-8** will ensure that the ADT volumes along the roadway segments from development of the proposed project will not degrade existing traffic conditions. Therefore impacts would be less than significant and no additional mitigation measures would be required.

Intersection Level of Service (LOS)

The proposed project is expected to be developed and fully operational by the year 2013[8]. The LOS traffic conditions for the Year 2013 without Project have been calculated and are presented below in **Table 3.12-7.**

Table 3.12-7 Year 2013 without Project Intersection LOS

Intersection	Control	Non-peak Season			Peak Season		
		Weekday		Saturday	Weekday		Saturday
		Morning	Evening	Midday	Morning	Evening	Midday
Del Obispo Street/Dana Point Harbor Drive at PCH	Signal	A	B	A	A	B	B
Del Obispo Street/Dana Point Harbor Drive at Park Lantern	Signal	A	A	A	A	A	A
I-5 southbound ramps/PCH	Signal	B	B	B	B	B	B
I-5 northbound ramps/PCH	Signal	B	B	B	B	B	B

As shown above in **Table 3.12-7** the study intersections are expected to continue to operate at acceptable LOS A and B conditions during the Year 2013 without Project scenario.

Upon completion the proposed project is expected to increase traffic at key intersections that have been presented in the above analysis. As shown below, **Table 3.12-8** presents the intersection LOS conditions upon buildout and commencement of operation of the proposed project under the Year 2013 plus Project scenario. The information provided in **Table 3.12-8** is based on the additional trips the proposed project is expected to add during non-peak season weekday and Saturday morning, evening, and midday conditions as well as peak season, weekday and Saturday morning, evening, and midday conditions.

[8] See footnote 1.

Table 3.12-8 Year 2013 plus Project Intersection LOS							
		Non-peak Season			Peak Season		
		Weekday		Saturday	Weekday		Saturday
Intersection	Control	Morning	Evening	Midday	Morning	Evening	Midday
Del Obispo Street/Dana Point Harbor Drive at PCH	Signal	A	B	A	A	C	B
Del Obispo Street/Dana Point Harbor Drive at Project Driveway	Cross Street Stop	B	B	B	B	B	B
Del Obispo Street/Dana Point Harbor Drive at Park Lantern	Signal	A	A	A	A	A	A
I-5 southbound ramps/PCH	Signal	B	B	B	C	C	C
I-5 northbound ramps/PCH	Signal	B	B	B	C	C	C

As shown above, the intersection at Del Obispo Street/Dana Point Harbor Drive and PCH is expected to have a reduction in LOS to a LOS C during Weekday Evening Peak Season conditions because of the addition of Project traffic. Additionally, the intersections of I-5 southbound ramps at PCH and I-5 northbound ramps at PCH are expected to be reduced to an LOS C rating on Weekday and Saturday during Morning, Evening and Midday times under Peak Season conditions. Although these intersections will have a reduction in their level of service, a LOS C rating is still considered acceptable. In order to ensure that development of the proposed project does not degrade traffic conditions at these intersections below a rating of LOS C implementation of **Project Design Features PDF 3.12-1** through **PDF 3.12-8** shall be implemented as part of the project design. With implementation of **Project Design Features PDF 3.12-1** through **PDF 3.12-8** impacts to local intersection's LOS will be reduced to less than significant. Therefore, no additional mitigation measures would be required.

3.12.6 Cumulative Impacts

In order to asses cumulative transportation and circulation impacts, existing traffic conditions were combined with future known development (related projects) and area wide growth projected to the Year 2025. The City of Dana Point provided information regarding the known future development that will occur. **Table 3.12-9** shows the traffic generation that is expected to occur from three known related projects.

Table 3.12-9 Related Project Traffic Generation		
Projects	**Weekday ADT Traffic**	**Saturday ADT Traffic**
GPA07-01/ZTA07-02/ZC07-01/LCPA07-013	3,716	4,922
Dana Point Harbor Revitalization	4,980	3,186
Dana Point Town Center	11,748	9,497
Total	**20,444**	**17,605**

As shown in **Table 3.12-9**, the related projects are expected to generate 20,444 vehicle trips on a daily average during the weekdays and 17,605 vehicle trips on a daily average on a Saturday.

Cumulative Roadway Segment Volumes

Development of the proposed project as well as related projects and future growth within the City of Dana Point is expected to increase the volume of vehicles on local roadways. To determine the ADT, volume along the studied roadways, the combination of additional vehicle trips associated with the related projects and future growth within the City of Dana Point were analyzed. **Table 3.12-10** shows the estimated ADT volumes along the studied roadway segments under the Year 2025 without Project scenario.

Table 3.12-10 Year 2025 without Project Roadway Segment ADT Volumes

Roadway Segments[9]	Year 2025 without Project ADT Volumes			
	Weekday Conditions	Saturday Conditions	Weekday Peak Season Conditions	Saturday Peak Season Conditions
PCH west of Del Obispo Street	41,300	37,100	45,100	40,600
Del Obispo Street north of PCH	14,800	13,100	16,000	14,000
PCH east of Del Obispo Street	52,100	46,000	57,000	50,300
Dana Point Harbor between PCH and Southern Edge of Project Boundary	17,000	16,100	18,500	17,400
Dana Point Harbor between Park Lantern and Southern Edge of Project Boundary	17,000	16,100	18,500	17,400
Park Lantern east of Dana Point Harbor Drive	1,000	1,500	1,100	1,600
Park Lantern west of Dana Point Harbor Drive	1,900	1,100	2,200	1,200
Dana Point Harbor Drive south of Park Lantern	17,000	14,900	18,500	16,100

As shown above in **Table 3.12-10** the ADT volume of the studied roadway segments will range from a low of 1,000 along Park Lantern east of Dana Point Harbor Drive to a high of 52,100 along PCH east of Del Obispo Street during the weekday under the Year 2025 without Project scenario. Additionally, ADT volumes along studied roadways are expected to range from a low of 1,100 along Park Lantern west of Dana Point Harbor Drive to a high of 46,000 along PCH east of Del Obispo Street on Saturdays; a low of 1,100 along Park Lantern east of Dana Point Harbor Drive to a high of 57,000 along PCH east of Del Obispo Street during weekday peak season conditions; and, a low of 1,200 along Park Lantern west of Dana Point Harbor Drive to a high of 50,300 along PCH east of Del Obispo Street on Saturday during the peak season conditions.

[9] Please note that the Arch Beach Supplemental TIA did not provide analysis for Year 2025 without Project or 2025 with Project Conditions. Therefore the roadway segment "PCH southwest of I-5" is not included in this analysis.

The proposed project is expected to generate additional ADT volumes along the studied roadway segments. These volumes have been added to the related project and future growth volumes to determine the cumulative ADT volumes along the studied roadway segments. **Table 3.12-11** shows the cumulative ADT volumes for the studied roadway segments under the Year 2025 plus Project scenario.

Table 3.12-11 Year 2025 plus Project Roadway Segment ADT Volumes

Roadway Segments[10]	Year 2025 plus Project ADT Volumes			
	Weekday Conditions	Saturday Conditions	Weekday Peak Season Conditions	Saturday Peak Season Conditions
PCH west of Del Obispo Street	41,800	37,500	45,600	41,000
Del Obispo Street north of PCH	15,100	13,400	16,300	14,300
PCH east of Del Obispo Street	52,700	46,500	57,600	50,800
Dana Point Harbor between PCH and Southern Edge of Project Boundary	18,300	17,300	19,800	18,600
Dana Point Harbor between Park Lantern and Southern Edge of Project Boundary	17,700	16,700	19,200	18,000
Park Lantern east of Dana Point Harbor Drive	1,000	1,500	1,100	1,600
Park Lantern west of Dana Point Harbor Drive	1,900	1,100	2,200	1,200
Dana Point Harbor Drive south of Park Lantern	17,100	15,000	18,600	16,200

As described under the Project Impacts sections above, the proposed project is expected to increase ADT volumes along the studied roadway segments from 0 additional vehicles up to 1,300 vehicles during the weekdays and from 0 additional vehicles up to 1,200 vehicles on Saturdays. Although the proposed project is expected to increase the ADT volumes along these roadway segments, the Project's cumulative contribution will be minimal compared to the additional ADT volumes expected from development of the related projects and future City of Dana Point growth. In order to ensure that the proposed project would have a minimal contribution to cumulative impacts the Project applicant will be required to implement **Project Design Features PDF 3.12-1** through **PDF 3.12-8**. With implementation of these **Project Design Features** the proposed project would have a less than significant impact on cumulative conditions regarding roadway segment ADT volumes. No additional mitigation measures would be required.

[10] Please note that the Arch Beach Supplemental TIA did not provide analysis for Year 2025 without Project or 2025 with Project Conditions. Therefore the roadway segment "PCH southwest of I-5" is not included in this analysis.

Cumulative Intersection Level of Service (LOS)

Future LOS conditions of the studied intersections was determined based on the volume of vehicle trips expected to be produced by the related projects as well as future growth within the City of Dana Point. **Table 3.12-12** shows the studied intersection LOS under Year 2025 without Project conditions.

Table 3.12-12 Year 2025 without Project Intersection LOS

Intersection[11]	Control	Non-peak Season			Peak Season		
		Weekday		Saturday	Weekday		Saturday
		Morning	Evening	Midday	Morning	Evening	Midday
Del Obispo Street/Dana Point Harbor Drive at PCH	Signal	A	C	C	B	D	D
Del Obispo Street/Dana Point Harbor Drive at Park Lantern	Signal	A	A	A	A	A	A

As shown above in **Table 3.12-12**, implementation of the related projects and future growth within the City of Dana Point will result in the intersection of Del Obispo Street/Dana Point Harbor Drive at PCH to operate at LOS D conditions during the evening on Weekday Peak Season and during midday on Saturday Peak Season. Per the City of Dana Point, intersections that operate at a LOS D condition are considered unacceptable.

In order to determine the proposed project's contribution to cumulative impacts associated with intersection level of service, intersection volumes for the proposed project, related projects and future growth in the City of Dana Point were added together. **Table 3.12-13** shows the studied intersections LOS under Year 2025 plus Project conditions.

[11] Please note that the Arch Beach Supplemental TIA did not provide analysis for Year 2025 without Project or 2025 with Project Conditions. Therefore the roadway segment "PCH southwest of I-5" is not included in this analysis.

Table 3.12-13 Year 2025 plus Project Intersection LOS							
Intersection[12]	Control	Non-peak Season			Peak Season		
		Weekday		Saturday	Weekday		Saturday
		Morning	Evening	Midday	Morning	Evening	Midday
Del Obispo Street/Dana Point Harbor Drive at PCH	Signal	B	C	C	B	C	C
Del Obispo Street/Dana Point Harbor Drive at Project Driveway	Cross Street Stop	B	B	B	B	B	B
Del Obispo Street/Dana Point Harbor Drive at Park Lantern	Signal	A	A	A	A	A	A

As shown above in **Table 3.12-13**, implementation of the proposed project as well as the related projects and future growth will cause the intersection of Del Obispo Street/Dana Point Harbor Drive at PCH to continue to operate with a level of service LOS D during the evening Weekday Peak Season and midday Saturday Peak Season unless mitigation is implemented. Therefore the project applicant would be required to implement **Project Design Features** to reduce cumulative impacts to less than significant at this intersection and to provide acceptable levels of service at impacted intersections. The Project applicant would be required to implement **Project Design Features PDF 3.12-1** through **PDF 3.12-8**. With implementation of the **Project Design Features** the Del Obispo Street/Dana Point Harbor Drive at PCH intersection is expected to improve to a level of service of LOS C during the evening Weekday Peak Season and midday Saturday Peak Season; therefore, the proposed project's cumulative contribution to this impact would be less than significant and actually improve expected LOS.

3.12.7 Project Design Features

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

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

PDF 3.12-3 *Construct an eastbound right turn lane at the intersection of Del Obispo Street/Dana Point Harbor Drive. This right turn lane*

[12] Please note that the Arch Beach Supplemental TIA did not provide analysis for Year 2025 without Project or 2025 with Project Conditions. Therefore the roadway segment "PCH southwest of I-5" is not included in this analysis.

construction will result in traffic signal equipment relocations. Also the right turn lane area can be used as a lodging zone restricted to the hours of 9 p.m. to 5 a.m. daily. This right turn lane may remain unstrapped if parking is restricted to daytime hours. Implementation of these improvements will require review and approval from the City of Dana Point.

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

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

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

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

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

3.12.9 Level of Project Impact Significance after Mitigation

The project applicant would be required to implement **Project Design Features PDF 3.12-1** through **PDF 3.12-8** as described above. Implementation of these **Project Design Features** would reduce impacts and cumulative impacts to a level that is less than significant. Furthermore, after implementation of mitigation/project design features, the project improves expected LOS at impacted intersections. No additional mitigation measures would be required.

3.13 UTILITIES AND SERVICE SYSTEMS

3.13.1 Introduction

The utilities and service systems discussed in this section are solid waste, water supply, storm drainage, and wastewater. The purpose of this section is to establish existing conditions for each provider, identify potentially significant impacts, and recommend mitigation to reduce the significance of such impacts. This section discusses the current levels of service available from area utilities that would be potentially impacted by construction of the Doheny Hotel.

3.13.2 Environmental Setting

Regulatory Setting

Solid Waste

City of Dana Point

Pursuant to Public Resources Code Sections 40100 *et. seq*., the City is mandated to conduct an integrated solid waste management program to reduce, reuse, and recycle solid waste to extend the life of its sanitary landfill. The Integrated Waste Management Act of 1989 and subsequent legislation (AB 939) regards a waste diversion mandate that requires the City to achieve 50% waste diversion under current regulation, to include, in order of priority: (1) source reduction, (2) recycling and composting, and (3) environmentally safe transformation and land disposal.

To meet the requirements of the California Integrated Waste Management Act, the City Municipal Code (Title 6) establishes different recycling requirements that address the recycling needs and the specific nature of the waste generation for various types of activities. These requirements help to facilitate the City's compliance with State recycling mandates, remove architectural barriers to recycling, and ensure the recycling of construction and demolition debris. The purpose of Chapter 6.12, entitled Construction and Demolition (C&D) Debris, is to promote the recycling of construction and demolition debris in order to protect the public health, safety, and welfare and to meet the City's obligations under both Assembly Bill (AB) 939 and Senate Bill (SB) 1374, and to meet the requirements of the three (3) year extension approved by the California Integrated Waste Management Board under the provisions of Public Resources Code Section 41820 (SB 1066).[1]

Section 6.12.050 of the City's Municipal Code specifies the requirements for a waste reduction and recycling plan, which includes:

A. Prior to issuance of a building, demolition, or encroachment permit for any covered project, the applicant shall complete and submit a Waste Reduction and Recycling Plan ("WRRP") to the C&D Compliance Official.

[1] City of Dana Point. Dana Point Municipal Code. Chapter 6.12, Construction and Demolition Debris. Declaration of Purpose. Available at http://qcode.us/codes/danapoint/. Accessed on August 2, 2011.

B. The C&D Compliance Official is authorized to create guidelines setting forth the information to be included in a WRRP, as well as the form thereof. At a minimum, the WRRP shall delineate all of the following:

1. The estimated weight of C&D debris to be generated by the covered project, listed by material types;

2. The estimated weight of C&D debris generated by the covered project to be diverted, listed by the material types;

3. The facility or facilities to which C&D debris will be taken, listed by material types; and

4. The estimated weight of C&D debris generated by the covered project that will be landfilled, listed by the material types. (Added by Ord. 03-17, 12/10/03).

Water Supply

South Coast Water District

The City of Dana Point is served by the South Coast Water District (SCWD). The District authored the 2010 Urban Water Management Plan (UWMP) which outlines how the District will provide customers with a reliable supply of drinking water for the next 30 years. The State requires the District to update this plan every five years. This UWMP provides the California Department of Water Resources with information on the present and future water resources and demands and provides an assessment of SCWD's water resource needs. Specifically, this document will provide water supply planning for a 25-year planning period in five-year increments.

Storm Drainage

City of Dana Point

The City of Dana Point, in conjunction with the County of Orange, operates and maintains a storm drain system that includes approximately 70,000 linear feet of storm drains, 17 diversion facilities, including 4 Continuous Deflective Separation (CDS) units. The City has published minimum Best Management Practices (BMP) for all construction projects, as required per the San Diego Regional Water Quality Control Board. Upon application submittal, each project applicant completes the Runoff Threat Assessment form in order to determine the priority of the project (High, Medium or Low). The priority, along with activities proposed for the project, will determine the designated minimum BMPs for the project. Based on the priority and proposed activities, the applicant shall prepare a BMP Report based on the City's BMP Report Template. The project applicant is required to retain a copy of the report at the site and effectively implement the BMPs, as required in the BMP Report. City inspectors will conduct routine inspections to ensure BMP compliance. Any deficiencies may result in a Notice of Noncompliance, Stop Work Order or Fines.

San Diego Regional Water Quality Control Board

The proposed project would be subject to National Pollutant Discharge Elimination Systems (NPDES) permit requirements in compliance with the San Diego Regional Water Quality Control (SDRWQCB). The specific steps to obtain an NPDES permit are as follows[2]:

1. File the appropriate NPDES application forms with the SDRWQCB.

2. SDRWQCB staff reviews the application for completeness and may request additional information.

3. Staff determines if the discharge is to be permitted or prohibited. If a permit is needed and the application is complete, staff prepares a draft and sends out a notice for a 30-day public comment period.

4. The discharger must publish the public notice for one day in the largest circulated paper in the municipality or county and submit proof of posting or publication to the SDRWQCB within 15 days after posting or publication.

5. The SDRWQCB holds a public hearing after the 30-day public notification. The SDRWQCB may adopt the permit as proposed or with modification, or not adopt it at all. A majority vote of the SDRWQCB members is required to adopt the permit. USEPA has 30 days to object to the draft permit, and the objection must be satisfied before the permit becomes effective.

The permit issuance process takes approximately six months, but may take longer depending upon the nature of the discharge.

Wastewater

South Coast Water District

The sewer system within the City of Dana Point is owned, operated and maintained by the South Coast Water District. Wastewater is removed via the sanitary sewer system, consisting of 133 miles of pipes, 14 lift stations, and 3 miles of force mains, all of which is accessible by 3,048 manholes across the District's service area. The system directs wastewater from the City of Dana Point to the J.B. Latham Treatment Plant. The Treatment Plant is managed by the South Orange County Wastewater Authority (SOCWA). The purpose of the SOCWA is to ensure that the requirements of the Clean Water Act and applicable National Pollutant Discharge Elimination System (NPDES) permits are met. Wastewater undergoes pre-treatment, primary treatment and secondary treatment, before it safely enters the ocean miles offshore through a pipeline (outfall.). The treated wastewater (effluent) meets the quality standards of the Federal Clean Water Act for offshore discharge.

[2] CalEPA State Water Resources Control Board website: http://www.waterboards.ca.gov/water_issues/programs/npdes/#individual. Last accessed February 29, 2012

3.13.3 Significance Criteria

The criteria used to determine the significance of utilities and service systems impacts are based on Appendix G of the State CEQA Guidelines. The following criteria address only environmental issues that were determined in the project Initial Study (IS) to be potentially significant. Issues determined in the IS to be less than significant or to have no impact are not reevaluated, in accordance with CEQA Guidelines Section 15063(c)(3)(A). The proposed project would have a significant environmental impact if it were to:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board;
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;
- Result in insufficient water supplies available to serve the project from existing entitlements and resources, or result in the need for new or expanded water entitlements;
- Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;
- Not be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and
- Not comply with federal, state, and local statutes and regulations related to solid waste.

3.13.4 Existing Conditions

Water Supply

Water supply to the project site is currently supplied by the South Coast Water District (SCWD). SCWD receives its water from two main sources, the San Juan Basin, which is managed by the San Juan Basin Authority (SJBA) and imported water from the Municipal Water District of Orange County (MWDOC). The Metropolitan Water District of Southern California (Metropolitan) supplies imported water to MWDOC, who then supplies it to its member agencies, which include SCWD.

SCWD provides water to a population of 38,641 throughout its 8.3 square mile service area. The SCWD distributes 7 million gallons of drinking water daily to its customers through 147 miles of pipelines and 11 pump stations. Its 15 reservoirs can store 22 million gallons of water. The SCWD also maintains 1,500 fire hydrants in its service area. Over the next 15 years, imported water supplies are expected to decrease. The

SCWD is working to tap into local groundwater from the SCWD's San Juan Property in Capistrano Beach, which will convert salty groundwater into drinking water to meet 10% of current demand.

As portrayed in **Figure 3.13-1**, the current total water demand for retail customers served by SCWD is approximately 7,000 acre-feet annually consisting of 5,500 acre-feet of imported water, 624 acre-feet of local groundwater, and 790 acre-feet of recycled water. SCWD is projecting a 25% increase in demand in the next 25 years accompanying a projected 7% population growth[3]. SCWD relies on a combination of imported water, local groundwater, and recycled water to meet its water needs. SCWD currently relies on 5,567 AFY of imported water wholesaled by Metropolitan through MWDOC to supplement local groundwater. Imported water represents approximately 80% of SCWD's total water supply.

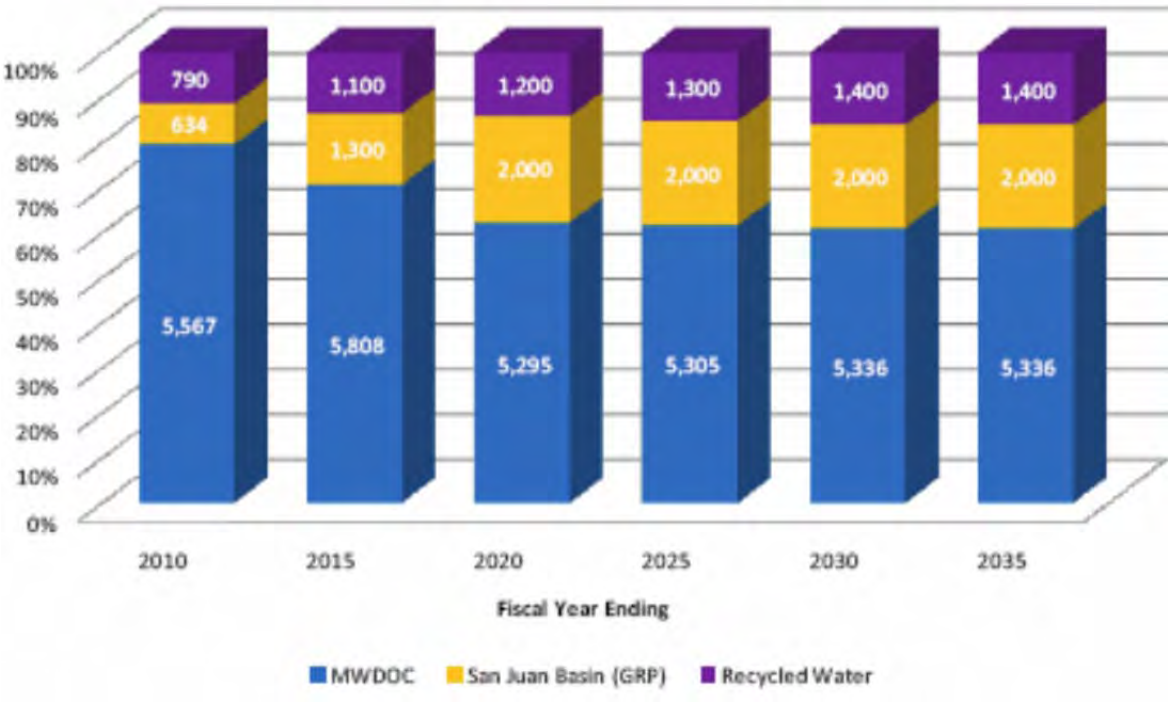


Figure 3.13-1: Current and Projected Water Supplies for MWDOC Service Area (AFY)

Source: 2010 Regional Urban Water Management Plan

Storm Drainage

The City's storm drain system consists of regional facilities, including the San Juan and Salt Creek storm channels, and local storm drains. The Salt Creek Channel through Dana Point has been improved, while the San Juan Creek Channel is in the planning process to convey a 100-year flood. Little is known regarding the City's overall storm drain network due to its ad-hoc development as new development projects were approved. In the existing condition, the site drains northerly and southeasterly. The western edge and north area of the site discharges sheet flow northerly into the offsite Pacific Coast Highway street gutter system, and is then conveyed offsite to the east to

[3] 2010 Urban Water Management Plan

Dana Point Harbor Drive. Flow then travels southerly until it discharges into an off-site catch basin on the west side of Dana Point Harbor Drive. Next, the flow is discharged into an off-site 54" RCP storm drain pipe that conveys flow southeasterly under Dana Point Harbor Drive. This flow is discharged onto Doheny State Park, and finally to the Pacific Ocean. The southern part of the site discharges easterly into catch basins. Flow is collected in a 21" storm drain line that runs to the east, and is connected to an onsite portion of the previously discussed 54" RCP.[4]

Wastewater

The South Coast Water District (SCWD) collects the wastewater from homes and businesses in Dana Point and pumps it through miles of sewer mains using a series of lift stations. The collected wastewater is pumped to one of two treatment plants owned and operated by the South Orange County Wastewater Authority (SOCWA). The two SOCWA wastewater treatment plants are:

- The Coastal Treatment Plant in Aliso Canyon, Laguna Niguel: 6.7 million gallon per day (mgd) capacity, treats wastewater collected from the northern part of the District.

- The J. B. Latham Plant in Dana Point: 13 mgd capacity, average daily flow 9.5 mgd capacity, treats wastewater from the southern part of the District.

The Jay B. Latham Plant, located approximately .2 mile from the project site, is operated by SOCWA employees, treats all of the wastewater from City of San Juan Capistrano (CSJC) and a portion of SCWD, which both have interceptors to the plant. Moulton Niguel Water District (MNWD) and Santa Margarita Water District (SMWD) have upstream plants so only a portion of their flow is delivered to the Latham Plant via the Oso Trabuco Interceptor. Dewatered biosolids are removed from the facility for disposal or reuse. Secondary treated effluent is either pumped or flows by gravity to the San Juan Creek Ocean Outfall. The JB Latham Treatment Plant has undergone upgrades which were completed in Spring 2011. Upon completion, SOCWA will be able to provide greater service reliability to customers in the southern portion of their service area.

Table 3.13-1 below estimates the existing wastewater generation, based on the existing project's use.

Table 3.13-1 – Existing Wastewater Generation

Land Use	Unit Generation Rate	Project Size	Total sewage generation (gpd)
Hotel/Motel	75 gpd/room	46 rooms	3,450
Commercial (Jack-in-the-Box)	1,800 gpd/ac	1,059 sq. ft. (.024 ac)	43
Commercial (Vacant)	-	1,090 sq. ft. (.025 ac)	-
		Total	3,493

[4] Preliminary Water Quality Management Plan (PWQMP) for The Dana Point Hotel, prepared for Beverly Hills Hospitality Group, prepared by Hunsaker and Associates Irvine, Inc., amended September 7, 2011.

3.13.5 Project Impacts

Short-Term Impacts

Water supplies would be required during the site preparation and construction phase of the proposed project for things such as dust control, sub-grade stabilization, water line testing and cleaning, adding water to backfill material, equipment cleaning, and site clean-up. Likewise, wastewater and solid waste would be generated on-site during the construction phase. Any water supply demand and waste generation would be minimal and temporary in nature. The demand for these facilities during construction would be accommodated through portable facilities by the construction contractor. Therefore, significant short-term impacts to utility facilities are not anticipated as a result of this project.

Long-Term Operational Impacts

The proposed project would be subject to National Pollutant Discharge Elimination Systems (NPDES) permit requirements in compliance with the Regional Water Quality Control Board, San Diego Region (SDRWQCB). A Conceptual Water Quality Management Plan (WQMP) that includes the use of Best Management Practices (BMPs) was prepared for the project site.

Water Impacts

Impact 3.13-1 *The proposed project would increase demand for water service, however, analysis has concluded that impacts would be less than significant.*

Metropolitan's 2010 Regional Urban Water Management Plan (RUWMP) reports on its water reliability and identifies projected supplies to meet the long-term demand within its service area. Metropolitan evaluated supply reliability by projecting supply and demand conditions for the single- and multi-year drought cases based on conditions affecting the SWP (Metropolitan's largest and most variable supply). The region can provide reliable water supplies not only under normal conditions but also under both the single driest year and the multiple dry year hydrologies.

Senate Bill (SB) 610 requires preparation of a detailed report regarding water availability and planning for additional water supplies for projects that meet specified criteria. The applicable requirements of SB 610 that would require a project specific water supply assessment include:

- If the project proposes a hotel and motel having with more than 500 rooms;
- If the project proposes a shopping center or business establishment employing more than 1,000 persons or having more than 500,000 sq. ft. of floor space[5]

The project proposes the construction and operation of a five story hotel with 258 rooms and the approximate total buildable square footage of the five-story hotel is 268,340 sq.

[5] California Code of Regulations. Title 14, Division 6, Chapter 3, Section 15155: "City or County Consultation with Water Agencies"

ft. The proposed project would result in more intensive land uses than what currently exist on the project site that may require additional water and waste water service. However, the entire development falls well below both the 500 hotel room and 500,000 sq. ft. threshold. The anticipated increase in water demand from the project will not have a significant impact on the SCWD's overall water system. Therefore impacts to water demand would be less than significant.

Storm Water Drainage

The proposed project would redevelop an existing site within a built-out area of Dana Point. The entire site is currently graded and covered by impermeable surfaces. Therefore, there would not be a significant change in impermeable surfaces at the project site that could potentially generate additional stormwater runoff.

The proposed project features new storm drain improvements, including three new onsite catch basins, two green roof systems, new storm drain lines, and a relocation of an existing major storm drain line. The new storm drain alignment would connect upstream and discharge downstream, off site, to an existing 54" City of Dana Point drain line system that flows through an existing Vortex separator BMP treatment control system. The discharge would then continue downstream to the Doheny State Beach outfall which then discharges into the Pacific Ocean.

Wastewater Impacts

Impact 3.13-2 *The proposed project will generate additional wastewater, however, project-generated wastewater will be adequately treated by the existing wastewater service provider.*

The proposed project will result in more intensive land uses that may generate additional wastewater in comparison to the existing conditions at the site. According to the SCWD's Infrastructure Master Plan[6], **Table 3.13-2** below represents typical sewer unit generation rates.

Table 3.13-2 – Typical Sewer Unit Generation Rates

Land Use	Unit Generation Rate	Project Size	Total sewage generation (gpd)
Hotel/Motel	75 gpd/room	258	19,350
Commercial	1,800 gpd/ac	65,100 sq. ft.*	2,690
		Total	22,040
		Less Existing	3,493
		Increase in wastewater generation	18,547

*Based on 1st floor public & administrative spaces, and pool and terrace areas. Excludes guest rooms.

As portrayed in the **Table 3.13-2** above, the proposed project would result in an increase in sewage generation of 18,547 gallons per day (gpd). Since the average daily flow in the J.B. Latham Plant is 9.5 (mgd), the increase in sewage generation as a result of the project represents a .20% increase from the project's existing usage. This increase is well below the plant's overall capacity of 13 millions of gallons per day (mgd). Therefore,

6 Infrastructure Master Plan, Waster Water Master Plan, November 2008.

the project would not result in a significant impact on existing wastewater treatment facilities, and would not require the need for additional wastewater treatment facilities.

3.13.6 Cumulative Impacts

The proposed project, combined with cumulative projects, would not result in a significant impact on the demand of utilities and service systems.

The City of Dana Point is almost completely built out, and there is limited space for new development that could increase the demand on utilities and service systems. Other planned or reasonably foreseeable future projects that could increase such demand include the Dana Point Harbor Revitalization Project as well as development of a vacant parcel adjacent to the project site. The implementation of these other projects, combined with the proposed project, would not result in significant cumulative impacts on utilities and service systems. Therefore, cumulative impacts on utilities and service systems would be less than significant and do not require mitigation measures.

3.13.7 Mitigation Measures

The proposed project would not result in significant impacts to utilities and service systems. Therefore, no mitigation measures are proposed.

3.13.8 Level of Project Impact Significance after Mitigation

No mitigation measures would be required; therefore the project impacts to utilities and service systems will remain less than significant.

4.0 CONSEQUENCES OF PROJECT IMPLEMENTATION

4.1 Significant Irreversible Environmental Changes

Section 15126.2(c) of the State CEQA Guidelines requires that an EIR discuss "any significant irreversible environmental changes which would be involved in the proposed action should it be implemented." It defines an irreversible impact as an impact that uses nonrenewable resources during the initial and continued phases of the project. Irreversible impacts can also result from damage caused by environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such consumption is justified. Section 15126.2(c) of the State CEQA Guidelines is written as follows:

> *Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts, and particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.*

Construction and implementation of the proposed project would involve the commitment of building materials, human resources (labor) and energy, commensurate with that of other projects of similar nature and magnitude. Construction of the proposed project would require use of water, timber, steel, sand, gravel and other minerals and natural resources. Although this is not an unusual demand for these resources, it nonetheless is an incremental increase in demand for nonrenewable resources. Labor would also be committed to the construction of the hotel and infrastructure necessary to support it. Long-term impacts would also result from an incremental increase in vehicular traffic, and the resultant additional air emissions and noise. Nonrenewable energy resources would be used during construction and subsequent operation of the project. This commitment of energy resources would be a long-term obligation, as, once the project site has been developed, it is highly unlikely that the land could be returned to its original condition. However, as discussed in Sections 3.11 (Public Services) and 3.13 (Utilities and Service Systems), impacts resulting from increased energy usage would be considered less than significant. Additionally, existing topographic features would be modified and a new building constructed, which would visually alter the site. However, the proposed project would incorporate numerous Project Design Features (PDFs) and Mitigation Measures (MMs) to substantially reduce or avoid environmental impacts.

4.2 Significant Unavoidable Adverse Impacts

Section 15126.2(b) of the State CEQA Guidelines requires that the EIR describe any significant impacts, including those that can be mitigated but not reduced to less-than-significant levels. Section 15126.2(b) of the State CEQA Guidelines is written as follows:

> *Significant Environmental Effects Which Cannot Be Avoided if the Proposed Project is Implemented. Describe any significant impacts, including those which can be mitigated but not reduced to a level of insignificance. Where there are impacts that cannot be alleviated without imposing an alternative*

design, their implications and the reasons why the project is being proposed, notwithstanding their effect, should be described.

Potential environmental effects of the proposed project and proposed mitigation measures are discussed in Chapter 3 of this EIR. This EIR determined that there would be unavoidable significant adverse impacts to Aesthetics and Land Use. The project proposes a structure that exceeds the height limit and does not meet the minimum setback requirements in the Dana Point Specific Plan that would necessitate the adoption of a Statement of Overriding Considerations by the City Council if they determine to approve the project as proposed.

4.3 Significant Cumulative Impacts

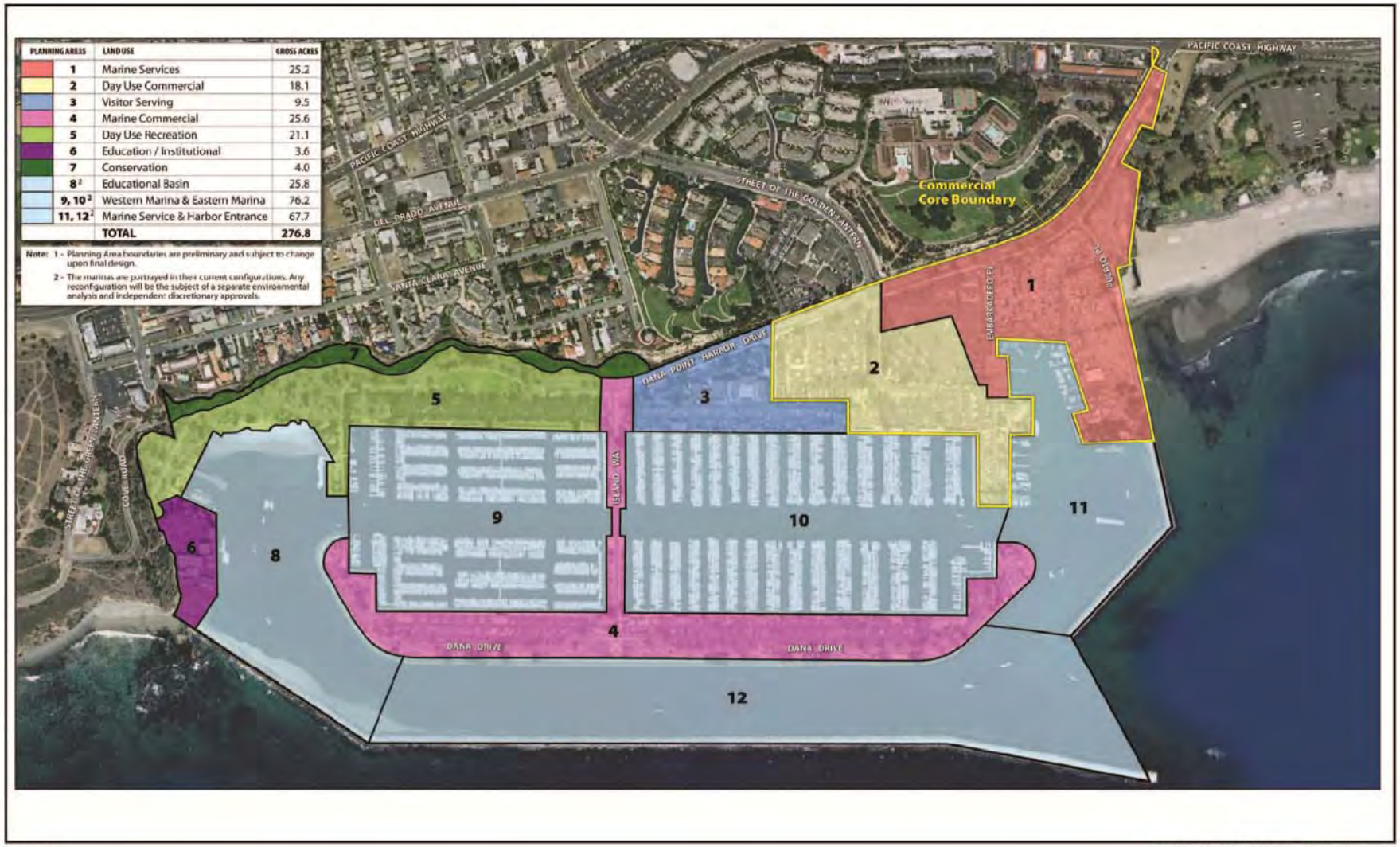
According to Section 15355 of the State CEQA Guidelines, the term cumulative impacts "refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Individual effects that may contribute to a cumulative impact may be from a single project or a number of separate projects. Individually, the impacts of a project may be relatively minor, but when considered along with impacts of other closely related or nearby projects, including newly proposed projects, the effects could be cumulatively considerable. Other projects occurring in the City of Dana Point are discussed below.

Dana Point Harbor Revitalization Project

The Dana Point Harbor Revitalization Project (Revitalization Plan) will establish a Commercial Core (Planning Areas 1 and 2) at a schematic level of architectural elements and provide for the replacement and/or remodeling of all existing retail and restaurant buildings. **Figure 4.3-1** gives an overview of the planning area for the revitalization project. The Commercial Core redevelopment (Phase I) also includes the reconfiguration of all existing surface parking areas to provide additional parking, new boater loading and drop-off areas, new dry-stack boat storage spaces and improvements to boater service and public restroom buildings. The first phase of the proposed Revitalization Plan will provide for the relocation of certain yacht brokerage firms and other harbor-related office uses to the Commercial Core area. Outside the Commercial Core area (Phase II), the Revitalization Plan provides for a number of future improvements (Planning Areas 3 through 7 [landside] and 8 through 12 [waterside]). Plans for Planning Area 4 allow for the future renovation and/or expansion of the Dana Point and Dana West Yacht Clubs, restaurant renovations and modifications to the Harbor Patrol Offices to provide additional meeting rooms or staff office space. Additional work is anticipated to be performed to reconfigure and/or reconstruct the marina docks and portions of the seawall, subject to a separate permitting and environmental review process to add additional guest boater slips closer to the Commercial Core and to construct a dinghy dock area adjacent to Dana Wharf.

The proposed Revitalization Plan will occur within two phases over approximately 22 years. Phase I will take approximately 7 years to complete and consists of the development of Planning Areas 1 and 2 which would include the "Commercial Core" area of the Harbor ("Marine Services" – the Embarcadero and Shipyard area and "Day Use Commercial" – The Dana Wharf and Mariners Village area). Phase II will commence as funding sources are identified and approvals are obtained. Potential future improvements in Planning Areas 3-12 include renovations to structures and street improvements on the Island and reconfiguration of the Marinas. Future improvements may also occur in the southern portion of Planning Area 1 and may include Dry Stack Boat Storage Building #2, reconfiguration of the shipyard as well as the construction of a lighthouse facility near the end of Puerto Place.

Figure 4.3-1: *Dana Point Harbor Revitalization Planning Area Overview*



Planning Area 1 of the Dana Point Harbor Revitalization Project abuts the Doheny Hotel project site along Dana Point Harbor Drive. No new uses are proposed for the Revitalization Plan; only replacement and/or remodeling of all existing retail and restaurant buildings. No cumulative impacts between the Doheny Hotel and Dana Point Harbor Revitalization Project are expected.

Rezoning of A&M Capital Property

On June 8, 2009 the Dana Point City Council approved a zoning change to a former mobile home park at 34202 Del Obispo Street. The zoning change would allow a mixed-use development with a maximum of 176 residential dwellings and 20,000 square feet of commercial space.

The 8.9-acre, horseshoe-shaped property was once home to the Dana Point Marina Mobile Home Estates, a 90-spot RV park nestled between San Juan Creek and Del Obispo along Pacific Coast Highway. Developer Makar Properties LLC purchased the property in 2005, closed the park and requested a zoning change from coastal recreation to mixed-use.

The property changed hands in August 2012 from Makar Properties, LLC to A&M Capital Real Estate, LLC—a private equity and asset management firm—of El Segundo.

An amendment to the City's Local Coastal Program (LCP) to change the property's zoning from "Dana Point Specific Plan – Coastal Recreation Space" to "Residential/Commercial 18" (R/C-18) became final and effective on August 9, 2012. The following outlines the series of events that led to the adoption of the LCP amendment:

- August 10, 2010 – The City of Dana Point submitted the LCP amendment request to the California Coastal Commission (CCC) for certification.

- December 7, 2011 – The CCC approved the amendment with suggested modifications.

- April 17, 2012 – Dana Point City Council adopted a Resolution acknowledging receipt of the CCC action and accepted and agreed with the suggested modifications. The City Council also adopted a Resolution requesting final certification by the CCC. A city ordinance was also adopted that amended the City's Zoning Code/LCP Implementation Plan by incorporating the modifications suggested by the CCC.

- August 9, 2012 – The LCP amendment became final and went into full effect.

Figure 4.3-2 shows the location of the property. It is just to the northeast of the Doheny Hotel project site, across Pacific Coast Highway and Del Obispo Street.

Figure 4.3-2: *Location of A&M Capital Property*

Town Center Plan

The Town Center Plan was adopted by the City Council in November 2006 to encourage the revitalization of the Dana Point Town Center. The plan establishes a framework of public improvements that will support private reinvestment and development, while re-balancing activities to encourage a pedestrian friendly environment for shopping, dining, entertainment and the wide range of activities that give meaning and identity to a town center. The California Coastal Commission approved the final plan on September 10, 2008.

The Town Center Planning Area is approximately one mile long and includes Pacific Coast Highway and Del Prado, from Blue Lantern to Copper Lantern, as well as La Plaza.

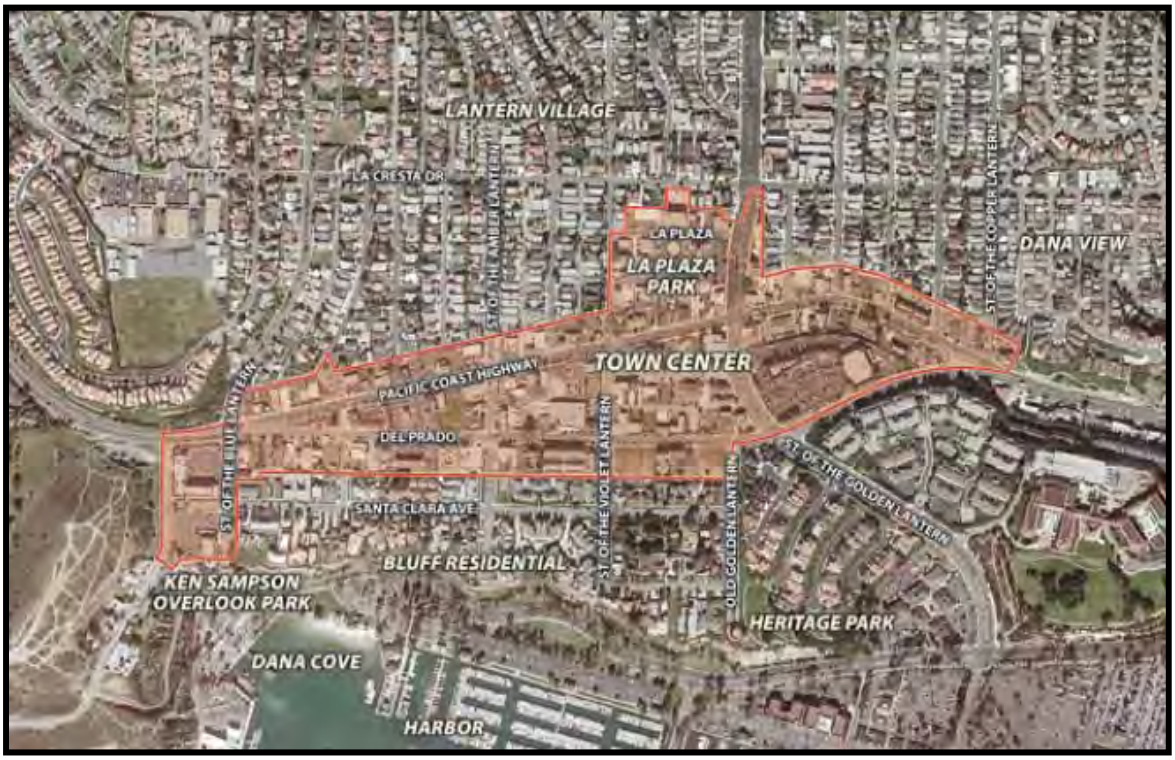


Figure 4.3-2: Boundaries of Town Center Plan

The Town Center is located approximately 0.25 mile to the northwest of the proposed Doheny Hotel project. Potential cumulative impacts include increased traffic from Doheny Hotel guests who visit the retail uses proposed at Town Center. However, the Town Center Plan will be pedestrian friendly in order to encourage walking, and it is close enough to the proposed Doheny Hotel that it would be reasonable for guests to walk.

4.4 Growth-Inducing Impacts

Section 15126.2(d) of the State CEQA Guidelines provides the following guidance on growth-inducing impacts: a project is identified as growth inducing if it "could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment."

Direct growth-inducing impacts are generally associated with the provision of urban services to an undeveloped area. The provision of these services to a site and its subsequent development can induce other landowners in the vicinity to convert their property to urban uses. Indirect (or secondary) growth-inducing impacts consist of growth induced in the region by the additional demands for housing, goods, and services associated with the population increase caused by, or attracted to, a new project.

Also required is an assessment of other projects that would foster other activities that could affect the environment, individually or cumulatively. To address this issue, potential growth-inducing effects will be examined through analysis of the following questions:

Would this project remove obstacles to growth, e.g., through the construction or extension of major infrastructure facilities that do not presently exist in the project area, or through changes in existing regulations pertaining to land development?

As discussed in the Initial Study and in Section 3.13, Utilities and Service Systems, no major new infrastructure facilities are required to develop this project, as proposed. Existing utility facilities are readily available throughout the project area.

As discussed in Section 3.9, Land Use and Planning, the proposed project would require a Coastal Development Permit, Variance, Conditional Use Permit and Site Development Permit. Hotel use is permitted on land designated as C-CPC and C-VC with a Coastal Development Permit. The Orange County Zoning Code requires a CUP for hotels and restaurants in the TRC and CC districts. Therefore, once the CUP is approved, the project would not change existing land use regulations so as to remove obstacles to growth.

Would this project result in the need to expand one or more public services to maintain desired levels of service?

As discussed in Section 3.11, Public Services, none of the public service agencies consulted during the preparation of this EIR have indicated that this project would necessitate the immediate expansion of their existing resources in order to maintain desired levels of service. This project would not, therefore, have significant growth-inducing consequences with respect to public services.

Would this project encourage or facilitate economic effects that could result in other activities that could significantly affect the environment?

During this project, a number of design, engineering and construction-related jobs would be created. This would be a temporary situation, lasting until project construction is completed. This would be a direct, growth-inducing effect of this project. Most of the employees expected to work in the hotel facility would likely reside in the surrounding community. The proposed project would not require the expansion of any public infrastructure, and would not cause economic effects that could result in other activities that could have significant impacts on the environment.

Would approval of this project involve some precedent-setting action that could encourage and facilitate other activities that could significantly affect the environment?

Due to the considerably larger scale of the proposed hotel in relation to existing surrounding buildings, implementation of the proposed project would add significant height and bulk and

transforms the low-density project area into a higher density land use. Approval of the height and setback variances may potentially set the precedent for higher density of land use in the project area. Mitigation measures have been identified in Sections 3.1 through 3.13 to ensure that subsequent final plans comply with all applicable City Building and Safety Codes, including Fire Codes. No changes to any of the City's building safety standards, i.e., building, grading, plumbing, mechanical, electrical, fire codes, etc., are proposed or required to implement this project. However, even if variances for height and setbacks are approved by the City, impacts to Aesthetics and Land Use remain unavoidable and significant and therefore necessitate the preparation of a Statement of Overriding Considerations.

4.5 Environmental Effects Found To Be Less Than Significant

Section 15128 of the State California Environmental Quality Act (CEQA) Guidelines requires that an EIR "contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR."

The City of Dana Point has engaged the public in the scoping of the environmental document. Comments received during scoping have been considered in the process of identifying issue areas that should receive attention in the EIR. The contents of this EIR were established based on an Initial Study/Notice of Preparation (NOP) prepared in accordance with the CEQA Guidelines and on public and agency input received during the scoping process. Issues that were found to have no impact or less-than-significant impacts during preparation of the Initial Study/NOP were not addressed. Based on the findings of the NOP and the results of scoping, a determination was made that the EIR must contain a comprehensive analysis of all environmental issues identified in Appendix G of the CEQA Guidelines.

4.5.1 Aesthetics

Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. The project site is not located within a California State Scenic Highway as designated on the California Scenic Highway Mapping System website. Therefore, the proposed project would not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

4.5.2 Agricultural Resources

Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The project site is currently developed with a Jack-In-The Box restaurant, a vacant commercial building and a 46-room motel. As the project site is already developed and is located within an urban environment, the proposed project would not convert prime farmland, unique farmland, or farmland of Statewide Importance to non-agricultural uses. No project impact would occur.

Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The project site is currently developed within an urban area of the City of Dana Point. The project site is not zoned for agricultural use. The project site has two land use designations under the LCP for the Dana Point Specific Plan Area; 34297 and 34299 Pacific Coast Highway are zoned C-CPC, "Coastal Couplet Commercial" and 25325 Dana Point Harbor Drive is zoned C-VC, "Coastal Visitor Commercial".

The Williamson Act provides for lowered property taxes for lands maintained in agricultural and certain open space uses. As the project area is currently developed within an urban area, it would not be applicable to a Williamson Act contract. Therefore, the proposed project would have no impact on existing zoning for agricultural use or land under a Williamson Act contract. No project impact would occur.

Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. The project site is not zoned for forest land or timberland uses. It is zoned "Coastal Couplet Commercial" (C-CPC) and "Coastal Visitor Commercial" (C-VC). The project site is currently developed with existing structures and is located within an urban area of the City of Dana Point. As such, the proposed site improvements would not conflict with existing zoning for forest land, timberland, or timberland zoned Timberland Production.

Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project site is currently developed with existing structures and is located within an urban environment. There is no forest land on or in the vicinity of the project site. Therefore, the proposed project would not result in the loss of forest land or convert forest land to non-forest use. No project impact would result.

Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. The project site is currently developed with existing structures and is located within an urban environment. Adoption of the proposed project would not result in changes to the environment due to location, or nature that would result in converting farmland to non-agricultural use or converting forest land to non-forest use. Therefore, no project impact due to the loss of farmland to non-agricultural use or loss of forest land to non-forest use would result.

4.5.3 Air Quality

Would the project create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. Adoption of the proposed project would not result in the creation of significant objectionable odors that would affect a substantial number of people. During the construction phases of the proposed project, construction vehicles (i.e., diesel exhaust) would generate airborne odors. However, these odors would be isolated to the immediate vicinity of the construction site and activity. Because odors generated by construction would be short-term, the proposed project would present no significant adverse impacts. After completion of construction of the proposed project, odors from the proposed project would not substantially differ from those of surrounding land uses. Operation of the proposed project would not involve wastewater treatment facilities, landfills, or other industrial land uses that would generate significant objectionable odors. Therefore, project impact for objectionable odors would be less than significant.

4.5.4 Biological Resources

Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact. The project site is currently developed with buildings and structures within an urban environment. There is no riparian or other sensitive natural community currently onsite. Therefore, no project impact would occur.

Would the project have a substantial adverse effect on federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) either individually or in combination with the known or probable impacts of other activities through direct removal, filling, hydrological interruption, or other means?

No Impact. The proposed project is located within an urban environment and does not contain federally protected wetlands. Therefore, adoption of the proposed project would not have an adverse effect on federally protected wetlands.

Would the project interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?

No Impact. The project site is currently developed with buildings and structures within an urban environment. Therefore, the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. No project impact would occur.

Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact. The proposed project is located within a urban area and is currently developed with buildings and paving. Therefore, the project would not conflict with any local policies or ordinances protecting biological resources.

Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact. The project site is located within a developed urban environment. The proposed project would replace existing urban uses with new urban uses within the site. Therefore, the proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan.

4.5.5 Cultural Resources

Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

No Impact. According to the Office of Historic Preservation, there are no historic resources on the project site. Therefore, the proposed project would not cause a substantial adverse change in the significance of a historical resource.

Would the project disturb any human remains, including those interred outside of formal cemeteries?

Less Than Significant. The proposed project is located within an urban area of the City of Dana Point where soils have been previously disturbed by construction activities and urban land uses. No human remains or cemeteries are anticipated to be disturbed by the proposed project. In the unlikely event that human remains are uncovered, then the project would comply with existing Public Resources Code Section 5097.98 requirements, including halting construction activities until the County coroner can evaluate the find and notifying a Native American Representative if the remains are of Native American origin. With compliance with these existing regulations, impacts would be less than significant.

4.5.6 Geology and Soils

Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. The project site is currently developed with structures and paving which are impervious surfaces. The construction of the site would include the demolition of the existing structures that would expose project site soils during short-term project construction activities. However, the exposure of soils during construction would be short-term and subject to the National Pollution Discharge Elimination System (NPDES) requirements. Once constructed, the project site would either be covered by impervious materials or landscaping. Therefore, the proposed project would not result in permanent and substantial soil erosion or the loss of topsoil.

Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?

No Impact. The proposed project would not use septic tanks or alternative wastewater disposal systems. The proposed project would connect to the public sewer system. Therefore, no project impact would result.

4.5.7 Hazards and Hazardous Materials

Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. The proposed project is the construction and operation of a new hotel. Construction of the proposed project would involve the use of potentially hazardous materials, including vehicle fuels, oils, and transmission fluids. However, materials used in construction are not considered acutely hazardous and all hazardous materials would be contained, stored, and used in accordance with manufacturers' instructions and handled in compliance with applicable standards and regulations of the Department of Toxic Substances Control (DTSC), the United States Environmental Protection Agency (USEPA), and the Occupational Safety and Health Administration (OSHA). Project operation would use common, everyday hazardous materials such as cleaning products (floor cleaners, antiseptic cleaners, etc.) and landscape products (fertilizers, pesticides, herbicides, etc.) that can be hazardous if improperly used or ingested. However, these products have a low incidence of unsafe use and are not considered acutely hazardous materials. As storage, handling and disposal of hazardous materials during both project construction and operation would comply with applicable standards and regulations, project impact would be less than significant.

Would the project create a significant hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?

Less Than Significant Impact. The proposed project is the construction and operation of a new hotel. Construction of the proposed project would involve the use of potentially hazardous materials, including vehicle fuels, oils and transmission fluids. The proposed project would also use common building materials which are not considered acutely hazardous. Hazardous materials expected for occasional use during project operation could include limited quantities of custodial products, pesticides and other landscaping supplies. Storage, handling and disposal of hazardous materials during both project construction and operation would comply with applicable standards and regulations and not create a significant hazard to the public or to the environment through the reasonably foreseeable upset or accident conditions at the site. Therefore, project impact would be less than significant.

Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. The proposed project is the construction and operation of a new hotel. The closest school to the project site is Saint Edward School, located approximately 0.40

miles north of the project site. As discussed in the previous questions in this section, the proposed project would not create a significant hazard to the public during project construction and operation due to hazardous materials since the materials used for project construction and operation are not considered acutely hazardous and would be handled, stored and disposed of in accordance to manufacturers' instructions and applicable standards and regulations. Since the closest school is greater than one-quarter mile away from the project site and the proposed project does not include industrial uses or activities that would result in the emission of hazardous materials or substances, no project impact would result.

For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The project site is not within the vicinity of a public airport or public use airport and will not result in a safety hazard for people residing or working in the project area. John Wayne Airport is the closest airport to the project site located approximately 18 miles to the northwest. Therefore, no significant impact would occur as a result of the proposed project.

For a project within the vicinity of a private air strip, would the project result in a safety hazard for people residing or working in the project area?

No Impact. The project site is not within the vicinity of a private airstrip and will not result in a safety hazard for people residing or working in the project area. John Wayne Airport is the closest airport to the project site located approximately 18 miles to the northwest. Therefore, no significant impact would occur as a result of the proposed project.

Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. As part of standard development procedures, development plans are submitted to the City for review and approval to ensure that adequate emergency access is provided. Therefore, impact would be less than significant.

Would the project expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Less Than Significant Impact. Wildlands can be defined as wholly undisturbed areas where wildlife remains in its natural state. The project site is currently developed within an urban environment. Therefore, the proposed project would not expose people or structures to a significant risk of loss, injury or death from wildland fires.

4.5.8 Hydrology and Water Quality

Would the project violate any water quality standards or waste discharge requirements?

Less Than Significant Impact. Adoption of the proposed project would not violate water quality standards or waste discharge requirements. The proposed project would comply with existing National Pollution Discharge Elimination System (NPDES) requirements, including the preparation of a Storm Water Pollution Prevention Plan (SWPPP) for project construction as required for all projects greater than one acre in size. As part of a SWPPP, best management practices (BMPs) are identified and prescribed. BMPs are measures that are to be taken to reduce pollutants from runoff during construction. Therefore, with compliance with existing regulations, project impact on water quality would be less than significant.

Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?

Less Than Significant Impact. The project site is currently developed and does not contain any streams or rivers. As such, the proposed project would not significantly alter the existing drainage pattern of the site or area. Therefore, project impact in relation to flooding caused by surface runoff would be less than significant.

Would the project otherwise substantially degrade water quality?

Less Than Significant Impact. Development of the project site would change the quality of stormwater runoff from the site because of non-point source pollution. During construction, sedimentation might occur in the runoff from sheet erosion of exposed soils. In addition, after construction, the development would increase urban types of pollutants such as fertilizers and debris in the runoff, as well as sedimentation. Non-point source pollution and stormwater discharge are regulated under the Federal Clean Water Act Section 402. Site grading would necessitate a National Pollution Discharge Elimination System (NPDES) permit for non-point pollution associated with construction activities. Construction of the project shall include best management practices (BMPs) to prevent polluted water from running off the project site. With compliance with existing regulations, project impact would be less than significant.

Would the project place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

Less than Significant Impact. The project site is not located within a 100-year floodplain as mapped by FEMA. A portion of the project site is located within Other Flood Area, Zone X which is for areas of 0.2% annual change of flood; areas of 1% annual chance flood with depths of less than 1 foot or with drainage area less than 1 square mile; and area protected by levees from 1% annual chance of flood. Therefore, project impact would be less than significant.

Would the project place within a 100-year floodplain structures that would impede or redirect flood flows?

No Impact. The project site is not located in a 100-year flood hazard zone, therefore, the proposed project would not place structures within a 100-year floodplain that would impede or redirect flows.

Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Less Than Significant Impact. The project site is currently developed and no waterways cross the project site. As such, there would be no flooding impact in relation to the failure of a levee. Therefore, overall project impact in relation to flooding hazards on people or structures would be less than significant.

Would the project expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?

Less Than Significant Impact. The project site is currently developed with structures within an urban area of the City of Dana Point. As the project is located within a developed urban area, the risk from mudflow would be low. There are no enclosed bodies of water located nearby that would pose a risk for seiche at the project site. While the project site is located within relative proximity to the ocean, a tsunami is considered a rare event, and the project would be of similar risk of other developments within the coastal areas of Dana Point. Therefore, project impact would be less than significant.

Result in significant alteration of receiving water quality during or following construction?

Less Than Significant Impact. The proposed project would connect to the existing City storm drain system that discharges to the Pacific Ocean. Non-point source pollution and stormwater discharge are regulated under the Federal Clean Water Act Section 402. Site grading would necessitate a National Pollution Discharge Elimination System (NPDES) permit for non-point pollution associated with construction activities. Construction of the project shall include best management practices (BMPs) to prevent polluted water from running off the project site. With compliance with existing regulations, project impact would be less than significant.

Have a potentially significant impact on surface water quality to either marine, fresh, or wetland waters?

Less Than Significant Impact. The proposed project would connect to the existing City storm drain line system that discharges stormwater to the Pacific Ocean. Non-point source pollution and stormwater discharge are regulated under the Federal Clean Water Act Section 402. Site grading would necessitate a National Pollution Discharge Elimination System (NPDES) permit for non-point pollution associated with construction activities. Construction of the project shall include best management practices (BMPs) to prevent polluted water from running off the project site. With compliance with existing regulations, project impact would be less than significant.

Have a potentially significant adverse environmental impact on groundwater quality?

Less Than Significant Impact. The proposed project is relatively small in size, is a common urban use, and will be required to comply with Federal Clean Water Act Section 402 and NPDES regulations. Therefore, the proposed project would not have a substantial adverse impact on groundwater quality.

Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

Less Than Significant Impact. The project site is currently developed with structures within an urban area of the City of Dana Point. The proposed project would redevelop the site with a new hotel. Non-point source pollution and stormwater discharge are regulated under the Federal Clean Water Act Section 402. Site grading would necessitate a National Pollution Discharge Elimination System (NPDES) permit for non-point pollution associated with construction activities. Construction of the project shall include best management practices (BMPs) to prevent polluted water from running off the project site. With compliance with existing regulations, project impact would be less than significant.

Impact aquatic wetland, or riparian habitat?

No Impact. There is no aquatic, wetland or riparian habitat located on the project site. Therefore, no project impact would result.

4.5.9 Land Use and Planning

Would the project physically divide an established community?

No Impact. The project site is currently developed with existing structures and is located within an urban area of the City of Dana Point. The proposed project would replace existing urban uses with new urban uses within the project site. Therefore, the proposed project would not physically divide an established community.

Would the project conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?

No Impact. The project site is located within a developed urban environment. The proposed project would replace existing urban uses with new urban uses within the site. Therefore, the proposed project would not conflict with applicable Habitat Conservation Plan or Natural Community Conservation Plan, as no natural habitat currently exists onsite.

4.5.10 Mineral Resources

Would the project result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state?

No Impact. No mineral resources have been identified within the City of Dana Point. Therefore, no project impact would result.

Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. No mineral resources have been identified within the City of Dana Point. Therefore, no project impact would result.

4.5.11 Noise

For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project site is not located within an airport land use plan or, within two miles of a public airport or public use airport. Therefore, no project impact would occur.

For a project within the vicinity of a private air strip would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The project site is not located within an airport land use plan or, within two miles of a private air strip. Therefore, no project impact would occur.

4.5.12 Population and Housing

Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact. The proposed project would demolish the existing uses onsite and construct a new hotel. The project area is relativity small in size and would not induce substantial population growth into the area either directly through the construction of homes or businesses, or indirectly through the extensions of roads or other infrastructure. Therefore, project impact would be less than significant.

Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No Impact. The proposed project is a hotel and would not displace existing housing, necessitating the construction of replacement housing elsewhere. Therefore, no project impact would result.

Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

No Impact. The proposed project is a hotel and would not displace a substantial number of people, necessitating the construction of replacement housing elsewhere. Therefore, no project impact would result.

4.5.13 Public Services

Schools?

No Impact. The proposed project is a hotel that would not add residential housing. As the proposed project would not increase the residential population of the project area, the proposed project would not require the construction of additional school facilities. Therefore, no project impacts in relation to school facilities would result.

Parks?

No Impact. The proposed project does not include new housing which would create additional demand for park facilities. Therefore, no project impact in relation to park facilities would result.

Other Public Facilities?

No Impact. The proposed project does not include new housing which would require the construction of additional public facilities such as libraries or medical facilities. Therefore, no project impact in relation to other public facilities would result.

4.5.14 Recreation

Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less Than Significant Impact. The proposed project is a hotel and does not include new housing which would create additional demand for park facilities. Therefore, project impact would be less than significant.

Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact. The proposed project is a hotel that includes a pool area. The project area is relativity small in size and would not require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Therefore, project impact is less than significant.

4.5.14 Transportation and Traffic

Would the project result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

No Impact. John Wayne Airport is the closest airport to the project site located approximately 18 miles to the northwest. Because there are no airports within two miles of the project site, the proposed project would not expose any person working or residing in the project area to any airport-related safety hazard; as a result, there would be no project impact.

Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The proposed project is a hotel that would not be considered an incompatible use in the surrounding area. The proposed project would comply with existing standard development procedures including submitting site plans to the City for review and approval prior to the issuance of building permits. Therefore, with compliance with these existing policies and procedures, the proposed project's impact would be less than significant.

Would the project result in inadequate emergency access?

Less Than Significant Impact. The proposed project would comply with existing standard development procedures including submitting site plans to the City for review and approval prior to the issuance of building permits. In addition, the Orange County Fire Authority (OCFA) have reviewed and approved the plans with regard to emergency access. Therefore, with compliance with these existing policies and procedures, the proposed project's impact would be less than significant.

Would the project conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact. The City of Dana Point is served by public transportation options including the Orange County Transportation Authority (OCTA) bus routes 1, 85, 90, 91, 187 and 191. The proposed project would comply with adopted transportation policies and the City of Dana Point Code requirements regarding modes of alternative transportation. Therefore, project impact would be less than significant.

4.5.15 Utilities and Service Systems

Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Less Than Significant Impact. According to the California Department of Resources Recycling and Recovery (CalRecycle), there are several disposal facilities used by Dana Point. The Prima Deshecha Sanitary Landfill located off of Ortega Highway and La Pata is the closest facility for Dana Point residents. Prima Deshecha Sanitary Landfill has a total estimated permitted capacity of 172,900,000 cubic yards with a remaining estimated capacity of 87,384,799 cubic yards (approximately 50%). The project area is relatively small in size and the development of the area with a new hotel is not anticipated to generate substantial amounts of solid waste. The proposed project would comply with all applicable waste reduction regulations and the closest landfill used by the City has sufficient capacity. Therefore, project impact will be less than significant.

Would the project comply with federal, state, and local statutes and regulations related to solid waste?

No Impact. Adoption of the proposed project would comply with federal, state, and local statutes and regulations related to solid waste. Construction and operation of the

proposed project would comply with all County and state solid waste diversion, reduction, and recycling mandates, including meeting the requirements of the California Integrated Waste Management Act. Therefore, as the proposed project would comply with existing regulations related to solid waste, no project impact would result.

5.0 PROJECT ALTERNATIVES

5.1 Introduction

In accordance with *California Environmental Quality Act* (CEQA) *Guidelines* Section 15126.6, the following section discusses a reasonable range of alternatives that would "feasibly attain most of the basic objectives of the project, but would avoid or substantially lessen any significant impacts of the project, and evaluate the comparative merits of the alternatives."

Key provisions of the CEQA Guidelines on alternatives (Section 15126.6[a] through [f] are summarized below to explain the foundation and legal requirements for the alternatives analysis in the EIR.

- The discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly" (15126.6[b[).

- "The specific alternative of 'no project' shall also be evaluated along with its impact" (15126.6[e][1]).

- "The no project analysis shall discuss the existing conditions at the time the Notice of Preparation (NOP) is published, and at the time environmental analysis is commenced, as well as what would reasonably be expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives" (15126.6[e][2]).

- "The range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project" (15126.6[f]).

- "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent)" (15126.6[f][1]).

- For alternative locations, "only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR" (15126.6[f][2][A]).

- "An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative" (15126.6[f][3]).

Per the CEQA Guidelines Section 15126.6(d), additional significant effects of the alternatives are discussed in less detail than the significant effects of the project as proposed.

5.2 Applicant Project Objectives

As described in Chapter 2, the following objectives have been established for the proposed project and will aid decision-makers in their review of the project, the project alternatives, and associated environmental impacts:

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

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

- Minimize the impact of new development on the character of surrounding residential neighborhoods, so that the streetscape and quality of existing public view sheds are preserved.

Alternatives Considered and Rejected During the Scoping/Project Planning Process

The following is a discussion of the land use alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in this Draft EIR. The feasibility of developing the project on an alternative site was the only alternative reviewed and rejected during the scoping/project planning process.

Alternative Development Areas

CEQA requires that the discussion of alternatives focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant impacts of the project. The key question and first step in the analysis is whether any of the significant impacts of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant impacts of the project need to be considered for inclusion in the EIR. (Guidelines Section 151216[5][B][1]). In general, any development of the size and type proposed by the project would have substantially the same impacts on air quality, greenhouse gas emissions, noise, public services, transportation, and utilities/service systems. Without a site-specific analysis, impacts on aesthetics, biological resources, cultural resources, geology/soils, hazards and hazardous materials, hydrology/water quality, land use and planning and mineral resources cannot be evaluated.

The City of Dana Point analyzed the southeast corner of Pacific Coast Highway and Dana Point Harbor Drive as an alternative site for the proposed project. This site is currently vacant and consists of three contiguous parcels (APN# 682-165-01, 121-340-57 and 682-023-01). The site contains the same zoning designation as the proposed project (C-VC and C-CPC), is situated in the Dana Point Specific Plan area and is approximately 1.6 acres in size. The site backs up to Doheny State Beach, which is zoned Coastal Recreation (C-R). There are multiple owners of the three parcels; two parcels are owned by a private property owner and a third parcel, which fronts along Dana Point Harbor Drive is owned by the County of Orange Harbor, Beaches and Parks District (OC Parks). As a result, the site is not controlled by one entity, which presents a potential difficulty in controlling the entire site for future development. This site is also located within the City's Local Coastal Zone, but unlike the proposed project, it is situated within the

appeals jurisdiction of the California Coastal Commission. As a result, any contemplated development of the site would be appealable to the California Coastal Commission. A portion of the site closest to Doheny State Beach is located within the floodplain, which would need to be accommodated in any future design or development of the property. Ingress and egress to the site is challenging with limited frontage on Pacific Coast Highway, proximity to the intersection of Dana Point Harbor Drive and Pacific Coast Highway and control of other parcel frontage along Dana Point Harbor Drive by the County of Orange. Previous efforts by others to obtain an easement over the area owned by the County of Orange for vehicular access have been difficult. As a result of this, the site has remained vacant for some time.

A second site that was analyzed as an alternative location for the proposed project was the South Coast Water District (APN#668-404-05) property off of Stonehill Drive adjacent to San Juan Creek. This site was analyzed because it is a sizable piece of property and is designated as the location for 50 off-site parking spaces in conjunction with the proposed project. The site is not located within the City's Local Coastal Zone, but is within the floodplain, which would need to be accommodated in the design of a new project. The overall site is comprised of 7.5 acres and is improved with one building towards one portion of the site in addition to a vacant portion towards the other end that is largely underutilized. The existing building on the site could remain "as is" if the parcel were subdivided to allow for a new or different use. While the minimum lot size for subdivision of this property could be easily met based upon the 7.5 acre size, the site has a zoning designation of Industrial/Business (I/B). The I/B District permits a range of light industrial, business and marine oriented uses, however, bed and breakfast inns, hotels and motels are not listed as permitted uses within this zone and are therefore prohibited. A zone change and amendment to the City's General Plan would be required in order to allow a hotel on the site. Vehicular access to the site is also constrained and not sufficient to handle the potential traffic generated from the use without significant modifications.

A third site that was analyzed as an alternative was the vacant property at 24622 Del Prado (APN#682-192-20 and 682-192-07), which is located in the City's Town Center area. This site is situated on the southwest corner of Old Golden Lantern and Del Prado and is adjacent to surrounding residential areas. The site is comprised of two separate parcels with separate ownership which totals approximately 0.65 acres. This is the largest vacant parcel within the City's Town Center area that is closest to the project site. The goals and objectives of the Town Center Plan include a greater mix of uses with specific allowance for residential uses on the upper levels and commercial and retail uses on the ground (street) level. The zoning designation for this site is Town Center – Mixed Use (TC-MU). Hotel uses are permitted within specific areas of the Town Center, however hotels would be prohibited on this particular site due to its location. There are other vacant parcels within this same area, but none are more than one acre in size and some have the same prohibition based upon their specific location(s). If a vacant parcel within the Town Center area were found that permitted hotel uses, the hotel design would need to comply with the development standards for the Town Center, which would include a commercial or retail component on the ground floor with guest rooms above. Based upon these requirements along with additional development standards, not as many rooms may be included in a potential project. For areas within the Town Center Plan that permit hotels uses, a Conditional Use Permit is required.

5.3 Alternatives Selected for Further Analysis

Based on the criteria listed above, the following four alternatives have been determined to represent a reasonable range of alternatives that have the potential to feasibly attain most of the

basic objectives of the project but that may avoid or substantially lessen any of the significant impacts of the project. These alternatives are analyzed in detail in the following sections.

- No Project Alternative
- Three-Story Hotel Alternative
- Four-Story Hotel Alternative
- Option “B” Alternative

Table 5-1 provides a summary of the relative impacts and feasibility of each alternative. A complete discussion of each alternative is provided following the table.

Table 5-1 – Summary of Development Alternatives

Alternative	Description	Basis for Selection and Summary of Analysis
Proposed Project		
	• 258 guest rooms • 275 parking spaces on-site (50 off-site spaces) • 248,850 sq. ft. of enclosed area • 19,490 sq. ft. of deck/terrace area with rooftop amenities • 86.5' maximum building height (76.5'-78.5' without mechanical equipment and screening)	
Project Alternatives		
1) No Project Alternative	• Current land uses would remain, including fast-food restaurant and small motel	• Required by CEQA • Avoids need for City actions including variances, development permits, etc. • Does not meet the project objectives
2) Three-Story Hotel Alternative	• 144 guest rooms • Approximately 152 parking spaces on-site (50 spaces off-site) • 182,780 sq. ft. of enclosed area • 10,150 sq. ft. of deck/terrace area without rooftop amenities • 43' maximum building height (35' without mechanical equipment and screening)	• Eliminates significant and unavoidable land use and aesthetic impacts • Avoids the need for City actions including variances and Statement of Overriding Considerations • Meets most of the project objectives but not the degree of the proposed project
3) Four-Story Hotel Alternative	• 188 guest rooms • Approximately 215 parking spaces on-site (50 spaces off-site) • 222,330 sq. ft. of enclosed area • 19,490 sq. ft. of deck/terrace area with rooftop amenities • 78.5' maximum building height (68.5' without mechanical equipment and screening)	• Does not avoid significant or unavoidable impacts • Reduces total number of rooms • Reduces building height • Meets most of the project objectives but not to the degree of the proposed project
4) Option "B" Alternative	• 273 guest rooms • 398 parking spaces on-site (50 spaces off-site) • 307,693 sq. ft. of enclosed area • 15,580 sq. ft. of meeting space • 18,800 sq. ft. of deck/terrace area with rooftop amenities • 87.5' maximum building height (76.5'-78.5' without mechanical equipment and screening) • Would require acquisition of public park space	• Does not avoid significant or unavoidable impacts • Allows for all required project parking spaces to be on-site • Improves design/scale • Enhances ingress/egress to and from site • Adds 50 public parking spaces • Eliminates a portion of public park

5.4 Alternative 1 - No Project Alternative

5.4.1 Description of Alternative

Under the No Project Alternative, the proposed project would not be implemented and the site would remain as described in Chapter 2, Project Description. The project site would remain in its current state, developed with a two-story hotel, a fast-food restaurant, a vacant commercial retail building and associated surface parking lots.

5.4.2 Environmental Impacts

In accordance with State CEQA Guidelines Section 15226.6(e)(3)(B), a discussion of environmental impacts under the No Project Alternative compares the environmental effects of the property remaining in its present state against the environmental effects that would occur if the proposed project were approved and implemented. Note that Section 15226.6(e)(2) defines the "existing conditions" as those that exist on the date that the Notice of Preparation was published, which is June 15, 2011 in the case of this proposed project.

Aesthetics

Under the No Project Alternative, aesthetic impacts surrounding the development of a two-to-five story hotel would not occur, and there would be no alteration to the existing scenic landscape. Aesthetic impacts associated with this alternative would be less than those of the proposed project, and a significant and unavoidable impact would be avoided.

Air Quality

Since no demolition or construction would occur under the No Project Alternative, and there would be no increase in vehicle trips, no increased air quality impacts would occur. Air quality impacts associated with this alternative would be less than those of the proposed project.

Biological Resources

No development or changes to the existing conditions would occur under this alternative; therefore, impacts to biological resources would be less than under the proposed project. Biological impacts associated with this alternative would be less than those of the proposed project.

Cultural Resources

No development, changes to the existing conditions, or excavation of the project site would occur under this alternative; therefore, impacts to cultural resources would be less than those of the proposed project.

Geology and Soils

Under the No Project Alternative, neither demolition nor grading, excavation or construction would occur on the proposed project site. Additionally, no new structures or

workers/visitors would be added to the site; therefore, no new risks to people or structures from earthquakes or other geological-related hazards would occur. Impacts to geology and soils associated with this alternative would be less than those of the proposed project.

Greenhouse Gas Emissions

As no development, construction, or increase in long-term operations would occur under this alternative, there would be no increase in greenhouse gas emissions, and greenhouse gas emissions impacts associated with this alternative would be less than those of the proposed project.

Hazards and Hazardous Materials

Under this alternative, no construction of the proposed project or demolition of current buildings onsite would occur. Regardless of the proposed project, remediation is underway at the service station across the street from the site, but has not begun on the project site. An on-site dual phase extractor has been installed at the service station. As part of the remediation, in February 2009, two monitoring wells (MW 18 AND MW 19) have been installed on the project site. As of July 1, 2011, Union Oil (or its designees or representatives, including Chevron Environmental Management Company) will manage the day-to-day corrective action/remediation obligations related to the referenced case (OCHCA CASE #99UT015). Hazards and hazardous materials impacts associated with this alternative would be similar to those of the proposed project.

Hydrology and Water Quality

Under the No Project Alternative, the existing on-site drainage, groundwater levels, and percentage of pervious surface would remain unchanged, and no water quality improvements would be implemented, which include green roof developments and installation of filtration systems. Hydrology and water quality impacts associated with this alternative would be greater than those of the proposed project.

Land Use and Planning

Under the No Project Alternative, the site would remain developed as it currently is with a 46-room motel, a fast-food restaurant, and a vacant commercial building, which conform to the existing land use designations contained within the Land Use Element of the LCP for the DPSP. The proposed project would require variances, a conditional use permit, a site development permit, and a coastal development permit in order to comply with the Land Use Element of the LCP for the DPSP. Land use impacts associated with the No Project Alternative would be less than those of the proposed project, and a significant and unavoidable impact would be avoided.

Noise

Under the No Project Alternative, the project site would remain in its current condition, and no demolition or construction activities would occur. Additionally, no increase in traffic or other operational noises would occur. Impacts associated with this alternative would be less than those of the proposed project.

Public Services

The No Project Alternative would have the project site remain in its existing condition, and would not result in an increased need or use of police, fire, schools, or other public services. Impacts to public services associated with this alternative would be less than those of the proposed project.

Transportation and Traffic

Under this alternative, the existing motel, fast-food restaurant, and vacant commercial building would remain onsite. No additional vehicle trips would be generated. Traffic impacts associated with this alternative would be less than those of the proposed project.

Utilities and Service Systems

Under the No Project Alternative, the project site would remain in its existing condition and no new or additional development would be implemented on-site. No increased demands on utility services would result, and impacts to utilities and service systems associated with this alternative would be less than those of the proposed project.

5.4.3 Attainment of Project Objectives

The No Project Alternative would not obtain any of the project objectives.

5.4.4 Conclusion

The impacts associated with the No Project Alternative would be less than those of the proposed project in respect to aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, land use and planning, noise, public services, transportation and traffic, and utilities and service systems. Impacts associated with Hazards and Hazardous Materials would be similar to those of the proposed project, while impacts associated with Hydrology and Water Quality would be greater than those of the proposed project. However, this alternative would not satisfy the project objectives, which primarily involves the development of a commercially viable hospitality project available to local residents and visitors.

5.5 Alternative 2 – Three-Story Hotel Alternative

5.5.1 Description of Alternative

This alternative will be a three (3) story hotel project that conforms to the 35’ maximum allowable height and building setbacks in accordance with the Dana Point Specific Plan. For discussion purposes, this will include the deletion of both of the fourth and fifth floors (114 rooms) and a reduction in the overall ceiling height on the first floor by five (5) feet. With these changes, Alternative #2 will result in a hotel project with 144 rooms, no rooftop amenities, 35’ overall height without mechanical equipment and screening, and a subsequent reduction in parking and trips generated. With the inclusion of the mechanical equipment and screening, the overall building height would be 43 feet. Architectural features which do not exceed 10% of the roof area and eight feet above the

height limitation are permitted in accordance with the Orange County Zoning Code[1]. No variances for building height or building setbacks will be required. The 7,087 sq. ft. dine-in restaurant space and the 12,103 square feet conference center/banquet/meeting area, as described in the proposed project, will remain the same in this alternative.

5.5.2 Environmental Impacts

Aesthetics

Under the Three-Story Hotel Alternative, the building height of the project would conform to the 35' maximum allowable height designated in the Dana Point Specific Plan. Visible changes to the existing sightline would be reduced and a significant and unavoidable impact would be avoided. Aesthetic impacts associated with this alternative would be less than those of the proposed project.

Air Quality

Impacts to air quality under the Three-Story Hotel Alternative would be reduced in comparison to the proposed project, as the overall building would be reduced to three stories from the proposed five. Construction and operational air quality impacts associated with this alternative would be less than those of the proposed project.

This alternative would result in fewer days of construction for the building construction, paving, and architectural coating phases. As a result, daily ROG construction emissions are greater than the proposed project, while daily PM_{10} construction emissions from hauling would be lower. Despite the differences, the short-term regional and localized impacts would be less than significant with air quality mitigation measures (AQ1 through AQ5).

Because of this alternative's smaller footprint compared to the proposed project (114 fewer rooms), long-term regional and localized impacts would be less than significant.

Biological Resources

Under this alternative, the size of the proposed project would be reduced; however the overall development envelope would remain the same. Impacts to biological resources would be the similar to the proposed project.

Cultural Resources

Under the Three-Story Hotel Alternative, while the size of the project would be reduced in comparison to the proposed project, the building envelope would remain the same, and impacts to cultural resources would be similar to the proposed project.

Geology and Soils

Geology and soils impacts under the Three-Story Hotel Alternative would be comparable to the proposed project as the overall development envelope of the project would remain

[1] Section 7-9-129.3

the same, including the excavation of the underground parking garage. Impacts to geology and soils would be the similar to the proposed project.

Greenhouse Gas Emissions

The Three-Story Hotel Alternative would feature 144 rooms and 119,313 sq. ft. of hotel space, which is about 42% fewer rooms and about 32% less square footage than that of the proposed project. Thus, the overall CO_2e emissions for this alternative would be less than that of the proposed project.

Hazards and Hazardous Materials

Under this alternative, while the overall square footage of the hotel would be reduced, the development envelope would remain the same. There would be fewer employees and visitors to be exposed to any potential hazards or hazardous materials threat, however, the difference would not be significant, and impacts from hazards and hazardous materials associated with this alternative would be similar to that of the proposed project.

Hydrology and Water Quality

Under the Three-Story Hotel Alternative, impacts to hydrology and water quality would remain similar to the proposed project as the footprint and subsurface excavation would be similar in scope. Impacts to hydrology and water quality associated with this alternative would be similar to that of the proposed project.

Land Use and Planning

The Three-Story Hotel Alternative would reduce the overall height of the proposed project by two stories, thereby eliminating the need for a height variance from the City. A variance for setbacks would also no longer be required. As a result, impacts to land use and planning are less than those of the proposed project.

Noise

Under the Three-Story Hotel Alternative, the height and capacity of the proposed project would be reduced by two floors and 114 rooms. However, short-term construction noise impacts would be similar to the proposed project and any reduction in operational noise impacts would likely be indiscernible. Noise impacts associated with this alternative would be similar to that of the proposed project.

Public Services

The Three-Story Hotel Alternative would reduce the number of total hotel rooms, and subsequently the number of hotel visitors on the project site. Therefore, impacts to public services, including fire and police response calls, would be reduced in comparison to the proposed project. Impacts to public services associated with this alternative would be less than those of the proposed project.

Transportation and Traffic

The Three-Story Hotel Alternative would introduce new vehicle trips to the proposed project site; however the number of trips would be reduced in comparison to the proposed project. As a result, traffic and transportation impacts associated with this alternative would be less than those of the proposed project.

Utilities and Service Systems

Under this alternative, the reduction in building square footage and rooms would subsequently reduce the amount of water, wastewater and solid waste used and/or generate. Therefore, impacts to utilities and service systems associated with this alternative would be less than those of the proposed project.

5.5.3 Attainment of Project Objectives

This alternative would obtain most of the project objectives.

5.5.4 Conclusion

This alternative would lessen impacts associated with aesthetics, air quality, greenhouse gas emissions, land use planning, public services, traffic and transportation, and utilities and service systems. The remaining impacts would be considered similar to the proposed project. The Three-Story Hotel Alternative would achieve the objectives of the project, however, perhaps not to the extent that the proposed project would. This alternative would reduce many environmental impacts and eliminate the significant and unavoidable impacts of the proposed project**.**

5.6 Alternative 3 – Four-Story Hotel Alternative

5.6.1 Description of Alternative

This alternative would be a four-story hotel project that would be between the 35 foot Three-Story Alternative and the 86.5 foot proposed project in overall height and conform to the building setbacks in accordance with the Dana Point Specific Plan. For discussion purposes, this would include the deletion of the entire fourth floor (70 rooms), which would result in a reduction in the overall building height of ten (10) feet. The reduction in building height would also facilitate a reduction in overall massing of the building. With these changes, the Four-Story Alternative would result in a project with a total of 188 rooms, 222,330 square feet of enclosed area, a building height of 68.5 feet (78.5 feet with the mechanical equipment) and a subsequent reduction in parking and trips generated. A variance for building height would still be required. The 7,087 square foot dine-in restaurant space, the 12,103 square feet conference center/banquet/meeting area and roof top amenities as described in the proposed project, would remain the same in this alternative.

5.6.2 Environmental Impacts

Aesthetics

Under this alternative, the maximum building height of the project would be 68.5 feet (78.5 feet with equipment on roof). Visible changes to the existing sightline would be less than that of the proposed project; however, the height would still exceed the

maximum allowable height of 35 feet designated in the Dana Point Specific Plan, and a significant and unavoidable impact would still exist.

Air Quality

Impacts to air quality under the this alternative would be reduced in comparison to the proposed project, as the overall building would be reduced to four stories from the proposed five. Construction and operational air quality impacts associated with this alternative would be less than those of the proposed project.

This alternative would result in fewer days of construction for the building construction, paving, and architectural coating phases. As a result, daily ROG construction emissions are greater than the proposed project, while daily PM_{10} construction emissions from hauling would be lower. Despite the differences, the short-term regional and localized impacts would be less than significant with air quality mitigation measures (AQ1 through AQ5).

Because of this alternative's smaller footprint compared to the proposed project (70 fewer rooms), long-term regional and localized impacts would be less than significant.

Biological Resources

Under this alternative, the size of the proposed project would be reduced; however the overall development envelope would remain the same. Impacts to biological resources would be the similar to the proposed project.

Cultural Resources

Under this alternative, while the size of the project would be reduced in comparison to the proposed project, the building envelope would remain the same, and impacts to cultural resources would be similar to the proposed project.

Geology and Soils

Geology and soils impacts under this alternative would be comparable to the proposed project as the overall development envelope of the project would remain the same, including the excavation of the underground parking garage. Impacts to geology and soils would be the similar to the proposed project.

Greenhouse Gas Emissions

The Four-Story Hotel Alternative would feature 188 rooms and 167,230 sq. ft. of hotel space, which is about 73% fewer rooms and about 32% less square footage than that of the proposed project. Thus, the overall CO_2e emissions for this alternative would be less than that of the proposed project.

Hazards and Hazardous Materials

Under this alternative, while the overall square footage of the hotel would be reduced, the development envelope would remain the same. There would be fewer employees

and visitors to be exposed to any potential hazards or hazardous materials threat, however, the difference would not be significant, and impacts from hazards and hazardous materials associated with this alternative would be similar to that of the proposed project.

Hydrology and Water Quality

Under this alternative, impacts to hydrology and water quality would remain similar to the proposed project as the footprint and subsurface excavation would be similar in scope. Impacts to hydrology and water quality associated with this alternative would be similar to that of the proposed project.

Land Use and Planning

This alternative would reduce the overall height of the proposed project by one story, but would still necessitate a height variance from the City. A variance for setbacks would also still be required. As a result, a significant and unavoidable impact would still exist.

Noise

Under this alternative, the height and capacity of the proposed project would be reduced by one floor and 70 rooms. However, short-term construction noise impacts would be similar to the proposed project and any reduction in operational noise impacts would likely be indiscernible. Noise impacts associated with this alternative would be similar to that of the proposed project.

Public Services

This alternative would reduce the number of total hotel rooms, and subsequently the number of hotel visitors on the project site. Therefore, impacts to public services, including fire and police response calls, would be reduced in comparison to the proposed project. Impacts to public services associated with this alternative would be less than those of the proposed project.

Transportation and Traffic

This alternative would introduce new vehicle trips to the proposed project site; however the number of trips would be reduced in comparison to the proposed project. As a result, traffic and transportation impacts associated with this alternative would be less than those of the proposed project.

Utilities and Service Systems

Under this alternative, the reduction in building square footage and rooms would subsequently reduce the amount of water, wastewater and solid waste used and/or generated. Therefore, impacts to utilities and service systems associated with this alternative would be less than those of the proposed project.

5.6.3 Attainment of Project Objectives

This alternative would obtain most of the project objectives and would lessen the impacts associated with aesthetics, air quality, greenhouse gas emissions, land use planning, public services, traffic and transportation, and utilities and service systems when compared to the proposed project. The remaining impacts would be considered similar to the proposed project. Impacts associated with aesthetics and land use planning would also be lessened, but not eliminated and would remain significant. The aesthetic and land use impacts associated with this alternative could not be mitigated to a level of insignificance, and thus to approve this alternative project as proposed, the City would still have to adopt a Statement of Overriding Considerations.

Figure 5-1: Rendering of Option "B" Alternative

5.7 Alternative 4 – Option "B" Alternative

5.7.1 Description of Alternative

This alternative includes the 1.5 acres site for the lead project and 0.76 acres of Lantern Bay Park, located immediately south of the subject site. This alternative would include a project with access to the hotel off of Dana Point Harbor Drive through an expanded entrance/driveway that would be located on a portion of Lantern Bay Park. The expanded driveway would include a redesigned point-of-entry to the hotel, additional landscaping and aesthetic enhancements to the outer façade of the portion of the hotel building facing Dana Point Harbor Drive and Lantern Bay Park. The driveway would lead to two (2) levels of subterranean parking beneath the hotel, with 50 public parking spaces provided on-site for use by the public. A portion of the 50 public parking spaces to be provided will be self-parked, with the remaining public parking accessed through the valet service. Twenty-two (22) parking spaces at-grade, on the first floor, will be readily accessed by the public and will not be valet. All other remaining parking areas will be accessed through the valet service. Parking for this alternative, a total of 398 spaces, would be provided entirely on-site. The 50 off-site parking spaces at the South Coast Water District would continue to be provided as part of the Option "B" Alternative, but would not serve as an additional parking area to meet the required parking, but would be available for special events and/or hotel employees to utilized, if needed.

This alternative assumes that a 0.76-acre portion of the adjacent City-owned Lantern Bay Park would be used to create an expanded driveway. This portion of the park would need to be acquired from the City prior to the project being implemented. This aspect of the Option "B" Alternative would also entail an additional 58,560 cy of excavation to implement this portion of the project. The additional level of subterranean parking as well as a portion of the public parking spaces with this alternative are all located entirely on the project site and do not encroach into Lantern Bay Park. The two levels of subterranean parking are located on the project site, which is no different than the lead project.

The number of guest rooms would be increased to 273. Twenty-eight rooms, which is a net increase of 15 rooms, would be added to the hotel in between the first and second levels through the construction of a new mezzanine. Even though the room count increases, the massing has reduced some of the impacts though the reduction of four rooms from the fourth and fifth floors to allow for additional articulation and stepping of the hotel façade that faces Pacific Coast Highway.

The overall height of the building would be the similar to the proposed project – 87.5 feet. An increase to 307,693 square feet of enclosed area, and 15,580 square feet of meeting space is included in the Option "B" Alternative, along with additional landscaping in and around the first level.

5.7.2 Environmental Impacts

Aesthetics

Under the Option "B" alternative, six rooms would be deleted from the fourth and fifth floors to allow for additional articulation and stepping of the hotel façade that faces Pacific Coast Highway, however, even with the increased articulation of the project, the

overall size and massing of the project remains, and a significant and unavoidable impact would still exist. This alternative would have similar aesthetic impacts to those of the proposed project.

Air Quality

This alternative would result in an additional 15 rooms and added excavation for a retaining wall in the additional 0.76 acres of Lantern Bay Park to the south of the project site. The construction timeframe would be the same as that of the proposed project; therefore, the construction criteria pollutant emissions are greater than that of the proposed project. Despite the increase in the construction emissions, the short-term regional and localized impacts would be less than significant with air quality mitigation measures (AQ1 through AQ5).

Because of this alternative's larger footprint compared to the proposed project (15 additional rooms), long-term regional and localized impacts would be greater than that of the proposed project, but are still found to be less than significant.

Biological Resources

This alternative involves the development of a 0.76 acre portion of Lantern Bay Park to accommodate access to the subterranean parking. This means that additional green space would need to be cleared and excavated to accommodate this alternative, and disturbance of additional biological resources would occur including the potential removal of trees. Impacts to biological resources associated with this alternative would be greater than those of the proposed project.

Cultural Resources

Implementation of this alternative could potentially impact archaeological and/or historical resources located within the project area. This alternative would result in grading back the slope south of the project footprint within Lantern Bay Park. This slope has the potential to contain prehistoric archaeological and paleontological resources. Any ground-disturbing construction activities have the potential to reveal fossiliferous strata. One archaeological site has been documented within one-half mile of the project area. Impacts to cultural resources associated with this alternative could be greater than those of the proposed project.

Geology and Soils

Under this alternative, the development area would be expanded and additional excavation and grading would be necessary. There would also be temporary impacts to the existing parking lot within Lantern Bay Park. During construction in this area, the existing parking lot would not be usable. As such, impacts concerning geology and soils would be greater than the proposed project.

Greenhouse Gas Emissions

The Option "B" Alternative would feature 273 rooms and 229,926 square feet of hotel space, which is about 6% more rooms and about 32% more square footage than that of

the proposed project. Thus, the overall CO_2e emissions for this alternative would be greater than that of the proposed project.

Hazards and Hazardous Materials

Although this alternative would increase the scope of the project, the existing on-site contamination would still need to be remediated, and impacts from hazards and hazardous materials associated with this alternative would be similar to those of the proposed project.

Hydrology and Water Quality

The increase in scope associated with this alternative, primarily the increase in pervious surface due to the expansion of the entrance and parking area, would result in hydrology and water quality impacts greater than those of the proposed project.

Land Use and Planning

This alternative involves the development of a 0.76 acre portion of the adjacent Lantern Bay Park, which is owned and maintained by the City of Dana Point. A land transfer or other property conveyance and permission to use this portion of park site would be required from the City. Impacts to land use would be similar to those of the proposed project and would result in unavoidable and significant Land Use and Planning impacts.

Noise

Construction noise impacts would be slightly increased in comparison with the proposed project, as would long-term operational impacts due to the increase in hotel rooms and accompanying increase in vehicle trips. Noise impacts associated with this alternative would be greater than those of the proposed project.

Public Services

While this alternative does involve a slight increase in the number of hotel rooms, it is nominal for the purposes of public services. Impacts to public services would be similar to those of the proposed project.

Recreation

The Initial Study showed that implementation of the proposed project would not result in any impacts to recreation, and therefore was not examined in the EIR. However, under the Option "B" Alternative, a 0.76 acre portion of the adjacent Lantern Bay Park would be taken to develop an expanded entrance to the subterranean parking area. The reconfigured driveway entrance also provides for the addition of 50 public parking spaces for users of the park. These spaces do not encroach into the park site.

Acquisition of the 0.76-acre portion of the City-owned Lantern Bay Park would require a land transfer or other property conveyance and permission from the City to use this portion of the park. Additionally, the existing grant deed would need to be altered as the land currently cannot be used for any purpose other than public park purposes.

The park contains amenities including picnic tables, barbecues, and serves as a wedding ceremony site with an ocean view. The portion of the park in question is on a slope and is not used in an active manner. The parking lot for the park is located directly south of this slope and would likely be closed temporarily during construction of the project. It would not be impacted during operation of this alternative. Implementation of the Option "B" Alternative would result in less than significant impacts to recreation, however, this alternative would result in the loss of open space and impacts to recreation associated with this alternative would be greater than those of the proposed project.

Transportation and Traffic

Under this alternative, in contrast to the proposed project, parking would be provided entirely on-site (398 parking spaces). Additionally, as this alternative would offer a net increase of 15 hotel rooms, there would be a slight increase in vehicle trips associated with the implementation of the proposed project. Impacts to transportation and traffic associated with this alternative would therefore be greater than those of the proposed project.

Utilities and Service Systems

This alternative involves an increase in square footage and hotel rooms, resulting in an increased demand for water, electricity, and natural gas, as well as wastewater and solid waste disposal. Therefore, impacts to utilities and service systems associated with this alternative would be greater than those of the proposed project.

5.7.3 Attainment of Project Objectives

This alternative achieves the project objectives.

5.7.4 Conclusion

The Option "B" Alternative was analyzed in order to address the concerns that were voiced by local residents during the scoping meeting and public review phase of the NOP concerning off-site employee parking at the water district property and the five-year agreement involved with the South Coast Water District as well as the size and massing of the project. The expanded driveway area results in 1) greater articulation on the south portion of the hotel and 2) 50 additional public parking spaces. Due to the increased intensity of the Option "B" Alternative, impacts to air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hydrology and water quality, noise, transportation and traffic, and utilities and services systems would be greater than the proposed project. Additionally, since the increased area of the driveway would require the use of public park space, impacts to recreation are reintroduced from the initial study and are greater as well. Impacts to aesthetics, hazards and hazardous materials, land use and public services are similar to the proposed project. Land Use impacts would remain significant and unavoidable.

5.8 Environmentally Superior Alternative

CEQA requires the lead agency to identify the "environmentally superior alternative" and, in cases where the "No Project" Alternative is environmentally superior to the proposed project, the

environmentally superior development alternative must be identified. One alternative has been identified as "environmentally superior" to the proposed project:

- Three-Story Hotel Alternative

Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts." [Guidelines Sec. 15126.6(c)]. **Table 5-2** provides a comparison of the alternatives to the proposed project.

Table 5-2 – Comparison of Alternatives to the Proposed Project

Environmental Issue Area	**Alt. 1 – No Project Alternative** Current land uses would remain, including fast-food restaurant and small motel	**Alt. 2 – Three-Story Hotel Alternative** 144 guest rooms, approximately 152 parking spaces on-site (50 spaces off-site),182,780 sq. ft. of enclosed area, 10,150 sq. ft. of deck/terrace area, 35' maximum building height	**Alt. 3 – Four-Story Hotel Alternative** 188 guest rooms, approximately 215 parking spaces on-site (50 spaces off-site), 222,330 sq. ft. of enclosed area, 19,490 sq. ft. of deck/terrace area, 68.5' maximum building height	**Alt. 4 – Option "B" Alternative** 273 guest rooms, 398 parking spaces on-site, (50 spaces off-site), 307,693 sq. ft. of enclosed area, 15,580 sq. ft. of deck/terrace area, 87.5' maximum building height, would require acquisition of public park space
Aesthetics	Less	Less	Less	Similar
Air Quality	Less	Less	Less	Greater
Biological Resources	Less	Similar	Similar	Greater
Cultural Resources	Less	Similar	Similar	Greater
Geology and Soils	Less	Similar	Similar	Greater
Greenhouse Gas Emission	Less	Less	Less	Greater
Hazards and Hazardous Materials	Similar	Similar	Similar	Similar
Hydrology and Water Quality	Greater	Similar	Similar	Greater
Land Use and Planning	Less	Less	Similar	Similar
Noise	Less	Similar	Similar	Greater
Public Services	Less	Less	Less	Similar
Recreation*	N/A	N/A	N/A	Greater
Transportation and Traffic	Less	Less	Less	Greater
Utilities and Services Systems	Less	Less	Less	Greater

Notes:
(Less) Impact considered less when compared with the proposed project.
(Similar) Impact considered equal to the proposed project.
(Greater) Impact considered greater when compared with the proposed project.
* Recreation is only evaluated for Alternative 4.

The Three-Story Hotel Alternative has been identified as the environmentally superior alternative. This alternative would lessen impacts associated with aesthetics, air quality, greenhouse gas emissions, land use planning, public services, transportation and traffic, and utilities and service systems while still achieving the objectives of the project.

6.0 CONSULTATION RECORD

#	AGENCY	DATE	FORMAT	TO	FROM	SUBJECT
1	Hydroquip Pump and Dewatering Corp.	September 24, 2011	Letter	Simon Injev	Hydroquip Pump and Dewatering Corp.	Temporary Dewatering Overview
2	Juaneño Band of Mission Indians	August 18, 2011	Letter	Anita Espinoza	Stephen O'Neil	Native American concerns
3	Juaneño Band of Mission Indians	August 18, 2011	Letter	Adolph "Bud" Sepúlveda	Stephen O'Neil	Native American concerns
4	Juaneño Band of Mission Indians (Sonia Johnston, Chairperson)	August 18, 2011	Letter	Alfred Cruz	Stephen O'Neil	Native American concerns
5	Juaneño Band of Mission Indians (Sonia Johnston, Chairperson)	August 18, 2011	Letter	Sonia Johnston	Stephen O'Neil	Native American concerns
6	Juaneño Band of Mission Indians (Sonia Johnston, Chairperson)	August 27, 2011	Telephone call	Stephen O'Neil	Alfred Cruz	Native American concerns
7	Juaneño Band of Mission Indians, Acjachemen Nation (Anthony Rivera, Jr., Chairman)	August 18, 2011	Letter	Anthony Rivera, Jr.	Stephen O'Neil	Native American concerns
8	Juaneño Band of Mission Indians, Acjachemen Nation (David Belardes, Spokesman)	August 18, 2011	Letter	Joyce Perry	Stephen O'Neil	Native American concerns
9	Juaneño Band of Mission Indians, Acjachemen Nation (David Belardes, Spokesman)	August 18, 2011	Letter	David Belardes	Stephen O'Neil	Native American concerns
10	Juaneño Band of Mission Indians, Acjachemen Nation (David Belardes, Spokesman)	August 25, 2011	Telephone call	Stephen O'Neil	Joyce Perry	Native American concerns
11	Native American Heritage Commission	August 11, 2011	Letter	Dave Singleton	Stephen O'Neil	Native American Sacred Lands File and Contacts

#	AGENCY	DATE	FORMAT	TO	FROM	SUBJECT
12	Native American Heritage Commission	August 17, 2011	Fax	Stephen O'Neil	Dave Singleton	Response to letter of August 11, 2011
13	Orange County Environmental Health	December 23, 2011	Telephone call	Anthony Martinez	Roy Publico	Project site remediation
14	Orange County Environmental Health	December 28, 2011	Telephone call	Denamarie Baker	Roy Publico	Project site remediation
15	Ti-At Society – Inter-Tribal Council of Pimu	August 18, 2011	Letter	Cindi M. Alvitre	Stephen O'Neil	Native American concerns
16	United Coalition to Protect Panhe	August 18, 2011	Letter	Rebecca Robles	Stephen O'Neil	Native American concerns

7.0 LIST OF PREPARERS

NAME	AGENCY/ TITLE	DISCIPLINE/EXPERTISE	EXPERIENCE	ROLE IN PREPARING EIR
Susan Foster	UltraSystems/ Environmental Engineer	B.S., Civil Engineering	3 years planning/engineering experience	Task Associate: Geology and Soils, Hydrology & Water Quality
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