

Response No. 11
Valerie Bovee

11.1 & 11.8

For the Project to proceed, the City would need to grant height and setback variances for the proposed Project as well as adopt a Statement of Overriding Considerations. The variances apply only to the proposed Project and would not be applicable to any subsequent development within the area. A Statement of Overriding Considerations reviews all benefits of a proposed Project and whether those benefits outweigh the unavoidable environmental impacts. The granting of a height or setback variance shall comply with City of Dana Point's City Code Section 9.67.050 (Basis for Approval, Conditional Approval, or Denial of a Variance). City Code Section 9.67.050(4) states "...the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints." Therefore, it is anticipated that the proposed Project would not create a dangerous precedent for future development as the zoning remains unchanged and benefits of individual future projects would be reviewed on a case-by-case basis.

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Roadway segments adjacent and near the Project's site would increase in Average Daily Traffic (ADT) with implementation of the proposed Project. The increase of ADT ranges between 0 to 1,300 vehicles across weekday, Saturday, peak season, and non-peak season times. This increase is minimal and would not degrade current traffic conditions. Chapter 3.12 (Transportation and Traffic) and Section 3.12.7 (Project Design Features) of the Draft EIR presented Project Design Features (PDF) that rectify traffic issues by incorporating intersection design enhancements. PDF 3.12-1 through PDF 3.12-8 would reduce traffic impacts and ensure that traffic flow will not be significantly impacted by the Project.

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- Del Obispo Street/Dana Point Harbor Drive at PCH
- Del Obispo Street/Dana Point Harbor Drive at Project Driveway
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By the year 2025, without intersection design enhancements (or PDF 3.12-1 through PDF 3.12-8), the Del Obispo Street/Dana Point Harbor Drive at PCH

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Based on feedback from the community during the 45-day review period, the Study Session held on November 18, 2013, and the Public Hearings held on December 9, 2013 and February 10, 2014, the applicant has decided to pursue a Modified Option “B”. This new alternative is a modification of Alternative 4 - Option “B” Alternative (Section 5.7.1) in the Draft EIR. Modified Option “B” would be comprised of 375 on-site parking spaces (20 self-parking and 355 valet parking spaces). The hotel operator would possess greater control over vehicle circulation since overflow parking would be available for vehicles directly on-site. Guests and visitors would not be redirected back onto road arterials to find overflow parking. The Project would include access to the site from Dana Point Harbor Drive through an expanded entrance/driveway located on the 0.76-acre Lantern Bay Park land.

The 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 applies. According to Section 7-9-145.6, 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. The Modified Option “B” would be comprised of 250 guest rooms with 375 on-site parking spaces. Therefore, all guests and visitors of the proposed hotel property would be accommodated with a sufficient amount of on-site parking.

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 applies. 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. Therefore, all guests and visitors of the proposed hotel property would be accommodated with sufficient amount of on-site parking.

11.4

This comment for noise-related topics from traffic and outdoor/exterior activities was addressed in Section 3.10.6 (Project Impacts) within Chapter 3.10 (Noise) of the Draft EIR. Refer to Subsection 3.10.6(ii.) for Long-Term Noise Impacts (Operational), Subsection 3.10.6(a.) for On-Site Noise Impacts, and Subsection 3.10.6(c.) for Roadway Noise Impacts. The rooftop bar and outdoor activities are mitigated with measures in Section 3.10.8 (Mitigation Measures) of the Draft EIR. Specifically, refer to mitigation measures MM 3.10-5 and MM 3.10-6.

The Project would increase existing ambient noise levels due to project-related traffic and outdoor hotel activities. With regard to traffic, a considerable noise impact would only occur if the Project contributes to a permanent increase in ambient noise levels; however, traffic near the site would need to double its existing average daily traffic (ADT) rate before there would be a perceived increase in noise.

The increase in traffic rate from the Project's shortest range would be 19%. At worst case scenario, the increase in traffic rate from the Project's longest range would be 60%. There would not be a significant increase in ambient noise levels that confirms a perceivable difference in noise intensity with regard to traffic. This data was available in **Table 3.10-11** (Proposed Project Average Daily Traffic Volumes) of the Draft EIR. Refer to Subsection 3.10.6(ii.) for Long-Term Noise Impacts (Operational), Subsection 3.10.6(a.) for On-Site Noise Impacts, and Subsection 3.10.6(c.) for Roadway Noise Impacts.

Rooftop Bar and Exterior/Outdoor Activities

With regard to outdoor activities, when rooftop events may occur, the event must comply with the City's Noise Ordinance and consider noise attenuation barriers for the rooftop bar (MM 3.10-5). In scenarios where events may exceed the City's Noise Ordinance, a permit or license must be granted and permitted by the City (MM 3.10-6).

Applicable permits or licenses are dependent on circumstantial factors, such as but not limited to the events frequency in occurrence or the amount of attendees, that ensue during outdoor gatherings. A pending Conditional Use Permit (CUP09-0009) for hotel and restaurant uses (includes a rooftop bar and parking), if approved, is generally subject to a number of pertinent conditions of approval.

A Community Noise Equivalent Level (or CNEL) is a common noise measurement system used for the valuation of loudness. Without the Project's implementation, the current CNEL level from exterior noise in the vicinity's noise contours are above the acceptable limit as stipulated by the City's Noise Element. With implementation of the Project, the CNEL levels would still remain incompatible; however, noise insulation features have been included in the design of the Project. Noise insulation features were referenced as Project Design Features (PDF) which would mitigate and reduce exposures to excessive noise levels to a less than significant impact. Project Design Features (PDF 3.10-1 through PDF 3.10-6) for Noise impacts were presented in Chapter 3.10 (Noise) Section 3.10.9 (Project Design Features) of the Draft EIR.

Furthermore, the Project's noise insulation features would prevent interior sound levels from protruding outdoors which may contribute to and enhance exterior noise levels. Therefore, noise insulation features are safeguards to prevent contributions to exterior noises such as echoes from adversely affecting neighboring properties. Additionally, the Project's design

for noise insulation features consist of acoustical reductions (e.g. soundproof glass), dense building materials, air gaps between exterior and interior panels, sound-absorbent interior materials, central heating/cooling, and compressible neoprene weather-stripping.

- 11.5 Chapter 3.2 (Air Quality) addressed topics related to air quality. During its construction (short-term) phase, the Project's air quality impacts (refer to **Table 3.2-8** of the Draft EIR) would be less than significant after Mitigation Measures (Section 3.2.8) MM 3.2-1 through MM 3.2-3 are incorporated during construction. During its operational (long-term) phase, the analysis indicated that daily emission rates (refer to **Table 3.2-9** of the Draft EIR) would not exceed SCAQMD thresholds and impacts to Air Quality would be less than significant without mitigation measures required.

The maximum daily cumulative construction phase emission rate for NO_x was the only pollutant to exceed SCAQMD's thresholds (refer to **Table 3.2-10** of the Draft EIR). Incorporation of Mitigation Measure MM 3.2-4 (refer to Section 3.2.8 of the Draft EIR) would reduce NO_x emission rates by 38-39% making Air Quality impacts during the construction phase less than significant. The daily total cumulative operational phase emission rates (refer to **Table 3.2-11** of the Draft EIR) exceeds most of SCAQMD's thresholds. The inclusion of two additional projects exceeds pollutant emission rates. Independently, the Project only contributes 16% or less of cumulative pollutant emission rates compared to all three projects. Hence, independently the Project is below SCAQMD thresholds, air quality impacts would be less than significant, and no mitigation measures would be required. The Air Quality Analysis was available in **Appendix B** of the Draft EIR.

- 11.6 The Project attempts to minimize the height and bulk by incorporating specific design elements. The Project uses a two-story façade at the primary corner entrance on the eastern side to reduce the bulk of the building. The third and fifth floors are terraced back, and the placement of a garden roof area on the second floor reduces the overall mass of the structure and provides architectural relief. The western end creates a stepped asymmetrical building form, which relieves the horizontal plane.

- 11.7 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

Comment Letter No. 12

RECEIVED
SEP 06 2013
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

August 15, 2013

To: City of Dana Point Council Members

Re: Proposed Doheny Hotel

Dear Council Members:

I strongly oppose the approval of the proposed five story Doheny Hotel at the corner of PCH and Dana Point Harbor Drive. This monstrosity is **double the legal height** limit our city has enacted to protect the character and scale of our town. An approved variance sets a dangerous precedent for future commercial ventures and we will be forced to endure the results. 12.1

Please consider the following ways DP citizens' quality of life is threatened:

- **Traffic** To add the traffic generated by a 258 room hotel to our already overcrowded intersection would create gridlock. The parking issues with this project are a nightmare. Employees, vendors, and guests who want to avoid parking charges will use all available side streets--which means the harbor, neighborhoods and other businesses. 12.2
- **Noise** As you are aware, this is already a very noisy area of Dana Point. Additional traffic plus hotel activities--especially the rooftop bar and outdoor entertainment--will negatively impact our community. 12.3
- ~~Pollution~~ Soot, vehicle fumes, dust, etc would increase dramatically. 12.4
- **Aesthetics** Dana Point is home to several world-class hotels that add beauty and prestige to our city. This ugly structure would have the opposite effect, creating a tunnel effect through the gateway of our city. 12.5

Council members, you have the opportunity to create an entrance to this city that equals the improvements implemented and proposed elsewhere in town. Every single resident of Dana Point as well as a every visitor is impacted by how this project proceeds. Thank you for considering our objections to this project. 12.6

Sincerely,

Signature Nancy Jenkins & Richard E. Dietmeier
Name Nancy Jenkins & Richard E. Dietmeier
Address 34132 Cambridge
Email njenkins@cox.net
Phone (714) 394-3529

Response No. 12
Nancy Jenkins & Richard Dietmeiee

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12.2 Roadway segments adjacent and near the Project's site would increase in Average Daily Traffic (ADT) with implementation of the proposed Project. The increase of ADT ranges between 0 to 1,300 vehicles across weekday, Saturday, peak season, and non-peak season times. This increase is minimal and would not degrade current traffic conditions. Chapter 3.12 (Transportation and Traffic) and Section 3.12.7 (Project Design Features) of the Draft EIR presented Project Design Features (PDF) that rectify traffic issues by incorporating intersection design enhancements. PDF 3.12-1 through PDF 3.12-8 would reduce traffic impacts and ensure that traffic flow will not be significantly impacted by the Project.

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August 15, 2013

To: City of Dana Point Council Members

RECEIVED
CITY OF DANA POINT
COMMUNITY DEVELOPMENT DEPT

Re: Proposed Doheny Hotel

2013 AUG 27 A 11: 51

Dear Council Members:

I strongly oppose the approval of the proposed five story Doheny Hotel at the corner of PCH and Dana Point Harbor Drive. This monstrosity is **double the legal height** limit our city has enacted to protect the character and scale of our town. An approved variance sets a dangerous precedent for future commercial ventures and we will be forced to endure the results. *OPPOSED TO HEIGHT*

Please consider the following ways DP citizens' quality of life is threatened:

- CONCERNED ABOUT ADDITIONAL TRAFFIC* **Traffic** To add the traffic generated by a 258 room hotel to our already overcrowded intersection would create gridlock. The parking issues with this project are a nightmare. 13.2
- Employees, vendors, and guests** who want to avoid parking charges will use all available side streets—which means the harbor, neighborhoods and other businesses. 13.3
- Noise** As you are aware, this is already a very noisy area of Dana Point. Additional traffic plus hotel activities—especially the rooftop bar and outdoor entertainment—will negatively impact our community. 13.4
- **Pollution** Soot, vehicle fumes, dust, etc would increase dramatically. 13.5
- **Aesthetics** Dana Point is home to several world-class hotels that add beauty and prestige to our city. This ugly structure would have the opposite effect, creating a tunnel effect through the gateway of our city. 13.6

Council members, you have the opportunity to create an entrance to this city that equals the improvements implemented and proposed elsewhere in town. Every single resident of Dana Point as well as a every visitor is impacted by how this project proceeds. Thank you for considering our objections to this project. 13.7

Sincerely,

Signature James R Doyle - Mary M Doyle

Name JAMES R DOYLE

Address 34102 Calle La Primavera

Email Dana Point Ca

Phone _____

Response No. 13
James Doyle

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Comment Letter No. 14

ERICA DEMKOWICZ

From: Ralph Fisco <Ralph_Fisco@toyota.com>
Sent: Friday, August 16, 2013 8:00 PM
To: ERICA DEMKOWICZ
Subject: Doheny Hotel

Erica, my wife and I have been residents of Dana Point, Monarch Beach for 9 years and fully support this proposal of a new hotel. We are also supporters of the Town Center and Dana Point Harbor projects. Although we remain cognizant to the various commissions and approval processes, we also remain very frustrated with the apparent lack of process being made on our projects to generate economic development and revenue for our city. The many years of meetings, approvals and projected timeline for completion is comical.

14.1
14.2

We would love to spend our dollars in our community, however, there is currently no options for us to do so. Instead of traveling to DP, we end up in Laguna Beach and San Clemente 4-5 times per week. It is time we take a positive proactive approach with our community and draw tourist dollars to the Town Center. Drive through the Town Center any night and it is a "ghost town", while other beach communities are thriving. It is imperative that DP adopts a can do attitude, our Town Center should be a jewel, attracting tourist and community visitors alike. Branding of the Town Center should have been last and sign erection after there was a destination created-not before.

14.3

Thank you for your time.

Ralph Fisco, III
Regional Marketing Manager

Response No. 14
Ralph Fisco

14.1, 14.2, & 14.3 Comment expresses support of the proposed Project. The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft DEIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

Comment Letter No. 15

ERICA DEMKOWICZ

From: James Nelson <j.nelson2@cox.net>
Sent: Saturday, August 17, 2013 10:27 AM
To: ERICA DEMKOWICZ
Subject: HOTEL

THESE COMMENTS COME FROM JAMES O. NELSON, 25382 SEA BLUFFS DRIVE #8107 IN DANA POINT.

- | | |
|---|------|
| 1. THE INTERSECTION OF PAC. CST. HWY & HARBOR DRIVE IS POSSIBLY THE BUSIEST IN DANA POINT AND PLACING A 258 ROOM/ 275 PARKING SPACE FACILITY (OF ANY KIND) THERE WOULD CREATE A GIANT TRAFFIC OVERLOAD. | 15.1 |
| 2. THE PROPOSED SIZE/TYPE OF FACILITY PROPOSED IS TOO LARGE FOR 1.5 ACRES OF SPACE - LET ALONE HIGHLY CONGESTED SPACE. | 15.2 |
| 3. VIOLATION OF THE 35 FOOT HEIGHT RESTRICTION SHOULD NOT BE CONSIDERED (LET ALONE GRANTED) FOR THAT ENTIRE AREA. | 15.3 |

SINCERELY,

J.NELSON2@COX.NET

Response No. 15
James Nelson

15.1 As discussed in Section 3.12.7 (Transportation and Traffic) of the Draft EIR, roadway segments adjacent and near the Project site are expected to experience an increase in Average Daily Traffic (ADT) ranging between 0 to 1,300 vehicles across weekday, Saturday, peak season, and non-peak season times. The following locations were considered in the Draft EIR:

- Del Obispo Street/Dana Point Harbor Drive at PCH
- Del Obispo Street/Dana Point Harbor Drive at Project Driveway
- Del Obispo Street/Dana Point Harbor Drive at Park Lantern
- I-5 southbound ramps/PCH
- I-5 northbound ramps/PCH

The project has been designed to address projected increase in vehicle trips and ensure adequate circulation is maintained. Project Design Features PDF 3.12-1 through PDF 3.12-8 would reduce traffic impacts and ensure traffic flow will not be significantly impacted by implementation of the Project. By the year 2025, all study area roadway and intersection segments would operate at acceptable levels of service with implementation of the PDFs.

15.2 Chapter 3.1 (Aesthetics) of the Draft EIR addressed development standards and discussed the Project's compliance with City Design Guidelines, Dana Point Specific Plan's (DPSPs) Scenic Highway Element, Community Design Element, and Local Coastal Program. **Table 3.1-1** (Design Guidelines Consistency), in the Draft EIR, provided a discussion that evaluated the Project's design and visual consistency with City Design Guidelines and Specific Plan requirements.

The Dana Point Design Guidelines state that buildings should be complementary in form and bulk with the adjacent structures of the neighborhood. Adjacent developments to the proposed Project vary in size ranging from single-story to multi-story buildings. The proposed Project building, however, is somewhat bulkier than some (but not all) of the other structures in the vicinity and increases the land use density for the area. Project design and architectural treatments would assist in softening the visual impacts of the proposed structure and includes a two-story façade on the eastern side of the structure, at the corner entrance the third through fifth floors are terraced back, and a garden roof on the second floor. The Project's height and bulk are inconsistent with the adjacent structures, and height and setback variances need to be granted along with an adopted Statement of Overriding Considerations.

15.3 The zoning designations under the City's 1986 Local Coastal Program (LCP) are Coastal Couplet Commercial (C-CPC) and Coastal Visitor Commercial (C-VC), which allow building heights of 35 feet. Height and setback variances would have to be granted by the City to permit the construction of the proposed Project. A Statement of Overriding Considerations would also need

to be adopted by the City, which balances the Project benefits in relation to the environmental impacts.

Comment Letter No. 16

Erica Demkowicz
 Senior Planner for the City of Dana Point
 Development Department
 33282 Golden Lantern
 Suite 209
 Dana Point, CA 92629
 Email: edemkowicz@danapoint.org

A firm by the name of Beverly Hills Hospitality Group has submitted plans to the City of Dana Point to build a 5-story, 258 room hotel at the corner of Del Obispo (Dana Point Harbor Drive) and Pacific Coast Highway. The City Planner told has said that the highest point on this monstrosity would be 87.5"! This, in a city which clearly has a 37' height limit (3 stories) on structures. This proposal is objectionable on so many levels it's hard to know where to start. | 16.1

Precedent: The proposed hotel would set a precedent in Dana Point by having the height restriction of three stories (37 feet) waived. This would be ominous since other undeveloped properties, the property owners would then be able get a variance to build heights possibly greater than the 5 stories proposed by the Beverly Hills Hospitality Group. | 16.2

Tsunami Zone/ Flood Zone: The underground garage is located in a tsunami zone. The potential dangers could be fatal and devastating. | 16.3

Employee parking: The water district has a letter not a contract which may allow the hotel employees to park on the water district property. There has not been a formal vote to allow such usage of the water district property. | 16.4

Shuttle service to the walking mall/shops from the proposed hotel would be the way the hotel would try to make it easier on the guest rather than walking up the hill. This would increase the traffic and exposure to accident. This result would be a cascade of city/county services. | 16.5

Traffic - This corner has to be the busiest corner in town. Commuters going North on PCH are often backed up to the bridge. Those towing boats are entering/leaving the Harbor, beachgoers, campers and those visiting Beverly Hills Hospitality Groups' proposed hotel and the Harbor continually jam up traffic in all directions. Add to this emergency vehicles and sightseers and you have gridlock often under today's conditions. When you consider The Jazz Festival, The Blues Festival, July 4th fireworks and other events it's untenable. There will be year around 4th of July or festival traffic. | 16.6

Noise - I live directly across PCH from this project. Traffic with motorcycles, fire trucks, ambulances etc. reach many decibels but we love this end of town so much we are willing to overlook this problem. Festivals in the Park are very noisy but only last 2 days. This hotel is planning a roof top swimming pool and bar. Let me translate this for you. Corporations love to fete their employees with getaways to beach locations where they can celebrate with bands, dancing, shouting and in general often make a nuisance of themselves. We can hear bands and laughter and other sounds emanating from the Marriott and the beach but we realize it's limited and comes with the territory. A commercial hotel such as this one | 16.7

would undoubtedly have functions on a nearly nightly basis. The sound would carry throughout the Village and Bal Harbour communities	16.7
Echo Noise: The design of the hotel would have the sound from the roadway bounce back to where we live. The sound now goes up the hill opposite of where "The Village" is located. Thus dissipating the noise.	16.8
There are successful hotels without pools on rooftop and rooftop bars. In house hotel amenities keep guests safe and sober.	16.9
Pollution - The additional traffic would add to the already unbearable amount of soot, tire residue etc. that covers our decks and patios.	16.10
Is this hotel necessary? - There is a Best Western Marina Shores Hotel one block North on PCH. There's a Doubletree Hotel about 5 or 6 blocks south and the magnificent Marriott is a stone's throw away. If this hotel doesn't make it financially we're faced with an empty eyesore that will blight our city forever.	16.11
Location: The purpose of this hotel would bring additional occupancy tax income to the city and business to the proposed foot traffic area in Old Town redevelopment. Should the hotel be better suited in a location adjoining to the walking shops (city walk) location so the patrons would be able to walk out of the hotel onto the walking mall/shops of the redevelopment area?	16.12
Aesthetics - The side of the hotel running along PCH is a slab sided wall that is very unsightly. The aforementioned hotels in Dana Point along with the Ritz-Carlton and St. Regis add beauty and dignity to our city. This thing will resemble the structure of the state prison in Chino.	16.13
Employee parking: The letter for parking on the water district land is not a binding agreement. The water district may or may not follow through with the investigative letter. Therefore no parking is guaranteed.	16.14
In walking the streets I meet a real estate broker who states the real estate establishment is opposed to this project. She states the traffic congestion caused by this project will make driving in Dana Point very undesirable.	16.15
I could go on but you get the point. In the face of all these potential problems and the fact that it is illegal from the get-go, I think this project warrants some attention from your staff so that the entire City of Dana Point can be made aware of what's being proposed that would have a "Negative Impact" on every citizen. An article with drawings and all the aforementioned problems would allow every citizen to voice their opinion on a project that would have a profound negative impact on our way of life here in beautiful Dana Point. The city should use all media available to inform the citizens and visitors of Dana Point of the changes to our city landscape and services. Will Dana Point abandon the essence of lifestyle of Dana Point and develop Dana Point keeping our quality of life and community values.	16.16 16.17

Respectfully,

Ken Yoshino, DPT,ATC
 Adrienne Yoshino
 34162 Cambridge Road
 Dana Point, California 92629
kyoshinodpt@gmail.com

andieyoshino@yahoo.com

Response No. 16
Ken Yoshino

- 16.1 The zoning designations under the City’s 1986 Local Coastal Program (LCP) are Coastal Couplet Commercial (C-CPC) and Coastal Visitor Commercial (C-VC), which allow building heights of 35 feet. Height and setback variances would have to be granted by the City to permit the construction of the proposed Project. A Statement of Overriding Considerations would also need to be adopted by the City, which balances the Project benefits in relation to the environmental impacts.
- 16.2 For the Project to proceed, the City would need to grant height and setback variances for the proposed Project as well as adopt a Statement of Overriding Considerations. The variances apply only to the proposed Project and would not be applicable to any subsequent development within the area. A Statement of Overriding Considerations reviews all benefits of a proposed Project and whether those benefits outweigh the unavoidable environmental impacts. The granting of a height or setback variance shall comply with City of Dana Point’s City Code Section 9.67.050 (Basis for Approval, Conditional Approval, or Denial of a Variance). City Code Section 9.67.050(4) states “...the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints.” Therefore, it is anticipated that the proposed Project would not create a dangerous precedent for future development as the zoning remains unchanged and benefits of individual future projects would be reviewed on a case-by-case basis.
- 16.3 Per the State of California Department of Conservation, the site is not located in a tsunami inundation area. Furthermore, the Preliminary Geotechnical Evaluation for the Dana Point Hotel Project prepared by GeoTek, Inc. states that the potential for secondary seismic hazards such as a seiche or a tsunami are considered to be low due to two factors: (1) the site’s elevation and (2) its distance from an open body of water. As a result of the Preliminary Geotechnical Evaluation, the study suggests a low probability of occurrence for tsunami events and adverse impacts to the Project’s underground garage/subterranean parking structure, which is unlikely with regard to public safety.
- 16.4 & 16.14 Based on feedback from the community during the 45-day review period, the Study Session held on November 18, 2013, and the Public Hearings held on December 9, 2013 and February 10, 2014, the applicant has decided to pursue a Modified Option “B”. This new alternative is a modification of Alternative 4 - Option “B” Alternative (Section 5.7.1) in the Draft EIR. Modified Option “B” would be comprised of 375 on-site parking spaces (20 self-parking and 355 valet parking spaces). The hotel operator would possess greater control over vehicle circulation since overflow parking would be available for vehicles directly on-site. Guests and visitors would not be redirected back onto road arterials to find overflow parking. The Project would include access to the site from Dana Point Harbor Drive

through an expanded entrance/driveway located on the 0.76-acre Lantern Bay Park land.

The 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 applies. According to Section 7-9-145.6, 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. The Modified Option "B" would be comprised of 250 guest rooms with 375 on-site parking spaces. Therefore, all guests and visitors of the proposed hotel property would be accommodated with a sufficient amount of on-site parking.

16.5

The commenter may also refer to Response 16.4 and 16.14. At this time, the proposed Project does not include a shuttle service for guests or visitors. The Traffic Study/Traffic Impact analysis (**Appendix I** of the Draft EIR) included proposed ancillary uses for hotels. Chapter 3.12 for Transportation and Traffic of the Draft EIR addressed topics related to traffic, parking, circulation, and cumulative impacts (Section 3.12.5 for Project Impacts) with or without the Project's implementation.

The Traffic Study/Traffic Impact Analysis concluded that development of the proposed Project would increase the Average Daily Traffic (ADT) volumes of roadway segments and key intersections in the vicinity. The increase in ADT volume may cause potentially significant impacts with heavier traffic conditions along these roadway segments and at key intersections during morning, midday and evening hours. Conversely, with implementation of Project Design Features (refer to Section 3.12.7) PDF 3.12-1 through PDF 3.12-9 listed in Chapter 3.12 (Transportation and Traffic) of the Draft EIR the impacts to local roadway segments and key intersections would be less than significant.

The trip generation potential of the proposed Project was based upon ITE Land Use 310: Hotel Trip Rates, which is consistent with standard traffic engineering practices and the Project description's operational plan for both the restaurant and banquet facilities. The ITE Trip Generation for hotels assumes the inclusion of lodging, restaurants, cocktail lounges, meeting and banquet rooms or convention [center] facilities, limited recreational facilities such as pools and fitness rooms, and other retail and service shops. The project description is consistent with the definition of hotels for the ITE Trip Generation and the requested items (such as restaurant and convention center) are included within the trip generation in the TIA. The TIA is based upon existing traffic data, locally accepted national trip generation rates, and regional methodologies.

16.6 and 16.15

As discussed in Section 3.12.7 (Transportation and Traffic) of the Draft EIR, roadway segments adjacent and near the Project site are expected to experience an increase in Average Daily Traffic (ADT) ranging between 0 to 1,300 vehicles across weekday, Saturday, peak season, and non-peak season times. The following locations were considered in the Draft EIR:

- Del Obispo Street/Dana Point Harbor Drive at PCH
- Del Obispo Street/Dana Point Harbor Drive at Project Driveway
- Del Obispo Street/Dana Point Harbor Drive at Park Lantern
- I-5 southbound ramps/PCH
- I-5 northbound ramps/PCH

The project has been designed to address projected increase in vehicle trips and ensure adequate circulation is maintained. Project Design Features (PDF) 3.12-1 through PDF 3.12-8 would reduce traffic impacts and ensure traffic flow will not be significantly impacted by implementation of the Project. In the year 2025, all study area roadway and intersection segments would operate at acceptable levels of service with implementation of the PDFs. The TIA study accounted for day-to-day traffic which would not be significantly impacted with the proposed Project, intersection design enhancements, and would operate at or above acceptable levels.

Refer to Response 16.4 and 16.14 for holiday and special event traffic.

16.7 Chapter 3.10 (Noise) Section 3.10.6 (Project Impacts) of the Draft EIR addressed (ii) Long-Term Noise Impacts (during its operation phase) from the Project. Mitigation Measures 3.10-5 and 3.10-6 would ensure that long-term noise from the Project's rooftop bar and outdoor activities would remain less than significant (refer to 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 noise from the roadway, rooftop bar, and outdoor activities 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).

16.8 A Community Noise Equivalent Level (or CNEL) is a common noise measurement system used for the valuation of loudness. Without the Project's implementation, the current CNEL level from exterior noise in the vicinity's noise contours are above the acceptable limit as stipulated by the City's Noise Element. With implementation of the Project, the CNEL levels would still remain incompatible; however, noise insulation features have been included in the design of the Project. Noise insulation features were referenced as Project Design Features (PDF) which would mitigate and reduce exposures to excessive noise levels to a less than significant impact. Project Design Features (PDF 3.10-1 through PDF 3.10-6) for Noise impacts were presented in Chapter 3.10 (Noise) Section 3.10.9 (Project Design Features) of the Draft EIR.

Furthermore, the Project's noise insulation features would prevent interior sound levels from protruding outdoors which may contribute to and enhance exterior noise levels. Therefore, noise insulation features are safeguards to prevent contributions to exterior noises such as echoes from adversely affecting neighboring properties. Additionally, the Project's design

for noise insulation features consist of acoustical reductions (e.g. soundproof glass), dense building materials, air gaps between exterior and interior panels, sound-absorbent interior materials, central heating/cooling, and compressible neoprene weather-stripping.

- 16.9 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.
- 16.10 Chapter 3.2 (Air Quality) Section 3.2.6 (Project Impacts) of the Draft EIR addressed topics related to pollution. These topics included impacts throughout the duration of the Project's construction phase/short-term range (refer to **Table 3.2-8** of the Draft EIR), operational phase/long-term range (refer to **Table 3.2-9**), and the daily total cumulative operational phase emission rates (refer to **Table 3.2-11** of the Draft EIR).
- Air Quality data suggested that air quality impacts during construction would be less than significant with Mitigation Measures (Section 3.2.8) implemented. The daily and cumulative project operational emission rates would not exceed SCAQMD thresholds and impacts to Air Quality would be less than significant without mitigation measures required.
- 16.11 The Dana Point Design Guidelines state that buildings should be complementary in form and bulk with the adjacent structures of the neighborhood. Adjacent developments to the proposed Project vary in size ranging from single-story to multi-story buildings. The proposed Project building, however, is somewhat bulkier than some (but not all) of the other structures in the vicinity and increases the land use density for the area. Project design and architectural treatments would assist in softening the visual impacts of the proposed structure and includes a two-story façade on the eastern side of the structure, at the corner entrance the third through fifth floors are terraced back, and a garden roof on the second floor. The Project's height and bulk are inconsistent with the adjacent structures, and height and setback variances need to be granted along with an adopted Statement of Overriding Considerations.
- 16.12 The commenter addresses alternative locations for the proposed Project. Refer to Chapter 5.0 for Project Alternatives in the Draft EIR. Section 5.2(ii.) for Alternative Development Areas discussed alternate sites/properties considered, site feasibility, and rationale for the Project's current site selection.
- 16.13 The proposed Project attempts to minimize the height and bulk by incorporating specific design elements. The Project uses a two-story façade at the primary corner entrance on the eastern side to reduce the bulk of the building. The third and fifth floors are terraced back and the placement of a garden roof area on the second floor reduces the overall mass of the structure and provides architectural relief. The western end of the building

creates a stepped asymmetrical building form, which relieves the horizontal plane.

16.16 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

16.17 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

The City is in compliance with all public notification requirements regarding the Draft EIR. Additional public notification will be provided as the Project moves forward in the process.



August 21, 2013

Via First Class Mail
And Email to: edemkowica@danapoint.org

Ms. Erica Demkowicz
Senior Planner
Community Development Department
CITY OF DANA POINT
33282 Golden Lantern, Suite 209
Dana Point, California 92629

RE: DOHENY HOTEL PROJECT – Environmental Impact Report Availability
Objections and Concerns raised by adjacent property owner DEL TACO

Dear Ms. Demkowicz:

GALAXY COMMERCIAL HOLDING, LLC, a developer working with MASADA TOWERS COMPANY, is in receipt of the *Notice of Availability* mailed to this office in late July 2013 regarding the prepared Draft Environmental Impact Report (“Draft EIR”) for the proposed DOHENY HOTEL PROJECT, to be located at 34299 Pacific Coast Highway in Dana Point. This company was provided notice because the property immediately adjacent to the proposed DOHENY HOTEL PROJECT, a DEL TACO located at 34289 Pacific Coast Highway in Dana Point, is currently owned and managed through this company, and is also being planned for future development.

As future developer of the immediately adjacent DEL TACO property, I wish to make known several comments, concerns and objections to the Draft EIR. We are currently conducting a review of the Draft EIR and will supplement this letter as necessary. Initial concerns are as follows:

- | | | |
|----|--|------|
| 1. | Concerns as to the height and very close proximity of the proposed hotel; | 17.1 |
| 2. | Concerns as to affect the DOHENY HOTEL PROJECT will have on property values; and | 17.2 |
| 3. | Concerns as to how development and construction projects will affect business. | 17.3 |

The above comments and concerns are forwarded within the required 45 day time frame between July 24, 2013 to September 6, 2013, as requested in the <i>Notice of Availability</i> . It is understood that a Public Hearing will be held at a future date upon completion of the environmental review. GALAXY COMMERCIAL HOLDING, LLC, on behalf of MASADA TOWERS COMPANY, hereby requests special notice of any setting of the Public Hearing as plans are for this company to attend to protect its interests for the DEL TACO proposed development.	17.4
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Sincerely,

GALAXY COMMERCIAL HOLDING, LLC

Raffi Cohen
President

RC:dgf
cc: Matthew Hood (*firm, via email*)

8906 W. Olympic Blvd., Suite 200, Beverly Hills, CA 90211
Tel: 310-273-7233 Fax: 310-273-7239

Response No. 17
Galaxy Commercial Holding, LLC

- 17.1 The zoning designations under the City's 1986 Local Coastal Program (LCP) are Coastal Couplet Commercial (C-CPC) and Coastal Visitor Commercial (C-VC), which allow building heights of 35 feet. Height and setback variances would have to be granted by the City to permit the construction of the proposed Project. A Statement of Overriding Considerations would also need to be adopted by the City, which balances the Project benefits in relation to the environmental impacts. Project design and architectural treatments would assist in softening the visual impacts of the proposed structure and includes a two-story façade on the eastern side of the structure, at the corner entrance the third through fifth floors are terraced back, and a garden roof on the second floor.
- 17.2 This comment does not identify any specific concern with the adequacy of the Draft EIR or any environmental issues. This comment has been duly noted and is presented in this Comments and Responses document for decision makers to evaluate as part of their Project deliberations
- 17.3 This comment does not identify any specific concern with the adequacy of the Draft EIR or any environmental issues. This comment has been duly noted and is presented in this Comments and Responses document for decision makers to evaluate as part of their Project deliberations.
- The City will ensure that access to neighboring businesses would be available during construction of the proposed hotel. During construction, there would be short-term construction impacts such as dust, noise, and vibration; however, these impacts would be mitigated through the implementation of mitigation measures identified in the EIR to a less than significant level.
- 17.4 The City will update and inform Galaxy Commercial Holding, LLC on the proposed Project and notify the corporation of any public information that becomes available. The City will hold a public hearing at a future date upon completion of the environmental review process to consider the merits of the project. Another notice will be sent out when the date and time of the public hearing has been established. Those parties that have submitted comments on the Draft EIR will be notified regarding the public hearing. The public is welcome to attend and present comments in regards to the proposed Project. Additional information may also be available on the City's website.

Comment Letter No. 18

ERICA DEMKOWICZ

From: William Hamilton <wrhami@icloud.com>
Sent: Friday, August 23, 2013 8:21 PM
To: ERICA DEMKOWICZ
Cc: wrhami@cox.net >
Subject: Doheny Hotel

We built our home and rental units in Dana Point because it captured the ambience of a small, friendly, high quality resort. Now it is in danger of becoming more like Marina Del Rey or Miami Beach with high rise hotels proposed at the harbor entrance. We definitely oppose this proposal and hope the city will join us in maintaining the vision we and many of our fellow citizens have for Dana Point. Thank you, Helen and William [Bill] Hamilton, 35161 Beach Rd. Capistrano Beach[Dana Point] Ca.

18.1

Response No. 18
William Hamilton

- 18.1 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

ERICA DEMKOWICZ

From: Mary Ann Comes <maryanncomes@gmail.com>
Sent: Sunday, August 25, 2013 2:19 PM
To: ERICA DEMKOWICZ
Subject: The EIR for Doheny Hotel

I am a resident of San Clemente. I use the Dana Point Harbor almost on a daily basis. After looking at the draft EIR, I must say this whole project is a disaster waiting to happen. First off, it is way too large. It looks like a hospital. Traffic going into the harbor will be very difficult. Right now, the harbor is very popular for all of Orange County. With a huge hotel feeding into the entrance of the harbor will make it very difficult for the community. If they must place a hotel on this 1.5 acres, it should be at least half the size as projected. At one time Dana Point had a quaint hotel on the the south side of the street. The owner let this hotel decay which gave him the OK for "demolition of neglect". Now there is a vacant lot with a vendor selling strawberries. This seems a larger parcel that would hold a hotel than what is proposed. If this developer is given the OK to build, he should have restrictions on the architecture. The building should be in the style that is prevalent in the area, not a modern building.

19.1
19.2
19.3
19.4
19.5

Thank you,

Mary Ann Comes
2145 Via Teca
San Clemente, CA 92673
949 498-0116

Response No. 19
Mary Ann Comes

- 19.1 & 19.3 The Dana Point Design Guidelines state that buildings should be complementary in form and bulk with the adjacent structures of the neighborhood. Adjacent developments to the proposed Project vary in size ranging from single-story to multi-story buildings. The proposed Project's structural design is larger in scale than some of the other structures in the vicinity and increases the land use density for the area. Project design and architectural treatments would assist in softening the visual impacts of the proposed structure and includes a two-story façade on the eastern side of the structure, at the corner entrance the third through fifth floors are terraced back, and a garden roof on the second floor. The Projects height and bulk are inconsistent with the adjacent structures and height and setback variances need to be granted along with an adopted Statement of Overriding Considerations.
- 19.2 Chapter 3.12 (Transportation and Traffic) Section 3.12.5 (Project Impacts) of the Draft EIR addressed topics related to traffic such as roadway segment volumes, intersection level of service, and cumulative impacts. Section 3.12.7 (Project Design Features) of the Draft EIR presented intersection design enhancements that would improve the roadway operation's level of service (LOS), reduce traffic impacts, and ensure that traffic flow will not be significantly impacted by the Project.
- 19.4 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.
- 19.5 According to the Dana Point Specific Plan, new developments within the zoned C-CPC area must conform to the New England design theme. The location of the proposed Project is not included within the boundaries of the New England Design Theme Area portrayed in Exhibit 28 of the Dana Pont Specific Plan. Although the modern building would be a counterpoint to the New England themed surrounding community, the design theme is not applicable to the proposed Project.

Comment Letter No. 20

ERICA DEMKOWICZ

From: Jennifer Maher <jennifersmarc@gmail.com>
Sent: Sunday, August 25, 2013 8:18 AM
To: ERICA DEMKOWICZ
Subject: Proposed Doheny Hotel - Great Ideal

I have lived in Dana Point for 6 years and Orange County my entire life. This corner has always been an eyesore.

What better way to improve this corner than a nice hotel which creates many jobs. Dana Point is a strong tourist area, and that's what brings in the tax dollars.

I vote a strong YES to this improvement!

Thank you.
Jennifer Maher

20.1

Response No. 20
Jennifer Maher

- 20.1 Comment addresses the support of the proposed Project. The views presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft DEIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

Comment Letter No. 21

ERICA DEMKOWICZ

From: Blake Davis <Blake.Davis@hudsonhousing.com>
Sent: Monday, August 26, 2013 12:44 PM
To: ERICA DEMKOWICZ
Subject: I'm for the Doheny Hotel!

I'm in favor of development of the proposed Doheny Hotel, as long as it's done with sound planning, design, and construction considerations. The corner where it would be located is currently a terrible eyesore and desperately needs new development. The abandoned liquor store is just a big trash pit. Hotels and restaurants seem to be the only types of businesses that work along PCH, so there's no reason to wait for a different or better idea. The stretch of PCH near Malaga where my family and I live is a retail/commercial graveyard. It's very depressing. We need new life in this part of town.

| 21.1
| 21.2
| 21.3

Thanks you,
Blake Davis

Blake Davis
34082 Malaga Dr.
Dana Point, CA 92629
Cell 216-496-1106

Response No. 21
Blake Davis

21.1, 21.2, & 21.3

Comment addresses the support of the proposed Project. The views presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft DEIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

Comment Letter No. 22

RECEIVED
CITY OF DANA POINT
COMMUNITY DEVELOPMENT DEPT

2013 AUG 29 A 7 48

To: City of Dana Point Councils members
From: Dennis Godlewski (The Village at Dana Point resident for 22 years)
Re: Proposed Doheny Hotel
Date: Aug 26th 2013

Dear Council Members,

It's with the most humble request that I write to all of you, to request a non-compliance and rejection to the proposed 258 room hotel.

At first, I had to "push back" at a few adverbs regarding this project, incorporated in attached letter from our association... "Monstrosity" seemed a bit harsh; however, please take serious consideration to the last bullet point in the letter regarding Aesthetics.

If one views the Ritz, and its low rise structure, world class service and amenities. Then view the Marriott, it too has a low rise structure, and the "Del Coronado" style roof and magnificent grounds. Then view this proposed "Holiday Inn" looking structure ... it really is, and would be a terrible mistake, and to think it's being considered at our most featured location, the gateway to our harbor... it's unimaginable that the proposed hotel would even be considered, as, out the gate it's in violation of our height restrictions... This is NOT a must have Montage... this has no character, a low cost looking, also-ran.

22.1

Most important, you all are the keepers of our environment... if it violates the height restrictions, then it's not the right design. This is a "maximize space" and "maximize profits" structure...at who's cost?

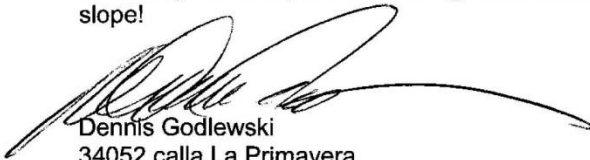
22.2

I must also agree that the other bullet points in the letter of traffic, noise and pollution, these are valid points. Please heed the report commissioned from the Ultra Systems, "significant unavoidable environment effects" in aesthetics, height and expanse...we paid for the report, perhaps we should be wise to follow its findings.

22.3

Please let's do the right thing, if Michael Draz, chief of Beverly Hills Hospitality Group would like to invest in our great City, have them first honor our restrictions and design to them, not out of the gate be asking for variances....it's a slippery slope!

22.4



Dennis Godlewski
34052 calla La Primavera
Dana Point, CA 92629

Response No. 22
Dennis Godlewski

- 22.1 & 22.2 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft DEIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.
- The zoning designations under the City’s 1986 Local Coastal Program (LCP) are Coastal Couplet Commercial (C-CPC) and Coastal Visitor Commercial (C-VC), which allow building heights of 35 feet. Height and setback variances would have to be granted by the City to permit the construction of the proposed Project. A Statement of Overriding Considerations would also need to be adopted by the City, which balances the Project benefits in relation to the environmental impacts.
- The Project attempts to minimize the height and bulk by incorporating specific design elements. The Project uses a two-story façade at the primary corner entrance on the eastern side to reduce the bulk of the building. The third and fifth floors are terraced back and the placement of a garden roof area on the second floor reduces the overall mass of the structure and provides architectural relief. The western end of the building creates a stepped asymmetrical building form, which relieves the horizontal plane.
- 22.3 Because significant environmental impacts were found regarding the aesthetics in the Draft EIR, the City would have to adopt a Statement of Overriding Considerations to approve the Project. This Statement balances the economic, legal, social, technological, and any other benefits of a proposed Project against its unavoidable environmental risks when determining whether to approve the Project. If these benefits outweigh the unavoidable environmental impacts, these adverse effects may be considered acceptable.
- 22.4 Comment addresses the support of the proposed Project. The views presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft DEIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

ERICA DEMKOWICZ

From: Kathy Jakary <katjak@sbcglobal.net>
Sent: Tuesday, August 27, 2013 5:25 PM
To: ERICA DEMKOWICZ
Cc: Dan Jakary; crystalcalifornia@gmail.com
Subject: environmental impact report for Doheny hotel proposal

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon.

I read the article in the Dana Point news regarding the ridiculous proposal to build a **5 story** hotel on the small strip between PCH and Harbor Drive. The small area that is currently Jack in the Box and the Dana Point Harbor Inn.

23.1

It is interesting that the picture only shows the hotel and not the surrounding area, as there is no way it is appropriate for the small area designated. We have such a lovely community here. Small town feel with friendly people, and those of us that live here would like to keep it that way. I enjoy walking my dog in that area. We have enough hotels in this town. PLEASE don't do this!! Parking and traffic congestion would be a nightmare and it would entirely change the look of our town.

23.2

23.3

Thank you,
Kathy Jakary
24936 Summerwind
Dana Point, Ca. 92629
Kathy Jakary R.N., B.B.A., MEP-C
Certified Medical Esthetic Practitioner
Certified Laser Trainer
949-232-5003

Response No. 23
Kathy Jakary

- 23.1 Please refer to Section 3.1.3 (View Simulations) of the Draft EIR to view photo simulations of the proposed Project site and the surrounding area.
- 23.2 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft DEIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.
- 23.3 Based on feedback from the community during the 45-day review period, the Study Session held on November 18, 2013, and the Public Hearings held on December 9, 2013 and February 10, 2014, the applicant has decided to pursue a Modified Option “B”. This new alternative is a modification of Alternative 4 - Option “B” Alternative (Section 5.7.1) in the Draft EIR. Modified Option “B” would be comprised of 375 on-site parking spaces (20 self-parking and 355 valet parking spaces). The hotel operator would possess greater control over vehicle circulation since overflow parking would be available for vehicles directly on-site. Guests and visitors would not be redirected back onto road arterials to find overflow parking. The Project would include access to the site from Dana Point Harbor Drive through an expanded entrance/driveway located on the 0.76-acre Lantern Bay Park land.
- Furthermore, Chapter 3.12 (Transportation and Traffic) Section 3.12.5 (Project Impacts) of the Draft EIR addressed topics related to traffic such as roadway segment volumes, intersection level of service, and cumulative impacts. Section 3.12.7 (Project Design Features) of the Draft EIR presented intersection design enhancements that would improve the roadway operation’s level of service (LOS), reduce traffic impacts, and ensure that traffic flow will not be significantly impacted by the Project. Under Modified Option “B”, Project Design Features would still apply to the Project’s implementation.

Comment Letter No. 24

ERICA DEMKOWICZ

From: saad mahmood <saad62mahmood@yahoo.com>
Sent: Tuesday, August 27, 2013 7:25 PM
To: ERICA DEMKOWICZ; kua62@gmail.com; saad mahmood
Subject: Issue with Doheny Hotel Project

Follow Up Flag: Follow up
Flag Status: Completed

Hello Erica,

My name is Saad Mahmood and I am the owner of the house located at 25142 Oceanknoll. I would like to state that I oppose the construction of this hotel project on the bases that it will damage the aesthetic appeal as well as cause an influx of traffic congestion. I have seen pictures regarding how the view would be affected from Crystal Cove park. My opinion is that they where taken from a place that has an elevation relatively higher than in other places in the park. I believe a more accurate approach would be to take a picture from an average elevation. Furthermore, the hotel would result in a greater influx of people around my house, which would increase the traffic, and greatly inconvenience the residence in this community. Additionally, the property value of my house would be negatively affected if the view is obstructed. Finally, from my understanding, the hotel will reach 87' high and the code allows for a maximum of 35', so this regulation would have to be forfeited in order for the hotel to be approved by the city. Such a precedent would then be set for other business to follow. For these reasons, I would like to make a claim against this construction. Please respond as a confirmation that this email was received.

24.1
24.2
24.3
24.4
24.5

Thank you,
Saad Mahmood
714-342-2261

Response No. 24
Saad Mahmood

- 24.1 The Project attempts to minimize the height and bulk by incorporating specific design elements. The Project uses a two-story façade at the primary corner entrance on the eastern side to reduce the bulk of the building. The third and fifth floors are terraced back and the placement of a garden roof area on the second floor reduces the overall mass of the structure and provides architectural relief. The western end of the Project wraps behind and creates a stepped asymmetrical building form, which avoids a continuous wall plane and relieves the horizontal plane. Please refer to Responses 24.3 and 24.5 below regarding height and traffic.
- 24.2 The selected viewpoints are public views and were selected due to the correspondence with areas and scenic corridors identified within the Local Coastal Program of the Dana Point Specific Plan. The Draft EIR includes a map of the locations of the key viewpoint simulations. Key viewpoints include Crystal Cove Park, the public trail adjacent to The Village at Dana Point HOA, at grade from Dana Point Harbor Drive, at grade from the intersection of Del Obispo and Pacific Coast Highway in proximity to the pedestrian bridge, views from Sea View Park, and the cul-de-sac of Via Elevado. The vantage point from Viewpoint 2 (**Figure 3.1-6** of the Draft EIR), from Crystal Cove Park, was representative of extended views of the PCH corridor and existing visual resources. Viewpoints from an average or lower elevation may not have captured all available vistas and scenic resources. Viewpoint 2 was utilized in order to provide a fair and comparative perspective with regard to the Project's impact or obstruction of visual and scenic resources.
- 24.3 Chapter 3.12 (Transportation and Traffic) Section 3.12.5 (Project Impacts) of the Draft EIR addressed topics related to traffic such as roadway segment volumes, intersection level of service, and cumulative impacts. Section 3.12.7 (Project Design Features) of the Draft EIR presented intersection design enhancements that would improve the roadway operation's level of service (LOS), reduce traffic impacts, and ensure that traffic flow will not be significantly impacted by the Project.
- 24.4 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.
- 24.5 For the Project to proceed, the City would need to grant height and setback variances for the proposed Project as well as adopt a Statement of Overriding Considerations. The variances apply only to the proposed Project and would not be applicable to any subsequent development within the area. A Statement of Overriding Considerations reviews all benefits of a proposed Project and whether those benefits outweigh the unavoidable

environmental impacts. The granting of a height or setback variance shall comply with City of Dana Point's City Code Section 9.67.050 (Basis for Approval, Conditional Approval, or Denial of a Variance). City Code Section 9.67.050(4) states "...the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints." Therefore, it is anticipated that the proposed Project would not create a dangerous precedent for future development as the zoning remains unchanged and benefits of individual future projects would be reviewed on a case-by-case basis.

Comment Letter No. 25

ERICA DEMKOWICZ

From: Lin Yong <slinyong@cox.net>
Sent: Tuesday, September 03, 2013 9:44 AM
To: ERICA DEMKOWICZ
Cc: slinyong@cox.net
Subject: Doheny Hotel Project Proposal -Response

Dear Ms. Demkowicz,

The Doheny Hotel Proposal to build a two story hotel will wreck havoc to that the traffic junction, let alone trying for 5 story hotel which the Owner insists has to happen to make this project financially feasible. This will of course provide the 258 rooms applied for. The hotel as proposed i.e. 5 story will be a tall structure, most likely exceeding the 35 feet height limitation for the city. This tall erect structure sitting on a cramped 1.5 acreage, will be the welcoming mat to the tourists/visitors to Dana Point. No amount of foliage to camouflage and mitigate this tall structure will have any impact. The 1.5 acreage is just too small for a financially feasible hotel project. Do not try to fit a ROUND peg into a SQUARE hole! This project should be situated in an appropriate acreage location. If not, the project needs to be scaled back considerably, a financial NO NO to the owner.

25.1

25.2

25.3

This 1.5 acre lot sits on the southeast corner of PCH/Del Obispo. I traverse through this intersection daily. The traffic is already horrendous, with cars running the RED along PCH to avoid the LONG WAIT as this intersection. Adding 258 room hotel with ingress and egress along Harbor Drive, right close to this intersection, will certainly add to wait times, as cars will block intersections, impeding right of way passage. The often quoted argument is that this only occurs in the Summer months, but summer is long in Dana Point with its nice, mild weather that attract year round visitors/tourists.

25.4

In addition, the old Makar Property, sitting vacant on the northeast of PCH/Del Obispo diagonally across from this proposed hotel, is approved by the city for over 200 condo units, which also had a Traffic Impact Study, that stated the traffic will be manageable. I had sat in on the Makar Property discussions/meetings many times including listening to the Traffic Study possible outcomes. One of the scenarios even claimed that the traffic flow will be IMPROVED! Studies are only as good as the ASSUMPTIONS made and the GIGO (garbage in garbage out) effect needs to be recognized by common sense. The traffic generated by TWO major projects will, even without a traffic study, create a TRAFFIC FIASCO. We do not want the type of situation where traffic entering into a city, is greeted by nothing but CARS, CARS, sitting in lines waiting to move and most of all at the "Welcome to the city of Dana Point" landmark Bridge entrance.

25.5

Doheny Hotel project includes a rooftop pool and entertainment center activities. The lights and sounds reverberating into Residences at the hilltop and adjacent accommodations will create an intolerable noise situation.

25.6

In summary, the non aesthetics presented by this project at a key entrance to the city, the size of the project on an inadequate landmass, horrendous traffic issues at a busy major entrance intersection to the city, and the potential noise/lights infringement on the immediate neighborhood should make this a Dead On Arrival project. The EIS confirms many of the points raised here.

25.7

Thank you for your attention.

S. Yong/A. Yong
 34052 Cambridge Road
 Dana Point, Ca 92629
 949.248.5125

Response No. 25
Lin Yong

- 25.1 Refer to Response 25.4 for the comment related to traffic and Response 25.3 for topics related to building height.
- 25.2 Visual impacts from the Project are not mitigated through landscaping but through the design of the building. Design features include the use of the two-story facade at the primary corner entrance on the eastern side to reduce the bulk of the building, the third through fifth floors at the corner entrance are terraced back, and a garden roof on the second floor to reduce the overall mass of the structure and provide architectural relief.
- 25.3 Refer to Response 1.1 for Modified Option “B” Project information. The Dana Point Design Guidelines state that buildings should be complementary in form and bulk with the adjacent structures of the neighborhood. Adjacent developments to the proposed Project vary in size ranging from single-story to multi-story buildings. The proposed Project’s structural design is larger in scale than some of the other structures in the vicinity and increases the land use density for the area. Project design and architectural treatments would assist in softening the visual impacts of the proposed structure and includes a two-story facade on the eastern side of the structure, at the corner entrance the third through fifth floors are terraced back, and a garden roof on the second floor. The Projects height and bulk are inconsistent with the adjacent structures and height and setback variances need to be granted along with an adopted Statement of Overriding Considerations.
- 25.4 The comment addresses current and future (with Project implementation) traffic conditions at the intersection of Del Obispo Street/Dana Point Harbor Drive at Pacific Coast Highway (PCH). Chapter 3.12 (Transportation and Traffic) of the Draft EIR addressed traffic and circulation. Section 3.12.5 (Project Impacts) accounted for roadway segment’s volume with average daily traffic (ADT) and intersection’s level of service (LOS) for Year 2013 and Year 2025 with or without the Project’s implementation. For Year 2013, ADT volumes (refer to **Table 3.12-5** and **Table 3.12-6**) would increase and LOS rating (refer to **Table 3.12-7** and **Table 3.12-8**) would remain within acceptable conditions for this intersection during peak season with or without Project implementation.
- By Year 2025, ADT volumes (refer to **Table 3.12-10** and **Table 3.12-11**) would continue increasing for this intersection during peak season with or without Project implementation. The intersection’s LOS rating (refer to **Table 3.12-12** and **Table 3.12-13**) would remain within acceptable conditions for this intersection during peak season with Project implementation; however; without Project implementation its rating would be reduced to LOS D during peak season. A LOS D condition is considered unacceptable by the City. With Project implementation, this intersection would operate at LOS C during peak season with the inclusion of Project Design Features (PDF). Section 3.12.7 of the Draft EIR presented PDF 3.12-1

through PDF 3.12-8 which would ensure acceptable roadway segment volumes with average daily traffic (ADT) and intersections at LOS C or higher.

25.5

Based on feedback from the community during the 45-day review period, the Study Session held on November 18, 2013, and the Public Hearings held on December 9, 2013 and February 10, 2014, the applicant has decided to pursue a Modified Option “B”. This new alternative is a modification of Alternative 4 - Option “B” Alternative (Section 5.7.1) in the Draft EIR. Modified Option “B” would be comprised of 375 on-site parking spaces (20 self-parking and 355 valet parking spaces). The hotel operator would possess greater control over vehicle circulation since overflow parking would be available for vehicles directly on-site. Guests and visitors would not be redirected back onto road arterials to find overflow parking. The Project would include access to the site from Dana Point Harbor Drive through an expanded entrance/driveway located on the 0.76-acre Lantern Bay Park land.

The 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 applies. According to Section 7-9-145.6, 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. The Modified Option “B” would be comprised of 250 guest rooms with 375 on-site parking spaces. Therefore, all guests and visitors of the proposed hotel property would be accommodated with a sufficient amount of on-site parking.

Although traffic studies are based upon assumptions, the improvement of areas of traffic flow with project design features is possible. Design features include modification to current roadways and intersections to improve traffic flow around the surrounding project area and can increase roadway capacity higher than the expected increase in average daily traffic (ADT). Assumptions used within the Traffic Impact Analysis (TIA, **Appendix I** of the Draft EIR) are through Project trip generation. Expected traffic that would be generated through the implementation of the proposed Project is determined by multiplying the appropriate trip generation rate by the quantity of land use. The trip generation rate is determined by the Institute of Transportation Engineers.

The Makar Project was included in the traffic analysis as GPA07-01/ZTA07-02/ZC07-01/LCPA07-013. Data from the Makar Project study have already been approved and were provided by the City of Dana Point.

25.6

This comment for noise-related topics from traffic and outdoor/exterior activities was addressed in Section 3.10.6 (Project Impacts) within Chapter 3.10 (Noise) of the Draft EIR. Refer to Subsection 3.10.6(ii.) for Long-Term Noise Impacts (Operational), Subsection 3.10.6(a.) for On-Site Noise Impacts, and Subsection 3.10.6(c.) for Roadway Noise Impacts. The rooftop bar and outdoor activities are mitigated with measures in Section 3.10.8

(Mitigation Measures) of the Draft EIR. Specifically, refer to mitigation measures MM 3.10-5 and MM 3.10-6.

A Community Noise Equivalent Level (or CNEL) is a common noise measurement system used for the valuation of loudness. Without the Project's implementation, the current CNEL level from exterior noise in the vicinity's noise contours are above the acceptable limit as stipulated by the City's Noise Element. With implementation of the Project, the CNEL levels would still remain incompatible; however, noise insulation features have been included in the design of the Project. Noise insulation features were referenced as Project Design Features (PDF) which would mitigate and reduce exposures to excessive noise levels to a less than significant impact. Project Design Features (PDF 3.10-1 through PDF 3.10-6) for Noise impacts were presented in Chapter 3.10 (Noise) Section 3.10.9 (Project Design Features) of the Draft EIR.

Furthermore, the Project's noise insulation features would prevent interior sound levels from protruding outdoors which may contribute to and enhance exterior noise levels. Therefore, noise insulation features are safeguards to prevent contributions to exterior noises such as echoes from adversely affecting neighboring properties. Additionally, the Project's design for noise insulation features consist of acoustical reductions (e.g. soundproof glass), dense building materials, air gaps between exterior and interior panels, sound-absorbent interior materials, central heating/cooling, and compressible neoprene weather-stripping.

Rooftop Bar and Exterior/Outdoor Activities

With regard to outdoor activities, when rooftop events may occur, the event must comply with the City's Noise Ordinance and consider noise attenuation barriers for the rooftop bar (MM 3.10-5). In scenarios where events may exceed the City's Noise Ordinance, a permit or license must be granted and permitted by the City (MM 3.10-6).

Applicable permits or licenses are dependent on circumstantial factors, such as but not limited to the events frequency in occurrence or the amount of attendees, that ensue during outdoor gatherings. A pending Conditional Use Permit (CUP09-0009) for hotel and restaurant uses (includes a rooftop bar and parking), if approved, is generally subject to a number of pertinent conditions of approval.

The rooftop bar area would need illumination during evening operating hours and there is potential for light spillage into neighboring properties. An Exterior Lighting Plan is required prior to the issuance of a building permit to demonstrate that exterior lighting is designed and located so direct rays of light are confined to the property.

25.7

Please refer to Responses 25.2 through 25.5 above.

ERICA DEMKOWICZ

From: Diane Wheatley <dianeofgreengables@yahoo.com>
Sent: Wednesday, September 04, 2013 4:55 PM
To: ERICA DEMKOWICZ
Subject: Doheny Hotel

Hi Erica,

We would like to express our disappointment that the Doheny Hotel is up for consideration again. When we moved here in 2004 it was a dream come true on so many levels. It only took us 30 plus years of hard work. The mere idea of such a huge hotel crammed into such a small area sends a signal that someone doesn't really care about our city. Of course, the only way to make the hotel profitable as they wish is to go up because they don't realistically have enough acreage to spread it out.

26.1

The intersection is already beautified by the bridge so it is not necessary for them to compete with it. Yes, we would like further beautification but only on a single or double level not what they are proposing to get away with. We are totally against underground parking as well.

26.2

We do not need this type of hotel adding to the pollution of the air or water or traffic congestion.

26.3

26.4

Thank you,
Diane and Mike Wheatley
25292 Dartmouth Lane
Dana Point, CA
9494291255

Response No. 26
Diane and Mike Wheatley

- 26.1 The Dana Point Design Guidelines state that buildings should be complementary in form and bulk with the adjacent structures of the neighborhood. Adjacent developments to the proposed Project vary in size ranging from single-story to multi-story buildings. The proposed Project's structural design is larger in scale than some of the other structures in the vicinity and increases the land use density for the area. Project design and architectural treatments would assist in softening the visual impacts of the proposed structure and includes a two-story facade on the eastern side of the structure, at the corner entrance the third through fifth floors are terraced back, and a garden roof on the second floor. The Projects height and bulk are inconsistent with the adjacent structures and height and setback variances need to be granted along with an adopted Statement of Overriding Considerations.
- 26.2 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.
- Please refer to Response 26.1 above in regards to height or Response 1.1 for more Project details on Modified Option "B".
- 26.3 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.
- 26.4 The comment addresses air pollution, water pollution, and traffic congestion. These topics were fully evaluated within Chapter 3.0 (Environmental Analysis) of the Draft EIR.
- Chapter 3.2 (Air Quality) addressed topics related to air pollution. The project's air quality impacts from construction and operations would be less than significant after Mitigation Measures (Section 3.2.8) are incorporated during the Project's construction phase.
- Chapter 3.8 (Hydrology and Water Quality) addressed topics related to water pollution. Implementation of the Mitigation Measures (Section 3.8.6) MM 3.8-1 through MM 3.8-3 (includes 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.

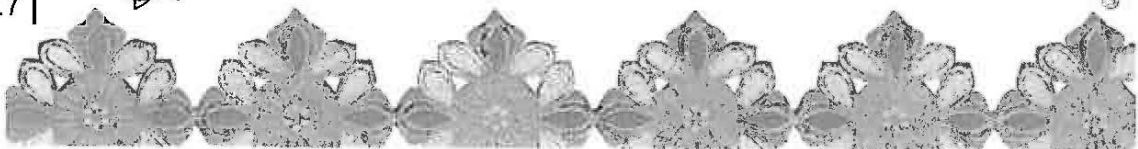
Chapter 3.12 (Transportation and Traffic) addressed topics related to traffic congestion. The project applicant would be required to implement Project Design Features (Section 3.12.7) PDF 3.12-1 through PDF 3.12-8. Implementation of these Project Design Features would reduce impacts and cumulative impacts 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.

Comment Letter No. 27

4/14/13

To Ms. Erica Demkow 1031
Re: the Doheny Hotel Project
Project Location: 25325 Dana Point
Harbor Dr. and 34297 and 34299
Pacific Coast Highway

27.1 Re proposed project, I am
 27.2 against it because it is in
 27.3 the wrong area, you would have
 to make underground parking
 for all those cars, it would
 27.4 impact traffic on Pacific Coast
 Highway, it would be any
 27.5 way. I live near there on 25432
 Sea Bluffs Dr. and use
 Del Abispo St. to get to
 27.6 harbor. We don't need another
 hotel-period. It's also
 27.7 in the worst place in area,
 I thought Dana Point wanted
 to keep the area from over-
 building. They could have a
 small restaurant there, not
 a huge hotel. The charm of
 Dana Point is the harbor



27.7

area and this would
spoil it. You don't want
Dana Point to be like
all the other cities in
Orange Co. I used to live
on the peninsula near San
Francisco in Belmont and
we kept developers from
building on Sugar Loaf
mt. in San Mateo Point
I know Dana Point
needs more revenue for

27.8

the city as state
takes away money
from each town, so
you need money coming
in. Don't have a huge
hotel spoil the area,
a restaurant would be
much better.

27.9

Regards,
Gwen Layritz



Gwen Layritz
25432 Sea Bluffs Dr. #103
Dana Point, CA 92629

RECEIVED
SEP 05 2013
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Response No. 27
Gwen Layritz

27.1, 27.5, & 27.6 The commenter addresses alternative locations for the proposed Project. Refer to Chapter 5.0 for Project Alternatives in the Draft EIR. Section 5.2(ii.) for Alternative Development Areas discussed alternate sites/properties considered, site feasibility, and rationale for the Project's current site selection.

27.2 Based on feedback from the community during the 45-day review period, the Study Session held on November 18, 2013, and the Public Hearings held on December 9, 2013 and February 10, 2014, the applicant has decided to pursue a Modified Option "B". This new alternative is a modification of Alternative 4 - Option "B" Alternative (Section 5.7.1) in the Draft EIR. Modified Option "B" would be comprised of 375 on-site parking spaces (20 self-parking and 355 valet parking spaces). The hotel operator would possess greater control over vehicle circulation since overflow parking would be available for vehicles directly on-site. Guests and visitors would not be redirected back onto road arterials to find overflow parking. The Project would include access to the site from Dana Point Harbor Drive through an expanded entrance/driveway located on the 0.76-acre Lantern Bay Park land.

The 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 applies. According to Section 7-9-145.6, 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. The Modified Option "B" would be comprised of 250 guest rooms with 375 on-site parking spaces. Therefore, all guests and visitors of the proposed hotel property would be accommodated with a sufficient amount of on-site parking.

Chapter 3.12 (Transportation and Traffic) Section 3.12.5 (Project Impacts) discussed topics related to traffic and Section 3.12.7 (Project Design Features) of the Draft EIR presented Project Design Features (PDF) that rectify traffic-related issues by incorporating intersection design enhancements. PDF 3.12-1 through PDF 3.12-8 would reduce traffic impacts and ensure that traffic flow will not be significantly impacted by the Project. The following intersections were addressed in the Traffic Impact Analysis (TIA)/Traffic Study (**Appendix I** of the Draft EIR):

- Del Obispo Street/Dana Point Harbor Drive at PCH
- Del Obispo Street/Dana Point Harbor Drive at Project Driveway
- Del Obispo Street/Dana Point Harbor Drive at Park Lantern
- I-5 southbound ramps/PCH
- I-5 northbound ramps/PCH

The Traffic Study concluded that development of the proposed Project would increase the Average Daily Traffic (ADT) volumes of roadway segments and key intersections in the vicinity. The increase in ADT volume may cause potentially significant impacts with heavier traffic conditions along these roadway segments and at key intersections during morning, midday and evening hours. Refer to **Table 3.12-1** through **Table 3.12-13** of the Draft EIR for data related to average daily traffic and level of service.

- 27.3 The Dana Point Design Guidelines state that buildings should be complementary in form and bulk with the adjacent structures of the neighborhood. Adjacent developments to the proposed Project vary in size ranging from single-story to multi-story buildings. The proposed Project's structural design is larger in scale than some of the other structures in the vicinity and increases the land use density for the area. Project design and architectural treatments would assist in softening the visual impacts of the proposed structure and includes a two-story facade on the eastern side of the structure, at the corner entrance the third through fifth floors are terraced back, and a garden roof on the second floor. The Projects height and bulk are inconsistent with the adjacent structures and height and setback variances need to be granted along with an adopted Statement of Overriding Considerations.
- 27.4 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.
- 27.7 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.
- 27.8 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.
- 27.9 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the Project's environmental record.

ERICA DEMKOWICZ

From: charolette behling <bcbehling@hotmail.com>
Sent: Thursday, September 05, 2013 2:24 PM
To: ERICA DEMKOWICZ
Subject: Doheny Hotel

Dear Erica,

I am a property owner in Dana point, I own two houses that will be looking directly at the proposed project. I am not abjectly opposed to the project but I do have some concerns.

My concern is the proposed height will block my ocean view. The ocean view was a concern when my houses were being designed and I had to limit my height and also make several other concessions so that my neighbors ocean view was not blocked. I am still being monitored on the height of my plants by The City of Dana Point code enforcement to prevent my neighbors view from being blocked. 28.1

I simply ask that before any decision is made regarding the project that the property is staked so we can clearly see how our views will be affected. 28.2

It is also my concern that if you allow the height restriction to be exceeded on this project it would pave the way for other projects to follow suit. 28.3

**Sincerely,
Bob and Charolette Behling**

Sent from my iPhone

Response No. 28
Bob and Charolette Behling

- 28.1 There were seven visual simulations included in the Aesthetics section of the Draft EIR showing before and after views surrounding the Project site. 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. Viewpoint 5 is a view looking south at the Project site from a public trail on a bluff located north of the site. Only limited portions of the northern façade of the hotel are visible from this perspective. Despite the Project 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.
- 28.2 As part of the variance request, the property would require staking prior to the public hearing. The staking would illustrate the overall height of the different elevations of the proposed Project.
- 28.3 For the Project to proceed, the City would need to grant height and setback variances for the proposed Project as well as adopt a Statement of Overriding Considerations. The variances apply only to the proposed Project and would not be applicable to any subsequent development within the area. A Statement of Overriding Considerations reviews all benefits of a proposed Project and whether those benefits outweigh the unavoidable environmental impacts. The granting of a height or setback variance shall comply with City of Dana Point's City Code Section 9.67.050 (Basis for Approval, Conditional Approval, or Denial of a Variance). City Code Section 9.67.050(4) states "...the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints." Therefore, it is anticipated that the proposed Project would not create a dangerous precedent for future development as the zoning remains unchanged and benefits of individual future projects would be reviewed on a case-by-case basis.

Comment Letter No. 29

ERICA DEMKOWICZ

From: david costa <deanvx@hotmail.com>
Sent: Thursday, September 05, 2013 1:25 PM
To: ERICA DEMKOWICZ
Subject: NO HOTEL

no building hotel.
it will ruin our harbor. | 29.1

Response No. 29
David Costa

29.1

The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

Comment Letter No. 30

9-5-13

RECEIVED

SEP 06 2013

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

To: Erica Demkowicz,

Please don't let them ruin
Dana Point Harbor by putting in a
large Hotel at the corner of Doheny.
We have lived here for almost 30 years &
enjoy the Harbor & surrounding areas
immensely! This would take away from
the peace & serenity the area offers.

30.1

* Not a good place for a large Hotel's (at all)

Thank You!

Dana Point Residents

Patricia & Patrick Costa

Response No. 30
Patricia and Patrick Costa

30.1

The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

ERICA DEMKOWICZ

From: tourtraining@gmail.com on behalf of Cherie Anderson <cherie@tourtraining.com>
Sent: Friday, September 06, 2013 3:56 PM
To: ERICA DEMKOWICZ
Subject: Protest Hotel

Please do NOT build a hotel on the corner of Doheny and Pacific Coast Highway! We do not need another hotel taking away from the natural beauty and confidence of the area. | 31.1

Cherie Anderson
Long Time Orange County Resident

Cherie Anderson
Professional Tour Management Training
949 830 8603
www.tourtraining.com
cherie@tourtraining.com
<http://www.tourtraining.tv>
pinterest.com/tourtraining1
www.facebook.com/tourtraining
www.facebook.com/protours
<http://tourtraining.blogspot.com/>
<https://twitter.com/tourtraining1>

We're successful because you're successful.

Response No. 31
Cherie Anderson

- 31.1 The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

Comment Letter No. 32

ERICA DEMKOWICZ

From: Cherie Anderson <tourtraining@aol.com>
Sent: Friday, September 06, 2013 3:57 PM
To: ERICA DEMKOWICZ
Subject: Hotel

Please do NOT build a hotel on the corner of Doheny and PCH. We love our harbor as it is!

| 32.1

Patricia Costa
Dana Point Resident
949 495 0618

Response No. 32
Patricia Costa

32.1

The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

Comment Letter No. 33

Erica Demkowicz
Senior Planner for the City of Dana Point
Development Department
33282 Golden Lantern
Suite 209
Dana Point, CA 92629
Email: edemkowicz@danapoint.org



Erica -

I have become aware of a firm by the name of Beverly Hills Hospitality Group has submitted plans to the City of Dana Point to build a 5-story, 258 room hotel at the corner of Del Obispo (Dana Point Harbor Drive) and Pacific Coast Highway.

I'm sure many residents have brought to your attention thier objections due to noise pollution, increase traffic, floor zone issues, etc. I'm writing you to ask you to stop this from moving forward to protect this sacred surf town. Laguna Beach and Newport Beach have been destroyed. Dana Point is about family and most importantly community. At what price is our city willing to dance with the devil. I understand business and revenue generation. Honestly the loss on this decision is greater than the gain. I appreciate you time and efforts in preserving our fabulous city.

| 33.1

| 33.2

All my best -

Heaven Sankovich

949-285-7466

Response No. 33
Heaven Sankovich

33.1

The comment for traffic was addressed in Chapter 3.12 (Transportation and Traffic) Section 3.12.5 (Project Impacts) of the Draft EIR. Noise-related comments from traffic and outdoor/exterior activities were addressed in Chapter 3.10 (Noise) Section 3.10.6 (Project Impacts) within Chapter 3.10 (Noise) of the Draft EIR. Refer to Subsection 3.10.6(ii.) for Long-Term Noise Impacts (Operational), Subsection 3.10.6(a.) for On-Site Noise Impacts, and Subsection 3.10.6(c.) for Roadway Noise Impacts. The Project would increase existing ambient noise levels due to project-related vehicular traffic and outdoor hotel activities.

Noise from Traffic

With regard to vehicle traffic, a considerable noise impact would only occur if the Project contributes to a permanent increase in ambient noise levels; however, traffic near the site would need to double its existing average daily traffic (ADT) rate before there would be a perceived increase in noise. The increase in traffic rate from the Project's shortest range is 19% (76,000 existing ADT compared to 90,100 projected ADT with the Project). At worst case scenario, the increase in traffic rate from the Project's longest range is 60% (56,400 existing ADT compared to 90,100 projected ADT with the Project). Thus, the ADT rate would not double as a result of the project and there would not be a significant increase in ambient noise levels that confirms a perceivable difference in noise intensity with regard to traffic. This data is available in **Table 3.10-11** (Proposed Project Average Daily Traffic Volumes) of the Draft EIR.

Noise from On-Site

A Community Noise Equivalent Level (or CNEL) is a common noise measurement system used for the valuation of loudness. Without the Project's implementation, the current CNEL level from exterior noise in the vicinity's noise contours are above the acceptable limit as stipulated by the City's Noise Element. With implementation of the Project, the CNEL levels would still remain incompatible; however, noise insulation features have been included in the design of the Project. Noise insulation features were referenced as Project Design Features (PDF) which would mitigate and reduce exposures to excessive noise levels to a less than significant impact. Project Design Features (PDF 3.10-1 through PDF 3.10-6) for Noise impacts were presented in Chapter 3.10 (Noise) Section 3.10.9 (Project Design Features) of the Draft EIR.

Furthermore, the Project's noise insulation features would prevent interior sound levels from protruding outdoors which may contribute to and enhance exterior noise levels. Therefore, noise insulation features are safeguards to prevent contributions to exterior noises such as echoes from adversely affecting neighboring properties. Additionally, the Project's design for noise insulation features consist of acoustical reductions (e.g. soundproof glass), dense building materials, air gaps between exterior and interior

panels, sound-absorbent interior materials, central heating/cooling, and compressible neoprene weather-stripping.

Noise from Rooftop or Exterior/Outdoor Activities

The rooftop bar and exterior/outdoor activities are mitigated with measures in Section 3.10.8 (Mitigation Measures) of the Draft EIR. Specifically, refer to mitigation measures MM 3.10-5 and MM 3.10-6.

With regard to exterior/outdoor activities, when rooftop events may occur, the event must comply with the City's Noise Ordinance and consider noise attenuation barriers for the rooftop bar (MM 3.10-5). In scenarios where events may exceed the City's Noise Ordinance, a permit or license must be granted and permitted by the City (MM 3.10-6).

Applicable permits or licenses are dependent on circumstantial factors, such as but not limited to the events frequency in occurrence or the amount of attendees, that ensue during outdoor gatherings. A pending Conditional Use Permit (CUP09-0009) for hotel and restaurant uses (includes a rooftop bar and parking), if approved, is generally subject to a number of pertinent conditions of approval.

Traffic

Roadway segments adjacent and near the Project's site would increase in Average Daily Traffic (ADT) with implementation of the proposed Project. The increase of ADT ranges between 0 to 1,300 vehicles across weekday, Saturday, peak season, and non-peak season times. This increase is minimal and would not degrade current traffic conditions. Chapter 3.12 (Transportation and Traffic) Section 3.12.7 (Project Design Features) of the Draft EIR presented Project Design Features (PDF) that rectify traffic issues by incorporating intersection design enhancements. PDF 3.12-1 through PDF 3.12-8 would reduce traffic impacts and ensure that traffic flow will not be significantly impacted by the Project.

Roadway operations and the relationship between capacity and traffic volumes are expressed in terms of level of service (LOS), which are graded with the letters A through F. A roadway operation at LOS C or higher is considered to be within acceptable operating condition. A roadway operation at LOS D or below would be considered within an unstable flow of traffic that includes lower operating speeds and congestion. With or without implementation of the Project or its Project Design Features for the year 2013, all intersections would be operating at LOS C or higher during both peak and non-peak seasons. The following intersections were addressed in the traffic study (**Appendix I** of the Draft EIR):

- Del Obispo Street/Dana Point Harbor Drive at PCH
- Del Obispo Street/Dana Point Harbor Drive at Project Driveway
- Del Obispo Street/Dana Point Harbor Drive at Park Lantern
- I-5 southbound ramps/PCH
- I-5 northbound ramps/PCH

By the year 2025, without intersection design enhancements (or PDF 3.12-1 through PDF 3.12-8), the Del Obispo Street/Dana Point Harbor Drive at PCH intersection would be operating at LOS D during the peak season on weekday evenings and Saturdays. As a requirement for building the Project, Project Design Features would be included as intersection design enhancements by the applicant. By 2025, with intersection design enhancements (PDF 3.12-1 through PDF 3.12-8), the LOS at this intersection would improve from LOS D to LOS C while all other intersections would be operating at LOS C or higher.

Scale

For the Project to proceed, the City would need to grant height and setback variances for the proposed Project as well as adopt a Statement of Overriding Considerations. The variances apply only to the proposed Project and would not be applicable to any subsequent development within the area. A Statement of Overriding Considerations reviews all benefits of a proposed Project and whether those benefits outweigh the unavoidable environmental impacts. The granting of a height or setback variance shall comply with City of Dana Point's City Code Section 9.67.050 (Basis for Approval, Conditional Approval, or Denial of a Variance). City Code Section 9.67.050(4) states "...the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zoning district with similar constraints." Therefore, it is anticipated that the proposed Project would not create a dangerous precedent for future development as the zoning remains unchanged and benefits of individual future projects would be reviewed on a case-by-case basis.

33.2

The views and concerns presented in these comment letters will be reviewed and considered by decision makers. Although CEQA only requires a written response to Draft EIR comments dealing with significant environmental issues, comments expressing personal opinion, recommendations, or concerns are still a part of the environmental record.

4.0 FINAL EIR ERRATA

4.1 Introduction

As a result of clarifications to and comments received on the Draft Environmental Impact Report (Draft EIR) for the Doheny Hotel, the following revisions were made to the text of the Draft EIR. Organized by section, the changes in text are signified by strikeouts where text is removed and by italics where text is added. The following additions and corrections have been revised in relation to the standards in Section 15088.5(a) and (b) of the California Environmental Quality Act (CEQA) Guidelines regarding recirculation of a Draft EIR prior to certification.

Sections 15088.5(a) and (b) of the State CEQA Guidelines state:

- a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation include, for example, a disclosure showing that:
 - 1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
 - 2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - 3) A feasible project alternative or mitigation measure considerably different from other previously analyzed would clearly lessen the significant environmental impacts of the project, but the project’s proponent decline to adopt it.
 - 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR

The minor refinements made to the text of the Draft EIR clarify the language used regarding the height of the proposed project. Elevations of the proposed project are measured from mean sea level. The elevation ranges from 76.5 feet to 78.5 feet, and 86.5 feet including roof-mounted mechanical equipment and screening. However, the actual building height of the proposed project ranges from 29.5 feet to 60.5 feet without the inclusion of the mechanical equipment and screening on the roof. With the inclusion of the roof-mounted equipment and structures, representing approximately 9% of the total roof area, the building height is 68.5 feet. The heights for the Three-Story Alternative, Four-Story Alternative, and Option “B” Alternative have also been revised to 45

feet (35 feet without roof-mounted equipment), 60.5 feet (50.5 feet without roof-mounted equipment, and 68.5 feet (60.5 feet without roof-mounted equipment), respectively.

The changes made in the Draft EIR do not meet the above requirements outlined in Section 15088.5(a) and (b) of the State CEQA Guidelines, and recirculation is not required.

4.2 Corrections and Additions to the Draft EIR

4.2.1 Executive Summary

- 1) The fourth paragraph on page ES-1 of the Draft EIR under the subheading Project Characteristics has been revised as follows:

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. While the elevations of the proposed hotel as measured from mean sea level (MSL) would range from 76.5 feet to 78.5 without the mechanical equipment and screening on the roof and 86.5 feet with the mechanical screening and equipment on the roof, the actual building height will range from 29.5 feet at the lowest point to 60.5 feet. With the inclusion of the mechanical equipment and screening on the roof, representing approximately 9% of the total roof area, the building height will be 68.5 feet (refer to Figure 2-15, Building Height Exhibit in Chapter 2).~~

- 2) The fourth paragraph on pages ES-4 to ES-5 of the Draft EIR under the subheading Four-Story Hotel Alternative has been revised as follows:

This alternative would be a four-story hotel project that would be between the 35-foot Three-Story Alternative and the ~~86.5~~ 70-foot proposed project in overall height and would 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~~ 74 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~~ 184 rooms, a building height of ~~66.5-68.5~~ 50.5 feet (~~76.5~~ 60.5 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.

- 3) The fourth paragraph on page ES-5 of the Draft EIR under the subheading Option “B” Alternative has been revised as follows:

~~The overall height of the building would be the similar to the proposed project 87.5 feet. The overall height of the building would be 68.5 feet (87.5 feet as measured above mean sea level), which is similar to the proposed project. 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.~~

4.2.2 Chapter 2: Project Description

- 1) After the last paragraph on page 2-2 the subheading Project Location, the following paragraph was inserted:

The southern side of Pacific Coast Highway located between Copper Lantern and Del Obispo that leads to the proposed project site at the intersection of Pacific Coast Highway/Del Obispo/Dana Point Harbor Drive has a gradual change in street elevation from Copper Lantern (upcoast Pacific Coast Highway) to Del Obispo (downcoast Pacific Coast Highway). This gradual change results in an elevation change of approximately 90 feet between the upcoast and downcoast areas along Pacific Coast Highway. The proposed project site currently sits at the lowest elevation along this stretch of Pacific Coast Highway.

- 2) The first paragraph on page 2-13 of the Draft EIR under the subheading 2.7 Project Description has been revised as follows:

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.~~ While the elevations of the proposed hotel as measured from mean sea level (MSL) would range from 76.5 feet to 78.5 feet without the mechanical equipment and screening on the roof and 86.5 feet with the mechanical screening and equipment on the roof, the actual building height will range from 29.5 feet at the lowest point to 60.5 feet. With the inclusion of the mechanical equipment and screening on the roof, representing approximately 9% of the total roof area, the building height will be 68.5 feet as shown in Figure 2-15, Building Height Exhibit.

- 3) *The second paragraph on Page 2-14 of the Draft EIR has been revised as follows:*

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 2-15.

- 4) On Page 2-23 of the Draft EIR, an additional figure was added entitled Figure 2-14: Colored Rendering.
- 5) On Page 2-24 of the Draft EIR, an additional figure was added entitled Figure 2-15: Building Height Exhibit.

4.2.3 Chapter 3.1: Aesthetics

- 1) Table 3.1-1 on page 3.1-8 of the Draft EIR under the Consistency column has been revised as follows:

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 through 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. Building massing for this development would be at an overall height of 86.5 feet, including roof top mechanical equipment and screening area. While the elevations of the proposed hotel as measured from mean sea level (MSL) would range from 76.5 feet to 78.5 without the mechanical equipment and screening on the roof and 86.5 feet with the mechanical screening and equipment on the roof, the actual building height will range from 29.5 feet at the lowest point to 60.5 feet. With the inclusion of the mechanical equipment and screening on the roof, representing approximately 9% of the total roof area, the building height will be 60.5 feet (refer to Figure 2-15, Building Height Exhibit in Chapter 2). With the 35-foot height limitation within the DPSP, the proposed project would be inconsistent. Therefore, approval of this project would require a variance and a Statement of Overriding Considerations.~~

- 2) The last paragraph on page 3.1-26 under Impact 3.1-1 has been revised as follows:

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. *Building massing in this development would be at an overall height of 86.5 feet, including roof top mechanical equipment and screening area. While the elevations of the proposed hotel as measured from mean sea level (MSL) would range from 76.5 feet to 78.5 without the mechanical equipment and screening on the roof and 86.5 feet with the mechanical screening and equipment on the roof, the actual building height will range from 29.5 feet at the lowest point to 60.5 feet. With the inclusion of the mechanical equipment and screening on the roof, representing approximately 9% of the total roof area, the building height will be 68.5 feet (refer to Figure 2-15, Building Height Exhibit in Chapter 2).* The proposed project would result in significantly greater building height ranging from ~~76.5~~ 29.5 to ~~86.5~~ 60.5 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.

- 3) The third paragraph on page 3.1-28 under Impact 3.1-3 has been revised as follows:

~~The project would result in up to an 86.5 foot building with mechanical area, which is much taller than existing land uses. Building massing in this development would be at an overall height of 86.5 feet, including roof top mechanical equipment and screening area. While the elevations of the proposed hotel as measured from mean sea level (MSL) would range from 76.5 feet to 78.5 without the mechanical equipment and screening on the roof and 86.5 feet with the mechanical screening and equipment on the roof, the actual building height will~~

range from 29.5 feet at the lowest point to 60.5 feet. With the inclusion of the mechanical equipment and screening on the roof, representing approximately 9% of the total roof area, the building height will be 68.5 feet (refer to Figure 2-15, Building Height Exhibit in Chapter 2). However, the project attempts to lessen the massing effect of the 86.5 foot building overall height and blend the building 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.

4.2.4 Chapter 3.9: Land Use and Planning

- 1) The third paragraph on page 3.9-8 of the Draft EIR has been revised as follows:

The site development standards for the C-CPC district specify a maximum allowable building height of 35 feet. ~~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. Building massing for this development would be at an overall height of 86.5 feet, including roof top mechanical equipment and screening area. While the elevations of the proposed hotel as measured from mean sea level (MSL) would range from 76.5 feet to 78.5 without the mechanical equipment and screening on the roof and 86.5 feet with the mechanical screening and equipment on the roof, the actual building height will range from 29.5 feet at the lowest point to 60.5 feet. With the inclusion of the mechanical equipment and screening on the roof, representing approximately 9% of the total roof area, the building height will be 68.5 feet (refer to Figure 2-15, Building Height Exhibit in Chapter 2).~~ 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. 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.

- 2) The third paragraph on page 3.9-9 of the Draft EIR has been revised as follows:

Hotels are a principal permitted use within the C-VC district but are subject to the provisions of a Coastal Development Permit. 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. The proposed building height is ~~86.5~~ 68.5 feet, which includes rooftop maintenance equipment and mechanical screening, and ~~76.5 to 78.5~~ 29.5 to 60.5 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.

- 3) The first paragraph on page 3.9-11 under Impact 3.9-1 has been revised as follows:

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. 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. The proposed building height is ~~86.5~~ 68.5 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~~ 29.5 to 60.5 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.

4.2.5 Chapter 5: Project Alternatives

- 1) Table 5-1 Summary of Development Alternatives on page 5-5 has been revised as follows:

- Proposed Project: ~~86.5'~~ 68.5' maximum building height (~~76.5-78.5~~ 29.5'-60.5' without mechanical equipment and screening)
- Three-Story Hotel Alternative: ~~43'~~ 45' maximum building height (35' without mechanical equipment and screening)
- Four-Story Hotel Alternative: ~~78.5~~ 60.5' maximum building height (~~68.5~~ 50.5' without mechanical equipment and screening)
- Option “B” Alternative: ~~87.5~~ 68.5' maximum building height (~~76.5-78.5~~ 60.5' without mechanical equipment and screening)

- 2) The sixth paragraph on page 5-8 under subheading 5.5.1 Description of Alternative has been revised as follows:

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~~ 45 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. 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.

- 3) The fifth paragraph on page 5-11 under subheading 5.6.1 Description of Alternative has been revised as follows:

~~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 setback in accordance with the Dana Point Specific Plan.~~ *This alternative would be a four-story hotel project that would be between the 35 feet (45 feet with mechanical equipment) Three-Story Alternative and the 60.5 feet (70 feet with mechanical equipment) 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~~ 50.5 feet (~~78.5~~ 60.5 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.

- 4) The sixth paragraph on page 5-11 under subheading Aesthetics has been revised as follows:

Under this alternative, the maximum building height of the project would be ~~68.5~~ 50.5 feet (~~78.5~~ 60.5 feet with ~~equipment on roof~~ *mechanical equipment*). 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.

- 5) The fourth paragraph on page 5-16 under subheading 5.7.1 Description of Alternative of Alternative 4 – Option “B” Alternative has been revised as follows:

~~The overall height of the building would be similar to the proposed project – 87.5 feet.~~ *The overall height of the building would be 68.5 feet (60.5 feet without mechanical equipment), which is similar to the proposed project height of 68.5 feet including mechanical equipment.* 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.

6) Table 5-2 Comparison of Alternatives to the Proposed Project Under Alternatives 2, 3, and 4 has been revised as follows:

- Alternative 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, ~~43'~~ 45' maximum building height (*35' without mechanical equipment*)
- Alternative 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'~~ 60.5' maximum building height (*50.5' without mechanical equipment*)
- Alternative 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'~~ 68.5' maximum building height (*60.5' without mechanical equipment*), would require acquisition of public park space

4.2.6 Appendix A: Public Comments Received by the City

- 1) Inserted comment letter dated July 15, 2011 from the California Department of Parks and Recreation.¹

4.2.7 Appendix I: Traffic Impact Analysis

- 1) Updated Traffic Impact Analysis in accordance with City of San Juan Capistrano comments.

4.2.8 Appendix J: Draft Supplemental Analysis

- 1) Removed duplicated copy of Traffic Impact Analysis from Kunzman and Associates.
- 2) Inserted Draft Supplemental Analysis from Arch Beach Consulting.

¹ E-mail from Julie Tobin (California Department of Parks and Recreation) to Erica Demkowicz (City of Dana Point). August 12, 2013.

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

5.1 Introduction

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with Section 21081.6 of the Public Resources Code and Section 15097 of the California Environmental Quality Act (CEQA) Guidelines, which requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon a Mitigated Negative Declaration (MND) or an Environmental Impact Report (EIR). The MMRP ensures implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified through the use of monitoring and reporting. Monitoring is generally an ongoing or periodic process of project oversight; reporting generally consists of a written compliance review that is presented to the decision making body or authorized staff person.

It is the intent of the MMRP to (1) provide a framework for document implementation of the required mitigation; (2) identify monitoring/reporting responsibility; (3) provide a record of the monitoring/reporting; and (4) ensure compliance with those mitigation measures that are within the responsibility of the City of Dana Point to implement.

The following table lists mitigation measures and project design features adopted by the City of Dana Point in connection with the approval of the proposed Project, responsible parties, timing, and the schedule in which the measures are to be implemented.

5.2 Mitigation Monitoring and Reporting Program Matrix

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
AESTHETICS				
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.	Construction Contractor	Pre-construction	Prior to the issuance of a grading permit
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.	City of Dana Point Project Applicant	Design Pre-construction	Prepare Exterior Lighting Plan prior to the issuance of a building permit
AIR QUALITY				
MM 3.2-1	During grading, water exposed surfaces at least twice daily. (PM ₁₀ reduction: 34-68%)	Construction Contractor	Construction	Ongoing during construction grading
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%)	Construction Contractor	Construction	Ongoing during construction phase
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%)	Construction Contractor	Construction	Ongoing during construction phase
MM 3.2-4	When feasible, implement construction equipment with Tier 2 to Tier 3 diesel engines during grading. (NO _x reduction: 38-39%)	Construction Contractor	Construction	Ongoing during construction phase
BIOLOGICAL RESOURCES				
MM 3.3-1	If construction occurs between February 15th and August 31st, 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.	Project Applicant Construction Contractor	Pre-construction Construction	Conduct pre-construction nesting survey if construction occurs between February 15th and August 31st

❖ Mitigation Monitoring & Reporting Program ❖

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
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.	Project Applicant	Pre-construction	Conduct a pre-construction nesting raptor survey if construction begins in 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.	Project Applicant Construction Contractor	Construction	Ongoing during construction phase
CULTURAL RESOURCES				
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.	Project Applicant	Construction	Ongoing during construction
GEOLOGY AND SOILS				
MM 3.5-1	The project shall be constructed with adherence to local building codes.	City of Dana Point Project Applicant Construction Contractor	Design Construction	Ongoing during construction phase
MM 3.5-2	The foundation for the structure will be appropriately designed by the engineer to mitigate for seismic related ground failure.	Project Applicant	Design	Ongoing during design phase
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.	City of Dana Point Project Applicant	Pre-construction	Prior to construction

❖ Mitigation Monitoring & Reporting Program ❖

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
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.	Project Applicant Construction Contractor	Design	Ongoing during construction
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.	Project Applicant Construction Contractor	Design Construction	Ongoing during construction
MM 3.5-4C	The foundation for the structure will be appropriately designed by the engineer to mitigate for settlement.	Project Applicant	Design	Ongoing during design phase
MM 3.5-5	The foundation for the structure will be appropriately designed by the design engineer to mitigate for the expansive soil condition.	Project Applicant	Design	Ongoing during design phase
GREENHOUSE GAS EMISSIONS				
PDF 3.6-1	Motion Activated Lighting in Public Areas - Saves electricity in public areas by automatically shutting off lights when there are no occupants.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-2	LED Lighting - LED lighting is typically more efficient than fluorescent and incandescent lighting, thereby saving electricity during hotel operations.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-3	Motion Activated Programmable HVAC Thermostats in Guest Rooms - Reduces electricity spent cooling vacant guest rooms as opposed to occupied ones.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-4	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.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-5	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.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-6	Energy Efficient Appliances - Reduces energy use through energy efficient appliances.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-7	Passive Heating/Cooling Systems - Appropriate insulation and ventilation will be implemented to save energy consumption related to heating and cooling.	Project Applicant	Design Operation	Ongoing during operation

❖ Mitigation Monitoring & Reporting Program ❖

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
PDF 3.6-8	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.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-9	Solar Orientation - Incorporate roof overhangs that are sufficient to block the high summer sun, but not the lower winter sun from penetrating windows.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-10	Low Energy Cooling - Reduces energy consumption through the separation and optimization of the ventilation and thermal conditioning systems.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-11	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.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-12	Low Flow Shower Heads - Reduces the flow rate of shower heads, which reduces water consumption.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-13	Dual Flush and Low Flow Toilets - Dual flush toilets utilize efficient separate toilet tanks for solid waste, and for liquid waste.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-14	Low Water Use Appliances - Reduces water consumption through water efficient appliances.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-15	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.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-16	Moisture and Rain Sensors - Control landscape irrigation to reduce unnecessary watering.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-17	Drip Watering Systems - Reduces water consumption through efficient landscape watering.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-18	Green Roof - Filter, store, and re-use rain water.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-19	Solar Heated Pools - Pools will be solar heated to conserve natural gas use.	Project Applicant	Design Operation	Ongoing during operation

❖ Mitigation Monitoring & Reporting Program ❖

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
PDF 3.6-20	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.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-21	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.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-22	No Wood Burning Fireplaces or Stoves - Reduces direct GHG emissions from wood burning fireplaces or stoves.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.6-23	Establish a Recycling Program - A recycling program for guests and employees may decrease the solid waste that ends up in landfills.	Project Applicant	Design Operation	Ongoing during operation
HAZARDS AND HAZARDOUS MATERIALS				
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.	Project Applicant	Pre-construction	Prior to construction
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.	Project Applicant	Pre-construction	Prior to issuance of building permits, conduct on-site vapor test. If found, abatement would occur prior to demolition
HYDROLOGY AND WATER QUALITY				
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.	City of Dana Point Project Applicant Construction Contractor	Construction Operation	Ongoing during operation

❖ Mitigation Monitoring & Reporting Program ❖

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
MM 3.8-2	<p>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.</p>	<p>City of Dana Point Project Applicant Construction Contractor</p>	<p>Pre-construction Construction</p>	<p>Ongoing during construction phase</p>
MM 3.8-3	<p>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.</p>	<p>Project Applicant</p>	<p>Operation</p>	<p>Ongoing during operation</p>

❖ Mitigation Monitoring & Reporting Program ❖

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
NOISE				
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.	Project Applicant Construction Contractor	Design Construction Operation	Ongoing during operation
PDF 3.10-2	Use dense building materials and/or increase exterior wall thickness on the highway side of the hotel.	Project Applicant Construction Contractor	Design Construction	Ongoing during construction
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.	Project Applicant	Design	Ongoing during design phase
PDF 3.10-4	Use sound-absorbing carpeting, furniture, and other room furnishings.	Project Applicant	Design Operation	Ongoing during operation
PDF 3.10-5	Design a central heating and cooling system instead of using wall-penetrating individual room units.	Project Applicant	Design	Ongoing during operation
PDF 3.10-6	Use compressible neoprene weather-stripping rather than felt or other fibrous types for sound insulation.	Project Applicant Construction Contractor	Design Construction	Ongoing during construction
MM 3.10-1	<p>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.</p> <p>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.</p> <p>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.</p>	Construction Contractor	Construction	Ongoing during construction
MM 3.10-2	Consider the alternative of vibratory pile emplacement.	Construction Contractor	Pre-construction Construction	Ongoing during construction
MM 3.10-3	Pre-auger pile holes to reduce the duration of impact, when feasible.	Construction Contractor	Construction	Ongoing during construction
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.	Construction Contractor	Construction	Ongoing during construction

❖ Mitigation Monitoring & Reporting Program ❖

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
MM 3.10-5	All rooftop activities must comply with the City's Noise Ordinance and consider noise attenuation barriers for the rooftop bar.	Project Applicant	Design Operation	Ongoing during operation
MM 3.10-6	All events in excess of the City's Noise Ordinance, must receive a special event permit from the City.	Project Applicant	Operation	Ongoing during operation
PUBLIC SERVICES				
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.	Project Applicant Construction Contractor	Construction Operation	Ongoing during operation
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.	Project Applicant	Design Construction Operation	Ongoing during operation
TRANSPORTATION AND TRAFFIC				
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.	City of Dana Point Project Applicant	Construction	Ongoing during construction
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.	City of Dana Point Project Applicant	Construction	Ongoing during construction
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 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.	City of Dana Point Project Applicant	Construction	Ongoing during construction

❖ Mitigation Monitoring & Reporting Program ❖

Measure Number	Mitigation Measure	Responsibility/ Monitoring Party	Timing	Monitoring/Reporting Schedule
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.	City of Dana Point Project Applicant	Construction	Ongoing during construction
PDF 3.12-5	Sufficient on-site parking shall be provided to meet parking requirements in accordance with the County of Orange Zoning Code.	Project Applicant	Design Construction Operation	Ongoing during operation
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.	City of Dana Point Project Applicant	Design	Ongoing during design phase
PDF 3.12-7	On-site traffic signing and striping should be implemented in conjunction with detailed construction plans for the project.	Project Applicant	Design Construction Operation	Ongoing during design phase
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.	City of Dana Point	Operational	Ongoing during operation

6.0 LIST OF PREPARERS

6.1 Lead Agency

City of Dana Point
33282 Golden Lantern, Dana Point, CA 92629

Contact: Ursula Luna-Reynosa
Community Development Director

6.2 UltraSystems Environmental, Inc.

Ken Koch
Associate Principal

Lindsey Hashimoto, MURP
Associate Planner

Jon Rodriguez, MURP
Environmental Analyst

APPENDIX A

LETTER FROM COUNTY OF ORANGE PUBLIC WORKS



Jess A. Carbajal, Director
300 N. Flower Street
Santa Ana, CA
P.O. Box 4048
Santa Ana, CA 92702-4048
Telephone: (714) 834-2300
Fax: (714) 834-5100

November 14, 2011

Mr. Brad J. Fowler, P.E.
Director of Public Works and Engineering Services
33282 Golden Lantern
Dana Point, CA 92629-1805

Subject: County Parcel and Dana Point Harbor Sign at Northwest Corner Pacific Coast Highway and Dana Point Harbor Drive

Dear Brad:

Thank you for your letter informing us of the City's conceptual land use proposal at the intersection of Pacific Coast Highway and Dana Point Harbor Drive near the entrance to the County's Dana Point Harbor facility.

As you indicate in your correspondence, the proposed project would impact a parcel of OC Parks-owned property and the CO Dana Point Harbor monument sign located on that parcel. I have spoken with Brad Gross, Director of OC Dana Point Harbor; Mark Denny, Director of OC Parks; and Ignacio Ochoa, Director/Chief Engineer, of OC Engineering about the potential benefits of this proposal to the County.

We believe that this intersection can benefit from the conceptual widening improvements. Additionally, it is our collective position that proposed signage plans have merit. We recommend that any land use application include conditions of approval, which obligate the applicant to provide for complete design plans and installation of both the intersection traffic improvements and the OC Dana Point Harbor monument signs described in your letter. The condition should indicate that these improvements shall meet the approval of OC Dana Point Harbor/OC Parks in consultation with OC Public Works. Said conditions shall also specify that should OC Dana Point Harbor install new signs in advance of the potential future hotel development, that the applicant would be fully responsible for repair or replacement due to future construction impacts.

We look forward to working with your team as this project moves ahead. If you have any questions, please contact me at (714) 667-3217. Please keep us apprised of your progress.

Sincerely,



Jess A. Carbajal, Director

c: Ignacio G. Ochoa, P.E., Director/Chief Engineer, OC Engineering
Brad Gross, Director, OC Dana Point Harbor
Mark Denny, Director, OC Parks