



# Victoria Boulevard Apartments

## ENVIRONMENTAL IMPACT REPORT

Prepared for  
**City of Dana Point**

Prepared by

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INTERNATIONAL

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**PUBLIC REVIEW DRAFT  
ENVIRONMENTAL IMPACT REPORT**

**Victoria Boulevard Apartments**

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**SCH NO. 2021070304**

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## **DRAFT EIR AND APPENDICES**

The Notice of Availability (NOA), Draft EIR, and Appendices, as well as the proposed Specific Plan, are available for download at the City's official website.

<https://www.danapoint.org/department/community-development/planning/environmental-documents>

In addition to the City's official website, the NOA, Draft EIR, and Appendices are also available for review at the Office of Planning and Research's (OPR) CEQAnet online database, under SCH No. 2021070304:

<https://ceqanet.opr.ca.gov/>



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## **1.0 EXECUTIVE SUMMARY**

### **1.1 PROJECT LOCATION**

The City of Dana Point (City) is located in the southern portion of Orange County, midway between the cities of San Diego and Los Angeles. The community consists of coastal bluffs and rolling hills located along seven miles of the Pacific Ocean. Surrounding cities include Laguna Niguel and Laguna Beach to the north, San Juan Capistrano to the east, and San Clemente to the south.

The proposed Victoria Boulevard Apartments (project) site is located within an area commonly referred to as Doheny Village, which is an approximately 80-acre area located in the southeastern portion of the City. The project proposes the development of approximately 5.51-acre site located at 26126 Victoria Boulevard with up to 349 dwelling units. The project site is located on the southeast corner of Victoria Boulevard and Sepulveda Boulevard in the southeastern portion of Doheny Village. The project site is bound by Victoria Boulevard to the north, the Interstate 5 (I-5) off-ramp to Pacific Coast Highway on the east, Pacific Coast Highway on the south, and Sepulveda Avenue on the west. The project site consists of several underlying lots under one parcel number (Assessor's Parcel Number [APN] 668-361-01) owned by the Capistrano Unified School District (CUSD). Regional access to the project site is provided via I-5 and Pacific Coast Highway. Local access is provided via Victoria Boulevard and Sepulveda Avenue.

### **1.2 PROJECT SUMMARY**

The project involves the demolition of the existing CUSD bus yard and development of a three- to five-story, 349-unit apartment complex with an attached six-story (seven levels) parking structure and associated amenities in accordance with the proposed Victoria Boulevard Specific Plan (Specific Plan).

#### **VICTORIA BOULEVARD SPECIFIC PLAN**

The Specific Plan is intended to provide an orderly and efficient development of the project site, in accordance with the General Plan. The Specific Plan would serve both planning and regulatory functions including land use regulations, circulation patterns, public facilities and infrastructure requirements, and development standards. All future development within the project area would be subject to compliance with the Specific Plan regulations, as well as all other applicable City regulations.

Under the Specific Plan development density within the project area would not exceed 63.3 dwelling units per acre, yielding a maximum of 349 dwelling units on the 5.51-acre project site. Of the total unit count, a minimum of five percent very low-, five percent low-, and five percent moderate-income units (yielding a total of no less than 53 affordable units) are required to be provided and distributed throughout the project. The Specific Plan also includes the conceptual grading plan for the project, under which the proposed development would export approximately 19,585 cubic yards of earth material. Access to the project area would be limited to a proposed ingress/egress driveway along Sepulveda Avenue, an unsignalized entryway from Victoria Boulevard, and a third driveway in the southern terminus of Sepulveda Avenue that would only be used as an emergency access. Pedestrian access and circulation would be provided throughout the residential community. A Class III bicycle route with signing would be provided on the eastbound side of Victoria Boulevard. All sidewalks and



bicycle paths would follow the design standards set forth in the Specific Plan. Additionally, the Specific Plan allows for garage parking, angled surface parking, and a surplus of on-street parking stalls on Victoria Boulevard and Sepulveda Avenue.

Design guidelines are provided for the proposed on-site development project. These guidelines provide directions on implementing the unique, coastal, contemporary, high-density concepts envisioned for the project area, ensuring cohesive, high-quality development of buildings, streetscapes, and other public spaces. Development standards include, but are not limited to, allowable development, density, lot area per residential unit, building height, building setbacks, and open space requirements. Details regarding the design guidelines and development standards are further outlined in Section 3.0, *Project Description*.

## **VICTORIA BOULEVARD APARTMENTS**

The project would be developed as a 349-unit apartment complex with an attached six-story (seven level) parking structure. The apartment building would be three- to five-stories. The project would include approximately 144,018 square feet (3.306 acres) of open space, including 46,399 square feet (1.065 acres) of public active open space, 34,719 square feet (0.797 acre) of public street and frontage open space, 44,644 square feet (1.025 acre) of private active open space, and 18,256 square feet (0.419 acre) of private passive (i.e., patio) open space. The 1.065 acres of public active open space would include Victoria Shore Park (at the southeastern corner of Sepulveda Avenue and Victoria Boulevard) as well as a Dog Park and two public paseos along the former La Playa Avenue right-of-way. Private active open space (residential common area) would include private courtyards (Doheny Garden, Salt Creek Court, Harbor Terrace, and Shower Court), as well as a rooftop garden with a fitness room, pool deck, and club house.

Victoria Shore Park would include an outdoor exercise station, activity lawn, fire pit lounge deck, canopy palms, and enhanced architectural features. The paseo features would include a public access walking/biking trail, seating area with benches, drivable grass with drivable turf, and architecturally enhanced hardscape features.

The Dog Park would include synthetic lawn dog run feature, dog water fountain, and trash/dog waste station.

The private courtyards would include various amenities such as a canopy palms, seating area with benches, boulder features, bike storage, Americans with Disabilities Act (ADA) lift, enhanced hardscape, surf wash down lawn, board storage, showers/hose-down, lounge seating with fire table, among others. In addition to the fitness room, pool, and club, the roof garden would include barbecues, dining tables, lounge seating, synthetic lawn, spa, among others. Landscape and Streetscape amenities would include, without limitation:

- i. Establishment of no less than 27 on-street angled and landscape enhanced parking spaces along the southside of Victoria Boulevard and 13 on-street parking spaces along the eastside of Sepulveda Avenue;
- ii. Ample landscaping and seating;
- iii. New curb, gutter, and 10-foot sidewalk along Victoria Boulevard (increasing sidewalk width from four feet existing to 10 feet to allow for bicycles and pedestrians);



- iv. New 10-foot sidewalk along Sepulveda Boulevard (increasing sidewalk from four feet to 10 feet to allow for bicycles and pedestrians);
- v. New curb and gutter to replace existing driveways on Sepulveda;
- vi. Relocation of catch basin at the corner of Victoria Boulevard and other storm drain modifications to accommodate street improvements;
- vii. Caltrans drainage culvert to be modified/replaced with junction structure; required upgrades to SCWD system;
- viii. A cul-de-sac and sidewalk at Sepulveda Boulevard dead-end; and
- ix. Surf benches along sidewalk on Victoria Boulevard.

## **DEVELOPMENT AGREEMENT**

An application for a Development Agreement would be filed as part of the project in accordance with Municipal Code Chapter 9.73, *Development Agreements*. The Development Agreement is negotiated and considered for approval in combination with the legislative actions and project entitlement. The Development Agreement must include public benefits that extend beyond those which may be forthcoming through project approvals, as well as other negotiated terms. Physical improvements identified in the Development Agreement are identified and evaluated in this environmental clearance document.

The Development Agreement includes an obligation to create a funding mechanism which yields a substantial contribution to be utilized exclusively on improvements to Dana Hills High School at the earliest commercially feasible time. In addition, the Development Agreement includes a substantial contribution to the City to be utilized for community benefits as directed by the City Council.

### **1.3 PROJECT GOALS AND OBJECTIVES**

Pursuant to Section 15124(b) of the *CEQA Guidelines*, the EIR project description must include “[a] statement of objectives sought by the proposed project.... The statement of objectives should include the underlying purpose of the project.” The project objectives are outlined below:

- Increase the supply and diversity of housing types in the City of Dana Point, consistent with the goals and policies of the Housing Element.
- Implement infill development on underutilized parcels, consistent with the General Plan and Housing Element.
- Ensure height and massing of future development within the project area is sensitive to the scale of existing streetscapes, especially along Victoria Boulevard.
- Promote the character and surf heritage of the historical Doheny Village.
- Increase the supply of affordable housing by mandating that no less than 5% of the units be developed for very low income level housing, 5% of the units be developed for low income housing level housing, and 5% of the units be developed for moderate income housing.
- Promote pedestrian-oriented development, consistent with the planned Doheny Village Zoning District Update Project by providing housing within walking distance of places of business and employment.



- Utilize architectural and landscape design to create public street frontages with pedestrian interest.
- Incorporate landscaping and streetscaping enhancements as a means of investing in City beautification.
- Reinforce a sense of place through unique and project-specific identity signage that adds interest and variety to the public realm and complements the harbor and coastal zone features of Dana Point.
- Incorporate public open spaces within the project area, including a focal element (Victoria Park) to enhance the public realm and public access at the corner of Sepulveda Avenue and Victoria Boulevard, all of which would be maintained by the project developer in perpetuity.
- Create a funding mechanism which yields a substantial contribution to be utilized exclusively on improvements to Dana Hills High School at the earliest commercially feasible time.
- Utility undergrounding for all utilities along the project frontages at Victoria Boulevard and Sepulveda Avenue.
- Provide a substantial contribution to the City to be utilized for community benefits as directed by the City Council.

## **1.4 ENVIRONMENTAL ISSUES/MITIGATION SUMMARY**

The following summarizes the impacts, mitigation measures, and significance after mitigation analyzed in [Section 5.0, Environmental Analysis](#), of this EIR. Refer to the appropriate EIR Section for detailed information.





EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
<b>5.1</b>	<b>LAND USE AND RELEVANT PLANNING</b>		
	<b>LU-1:</b> The proposed project could conflict with applicable General Plan policies.	No mitigation measures are required.	Less Than Significant Impact.
	<b>LU-2:</b> The proposed project could conflict with Dana Point Municipal Code standards or regulations.	No mitigation measures are required.	Less Than Significant Impact.
	<b>LU-3:</b> The proposed project could conflict with relevant sections of the California Coastal Act.	No mitigation measures are required.	Less Than Significant Impact.
	<b>LU-4:</b> The proposed project could conflict with policies provided in the 1986 Local Coastal Program.	No mitigation measures are required.	Less Than Significant Impact.
	<b>LU-5:</b> The proposed project may conflict with SCAG's 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy policies.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The proposed project, combined with other related projects, could conflict with land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect.	No mitigation measures are required.	Less Than Significant Impact.
<b>5.2</b>	<b>AESTHETICS/LIGHT AND GLARE</b>		
	<b>AES-1:</b> Project implementation could have a substantial adverse impact on a scenic vista.	No mitigation measures are required.	Less Than Significant Impact.
	<b>AES-2:</b> Project implementation could substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.	No mitigation measures are required.	Less Than Significant Impact.
	<b>AES-3:</b> Implementation of the proposed project could conflict with applicable zoning and other regulations governing scenic quality.	No mitigation measures are required.	Less Than Significant Impact.
	<b>AES-4:</b> Implementation of the proposed project could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could result in significant impacts to scenic vistas.	No mitigation measures are required.	Less Than Significant Impact.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could conflict with applicable zoning and other regulations governing scenic quality.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.	No mitigation measures are required.	Less Than Significant Impact.
<b>5.3</b>	<b>TRIBAL AND CULTURAL RESOURCES</b>		
	<b>CUL-1:</b> The project could cause a significant impact to a historical resource.	No mitigation measures are required.	Less Than Significant Impact.
	<b>CUL-2:</b> The project could cause a significant impact to an archaeological resource on-site.	CUL-1 <u>Unanticipated Discovery of Cultural Resources.</u> The project Applicant shall retain a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for archaeology to conduct Worker's Environmental Awareness Program (WEAP) training for archaeological sensitivity for all construction personnel prior to the commencement of any ground disturbing activities. Archaeological sensitivity training should include a description of the types of cultural resources that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area should be halted and the archaeologist shall evaluate the find. If the resources are Native American human remains, the County Coroner and the Native American Heritage Commission shall be contacted as mandated by law. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. The treatment plan shall be reviewed and approved by the qualified archaeologist. If the	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, and, if so, shall be identified by the archaeologist to mitigate any such significant impacts to cultural resources, if identified.	
	<b>CUL-3:</b> The project could cause a significant impact to a tribal cultural resource.	Refer to Mitigation Measure CUL-1.	Less Than Significant Impact With Mitigation Incorporated.
	<b>Cumulative Impacts:</b> The project, combined with other related cumulative projects, could cause a cumulatively considerable impacts to historical resources, archaeological resources, or tribal cultural resources.	Refer to Mitigation Measure CUL-1.	Less Than Significant Impact With Mitigation Incorporated.
<b>5.4</b>	<b>GEOLOGY AND SOILS</b>		
	<b>GEO-1:</b> Project implementation could expose people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.	No mitigation measures are required.	Less Than Significant Impact.
	<b>GEO-2:</b> Project implementation could expose people and structures to potential substantial adverse effects, including the risk of loss, injury, or death involving liquefaction.	No mitigation measures are required.	Less Than Significant Impact.
	<b>GEO-3:</b> Project implementation could result in substantial soil erosion or loss of topsoil.	No mitigation measures are required.	Less Than Significant Impact.
	<b>GEO-4:</b> The project could be located on soils that are unstable, or expansive, as a result of the project, and potentially result in geologic hazards.	No mitigation measures are required.	Less Than Significant Impact.
	<b>GEO-5:</b> Project implementation could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	GEO-1 Prior to issuance of grading permits, the project Applicant shall provide a technical paleontological assessment prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist, assessing the sensitivity of the project site for buried paleontological resources to the City of Dana Point Planning Division for review and approval.  If resources are known or reasonably anticipated, the assessment shall provide a detailed mitigation plan, including a	Less Than Significant Impact With Mitigation Incorporated.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
		<p>monitoring program and recovery and/or in situ preservation plan, based on the recommendations of the qualified paleontologist. The mitigation plan shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>▪ A qualified paleontologist shall be retained for the project and shall be on call during grading and other significant ground-disturbing activities;</li> <li>▪ Should any potentially significant fossil resources be discovered, no further grading shall occur in the area of the discovery until the qualified paleontologist and City of Dana Point Planning Division concurs in writing that adequate provisions are in place to protect these resources; and</li> <li>▪ Unanticipated discoveries shall be evaluated for significance by the qualified paleontologist. If a resource is determined to be significant by the qualified paleontologist, the resource shall be collected and catalogued in accordance with SVP guidelines and adequately curated in an institution with appropriate staff and facilities.</li> </ul> <p>A report of findings with an itemized accession inventory shall be prepared as evidence that monitoring has been successfully completed and shall be submitted and approved by the City of Dana Point Planning Division prior to the granting of occupancy permits.</p>	
	<b>Cumulative Impacts:</b> The proposed project, combined with other related cumulative projects, could expose people or structures to potential substantial adverse effects involving geology and soils and could impact unknown paleontological resources.	Refer to Mitigation Measure GEO-1.	Less Than Significant Impact With Mitigation Incorporated.
<b>5.5</b>	<b>HYDROLOGY AND WATER QUALITY</b>		
	<b>HWQ-1:</b> The project could violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.	No mitigation measures are required.	Less Than Significant Impact.



EIR Section	Impact Statement	Mitigation Measure	Significance After Mitigation
	<b>HWQ-2:</b> The project could substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.	No mitigation measures are required.	Less Than Significant Impact.
	<b>HWQ-3:</b> The project could create or contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	No mitigation measures are required.	Less Than Significant Impact.
	<b>HWQ-4:</b> In flood hazard, tsunami, or seiche zones, the project could risk release of pollutants due to project inundation.	No mitigation measures are required.	Less Than Significant Impact.
	<b>HWQ-5:</b> The project could conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The proposed project, combined with other related cumulative projects, could violate any water quality standards or waste discharge requirements, or otherwise substantially degrade water quality.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The proposed project, combined with other related cumulative projects, could substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff, in a manner that would result in substantial erosion, siltation, or flooding on- or off-site.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The proposed project, combined with other related cumulative projects, could create or contribute runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> Could the proposed project, combined with other related cumulative projects, risk release of pollutants due to project inundation.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> Could the proposed project, combined with other related cumulative projects, conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.	No mitigation measures are required.	Less Than Significant Impact.



<b>5.6</b>	<b>HAZARDS AND HAZARDOUS MATERIALS</b>		
	<p><b>HAZ-1:</b> Project implementation could create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.</p>	<p>HAZ-1 <u>On-site Features Removal.</u> Prior to issuance of grading permits, the project Applicant shall retain a qualified environmental professional with Phase II/Site Characterization experience to remove numerous features remaining on-site, including but not limited to the hydraulic lifts, hydraulic fluid reservoir and associated piping, and the bus wash clarifier. Impacted soil identified during the removal of these features shall be removed and handled according to the Soil Management Plan (Mitigation Measure HAZ-2). Confirmation soil samples shall be collected within the excavated areas. Removal activities shall adhere to applicable federal, State, and local regulations, and shall occur under supervision of the Orange County Health Care Agency and/or other relevant agencies.</p> <p>HAZ-2 <u>Soil Management Plan.</u> Prior to issuance of a grading permit, a Soil Management Plan (SMP) shall be prepared by a qualified environmental professional with Phase II/Site Characterization experience. The SMP shall include guidelines for safety measures and soil management in the event that soils are to be disturbed, and for handling soil during any planned earthwork activities. The SMP shall also include a decision framework and specific risk management measures for managing soil, including any soil import/export activities, in a manner protective of human health and consistent with applicable regulatory requirements. The SMP shall be submitted to, reviewed, and approved by the Director of Public Works prior to issuance of grading permit. Upon approval, the SMP shall be made available to the contractor and the Director of Public Works for use during grading activities.</p>	<p>Less Than Significant Impact With Mitigation Incorporated.</p>



		<p>HAZ-3 <u>Remediation for Shallow Soil.</u> Prior to initiation of grading activities, the project Applicant shall retain a qualified environmental professional with Phase II/Site Characterization experience to conduct shallow soil remediation in the vicinity of the grounds dispatch building. Visually impacted soil in the vicinity of the grounds dispatch building shall be removed to an adequate depth as determined by the specialist. Confirmation soil samples from excavation walls and floor shall be collected and analyzed. Remedial activities shall adhere to applicable federal, State, and local regulations, and under supervision of the Orange County Health Care Agency, San Diego Regional Water Quality Control Board, and/or other relevant agencies, as applicable.</p> <p>HAZ-4 <u>Additional Verification Sampling.</u> Upon completion of building demolition and prior to and during site grading, the project Applicant shall retain a qualified environmental professional with Phase II/Site Characterization experience to conduct verification soil gas sampling(s) in the vicinity of the grounds dispatch building and mechanic shop. Should any samples determine that residual contamination in either soil or soil gas exceed the thresholds for residential use (i.e., the Department of Toxic Substances Control modified screening levels [DTSC-SL] of 83 µg/m<sup>3</sup> for naphthalene, and DTSC-SL of 460 µg/m<sup>3</sup> for PCE, or otherwise specified by the oversight agency), the project Applicant shall install vapor barrier(s), if determined necessary, prior to construction of the on-site building foundation.</p> <p>HAZ-5 <u>Monitoring Well Deconstruction.</u> Prior to issuance of grading permits, the project Applicant shall obtain a monitoring well deconstruction permit from Orange County Health Care Agency and/or the Regional Water Quality Control Board. Upon receipt of the monitoring well deconstruction permit, the project Applicant shall obtain a qualified environmental professional with Phase II/Site Characterization experience to properly seal and abandon the existing monitoring well (MW1) on-site in accordance with the existing laws and regulations.</p>	
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		<p>HAZ-6 <u>Asbestos/Lead-Based Paint Surveys</u>. Prior to demolition of existing structures (including piping materials), the project Applicant shall retain a qualified specialists or contractor to conduct surveys of ACM, LBP, and universal waste and submitted to the City Director of Public Works for approval. If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403. If LBPs are found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. LBP removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or universal waste removal shall provide evidence of abatement activities to the City Director of Public Works, if applicable. The project Applicant shall inform the Director of Public Works, via the monthly compliance report, of the date when all ACMs, LBPs, and universal waste are removed from the site, if applicable.</p> <p>HAZ-7 <u>Unknown Waste</u>. Prior to initiation of construction activities, contractor shall establish procedures in the event that unknown wastes or contamination source or indicator are encountered during construction. Observations shall be made during project construction for potential contamination source or indicator such as, but not limited to, the presence of underground facilities, buried debris, waste drum tanks, and stained or odorous soils. If unknown wastes or suspect materials are discovered during construction, the contractor shall comply with the following:</p> <ul style="list-style-type: none"><li>▪ Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;</li><li>▪ Notify the Director of Public Works;</li></ul>	
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		<ul style="list-style-type: none"> <li>▪ Secure the area as directed by the Director of Public Works; and</li> <li>▪ Notify the implementing agency's Hazardous Waste/Materials Coordinator. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.</li> </ul>	
	<b>HAZ-2:</b> Project implementation could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school.	Refer to Mitigation Measures HAZ-1 through HAZ-7.	Less Than Significant Impact With Mitigation Incorporated.
	<b>HAZ-3:</b> Project implementation could create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The proposed project, combined with other related projects, could create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, or through the routine transport, use, or disposal of hazardous materials.	Refer to Mitigation Measures HAZ-1 through HAZ-7.	Less Than Significant Impact With Mitigation Incorporated.
	<b>Cumulative Impacts:</b> The proposed project, combined with other related projects, could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The proposed project, combined with other related projects, could create a significant hazard to the public or environment through interference with an adopted emergency response or evacuation plan.	No mitigation measures are required.	Less Than Significant Impact.
<b>5.7</b>	<b>TRANSPORTATION</b>		
	<b>TRA-1:</b> Project implementation could generate traffic volumes that would conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.	No mitigation measures are required.	Less Than Significant Impact.
	<b>TRA-2:</b> Project implementation could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	No mitigation measures are required.	Less Than Significant Impact.



	<p><b>TRA-3:</b> Project implementation could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).</p>	<p><b>TRA-1</b> Prior to issuance of any grading and/or demolition permits, whichever occurs first, the Applicant (Developer) shall prepare a Construction Management Plan (CMP) to be submitted for review and approval by the City of Dana Point Director of Public Works. The requirement for a CMP shall be incorporated into the Project specifications and subject to verification by the Director of Public Works prior to final plan approval. The CMP shall include, at a minimum, the following measures, which shall be implemented during all construction activities as overseen by the Construction Contractor:</p> <ul style="list-style-type: none"> <li>▪ Meet the standards established in the current California Manual on Uniform Traffic Control Device (MUTCD) as well as City of Dana Point requirements. The CMP shall be prepared by the contractor and submitted to the Director of Public Works for approval pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary curb lane closures. The plan shall be developed according to the MUTCD (latest edition) guidelines, including plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic.</li> <li>▪ Submit the CMP to the California Department of Transportation (Caltrans) and City of San Juan Capistrano for review and comment, prior to approval by the Director of Public Works, should construction hauling utilize facilities within these jurisdictions.</li> <li>▪ Identify traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to enter and exit the site.</li> </ul>	<p>Less Than Significant Impact With Mitigation Incorporated.</p>
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		<ul style="list-style-type: none"><li>▪ Should project construction activities require temporary vehicle lane, bicycle lane, and/or sidewalk closures, the Applicant (Developer) shall coordinate with the Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access.</li><li>▪ Identify the routes that construction vehicles must utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project.</li><li>▪ Specify all grading and equipment operations shall not be conducted between the hours of 8:00 p.m. and 7:00 a.m. Monday through Saturday, and/or any time on Sunday or a Federal holiday, pursuant to Section 11.10.014, Special Provisions, of the Dana Point Municipal Code.</li><li>▪ Should project construction activities occur during general drop-off and pick-up hours for nearby schools (i.e., Nobis Preschool), traffic signs, traffic cone arrangements, and flaggers shall assist with ensuring safe pedestrian access along the project frontage for students.</li><li>▪ Require the Applicant (Developer) to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The Applicant (Developer) shall clean adjacent streets, as directed by the Director of Public Works, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.</li><li>▪ All construction-related parking and staging of vehicles shall be kept out of the adjacent public roadways and shall occur on-site.</li></ul>	Less Than Significant Impact With Mitigation Incorporated.
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		<ul style="list-style-type: none"> <li>▪ Traffic controls shall be implemented for any street closure, detour, or other disruption to traffic circulation and shall maintain emergency access to the site.</li> </ul>	
	<b>TRA-4:</b> Project implementation could result in inadequate emergency access.	Refer to Mitigation Measure TRA-1.	Less Than Significant Impact With Mitigation Incorporated.
	<b>Cumulative Impacts:</b> Future development, combined with other related projects, could conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities, and result in cumulative impacts.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> Future development, combined with other related projects, could conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> Future development, combined with other related projects, could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), and result in cumulative impacts.	Refer to Mitigation Measure TRA-1.	Less Than Significant Impact With Mitigation Incorporated.
	<b>Cumulative Impacts:</b> Future development, combined with other related projects, could result in inadequate emergency access.	Refer to Mitigation Measure TRA-1.	Less Than Significant Impact With Mitigation Incorporated.
<b>5.8</b>	<b>AIR QUALITY</b>		
	<b>AQ-1:</b> Implementation of the proposed project could conflict with or obstruct implementation of the applicable air quality plan.	No mitigation measures are required.	Less Than Significant Impact.
	<b>AQ-2:</b> The project could result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under an applicable federal or state ambient air quality standard.	No mitigation measures are required.	Less Than Significant Impact.
	<b>AQ-3:</b> Development associated with implementation of the proposed project could result in localized emissions impacts or expose sensitive receptors to substantial pollutant concentrations.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> Short-term construction activities associated with the proposed project and other related cumulative projects, could result in increased air pollutant emission impacts or expose sensitive receptors to increased pollutant concentrations.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> Implementation of the proposed project and other related cumulative projects could result in increased impacts pertaining to operational air emissions.	No mitigation measures are required.	Less Than Significant Impact.



	<b>Cumulative Impacts:</b> Implementation of the proposed project and related projects could result in cumulatively considerable carbon monoxide hotspot impacts.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> Implementation of the proposed project and related projects could result in cumulatively considerable inconsistencies with the applicable air quality plan.	No mitigation measures are required.	Less Than Significant Impact.
<b>5.9</b>	<b>GREENHOUSE GAS EMISSIONS</b>		
	<b>GHG-1:</b> Greenhouse gas emissions generated by the project could have a significant impact on global climate change.	No mitigation measures are required.	Less Than Significant Impact.
	<b>GHG-2:</b> Implementation of the proposed project could conflict with an applicable greenhouse gas reduction plan, policy, or regulation.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> Greenhouse gas emissions generated by the project and other related cumulative projects could have a significant cumulative impact on global climate change or could conflict with an applicable greenhouse gas reduction plan, policy, or regulation.	No mitigation measures are required.	Less Than Significant Impact.
<b>5.10</b>	<b>ENERGY</b>		
	<b>EN-1:</b> The project could result in wasteful, inefficient, or unnecessary consumption of energy resources.	No mitigation measures are required.	Less Than Significant Impact.
	<b>EN-2:</b> The project could conflict with or obstruct a State or local plan for renewable energy or energy efficiency.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> Implementation of the project and other cumulative projects could result in wasteful, inefficient, or unnecessary consumption of energy resources or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.	No mitigation measures are required.	Less Than Significant Impact.
<b>5.11</b>	<b>NOISE</b>		
	<b>NOI-1:</b> Construction-related activities within the project area could result in temporary noise impacts to nearby noise sensitive receivers.	No mitigation measures are required.	Less Than Significant Impact.
	<b>NOI-2:</b> Project implementation could result in significant vibration impacts to nearby sensitive receptors and structures.	No mitigation measures are required.	Less Than Significant Impact.



	<b>NOI-3:</b> Future noise levels associated with implementation of the proposed project could result in a substantial permanent increase in ambient noise levels in the project vicinity and expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> Construction-related activities within the project area could result in significant temporary noise impacts to nearby noise sensitive receivers.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> Project implementation could result in significant vibration impacts to nearby sensitive receptors and structures.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The proposed project could result in a significant increase in traffic and long-term stationary ambient noise levels.	No mitigation measures are required.	Less Than Significant Impact.
<b>5.12</b>	<b>POPULATION AND HOUSING</b>		
	<b>PHE-1:</b> The project could directly or indirectly induce substantial unplanned population growth.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The proposed project, combined with other related projects, could result in cumulatively considerable impacts related to substantial unplanned population growth.	No mitigation measures are required.	Less Than Significant Impact.
<b>5.13</b>	<b>PUBLIC SERVICES/RECREATION AND UTILITIES</b>		
	<b>PSRU-1:</b> Project implementation could result in the need for additional fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.	Refer to Mitigation Measure TRA-1.	Less Than Significant Impact With Mitigation Incorporated.
	<b>PSRU-2:</b> Project implementation could result in the need for additional police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.	Refer to Mitigation Measure TRA-1.	Less Than Significant Impact With Mitigation Incorporated.
	<b>PSRU-3:</b> Project implementation could result in the need for additional school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.	No mitigation measures are required.	Less Than Significant Impact.



<p><b>PSRU-4:</b> Project implementation could result in the need for additional parks and recreational facilities and/or the increased use of existing neighborhood and regional parks such that substantial physical deterioration could occur or be accelerated. Project implementation would result in the construction of parks and recreational facilities which could have an adverse physical effect on the environment.</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant Impact.</p>
<p><b>PSRU-5:</b> Project implementation could result in the need for additional public library facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable performance objectives.</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant Impact.</p>
<p><b>PSRU-6:</b> Project implementation may not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years, and could require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant Impact.</p>
<p><b>PSRU-7:</b> Project implementation could result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments, exceed wastewater treatment requirements of the applicable regional water quality control board, or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant Impact.</p>
<p><b>PSRU-8:</b> Project implementation could result in the construction of new storm water drainage facilities.</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant Impact.</p>
<p><b>PSRU-9:</b> Project implementation may not be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and comply with federal, state, and local statutes and regulations related to solid waste.</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant Impact.</p>
<p><b>PSRU-10:</b> Would the project result in the relocation or construction of new or expanded dry utility facilities, which could cause significant environmental effects.</p>	<p>No mitigation measures are required.</p>	<p>Less Than Significant Impact.</p>



	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could create increased demand for fire protection services that could cause significant environmental impacts.	Refer to Mitigation Measure TRA-1.	Less Than Significant Impact With Mitigation Incorporated.
	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could create increased demand for police protection services that could cause significant environmental impacts.	Refer to Mitigation Measure TRA-1.	Less Than Significant Impact With Mitigation Incorporated.
	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could create increased demand for school services that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could create increased demand for parks and recreational facilities that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could create increased demand for other public facilities that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could create increased demand for water facilities that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could create increased demand for wastewater facilities that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could create increased demand for stormwater drainage facilities that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.
	<b>Cumulative Impacts:</b> The project combined with other cumulative projects could create increased demand for solid waste generation that could cause significant environmental impacts.	No mitigation measures are required.	Less Than Significant Impact.





## **1.5 SIGNIFICANT UNAVOIDABLE IMPACTS**

Compliance with existing regulations and the specific mitigation measures summarized above would reduce project impacts to less than significant levels and no significant unavoidable impacts would occur.

## **1.6 SUMMARY OF PROJECT ALTERNATIVES**

### **“NO PROJECT” ALTERNATIVE**

Under CEQA Guidelines Section 15126.6(e), the specific alternative of “no project” shall be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The “no project” analysis is required to discuss the existing conditions at the time the Notice of Preparation (published on July 19, 2021) as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

The “No Project” Alternative assumes the circumstance under which the proposed project does not proceed, and the project site’s current General Plan land use designations and zoning remain as is. Based on the General Plan Land Use Map, the project site is designated “Community Facility” (CF) and “Recreation/Open Space” (R/OS) and is situated within the Coastal Overlay District boundary. Based on the City’s Zoning Map, the project site is zoned “Community Facilities” (CF) and “Recreation” (REC). The northwestern portion of the project site is also located in the Floodplain Overlay District (FP-2) boundary.

Given that the site is currently developed with uses consistent with the existing land use designations and zoning (i.e., CUSD Grounds Department facilities), it is reasonably expected that buildout of the site under existing designations and zoning would be the existing CUSD facilities. Thus, the “No Project” Alternative is essentially a ‘no build’ alternative wherein the existing environmental setting is maintained. Specifically, the site would continue to operate as a CUSD Grounds Department facility for operations, maintenance, storage, bus/vehicle wash area, and refueling of school buses and other district vehicles. The existing structures on-site would remain and no new development would occur.

Unlike the proposed project, the “No Project” Alternative would not require a General Plan Amendment, Zone Change, Specific Plan, Tentative Parcel Map, Local Coastal Program Amendment, Coastal Development Permit, Site Development Permit, Development Agreement, or Site Plan Review.

### **“VILLAGE COMMERCIAL/RESIDENTIAL ZONING DISTRICT DEVELOPMENT” ALTERNATIVE**

The “Village Commercial/Residential Zoning District Development” Alternative aims to develop the project site assuming the portion of the site currently designated and zoned CF is redesignated to Commercial/Residential and rezoned to Village Commercial/Residential (V-C/R), similar to adjacent properties to the north and west. The adjacent properties to the north and west were redesignated and rezoned to Commercial/Residential and V-C/R, respectively, as part of the Doheny Village Zoning



District Update Project (approved by Dana Point City Council in July 2021). The Doheny Village Zoning District Update Project involved redesignating and rezoning nearly all parcels within Doheny Village with the exception of the project site. As such, it is reasonable to include an alternative to the proposed project in which the site is redesignated and rezoned and developed similar to its adjacent properties within Doheny Village. As part of this development alternative, the 1.1-acre on-site parcel along Sepulveda Avenue, currently designated Open Space and zoned REC, would not be redesignated or rezoned.

Based on the V-C/R zoning district development standards, the V-C/R Zoning District Development Alternative would demolish the existing CUSD Grounds Department facility and allow for construction of a multi-family residential development.

The “V-C/R Zoning District Development” Alternative would develop a 114-unit multi-family residential development on 4.4 acres of the project site. The remaining 1.1-acre parcel along Sepulveda Avenue would be graded and landscaped with turf, to serve as public open space to be owned and maintained by the City of Dana Point Parks Division.

The multi-family residential development would construct seven three-story apartment buildings and one leasing/amenity building. The one-story, 5,500-square foot leasing/amenity building would be located near the main entry at Victoria Boulevard and Via Santa Rosa. A secondary gated entry would be provided at a second driveway along Victoria Boulevard at the northeast corner of the site. The seven apartment buildings would be three-stories (ranging from 35 to 40 feet in height) and would include 87 tuck-under (covered) parking spaces on the ground level. Carports and uncovered parking spaces (75 and 64 spaces, respectively) would also be provided throughout the site and along the eastern and southern project boundary. In addition to the amenity and leasing building, a community pool is proposed in the center of the site.

This alternative would develop 235 fewer residential units than the proposed project at a substantially lower density of 20.7 dwelling units per acre. However, it is noted that the V-C/R district would allow a maximum density of 30 dwelling units per acre, up to 132 dwelling units at the project site. The residential buildings would be three stories in height. This Alternative would also construct off-street surface parking spaces and “tuck-under” garage spaces to accommodate the new apartment complex.

While this alternative would provide 1.1 acres of public open space along Sepulveda Avenue, it would provide less private open space compared to the project. Additionally, this alternative would not develop the private courtyards or the dual-purposed landscaped emergency vehicle access road along the eastern and southern project boundary provided by the proposed project. The various private residential amenities proposed under the project in the southern portion of the site would not be provided.

Similar to the proposed project, the “V-C/R Zoning District Development” Alternative would require a General Plan Amendment, Zone Change, Local Coastal Program Amendment, Coastal Development Permit, Tentative Parcel Map, and Site Plan Review. This alternative would not require a Specific Plan. The CUSD property is public land subject to the provisions of the Surplus Land Act, which requires at least 15 percent lower income units. As such, similar to the proposed project, this alternative would also be required to provide at least 15 percent affordable units. However, given the lower density proposed, the affordable units would be proportionately decreased.



## **“ENVIRONMENTALLY SUPERIOR” ALTERNATIVE**

Based on the analysis presented in [Section 7.0, \*Alternatives to the Proposed Project\*](#), the “No Project” Alternative is the environmentally superior alternative, as it would avoid or lessen most of the project’s environmental impacts. According to CEQA Guidelines Section 15126.6(e), “if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” Accordingly, the “V-C/R Zoning District Development” Alternative is considered environmentally superior to the proposed project.

It is acknowledged that the “No Project” Alternative would not meet any of the project’s basic objectives. This alternative would not provide new housing in the City and would not redevelop an underutilized parcel. No pedestrian-oriented development would be provided under this alternative. Beautification methods, such as landscaping and streetscaping enhancements, would not be provided. Although the existing landscaped area (along the project site’s western boundary) would remain designated and zoned open space, the “No Project” Alternative would not provide any new active open space areas at the northwest corner or southern portion of the project site.

Accordingly, because the fewer number of units would result in correspondingly reduced impacts for specific environmental issues, the “V-C/R Zoning District Development” Alternative is considered environmentally superior to the proposed project. The “V-C/R Zoning District Development” Alternative would result in reduced environmental impacts regarding tribal and cultural resources; air quality; greenhouse gas emissions; energy; noise; and public services and recreation; refer to [Table 7-4](#). This alternative would achieve the project’s basic objectives, although not to the extent of the proposed project; refer to [Table 7-3](#). This alternative would provide fewer affordable units compared to the proposed project. This alternative would develop a 114-unit multi-family development with at least 15 percent affordable units (i.e., at least 17 low-income units). However, the proposed project would provide a 349-unit development and provide substantially more affordable housing units. The “V-C/R Zoning District Development” Alternative would maintain the existing perimeter sidewalks, provide landscaping along Victoria Boulevard, and provide a 1.1-acre public open space along Sepulveda Avenue. However, the proposed landscaping along Victoria Boulevard and Sepulveda Avenue under this alternative would not be as substantive as the proposed project. The proposed open space under this alternative would not provide as much of a focal element for the public realm as the project. Specifically, the Victoria Shore Park proposed as the corner of Sepulveda Avenue and Victoria Boulevard would not be implemented. Additionally, this alternative would not provide other open space and recreational amenities such as the Arrival Promenade, rooftop garden, public paseos, private courtyards, and dog park.



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## 2.0 INTRODUCTION AND PURPOSE

### 2.1 PURPOSE OF THE EIR

The City of Dana Point has received applications for the development of an approximately 5.51-acre site located at 26126 Victoria Boulevard with up to 349 dwelling units (the “project”). The purpose of this EIR is to review the existing conditions, analyze potential environmental impacts, and identify feasible mitigation measures and alternatives to avoid or lessen the project’s potentially significant effects. This EIR addresses the project’s environmental effects, in accordance with *CEQA Guidelines* Section 15161. As referenced in *CEQA Guidelines* Section 15121(a), the primary purposes of this EIR are to:

- Inform decision-makers and the public generally of the significant environmental effects of a project;
- Identify possible ways to minimize the significant effects of a project; and
- Describe reasonable alternatives to a project.

The mitigation measures that are specified shall be adopted as conditions of approval to minimize or avoid the significant impacts resulting from the project. In addition, this EIR is the primary reference document in the formulation and implementation of a mitigation monitoring and reporting program for the project.

As Lead Agency, the City of Dana Point (which has the principal responsibility of processing and approving the project) and other public (i.e., responsible and trustee) agencies will consider the information in this EIR, along with other information that may be presented during the CEQA process, in the decision-making or permit consideration process. Environmental impacts are not always mitigatable to a level considered less than significant; in those cases, impacts are considered significant unavoidable impacts. In accordance with *CEQA Guidelines* Section 15093(b), if a public agency approves a project that has significant impacts that are not mitigated to less than significant (i.e., significant unavoidable impacts), the agency must state in writing the specific reasons for approving the project, based on the Final EIR and any other information in the public record for the project. *CEQA Guidelines* Section 15093 requires a “statement of overriding considerations” where the Lead Agency specifies the findings and public benefits for the project that outweigh the impacts.

This EIR analyzes the project’s environmental effects to the degree of specificity appropriate to the current proposed actions, as required by *CEQA Guidelines* Section 15146. The analysis considers the activities associated with the project to determine the short- and long-term effects associated with their implementation. This EIR discusses the project’s direct and indirect impacts, as well as the cumulative impacts associated with other past, present, and reasonably foreseeable future projects.

## 2.2 COMPLIANCE WITH CEQA

### PUBLIC REVIEW OF THE DRAFT EIR

In accordance with *CEQA Guidelines* Sections 15087 and 15105, this Draft EIR will be circulated for a 45-day public review period, beginning on January 6, 2023. Interested agencies and members of the



public are invited to comment in writing on the information contained in this document. Persons and agencies commenting are encouraged to provide information that they believe is missing from the Draft EIR and to identify where the information can be obtained. All comment letters received before the close of the public review period will be responded to in writing, and the comment letters, together with the responses to those comments, will be included in the Final EIR.

Comment letters should be sent to:

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

## **CERTIFICATION OF THE FINAL EIR**

Pursuant to *CEQA Guidelines* Section 15132, *Contents of Final Environmental Impact Report*, the Final EIR will consist of:

- a) The Draft EIR or a revision of the Draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.

Additionally, pursuant to *CEQA Guidelines* Section 15088, *Evaluation of and Response to Comments*, at least ten days prior to certifying the EIR, the City will provide a written proposed response to a public agency on comments made by that agency.

## **PROJECT CONSIDERATION**

Upon Final EIR certification, the City Council may consider approval of the proposed project. A decision to approve the project would be accompanied by specific, written findings, in accordance with *CEQA Guidelines* Section 15091, and if required, a specific written statement of overriding considerations, in accordance with *CEQA Guidelines* Section 15093.

### **2.3 NOTICE OF PREPARATION/ EARLY CONSULTATION (SCOPING)**

In compliance with the *CEQA Guidelines*, the City has provided opportunities for various agencies and the public to participate in the environmental review process. During EIR preparation, efforts were made to contact various Federal, State, regional, and local government agencies and other interested parties to solicit comments on the scope of the review in this document. This included the distribution



of a Notice of Preparation (NOP) and Initial Study to various responsible agencies, trustee agencies, and interested parties; refer to [Appendix 11.1, \*Notice of Preparation/Initial Study\*](#). The purpose of the NOP was to formally announce the preparation of a Draft EIR for the proposed project, and that, as the Lead Agency, the City was soliciting input regarding the scope and content of the environmental information to be included in the Draft EIR. The NOP and Initial Study provided preliminary information regarding the anticipated range of impacts to be analyzed within the Draft EIR. The NOP and Initial Study was distributed for a 30-day public review period from July 19, 2021 through August 17, 2021.

A public scoping meeting was held on August 5, 2021 at 6:00 p.m. at the City of Dana Point Council Chambers located at 33282 Golden Lantern, Dana Point, California 92629. The scoping meeting's purpose was to:

- Inform the public of the proposed project and the City's intent to prepare an EIR;
- Present an overview of the CEQA EIR process;
- Review the topics to be addressed in the EIR; and
- Receive public comments on issues of concern and environmental topics to be addressed in the EIR.

In addition, a public workshop was held with the Planning Commission and City Council members on November 16, 2022 at 6:00 p.m. at the Porthole Theater at Dana Hills High School located at 33333 Golden Lantern, Dana Point, California 92629. The public workshop was intended to discuss the project, as currently proposed, and solicit public comment.

The NOP and public workshop comments are provided in [Appendix 11.2, \*Notice of Preparation/Initial Study Comment Letters\*](#), and have been addressed in each appropriate topical area of this EIR. Issues raised in the NOP comments are summarized below:

- Aesthetic impacts of the proposed development, including impacts on scenic views (refer to [Section 5.2, \*Aesthetics/Light and Glare\*](#));
- Project impacts on existing traffic conditions (refer to [Section 5.7, \*Transportation\*](#));
- Land use impacts associated with the project, specifically the introduction of residential uses, consistency with the Dana Point General Plan and zoning (which includes the recently adopted Doheny Village Zoning District Update), consistency with parking requirements, and the proposed zone change (refer to [Section 5.4, \*Land Use and Relevant Planning\*](#));
- Impacts to the transportation facilities (refer to [Section 5.7, \*Transportation\*](#));
- Construction noise impacts as a result of the project (refer to [Section 5.11, \*Noise\*](#));
- Impacts to existing recreational facilities and police services within the project area (refer to [Section 5.13, \*Public Services/Recreation and Utilities\*](#));
- Impacts from unplanned population growth (refer to [Section 5.12, \*Population and Housing\*](#));



- Emergency access (refer to Section 5.6, *Hazards and Hazardous Materials*, and Section 5.7);
- Utility services within the project area, including solid waste and wastewater services (refer to Section 5.13, *Public Services/Recreation and Utilities*); and
- Consideration of alternatives to the proposed project, including an alternative that is consistent with the existing zoning for the surrounding area (refer to Section 7.0, *Alternatives to the Proposed Project*).

## **2.4 FORMAT OF THE EIR**

The Draft EIR is organized into the following sections:

- Section 1.0, *Executive Summary*, provides a brief project description and summary of the environmental impacts and mitigation measures.
- Section 2.0, *Introduction and Purpose*, provides CEQA compliance and procedural information.
- Section 3.0, *Project Description*, provides a detailed project description indicating project location, background, and history; project characteristics, phasing, and objectives; as well as associated discretionary actions required.
- Section 4.0, *Basis of Cumulative Analysis*, describes the approach and methodology for the cumulative analysis.
- Section 5.0, *Environmental Analysis*, contains a detailed environmental analysis of the existing conditions, existing regulatory setting, potential project impacts, potential cumulative impacts, recommended mitigation measures, and significant unavoidable impacts (if any) for the following environmental topic areas:
  - Land Use and Relevant Planning;
  - Aesthetics/Light and Glare;
  - Tribal and Cultural Resources;
  - Geology and Soils;
  - Hydrology and Water Quality;
  - Hazards and Hazardous Materials;
  - Transportation;
  - Air Quality;
  - Greenhouse Gas Emissions;
  - Energy;





- Noise;
  - Population and Housing; and
  - Public Services/Recreation and Utilities.
- Section 6.0, *Other CEQA Considerations*, discusses long-term implications of the proposed action. Irreversible environmental changes that would be involved in the proposed action, should it be implemented, are considered. The project’s growth-inducing impacts, including the potential for population growth, is also discussed.
  - Section 7.0, *Alternatives to the Proposed Project*, describes a reasonable range of alternatives to the project or its location that could avoid or substantially lessen the project’s significant impact and still feasibly attain the basic project objectives.
  - Section 8.0, *Effects Found Not To Be Significant*, explains potential impacts that have been determined not to be significant.
  - Section 9.0, *Organizations and Persons Consulted*, identifies all Federal, State, and local agencies, other organizations, and individuals consulted.
  - Section 10.0, *Bibliography*, identifies reference sources for the EIR.
  - Section 11.0, *Appendices*, contains the project’s technical documentation.

## 2.5 RESPONSIBLE AND TRUSTEE AGENCIES

Certain projects or actions undertaken by a Lead Agency require subsequent oversight, approvals, or permits from other public agencies in order to be implemented. Such other agencies are referred to as Responsible Agencies and Trustee Agencies. Pursuant to *CEQA Guidelines* Sections 15381 and 15386, as amended, Responsible Agencies and Trustee Agencies are respectively defined as follows:

*“Responsible Agency” means a public agency, which proposes to carry out or approve a project, for which [a] Lead Agency is preparing or has prepared an EIR or Negative Declaration. For the purposes of CEQA, the term “responsible agency” includes all public agencies other than the Lead Agency, which have discretionary approval power over the project. (Section 15381)*

*“Trustee Agency” means a state agency having jurisdiction by law over natural resources affected by a project, which are held in trust for the people of the State of California. Trustee Agencies include; The California Department of Fish and Game, The State Lands Commission; The State Department of Parks and Recreation and The University of California with regard to sites within the Natural Land and Water Reserves System. (Section 15386)*

Responsible and Trustee Agencies and other entities that may use this EIR in their decision-making process or for informational purposes include, but may not be limited to, the following:

- California Coastal Commission;
- California Department of Transportation;



- San Diego Regional Water Quality Control Board;
- South Coast Air Quality Management District;
- Department of Toxic Substances Control;
- Orange County Health Care Agency; and
- Capistrano Unified School District.

## **2.6 INCORPORATION BY REFERENCE**

Pertinent documents relating to this EIR have been cited in accordance with *CEQA Guidelines* Section 15150, which encourages incorporation by reference as a means of reducing redundancy and the length of environmental reports. The following documents are hereby incorporated by reference into this EIR. These documents are available for review at the City of Dana Point Planning Division, located at 33282 Golden Lantern, Dana Point, California, 92629.

- *City of Dana Point General Plan*. The *City of Dana Point General Plan* (General Plan) was adopted by the City Council on July 9, 1991. The General Plan is the City’s comprehensive, long-range planning and policy document that not only guides growth and change within Dana Point, but also preserves and protects the unique qualities that the community values most. The General Plan goals and policies serve as a guide for future development and desired conditions in support of the City’s overall vision.

The General Plan is organized by elements. Each element includes an introduction to describe the element and its organization. Goals and policies are organized by topical areas specific to each element. The General Plan contains the following elements:

- Land Use;
  - Urban Design;
  - Housing (last amended February 2022);
  - Circulation;
  - Noise;
  - Public Safety;
  - Conservation and Open Space;
  - Public Facilities/Growth Management; and
  - Economic Development.
- *Dana Point Municipal Code (current through Ordinance 21-08 and the January 2022 code supplement)*. The *Dana Point Municipal Code* (Municipal Code) consists of all the regulatory and penal ordinances and administrative ordinances of the City of Dana Point. The Municipal Code is



one of the City's primary tools to implement control of land uses, in accordance with General Plan goals and policies. The Dana Point Zoning Code, included as Municipal Code Title 9, *Zoning*, provides the legislative framework to implement and enhance the General Plan and Local Coastal Program (LCP) by classifying and regulating the uses of land and structures within the City. Additionally, Municipal Code Title 8, *Buildings and Construction*, specifies rules and regulations for construction, alteration, and building for uses of human habitation.

- *Dana Point Local Coastal Program*. The *Dana Point Local Coastal Program* (LCP) was based originally on the former County of Orange LCP (dated April 1980) for geographic areas that later became part of the City when it incorporated in 1989. The current 1996 LCP is comprised of the General Plan Land Use, Urban Design, and Conservation Open Space Elements; City's Zoning Code, *Monarch Beach/Capistrano Beach 1996 LCP*; *Headlands Development and Conservation Plan*; *Dana Point Town Center Plan*; and *Dana Point Harbor Revitalization Plan*. The project site is subject to the 1996 LCP, specifically the General Plan Land Use, Urban Design, and Conservation Open Space Elements, and the City's Zoning Code.
- *Doheny Village Zoning District Update Project Environmental Impact Report*: The Doheny Village Zoning District Update Project would enhance the eclectic combination of commercial, light industrial, and residential mixed uses in Doheny Village. The Doheny Village Zoning District Update was approved by the City Council on July 20, 2021. The City Council also certified the Doheny Village Zoning District Update Project Environmental Impact Report. The project would provide three new zoning districts specific to the project area (Village Commercial/Industrial, Village Commercial/Residential, Village Main Street), and would integrate new uses and development standards to Chapter 9.14, *Doheny Village Districts*, of the Municipal Code. The project would also require a General Plan Amendment to reflect the new zoning district classifications via appropriate land use designations that would apply to the project site specifically, development intensity, and density standards. Lastly, given that portions of Doheny Village are located within the coastal zone, a LCP Amendment would be required to reflect the new land use and zoning district classifications. *The Doheny Village Zoning District Update Project Environmental Impact Report* (Doheny Village PEIR) analyzed the project's potential environmental impacts and concluded that, upon compliance with existing regulations and mitigation measures, project implementation would not result in any significant and unavoidable environmental impacts.



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## 3.0 PROJECT DESCRIPTION

### 3.1 PROJECT LOCATION

The City of Dana Point (City) is located in the southern portion of Orange County, midway between the cities of San Diego and Los Angeles; refer to [Exhibit 3-1, \*Regional Vicinity\*](#). The community consists of coastal bluffs and rolling hills located along seven miles of the Pacific Ocean. Surrounding cities include Laguna Niguel and Laguna Beach to the north, San Juan Capistrano to the east, and San Clemente to the south.

The proposed Victoria Boulevard Apartments (project) site is located within an area commonly referred to as Doheny Village, which is an approximately 80-acre area located in the southeastern portion of the City. The project proposes the development of approximately 5.51-acre site located at 26126 Victoria Boulevard with up to 349 dwelling units. The project site is located on the southeast corner of Victoria Boulevard and Sepulveda Boulevard in the southeastern portion of Doheny Village. The project site is bound by Victoria Boulevard to the north, the Interstate 5 (I-5) off-ramp to Pacific Coast Highway on the east, Pacific Coast Highway on the south, and Sepulveda Avenue on the west; refer to [Exhibit 3-2, \*Site Vicinity\*](#). The project site consists of several underlying lots under one parcel number (Assessor's Parcel Number [APN] 668-361-01) owned by the Capistrano Unified School District (CUSD). Regional access to the project site is provided via I-5 and Pacific Coast Highway. Local access is provided via Victoria Boulevard and Sepulveda Avenue.

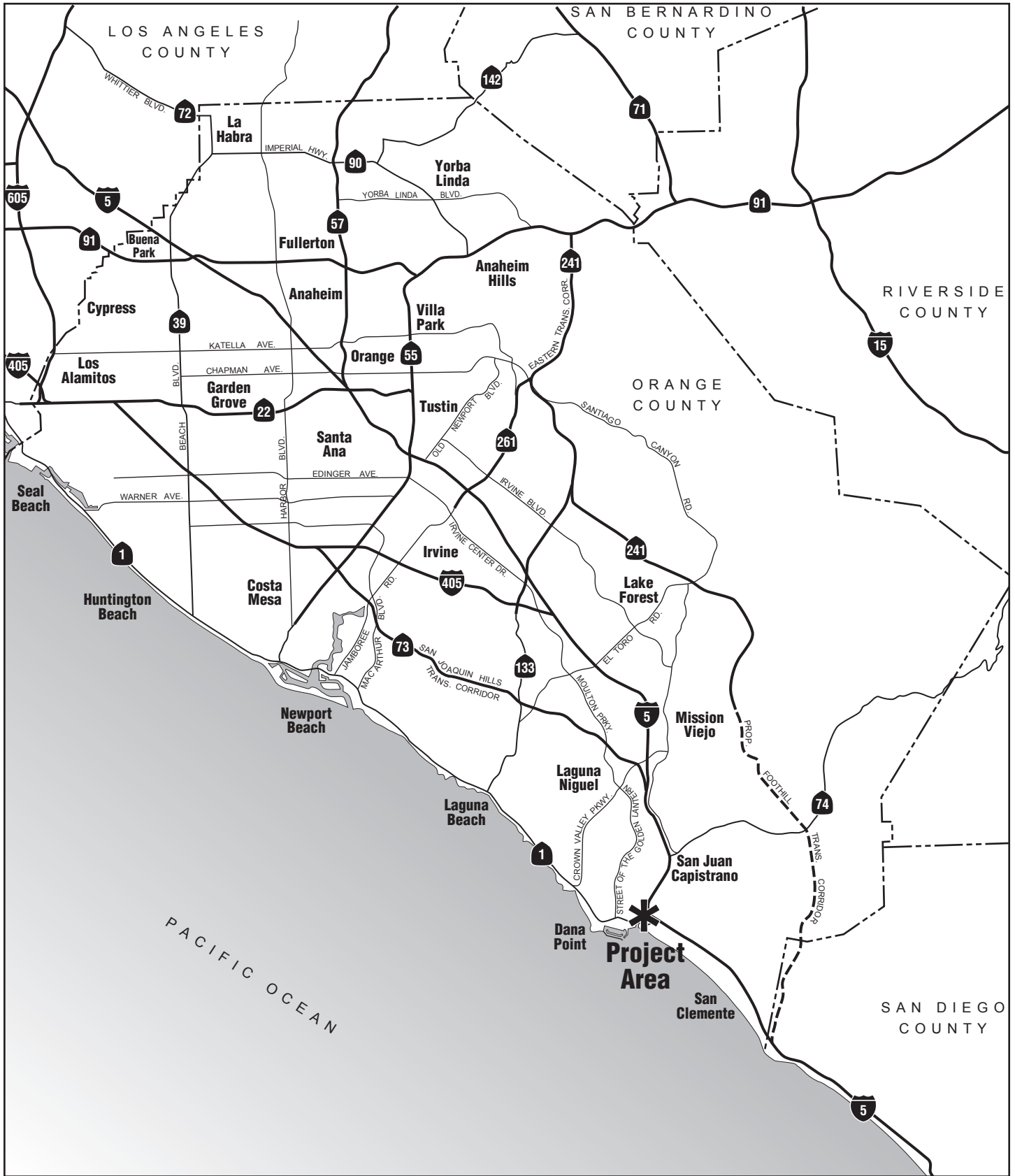
### 3.2 ENVIRONMENTAL SETTING

The project site is currently developed with six structures and is used by the CUSD Grounds Department for operations, maintenance, storage, bus/vehicle wash area, and refueling of school buses and other district vehicles; refer to [Exhibit 3-2](#). Only two structures located at the northwestern and northern portions of the site are currently in operation and utilized by the Grounds Department. The remainder of the site, including the former tire storage building, mechanic shop, transportation office (previously used as the Serra School house), and refueling area are no longer in operation and are used mainly for storage purposes. The project site currently provides approximately 130 parking spaces for CUSD vehicles and school buses. Site access is afforded via two steel access gates along Sepulveda Avenue and three steel access gates along Victoria Boulevard. One pedestrian gate is also present on Sepulveda Avenue. Small areas of ornamental landscaping are present along the perimeter sidewalks to the west and east.

## GENERAL PLAN DESIGNATION AND ZONING

Based on the *Dana Point General Plan* (General Plan) Land Use Map, the project site is designated “Community Facility” (CF) and “Recreation/Open Space” (R/OS) and is situated within the Coastal Overlay District boundary; refer to [Exhibit 3-3, \*Existing and Proposed General Plan Land Use Designation\*](#).

Based on the *Dana Point Zoning Map* (Zoning Map), the project site is zoned “Community Facilities” (CF) and “Recreation” (REC) and is situated within the Coastal Overlay District boundary. The northwestern portion of the project site is also located in the Floodplain Overlay District (FP-2) boundary; refer to [Exhibit 3-4, \*Existing and Proposed Zoning\*](#).



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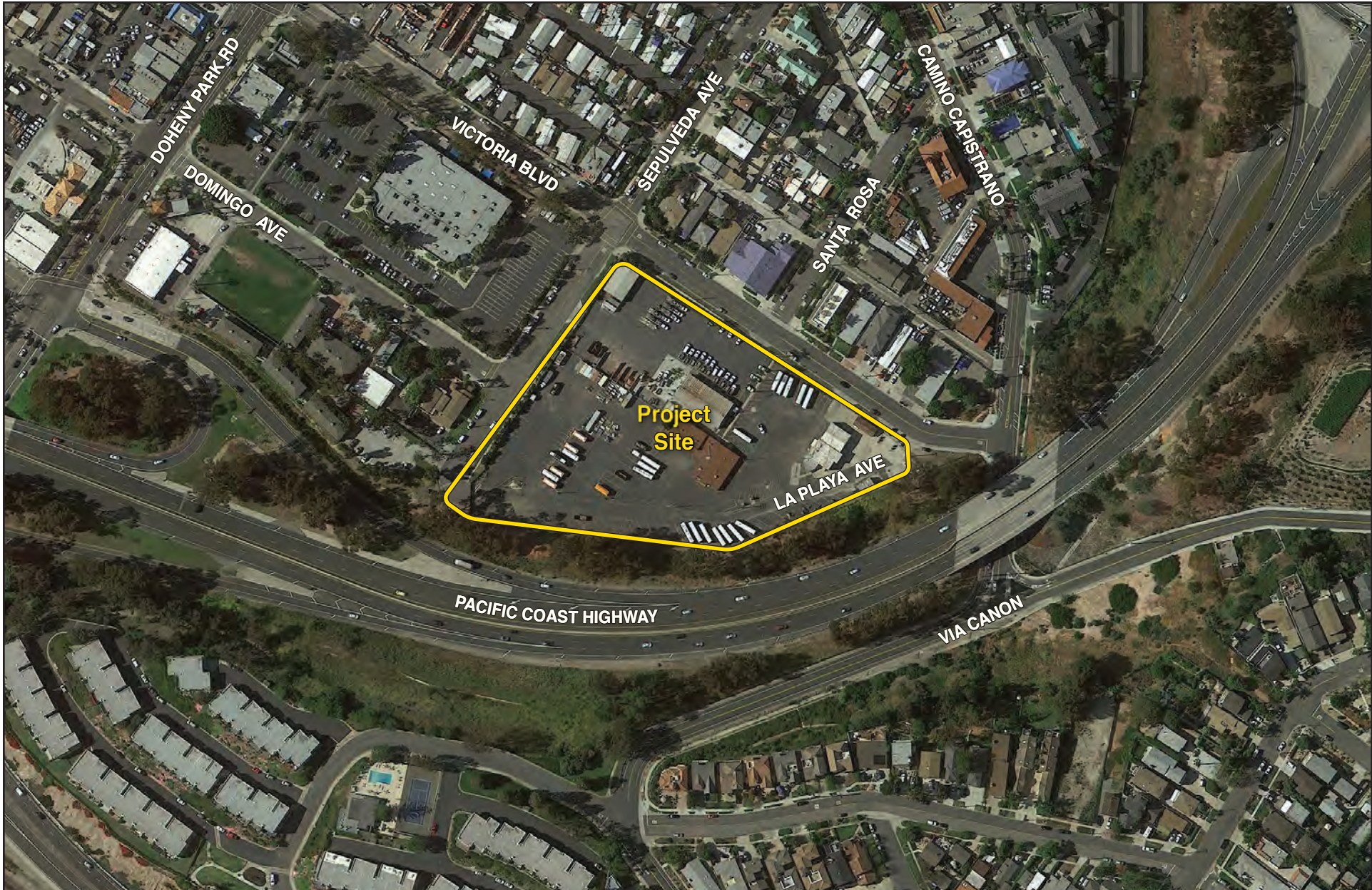
**Michael Baker**  
INTERNATIONAL



08/2021 | JN 179396

VICTORIA BOULEVARD APARTMENTS  
ENVIRONMENTAL IMPACT REPORT  
**Regional Vicinity**

**Exhibit 3-1**



Source: Google Earth Pro, 2020

Project Site

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**Michael Baker**  
INTERNATIONAL

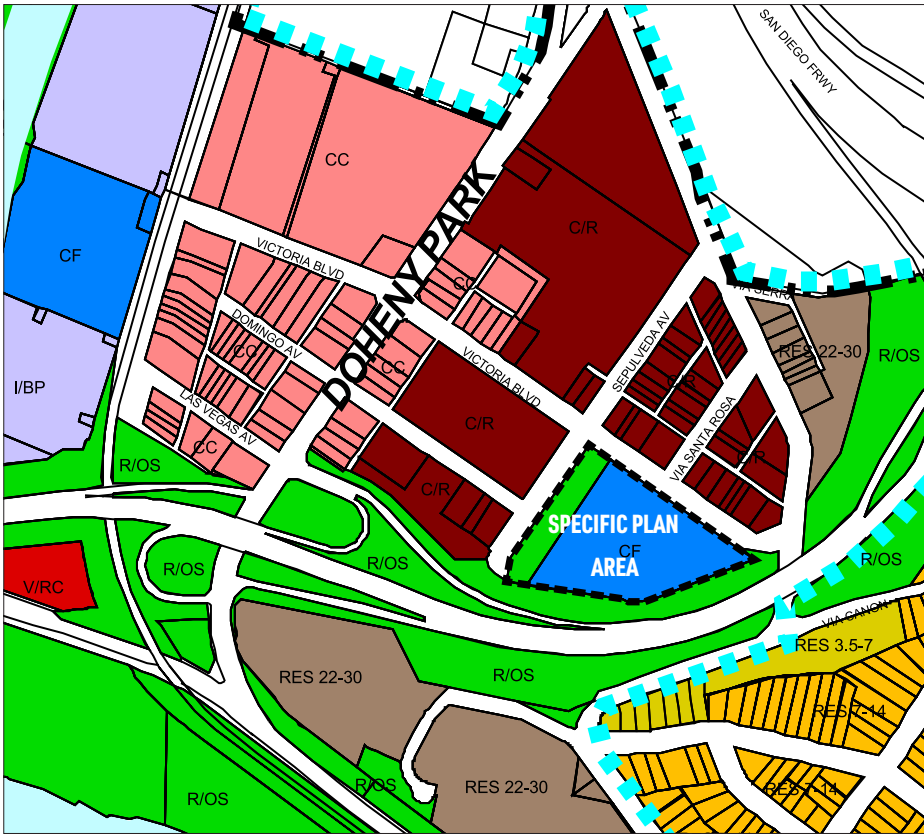


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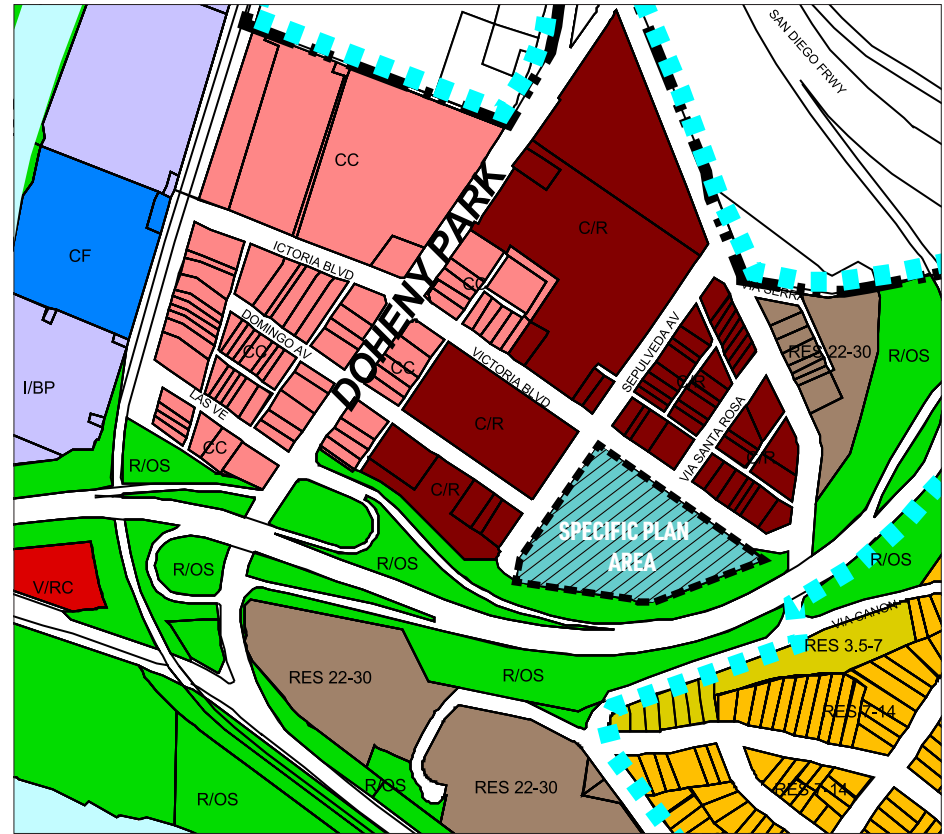
VICTORIA BOULEVARD APARTMENTS  
ENVIRONMENTAL IMPACT REPORT  
**Site Vicinity**

**Exhibit 3-2**















# EXISTING



# PROPOSED



## LEGEND

 RES 0-3.5	Residential 0-3.5 DU/AC	 V/R	Visitor/Recreation Commercial	 Specific Plan	Overlay Victoria Boulevard Specific Plan
 RES 3.5-7	Residential 3.5-7 DU/AC	 C/R	Commercial/Residential		Project Boundary
 RES 7-14	Residential 7-14 DU/AC	 I/BP	Industrial/Business Park		City Boundary
 RES 22-30	Residential 22-30 DU/AC	 CF	Community Facility		Coastal Overlay Boundary
 CC	Community Commercial	 R/OS	Recreation/Open Space		

Source: KTG, County of Orange, City of Dana Point

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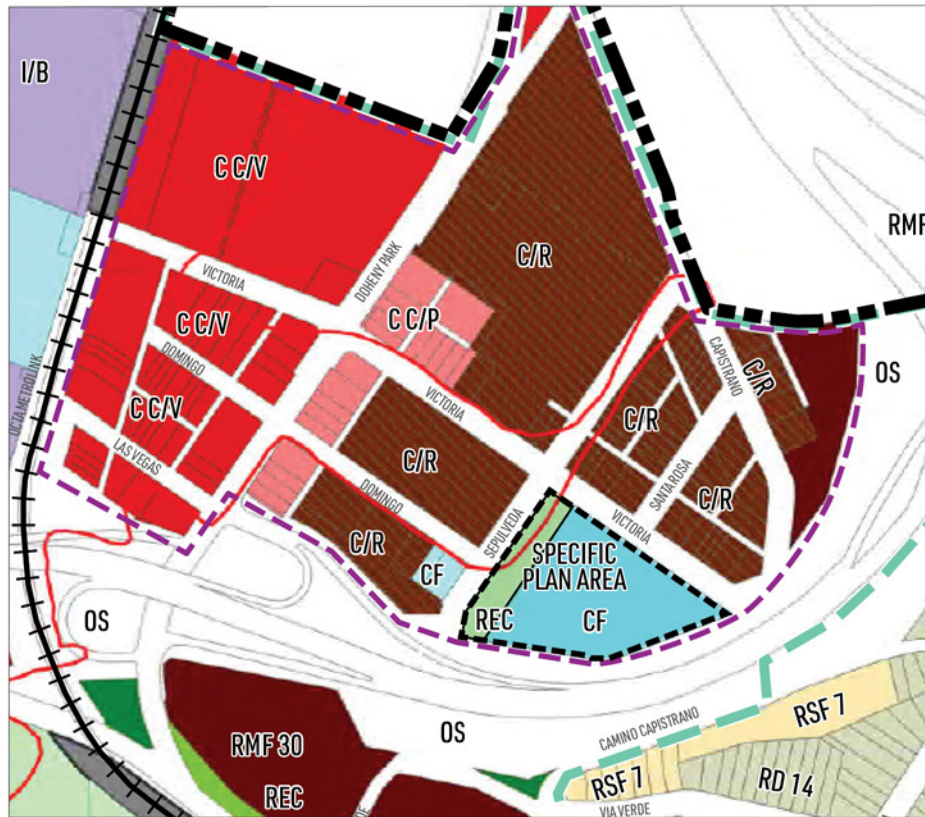
VICTORIA BOULEVARD APARTMENTS  
ENVIRONMENTAL IMPACT REPORT

# Existing and Proposed General Plan Land Use Designation

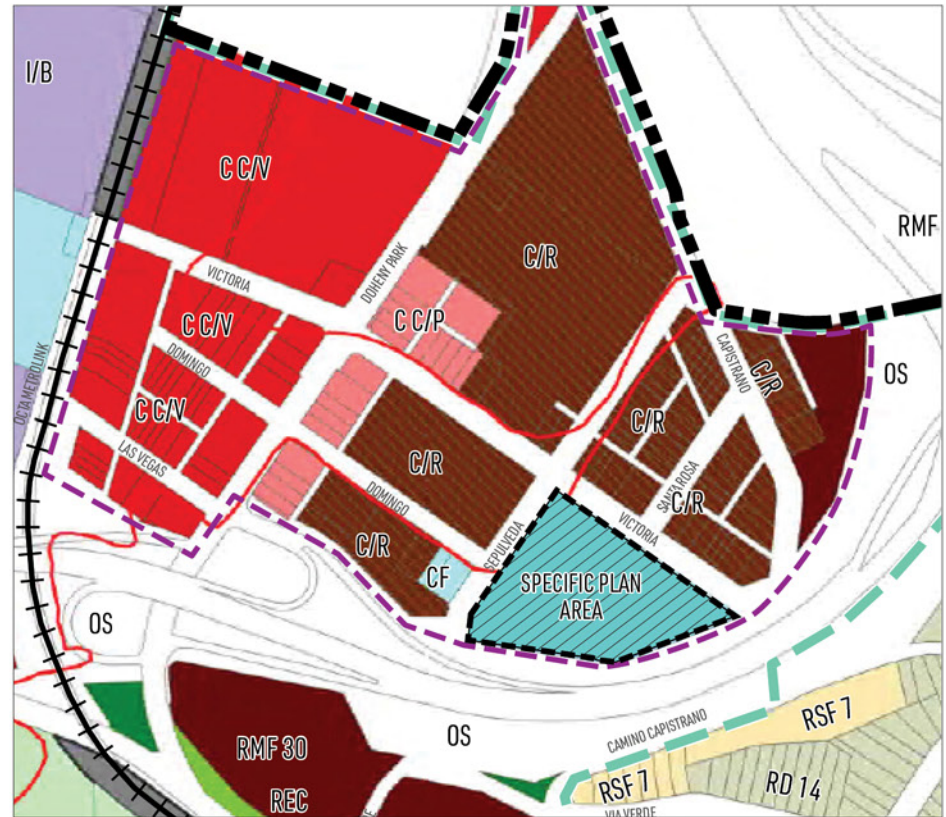
Exhibit 3-3



# EXISTING



# PROPOSED



## LEGEND

	RSF3	Residential Single Family 3 DU/AC		C C/P	Community Commercial/Pedestrian		CF	Community Facility
	RSF7	Residential Single Family 7 DU/AC		C C/V	Community Commercial/Vehicle		SPO (VBSP)	Victoria Boulevard Specific Plan
	RSF12	Residential Single Family 12 DU/AC		I/B	Industrial/Business			Doheny Village District
	RSF14	Residential Duplex 14 DU/AC		REC	Recreation			Floodplain Overlay (FP-2)
	RMF30	Residential Multifamily 30 DU/AC		CONS	Conservation			Coastal Overlay Boundary
	C/R	Commercial/Residential		OS	Open Space			City Boundary

Source: KTG, County of Orange, City of Dana Point

NOT TO SCALE

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## VICTORIA BOULEVARD APARTMENTS ENVIRONMENTAL IMPACT REPORT Existing and Proposed Zoning

Exhibit 3-4



## SURROUNDING LAND USES

Surrounding land uses include a mix of commercial, residential, and institutional uses, which are further described as follows:

- *North:* Victoria Boulevard bounds the project site to the north. Single-family residential, multi-family residential (Beachwood Village Mobile Home Park), and institutional (Orange County Fire Station No. 29 and Nobis Preschool) uses are present north of Victoria Boulevard. These land uses are designated Commercial/Residential (C/R) and zoned Commercial/Residential (C/R).
- *East and South:* Pacific Coast Highway and associated right-of-way (approximately 100-foot wide swath of ornamental landscaping) bounds the project site to the east and south. This area is designated R/OS and zoned Open Space (OS).
- *West:* Sepulveda Avenue bounds the project site to the west. Further west, multi-family residential (Coffield Apartments) and institutional (San Felipe de Jesus Catholic Church and Capo Beach Church) uses are present. These land uses are designated C/R and zoned C/R and CF.

### 3.3 PROJECT BACKGROUND AND HISTORY

The project site was originally developed as the Serra (Elementary) School, with buildings built by architect Fay Spangler in 1929. By the mid-1960s, the school was vacated, and the site was utilized as the CUSD's administrative headquarters until 1971. In 1976, the Serra School playground was removed, and paved, and former school buildings remained in use to serve as the CUSD's bus yard.

Since 2011, the City has undertaken a planning effort to revitalize Doheny Village (which includes the project site and surrounding area). The intent is to establish a clear direction for future development of the area, both as an attractive, unique, and vibrant neighborhood within the Capistrano Beach neighborhood and to create a vital link to the City's other neighborhoods, facilities, businesses, and amenities. On March 20, 2018, the City Council adopted its revised "guiding principles" for the Doheny Village area. The City Council directed staff to prepare a draft zoning code update, a zone text amendment, and a beautification plan. The intent of the zone text amendment is to streamline existing, nonconforming property regulations and provide more flexibility for Doheny Village property owners to invest in updating and improving their properties. Per this direction, on October 2, 2018, the City Council adopted a zone text amendment to allow greater flexibility to expand, improve, and maintain existing, nonconforming structures and uses in Doheny Village.

On July 20, 2021, the City Council of the City of Dana Point prepared the Doheny Village Zoning District Update Project, which includes a new chapter in the Dana Point Zoning Code for properties in Doheny Village. Following its adoption, the update was submitted to the California Coastal Commission (CCC) in August 2021 for review and certification. In December 2021, CCC deemed the Local Coastal Program Amendment application complete and approved a one-year time extension to March 2023. Once certified by CCC, the update will take effect. The update includes Zoning Code, General Plan, and Local Coastal Program Amendments. The environmental impacts of the update



were analyzed through an Environmental Impact Report which was certified by the City Council. The draft zoning map in the update includes new zoning districts in Doheny Village. Some of the key land use changes would allow light industrial uses on the west side, residential development on upper floors along Doheny Park Road, and horizontal mixed-use on the east side. These land use changes may induce both small- and large-scale redevelopment in Doheny Village.

Given the potential redevelopment of the Doheny Village area and the Statewide housing demand, the project includes redevelopment of the project site for the purposes of housing in the Doheny Village area. The project aims to enhance and preserve the cultural identity of Doheny Village and implement a vision that maximizes the area's future development potential.

The Doheny Village Zoning District Update identifies the project site for uses consistent with the Community Facilities District and Recreation District designation, but designates the project site for "Potential Specific Plan." As set forth in the Doheny Village Zoning District Update, "[c]oncurrent preparation and processing of a Specific Plan District has been requested by the property owner and shall be subject to a separate approval process pursuant to [Dana Point Municipal Code] Chapter 9.33. As such, the property shall be identified as a holding zone for the Capistrano Unified School District (CUSD) Specific Plan Area."

The project therefore includes the proposed Victoria Boulevard Specific Plan (Specific Plan). Although the Specific Plan is contemplated under the Doheny Village Zoning District Update, the proposed Specific Plan and the Doheny Village Zoning District Update remain separate projects. Since this Specific Plan and the Doheny Village Zoning District Update both implement guidelines and standards for the project site, it is the intent that these two regulating documents be consistent with one another. Notwithstanding, in instances where the *Dana Point Municipal Code* (Municipal Code) and the proposed Specific Plan regulate the same subject matter, the standards of the proposed Specific Plan shall prevail. Thus, although the project is being processed before CCC approval of the Doheny Village Zoning District Update is obtained, the project (including the Specific Plan) is a separate project under CEQA and is the subject of this Environmental Impact Report.

## **PROPERTY HISTORIC GRANT DEED**

CUSD's predecessor in interest, the Serra School District of Orange County acquired the site in 1926 from the First National Bank of Santa Ana. By the mid-1960s, the school was vacated, and the site was utilized as the CUSD's administrative headquarters until 1971. In 1976, the Serra School playground was removed, and paved, and former school buildings remained in use to serve as the CUSD's bus yard.

As part of its ongoing evaluation of its properties, CUSD identified the project site as a surplus site. Therefore, in 2018, CUSD issued a Request for Proposal for a ground lease to interested parties. Toll Brothers was awarded the lease for the project site. As noted in a May 2022 report to the CUSD Board of Trustees, the lease proceeds will be used for schools in Dana Point, specifically to supplement the proposed seismic bond for Dana Hills High School to make needed upgrades.

Compliance with laws regarding the disposal of surplus lands is CUSD's responsibility.

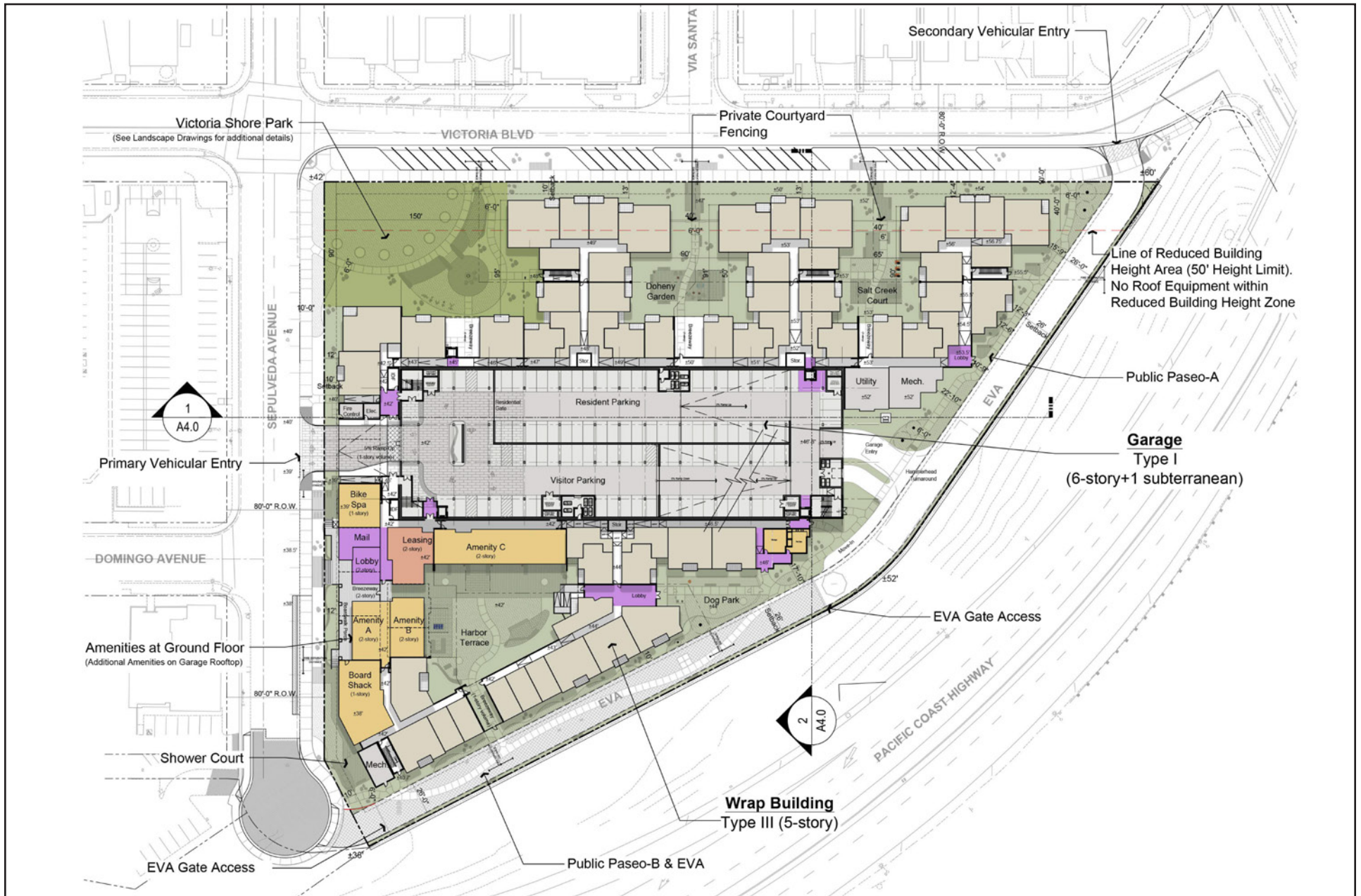


### 3.4 PROJECT CHARACTERISTICS

The project involves the demolition of the existing CUSD bus yard and development of a three- to five-story, 349-unit apartment complex with an attached six-story (seven levels) parking structure and associated amenities in accordance with the proposed Victoria Boulevard Specific Plan (Specific Plan); refer to Exhibit 3-5, *Conceptual Site Plan*. As proposed, the project would construct approximately 144,018 square feet (3.306 acres) of open space, including 46,399 square feet (1.065 acres) of public active open space, 34,719 square feet (0.797 acre) of public street and frontage open space, 44,644 square feet (1.025 acre) of private active open space, and 18,256 square feet (0.419 acre) of private passive (i.e., patio) open space. The 1.065 acres of public active open space would include Victoria Shore Park (at the southeastern corner of Sepulveda Avenue and Victoria Boulevard) as well as a Dog Park and two public paseos along the former La Playa Avenue right-of-way; refer to Exhibit 3-6, *Conceptual Landscape Plan*. Private active open space (residential common area) would include private courtyards (Doheny Garden, Salt Creek Court, Harbor Terrace, and Shower Court), as well as a rooftop garden with a fitness room, pool deck, and club house.

Public improvements associated with the project include a public park with active and passive recreation amenities (Victoria Shore Park) proposed at the southeastern corner of Victoria Boulevard and Sepulveda Avenue, enhanced landscape and streetscape amenities, additional public parking within the right-of-way areas, construction of a cul-de-sac at the Sepulveda Avenue terminus, a Dog Park, and two public paseos. Victoria Shore Park would include an outdoor exercise station, activity lawn, fire pit lounge deck, canopy palms, and enhanced architectural features. The paseo features would include a public access walking/biking trail, seating area with benches, drivable grass with drivable turf, and architecturally enhanced hardscape features. The Dog Park would include synthetic lawn dog run feature, dog water fountain, and trash/dog waste station. The private courtyards would include various amenities such as a canopy palms, seating area with benches, boulder features, bike storage, Americans with Disabilities Act (ADA) lift, enhanced hardscape, surf wash down lawn, board storage, showers/hose-down, lounge seating with fire table, dining tables, stage area/tv movie screen, seating, synthetic activity lawn, ping pong, foosball, and pool tables, among others. In addition to the fitness room, pool, and club, the roof garden would include barbecues, dining tables, lounge seating, ping pong and foosball tables, synthetic lawn, spa, sun chaise, entertainment screen, and fire pit seating area, among others. Landscape and Streetscape amenities would include, without limitation:

- i. Establishment of no less than 27 on-street angled and landscape enhanced parking spaces along the southside of Victoria Boulevard and 13 on-street parking spaces along the eastside of Sepulveda Avenue;
- ii. Ample landscaping and seating;
- iii. New curb, gutter, and 10-foot sidewalk along Victoria Boulevard (increasing sidewalk width from four feet existing to 10 feet to allow for bicycles and pedestrians);
- iv. New 10-foot sidewalk along Sepulveda Boulevard (increasing sidewalk from four feet to 10 feet to allow for bicycles and pedestrians);
- v. New curb and gutter to replace existing driveways on Sepulveda;
- vi. Relocation of catch basin at the corner of Victoria and other storm drain modifications to accommodate street improvements;



Source: ktgy Architecture • Planning, March 2022

NOT TO SCALE

**Michael Baker**  
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12/2022 | JN 179396

VICTORIA BOULEVARD APARTMENTS  
ENVIRONMENTAL IMPACT REPORT  
**Conceptual Site Plan**

**Exhibit 3-5**



SEPULVEDA AVE.

VICTORIA BLVD.

SECONDARY ENTRY

VICTORIA SHORE PARK

DOHENY GARDEN

SALT CREEK COURT

PUBLIC PASEO - A

Bike Spa (1-story)

Mail (2-story)

Lobby (2-story)

Amenity C (2-story)

Amenity B (2-story)

Amenity A (2-story)

Board Shack (3-story)

Court Mech

HARBOR TERRACE

DOG PARK

PUBLIC PASEO - B

LA PLAYA TRAIL WAY

PERCENTAGE OF LANDSCAPE AREA CALCULATION

ON SITE AREA	
PROPERTY BOUNDARY	240,282 SQ. FT.
LANDSCAPE AREA	43,729 SQ. FT.
TURF AREA	26,766 SQ. FT.
PERCENTAGE OF SITE AREA	
TOTAL LANDSCAPE AREA + 69,495 SQ. FT.	
LANDSCAPE AREA REQUIRED + 10%	
LANDSCAPE AREA PROPOSED + 20%	

TREE PLANTING LEGEND			
SYMBOL	BOTANICAL COMMON NAME	SIZE	QUANTITY
	OLEA VARIEGATA	48" BOX	1
	SPYRULIA VIREORAMA	48" BOX	1
	NOYANUS MEXICANUS	48" BOX	1
	NOYANUS CONFERTUS	48" BOX	1
	NOYANUS CONFERTUS	48" BOX	1
	NOYANUS CONFERTUS	48" BOX	1
	NOYANUS CONFERTUS	48" BOX	1
	NOYANUS CONFERTUS	48" BOX	1
	NOYANUS CONFERTUS	48" BOX	1
	NOYANUS CONFERTUS	48" BOX	1

NOTE:  
PROPOSED TREES AND SHRUBS WILL BE IN ACCORDANCE WITH THE FINAL OCPA FUEL MOG PLAN

**SHEET TITLE**

- L - 1 CONCEPTUAL SITE PLAN
- L - 2 PUBLIC OPEN SPACE DIAGRAM
- L - 3 PUBLIC & PRIVATE PARK SPACE DIAGRAM
- L - 4 VICTORIA SHORE PARK
- L - 5 LA PLAYA AVE OPEN SPACE
- L - 6 LA PLAYA AVE OPEN SPACE
- L - 7 ARRIVAL PROMENADE
- L - 8 HARBOR TERRACE
- L - 9 DOHENY GARDEN
- L - 10 SALT CREEK COURT
- L - 11 ROOF TOP TERRACE
- L - 12 WALL & FENCE PLAN
- L - 13 WALL & FENCE PLAN (ROOF TERRACE)
- L - 14 IMP - STREET PLAN

SHRUB PLANTING LEGEND			
SYMBOL	BOTANICAL COMMON NAME	SIZE	QUANTITY
	ADONIS AETHEA	1.5 GAL	1
	ADONIS AETHEA	1.5 GAL	1
	ADONIS AETHEA	1.5 GAL	1
	ADONIS AETHEA	1.5 GAL	1
	ADONIS AETHEA	1.5 GAL	1
	ADONIS AETHEA	1.5 GAL	1
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	ADONIS AETHEA	1.5 GAL	1

SHRUB PLANTING LEGEND			
SYMBOL	BOTANICAL COMMON NAME	SIZE	QUANTITY
	ADONIS AETHEA	1.5 GAL	1
	ADONIS AETHEA	1.5 GAL	1
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	ADONIS AETHEA	1.5 GAL	1
	ADONIS AETHEA	1.5 GAL	1

Source: ktgy Architecture • Planning, March 2022





- vii. Caltrans drainage culvert to be modified/replaced with junction structure; required upgrades to the SCWD system;
- viii. A cul-de-sac and sidewalk at Sepulveda Boulevard dead-end; and
- ix. Surf benches along sidewalk on Victoria Boulevard.

## **VICTORIA BOULEVARD SPECIFIC PLAN**

The Specific Plan is intended to provide an orderly and efficient development of the project site, in accordance with the General Plan. The Specific Plan would serve both planning and regulatory functions including land use regulations, circulation patterns, public facilities and infrastructure requirements, and development standards. All future development within the Specific Plan project area would be subject to compliance with the Specific Plan regulations, as well as all other applicable City regulations.

### **Land Use Plan**

Section 3.2, *Land Use Plan*, of the Specific Plan provides that development density within the proposed Specific Plan area would not exceed 63.3 dwelling units per acre, yielding a maximum of 349 dwelling units on the 5.51-acre project site. Of the total unit count, a minimum of five percent very low-, five percent low-, and five percent moderate-income units (yielding a total of no less than 53 affordable units) are required to be provided and distributed throughout the project. The project allows for numerous outdoor spaces and opportunities for recreation, including outdoor amenitized courtyard space, a roof garden area, and recreation spaces surrounding the development. The Land Use Plan identifies the entirety of the 5.51-acre project site “Village Multi-Family Residential” (VMFR). The VMFR designation allows for the development of a combination of studio, one-, two-, and three-bedroom market rate and affordable unit types within the Specific Plan area. On-site ancillary recreational, administrative mechanical, and equipment uses and facilities are also permitted in order to support the residential community. A central shared parking structure is intended to serve the development.

### **Grading Plan**

Section 3.5, *Grading Plan*, of the Specific Plan includes the conceptual grading plan for the project. The proposed grading plan is designed to balance cut and fill within the project area, to the extent feasible. While the relative drainage pattern of the existing site would be maintained for the project, the existing buildings would be cleared, and concrete and asphalt materials would be removed in order for the site to be graded and prepared for development.

As discussed in the Specific Plan, the finished floor elevations for the residential community would range from 56 feet above mean sea level (amsl) in the eastern corner of the Specific Plan area to 38 feet amsl in the western corner of the project site. This would result in the total cut of 40,100 cubic yards and 20,515 cubic yards in fill. Overall, approximately 19,585 cubic yards of earth material would be exported.



## **Circulation Plan**

Section 3.3, *Circulation Plan*, of the Specific Plan establishes the general layout and standards for vehicular, pedestrian, bicyclist, and transit access to the project site. The Specific Plan area is bounded by two local streets: Victoria Boulevard to the north and Sepulveda Avenue to the west.

### Access and Entry

Primary vehicular access to the project site would be provided via a proposed minimum 42-foot-wide ingress/egress driveway along Sepulveda Avenue. The entry drive would lead to the central parking garage. Secondary access would be provided via an unsignalized entryway from Victoria Boulevard, leading to the rear entry of the parking garage. A third driveway, for emergency access only, is proposed at the southern terminus of Sepulveda Avenue. This terminus would be improved with a cul-de-sac. All emergency vehicular access (EVA) drive aisles would be designed to meet minimum fire lane widths and turning radii requirements as required by the Orange County Fire Authority (OCFA). Access to the loading area of the residential community would occur from the Victoria Boulevard secondary access driveway at the northeastern corner of the project site. This driveway also serves as an EVA egress for the residential community. Pedestrian access and circulation would also be provided throughout the residential community, connecting the residential community to the network of City sidewalks. The project would also provide direct bicycle access to the proposed residential community via the project's secondary driveway along Victoria Boulevard.

### Pedestrian/Bicyclist Circulation

Pedestrian circulation would be provided both external and internal to the project site. The pedestrian sidewalk along Sepulveda Avenue and Victoria Boulevard would have a minimum width of 10 feet to accommodate pedestrian and bicycle travel. The proposed boardwalk deck would provide pedestrian connectivity among the ground floor amenities that are on-site. The project would provide a Class III bicycle route with signing on the eastbound side of Victoria Boulevard. The public paseos along the former La Playa Avenue right-of-way would have multiple access points, such as Sepulveda Avenue, Victoria Boulevard, and other open space areas; refer to [Exhibit 3-6](#). Multiple sidewalks would be provided at various locations within the project site, as well as externally along Sepulveda Avenue and Victoria Boulevard. External sidewalks along Victoria Boulevard and Sepulveda Avenue would follow standards set forth in the Specific Plan and would have a minimum width of 10 feet.

### Street Parking

The project frontage along Victoria Boulevard would be reconfigured to include angled parking to provide additional parking and amenities for the surrounding area, resulting in no less than 27 on-street angled and landscape enhanced parking spaces along the southside of Victoria Boulevard and 13 on-street parking spaces along the eastside of Sepulveda Avenue. As a result, the Specific Plan area would provide an increased supply of 11 on-street parking stalls on Victoria Boulevard and Sepulveda Avenue.





## Design Guidelines

Section 4, *Design Guidelines*, of the Specific Plan intends to provide guidance to builders, architects, landscape professionals, City staff, and decision makers when designing and approving future development proposals within the Specific Plan area. These guidelines provide general directions on implementing the unique, coastal, contemporary, high-density concepts envisioned for the Specific Plan area, ensuring cohesive, high-quality development of buildings, streetscapes, and other public spaces. The Design Guidelines detail site planning, architectural, landscaping, signage, lighting, art-in-public places, and sustainability design guidelines.

### Architectural Style

The architecture style for the project site is Coastal Contemporary style, which is defined by clean lines, natural materials, contrasting accents, and uncluttered massing. Architecture would utilize a color palette and colors that complement the sea, sky, and earth forms that are prevalent on the California coast. Building materials are encouraged to have a proper balance of texture to surface area to create a human scaled pattern. Natural materials such as wood, woven fiber, and stone would also be used to highlight s primary entrances or key walkways to create a human scaled pattern. The selected materials would also relate the development to the agricultural and coastal activities historically present in Doheny Village and utilize natural materials to relate to the coastal atmosphere of the neighborhood while setting a fresh tone for this emerging district. A light and breezy architectural character is envisioned, with large, operable windows and glazed doors, balconies, terraces, loggias, and roof garden enlivened with overhangs, awnings, canopies, trellises, and plantings. The architectural style and the proposed ground floor amenities, (i.e., proposed boardwalk, surfboard storage, and bicycle storage), ultimately express a Coastal Contemporary style for the project.

### Conceptual Landscape Plan

The project proposes approximately 69,495 square feet (approximately 29 percent of the 5.51-acre site) of landscaped area; refer to [Exhibit 3-6](#). Section 4.4.1, *Conceptual Landscape Plan* of the Specific Plan details the landscape design concept for the project. Landscape design would be integrated with building architecture and suitable to the functions of the space. All landscape and irrigation plans would be required to meet the standards of Municipal Code Section 9.55.050, *Landscape Water Use and Design Standards*.

Additionally, the project would comply with OCFA requirements regarding vegetation management and maintenance.

### Entries and Signage

The Specific Plan proposes to implement an “Arrival Promenade” in the primary community entry to the mailroom and main lobby of the residency. As a gateway into the development, the Arrival Promenade would include several entry features that are designed to establish a sense of place and function as common open space. The Arrival Promenade may include enhanced entry drive paving, boardwalk steps, boardwalk paseo, bicycle storage, ADA lift, an art wall, parkway landscape, synthetic turf, benches, surfboard storage, and showers/hose-down area. All design features would be consistent with the architectural theme of the proposed project. Wayfinding and identity signage are



major factors in creating and reinforcing the design character of a community. Wayfinding and street signage would be installed throughout the project site, and would be consistent with the design guidelines detailed in Section 4.6, *Signage Guidelines*, of the Specific Plan. Specific Plan Signage Guidelines proposed are intended to expand the City's Sign Design Guidelines. Colors, materials, and designs of signs in the Specific Plan area should be consistent with the architectural "Coastal Contemporary" character of the project. Design of sign supports is integral to sign design and should either be consistent with sign theme or minimized in appearance. Signage and enhanced pedestrian paving (e.g., boardwalk steps and paseos) would be implemented at the project entryway along Sepulveda Avenue and along internal pedestrian pathways.

### Art in Public Places

Section 4.5, *Art-in-Public-Places Guidelines* of the Specific Plan include guidelines for art in public areas of the project site. The project is also subject to Municipal Code Section 9.05.240, *Art in Public Places*, which addresses the inclusion of public art, water features, and other decorative elements. Art elements may include murals, sculptures, and/or decorative water fountains designed to create artistic harmony between the community's buildings, landscape, and open spaces. Municipal Code Section 9.05.240 requires that the development projects that include a public art component be reviewed by the Dana Point Community Services Commission, or pay in-lieu fees.

## **Development Standards**

Section 5.5, *Development Standards*, of the Specific Plan provides development regulations for any new development or use in the Specific Plan area. Development standards address general site development, including, but not limited to, allowable development, density, lot area per residential unit, building height, building setbacks, and open space requirements.

The Specific Plan permits a maximum of 349 multi-family residential dwelling units within the Specific Plan area. Ancillary uses are also permitted but are limited to those that support the operation and occupation of the primary use. Specific Plan Table 5.1, *Victoria Boulevard Permitted Uses*, identifies permitted uses on-site. Table 3-1, *Victoria Boulevard Specific Plan Development Standards*, details the proposed development standards and setbacks. The maximum building height within the Specific Plan area is 65 feet in height. Due to the nature of the proposed project and existing sloping gradient of the project site, the proposed Specific Plan defines "building height" differently than the existing Municipal Code. Per the proposed Specific Plan, building height is defined as the vertical distance measured from finished pad to the highest point of the building directly above that point, exclusive of allowed projections identified in Specific Plan Section 5.6. Since the project site slopes and finished grade varies throughout the site, building height is the vertical distance above a point of the structure. The point is measured from the top of the finished pad. In the event that the finished pad is submerged by more than four feet than the adjacent finished grade (e.g., subterranean parking), the nearest finished grade elevation is used. Per Specific Plan Section 5.6.2, *Projections*, projections that exceed the maximum height limit by up to ten feet may be permitted if they are found to be compatible with the proposed architectural design of the structure or building. Allowed projections include ventilators, elevator housing structures, enclosed stairways, tanks, fire or parapet walls (including roof parapets), skylights, safety railings and other safety elements, and roof-mounted solar panels. Additionally, another ten feet in height may be permitted for roof top recreational structures, provided they are



located in the middle to rear of the property. As such, the proposed building would be allowed up to 75 feet in height, inclusive of the rooftop amenities, as well as an additional 10 feet for appurtenances. The project, as proposed, would be less than 65 feet in height, with the exception of the rooftop amenities, which would be less than 75 feet in height. No features would extend beyond 75 feet in height. The proposed Specific Plan further includes a “Reduced Building Height Zone”; refer to Exhibit 3-7, *Reduced Building Height Zones*. All structures, including projections, within this zone would be restricted to 50 feet or less measured from a point that is above the top of the finished pad. Other development regulations detailed in Specific Plan Section 5.5, *Development Standards*, include those related to off-street parking, fences and walls, intersection sight line, water efficient landscaping, signage, art-in-public places, and open space and recreation.

**Table 3-1  
Victoria Boulevard Specific Plan Development Standards**

Development Standard	Requirement
<b>Residential Development</b>	
Density	63.3 du/ac
Maximum Number of Units	349 du
Minimum Lot Area Per Unit	600 sf/du
Maximum Building Coverage	80%
Maximum Building Height	65 feet <sup>1</sup>
Maximum Building Height Within 40 Feet of Victoria Blvd. Right-of-Way	50 feet
<b>Minimum Building Setbacks and Separations<sup>2,3</sup></b>	
Front Setback from Sepulveda Avenue	10 feet
Side Setback from Victoria Boulevard	10 feet
Rear Setback From SR-1	26 feet
Minimum Building Separation	6 feet or per CBC
<b>Open Space</b>	
Minimum Residence Open Space Required Per Unit	100 sf/du
Minimum Landscape Coverage	10%
Notes: du = dwelling units; sf = square feet; du/ac = dwelling units per acre; CBC = California Building Code <sup>1</sup> The proposed Specific Plan defines building height as: “ <i>Building, Height of</i> . The vertical distance measured from finished pad to the highest point of the building directly above that point, exclusive of allowed projections identified in Specific Plan Section 5.6. Since the Specific Plan area slopes and finished grade varies throughout the site, building height is the vertical distance above a point of the structure. The point shall be measured from the top of the finished pad. In the event that the finished pad is submerged by more than four (4) feet than the adjacent finished grade (e.g. subterranean parking), the nearest finished grade elevation shall be used.” <sup>2</sup> Projections that exceed the maximum height limit by up to ten (10) feet may be permitted if they are found to be compatible with the proposed architectural design of the structure or building. Refer to Specific Plan Section 5.6.2 for allowable projections. Additionally, another ten (10) feet in height may be permitted for recreational structures identified in Section 5.6.2, provided they are located in the middle to rear of the property. <sup>3</sup> Refer to Specific Plan Section 5.6.1 for allowable encroachments.	
Source: KTG Architecture + Planning, <i>Victoria Boulevard Specific Plan – Draft No.2</i> , July 2022.	



NOT TO SCALE





## Parking

Under the Specific Plan, the project would provide on-street and off-street parking. The proposed project would provide additional on-street parking spaces along the south side of Victoria Boulevard. Existing on-street parking along Sepulveda Avenue would remain. In total, the project would provide an increased supply of on-street parking along both Victoria Boulevard and Sepulveda Avenue. Currently, 17 parking spaces exist along Sepulveda Avenue and 12 parking spaces exist along Victoria Boulevard, for a total of 29 stalls. The project would result in 13 parking spaces along Sepulveda Avenue and 27 parking spaces along Victoria Boulevard, for a total of 40 parking spaces (or a net increase of 11 parking spaces).

Off-street parking would include a multi-level parking structure that would provide reserved parking spaces for residents and guests. As detailed in Specific Plan Section 5.7, *Off-Street Parking Standards*, residential parking would be required at a ratio of 1.5 to 2.5 spaces per unit (depending on the number of bedrooms) and guest parking would be required at a ratio of 0.2 spaces per unit. For the project, the proposed Specific Plan regulations would require 669 off-street parking spaces. The parking structure, as proposed, would include 681 spaces (1.95 spaces per unit), with 609 spaces for residents and 72 spaces for visitors. Refer to Table 3-2, Proposed Parking, for a description of proposed parking. The parking structure would be screened by residential buildings to the north, west, and south, enclosed on three sides and open on the eastern end. The six-story parking structure (up to 65 feet in height) would have seven levels, with six levels covered and the seventh level uncovered. Due to the existing slope of topography on-site, the first level would be mostly underground. The sixth level would share space with a lounging area and the residency’s pool deck.

**Table 3-2  
Proposed Parking**

Unit Type	Proposed Specific Plan Required Ratio (Spaces per Dwelling Unit)	Proposed Units	Required Parking Spaces	Proposed Parking Spaces
Studio	1.5	36	54	54
1-Bedroom	1.5	181	272	277
2-Bedroom	2.0	115	230	230
3-Bedroom	2.5	17	43	48
Visitor	0.2	-	70	72
<b>Total</b>	<b>--</b>	<b>349</b>	<b>669</b>	<b>681</b>

## Parks and Open Space

Under the Specific Plan, the project would be required to construct a minimum of 1.065 acres of public open space to serve the recreational needs of the project residents and general public, a minimum of 0.797 acre of frontage open space, as well as private open space pursuant to the standards set forth in Table 5.2, *Victoria Boulevard Specific Plan Development Standards*, which is 100 square feet per dwelling unit. The project proposes 3.306 acres of open space, including 1.065 acres of public open space, 0.797-acre of frontage open space, as well as 1.451 acres of private/common area open space for residence on-site, as detailed in Table 3-3, Proposed Parks and Open Space.



**Table 3-3  
Proposed Parks and Open Space**

Open Space Type	Proposed Square Footage
<b>Private (Residence and Common Area) Open Space</b>	
Private Active Common Open Space (Courtyards)	44,644
Private Passive Open Space (Patios)	18,256
<i>Total Private Parks/Open Space</i>	<i>62,900 (1.444 acres)</i>
<b>Public Open Space</b>	
Victoria Shore Park	17,666
Public Paseo A (La Playa Avenue)	7,114
Public Paseo B (La Playa Avenue)	19,175
Dog Park	2,444
<i>Total Public Parks/Open Space</i>	<i>46,399 (1.065 acres)<sup>1</sup></i>
<i>Public Streets and Frontage Open Space</i>	<i>34,719 (0.797 acres)</i>
<b>Total Parks/Open Space</b>	<b>144,018 (3.306 acres)</b>
Notes:	
1. Currently, the project site is entitled for 1.1 acres of open space on-site. The project proposes 1.065 acres of public open space on-site. In order to accommodate the remaining 0.035 acre of public open space, the Applicant would pay park in-lieu fees in accordance with the Development Agreement for the project.	

## Infrastructure Plan

Infrastructure facilities, including but not limited to, water, sewer, and storm drains, are required to comply with all applicable requirements of the City and/or relevant service agencies. The following utilities and services would serve the proposed project:

### Water

The South Coast Water District (SCWD) would be the primary water supplier for the project. SCWD is a regional utility owned that serves the City and its residents. Other than the connection improvements in nearby roadway rights-of-way, there are no off-site improvements to domestic service water lines.

Proposed water service improvements within the project site would include potable water, irrigation, fire sprinklers, and fire hydrant service lines. The new facilities would connect to an existing 10-inch domestic water line located within Victoria Boulevard. The project proposes to terminate/cap the existing 4-inch domestic water line currently present on-site near Victoria Boulevard at the northeast corner of the project site. The existing 4-inch domestic water line, currently present on-site near Sepulveda Avenue at the southwest corner of the project site, would remain. All proposed domestic water, irrigation, and fire flow infrastructure would connect to existing utilities along Victoria Boulevard. All water improvements would be designed to the City and SCWD's water standards and the location of fire hydrants and apparatuses would be reviewed by the OCFA to ensure adequate fire flow and pressure.



### Sewer

SCWD also operates and maintains the wastewater system that serves the City and the project site. Three new 6-inch sewer laterals are proposed to connect to the existing 8-inch sewer main located within the Sepulveda Avenue. An existing 6-inch sewer on-underneath the site would be removed. All wastewater improvements would be required to comply with SCWD and City's requirements and specifications.

### Stormwater

The City operates and maintains the City's storm drain system. Runoff from the northern portion of the site would be collected and conveyed to an existing 30-inch storm drain line located within Victoria Boulevard. Runoff occurring on the remainder of the site would be collected and conveyed either to an existing 36-inch storm drain line within Sepulveda Avenue that discharges to the existing open headwall culvert and existing 36-inch storm drain line located at the southern terminus of Sepulveda Avenue or to a new 24-inch storm drain system located within the EVA drive aisle along the southern project boundary. The new 24-inch storm drain would also connect to the existing 36-inch storm drain line located within Sepulveda Avenue.

The project also proposes a concrete v-gutter along the southern property boundary. This v-gutter would divert off-site flows (from slopes along Pacific Coast Highway) around the project site, to the existing open headwall culvert and the existing 36-inch storm drain line south of Sepulveda Avenue.

All stormwater would be treated to meet water quality standards per State and City requirements, as well as the proposed Specific Plan Section 3.4.4, *Water Quality*, before entering the public storm drain system. As such, the project proposes a series of Modular Wetland System (MWS) units for water quality treatment prior to discharge to the City's storm drain system.<sup>1,2</sup> The MWS units are biotreatment systems that utilize multi-stage treatment processes including screening media filtration, settling, and biofiltration. The pretreatment chamber contains the first stage of treatment, and includes a catch basin inlet filter to capture trash, debris, gross solids and sediments, a settling chamber for separating out larger solids, and a media filter cartridge for capturing fine total suspended solids, metals, nutrients, and bacteria. Runoff then flows through the wetland chamber where treatment is achieved through a variety of physical, chemical, and biological processes. Last, the stormwater then flows through the planting soil, at which time pollutants are filtered, adsorbed, biodegraded, and sequestered by the soil and plants. The discharge chamber at the end of the unit collects treated flows and discharges water back into the storm drain system.

It is acknowledged that the northwestern portion of the project site is located in a special flood hazard area (Zone A) as designated by the Federal Emergency Management Agency (FEMA). A Site Development Permit is required to review new multi-family construction and to allow for construction

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<sup>1</sup> Fuscoe Engineering, Inc., *Victoria Apartments Preliminary Water Quality Management Plan (PWQMP)*, dated March 9, 2022; refer to [Appendix 11.5, Hydrology/WQMP](#).

<sup>2</sup> Refer to [Section 5.5, Hydrology and Water Quality](#), for a description of the proposed on-site stormwater system, as well as [Exhibit 5.5-2, Proposed Hydrology](#), for a mapping of proposed MWS unit locations.



within a zoned Floodplain Overlay District (FP-2) boundary. A Floodplain Overlay District is an overlay zoning district that is established by the City under Chapter 9.31 of the Municipal Code. Applicable regulations related to the Floodplain Overlay District (FP-2) boundary are included in Section 5.1, *Land Use and Relevant Planning*. The flood zone (associated with the FEMA designation) is discussed in Section 5.5, *Hydrology and Water Quality*.

### Dry Utilities

San Diego Gas and Electric (SDGE) provides electric services to the project site. Existing overhead power lines and associated pole are present on-site and connect to an existing overhead electrical line present over and along Victoria Boulevard. An existing underground electrical line is also present within the north side of Victoria Boulevard. The project proposes to remove existing power poles on-site. New underground service lines would be installed by the SDGE to connect to existing SDGE underground facilities on the north side of Victoria Boulevard pursuant to current SDGE design and construction standards.

Natural gas services for the project site would be provided by Southern California Gas Company. An existing gas line is present in Victoria Boulevard and would be sufficient to service the project. This service line would be extended from the existing main to a new meter on-site.

Cable, telephone, and internet services within the City are currently provided by AT&T and COX Communications. Existing telephone and cable/television lines are located in Sepulveda Avenue and Victoria Boulevard. New service lines would be provided via underground connections to existing facilities on Sepulveda Avenue and Victoria Boulevard.

## **GENERAL PLAN AMENDMENT**

The proposed Specific Plan is an implementation tool of the General Plan. In order to ensure the General Plan land use designation for the project site is consistent with the portions of the General Plan that function as the Coastal Element of the Local Coastal Plan (LCP), a GPA is requested in accordance with Municipal Code Section 9.61.080, *Amendments*. The proposed General Plan Amendment would change the land use designation of the project site from CF and R/OS to “Specific Plan Overlay.”

## **ZONE CHANGE**

A Zone Change is also requested as part of the project to rezone the site from CF and REC to “Victoria Boulevard Specific Plan” (VBSP).

## **LCP AMENDMENT**

The entire Specific Plan area is within the Coastal Zone and is subject to the CCC’s larger authority over the public resource of the California coast. The General Plan, along with City’s Zoning Ordinance, must be certified by the CCC as an LCP to ensure policy compatibility between State and local authorities, particularly with respect to specific issues related to public access and environmental quality related to coastal resources.





In order to make the Specific Plan consistent with the LCP, an LCP amendment is proposed in accordance with Municipal Code Section 9.61.080, *Amendments*.

## **DEVELOPMENT AGREEMENT**

An application for a Development Agreement would be filed as part of the project in accordance with Municipal Code Chapter 9.73, *Development Agreements*. The Development Agreement is being negotiated and considered for approval by the Planning Commission and the City Council in combination with the legislative actions and project entitlement. The Development Agreement would include public benefits that extend beyond those which may be forthcoming through project approvals, as well as other negotiated terms. If physical improvements beyond those described as part of the project are known and have been identified in the Development Agreement as commitments to be implemented by the project proponent, they are identified and evaluated in this environmental document. If the improvements have not been identified, at such time in the future when they are identified and implementation may result in physical environmental impacts, separate environmental documentation will be prepared.

The Development Agreement may include both physical improvements and monetary contributions that may be used for off-site improvements, such as renovations at Dana Hills High School. The Development Agreement would formalize Toll's commitment that its lease payments to CUSD be used by the School District to help fund improvements at Dana Hills High School. The details regarding specific improvements are unknown at this time, but as a general proposition the activities are designed to make the existing site safer and more modernized, but not to increase student capacity or population. As further information is unknown at this point, analysis of the specific impacts would require speculation, which is neither necessary nor appropriate under CEQA. When specific improvements are identified, if they have the potential to cause physical impacts on the environment, they will be analyzed in a separate document prior to their implementation by the School District. In addition, the Development Agreement may include a payment to the City to be utilized for additional community benefits and payment of in lieu fees and monetary exactions, if any, as may be determined by the City.

### **3.5 CONSTRUCTION AND PHASING**

It is anticipated that the proposed project would be built out in one complete phase over a period of two to three years with construction estimated to begin in January 2024 and completed in April 2026. The following activities would occur under the single phase:

- Demolition (approximately one and a half months);
- Grading (approximately two months);
- Paving (approximately one and a half months);
- Building Construction (approximately 28 months); and
- Painting (approximately three months).



Actual build-out would be subject to market and economic conditions, jurisdictional processing of approvals, and infrastructure timing, and may vary from the timing currently anticipated. The Development Agreement would expire, and the vested rights thereunder would terminate, if vertical development of the project has not commenced within five years of the effective date of the Development Agreement, if certificates of occupancy and/or completion have not been issued for the entirety of the project within ten years following the Development Agreement effective date, and/or if certificates of acceptance have not been issued for all of the public improvements for the project within ten years following the Development Agreement effective date.

### **3.6 GOALS AND OBJECTIVES**

CEQA Guidelines Section 15124(b) states that an EIR project description must include “[a] statement of objectives sought by the proposed project. The statement of objectives should include the underlying purpose of the project.” As such, the Victoria Boulevard Specific Plan objectives, as detailed in Section 3.4, Project Objectives, of the Specific Plan, are outlined below:

- Increase the supply and diversity of housing types in the City of Dana Point, consistent with the goals and policies of the Housing Element.
- Implement infill development on underutilized parcels, consistent with the General Plan and Housing Element.
- Ensure height and massing of future development within the project area is sensitive to the scale of existing streetscapes, especially along Victoria Boulevard.
- Promote the character and surf heritage of the historical Doheny Village.
- Increase the supply of affordable housing by mandating that no less than 5% of the units be developed for very low income level housing, 5% of the units be developed for low income housing level housing, and 5% of the units be developed for moderate income housing.
- Promote pedestrian-oriented development, consistent with the planned Doheny Village Zoning District Update Project by providing housing within walking distance of places of business and employment.
- Utilize architectural and landscape design to create public street frontages with pedestrian interest.
- Incorporate landscaping and streetscaping enhancements as a means of investing in City beautification.
- Reinforce a sense of place through unique and project-specific identity signage that adds interest and variety to the public realm and complements the harbor and coastal zone features of Dana Point.



- Incorporate public open spaces within the project area, including a focal element (Victoria Park) to enhance the public realm and public access at the corner of Sepulveda Avenue and Victoria Boulevard, all of which would be maintained by the project developer in perpetuity.
- Create a funding mechanism which yields a substantial contribution to be utilized exclusively on improvements to Dana Hills High School at the earliest commercially feasible time.
- Utility undergrounding for all utilities along the project frontages at Victoria Boulevard and Sepulveda Avenue.
- Provide a substantial contribution to the City to be utilized for community benefits as directed by the City Council.

### **3.7 PERMITS AND APPROVALS**

The City of Dana Point is the Lead Agency under CEQA and has discretionary authority over the proposed project. The project is required to obtain various permits and approvals from the City, including, but not limited to:

- CEQA Compliance: certification of the Victoria Boulevard Apartments Environmental Impact Report, and adoption of all findings, reports, and statements required in connection with that certification;
- General Plan Amendment: approval of a General Plan Amendment to change the General Plan land use designation of the project site from “Community Facility” (CF) and “Recreation/Open Space” (R/OS) to “Specific Plan Overlay”;
- Zone Change: approval of a Zone Change to change the zoning of the project site from “Community Facility” (CF) and “Recreation” (REC) to “Victoria Boulevard Specific Plan” (VBSP);
- Specific Plan: adoption of the Victoria Boulevard Specific Plan;
- Tentative Parcel Map (TPM): to consolidate the underlying lots on the project site in accordance with Chapter 7 of the Municipal Code and with the Subdivision Map Act of the California Government Code;
- Local Coastal Program Amendment: to ensure consistency between the Specific Plan and the City of Dana Point Local Coastal Program in accordance with Section 9.61.080(e) of the Municipal Code;
- Coastal Development Permit: to allow for the demolition of existing infrastructure on-site and the development of the proposed apartment community and associated amenities per Chapter 9.69 of the Municipal Code;
- Site Development Permit: to review new multi-family construction and allow for construction within a Floodplain Overlay District per Chapter 9.31 of the Municipal Code;



- Development Agreement;
- Site Plan Review;
- Encroachment Permit; and
- Issuance of applicable grading and building permits.

In addition, the following permits/approvals may be required of other agencies:

- Surplus Lands Act compliance – Capistrano Unified School District;
- LCP Amendment – California Coastal Commission;
- Encroachment Permit – California Department of Transportation;
- NPDES Construction General Permit – San Diego Regional Water Quality Control Board;
- Construction Permit – South Coast Air Quality Management District;
- Voluntary Cleanup Agreement – Department of Toxic Substances Control; and
- UST Removal/Remediation and Monitoring Well Destruction Permit – Orange County Health Care Agency.



## 4.0 BASIS OF CUMULATIVE ANALYSIS

*CEQA Guidelines* Section 15355 provides the following definition of cumulative impacts:

*“Cumulative impacts” refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.*

- (a) The individual effects may be changes resulting from a single project or a number of separate projects.*
- (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.*

*CEQA Guidelines* Section 15130 further addresses the discussion of cumulative impacts, as follows:

- (1) An EIR should not discuss impacts which do not result in part from the project evaluated in the EIR.*
- (2) If the combined cumulative impact associated with the project’s incremental effect and the effects of other projects is not significant, the EIR should briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR.*
- (3) If the combined cumulative impact associated with the project’s incremental effect and the effects of other projects is significant, the EIR must determine whether the project’s contribution is cumulatively considerable.*
- (4) The EIR may conclude the project’s contribution to a significant cumulative impact is less than cumulatively considerable and thus is not significant, if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact.*

Section 5.0, *Environmental Analysis*, assesses the cumulative impacts for each applicable environmental issue, and does so to a degree that reflects each impact’s severity and likelihood of occurrence.

In accordance with *CEQA Guidelines* Section 15130(b), the discussion of cumulative impacts shall be guided by the standards of practicality and reasonableness, and should include the following elements in its discussion of significant cumulative impacts:

1. *Either:*
  - A. A list of past, present and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the Agency, or*
  - B. A summary of projections contained in an adopted local, regional or statewide plan, or related planning document, that describes or evaluates conditions contributing to the cumulative effect. Such plans may include: a general plan, regional transportation plan, or plans for the reduction of greenhouse gas emissions. A summary of projections may also be contained in an adopted or certified prior environmental document for such a plan. Such projects may be*



*supplemented with additional information such as a regional modeling program. Any such document shall be referenced and made available to the public at a location specified by the lead agency.*

- 2. When utilizing a list, as suggested in paragraph (1) of subdivision (b), factors to consider when determining whether to include a related project should include the nature of each environmental resource being examined, the location of the project and its type. Location may be important, for example, when water quality impacts are at issue since projects outside the watershed would probably not contribute to a cumulative effect. Project type may be important, for example, when the impact is specialized, such as a particular air pollutant or mode of traffic.*
- 3. Lead agencies should define the geographic scope of the area affected by the cumulative effect and provide a reasonable explanation for the geographic limitation used.*
- 4. A summary of the expected environmental effects to be produced by those projects with specific reference to additional information stating where that information is available.*
- 5. A reasonable analysis of the cumulative impacts of the relevant projects, including examination of reasonable, feasible options for mitigating or avoiding the project's contribution to any significant cumulative effects.*

This EIR evaluates the project's potential cumulative impacts using both the list and summary of projections approaches depending upon which approach is appropriate/relevant for each environmental issue area. The geographic area considered for cumulative impacts varies depending on environmental issue area. For example, the project's operational effects have geographic scopes that are global (such as greenhouse gases, addressed in [Section 5.9, \*Greenhouse Gas Emissions\*](#)), regional (such as air quality, addressed in [Section 5.8, \*Air Quality\*](#)), and local (such as light and glare, addressed in [Section 5.2, \*Aesthetics/Light and Glare\*](#)).

[Table 4-1, \*Cumulative Projects List\*](#), and [Exhibit 4-1, \*Cumulative Projects Map\*](#), identify related projects in the area determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. The following list of projects was developed based on data provided by the City and adjacent jurisdictions as of the date of the Notice of Preparation (July 19, 2021). The implementation of each project represented in [Table 4-1](#) was determined to be reasonably foreseeable.



**Table 4-1  
Cumulative Projects List**

Map Key	Project	Location	Land Use	Quantity
<b>City of Dana Point</b>				
DP1	South Cove	34202 Del Obispo Street	Mixed-Use	Construction of a residential/mixed-use community comprising 168 condominium units and approximately 2,471 square feet of commercial space. A small 0.45-acre portion of the property fronting Pacific Coast Highway is proposed as part of the parkland dedication requirement for the project.
DP2	Former Dana Marina Inn Site	34111 Pacific Coast Highway	Mixed-Use	Demolition of the former Dana Marina Inn and construction of 30 single-family residences and 11,800 square feet of mixed commercial retail use.
DP3	Prado West	34135, 34129, 34137, 34155 Pacific Coast Highway and 24471, 245012 24591 Del Prado (within Town Center Plan area)	Mixed-Use	Demolition of existing structures and construction of a new, three-phased, mixed-use project featuring 32,419 square feet of mixed commercial retail space on the ground floors and 109 residential units on three levels above with subterranean parking.
DP4	The Greer	24442, 24452, 24470 Del Prado (within Town Center Plan area)	Mixed-Use	Demolition of existing uses and construction of a three-story, mixed-use project consisting of 6,502 square feet of mixed commercial retail use, 3,480 square feet of restaurant space, 12 senior housing units and 56 multifamily units.
DP5	Vista del Mar	34175 Pacific Coast Highway (within Town Center Plan area)	Mixed-Use	Demolition of the existing 9,376-square foot commercial structure and construction of a new mixed-use development consisting of 8,730 square feet of mixed commercial retail space and 39 dwelling units.
DP6	St. Edwards Church Expansion	33926 Calle La Primavera	Institutional	Demolition of 13,930-square feet of existing structures and construction of a new 25,393-square foot parish hall and offices.
DP12	Dana Point Harbor Revitalization	Harbor Drive and Golden Lantern	Commercial	Replacement/relocation of existing retail and restaurant uses. Construction of a new lighthouse facility, retail and restaurant uses, a festival plaza, and a parking deck.
DP13	Grand Monarch Residential	Niguel Road and Stonehill Drive	Residential	Construction of 45 multifamily dwelling units.
DP14	Headlands Residential	Southwest of Pacific Coast Highway and Shoreline Drive	Residential	Development of 39 single-family residential units.
DP15	South Coast Water District Doheny Desalination Plant	Stonehill Drive between San Juan Creek and railroad	Utility	Construction of a desalination plant with 15 million gallons per day treatment capacity.
DP16	Dana Point Harbor Hotels	Dana Point Harbor	Hotel	Demolition of existing 136 room hotel and two boater service buildings, construct two new hotels: 139 and 136 rooms and replaced boater service buildings.



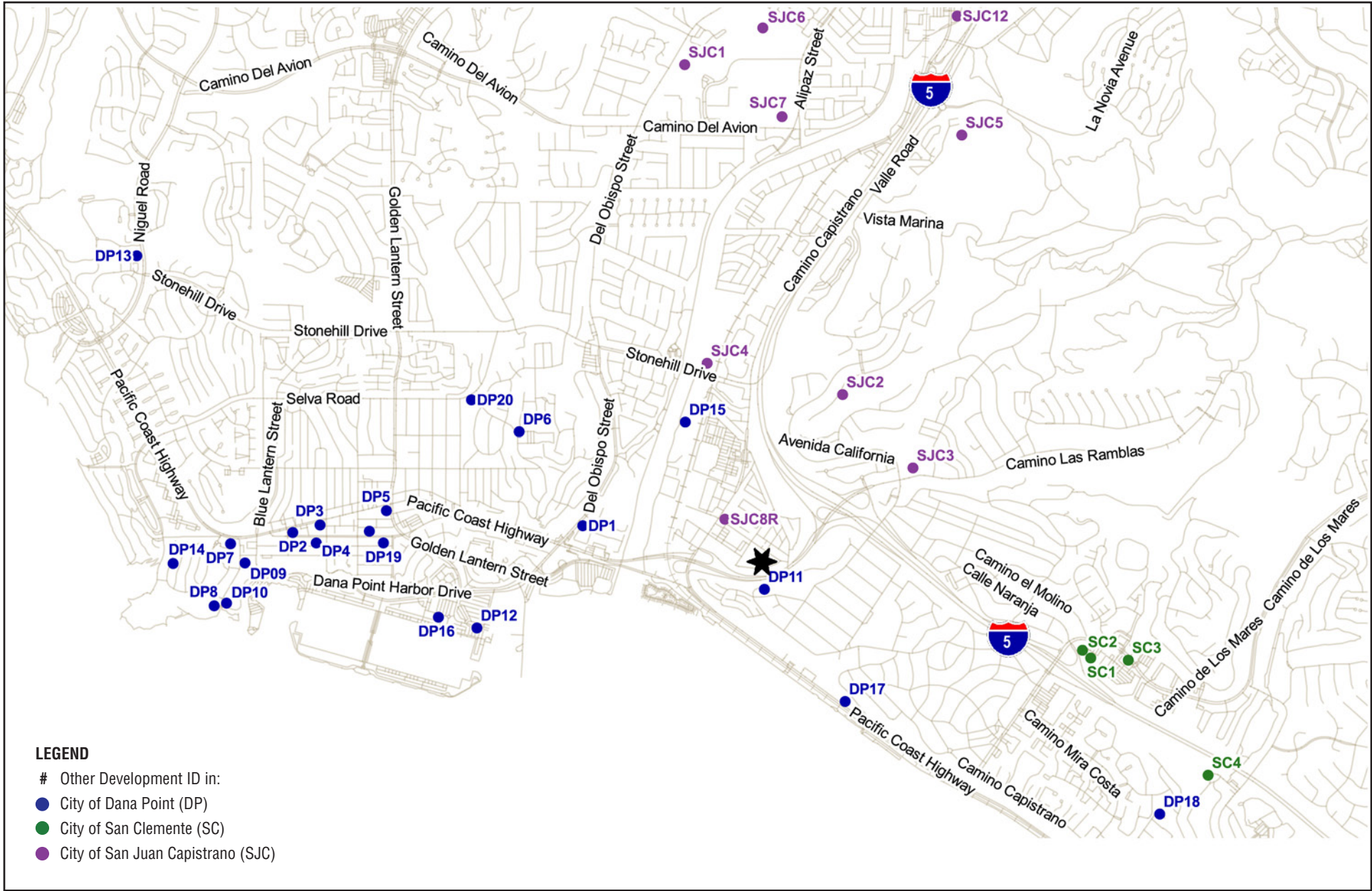
Map Key	Project	Location	Land Use	Quantity
DP17	Capistrano Seaside Inn	Northwest of Pacific Coast Highway and Palisades Drive	Hotel	Construction of 28 rooms.
DP18	In-Fill Residential	25865 Stonehill Drive	Residential	Construction of 10 single-family residential units.
DP19	Mixed Use Project	Southwest corner of Del Prado and Old Golden Lantern	Mixed	Construction of 18 multi-family residential units and 5,225 square feet of mixed commercial retail use.
DP20	Calle La Primavera	South of Selva Road, between Calle La Primavera and Copper Lantern Street	Multifamily Residential	Proposes construction of 6 residential units.
DP21	24722 Del Prado	24722 Del Prado	Mixed-Use	Construct 18 residential units and 5,225 SF of commercial area, 58 parking stalls in subterranean garage.
DP22	Serra Siding OCTA/Metrolink	Railroad tracks from Beach Road to Victoria Blvd	Transportation	Construct new siding track along existing railroad track, replace existing and construct new rail bridge.
DP23	Doheny Village Connectivity Improvement Project	Doheny Park Road at Pacific Coast Highway	Transportation	Construct new sidewalk connection, reconfigure intersection, signal improvements, widen existing sidewalks, new bike lanes, landscaping, pedestrian lighting, fencing, roadway medians.
<b>City of San Juan Capistrano</b>				
SJC1	Mountain View Church	32382 Del Obispo Street	Institutional	Development of a 17,000-square foot church. As of 2021, this construction of the project is complete, and the development is in operation.
SJC2	Pacifica San Juan	Northeast of Interstate 5 and Camino Las Ramblas	Residential	Development of 334 single-family and 82 multifamily residential units.
SJC 3	Capistrano Unified School District Property	Northeast corner of Camino Las Ramblas and Avenida California	Residential	Development of a 40-unit single-family development and two-acre public park.
SJC 4	Ganahl Lumber	Northeast of Stonehill Drive and San Juan Creek	Commercial/ Restaurant	Demolition of several existing structures and development of a 16,311-square foot lumber store, 6,000-square foot fast food restaurant, and 399-space vehicle storage.
SJC5	Distrito La Novia	North and south of La Novia Avenue, east of Valle Road	Mixed	Construction of 7,100 square feet of office, 8,200 square feet of mixed commercial retail, 140 multi-family units, and 93 single-family units.
SJC6	Farms on Del Obispo	32382 Del Obispo Street	Residential	Development of 169 single-family dwelling units.
SJC7	The Ecology Center/ Community Farm	Northwest corner of Camino Del Avion and Alipaz Street	Commercial	Development of a 28-acre wholesale nursery and 10,000 square feet of commercial use.
SJC8	The River Street Project	North of Del Obispo on Paseo Adelanto through to Los Rios	Commercial	Construction of a 59,067 square foot commercial property. Construction of the project is anticipated to commence fall/winter 2021.
SJC9	Tirador Residential	Near terminus of Calle Arroyo	Residential	Development of 132 townhomes.





**Environmental Impact Report  
Victoria Boulevard Apartments**

Map Key	Project	Location	Land Use	Quantity
SJC10	Mission Grill	31721 Camino Capistrano	Mixed Use	Development of 4,750 gross square feet of retail use, and 7,500 gross square feet of office space, and a 4,750 gross square foot restaurant.
SJC11	The Groves	30333 Camino Capistrano	Residential	Construction of 75 multi-family residential dwelling units. The project is currently under construction as of 2021.
SJC12	City Hall	32400 Paseo Adelanto	Office	Construction of 50 multi-family residential dwelling units and municipal office space to San Juan Capistrano City Hall.
SJC13	Downtown El Camino Specific Plan	Located Along El Camino Real Between 26874 Ortega Highway and 31882 Camino Capistrano	Specific Plan	Located Along El Camino Real Between 26874 Ortega Highway and 31882 Camino Capistrano.
<b>City of San Clemente</b>				
SC1	San Clemente Environmental	910 Calle Negocio	Office	Development of 16,000 square feet of office space.
SC2	Plaza by the Sea	610 Camino De Los Mares	Commercial	Construction of a 4,400-square foot commercial retail drive-thru use.
SC3	Ocean View Plaza Patio	638 Camino De Los Mares	Commercial	Development of 12,930 square feet of mixed commercial retail space.
SC4	Shorecliffs Senior Housing	501 Avenida Vaquero	Residential	Construction of a 150-unit senior housing development.
SC5	Frontera Memory Care/Assisted Living	Adjacent to the Pacific Coast Church at 2651 Calle Frontera	Residential	Construction of a State-licensed Residential Care Facility for the Elderly consisting of a 24-bed memory care component and a 64-unit assisted-living component. The project would be constructed on approximately 2.5 acres of vacant land fronting Calle Frontera.
Source: The Ganddini Group, <i>Victoria Boulevard Apartments Traffic Impact Analysis</i> , Table 3 (Other Development Trip Generation), April 28, 2022; Coordination with the City of San Juan Capistrano, August 2021; City of San Clemente Official Website, accessed August 2021.				



**LEGEND**

- # Other Development ID in:
- City of Dana Point (DP)
- City of San Clemente (SC)
- City of San Juan Capistrano (SJC)

NOT TO SCALE



06/2022 | JN 179396

VICTORIA BOULEVARD APARTMENTS  
 ENVIRONMENTAL IMPACT REPORT  
**Cumulative Projects Map**



## 5.0 ENVIRONMENTAL ANALYSIS

The following subsections of the EIR contain a detailed environmental analysis of the existing conditions, project impacts (including direct and indirect, short-term, long-term, and cumulative impacts), recommended mitigation measures, and any significant and unavoidable impacts. The EIR analyzes those environmental issue areas where potentially significant impacts may occur.

The EIR examines environmental factors outlined in Appendix G of the *CEQA Guidelines, Environmental Checklist Form*, as follows:

- 5.1 Land Use and Relevant Planning;
- 5.2 Aesthetics/Light and Glare;
- 5.3 Tribal and Cultural Resources;
- 5.4 Geology and Soils;
- 5.5 Hydrology and Water Quality;
- 5.6 Hazards and Hazardous Materials;
- 5.7 Transportation;
- 5.8 Air Quality;
- 5.9 Greenhouse Gas Emissions;
- 5.10 Energy;
- 5.11 Noise;
- 5.12 Population and Housing; and
- 5.13 Public Services/Recreation and Utilities.

Other environmental topical areas are addressed in Section 8.0, *Effects Found Not To Be Significant*.

Each environmental issue is addressed in a separate section of the EIR and is organized into six sections, as follows:

- “Existing Setting” describes the physical conditions that exist at the present time and that may influence or affect the issue under investigation.
- “Regulatory Setting” lists and discusses the laws, ordinances, regulations, and standards that apply to the project.
- “Impact Thresholds and Significance Criteria” provides the thresholds that are the basis of conclusions of significance, which are primarily the criteria in Appendix G of the *CEQA Guidelines* (California Code of Regulations, Sections 15000 through 15387).



Primary sources used in identifying the criteria include the *CEQA Guidelines*; local, State, Federal, or other standards applicable to an impact category; and officially established significance thresholds. “. . . An ironclad definition of significant effect is not possible because the significance of any activity may vary with the setting” (*CEQA Guidelines* Section 15064[b]). Principally, “. . . a substantial, or potentially substantial, adverse change in any of the physical conditions within an area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance” constitutes a significant impact (*CEQA Guidelines* Section 15382).

- “Impacts and Mitigation Measures” describes potential environmental changes to the existing physical conditions that may occur if the proposed project is implemented. Evidence, based on factual and scientific data, is presented to show the cause and effect relationship between the proposed project and the potential changes in the environment. The exact magnitude, duration, extent, frequency, range, or other parameters of a potential impact are ascertained, to the extent possible, to determine whether impacts may be significant; all of the potential direct and reasonably foreseeable indirect effects are considered.

Impacts are generally classified as potentially significant impact, less than significant impact, or resulting in no impact. The “Level of Significance After Mitigation” identifies the impacts that would remain after application of mitigation measures (if any), and whether the remaining impacts are or are not considered significant. When these impacts, even with the inclusion of mitigation measures, cannot be mitigated to a level considered less than significant, they are identified as “significant unavoidable impacts.”

- “Mitigation Measures” are measures that would be required of the project to avoid a significant adverse impact; to minimize a significant adverse impact; to rectify a significant adverse impact by restoration; to reduce or eliminate a significant adverse impact over time by preservation and maintenance operations; or to compensate for the impact by replacing or providing substitute resources or environment.
- “Cumulative Impacts” describes potential environmental changes to the existing physical conditions that may occur as a result of the proposed project together with all other reasonably foreseeable, planned, and approved future projects producing related or cumulative impacts.
- “Significant Unavoidable Impacts” describes impacts that would be significant and cannot be feasibly mitigated to less than significant, and thus would be unavoidable. To approve a project with significant unavoidable impacts, the lead agency must adopt a Statement of Overriding Considerations. In adopting such a statement, the lead agency is required to balance the benefits of a project against its unavoidable environmental impacts in determining whether to approve the project. If the benefits of a project are found to outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable” (*CEQA Guidelines* Section 15093[a]).



## 5.1 LAND USE AND RELEVANT PLANNING

This section identifies existing land use conditions and evaluates the project's consistency with relevant planning policies. On-site and surrounding land use conditions and relevant land use policies and regulations, as set forth by the City of Dana Point (City). Information in this section is based in part upon the *City of Dana Point General Plan* (General Plan), *Dana Point Municipal Code* (Municipal Code), and *Dana Point Local Coastal Program*, are considered.

### 5.1.1 EXISTING SETTING

#### ON-SITE LAND USES

The project site is currently developed with six structures and is used by the Capistrano Unified School District (CUSD) Ground Department for operations, maintenance, storage, bus/vehicle wash area, and refueling of school buses and other district vehicles; refer to [Exhibit 3-2, Site Vicinity](#). Only two structures located at the northwestern and northern portions of the site are currently in operations and utilized by the Grounds Department. The remainder of the site, including the former Tire Storage Building, Mechanic Shop, Transportation Office (previously used as the Serra School house), and refueling area are no longer in operation and are used mainly for storage purposes. Site access is afforded via two steel access gates along Sepulveda Avenue and three steel access gates along Victoria Boulevard. One pedestrian gate is also present on Sepulveda Avenue. Small areas of ornamental landscaping are present along the perimeter sidewalks to the west and east.

Based on the General Plan Land Use Map, the project site is designated Community Facility (CF) and Recreation/Open Space (R/OS) and is situated within the Coastal Overlay District boundary. According to the *Dana Point Zoning Map* (Zoning Map), the project site is zoned Community Facilities (CF) and Recreation (REC) and is situated within the Coastal Overlay District boundary. The northwestern portion of the project site is also located in the Floodplain Overlay District (FP-2) boundary.

#### SURROUNDING LAND USES

Surrounding land uses include a mix of commercial, residential, and institutional uses, which are further described as follows:

- *North*: Victoria Boulevard bounds the project site to the north. Single-family residential, multi-family residential (Beachwood Village Mobile Home Park), and institutional (Orange County Fire Station No. 29 and Nobis Preschool) uses are present north of Victoria Boulevard. These land uses are designated Commercial/Residential (C/R) and zoned Commercial/Residential (C/R).
- *East and South*: Pacific Coast Highway and associated right-of-way (approximately 100-foot wide swath of ornamental landscaping) bounds the project site to the east and south. This area is designated R/OS and zoned Open Space (OS).
- *West*: Sepulveda Avenue bounds the project site to the west. Further west, multi-family residential (Coffield Apartments) and institutional (San Felipe de Jesus Catholic Church



and Capo Beach Church) uses are present. These land uses are designated C/R and zoned C/R and CF.

## **5.1.2 REGULATORY SETTING**

### **STATE LEVEL**

#### **California Coastal Act**

The California Coastal Act of 1976 (Coastal Act), Public Resources Code Section 30000 *et seq.*, was adopted to protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources. The Coastal Act is also intended to assure orderly, balanced utilization and conservation of coastal zone resources, and priority for coastal-dependent and coastal-related development over other development on the coast. The Coastal Act policies constitute the statutory standards applied to planning and regulatory decisions made by the California Coastal Commission (CCC) and by local governments, pursuant to the Coastal Act. The Coastal Act includes specific policies that address issues such as shoreline public access and recreation, terrestrial and marine habitat protection, visual resources, industrial uses, water quality, development design, and power plants, among others.

The CCC was made permanent by the Coastal Act to provide for continued State coastal planning and management. In partnership with coastal cities and counties, the CCC plans and regulates the use of land and water in the coastal zone. The coastal zone varies in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas, and offshore the coastal zone includes a three-mile-wide band of ocean.

Implementation of Coastal Act policies is accomplished primarily through the preparation of local coastal programs (LCPs) that are required to be completed by each of the coastal zone counties and cities, including the City of Dana Point. An LCP includes a Land Use Plan (LUP) which is typically the Coastal Element or Coastal Land Use Plan of the General Plan, including any maps necessary to administer it; and the Implementation Plan which comprises the zoning ordinances, zoning district maps, and Specific Plans or Planned Community Development Plans necessary to implement the land use plan. Coastal Act policies are the standards by which the CCC evaluates the adequacy of LCPs. To ensure that coastal resources are effectively protected in light of changing circumstances, such as new information or changing development pressures and impacts, the CCC is required to review each certified LCP at least once every five years. Development within the coastal zone requires a coastal development permit (CDP) be issued by either the CCC or a local government that has a CCC-certified LCP.

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

- *Dana Point Specific Plan/1986 LCP* (1986 LCP; based originally on the former County of Orange LCP [April 1980] for geographic areas that later became part of the City of Dana Point when it incorporated in 1989);



- *Monarch Beach/Capistrano Beach 1996 LCP* (comprised of the Land Use Element, Urban Design Element, and Conservation Open Space Element [LUP], and the Dana Point Zoning Code [Zoning Code]);
- *Headlands Development and Conservation Plan*, September 22, 2004;
- *Dana Point Town Center Plan*, adopted June 2008 and last amended November 2016; and
- *Dana Point Harbor Revitalization Plan*, October 6, 2011.

The General Plan Land Use, Urban Design, and Conservation Open Space Elements; Zoning Code; *Monarch Beach/Capistrano Beach 1996 LCP*; *Headlands Development and Conservation Plan*, *Dana Point Town Center Plan*, and *Dana Point Harbor Revitalization Plan* are together referred to as the 1996 LCP. The project site is subject to the 1996 LCP.

## **REGIONAL LEVEL**

### **Southern California Association of Governments**

Regional planning agencies such as the Southern California Association of Governments (SCAG) recognize that planning issues extend beyond the boundaries of individual cities. Efforts to address regional planning issues such as affordable housing, transportation, and air pollution have resulted in the adoption of regional plans that affect the City of Dana Point.

SCAG has evolved as the largest council of governments in the United States, functioning as the Metropolitan Planning Organization (MPO) for six counties (Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial) and 191 cities. The region encompasses an area of more than 38,000 square miles. As the designated MPO, the Federal government mandates SCAG to research and develop plans for transportation, growth management, hazardous waste management, and air quality. These mandates led SCAG to prepare comprehensive regional plans to address these concerns.

SCAG is responsible for the maintenance of a continuous, comprehensive, and coordinated planning process resulting in a Regional Transportation Plan (RTP) and a Regional Transportation Improvement Program (RTIP). SCAG is responsible for the development of demographic projections and is also responsible for development of the integrated land use, housing, employment, transportation programs, measures, and strategies for the Air Quality Management Plan (AQMP).

### **2020-2045 Regional Transportation Plan/Sustainable Communities Strategy – Connect SoCal**

The passage of California Senate Bill 375 (SB 375) in 2008 requires that a MPO, such as SCAG, prepare and adopt a Sustainable Communities Strategy (SCS) that sets forth a forecasted regional development pattern which, when integrated with the transportation network, measures, and policies, will reduce greenhouse gas (GHG) emissions from automobiles and light duty trucks (Government Code Section 65080(b)(2)(B)). The SCS outlines certain land use and transportation strategies that provide for more integrated land use and transportation planning and maximize transportation investments. The SCS is intended to provide a regional land use policy framework that local governments may consider and build upon.



On September 3, 2020, SCAG’s Regional Council adopted the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments – Connect SoCal* (2020-2045 RTP/SCS). The 2020-2045 RTP/SCS is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The 2020-2045 RTP/SCS closely integrates land use and transportation so that the region can grow smartly and sustainably. SCAG works closely with local jurisdictions to develop the 2020-2045 RTP/SCS, which incorporates local growth forecasts, projects, and programs, and includes complementary regional policies and initiatives. The 2020-2045 RTP/SCS includes a financial plan that identifies revenues committed, available, or reasonably available to support the SCAG region’s surface transportation investments. The 2020-2045 RTP/SCS also includes a sustainable communities strategy which sets forth a forecasted development pattern for the region which would reduce greenhouse gas emissions from automobiles and light trucks to the regional GHG targets set by California Air Resource Board (CARB) for the SCAG region.

## **GROWTH FORECASTS**

SCAG’s Forecasting Section is responsible for producing socio-economic estimates and projections at multiple geographic levels and in multiple years. The Forecasting Section develops, refines, and maintains SCAG’s regional and small area socio-economic forecasting/allocation models. The socio-economic estimates and projections are used by Federal and State mandated long-range planning efforts such as the RTP, the AQMP, the RTIP, and the Regional Housing Needs Assessment (RHNA). The RHNA is mandated by the State as part of the periodic process of updating local housing elements of the General Plan of each jurisdiction. The RHNA quantifies the need for housing within each jurisdiction during specified planning periods.<sup>1</sup> SCAG’s adopted 2020-2045 RTP Growth Forecasts are used to assess a project’s consistency with adopted plans that have addressed growth management from a local and regional standpoint. Adopted 2020-2045 RTP/SCS Growth Forecasts provide population, household, and employment data throughout SCAG’s 191 cities and in unincorporated areas by 2045.

## **INTERGOVERNMENTAL REVIEW**

SCAG’s Intergovernmental Review Section is responsible for performing consistency review of regionally significant local plans, projects, and programs with SCAG’s adopted regional plans. The criteria for projects of regional significance are outlined in *CEQA Guidelines* Section 15206. The proposed project is considered regionally significant as it would meet the criteria identified in Section 15206(b), requiring consistency review.

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<sup>1</sup> Southern California Association of Governments, *Regional Housing Needs Assessment*, <https://scag.ca.gov/rhna>, accessed July 14, 2022.





## **LOCAL LEVEL**

### **City of Dana Point General Plan**

The General Plan, adopted on July 9, 1991, is the City’s comprehensive, long-range planning and policy document that not only guides growth and change within Dana Point, but also preserves and protects the unique qualities that the community values most. The General Plan goals and policies serve as a guide for future development and desired conditions in support of the City’s overall vision.

The General Plan is organized by elements. Each element includes an introduction to describe the element and its organization. Goals and policies are organized by topical areas specific to each element. The General Plan contains the following elements:

- Land Use;
- Urban Design;
- Housing;
- Circulation;
- Noise;
- Public Safety;
- Conservation and Open Space;
- Public Facilities/Growth Management; and
- Economic Development.

### **LAND USE ELEMENT**

The Land Use Element is a guide to the allocation of land uses in the City and has major impacts on key issues and subject areas in other General Plan elements. The element includes goals and policies that establish a balanced, functional mixture of different land use types consistent with the City’s long-range goals and values; encourage high-quality new development and revitalization of existing development while removing constraints that prevent desirable changes; preserve developed and undeveloped portions of the City that have cultural, social, and natural resource value; and involve financially sound investments of public and private funds to support both desirable change and preservation within the City.

The Land Use Element also establishes a land use policy diagram that indicates the location, density, and intensity of future development within Dana Point. Major land use designations include residential, commercial, mixed-use, office, industrial, community facility, open space, transportation corridor, harbor marine land, and harbor marine water.

### **URBAN DESIGN ELEMENT**

The Urban Design Element provides proposals and policies to improve the image, character, and quality of life within Dana Point. Although this element is not State-mandated, urban design is



important to the City because it relates directly to the physical form and character of development resulting from implementation of the Land Use, Circulation, and Conservation and Open Space Elements. The Urban Design Element provides policies and design concepts for the preservation of the natural setting, public improvements, form and character of new private development, and focused plans for areas of the City in need of special design attention.

## **HOUSING ELEMENT**

As mandated by the State, housing elements are updated on a five-year cycle, separate from the typical general plan update process. The *City of Dana Point 2021-2029 Housing Element* was adopted on February 1, 2022 and identifies and establishes the City's strategy for the maintenance and development of housing to meet the needs of existing and future residents. The City's housing strategy is based on a comprehensive evaluation of existing housing programs and policies; an assessment of the City's population, economy, and housing characteristics; and a discussion of the physical and regulatory resources and constraints for housing production. The Housing Element has been designed to address key housing issues, including the provision of a mix and balance of housing types and costs to meet the needs of all segments of the community while enhancing and preserving the community's character, provision of affordable housing for special needs groups, and the maintenance of the existing affordable housing stock.

In March 2020, SCAG adopted its 6th cycle RHNA allocation plan, which covers the planning period from October 2021 through October 2029. Based on the 6th cycle, the City's fair share of the region's housing need for the 2021-2029 planning period is 530 units: 147 very low, 84 low, 101 moderate, and 198 above moderate income units.

## **CIRCULATION ELEMENT**

The purpose of the Circulation Element is to provide a safe, sensible, and efficient circulation system for the City. To meet these objectives, the Circulation Element addresses the circulation improvements needed to relieve traffic congestion due to future land uses. It also addresses potential demand management strategies and mass transit services. Corresponding goals and policies have been adopted to ensure that all components of the circulation system will meet the needs of Dana Point. The element also establishes a hierarchy of transportation routes with specific development standards described for each category of roadway.

## **NOISE ELEMENT**

The Noise Element is a comprehensive program for including noise control in the planning process and identifies noise sensitive land uses and noise sources and defines areas of noise impact. The element establishes goals and policies to ensure Dana Point residents are protected from excessive noise. The element also quantifies the community noise environment in terms of noise exposure contours for both near- and long-term levels of growth and noise-generated activity.

## **PUBLIC SAFETY ELEMENT**

The Public Safety Element was recently updated in 2022 and identifies and evaluates potential natural and man-made safety hazards, such as geologic hazards (including coastal and blufftop erosion), seismic hazards (including ground shaking and liquefaction), flood hazards and sea level rise,



hazardous materials and waste, fire and explosion hazards, public access, water quality, nuclear hazards, and climate change and resilience. The Public Safety Element establishes policies to minimize the danger to residents, workers, and visitors, and identifies actions needed to deal with crisis situations.

## **CONSERVATION AND OPEN SPACE ELEMENT**

The Conservation and Open Space Element addresses the preservation and use of the City's important natural resources and open space areas. The goals and policies in this element build upon those in other elements of the General Plan, such as the Land Use Element and Urban Design Element. This element also addresses the City's park system, including both public and private parks and facilities at the community and neighborhood level. As a regional center for tourist activities, the City also has a strong interest in providing open space, cultural, and recreational opportunities for visitors to the area.

## **PUBLIC FACILITIES/GROWTH MANAGEMENT ELEMENT**

The Public Facilities/Growth Management Element has two interrelated purposes: to plan for adequate public services and facilities, and to coordinate new development with the provision of public facilities. This element establishes a plan for ensuring that future growth is coordinated with the provisions of public services and facilities so that desirable level of service standards and community qualities important to the citizens are maintained. Growth management issues are addressed on a local and regional level.

## **ECONOMIC DEVELOPMENT ELEMENT**

The purpose of the Economic Development Element is to formulate an economic development plan that can guide and shape important elements of the City's economy. The formulation of the economic development plan was based upon an extensive analysis of current development conditions, opportunities, and constraints in Dana Point. The goals and policies in this element reflect the City's response to current and future economic conditions to promote balanced development of resident- and visitor-serving commercial uses; actively involve the business community to assist in shaping and implementing economic development initiatives; and capitalize on market opportunities with significant economic, cultural, and social benefits for the City, its residents, and guests.

## **Dana Point Municipal Code**

### **MUNICIPAL CODE TITLE 9, ZONING**

Municipal Code Title 9, *Zoning*, referred to as the Zoning Code, provides the legislative framework to implement and enhance the General Plan and LCP by classifying and regulating the uses of land and structures within the City. The Zoning Code regulates development density and intensity; facilities adequate provisions for community facilities (e.g., transportation, water, sewage, schools, and parks); determines adequate provisions for vehicular access and parking; and incorporation of landscaping in the design of development projects. The purpose of the Zoning Code is to promote health, safety, welfare, and general prosperity with the aim of preserving a wholesome, serviceable, and attractive community in accordance with the General Plan and LCP for Dana Point.

The City is divided into zoning districts to implement the General Plan and LCP. The zoning districts determine which land uses are permitted within each zoning district, steps required to establish each



use, and the basic development standards that apply. Based on the Zoning Map, the project site is zoned CF and REC and is situated within the Coastal Overlay District boundary. The northwestern portion of the project site is also located in the Floodplain Overlay District (FP-2) boundary.

## **Dana Point Local Coastal Program**

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

As stated above, specific geographic areas within Dana Point are regulated by different documents that make up the City's LCP. The 1986 LCP was based originally on the former County of Orange LCP, dated April 1980, for geographic areas that later became part of the City of Dana Point when it incorporated in 1989. The 1996 LCP is comprised of the General Plan Land Use, Urban Design, and Conservation Open Space Elements; Zoning Code, *Monarch Beach/Capistrano Beach 1996 LCP*; *Headlands Development and Conservation Plan*; *Dana Point Town Center Plan*; and *Dana Point Harbor Revitalization Plan*. The project site is subject to the 1996 LCP, specifically the General Plan Land Use, Urban Design, and Conservation and Open Space Elements and the Zoning Code.

### **5.1.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA**

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Physically divide an established community (refer to Section 8.0, *Effects Found Not To Be Significant*); and/or
- b) Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect (refer to Impact Statements LU-1 through LU-5).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.



## 5.1.4 IMPACTS AND MITIGATION MEASURES

### DANA POINT GENERAL PLAN

#### LU-1 THE PROPOSED PROJECT COULD CONFLICT WITH APPLICABLE GENERAL PLAN POLICIES.

**Impact Analysis:** As detailed in Section 3.0, *Project Description*, the proposed project would require a General Plan Amendment to redesignate the land use designation of the project site from CF and R/OS to Specific Plan Overlay. Table 5.1-1, *General Plan Consistency Analysis*, provides an analysis of the project’s consistency with relevant General Plan policies.

**Table 5.1-1  
General Plan Consistency Analysis**

Applicable General Plan Policies	Project Consistency Analysis
<b>Land Use Element</b>	
<b>Goal 1: Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents.</b>	
Policy 1.1: Develop standards for building intensity, including standards for ground coverage, setbacks, open space/landscaping, maximum dwellings per acre, floor area ratios, size and height restrictions.	<u>Consistent.</u> Section 5, <i>Development Standards</i> , of the proposed Specific Plan includes development standards related to allowed density, maximum building coverage, maximum building height, minimum building setbacks, minimum open space/landscaping, off-street parking requirements, fences and walls, water efficient landscape standards, signage, and art-in-public places; refer to Specific Plan Table 5.1, <i>Victoria Boulevard Permitted Uses</i> , and Table 5.2, <i>Victoria Boulevard Development Standards</i> . Thus, future development on-site would be required to comply with the standards detailed in the Specific Plan and the project would be consistent with Land Use Element Policy 1.1.
Policy 1.2: Establish maximum intensities of development for each of the various land use categories.	<u>Consistent.</u> Refer to response to Land Use Element Policy 1.1.
Policy 1.3: Assure that land use intensities are consistent with capacities of existing and planned public service facilities. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, State, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.	<u>Consistent.</u> The project would develop on-site infrastructure improvements as detailed in Section 3.4, <i>Infrastructure Plan</i> , of the Specific Plan. On-site improvements include potable water, irrigation, fire sprinklers, and fire hydrant service lines; sewer service laterals; and storm drains. Additionally, similar to existing conditions, fire, and law enforcement services would be provided by the Orange County Fire Authority (OCFA) and Orange County Sheriff’s Department (OCSD), respectively. As analyzed in <u>Section 5.13, <i>Public Services/Recreation and Utilities</i></u> , the proposed apartment community would be adequately accommodated by existing public service facilities, including water, wastewater, stormwater, and solid waste services. Thus, the project would be consistent with Land Use Element Policy 1.3.



Applicable General Plan Policies	Project Consistency Analysis
<p>Policy 1.4: Assure that adequate recreational areas and open space are provided as a part of new residential development to assure that the recreational needs of new residents will not overload nearby coastal recreation areas.</p>	<p><u>Consistent.</u> The project would construct approximately 144,018 square feet (3.306 acres) of open space, including 46,399 square feet (1.065 acres) of public active open space, 34,719 square feet (0.797 acre) of public street and frontage open space, 44,644 square feet (1.025 acres) of private active open space, and 18,256 square feet (0.419 acre) of private passive (i.e., patio) open space. A total of 1.065 acres of public open space would include Victoria Shore Park (at the southeastern corner of Sepulveda Avenue and Victoria Boulevard) as well as a Dog Park and two public paseos along the former La Playa Avenue right-of-way; refer to <u>Exhibit 3-6, Conceptual Landscape Plan</u>. Private active open space (residential common area) would include private courtyards (Doheny Garden, Salt Creek Court, Harbor Terrace, and Shower Court), as well as a rooftop garden with a fitness room, pool deck, and club house.</p> <p>The landscape design concept for the site would create a sustainable, well-connected, and pedestrian-friendly atmosphere. Landscaping is proposed along the site perimeter, within the project's multiple courtyards, pedestrian walkways, and recreational areas. Additionally, an Arrival Promenade along the project's primary entryway on Sepulveda Avenue would function as common open space and may include enhanced entry drive paving, boardwalk steps, boardwalk paseo, bicycle storage, ADA lift, an art wall, parkway landscape, synthetic turf, benches, and surfboard storage, and showers/hose-down area. Rooftop garden amenities would include a fitness room, pool deck, and club house. The private courtyards, plazas, pedestrian walkways, and other outdoor spaces are proposed throughout the project site on the interior of the residential community surrounded by residential units and building facilities, or along the exterior of the project facing a public street. The private courtyards would also provide similar amenities as the Arrival Promenade and rooftop garden. With the proposed 3.306 acres of public and private open space, the project would provide recreational areas and open space at the project site for the recreational needs of new residents. As such, the project is not anticipated to overload nearby coastal recreation areas. The project would be consistent with Land Use Element Policy 1.4.</p>
<p>Policy 1.7: Require comprehensive analysis and mitigation for any proposed General Plan Amendment to ensure that the amendment will result in a desirable mixture of land uses meeting the social and fiscal needs of the City and its residents.</p>	<p><u>Consistent.</u> The project requires a General Plan Amendment to change the General Plan land use designation of the project site from CF and R/OS to Specific Plan Overlay. This EIR comprehensively analyzes and identifies mitigation for potentially significant impacts associated with the proposed project and associated General Plan Amendment among other required discretionary approvals.</p>
<p>Policy 1.8: The location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service, providing non-automobile circulation within the development,</p>	<p><u>Consistent.</u> The project is located in Doheny Village, which is walking distance from the coast (approximately 0.24-mile). Further, the project site is located in an urbanized area with sidewalks and bike paths along roadways within project vicinity,</p>



Applicable General Plan Policies	Project Consistency Analysis
<p>providing adequate parking facilities or providing substitute means of serving the development with public transportation, and assuring the potential for public transit for high intensity uses.</p>	<p>which would facilitate non-automobile circulation from the project site to the coast. The project would provide bicycle storage in the private courtyards and the Arrival Promenade, and construct a Class III bicycle route along the project frontage of Victoria Boulevard in accordance with the <i>City of Dana Point Bicycle and Pedestrian Trails Master Plan</i>. The proposed Class III bicycle route would provide direct bicycle access to the residential community's private courtyards, the proposed Victoria Shore Park, and secondary vehicular driveway off of Victoria Boulevard; refer to <u>Exhibit 5-7-1, On-Site Circulation and Sight Distance</u>. Thus, the project would provide adequate public access to the coast and would be consistent with Land Use Element Policy 1.8.</p>
<p><b>Goal 2: Achieve compatibility and enhance relationships among land uses in the community.</b></p>	
<p>Policy 2.1: Consider the impacts on surrounding land uses and infrastructure when reviewing proposals for new development.</p>	<p><u>Consistent</u>. The project's short-term construction and long-term operational impacts on the project area, including surrounding land uses and infrastructure, are analyzed throughout this EIR.</p>
<p><b>Goal 3: Direct growth of the community so as to maintain and improve the quality of life.</b></p>	
<p>Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.</p>	<p><u>Consistent</u>. The proposed project would be required to pay development impact fees to offset project impacts on public services and utilities and service systems, including fire, police, park, and school services, and water, sewer, and solid waste services.</p>
<p>Policy 3.6: Encourage patterns of development necessary to minimize air pollution and vehicle miles traveled.</p>	<p><u>Consistent</u>. The proposed residential community would be located within Doheny Village that includes a number of various land use types, including commercial, retail, industrial, and other residential uses. Additionally, the site is served by existing OCTA transit service, pedestrian sidewalks, and existing and planned bicycle lanes along adjacent roadways. Thus, future project residents would be able to utilize multiple modes of transportation to travel to and from the site and also shop, dine, and work within Doheny Village. As such, the proposed land use type would encourage reduced vehicle miles traveled and minimized associated air pollution.</p> <p>Further, as shown in <u>Table 5.8-5, Net Long-Term Operational Air Emissions</u>, operational emissions for all criteria pollutants would be below established South Coast Air Quality Management District (SCAQMD) significance thresholds. As a result, the project's long-term (operational) air emissions would be less than significant, and the project would encourage patterns of development that minimize air pollution in this regard.</p> <p>Utilizing the established threshold of 15 percent below the City's average vehicle miles traveled (VMT) per capita/employee, the project would result in 7.23 percent less VMT per capita, compared to the City's averages; refer to <u>Table 5.7-2, Proposed</u></p>



Applicable General Plan Policies	Project Consistency Analysis
	<u>Project Average VMT</u> . As such, the proposed project would minimize VMT experienced in the City.
Policy 3.7: Encourage safe and convenient bicycle and pedestrian access throughout the community.	<u>Consistent</u> . The residential community is designed to be pedestrian-friendly with both public and private open spaces, outdoor amenitized courtyard spaces, rooftop amenity areas, corner park and landscaping, and recreation spaces surrounding the residential components. Pedestrian circulation would be provided throughout the development by a system of interior and exterior pathways that connect the residential community to the City's adjacent sidewalks. The project would also implement a Class III bicycle route along Victoria Boulevard and provide bicycle storage in the private courtyards and at the Arrival Promenade to facilitate easy access between the City's existing bicycle network and the Specific Plan area.
<b>Goal 4: Encourage the preservation of the natural environmental resources of the City of Dana Point.</b>	
Policy 4.2: Consider the constraints of natural and man-made hazards in determining the location, type, and intensities of new development.	<u>Consistent</u> . The environmental analysis contained in <u>Section 5.0, Environmental Analysis</u> , of this EIR considers the project's physical impacts on the environment and considers existing natural and man-made hazards as part of the analysis.
Policy 4.5: Consider the environmental impacts of development decisions.	<u>Consistent</u> . Refer to response to Land Use Element Policies 2.1 and 4.2.
Policy 4.6: Ensure land uses within designated and proposed scenic corridors are compatible with scenic enhancement and preservation.	<p><u>Consistent</u>. Based on Figure C-6 of the General Plan Circulation Element, Pacific Coast Highway, which bounds the project site to the east and south, is currently designated as a "type three" urbanscape corridor. This type of corridor is defined as: "...one that traverses an urban area with a defined visual corridor which offers a view of attractive and existing urban scenes, and which has recreational value for its visual relief as a result of nature or the designed efforts of man." According to the General Plan Circulation Element, scenic corridors within the City such as Pacific Coast Highway must conform with the policies included in the Urban Design Element and modified to Appendix A, <i>Dana Point Landscape Corridors</i>, of the General Plan Urban Design Element.</p> <p>According to <u>Section 5.2, Aesthetics/Light and Glare</u>, northern views toward the Pacific Ocean, from southbound I-5 and southbound I-5 to Pacific Coast Highway, include views of the proposed project. The project was modeled from these locations; refer to <u>Exhibit 5.2-4, Key View 3 – Existing and Proposed Condition</u>, and <u>Exhibit 5.2-5, Key View 4 – Existing and Proposed Condition</u>. Although the proposed project would modify the visible building massing on-site, the project would not result in substantial view blockage of the Pacific Ocean as experienced from these public vantage points.</p>





Applicable General Plan Policies	Project Consistency Analysis
	<p>Additionally, as concluded in Urban Design Element policies 1.4 and 1.7, below, the proposed project would be consistent with applicable General Plan Urban Design Element policies governing scenic quality. The proposed project would not involve impacts to Pacific Coast Highway and thus would not impede implementation of the recommended improvements included in General Plan Urban Design Element Appendix A. The purpose and intent of the proposed Specific Plan is to preserve the culturally significant identity of Doheny Village and implement a vision that maximizes the area's future potential. To accomplish this goal, the project proposes new residential development that adheres to the Specific Plan development standards and design guidelines. By establishing a specific plan, which includes allowable uses, and development standards, the project would preserve and enhance Pacific Coast Highways' function as a visual corridor with views to attractive and existing urban scenes and would not conflict with its role as a "type three" urban landscape corridor. As such, the proposed Specific Plan would allow development compatible with scenic enhancement and preservation.</p>
<p>Policy 4.8: Encourage the reasonable regulation of signs to preserve the character of the community.</p>	<p><u>Consistent.</u> Section 4.6, <i>Signage Guidelines</i>, of the Specific Plan provides signage guidelines to achieve a unified overall appearance for wayfinding and identity signage. Colors, materials and designs of signs would be consistent with the character of the Doheny Village community (i.e., Coastal Contemporary) and would be placed in appropriate locations. No signs would be allowed to extend above the eave line or parapet of the building upon which it is located, and neon signage would be discouraged.</p>
<p><b>Goal 7: Achieve the revitalization of the Doheny Village area as a primary business district in the City.</b></p>	
<p>Policy 7.2: Improve the appearance of the area through revitalization activities such as landscape design and pedestrian amenities.</p>	<p><u>Consistent.</u> Refer to response to Land Use Element Policy 1.4 and 3.7.</p>
<p>Policy 7.3: Develop design guidelines that assure that development will be consistent in terms of scale and character.</p>	<p><u>Consistent.</u> Section 4, <i>Design Guidelines</i>, of the Specific Plan contains site planning, architectural, landscaping, signage, lighting, art-in-public places, and sustainability guidelines that ensure the Specific Plan area develops as a cohesive and high-quality residential community.</p>
<p>Policy 7.5: Encourage the development of a diversity of housing opportunities including medium density housing in the areas adjacent to the retail areas and also as a part of mixed residential and retail or office uses.</p>	<p><u>Consistent.</u> The Specific Plan would allow development of a high-density 349-unit apartment community within Doheny Village, an area with a mix of land use types, including commercial, retail, office, industrial, and other residential uses.</p>
<p>Policy 7.6: Provide for adequate and convenient parking areas. Encourage the provision of shared parking facilities, such as through the establishment of a parking district.</p>	<p><u>Consistent.</u> The project proposes a six-story (seven level) parking structure in the center of the site that would meet the off-street parking standards provided in Section 5.7, <i>Off-Street</i></p>



Applicable General Plan Policies	Project Consistency Analysis
	<p><i>Parking Standards</i>, of the proposed Specific Plan. This section includes the number of required spaces per unit type, visitor spaces, and electric vehicle charging spaces as well as the required dimensions of parking stalls, aisles, circulation drives, and other maneuvering areas.</p> <p>Additionally, the project frontage along Victoria Boulevard would be reconfigured to include angled parking to provide additional parking and amenities for the surrounding area. The Specific Plan area would provide an increased supply of on-street parking stalls on Victoria Boulevard and Sepulveda Avenue (totaling a minimum of 30 percent increase), and adequate parking facilities for residents, guests, and employees for uses within the Specific Plan area.</p>
<b>Urban Design Element</b>	
<b>Goal 1: Create Citywide visual linkages and symbols to strengthen Dana Point's identity as a city.</b>	
Policy 1.7: Initiate a program for public art.	<u>Consistent.</u> Specific Plan Section 4.5, <i>Art-in-Public Places Guidelines</i> , and Section 5.12, <i>Art-in-Public Places</i> , states that development within the Specific Plan area is subject to the requirements of Municipal Code Section 9.05.240 and subject to review by the Dana Point Community Services Commission.
<b>Goal 2: Preserve the individual positive character and identity of the City's communities.</b>	
Policy 2.1: Consider the distinct architectural and landscape character of each community. To the maximum extent feasible, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.	<u>Consistent.</u> The proposed Specific Plan is an implementation tool that prioritizes preservation of the unique history and character of Doheny Village. One of the project objectives for the Specific Plan is to promote the character and surf heritage of the historical Doheny Village District. Thus, the proposed Specific Plan's development standards and design guidelines encourage unified landscaping, open spaces, and architecture that contribute towards the Coastal Contemporary design theme of Doheny Village.
Policy 2.5: Encourage neighborhood street landscaping programs to improve the quality of public spaces in residential areas.	<u>Consistent.</u> The project proposes extensive landscaping, common open space areas, and recreational amenities throughout the Specific Plan area. Street trees, shrubs, and groundcover are also proposed along the site perimeter adjacent to Victoria Boulevard and Sepulveda Avenue.
<b>Goal 4: Maintain and enhance the City's public spaces and resources.</b>	
Policy 4.2: Realize the opportunity for public open space throughout the City.	<u>Consistent.</u> Refer to Land Use Element Policy 1.4.
Policy 4.3: Develop stronger pedestrian, bicycle, and visual linkages between public spaces and to and along the shoreline and bluffs.	<u>Consistent.</u> Refer to response to Land Use Element Policy 3.7.



Applicable General Plan Policies	Project Consistency Analysis
<b>Goal 5: Achieve design excellence in site planning, architecture, landscape architecture and signage in new development and modifications to existing development.</b>	
Policy 5.2: Encourage site and building design that takes advantage of the City's excellent climate to maximize indoor-outdoor spatial relationships.	<u>Consistent.</u> As shown on Exhibit 3-5, <i>Conceptual Site Plan</i> , the residential units are sited to surround outdoor courtyards throughout the site. Additionally, as stated, the project proposes a rooftop garden and extensive outdoor common open space areas with a number of recreational amenities that encourage future residents to take advantage of the City's climate.
Policy 5.3: Encourage buildings and exterior spaces that are carefully-scaled to human size and pedestrian activity.	<u>Consistent.</u> Refer to response to Land Use Element Policies 1.4 and 3.7.
Policy 5.4: Encourage outdoor pedestrian spaces, sidewalks and usable open space in all new development.	<u>Consistent.</u> Refer to response to Land Use Element Policies 1.4 and 3.7.
Policy 5.5: Promote extensive landscaping in all new projects while emphasizing the use of drought-tolerant plant materials.	<u>Consistent.</u> Refer to response to Land Use Element Policy 1.4. Additionally, Specific Plan Section 4.8.3, <i>Water Efficiency</i> , requires the use of drought-tolerant plants.
Policy 5.6: Encourage aesthetic roof treatment as an important architectural design feature.	<u>Consistent.</u> Specific Plan Section 4.8.2, <i>Minimize Heat Island</i> , includes guidelines to reduce the heat island effect by encouraging the use of low albedo materials in paving, roofing, and building materials, and encouraging utilizing green roofs.
<b>Goal 6: Develop Doheny Village as a unified and improved neighborhood of retail shopping, light industrial offices and multi-family components.</b>	
Policy 6.3: Increase Doheny Village's economic vitality and its contribution to the City's economic development goals.	<u>Consistent.</u> The proposed residential community would provide housing within Doheny Village and future residents would indirectly contribute towards the economic vitality of the City by shopping, dining, and working in Dana Point. The proposed development would also revitalize the currently underutilized property and address the Statewide housing crisis with a local approach by increasing density and availability of multi-family residential uses in Dana Point. Thus, the project would contribute towards the economic vitality of Dana Point and the region.
Policy 6.5: Improve pedestrian opportunities and create an attractive pedestrian environment within Doheny Village. Reserve as an open space corridor for public recreational improvements the top of the east bank of the San Juan Creek Channel.	<u>Consistent.</u> Refer to response to Land Use Element Policies 1.4 and 3.7. Additionally, the Specific Plan area does not encompass the area near the San Juan Creek and thus, the San Juan Creek Channel and adjacent open space corridor would not be impacted by the proposed project.



Applicable General Plan Policies	Project Consistency Analysis
<b>Housing Element</b>	
<b>Goal 1: Provide a variety of residential developments and adequate supply of housing to meet the existing and future needs of City residents.</b>	
Policy 1.1: Encourage affordable housing construction beyond levels identified by the RHNA.	<u>Consistent.</u> The project includes an affordable component consisting of a minimum of five percent very low-, five percent low-, and five percent moderate-income units of the overall unit count.
Policy 1.2: Provide a variety of housing opportunities for all income levels of the City through land uses and densities.	<u>Consistent.</u> The Specific Plan area would allow development of a combination of studio, one-, two-, and three-bedroom market rate and affordable unit types.
Policy 1.3: Coordinate new residential development with the provision of infrastructure and public services.	<u>Consistent.</u> Refer to response to Land Use Element Policy 1.3.
Policy 1.4: Locate higher density residential development close to public transportation.	<u>Consistent.</u> The project is a high-density residential development. The closest bus stop is approximately 4,500 feet southwest of the Specific Plan area at the intersection of Del Obispo and Pacific Coast Highway and is serviced by OCTA routes 1 and 91.
<b>Goal 2: Assist in the provision of housing affordable to lower income households.</b>	
Policy 2.1: Support innovative public, private, and nonprofit efforts in the development and financing of affordable housing, particularly for lower income households, the elderly, large families, the physically impaired, and single-parent households.	<u>Consistent.</u> The project applicant is a private developer and is proposing to develop a multi-family residential apartment community with a combination of studio, one-, two-, and three-bedroom market rate and affordable unit types. The project would provide a minimum of five percent very low-, five percent low-, and five percent moderate-income units of the overall unit count.
Policy 2.3: Require that housing constructed for lower and moderate income households is not concentrated in any single portion of the City.	<u>Consistent.</u> The project proposes both market rate and affordable unit types within the Specific Plan area and thus, would not be developed as only affordable housing.
<b>Circulation Element</b>	
<b>Goal 1: Provide a system of streets that meets the needs of current and future residents and facilitates the safe and efficient movement of people and goods throughout the City.</b>	
Policy 1.11: Require that proposal for major new developments include a future traffic impact analysis which identifies measures to mitigate any identified project impacts.	<u>Consistent.</u> In accordance with General Plan Circulation Element Policy 1.11, a traffic impact analysis was conducted, separate from this CEQA analysis, to evaluate the project's impacts utilizing the level of service (LOS) methodology ( <i>Victoria Boulevard Apartments Traffic Impact Analysis</i> , dated July 22, 2022, prepared by Ganddini) for the purpose of the City's review of the project application. The traffic impact analysis concluded that, all study intersections are forecast to operate within



Applicable General Plan Policies	Project Consistency Analysis
	<p>acceptable LOS (D or better) during the peak hours, with the exception to the intersection of Camino Capistrano at Stonehill Drive/I-5 Northbound On-Ramp in Year 2045. With implementation of the recommended improvements at the Camino Capistrano at Stonehill Drive/I-5 NB On-Ramp, which the proposed project would be required to pay fair share improvement fees, such delays would be minimized to acceptable LOS (D or better) during peak hours. Recommended improvements include:</p> <ul style="list-style-type: none"> <li>• Restripe the northbound approach (and southbound approach, as necessary) to accommodate two northbound left turn lanes;</li> <li>• Change north-south signal operation from split phasing to protected left-turn phasing; and</li> <li>• Install eastbound right-turn overlap signal phasing.</li> </ul>
Policy 1.12: Encourage new development which facilitates transit services, provides for non-automobile circulation, and minimizes vehicle miles traveled.	<u>Consistent</u> . Refer to response to Land Use Element Policies 1.8 and 3.6.
Policy 1.13: Minimize pedestrian and vehicular conflicts.	<p><u>Consistent</u>. As detailed in Specific Plan Section 3.3, <i>Circulation Plan</i>, two driveways from Sepulveda Avenue currently provide access to the project site. These two driveways would be removed and replaced by one primary project entry driveway (i.e., the proposed Arrival Promenade) and one emergency vehicle access (EVA) driveway. Additionally, three driveways currently provide access to the site from Victoria Boulevard. These driveways would be removed and replaced with a single secondary vehicular access point at the northeastern edge of the site. As such, the project would reduce the number of curb cuts along Victoria Boulevard and Sepulveda Avenue, which would minimize pedestrian and vehicular conflicts.</p> <p>Additionally, pedestrian circulation would be provided throughout the development by a system of interior and exterior pathways that connect to existing sidewalks along Victoria Boulevard and Sepulveda Avenue, which would also minimize pedestrian and vehicular conflicts. The EVA road, which can be accessed by pedestrians and bicyclists, would be restricted to emergency vehicles only via removable bollards (or similar devices). Furthermore, enhanced paving, boardwalks, parkways, and landscaping would emphasize pedestrian pathways and result in fewer shared vehicle-pedestrian paths that could result in conflict.</p>
Policy 1.14: Establish landscaping buffers and building setback requirements along all roads where appropriate.	<u>Consistent</u> . As detailed in Table 5.2, <i>Victoria Boulevard Specific Plan Development Standards</i> , of the Specific Plan, 10-foot minimum building setbacks from Sepulveda Avenue and Victoria Boulevard are required. Additionally, trees, shrubs, and



Applicable General Plan Policies	Project Consistency Analysis
	groundcover are proposed along the site perimeter to provide a landscaped buffer between the existing roadway rights-of-way and the proposed development; refer to <u>Exhibit 3-6</u> .
<b>Goal 4: Support development of a public transportation system that provides mobility to all City residents and encourages use of public transportation as an alternative to automobile travel.</b>	
Policy 4.5: Promote new development that is designed in a manner that (1) facilitates provision or extension of transit service, (2) provides on-site commercial and recreational facilities to discourage mid-day travel, and (3) provides non-automobile circulation within the development.	<u>Consistent</u> . Refer to responses below with corresponding numbers.  (1) Refer to response to Land Use Element Policy 1.8.  (2) While the project would not provide commercial uses on-site, the project would provide a number of recreational amenities. Refer to response to Land Use Element Policy 1.4. Additionally, the site is located within Doheny Village that has existing commercial uses in walking distance.  (3) Refer to response to Land Use Element Policy 1.8.
Policy 4.7: Encourage the provision of safe, attractive, and clearly identifiable transit stops and related high quality pedestrian facilities throughout the community.	<u>Consistent</u> . While the project would not develop new transit stops in the project area, high quality pedestrian facilities would be provided throughout the residential community. The project would develop a system of interior and exterior pathways that connect to existing sidewalks along Victoria Boulevard and Sepulveda Avenue. Additionally, enhanced paving, boardwalks, parkways, and landscaping would emphasize pedestrian pathways in the Specific Plan area.
<b>Goal 5: Encourage non-motorized transportation, such as bicycle and pedestrian circulation.</b>	
Policy 5.2: Maintain existing pedestrian facilities and encourage new development to provide pedestrian walkways between developments, schools, and public facilities.	<u>Consistent</u> . Refer to response to Circulation Element Policy 4.7.
<b>Goal 6: Provide for well-designed and convenient parking facilities.</b>	
Policy 6.1: Consolidate parking, where appropriate, to reduce the number of ingress and egress points onto arterials.	<u>Consistent</u> . The project proposes an attached six-story (seven level) parking structure in the center of the site with 681 spaces (609 spaces for residents and 72 spaces for visitors). The parking structure would be accessed from the primary project entryway along Sepulveda Avenue or the secondary vehicular driveway along Victoria Boulevard.
Policy 6.3: Provide sufficient off-street parking.	<u>Consistent</u> . Refer to response to Circulation Element Policy 6.1.
<b>Noise Element</b>	
<b>Goal 1: Provide for measures to reduce noise impacts form transportation noise sources.</b>	
Policy 1.1: Require construction of barriers to mitigate sound emissions where necessary or feasible.	<u>Consistent</u> . As analyzed in <u>Section 5.11, Noise</u> , transportation noise sources (i.e., mobile noise) were modeled for the "Future



Applicable General Plan Policies	Project Consistency Analysis
	without Project” and “Future with Project” scenarios. As analyzed, a less than significant impact would occur as noise generated along roadway segments under the “Future With Project” scenario would not exceed both the 3.0 dB threshold and the 60 dBA CNEL standard. Additionally, stationary project-related noise sources, including mechanical equipment, slow-moving trucks, the proposed dog park, outdoor gathering areas, and parking areas, were analyzed to evaluate potential impacts on nearby sensitive receptors. Based on the analysis, the project would result in less than significant impacts in those regards. Thus, barriers to mitigate project-related operational mobile and stationary noise sources would not be required.
<b>Goal 2: Incorporate noise considerations into land use planning decisions</b>	
Policy 2.2: Ensure acceptable noise levels near schools, hospitals, convalescent homes, and other noise sensitive areas, in accordance with Table N-1.	<u>Consistent</u> . Refer to response to Noise Element Policy 1.1. Additionally, construction-related noise impacts were determined to be less than significant with implementation of Mitigation Measure NOI-1, which requires implementation of several best management practices related to construction noise.
Policy 2.4: Require noise reduction techniques in site and architectural design and construction where noise reduction is necessary.	<u>Consistent</u> . As analyzed in Section 5.11, construction noise for the proposed project was determined to be less than significant with implementation of Mitigation Measure NOI-1. Mitigation Measure NOI-1 would require all construction equipment to be equipped with properly operating and maintained mufflers, locate stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receptors, locate equipment staging in areas furthest away from sensitive receptors, and limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday). In addition, as stated, the project would result in less than significant operational noise impacts from both stationary and mobile sources. Thus, the proposed project would uphold the City’s policy to require noise reduction techniques in site and architectural design and construction where necessary.
Policy 2.5: Discourage locating noise sensitive land uses in noisy environments.	<u>Consistent</u> . Refer to response to Noise Element Policy 2.4. The proposed residential development would be located near other residential uses within Doheny Village and thus, would not locate a sensitive use (i.e., residential) in a noisy environment.
<b>Public Safety Element</b>	
<b>Goal 1: Reduce the risk to the community from geologic hazards including bluff instability, seismic hazards, and coastal erosion.</b>	
Policy 1.1: Require review of soil and geologic conditions by a State-licensed Engineering Geologist under contract to the	<u>Consistent</u> . As detailed in Section 5.4, <i>Geology and Soils</i> , a site-specific geotechnical report was prepared to evaluate on-site soil and geologic conditions and potential project-related impacts.



Applicable General Plan Policies	Project Consistency Analysis
City, to determine stability prior to the approval of development where appropriate.	
Policy 1.12: Specifically review and limit development on lands with seismic, slide, liquefaction, fire, or topographic constraints.	<p><b>Consistent.</b> As analyzed in <a href="#">Section 5.4</a>, the project site would likely be subjected to moderate to strong seismic ground shaking in the event of an earthquake, similar to the majority of the southern California region. Nevertheless, implementation of existing regulations (e.g., the California Building Code and Municipal Code) and Mitigation Measure GEO-1 would reduce potential impacts related to seismic hazards to less than significant levels. Mitigation Measure GEO-1 would require that the recommendations for project design and construction activities identified in the <i>Proposed Multi-Family Residential Development 26126 Victoria Boulevard Dana Point, California</i> (prepared by GeoCon West Inc. and dated March 15, 2019) are incorporated into the project design and grading and building plans. Further, given that the site is relatively flat, built out, and located in an urbanized environment, the project would not be susceptible to landslide, or other topographic constraints.</p> <p>Further, as discussed in <a href="#">Section 8.0</a>, the nearest area designated “Very High Fire Hazard Severity Zone” (VHFHSZ) is situated greater than 0.5-mile east, in the cities of San Juan Capistrano and San Clemente. It is acknowledged that the Orange County Fire Authority (OCFA) recognizes the proximity from the nearest VHFHSZ and recommended installation of fire defensible appropriate landscaping at the project site. As such the project proposes a fuel modification zone, which is a 20-foot setback zone, appropriate fire lanes, and Knox key boxes for gates. The fire access lane would include permeable, flexible and plantable concrete pavement system. Landscaping within a 12- to 85-foot setback from the property boundary will be 100 percent irrigated, privately maintained, and must be cleared of undesirable plant species, as determined by OCFA, for the purpose of fire defensibility. Areas along the southern property boundary are required to include non-flammable decomposed granite mulch. Shrub plants species must consist of 50 percent passive protection landscape succulent ignition resistance landscaping. For the proposed structure, building materials are required to be ignition-resistant. Exterior walls must be type IIIA two-hour rated and framing must be fire-retardant treated.</p>
<b>Conservation and Open Space Element</b>	
<b>Goal 1: Conserve and protect surface water, groundwater, and imported water resources.</b>	
Policy 1.2: Protect groundwater resources from depletion and sources of pollution.	<p><b>Consistent.</b> The project site is already built out and developed with the existing CUSD bus yard. The site is mostly impervious and is not currently utilized for groundwater recharge. Thus, redevelopment of the site would not substantially deplete groundwater supplies or interfere with groundwater recharge. Additionally, as analyzed in <a href="#">Section 5.5, Hydrology and Water</a></p>





Applicable General Plan Policies	Project Consistency Analysis
	<u>Quality</u> , the project would not violate water quality standards or substantially degrade water quality upon implementation of construction-related best management practices (BMPs) per the project-specific Stormwater Pollution Prevention Plan (SWPPP) required under the National Pollutant Discharge Elimination System (NPDES) program. Site design, source control, and low impact development BMPs would also be implemented in accordance with the project’s Water Quality Management Plan (WQMP).
Policy 1.3: Conserve imported water by providing water conservation techniques, and using reclaimed water, water conserving appliances, and drought-resistant landscaping when feasible.	<u>Consistent</u> . The proposed Specific Plan includes design guidelines related to water efficiency. Specifically, Section 4.8.3, <i>Water Efficiency</i> , requires installing ultra-low-flush toilets, low-flow shower heads, and other water conserving fixtures and appliances; using state-of-the-art irrigation controllers and self-closing nozzles on hoses; minimizing turf areas within the community; planting drought-tolerant plants; and using reclaimed water for irrigation of common areas, wherever available.
<b>Goal 2: Conserve significant topographical features, important watershed areas, resources, soils, and beaches.</b>	
Policy 2.3: Control erosion during and following construction through proper grading techniques, vegetation replanting, and the installation of proper drainage, and erosion control improvements.	<u>Consistent</u> . As analyzed in Section 5.5, the project would be subject to the NPDES program requirements, including obtaining a General Construction Permit and preparing and implementing a SWPPP and associated BMPs. BMPs include those related to erosion control. Additionally, compared to existing conditions, the project involves extensive landscaping throughout the project site. On-site drainage improvements are also proposed to ensure proper drainage and stormwater flow, including the installation of modular wetland system units to collect and treat on-site runoff prior to conveyance into the City’s existing storm drain system.
Policy 2.4: Require the practice of proper soil management techniques to reduce erosion, sedimentation, and other soil-related problems.	<u>Consistent</u> . Refer to response to Conservation and Open Space Element Policy 2.3.
Policy 2.16: Identify flood hazard areas and provide appropriate land use regulations, such as but not limited to the requirement that new development shall have the lowest floor, including basement, elevated to or above the base flood elevation, for areas subject to flooding in order to minimize risks to life and property.	<u>Consistent</u> . The northwestern portion of the project site is located within the Floodplain Overlay District (FP-2) boundary. A Site Development Permit is required to review new multi-family construction and to allow for construction within a floodplain overlay district. As part of the Site Development Permit review, the project would be required to elevate the lowest floor of new development within the FP-2 area to or above the base flood elevation.
<b>Goal 4: Conserve energy resources through use of available technology and conservation practices.</b>	
Policy 4.1: Encourage innovative site and building designs, and orientation techniques which minimize energy use by	<u>Consistent</u> . Specific Plan Section 4.8, <i>Sustainability Guidelines</i> , states that the project is required to implement green building



Applicable General Plan Policies	Project Consistency Analysis
taking advantage of sun/shade patterns, prevailing winds, landscaping, and building materials.	practices that meet California Building Energy Efficiency Standards and CALGreen Building Standards (Title 24). The Specific Plan recommends implementing a landscape plan with a plant palette that requires minimal watering; utilizing passive sustainability design strategies to minimize overall energy consumption (e.g., daylighting, natural sources of heating and cooling, operable windows, shading on south facing windows, ceiling fans, well-designed building envelopes with high insulation rating; designing electric vehicle systems to expand over time; utilizing solar thermal to heat water for pools and spas; and utilizing reclaimed water for landscaping, where feasible).
<b>Goal 5: Reduce air pollution through land use, transportation and energy use planning.</b>	
Policy 5.2: Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.	<u>Consistent</u> . Refer to response to Land Use Element Policy 3.6.
Policy 5.3: Encourage neighborhood parks close to concentrations of residents to encourage pedestrian travel to public recreation facilities.	<u>Consistent</u> . Refer to response to Land Use Element Policy 1.4.
<b>Goal 6: Encourage open space areas to preserve natural resources.</b>	
Policy 6.1: Mitigate the impacts of development on sensitive lands such as, but not limited to, steep slopes, wetlands, cultural resources, and environmentally sensitive habitat areas through the development review process.	<u>Consistent</u> . The project area is relatively flat and predominantly developed and paved. As such, there are no steep slopes, wetlands, or environmentally sensitive habitat on-site that could be impacted by project development. Additionally, as analyzed in <u>Section 5.3, Tribal and Cultural Resources</u> , project impacts on cultural resources, including historic and archaeological resources, would be less than significant with implementation of CUL-1. If a resource is uncovered during ground-disturbing activities, Mitigation Measure CUL-1 requires all project construction efforts to halt until an archaeologist examines the site, identifies the archaeological significance of the find, and recommends a course of action.
<b>Goal 7: Encourage the development and maintenance of a balanced system of public and private park and recreation facilities in cooperation with the Capistrano Bay Park and Recreation District.</b>	
Goal 7.1: Encourage the provision of a range of recreational facilities and programs to meet the needs of City residents and visitors.	<u>Consistent</u> . Refer to response to Land Use Element Policy 1.4.
<b>Goal 8: Encourage the preservation of significant historical or culturally significant buildings, sites or features within the community.</b>	
Policy 8.1: Require reasonable mitigation measures where development may affect historical, archaeological or paleontological resources.	<u>Consistent</u> . <u>Section 5.3</u> analyzes the project's potential impacts on historic and archaeological resources, and <u>Section 5.4</u> evaluates the project's potential impacts on paleontological resources. As analyzed, none of the existing on-site structures



Applicable General Plan Policies	Project Consistency Analysis
	were determined to be eligible for listing under the National Register of Historic Resources or California Register of Historical Places. As such, project development would not adversely impact any historical resources. Additionally, Mitigation Measure CUL-1 would reduce potential impacts to archaeological resources if found during ground-disturbing construction activities. Further, Mitigation Measure GEO-2 would require the project Applicant to prepare a technical paleontological assessment to evaluate the sensitivity of the project site for buried paleontological resources. As such, implementation of Mitigation Measure CUL-1 and GEO-2 would ensure project development does not adversely impact archaeological or paleontological resources.
<b>Public Facilities/Growth Management Element</b>	
<b>Goal 1: Encourage adequate water and sewer service.</b>	
Policy 1.2: Encourage the use of drought resistant landscaping to reduce overall water use.	<u>Consistent</u> . Refer to response to Conservation and Open Space Element Policy 1.3.
<b>Goal 3: Provide necessary control of solid waste.</b>	
Policy 3.5: Support recycling by requiring areas for recycling bins.	<u>Consistent</u> . As detailed in the Specific Plan, adequate space to facilitate recycling collection would be required. CR&R Incorporated Environmental Services would provide recycling services to the project site.
<b>Goal 4: Maintain desirable levels of police, fire, and emergency medical services in the City,</b>	
Policy 4.5: Coordinate with the Orange County Sheriff's and Fire Departments for the continued provision of adequate law enforcement and fire protection.	<u>Consistent</u> . Refer to response to Land Use Element Policy 1.3.
Policy 4.6: Coordinate sheriff facility and traffic facility planning where necessary to maintain adequate levels of law enforcement service.	<u>Consistent</u> . Refer to response to Land Use Element Policy 1.3.
<b>Goal 5: Encourage adequate community facilities including libraries, schools, civic, and cultural facilities.</b>	
Policy 5.7: Encourage well-planned neighborhood and community park facilities that are within convenient distance to all residential areas.	<u>Consistent</u> . Refer to response to Land Use Element Policy 1.4.
Policy 5.10: Develop a program for public art.	<u>Consistent</u> . Refer to response to Urban Design Element Policy 1.7.



Applicable General Plan Policies	Project Consistency Analysis
<b>Goal 6: Maintain, improve, and expand utilities including natural gas, electricity, and communications.</b>	
Policy 6.1: Where feasible, provide underground utility lines in all neighborhoods and continue to underground utility lines in future developments.	<u>Consistent.</u> Proposed on-site utility improvements related to water, sewer, storm drains, and dry utilities (electric and gas) would be installed underground.
<b>Goal 7: Develop a Growth Management Plan which ensures that growth and development are based upon the City's ability to provide an adequate circulation system and public facilities pursuant to the Countywide Growth Management Plan Component and the Traffic Improvement and Growth Management Ordinance (Measure M), and which preserves the City's quality of life and natural resources while protecting its fiscal well-being.</b>	
Policy 7.5: Require all new development to pay its share of the costs of mitigating its traffic impacts, including regional impacts. Work with other jurisdictions to determine minimally acceptable impact fee levels.	<u>Consistent.</u> In accordance with General Plan Circulation Element Policy 1.11, a traffic impact analysis was conducted, separate from CEQA, to evaluate the project's impacts utilizing the LOS methodology. The Traffic Impact Analysis considers the project's fare share costs for circulation system improvements required by the City. Applicable fair share costs for improvements in both the City of Dana Point and the City of San Juan Capistrano are identified and would be provided, as applicable.
Policy 7.8: Promote traffic reduction strategies through TDM measures.	<u>Consistent.</u> Refer to Land Use Element Policy 3.6 pertaining to vehicle miles traveled.
Policy 7.9: Require development of large properties to include a master plan and an environmental analysis of the proposed development.	<u>Consistent.</u> While a master plan is not proposed, the proposed project includes a Specific Plan that would guide development on-site with proposed development standards and design guidelines and includes a proposed land use plan. The Specific Plan is being evaluated as part of the project in this EIR.
Policy 7.11: Require development of large properties to prepare a comprehensive development plan and environmental analysis to evaluate the impacts of the proposed project.	<u>Consistent.</u> Refer to response to Public Facilities/Growth Management Element Policy 7.9.
<b>Economic Development Element</b>	
<b>Goal 1: Encourage a balance between housing and employment opportunities.</b>	
Policy 1.4: Encourage the development of housing opportunities in targeted areas of the City.	<u>Consistent.</u> The proposed Specific Plan would allow development of a 349-unit apartment community (with market and affordable units) in Doheny Village.
Sources: City of Dana Point, <i>City of Dana Point General Plan</i> , July 9, 1991. City of Dana Point, <i>City of Dana Point General Plan 2014-2021 Housing Element</i> , December 2013.	

As demonstrated in [Table 5.1-1](#), the proposed project would be consistent with relevant General Plan policies and impacts would be less than significant.

**Mitigation Measures:** No mitigation measures are required.



**Level of Significance:** Less Than Significant Impact.

## DANA POINT MUNICIPAL CODE

### LU-2 THE PROPOSED PROJECT COULD CONFLICT WITH DANA POINT MUNICIPAL CODE STANDARDS OR REGULATIONS.

**Impact Analysis:** Based on the Zoning Map, the project site is zoned CF and REC and is situated within the Coastal Overlay District boundary. The northwestern portion of the project site is also located in the Floodplain Overlay District (FP-2) boundary. The proposed project includes adoption of the Victoria Boulevard Specific Plan and would require a Zone Change to change the zoning of the project site to “Victoria Boulevard Specific Plan (VBSP).”

Pursuant to the Specific Plan, the entire project site would be subject to the development standards of the Village Multi Family Residential (VMFR) district within the Victoria Boulevard Specific Plan. The VMFR designation allows for the development of a combination of studio, one, two-, and three-bedroom market rate and affordable unit types within the Specific Plan area. Ancillary recreational, administrative mechanical, and equipment uses/facilities are also permitted to support the residential community. As such, upon approval of the Zone Change, development of the 349-unit apartment community and associated amenities and parking structure would be allowed under the proposed VMFR district per the Specific Plan.

Additionally, Section 4, *Design Guidelines*, and Section 5, *Development Standards*, of the Specific Plan includes a number of design guidelines and development standards that would guide future development of the site. Design guidelines include those related to site planning, architectural integrity, landscape and open space, art-in-public places, signage, and sustainability. Development standards detailed in the Specific Plan include those related to allowed density, maximum building coverage, maximum building height, minimum building setbacks, minimum open space/landscaping, off-street parking requirements, fences and walls, water efficient landscape standards, signage, and art-in-public places; refer to Specific Plan Table 5.1, *Victoria Boulevard Specific Plan Permitted Uses*, and Table 5.2, *Victoria Boulevard Specific Plan Development Standards*.

Future development on-site would be required to comply with the Specific Plan development standards and design guidelines. Thus, upon approval of the proposed Zone Change, the project would not conflict with the Municipal Code. Impacts would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## CALIFORNIA COASTAL ACT

### LU-3 THE PROPOSED PROJECT COULD CONFLICT WITH RELEVANT SECTIONS OF THE CALIFORNIA COASTAL ACT.

**Impact Analysis:** The entire Specific Plan area is within the Coastal Zone and is subject to the CCC’s larger authority over the public resource of the California coast. The General Plan, along with City’s Zoning Ordinance, must be certified by the CCC as an LCP to ensure policy compatibility between State and local authorities, particularly with respect to specific issues related to public access and



environmental quality related to coastal resources. As stated, the project is subject to the 1996 LCP, specifically the General Plan Land Use, Urban Design, and Conservation and Open Space Elements and the Zoning Code. In order to ensure the Specific Plan is consistent with the 1996 LCP, an LCP amendment is proposed in accordance with Municipal Code Section 9.61.080, *Amendments*. The CCC would review the LCP amendment and proposed zoning for consistency with the Coastal Act prior to approval.

The Coastal Act (Public Resources Code Section 30200, Coastal Resources Planning and Management Policies) contains specific sections pertaining to land use and planning within the coastal zone. Table 5.1-2, California Coastal Act Consistency Analysis, provides an analysis of the proposed project’s consistency with relevant Coastal Act sections.

**Table 5.1-2  
California Coastal Act Consistency Analysis**

Applicable Coastal Act Sections	Project Consistency Analysis
<b>Public Access</b>	
<p><b>Section 30212.5.</b> Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.</p>	<p><u>Consistent.</u> Under the Specific Plan, the project would provide on-street and off-street parking. The proposed project would provide additional on-street parking spaces along the south side of Victoria Boulevard. Existing on-street parking along Sepulveda Avenue would remain. In total, the project would provide an increased supply of on-street parking along both Victoria Boulevard and Sepulveda Avenue by 30 percent.</p> <p>Off-street parking would include a multi-level parking structure that would provide reserved parking spaces for residents and guests. Specific Plan Section 5.7, <i>Off-Street Parking Standards</i>, requires a range of 1.5 to 2.5 spaces per unit (depending on the number of bedrooms) and 0.2 spaces per unit for guest parking. For the project, as proposed, the proposed Specific Plan regulations would require 669 off-street parking spaces. The parking structure, as proposed, would include 681 spaces, with 609 spaces for residents and 72 spaces for visitors.</p>
<b>Marine Environment</b>	
<p><b>30231.</b> The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian</p>	<p><u>Consistent.</u> While the project site is located within the coastal zone, it is not near coastal waters, streams, wetlands, estuaries, or lakes. Nevertheless, project construction and operations would be required to comply with NPDES program requirements regarding stormwater runoff and soil erosion and implement BMPs in accordance with the project’s WQMP and SWPPP. Such BMPs would assist in reducing stormwater runoff, encouraging water conservation on-site, and utilizing landscaping to allow infiltration on-site.</p>



Applicable Coastal Act Sections	Project Consistency Analysis
habitats, and minimizing alteration of natural streams.	
<b>Land Resources</b>	
<p><b>Section 30244.</b> Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.</p>	<p><u>Consistent.</u> <u>Section 5.3</u> analyzes the project's potential impacts on archaeological resources, and <u>Section 5.4</u> evaluates the project's potential impacts on paleontological resources. Mitigation Measure CUL-1 would reduce potential impacts to archaeological resources if found during ground-disturbing construction activities. Further, Mitigation Measure GEO-2 would require the project Applicant to prepare a technical paleontological assessment to evaluate the sensitivity of the project site for buried paleontological resources. As such, implementation of Mitigation Measures CUL-1 and GEO-2 would ensure project development does not adversely impact archaeological or paleontological resources.</p>
<b>Development</b>	
<p><b>Section 30250.</b></p> <p>(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.</p> <p>(b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.</p> <p>(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.</p>	<p><u>Consistent.</u> Refer to lettered corresponding analysis below.</p> <p>(a) The project area is urbanized, predominantly built out, and served by existing public services, including water, wastewater, stormwater, and solid waste services; refer to <u>Section 5.13</u>. Thus, future development of the project site in accordance with the Specific Plan would occur within, contiguous with, or in close proximity, to existing developed areas. While the project site is within the coastal zone, it is approximately 0.26-mile from the coast and is physically separated from the coast by Pacific Coast Highway. As such, there are no coastal resources in the site vicinity that could be impacted by the proposed residential development.</p> <p>Further, given that the project site is developed and built out, no land divisions of undeveloped areas would occur within the project site.</p> <p>(b) No industrial or hazardous uses would be permitted on the project site.</p> <p>(c) Visitor-serving facilities are not permitted on-site under the Specific Plan.</p>
<p><b>Section 30251.</b> The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character</p>	<p><u>Consistent.</u> The maximum building height within the Specific Plan is 65 feet. Additionally, elevations facing Victoria Boulevard and a portion of Sepulveda Avenue would be limited to 50 feet in height within 40 feet of the public right-of-way to promote visual interest. Views towards scenic coastal areas in the project area are located south of the project site across Pacific Coast Highway. Given the distance, the proposed development would not impact public views along the ocean or scenic</p>



Applicable Coastal Act Sections	Project Consistency Analysis
<p>of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.</p>	<p>coastal areas. Additionally, future development is not anticipated to involve significant alteration to the natural landform, as the project site is relatively level and has been extensively developed with pavements, hardscape, and structures.</p>
<p><b>Section 30252.</b> The location and amount of new development should maintain and enhance public access to the coast by:</p> <p>(1) facilitating the provision or extension of transit service,</p> <p>(2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads,</p> <p>(3) providing non-automobile circulation within the development,</p> <p>(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation,</p> <p>(5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by</p> <p>(6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.</p>	<p><u>Consistent</u>. Refer to numbered corresponding analysis below.</p> <p>(1) Existing transit service in the project area is provided by OCTA. The nearest OCTA bus stop is located approximately 4,500 feet southwest of the Specific Plan area at the intersection of Del Obispo and Pacific Coast Highway and is serviced by OCTA routes 1 and 91. Project implementation would develop a 349-unit apartment community with future residents that may utilize OCTA transit services.</p> <p>(2) The proposed residential community is located within Doheny Village, which includes a number of resident-serving commercial and retail businesses. Thus, existing commercial facilities in the project area would help minimize future residents' use of coastal access roads.</p> <p>(3) Non-automobile circulation would be provided within the Specific Plan area. Specifically, pedestrian circulation would be provided throughout the community via a system of interior and exterior pathways. The pedestrian pathways would connect entrances to the residential community to the existing network of City sidewalks (i.e., Victoria Boulevard and Sepulveda Avenue).</p> <p>Additionally, the project would construct a Class III bicycle route along the project frontage of Victoria Boulevard in accordance with the <i>City of Dana Point Bicycle and Pedestrian Trails Master Plan</i>. The proposed bicycle route would provide direct bicycle access to the proposed Victoria Shore Park, residential courtyards, and public paseos. Bicycle storage would also be provided at the Arrival Promenade and private courtyards.</p> <p>(4) Refer to response to Coastal Act Sections 30212.5 and 30252 (1).</p> <p>(5) No high intensity uses such as high-rise office buildings are proposed.</p> <p>(6) The proposed Specific Plan allows for numerous outdoor spaces and opportunities for recreation, including outdoor amenitized courtyard spaces, a rooftop amenity area, and recreation spaces surrounding the development. For example, the rooftop amenity area would include a fitness room, pool, club house, barbecues, dining tables, lounge seating, ping pong and foosball tables, synthetic lawn, spa, sun chaise, entertainment screen, and fire pit seating area, among others. Public improvements associated with the project include a public park with active and passive recreation amenities (Victoria Shore Park) proposed at the southeastern corner of Victoria Boulevard and Sepulveda Avenue, enhanced landscape and streetscape amenities, additional public parking within the right-of-way areas, construction of a cul-de-sac at the</p>





Applicable Coastal Act Sections	Project Consistency Analysis
	<p>Sepulveda Avenue terminus, a Dog Park, and two public paseos. Victoria Shore Park would include an outdoor exercise station, activity lawn, fire pit lounge deck, canopy palms, and enhanced architectural features. The paseo features would include a public access walking/biking trail, seating area with benches, drivable grass with drivable turf, and architecturally enhanced hardscape features. The Dog Park would include synthetic lawn dog run feature, dog water fountain, and trash/dog waste station. Thus, the project would not increase demand for existing coastal recreational facilities in a manner that adversely impacts such facilities.</p>
<p><b>Section 30253.</b> New development shall do all of the following:</p> <p>(a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.</p> <p>(b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.</p> <p>(c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.</p> <p>(d) Minimize energy consumption and vehicle miles traveled.</p> <p>(e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.</p>	<p><u>Consistent</u>. Refer to lettered corresponding analysis below.</p> <p>(a) As detailed in <u>Section 5.4</u>, future development in accordance with the proposed project would be required to comply with relevant California Building Code and Municipal Code regulations, and implement Mitigation Measure GEO-1 to reduce impacts related to geological hazards.</p> <p>As discussed in <u>Section 5.5</u>, the majority of the project site is located within the Federal Emergency Management Area (FEMA) Flood Zone 'X' per FEMA Flood Insurance Rate Map (FIRM) No. 06059C0508K, map revised March 21, 2019. Flood Zone 'X' represents areas of minimum flood hazard. A portion of the site along Sepulveda Avenue is shown to be slightly within or adjacent to FEMA Flood Zone 'A' (no Base Flood Elevation determined). However, an updated Letter of Map Revision (LOMR) study and FIRM for the San Juan Creek area shows that the Flood Zone 'A' area is delineated to be retained almost entirely within the public right-of-way of Sepulveda Avenue and thus, project development on-site would not exacerbate existing flood hazard conditions.</p> <p>Additionally, the project site is not located in an area designated as a high fire hazard zone; refer to <u>Section 8.0</u>. Refer to Public Safety Element Policy 1.12.</p> <p>(b) No natural coastal landforms, including bluffs or cliffs are located in the project area. Thus, future development would result in no impact in this regard.</p> <p>(c) As analyzed in <u>Section 5.8, Air Quality</u>, the project would not exceed established air quality emission thresholds for construction and operational activities upon compliance with existing regulations.</p> <p>(d) As analyzed in <u>Section 5.7</u>, when compared to the City's average VMT, the project would result in 7.23 percent less VMT per capita, compared to the City's averages; refer to <u>Table 5.7-2</u>. As such, the proposed project would minimize VMT experienced in the City.</p> <p>Additionally, according to <u>Section 5.10, Energy</u>, the project would not cause wasteful, inefficient, and unnecessary consumption of building energy during project construction or operation or preempt future energy development or future energy conservation.</p> <p>(e) The project site is located within Doheny Village, which is a unique neighborhood of Dana Point that is valued by residents and visitors alike.</p>



Applicable Coastal Act Sections	Project Consistency Analysis
	The Specific Plan aims to promote the character and surf heritage of the historical Doheny Village and provide an economic catalyst by enhancing the neighborhood-serving businesses and residential environment of Doheny Village. The project is also designed to infill and contribute to the urban fabric of Doheny Village by implementing a Coastal Contemporary architectural style that reflects the historic and current coastal activities in the project area.
Source: Public Resources Code, California Coastal Act of 1976.	

As shown in Table 5.1-2, the project would be consistent with each of the relevant Coastal Act sections and a less than significant impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## LOCAL COASTAL PROGRAM

### LU-4 THE PROPOSED PROJECT COULD CONFLICT WITH POLICIES PROVIDED IN THE 1996 LOCAL COASTAL PROGRAM.

**Impact Analysis:** Specific geographic areas within Dana Point are regulated by different documents that make up the City’s LCP. The project site is subject to the 1996 LCP, specifically the General Plan Land Use, Urban Design, and Conservation Open Space Elements and the Zoning Code. As analyzed under Impact Statements LU-1 through LU-3, the project would be consistent with the General Plan, Municipal Code, and Coastal Act, respectively. Therefore, the proposed project would also be consistent with the 1996 LCP.

Further, given that the entire Specific Plan area is within the coastal zone, an LCP Amendment would be required to reflect the proposed land use and zoning district classifications. The LCP Amendment would be reviewed for approval by the City and CCC. Upon approval of the LCP Amendment, the project would be consistent with the 1996 LCP, and impacts would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

### LU-5 THE PROPOSED PROJECT MAY CONFLICT WITH SCAG’S 2020-2045 REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY POLICIES.

**Impact Analysis:** SCAG reviews environmental documents for regionally significant projects for their consistency with the adopted 2020-2045 RTP/SCS. SCAG refers to CEQA Guidelines Section 15206, *Projects of Statewide, Regional or Area-wide Significance*, in determining whether a project meets the criteria to be deemed regionally significant. The following criteria is relevant to the project:



- Criteria 1: A proposed local general plan, element, or amendment thereof for which an EIR was prepared.

The proposed project would require a General Plan Amendment and Zone Change, among other discretionary approvals. Thus, the project is considered regionally significant per CEQA Guidelines Section 15206.

The 2020-2045 RTP/SCS performance goals were adopted to help focus future investments on the best-performing projects and strategies to preserve, maintain and optimize the performance of the existing transportation system. The project’s consistency with SCAG’s goals is presented in Table 5.1-3, SCAG 2020-2045 RTP/SCS Consistency Analysis.

**Table 5.1-3  
SCAG 2020-2045 RTP/SCS Consistency Analysis**

RTP/SCS Goals	Project Consistency Analysis
<b>Goal 1.</b> Encourage regional economic prosperity and global competitiveness.	<u>Not Applicable</u> . Specifically, Goal 1 of the 2020-2045 RTP/SCS is not adopted for the “purpose of avoiding or mitigating an environmental effect,” per Appendix G of the CEQA Guidelines. Nevertheless, the proposed residential community would provide housing within Doheny Village and future residents would indirectly contribute towards the economic vitality of the project area. The proposed development would also revitalize the currently underutilized property. Thus, the project would contribute towards the economic vitality of Dana Point and the region.
<b>Goal 2.</b> Improve mobility, accessibility, reliability, and travel safety for people and goods.	<u>Consistent</u> . Development in accordance with the Specific Plan would promote and support multimodal opportunities within the City. Specifically, the project would provide adequate off-street parking for future residents of the proposed apartment community, construct a Class III bicycle route along the project frontage of Victoria Boulevard in accordance with the <i>City of Dana Point Bicycle and Pedestrian Trails Master Plan</i> , and provide bicycle storage areas throughout the site. Internal and project area circulation and access would be required to comply with all applicable Municipal Code and City design standards and would be reviewed by the City and OCFA to ensure that adequate emergency access is provided. As such, the project would improve mobility, accessibility, reliability, and travel safety in the project area, which indirectly connects to the overall mobility, accessibility, reliability, and travel safety of the people and goods in the SCAG region.
<b>Goal 3.</b> Enhance the preservation, security, and resilience of the regional transportation system.	<u>Not Applicable</u> . Specifically, Goal 3 of the 2020-2045 RTP/SCS is not adopted for the “purpose of avoiding or mitigating an environmental effect,” per Appendix G of the CEQA Guidelines. Nevertheless, future development in accordance with the proposed project would be required to adhere to applicable local and State adopted emergency response plans or emergency evacuation plans in a manner that would indirectly ensure the security of the regional transportation system.
<b>Goal 4.</b> Increase person and goods throughput and travel choices within the transportation system.	<u>Not Applicable</u> . Specifically, Goal 4 of the 2020-2045 RTP/SCS is not adopted for the “purpose of avoiding or mitigating an environmental effect,” per Appendix G of the CEQA Guidelines. Nevertheless, the project would construct a Class III bicycle route along the project frontage of Victoria Boulevard in accordance with the <i>City of Dana Point Bicycle and Pedestrian Trails Master Plan</i> . The proposed bicycle route would provide direct access to the proposed Victoria Shore Park, private courtyards, and the residential community.



RTP/SCS Goals	Project Consistency Analysis
	Bicycle storage areas are also proposed throughout the site. Additionally, future residents may also utilize existing transit service provided by OCTA.
<b>Goal 5.</b> Reduce greenhouse gas emissions and improve air quality.	<u>Consistent.</u> As detailed in <u>Table 5.9-1, <i>Project Annual Greenhouse Gas Emissions</i></u> , the project would generate approximately 3,070.10 million metric tons of carbon dioxide equivalent (MTCO <sub>2e</sub> ) emissions compared to existing conditions. However, as discussed in <u>Section 5.9, <i>Greenhouse Gas Emissions</i></u> , the project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs. As shown in <u>Table 5.8-5, <i>Net Long-Term Operational Air Emissions</i></u> , operational emissions for all criteria pollutants would be below established South Coast Air Quality Management District (SCAQMD) significance thresholds. As a result, the project would encourage patterns of development that minimize air pollution in this regard.  Additionally, while the project itself would not reduce GHG emissions or improve air quality, it would not prevent SCAG from implementing actions that would reduce GHG emissions or improve air quality within the region.
<b>Goal 6.</b> Support healthy and equitable communities.	<u>Not Applicable.</u> Specifically, Goal 6 of the 2020-2045 RTP/SCS is not adopted for the “purpose of avoiding or mitigating an environmental effect,” per Appendix G of the CEQA Guidelines.
<b>Goal 7.</b> Adapt to a changing climate and support an integrated regional development pattern and transportation network.	<u>Not Applicable.</u> Specifically, Goal 7 of the 2020-2045 RTP/SCS is not adopted for the “purpose of avoiding or mitigating an environmental effect,” per Appendix G of the CEQA Guidelines. Nevertheless, as stated, the project would construct a Class III bicycle route along the project frontage of Victoria Boulevard in accordance with the <i>City of Dana Point Bicycle and Pedestrian Trails Master Plan</i> . Additionally, future project residents may utilize existing transit service provided by OCTA in the project area.
<b>Goal 8.</b> Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	<u>Not Applicable.</u> Specifically, Goal 3 of the 2020-2045 RTP/SCS is not adopted for the “purpose of avoiding or mitigating an environmental effect,” per Appendix G of the CEQA Guidelines. Nevertheless, the proposed residential community would be required to comply with all applicable Title 24 and CALGreen building codes at the time of construction. These building codes would require electric vehicle (EV) charging stations, designated EV parking, as well as bicycle parking and storage. Furthermore, the Title 24 code requires photovoltaic solar panels on residential development. Therefore, the proposed development would leverage technology innovations that result in more efficient travel.
<b>Goal 9.</b> Encourage development of diverse housing types in areas well supported by multiple transportation options.	<u>Consistent.</u> Existing transit service in the project area is provided by OCTA. The nearest OCTA bus stop is located approximately 4,500 feet southwest of the Specific Plan area at the intersection of Del Obispo and Pacific Coast Highway and is serviced by OCTA routes 1 and 91. Project implementation would develop a 349-unit apartment community with future residents that may utilize OCTA transit services. As such, the proposed project would be consistent with this goal.
<b>Goal 10.</b> Promote conservation of natural and agricultural lands and restoration of critical habitats.	<u>Consistent.</u> There are no natural lands, agricultural lands, or critical habitats in the project area. As discussed in <u>Section 8.0</u> , project implementation would not result in significant impacts on biological or agricultural resources.
Source: Southern California Association of Governments, 2025-2040 Regional Transportation Plan/Sustainable Communities Strategy – Connect SoCal, September 3, 2020.	



As indicated in [Table 5.1-3](#), the proposed project would be consistent with SCAG’s regional planning efforts and a less than significant impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **5.1.5 CUMULATIVE IMPACTS**

*CEQA Guidelines* Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in [Table 4-1](#), [Cumulative Projects List](#), and illustrated on [Exhibit 4-1](#), [Cumulative Projects Map](#), cumulative projects are located on both developed and undeveloped sites.

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED PROJECTS, COULD CONFLICT WITH LAND USE PLANS, POLICIES OR REGULATIONS ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT.**

**Impact Analysis:** [Table 4-1](#) identifies related projects in the project vicinity, including Dana Point, San Juan Capistrano, and San Clemente, determined as having the potential to interact with the proposed project to the extent that a significant cumulative land use impact may occur. Development projects within the City and neighboring jurisdictions undergo a similar plan review process to determine potential land use planning policy and regulation conflicts. Each cumulative project would be analyzed independent of other projects, within the context of their respective land use and regulatory setting. As part of the review process, each project would be required to demonstrate compliance with the provisions of the applicable jurisdiction’s land use designation(s) and zoning district(s). Each project would be analyzed to ensure consistency and compliance with the applicable jurisdiction’s General Plan goals and policies, Municipal Code regulations, and other applicable land use plans or policies (e.g., Coastal Act, LCP, and/or Specific Plan[s]).

As analyzed above, the proposed project would be consistent with relevant goals, policies, and/or standards from the General Plan, Municipal Code, Coastal Act, 1996 LCP, and 2020-2045 RTP/SCS. Thus, the proposed project would not result in significant cumulatively considerable impacts in this regard. Impacts would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **5.1.6 SIGNIFICANT UNAVOIDABLE IMPACTS**

No significant unavoidable impacts related to land use and relevant planning have been identified.



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## 5.2 AESTHETICS/LIGHT AND GLARE

This section assesses the potential for aesthetic impacts using accepted methods of evaluating visual quality, as well as identifying the type and degree of change the proposed project would likely have on the character of the landscape. The analysis in this section is primarily based on information provided by the City and verified through site reconnaissance conducted by Michael Baker International (Michael Baker) in August 2020 and June 21, 2021.

### 5.2.1 EXISTING SETTING

The City of Dana Point (City) is a coastal City located in southwest Orange County and is surrounded by Laguna Niguel and Laguna Beach to the north, San Juan Capistrano to the east, and San Clemente to the south. Overall, the most significant natural and manmade characteristics of the City include Dana Point's natural physical form, its coastline as a unique area of interface between land and water, and the diversity of its manmade physical development.

The project site is located at 26126 Victoria Boulevard on the southeast corner of Victoria Boulevard and Sepulveda Boulevard in the southeastern portion of Doheny Village. The project site is bound by Victoria Boulevard to the north, the Interstate 5 (I-5) off-ramp to Pacific Coast Highway on the east, Pacific Coast Highway on the south, and Sepulveda Avenue on the west and is located approximately 0.25 mile north of the Pacific Ocean. The project site is currently developed with six structures, owned and operated by the Capistrano Unified School District (CUSD) Ground Department for operations, maintenance, storage, bus/vehicle wash area, and refueling of school buses and other district vehicles. Based on the *Dana Point General Plan* (General Plan) Land Use Map, the project site is designated "Community Facility" (CF) and "Recreation/Open Space" (R/OS) and is situated within the Coastal Overlay District boundary. Based on the *Dana Point Zoning Map* (Zoning Map), the project site is zoned "Community Facilities" (CF) and "Recreation" (REC) and is situated within the Coastal Overlay District boundary.

Overall, the surrounding area is urban, mixed use development. Single-family residential, multi-family residential (Beachwood Village Mobile Home Park), and institutional (Orange County Fire Station No. 29 and Nobis Preschool) uses are present north of Victoria Boulevard. Pacific Coast Highway and associated right-of-way (approximately 100-foot wide swath of ornamental landscaping) bounds the project site to the east and south. Multi-family residential (Coffield Apartments) and institutional (San Felipe de Jesus Catholic Church and Capo Beach Church) uses are present west of Sepulveda Avenue. The residential uses located south of the project site and Pacific Coast Highway (atop the bluff in Capistrano Beach), also afford views of the project site as well as distant views of the urban rolling terrain to the north.



## **SCENIC VISTAS**

According to the General Plan Urban Design Element, the landforms of the Headlands<sup>1</sup> and coastal bluffs are the most prominent natural features of the City. Within the Coastal Zone, coastal bluffs are defined as 1) the toe of the bluff, which is now or was historically (generally within the last 200 years) subject to marine erosion; and 2) the toe of the bluff, which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified as an appealable area (14 Cal. Code of Regulations Section 13577(h)). These resources are visible from the region's coastline and coastal hillsides from a distance of up to 30 miles. Public views of the Headlands and coastal bluffs do not include the project site under existing conditions due to intervening topography, existing structures, and vegetation. Additionally, the General Plan Conservation/Open Space Element Figure COS-5, *Scenic Overlooks from Public Lands*, identifies significant public scenic view resources in Dana Point. Based on Figure COS-5, the project site is not located within the viewshed<sup>2</sup> of any General Plan-designated scenic overlooks.

## **SCENIC CORRIDORS**

### **Northern Views To The Pacific Ocean**

Many of Dana Point's streets offer panoramic views toward the Pacific Ocean. According to the General Plan Urban Design Element, these view opportunities form an important part of the City's coastal identity, and are important scenic resources to be preserved. The project site does not include public views to the Pacific Ocean under existing conditions due to intervening topography, structures, and vegetation. However, off-site public views that encompass the project site as well as the Pacific Ocean are afforded from the southbound I-5 travel lanes and the southbound I-5 off-ramp to northbound Pacific Coast Highway travel lanes.

### **State Scenic Highways**

The City's scenic highway plan is depicted on General Plan Circulation Element Figure C-6, *Scenic Highways*. Based on Figure C-6, Pacific Coast Highway (which bounds the project site to the south) is currently designated as a "type three" urban landscape corridor. This type of corridor is defined as: "...one that traverses an urban area with a defined visual corridor which offers a view of attractive and existing urban scenes, and which has recreational value for its visual relief as a result of nature or the designed efforts of man." Pacific Coast Highway is also identified as an eligible State scenic highway by the

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<sup>1</sup> A Headland is defined by the California Coastal Commission as a point of land, usually high and with a sheer drop, extending out into a body of water.

<sup>2</sup> A viewshed is the geographical area that is visible from a particular location. This includes all surrounding points that are in line-of-sight with that location and excludes points that are beyond the horizon or obstructed by terrain and other features (e.g., buildings, topography, trees).





California Department of Transportation (Caltrans).<sup>3</sup> Views of the project site are afforded from eastbound and westbound Pacific Coast Highway.

## **VISUAL CHARACTER/QUALITY**

The General Plan Land Use Element identifies five areas within the City as Specific Plan areas for future development or revitalization. These areas include Doheny Village, the Headlands, the Town Center, Monarch Beach, and the Dana Point Harbor. The project site is located within the Doheny Village area of the City, which has the greatest variety of land uses of these five areas, based on its eclectic combination of residential, non-residential, and community land uses. The visual character of the project site and its surroundings is dominated by these urban uses with varying styles of architecture.

## **LIGHT AND GLARE**

Lighting effects are associated with the use of artificial light during the evening and nighttime hours. There are two primary sources of light: light emanating from building interiors passing through windows, and light from exterior sources (i.e., street lighting, building illumination, security lighting, parking lot lighting, and landscape lighting). Light introduction can be a nuisance to adjacent residential areas, diminish the view of the clear night sky, and if uncontrolled, can cause disturbances. Uses such as residences are considered light sensitive since occupants have expectations of privacy during evening hours and may be subject to disturbance by bright light sources.

Glare is primarily a daytime occurrence caused by the reflection of sunlight or artificial light by highly polished surfaces such as window glass or reflective materials and, to a lesser degree, from broad expanses of light-colored surfaces. Perceived glare is the unwanted and potentially objectionable sensation as observed by a person as they look directly into the light source of a luminaire. Daytime glare generation is common in urban areas and is typically associated with buildings with exterior facades largely or entirely comprised of highly reflective glass. Glare can also be produced during evening and nighttime hours by the reflection of artificial light sources such as automobile headlights. Glare-sensitive uses include residences, transportation corridors, and aircraft landing corridors.

The existing project site is developed with seven structures and is used by the CUSD Ground Department for operations, maintenance, storage, bus/vehicle wash area, and refueling of school buses and other district vehicles. Surrounding urban development includes a mix of commercial, residential, and institutional uses. As a result, various sources of light and glare are present in the area. On-site lighting associated with existing uses include building illumination and security lighting. Lighting caused by car headlights and street lighting associated with roadways/freeways further influence lighting in the project area. Existing on-site structures do not include highly polished surfaces; thus, daytime glare is not readily apparent in the project area. Existing sources of glare during the evening or nighttime hours include vehicle headlights along surrounding roadways/freeways.

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<sup>3</sup> California Department of Transportation, *California State Scenic Highway System Map*, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>, accessed May 14, 2021.



Light-sensitive uses within the project vicinity include single-family residential and multi-family residential (Beachwood Village Mobile Home Park) north of Victoria Boulevard, multi-family residential (Coffield Apartments) west of Sepulveda Avenue, and residential uses to the south (atop the bluff in Capistrano Beach).

## **5.2.2 REGULATORY SETTING**

### **STATE LEVEL**

#### **California Coastal Act**

The California Coastal Act of 1976 (Coastal Act), Public Resources Code Section 30000 *et seq.*, was adopted to protect, maintain, and where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources. The Coastal Act is also intended to assure orderly, balanced utilization and conservation of coastal zone resources, and priority for coastal-dependent and coastal-related development over other development on the coast. The Coastal Act policies constitute the statutory standards applied to planning and regulatory decisions made by the California Coastal Commission (CCC) and by local governments, pursuant to the Coastal Act. The Coastal Act includes specific policies that address issues such as shoreline public access and recreation, terrestrial and marine habitat protection, visual resources, industrial uses, water quality, development design, and power plants, among others.

In partnership with coastal cities and counties, the CCC plans and regulates the use of land and water in the coastal zone. Although the coastal zone is defined as extending inland generally 1,000 yards from the mean high tide line of the sea, the coastal zone can vary in width from several hundred feet in highly urbanized areas up to five miles in certain rural areas, and offshore the coastal zone includes a three-mile-wide band of ocean. (Public Resources Code Section 30103(a).)

Implementation of Coastal Act policies is accomplished primarily through the preparation of local coastal programs (LCPs) that are required to be completed by each of the coastal zone counties and cities, including the City of Dana Point. A LCP includes a Land Use Plan (LUP), which is typically the Coastal Element or Coastal Land Use Plan of the General Plan, including any maps necessary to administer it; and the Implementation Plan, which comprises the zoning ordinances, zoning district maps, and Specific Plans or Planned Community Development Plans necessary to implement the land use plan. Coastal Act policies are the standards by which the CCC evaluates the adequacy of LCPs. To ensure that coastal resources are effectively protected in light of changing circumstances, such as new information or changing development pressures and impacts, the CCC is required to review each certified LCP at least once every five years. Development within the coastal zone requires a coastal development permit (CDP) be issued by either the CCC or a local government that has a CCC-certified LCP.

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

- *Dana Point Specific Plan/ 1986 LCP* (1986 LCP; based originally on the former County of Orange LCP [April 1980] for geographic areas that later became part of the City of Dana Point when it incorporated in 1989);



- *Monarch Beach/Capistrano Beach 1996 LCP* (1996 LCP; comprised of the Land Use Element, Urban Design Element, and Conservation Open Space Element [LUP], and the City’s Zoning Code [Implementation Plan]);
- *Headlands Development and Conservation Plan*, September 22, 2004;
- *Dana Point Town Center Plan*, adopted June 2008 and last amended November 2016; and
- *Dana Point Harbor Revitalization Plan*, October 6, 2011.

The General Plan Land Use, Urban Design, and Conservation Open Space Elements; Zoning Code; *Monarch Beach/Capistrano Beach 1996 LCP*; *Headlands Development and Conservation Plan*, *Dana Point Town Center Plan*, and *Dana Point Harbor Revitalization Plan* are together referred to as the 1996 LCP. The project site is subject to the 1996 LCP.

## **Caltrans Scenic Highways Program**

California’s Scenic Highway Program was enacted in 1963 by State legislature in order to preserve and enhance the natural scenic beauty of the State’s highways and corridors. The Scenic Highway Program is governed by Streets and Highways Code Sections 260 through 263. Pursuant to the State Streets and Highways Code Division 1, Chapter 2, *The State Scenic Highway System*, the purpose of designating certain portions of the State highway system as State scenic highways is to establish the State’s responsibility for the protection and enhancement of California’s natural scenic beauty by identifying those portions of the State highway system which, together with the adjacent scenic corridors, require special scenic conservation treatment. Highways may qualify as “eligible” or “officially designated” scenic highways, where eligible scenic highways become officially designated scenic highways when the local governing jurisdiction adopts a Corridor Protection Program for the highway, thereby limiting land uses and their densities, controlling outdoor advertising, and implementing design requirements. Caltrans identifies officially designated State scenic highways and historic parkways through the California Scenic Highway System May.

## **LOCAL LEVEL**

### **City Of Dana Point General Plan**

#### **LAND USE ELEMENT**

Goal 4: Encourage the preservation of the natural environmental resources of the City of Dana Point.

Policy 4.6: Ensure land uses within designated and proposed scenic corridors are compatible with scenic enhancement and preservation.

Goal 7: Achieve the revitalization of the Doheny Village area as a primary business district in the City.

Policy 7.2: Improve the appearance of the area through revitalization activities such as landscape design and pedestrian amenities.



Policy 7.3: Develop design guidelines that assure that development will be consistent in terms of scale and character.

## **CONSERVATION AND OPEN SPACE ELEMENT**

Goal 2: Conserve significant topographical features, important watershed areas, resources, soils and beaches.

Policy 2.2: Site and architectural design shall respond to the natural landform whenever possible to minimize grading and visual impact.

## **URBAN DESIGN ELEMENT**

Goal 1: Create Citywide visual linkages and symbols to strengthen Dana Point's identity as a city.

Policy 1.1: Develop citywide linkages through landscaping and lighting along major street corridors.

Policy 1.2: Improve the visual character of major street corridors.

Policy 1.3: Make focused improvements at major City entrance points such as landscaped open space and signage.

Policy 1.4: Preserve public views from streets and public places.

Policy 1.7: Initiate a program for public art.

Goal 2: Preserve the individual positive character and identity of the City's communities.

Policy 2.1: Consider the distinct architectural and landscape character of each community. To the maximum extent feasible, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

Goal 5: Achieve design excellence in site planning, architecture, landscape architecture and signage in new development and modifications to existing development.

Policy 5.3: Encourage buildings and exterior spaces that are carefully-scaled to human size and pedestrian activity.

Policy 5.5: Promote extensive landscaping in all new projects while emphasizing the use of drought-tolerant plant materials.

Goal 6: Develop Doheny Village as a unified and improved neighborhood of retail shopping, light industrial, offices and multi-family components.

Policy 6.1: Improve Pacific Coast Highway and Doheny Park Road as aesthetic entrance boulevards to the City.

Policy 6.5: Improve pedestrian opportunities and create an attractive pedestrian environment within Doheny Village.



## **City of Dana Point Design Guidelines**

The *City of Dana Point Design Guidelines* (Design Guidelines) identify the qualities and characteristics expected of development and major renovations in the City. The Design Guidelines include recommendations for site design, compatibility with neighboring development, architectural and landscape character, historic preservation, parking and loading facilities, and building equipment and services. The Design Guidelines have a tiered organization and include general design guidelines for all projects regardless of use or location, design guidelines for specific land use types, as well as design guidelines for projects that are located in a special environmental area or district. Design Guidelines Section V.B, *Doheny Village*, includes special guidelines related to building frontages, parking lots, and public sidewalk spaces for projects with frontages along Doheny Park Road. The City of Dana point uses the Design Guidelines to evaluate the design quality of development proposals which require discretionary approval.

## **City of Dana Point Sign Guidelines**

The City adopted the *City of Dana Point Sign Guidelines* (Sign Design Guidelines) in February 2004 to: 1) further implement the intent and purpose of Zoning Code Chapter 9.37, *Signs and Advertising Devices*; 2) assist business owners and sign designers to better understand the City’s expectations for well-designed, quality signs; and 3) assist those with the responsibility of reviewing sign permit applications to have established criteria with which to judge the appropriateness of a sign’s design. The Sign Design Guidelines are applicable to all new signs and the modification or reconstruction of existing signs throughout the City. The City applies the Sign Design Guidelines during sign permit application review or through the review of other permit applications when signs are a part of a larger project. During the City’s review, signs are evaluated for their “consistency” with the Sign Design Guidelines and the standards contained in the Sign Code.

## **Dana Point Municipal Code**

### **MUNICIPAL CODE TITLE 9, ZONING**

Municipal Code Title 9, *Zoning*, referred to as the Dana Point Zoning Code (*Zoning Code*), provides the legislative framework to implement and enhance the General Plan and LCP by classifying and regulating the uses of land and structures within the City. The Zoning Code regulates development density and intensity as well as the landscaping in the design of development projects. The purpose of the Zoning Code is to promote health, safety, welfare, and general prosperity with the aim of preserving a wholesome, serviceable, and attractive community in accordance with the General Plan and LCP for Dana Point.

Chapter 9.05, *General Development Standards*, of the Zoning Code establishes generally acceptable standards for development in the City. Pursuant to Section 9.05.130, *General Design Compatibility and Enhancement*, of the Zoning Code, any new building or structure, any addition to an existing building or structure, and the installation or construction of any site improvements must be designed to create a unified functional and comprehensive site plan with an integrated architectural theme that is compatible with and will complement and enhance the subject and surrounding properties, as determined by the Director of Community Development. The factors used to evaluate design compatibility and enhancement shall include, but not be limited to:



- a) Architectural style and detailing;
- b) Massing and bulk;
- c) Color and materials; and
- d) Scale and proportion.

The design of all development projects including, but not limited to, architecture, and landscaping should consider the applicable direction provided by the Design Guidelines.

The City protects public views to coastal areas through Zoning Code Section 9.05.170, *Coastal Views from Public Areas*. Pursuant to Section 9.05.170, a detailed view impact study which includes recommendations to avoid impacts to coastal views from public lands shall be prepared and incorporated into projects where the proposed development impacts such views.

Section 9.05.220, *Lighting*, of the Zoning Code includes the City's lighting standards. Pursuant to Zoning Code Section 9.05.220, exterior lighting must be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel and must be directed downward and away from adjoining properties and public rights-of-way. Blinking, flashing, or lighting of unusually high intensity or brightness is not allowed under the Zoning Code. All lighting fixtures must be designed such that they are appropriate in scale, intensity, and height to the use it is serving. Security lighting shall be provided at all entrances/exits.

Development requiring a sign permit is subject to compliance with Chapter 9.37, *Signs and Advertising Devices*, of the Zoning Code. In order to provide for well-designed consistent signage that is pleasing in appearance and compatible with community character, Chapter 9.37 identifies sign design standards to regulate the location, size, type, content, illumination, and number of signs.

## **Dana Point Local Coastal Program**

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

As stated above, specific geographic areas within Dana Point are regulated by different documents that make up the City's LCP. The 1986 LCP was based originally on the former County of Orange LCP, dated April 1980, for geographic areas that later became part of the City of Dana Point when it incorporated in 1989. The 1996 LCP is comprised of the General Plan Land Use, Urban Design, and Conservation Open Space Elements; Zoning Code, *Monarch Beach/Capistrano Beach 1996 LCP*; *Headlands Development and Conservation Plan*; *Dana Point Town Center Plan*; and *Dana Point Harbor*



*Revitalization Plan.* The project site is subject to the 1996 LCP, specifically the General Plan Land Use, Urban Design, and Conservation and Open Space Elements and the Zoning Code.

### **5.2.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA**

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form used during preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- Have a substantial adverse effect on a scenic vista (refer to Impact Statement AES-1);
- Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway (refer to Impact Statement AES-2);
- In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? (refer to Impact Statements AES-3); and/or
- Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area (refer to Impact Statement AES-4).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

### **5.2.4 IMPACTS AND MITIGATION MEASURES**

#### **SCENIC VISTAS**

#### **AES-1 PROJECT IMPLEMENTATION COULD HAVE A SUBSTANTIAL ADVERSE IMPACT ON A SCENIC VISTA.**

Impact Analysis: A scenic vista is generally defined as a view of undisturbed natural lands exhibiting a unique or unusual feature that comprises an important or dominant portion of the viewshed.<sup>4</sup> Scenic vistas may also be represented by a particular distant view that provides visual relief from less attractive views of nearby features. Other designated Federal and State lands, as well as local open space or recreational areas, may also offer scenic vistas if they represent a valued aesthetic view within the surrounding landscape of nearby features. As discussed in Section 5.2.1, *Existing Setting*, the landforms of the Headlands, coastal bluffs, and the Pacific Ocean are designated by the General Plan as important scenic resources. It is the City’s policy to preserve public views from streets and public places (General

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<sup>4</sup> A viewshed is the geographical area which is visible from a particular location.



Plan Urban Design Element Policy 1.4). The project site along with the Headlands and Coastal Bluffs are not readily visible from public vantage points as a result of existing structures, topography, and vegetation. However, limited views of the Pacific Ocean are available from scenic corridors. The following discussion analyzes the project's potential to impact public views to these resources.

## **SCENIC CORRIDORS**

Northern Views to the Pacific Ocean. The project site does not include public views to the Pacific Ocean under existing conditions due to intervening topography, structures, and vegetation. However, off-site public views, which encompass the project site and the Pacific Ocean, are afforded along southbound I-5 travel lanes and the southbound I-5 off-ramp to northbound Pacific Coast Highway travel lanes. In order to depict potential impacts to public views of the Pacific Ocean, a key view analysis from these vantage points is included as follows; refer to Exhibit 5.2-1, Key View Location Map.

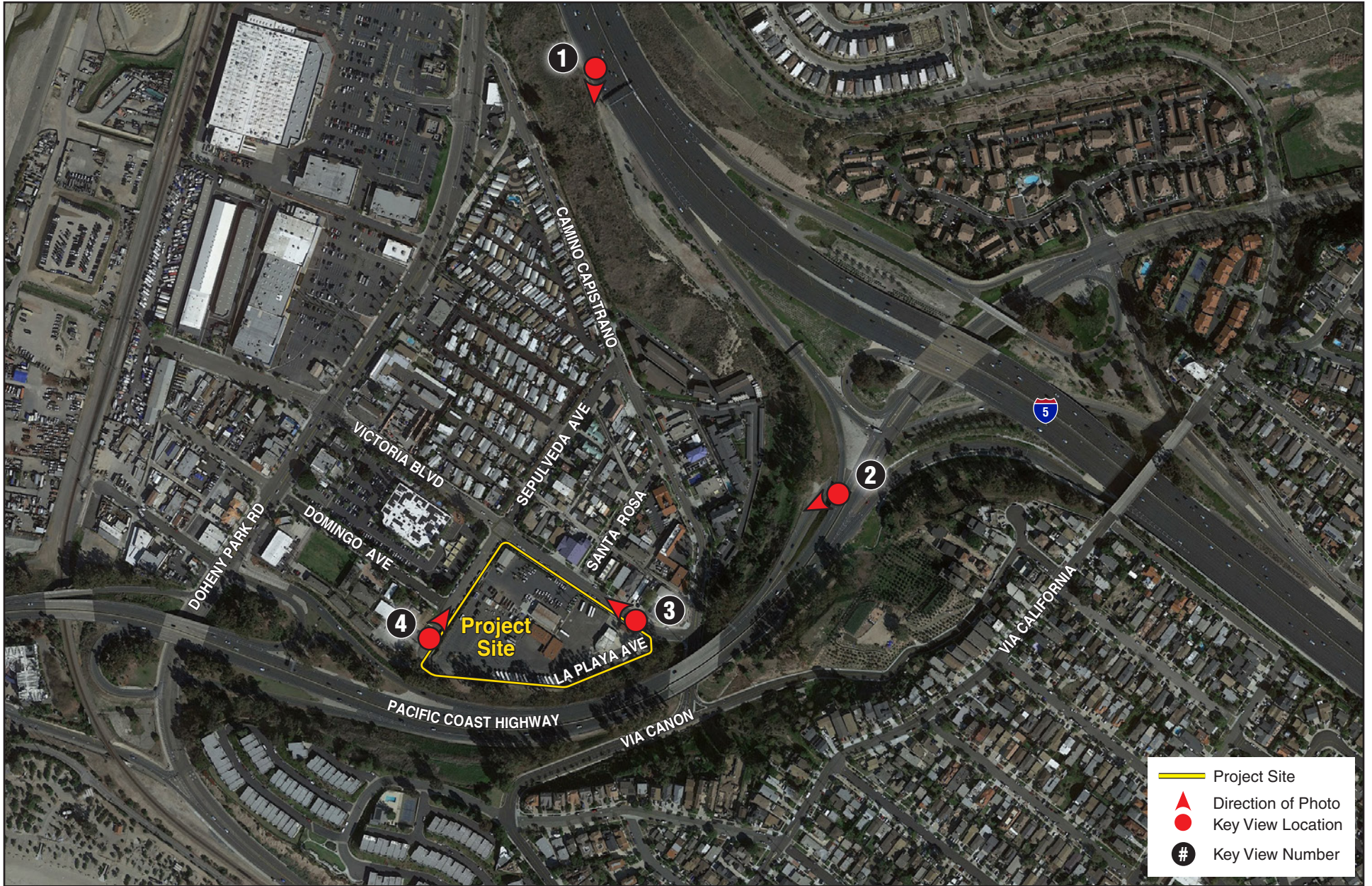
- Key View 1: Key View 1 is located along the southbound travel lanes of I-5, looking south towards the project site. As depicted on Exhibit 5.2-2, Key View 1 – Existing and Proposed Condition, public views to the Pacific Ocean are currently afforded from the southbound travel lanes of I-5. Although present, these views are partially obstructed by existing topography and mature trees, as well as barrier obstructions along the freeway mainline. The proposed project would construct new structures that have a maximum building height of 65 feet from the finished pad. It is acknowledged that rooftop projections may extend an additional 10 feet in height. Notwithstanding, as shown on Exhibit 5.2-2, the proposed project would not result in view blockage of the Pacific Ocean as experienced from southbound I-5, as the proposed project is located at a lower elevation than these motorists. View blockage impacts from motorists traveling along the southbound lanes of I-5 would be less than significant.
- Key View 2: Key View 2 is located along the southbound off-ramp of I-5 to northbound Pacific Coast Highway, looking west towards the project site and Pacific Ocean. As depicted on Exhibit 5.2-3, Key View 2 – Existing and Proposed Condition, public views to the Pacific Ocean are currently afforded from the southbound off-ramp of I-5 to northbound Pacific Coast Highway. Although ocean views are partially afforded, much of the view is obstructed by existing topography and vegetation. The proposed project would construct new structures that have a maximum building height of 65 feet from the finished pad. It is acknowledged that rooftop projections may extend an additional 10 feet in height. Notwithstanding, as shown on Exhibit 5.2-3, the proposed project would not result in view blockage of the Pacific Ocean as experienced from these motorist views, as the proposed project is located at a lower elevation than these motorists. View blockage impacts from motorists traveling along the southbound off-ramp of I-5 to northbound Pacific Coast Highway would be less than significant.

In conclusion, although the proposed project would modify the visible building massing on-site, the project would not result in view blockage of the Pacific Ocean as experienced from public vantage points. Impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.





Source: Google Earth Pro, August 2021

NOT TO SCALE

**Michael Baker**  
INTERNATIONAL



06/2022 | JN 179396

VICTORIA BOULEVARD APARTMENTS  
ENVIRONMENTAL IMPACT REPORT  
**Key View Location Map**

**Exhibit 5.2-1**



Existing Condition



Proposed Condition



Existing Condition



Proposed Condition



## STATE SCENIC HIGHWAYS

### **AES-2 PROJECT IMPLEMENTATION COULD SUBSTANTIALLY DAMAGE SCENIC RESOURCES, INCLUDING BUT NOT LIMITED TO, TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS WITHIN A STATE SCENIC HIGHWAY.**

**Impact Analysis:** Pacific Coast Highway is also designated as an eligible State-designated scenic highway by the California Department of Transportation (Caltrans).<sup>5</sup> A highway may be designated scenic depending upon how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view.<sup>6</sup> Pursuant to the State Streets and Highways Code Division 1, Chapter 2, *The State Scenic Highway System*, the purpose of designating certain portions of the State highway system as State scenic highways is to establish the State's responsibility for the protection and enhancement of California's natural scenic beauty by identifying those portions of the State highway system which, together with the adjacent scenic corridors, require special scenic conservation treatment. Scenic highway designation also identifies the location and extent of routes and areas requiring continuous and careful coordination of planning, design, construction, and regulation of land use and development to protect the social and economic values provided by the State's scenic resources. The status of a proposed State scenic highway changes from eligible to officially designated when the local governing body applies to Caltrans for scenic highway approval, adopts a Corridor Protection Program, and receives notification that the highway has been officially designated a Scenic Highway. At this time, this process has not yet occurred for Pacific Coast Highway within the vicinity of the project site. Views of the project site are afforded from eastbound and westbound Pacific Coast Highway.

Based on Figure C-6 of the General Plan Circulation Element, Pacific Coast Highway (which bounds the project site to the east and south) is currently designated as a "type three" urbanscape corridor. This type of corridor is defined as: "...one that traverses an urban area with a defined visual corridor which offers a view of attractive and existing urban scenes, and which has recreational value for its visual relief as a result of nature or the designed efforts of man." According to the General Plan Circulation Element, scenic corridors within the City such as Pacific Coast Highway must conform with the policies included in the General Plan Urban Design Element and Appendix A, *Dana Point Landscape Corridors*. As discussed in Impact Statement AES-1 and shown on Exhibit 5.2-4, above, project implementation would not block motorists existing coastal views when traveling along the southbound I-5 off-ramp onto westbound Pacific Coast Highway. Additionally, as concluded in Table 5.1-1, the proposed project would be consistent with applicable General Plan Urban Design Element policies governing scenic quality. The proposed project would not involve impacts to Pacific Coast Highway and thus would not impede implementation of the recommended improvements included in General Plan Urban Design Element Appendix A. Given the setback requirements from Pacific

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<sup>5</sup> California Department of Transportation, *California State Scenic Highway System Map*, <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>, accessed May 14, 2021.

<sup>6</sup> California Department of Transportation, *Scenic Highways - Frequently Asked Questions*, <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways/lap-liv-i-scenic-highways-faq2>, accessed July 14, 2020.



Coast Highway as well as intervening trees situated in Caltrans right-of-way, the project would not result in significant impacts to the function of Pacific Coast Highways as a visual corridor (as demonstrated on Exhibit 5.2-4). Pacific Coast Highway would continue to provide public views to attractive and existing urban scenes and would not conflict with its role as a “type three” urbanscape corridor or State scenic highway. Impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **SCENIC QUALITY REGULATIONS**

### **AES-3 IMPLEMENTATION OF THE PROPOSED PROJECT COULD CONFLICT WITH APPLICABLE ZONING AND OTHER REGULATIONS GOVERNING SCENIC QUALITY.**

**Impact Analysis:** The project site is developed with and surrounded by urbanized uses. Thus, for the purposes of this threshold, the project’s potential to conflict with applicable zoning and other regulations governing scenic quality is evaluated.

Development of the proposed project would improve the compatibility, character, and visual quality of the project site by demolishing the existing dilapidated CUSD facility and constructing a new residential development with a maximum building height of 50 feet along Victoria Boulevard and 65 feet along Sepulveda Avenue from the finished pad. It is acknowledged that rooftop projections may extend an additional 10 feet in height. The Specific Plan architecture and design guidelines would facilitate a unified and cohesive development that ensures visual compatibility with the character of the surrounding area.

## **DESIGN GUIDELINES**

Specific Plan Chapter 4, *Design Guidelines* (Specific Plan Design Guidelines), includes guidelines for site planning, architectural, landscaping, signage, lighting, art-in-public places, and sustainability. Site planning guidelines include elements to reduce the appearance of overall mass and provide pedestrian scale, vertical breaks, and streetscapes; create barriers between the parking garage and the proposed dwelling units and the public; and encourage a high level of design to improve scenic quality at the project site.

The proposed project is expected to reflect a “Coastal Contemporary” design providing a light and breezy architectural character with large, operable windows and glazed doors, balconies, terraces, loggias, and roof decks with overhangs, awnings, canopies, trellises, and plantings. Exterior colors and materials, roof forms, and primary architectural components are recommended to reinforce the architectural style of the building. The project’s primary community entry would occur along Sepulveda Avenue and an Arrival Promenade is proposed to serve as a gateway into the development. The Arrival Promenade may include, but is not limited to enhanced entry drive paving, an art wall, a synthetic turf, and parkway landscaping, among other amenities to provide a “sense of place” and function as Common Open Space. Similarly, the rooftop amenity area would serve as a Common Open Space for residents. The rooftop amenity area would be designed to not be highly visible from Victoria Boulevard, Sepulveda Avenue, or surrounding properties. Courtyards, plazas, and open space



areas on-site would occur on the interior of the residential community surrounded by residential units and building facilities, or along the exterior of the development facing a public street to provide visual interest.

The objective of the overall landscaping concept is to provide a distinct visual impression and building identity, soften the urban experience, provide the highest level of aesthetic standards complimented by the quality of the building materials. Landscaping is recommended to be designed to create a cohesive landscape design throughout the entire Specific Plan area and the City of Dana Point. Use of decorative paving to enhance building entries, courtyards, woonerfs, vehicular driveways, and other pedestrian gathering spaces are recommended. Walls and fencing may be used in the Specific Plan area to delineate public and private spaces and provide screening. The design of walls and fencing are intended to complement the character of the Specific Plan area and the architecture of adjacent buildings. All landscape and irrigation plans would be prepared by a licensed California Landscape Architect and would meet the standards of the Municipal Code Section 9.55.050, *Landscape Water Use and Design Standards*.

The Specific Plan is subject to Municipal Code Chapter 9.05.240 for inclusion of public art, water features, and other decorative elements. If implemented on-site, art elements such as murals, sculptures, and decorated water fountains would provide visual interest to the area.

The Specific Plan Design Guidelines supersede the City of Dana Point Design Guidelines, which do not include guidance for unique, coastal, contemporary, high-density concepts such as that envisioned for the Victoria Boulevard Specific Plan.

## **DEVELOPMENT STANDARDS**

Specific Plan Chapter 4, *Development Standards* (Specific Plan Development Standards), establishes the permitted uses, development standards and regulations for the planned development on-site. The Specific Plan permits a maximum of 349 multi-family residential dwelling units within the Specific Plan area. Ancillary uses are also permitted but would be limited to those that support the operation and occupation of the primary use. Within “reduced building height zones,” no portion of the building would exceed a height of 50 feet within 40 feet of the Victoria Boulevard right-of-way, each building projection would have a minimum 10-foot setback, and no projections in excess of 50 feet are not permitted within this zone. Signage standards for permanent identification and directional signage are also included in the Specific Plan, as well as standards related to encroachments and projections, off-street parking, intersection sight lines, water efficient landscaping, and art in public places.

The intent of the Development Standards is to ensure that future development of the Specific Plan area meets the vision and goals of the Specific Plan, while satisfying land use performance requirements. These standards would adhere to and in specific instances supersede those standards and regulations established by the City’s Municipal Code. If the Specific Plan does not address a specific issue, the City’s Municipal Code would apply.

For a general concept of proposed building heights, setbacks, and architectural relief, a key view analysis from the following vantage points is included as follows:



- **Key View 3:** Key View 3 is located along the northbound travel lane of Victoria Boulevard looking north; refer to Exhibit 5.2-4, Key View 3 – Existing and Proposed Condition. The proposed project would construct a new apartment building with a maximum building height of 65 feet from finished grade, exclusive of rooftop projections which may extend an additional 10 feet. Within 40 feet of Victoria Boulevard right-of-way, the structures would have a maximum height of 50 feet.
- **Key View 4:** Key View 4 is located along the eastbound travel lane of Sepulveda Avenue looking east; refer to Exhibit 5.2-5, Key View 4 – Existing and Proposed Condition. The proposed project would construct a new apartment building, with a maximum building height of 65 feet from finished grade, exclusive of rooftop projections which may extend an additional 10 feet.

## **CALIFORNIA COASTAL ACT**

Section 30251 of the Coastal Act states that:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Project implementation would not substantially alter the natural landform, as the majority of the site is relatively level and has been extensively developed with pavement, hardscape, and structures. The project would redevelop an existing visually degraded site. As concluded in Impact Statement AES-1, the proposed maximum building height of 65 feet from finished grade, exclusive of rooftop projections which may extend an additional 10 feet, would not obstruct existing views of the Pacific Ocean from I-5 or from Pacific Coast Highway, as depicted on Exhibit 5.2-2 and Exhibit 5.2-3. Further, the project site is not located in a highly scenic area as designated by the *California Coastline Preservation and Recreation Plan*, Plate A-3, *Landscape Preservation and Recreation Resources*.<sup>7</sup> Thus, the project would be consistent with the Coastal Act and impacts would be less than significant.

## **GENERAL PLAN CONSISTENCY ANALYSIS**

Table 5.2-1, Project Consistency with Relevant General Plan Policies, provides a consistency analysis of the proposed project and relevant General Plan goals and policies related to scenic quality. For a consistency analysis of other goals and policies refer to Section 5.1, Land Use and Relevant Planning, Table 5.1, General Plan Consistency Analysis.

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<sup>7</sup> Department of Parks and Recreation, *California Coastline Preservation and Recreation Plan*, Plate A-3, Landscape Preservation and Recreation Resources, 1971.



Existing Condition



Proposed Condition





Existing Condition



Proposed Condition



**Table 5.2-1  
Project Consistency with Relevant General Plan Policies**

Applicable General Plan Policies	Project Consistency Analysis
<b>Land Use Element</b>	
<b>Goal 1: Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents.</b>	
Policy 1.1: Develop standards for building intensity, including standards for ground coverage, setbacks, open space/landscaping, maximum dwellings per acre, floor area ratios, size and height restrictions.	<u>Consistent.</u> Refer to <u>Table 5.1.</u>
<b>Goal 4: Encourage the preservation of the natural environmental resources of the City of Dana Point.</b>	
Policy 4.6: Ensure land uses within designated and proposed scenic corridors are compatible with scenic enhancement and preservation.	<u>Consistent.</u> Refer to <u>Table 5.1.</u>
Policy 4.8: Encourage the reasonable regulation of signs to preserve the character of the community.	<u>Consistent.</u> Refer to <u>Table 5.1.</u>
<b>Goal 7: Achieve the revitalization of the Doheny Village area as a primary business district in the City.</b>	
Policy 7.2: Improve the appearance of the area through revitalization activities such as landscape design and pedestrian amenities.	<u>Consistent.</u> Refer to <u>Table 5.1.</u>
Policy 7.3: Develop design guidelines that assure that development will be consistent in terms of scale and character.	<u>Consistent.</u> Refer to <u>Table 5.1.</u>
Policy 7.7: Prepare a Specific Plan for revitalization of the Doheny Village area. The Specific Plan should involve extensive public input.	<u>Consistent.</u> Refer to <u>Table 5.1.</u>
<b>Urban Design Element</b>	
<b>Goal 1: Create Citywide visual linkages and symbols to strengthen Dana Point's identity as a city.</b>	
Policy 1.1: Develop citywide linkages through landscaping and lighting along major street corridors.	<u>Consistent.</u> The proposed project does not conflict with the City's policy to develop citywide linkages through landscaping and lighting along major street corridors. As indicated in response to General Plan Land Use Element Policy 4.6, development of the proposed project would not impact existing landscaping and lighting along major street corridors. In addition, the proposed project would be development in accordance with the Specific Plan Overlay Zone development standards (e.g., lot size, setback, density, open space, and landscaping requirements). The project proposes approximately 69,495 square feet (approximately 29 percent of the 5.5-acre site) of landscaped area; refer to <u>Exhibit 3-6</u> . Section 4.4.1, <i>Conceptual Landscape Plan</i> of the Specific Plan details the landscape design concept for the project. Landscape design would be integrated with building architecture and suitable to the functions of the space. All landscape and irrigation plans would be required to meet the standards of Municipal Code Section 9.55.050, <i>Landscape Water Use and Design Standards</i> . Public improvements associated with the project include a public park with active and passive recreation amenities (Victoria Shore Park) proposed at the southeastern corner of Victoria Boulevard and Sepulveda Avenue, enhanced landscape



Applicable General Plan Policies	Project Consistency Analysis
	and streetscape amenities, additional public parking within the right-of-way areas, construction of a cul-de-sac at the Sepulveda Avenue terminus, a Dog Park, and two public paseos. Specifically, Landscape and Streetscape amenities would include ample landscaping and seating; new curb, gutter, and 10-foot sidewalk along Victoria Boulevard; new sidewalk along Sepulveda Boulevard; new curb and gutter to replace existing driveways on Sepulveda; a cul-de-sac and sidewalk at Sepulveda Boulevard dead-end; and surf benches along sidewalk on Victoria Boulevard. Thus, the project would develop linkages and would be consistent with Urban Design Element Policy 1.1.
Policy 1.2: Improve the visual character of major street corridors.	<u>Consistent.</u> Refer to response to Urban Design Element Policy 1.1.
Policy 1.3: Make focused improvements at major City entrance points such as landscaped open space and signage.	<u>Consistent.</u> Major entrance points near the project site include Stonehill Drive/I-5 Northbound On-Ramp and Pacific Coast Highway (General Plan Figure UD-1, <i>Landscape Corridor</i> ). As discussed in Impact Statement AES-1, the project site would be partially visible from Pacific Coast Highway. <u>As discussed in Impact Statement AES-1, the proposed landscaping and signage associated with the proposed project would not be readily apparent from this major entrance point. Refer to Exhibit 5.2-3.</u>
Policy 1.4: Preserve public views from streets and public places.	<u>Consistent.</u> Refer to Impact Statements AES-1 and AES-3. The project would not conflict with the City's policy to preserve public views from streets and public places and impacts to scenic vistas would be less than significant.
Policy 1.7: Initiate a program for public art.	<u>Consistent.</u> Refer to <u>Table 5.1.</u>
<b>Goal 2: Preserve the individual positive character and identity of the City's communities.</b>	
Policy 2.1: Consider the distinct architectural and landscape character of each community. To the maximum extent feasible, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.	<u>Consistent.</u> Refer to <u>Table 5.1.</u>
Policy 2.5: Encourage neighborhood street landscaping programs to improve the quality of public spaces in residential areas.	<u>Consistent.</u> Refer to <u>Table 5.1.</u>
<b>Goal 5: Achieve design excellence in site planning, architecture, landscape architecture and signage in new development and modifications to existing development.</b>	
Policy 5.3: Encourage buildings and exterior spaces that are carefully-scaled to human size and pedestrian activity.	<u>Consistent.</u> Refer to <u>Table 5.1.</u>
Policy 5.5: Promote extensive landscaping in all new projects while emphasizing the use of drought-tolerant plant materials.	<u>Consistent.</u> Refer to <u>Table 5.1.</u>



Applicable General Plan Policies	Project Consistency Analysis
<b>Goal 6: Develop Doheny Village as a unified and improved neighborhood of retail shopping, light industrial offices and multi-family components.</b>	
Policy 6.1: Improve Pacific Coast Highway and Doheny Park Road as aesthetic entrance boulevards to the City.	<u>Consistent</u> . Refer to response to Urban Design Element Policy 2.1.
Policy 6.2: Unify new commercial development through design concepts for consistent building setbacks, landscaping architecture and signage.	<u>Consistent</u> . Refer to response to Land Use Element Policy 1.1.
Policy 6.5: Improve pedestrian opportunities and create an attractive pedestrian environment within Doheny Village. Reserve as an open space corridor for public recreational improvements at the top of the east bank of the San Juan Creek Channel.	<u>Consistent</u> . Refer to <u>Table 5.1</u> .
<b>Circulation Element</b>	
<b>Goal 1: Provide a system of streets that meets the needs of current and future residents and facilitates the safe and efficient movement of people and goods throughout the City.</b>	
Policy 1.14: Establish landscaping buffers and building setback requirements along all roads where appropriate.	<u>Consistent</u> . Refer to <u>Table 5.1</u> .
<b>Conservation and Open Space Element</b>	
<b>Goal 5: Reduce air pollution through land use, transportation and energy use planning.</b>	
Policy 5.2: Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.	<u>Consistent</u> . Refer to <u>Table 5.1</u> .
Source: City of Dana Point, <i>City of Dana Point General Plan</i> , July 9, 1991.	

As demonstrated in Table 5.2-1, the proposed project would be consistent with General Plan policies governing scenic quality and impacts in this regard would be less than significant.

### MUNICIPAL CODE CONSISTENCY ANALYSIS

Municipal Code Title 9 includes various site development standards that aid in governing scenic quality. Table 5.2-2, *Municipal Code Consistency Analysis Governing Scenic Quality*, provides a consistency analysis of the applicable Municipal Code regulations governing scenic quality at the project site.

**Table 5.2-2  
Municipal Code Consistency Analysis Governing Scenic Quality**

Relevant Municipal Code Section	Project Consistency Analysis
<b>9.05.170 Coastal Views from Public Areas.</b> To protect the coastal scenic overlooks from public lands identified in the General Plan Urban Design and Conservation/Open Space Elements, a detailed view impact study which includes recommendations to avoid impacts to coastal views from public lands shall be prepared and incorporated into projects where the proposed development impacts such views. (Added by Ord. 93-16, 11/23/93)	<u>Consistent</u> . Based on Figure COS-5, the project site is not located within the viewshed of General Plan-designated scenic overlooks from public lands. Further, as concluded in Impact Statements AES-1 and AES-2, existing views of the Pacific Ocean would not be obstructed as a result of project implementation. Last, no public views of the project site and coastal areas are afforded from public lands identified in the



Relevant Municipal Code Section	Project Consistency Analysis
	General Plan Urban Design and Conservation/Open Space Elements.
Source: City of Dana Point, <i>Dana Point Municipal Code</i> , current through Ordinance 20-01 and the July 2020 code supplement.	

As indicated in Table 5.2-2, the proposed project would be consistent with applicable Municipal Code development standards related to scenic quality.

**CONCLUSION**

Overall, the proposed project would be required to comply with the Development Standards and generally comply with the Specific Plan Design Guidelines contained in the Specific Plan, which would ensure consistent and orderly development of the project site. As discussed above, the Specific Plan meets the intent of the General Plan for land uses at the project site. The project also meets the intent of the goals and policies pertaining to community design for the project site. The proposed Specific Plan includes design features that create a sense of place that is unified and attractive, compatible with the Doheny Village community. The project would include landscaping and design elements that would enhance the scenic quality of the project site. The Specific Plan would incorporate courtyards, landscape features, fountains, public art, enhanced paving, and pedestrian level building textures and design features to create interest and improve the pedestrian experience. Public art would be encouraged to emphasize the cultural identity of the area and foster public spaces and street scenes. As such, the Specific Plan meets the intent of the aesthetic character/quality for the site per the City’s General Plan.

As the proposed Specific Plan establishes the regulatory framework, including Development Standards and Design Guidelines for a compatible residential development that would meet the intent of the General Plan for aesthetic character/quality, implementation of the Specific Plan would not substantially degrade the visual character and quality of the project site and surrounding area. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

**LIGHTING**

**AES-4 IMPLEMENTATION OF THE PROPOSED PROJECT COULD CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE, WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA.**

**Impact Analysis:** A significant impact may occur if lighting, as part of the proposed project, exceeds adopted thresholds for light and glare, including exterior lighting or light spillover,<sup>8</sup> or if the proposed

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<sup>8</sup> Light spill is typically defined as the presence of unwanted light on properties adjacent to the property being illuminated. With respect to lighting, the degree of illumination may vary widely depending on the amount of light generated, height of the light source, presence of barriers or obstructions, type of light source, and weather conditions.



project creates a substantial new source of light or glare. Light-sensitive uses within the project boundaries include residential uses to the north of the project site.

## **CONSTRUCTION**

Project construction activities could involve temporary glare impacts as a result of construction equipment and materials. Pursuant to Municipal Code Section 11.10.014, *Special Provisions*, construction of future projects would be limited to occur between the hours of 7:00 a.m. and 8:00 p.m. Monday through Saturday and would be prohibited on Sundays and Federal holidays. Thus, as no construction activities would be permitted after 8:00 p.m. from Monday through Saturday, or on Sundays or Federal holidays, short-term construction activities would cease at 8:00 p.m. and, as such, lighting-related impacts would be less than significant.

## **OPERATIONS**

Project implementation would increase lighting at the project site compared to existing conditions. However, proposed lighting would generally be similar to the existing surrounding community. Further, all proposed lighting would comply with the exterior lighting requirements included in the proposed Specific Plan Design Guidelines and Municipal Code Section 9.05.220. The lighting guidelines provided in the Specific Plan recommend the use of street lighting (per City standards), and security lighting along pedestrian walkways, as well as sustainable light emitting diode (LED) lighting for outdoor applications, and appropriate color spectral distribution to reduce glare and enhance safety and navigation. The Municipal Code requires exterior lighting to be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and must be directed downward and away from adjoining properties and public rights-of-way. Blinking, flashing, or lighting of unusually high intensity or brightness is not allowed under the Municipal Code.

Building materials would be consistent with the Coastal Contemporary architectural style and would include non-reflective materials such as wood, metal, and stone veneer. Thus, neighboring uses would not be exposed to substantial daytime glare. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **5.2.5 CUMULATIVE IMPACTS**

*CEQA Guidelines* Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are situated in the site vicinity.

## **SCENIC VISTAS**

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD RESULT IN SIGNIFICANT IMPACTS TO SCENIC VISTAS.**

**Impact Analysis:** Table 4-1 identifies related projects in the project vicinity, including Dana Point, San Juan Capistrano, and San Clemente, determined as having the potential to interact with the



proposed project. Overall, the City is largely built out with relatively little land available for new development. As a result, the cumulative development projects identified in [Table 4-1](#) primarily consist of infill development and would be subject to compliance with the General Plan and Municipal Code requirements in place to minimize impacts to scenic vistas, including views of the Headlands, coastal bluffs, and Pacific Ocean. Specifically, the site-specific and architectural design of cumulative development proposals would be reviewed to ensure cumulative projects respond to the natural landform whenever possible to minimize grading and visual impact, consistent with the City’s General Plan and Municipal Code requirements.

As discussed in Impact Statement AES-1, although the proposed project would modify the visible building massing on-site, project implementation would not result in substantial view blockage of scenic resources (the Pacific Ocean) as experienced from scenic corridors (motorists traveling along southbound I-5 travel lanes and the southbound I-5 off-ramp to northbound Pacific Coast Highway travel lanes). Thus, cumulative impacts to scenic vistas would be less than significant, and the proposed project would not significantly contribute to cumulative impacts to scenic vistas.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **STATE SCENIC HIGHWAYS**

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD SUBSTANTIALLY DAMAGE SCENIC RESOURCES, INCLUDING BUT NOT LIMITED TO, TREES, ROCK OUTCROPPINGS, AND HISTORIC BUILDINGS WITHIN A STATE SCENIC HIGHWAY.**

**Impact Analysis:** As with the proposed project, scenic corridors within the City, such as Pacific Coast Highway, must conform with the policies included in the Urban Design Element and modified to Appendix A, *Dana Point Landscape Corridors*, of the General Plan Urban Design Element. Cumulative development would be reviewed against applicable General Plan Urban Design Element policies that aid in protecting scenic corridors within the City, including Pacific Coast Highway.

As concluded in Impact Statement AES-2, the proposed project would be consistent with applicable General Plan Urban Design Element policies governing scenic quality. By establishing Specific Plan Design Guidelines and Development Standards, including maximum building height restrictions, the project would preserve Pacific Coast Highways’ function as a visual corridor with views to attractive and existing urban scenes and would not conflict with its role as a “type three” urban landscape corridor or State scenic highway. Thus, cumulative impacts to State scenic highways would be less than significant, and the proposed project would not significantly contribute to cumulative impacts in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.



## SCENIC QUALITY REGULATIONS

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CONFLICT WITH APPLICABLE ZONING AND OTHER REGULATIONS GOVERNING SCENIC QUALITY.**

**Impact Analysis:** As discussed, the City is largely built out with relatively little land available for new development. As a result, the cumulative development projects identified in [Table 4-1](#) primarily consist of infill development and would result in development similar to what currently exists in the surrounding vicinity. All cumulative projects occurring within the coastal zone would be subject to compliance with the Coastal Act and 1996 LCP policies in place to protect scenic resources. In addition, the City would review site-specific development proposals against the City's Design Guidelines and Municipal Code requirements for all future projects requiring discretionary approval. This regulatory procedure would ensure cumulative development is reviewed against the qualities and characteristics expected of development and major renovations in the City. Cumulative development would be reviewed against applicable General Plan policies and site development standards included in Municipal Code Title 9 that aid in governing scenic quality.

As indicated in Impact Statement AES-3, the proposed project would be consistent with applicable zoning and regulations related to scenic quality. Further, project implementation would be subject to the Specific Plan Design Guidelines and Development Standards (e.g., lot size, setback, density, open space, and landscaping requirements). Overall, these standards would serve to improve the scenic quality within the project site. Thus, cumulative impacts to scenic quality regulations would be less than significant, and the proposed project would not significantly contribute to cumulative impacts in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## LIGHTING

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE, WHICH WOULD ADVERSELY AFFECT DAY OR NIGHTTIME VIEWS IN THE AREA.**

**Impact Analysis:** Development of cumulative projects could result in increased lighting in the City. All future development would be required to comply with the exterior lighting requirements included in Municipal Code Section 9.05.220, which require exterior lighting to be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and must be directed downward and away from adjoining properties and public rights-of-way. Blinking, flashing, or lighting of unusually high intensity or brightness is not allowed under the Municipal Code. In addition, the City would review the future cumulative development proposals against the Design Guidelines for all future projects requiring discretionary approval. This regulatory procedure would review building materials to ensure neighboring uses are not exposed to substantial daytime glare or excessive lighting. Overall, cumulatively considerable increases in light and glare would be considered less than significant.





As discussed in Impact Statement AES-4, short-term and long-term impacts to lighting would be reduced to less than significant levels following conformance with Municipal Code Section 11.10.014 and Municipal Code Section 9.05.220. Further, compliance with the Specific Plan Design Guidelines pertaining to lighting would minimize the project's operational lighting impacts to less than significant levels. Thus, the project would not cumulatively contribute to the creation of substantial new lighting or glare and impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **5.2.6 SIGNIFICANT UNAVOIDABLE IMPACTS**

No significant unavoidable impacts related to aesthetics/light and glare have been identified.



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## 5.3 TRIBAL AND CULTURAL RESOURCES

The purpose of this section is to identify existing cultural and tribal cultural resources within and around the project site and to assess the significance of such resources. Mitigation measures are recommended, as necessary, to minimize impacts as a result of project implementation. This section is primarily based upon the following technical studies and tribal consultation pursuant to Senate Bill 18 (SB 18) and Assembly Bill 52 (AB 52); refer to Appendix 11.3, *Cultural Resources Studies and Tribal Consultation*:

- *Cultural Resources Study for the Doheny Village Plan EIR, Dana Point, Orange County, California* (2016 Cultural Study), prepared by Rincon Consultants, Inc. (Rincon), dated August 11, 2016;
- *Cultural Resources Study Update for the Capistrano Beach Village Zoning District Overlay Environmental Impact Report (EIR) Project, Dana Point, Orange County, California* (2020 Cultural Study Update), prepared by Rincon, dated March 26, 2020; and
- *26126 Victoria Boulevard Historical Resources Assessment* (2021 Historical Report), prepared by Rincon, dated July 2021.

### 5.3.1 EXISTING SETTING

#### Natural Setting

According to the *Due-Diligence Geotechnical Investigation* (Geotechnical Investigation), prepared by Geocon West, Inc., dated March 15, 2019, the project site is located on the eastern side of the alluvial valley of San Juan Creek, between the San Joaquin Hills to the west and the San Clemente Hills to the east. Regional geologic maps indicate the site is underlain by Holocene-age flood plain deposits comprised of sand, sandy silt, and clay. Fill soils of varying thickness and material types related to roadways and existing developments are also present over portions of the project area.

Additionally, the adjacent hills north and east of the site are underlain by Tertiary age marine sedimentary formations, predominantly the Capistrano Formation comprised of siltstone, claystone, and sandstone. Younger Tertiary age Niguel Formation comprised of sandstone and siltstone overlies the Capistrano Formation in scattered outcrops in the adjacent hills. Older Tertiary age San Onofre Breccia underlies the Capistrano Formation to the west of the site.

#### Cultural Setting

##### PREHISTORIC PERIOD

The project site is in an area historically occupied by the Luiseno/Juaneño people. Luisenos were associated with Mission San Luis Rey while Juaneños were associated with Mission San Juan Capistrano during the Spanish period in California. Both groups were in actuality one ethnic group who collectively composed the Acjachemen Nation. In the following, the term Acjachemen/Juaneño is used to refer to both groups.

The Acjachemen/Juaneño occupied territory along the coast between Aliso Creek and Agua Hedionada Creek that extended inland to Santiago Peak in the north and the east side of Palomar



Mountain in the south, including Lake Elsinore and the Valley of San Jose. The Acjachemen/Juaneño language belongs to the Cupan group of the Takic subfamily of languages (previously known as Southern California Shoshonean), along with their northern and eastern neighbors, the Gabrielino and Cahuilla.

Acjachemen/Juaneño social structure was more rigid than other Takic-speaking groups, possibly in part because of a higher population density, owing to the plentiful supply of potable water. They were strongly patrilineal and resided in permanent villages of between a few dozen to several hundred people, each of which was politically independent and claimed its own territory, including seasonal camps. Ties between villages were maintained through various economic, religious, and social network.

## **HISTORIC PERIOD**

Post-contact history in California is generally divided into three periods: the Spanish period (1769-1821), Mexican period (1821-1848), and American period (1848-present). Although brief visits were made by Spanish, Russian, and British explorers from 1529 to 1769, the Spanish period in California begins with the establishment of a settlement at San Diego in 1769. The settlement included a presidio and the first of California's 21 missions, which were constructed between 1769 and 1823. Independence from Spain marks the beginning of the Mexican period, and the signing of the Treaty of Guadalupe Hidalgo in 1848, ending the Mexican-American War, marks the beginning of the American period when California became a territory of the United States.

## **ORANGE COUNTY**

Many of the ranchos in the area now known as Orange County remained intact after 1848, though many were sold shortly thereafter and subsequently consolidated into extensive properties owned by a select few. The late 19th century discovery of gold in the Santa Ana Mountains brought more people to the region, adding to what was already a notable influx of people drawn by the available cultivatable land. The completed new segments of the Atchison, Topeka, and Santa Fe Railroad and the Southern Pacific Railroads also contributed to the region's growth, making it more accessible to the masses. As a result of the population boom and establishment of numerous successful farms, orchards, vineyards, and ranches, Orange County was established in 1889, consisting of 780 square miles of former Los Angeles County.

Orange County continued to grow throughout the next century, though prior to World War II it remained a largely agricultural area. Disneyland opened in 1955 and increasing numbers of commercial and residential developments were constructed in the second half of the century. The construction of several large freeways connected Orange County with the rest of the State, including the Santa Ana Freeway (Interstate 5 [I-5]), which passed through Anaheim in 1956, and the Riverside Freeway (State Route 91 [SR-91]), which passed through Fullerton in 1963. The transportation connectivity to the metropolitan Los Angeles industrial and commercial areas fueled extensive suburban residential growth, and subsequent localized commercial and industrial development, including the John Wayne Airport and the University of California, Irvine. Today, Orange County retains a connection to its agricultural beginnings but is better known for its amusement parks, beaches, and upscale housing developments.



## **CITY OF DANA POINT**

Dana Point began as a resort community called “San Juan by-the-Sea,” which was developed in the area of present-day Doheny Village after the Atchison, Topeka and Santa Fe Railroad built a line to the area in the 1880s. However, the speculative town struggled through an economic slump and essentially dwindled away. Agriculture replaced real estate development and the community was renamed Serra. In the early 1920s, the San Juan Point Corporation subdivided 900 acres into a new community called Dana Point, but financial difficulties led to foreclosure. The tract was acquired in 1926 by a group of investors including Harry Chandler, publisher of the Los Angeles Times, and Sidney Woodruff, developer of the Hollywoodland tract. Woodruff planned Dana Point to be a Mediterranean-themed community oriented around tourism, recreation, and leisure. Simultaneously, the community of Capistrano Beach was being planned slightly to the south. A new coastal highway (the precursor of Pacific Coast Highway) supported the two communities’ development. However, both were slow to develop, and in 1929, the Capistrano Beach tract was sold to the Petroleum Securities Company, a corporation owned by the Doheny family. Various improvements were made to the town site, but development was meager. The Great Depression halted growth through most of the 1930s and 1940s.

Dana Point, like many other communities in the region, experienced extensive growth following World War II. The Capistrano Bay area was affected by the construction of I-5 during the late 1950s. Lots that had been created in Dana Point and Capistrano Beach in the 1920s but had remained unimproved for decades began to be developed with housing, businesses and public and private institutions. The community of Laguna Niguel, master-planned by renowned architect Victor Gruen, began to take shape and included coveted real estate that was eventually consolidated into Dana Point. A second master-planned community (Niguel Shores) transformed the area’s last large swath of undeveloped land into a fortified suburban enclave over the course of the 1970s. A fully operational harbor was constructed during the late 1960s and officially opened to the public in 1971. The newly created harbor dramatically transformed the small bight, allowing it to accommodate around 2,500 watercrafts. Civic leaders and stakeholders elected to distinguish Dana Point from neighboring communities by establishing a Cape Cod aesthetic. The newly adopted aesthetic resembled the theme commonly found in New England towns. Despite being unsuccessful throughout the earlier part of the century, the City of Dana Point was formally incorporated in January 1989. It included in its area portions of three communities: Dana Point, Capistrano Beach, and Monarch Beach, giving its built environment an eclectic character.

## **DOHENY VILLAGE**

Doheny Village is a small community with a variety of property types located between Dana Point and Capistrano Beach. It was first subdivided as the town of San Juan-by-the-Sea in 1887 at the southern end of a freight and passenger railroad line. Subsequently called Serra, in the 1920s to 1930s the area’s grammar school and post office were located in Doheny Village. Several streets in modern-day retain their original 19th century names, such as Domingo Avenue, Las Vegas, Via Santa Rosa, Victoria Boulevard, and Sepulveda Avenue.



## **Project Site**

### **SITE HISTORY AND HISTORIC CONTEXT**

Development in the immediate site vicinity began in the 1880s with the establishment of San-Juan-by-the-Sea, though it was scant and short-lived. In the 1890s, the area began to be developed for agricultural use and was a sparsely populated agricultural hamlet known as Serra. Historic topographic maps from 1902 and 1906 show that the area was still largely undeveloped and had few roads.

Shortly thereafter, the growing town was in need of a school. In 1908 the Serra School District was formed and Serra School was founded and housed in a residential house on Domingo Avenue, outside the project boundary, just west of the project site, and served approximately 12 students. In 1921, the Orange County Grand Jury suggested the school be abandoned and that its students be sent to neighboring Capistrano for school. Instead, the trustees sought bids to build a new school.

In 1929, the Capistrano Beach Land Company donated a triangle-shaped lot at Victoria Boulevard and Via Santa Rosa for the construction of a new school to replace the former Serra School. The new school was designed by architect Fay Spangler. The Spanish Revival style school had a tile roof and had 13 rooms and two classrooms. A 1929 Sanborn Company fire insurance map shows that the school occupied the triangle bounded by Victoria Boulevard to the north and Via Santa Rosa to the west, which used to bifurcate the eastern side of the site. The area west of Via Santa Rosa retained its agricultural use and was not part of the site. The school had an L-shaped floorplan and consisted of a school building facing Via Santa Rosa with an auditorium wing along the north elevation, facing Victoria Boulevard.

By 1941, the school was referred to as Serra Elementary School at Doheny Park. Aerial photographs from 1939 show that the school building remained the same and the remainder of the site was open with a small residential building on the west side Via Santa Rosa. The site remained largely the same through 1946 but Via Santa Rosa no longer continued through the site, instead terminating at the west side of the school building and there were secondary buildings along the southeast end of the site and the northeast corner. In 1948, the Serra School District was renamed the Capistrano Beach District.

Between 1952 and 1967, the original school building remained and a second L-shaped school building, the present-day Transportation Building, extended from the original Serra School building's south end. The secondary school building at the southeast corner of the site was removed by this time.

In 1965, the four local school districts, Capistrano Beach, San Clemente, San Juan Capistrano, and Capistrano Union were consolidated into the Capistrano Unified School District. By the mid-1960s Serra School was no longer being used as a school building but remained the administrative headquarters for the school district and served as a local community center. During the same period between 1952 and 1967, likely after the school function ended, the Mechanic Building and Tire Storage Building (including the associated gas pumps) were also constructed.

In the late 1960s, the site expanded west to the corner of Sepulveda Avenue and began to be used by the school district for a transportation center. By 1968, the Grounds Dispatch Building was added to the site. In 1971, the school district's administrative offices were moved to Capistrano High School. The original Serra School building was demolished in 1976, after the possibility to save the building as a historic site was explored, but found to be infeasible due to the building's unsafe rating under the



Field Act's building code requirements.<sup>1</sup> The Butler Building was added to the site between 2000 and 2002, and the Storage Shed was added in 2003. The Capistrano Unified School District continues to use the Grounds Department Buildings (i.e., the Butler Building and Grounds Dispatch Building). Currently, the other buildings on-site are primarily utilized for additional storage. The existing six on-site buildings are discussed in detail below.

Building 1 – Grounds Department – Butler Building. Constructed in 2001, the Butler Building is a prefabricated one-story garage building with a rectangular plan. The building features corrugated metal exterior, concrete foundation, and a low gable roof, and is located on the northwest corner of the project site. The building's east elevation is its primary frontage and includes two vehicular entry doors with industrial roll-up doors at the ends with a man door flanking the interior side of each vehicular entry; refer to 2021 Historical Report Figure 4, *Primary Elevation of Butler Building, primary elevation, view west*. Additionally, the primary elevation includes industrial flood lights at the outside edge of each vehicular entry door. The other elevations are devoid of openings or ornamentation with the exception of two industrial flood lights at each elevation. Trees shield the street view for the north and west elevations.

Building 2 – Grounds Department – Grounds Dispatch Building. Constructed in 1968, the Grounds Dispatch Building is a one-story garage building with a docking bay. It is located to the southeast of the Butler Building. As shown on 2021 Historical Report Figure 5, *Grounds Dispatch Building, primary elevation, view south*, the building features a low gable roof, rectangular footprint, concrete foundation, and corrugated metal exterior. The building's north elevation is the primary elevation and features two garage doors, each with overhead doors. The north garage door features a single man door. Between the two garage doors, a concrete ramp continues from grade level, creating a concrete loading dock in front of the south door. A single man door entry is the only ornamentation or openings at the south and east elevations. Surface lots used for vehicle storage surround the Grounds Dispatch Building. Five concrete masonry unit bays used for storing ground cover materials are located on the west side of the Grounds Dispatch Building.

Building 3 – Transportation Office – Tire Storage Building. Constructed between 1952 and 1967, the Tire Storage Building is adjacent to the perimeter chain link fence along Pacific Coast Highway. The one-story building has a rectangular footprint, stucco exterior, and side gable roof with deteriorated asphalt shingles and eaves that extend over the north and south elevations; refer to 2021 Historical Report Figure 6, *Tire Storage Building, primary elevation, view north*. A single metal man door entry with a fixed aluminum rectangular window at its east side is featured on the southern primary elevation. A service window with plywood shutters and a plywood ledge is to the west of the entry door. The elevation's east side features wall-mounted systems equipment. Visible conduit continues below the roofline along the elevation as well as at the base of the building, which continue below the surface. A single entry at the northeastern corner within the northern elevation is boarded shut with painted plywood. The south elevation repeats the same fenestration and features a single man door entry. The

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<sup>1</sup> Los Angeles Unified School District, *Seismic Safety of School Buildings – Field Act*, <https://www.laschools.org/new-site/ab300/>, accessed September 10, 2021.



north, or street-facing elevation, is devoid of any openings aside from a trio of rectangular windows. The wood hopper windows are painted over and each feature a wood sill.

Building 4 – Transportation Office – Mechanic Shop. Constructed between 1952 and 1967, the Mechanic Shop is a one-story building with ample interior clearance. The building is located to the south of the Tire Storage Building. The building’s western primary elevation is comprised of two portions and continues for five bays; refer to 2021 Historical Report Figure 7, *Mechanic Shop, primary elevation, view southwest*. The north section of the building has a stucco exterior, flat roof, and features two overhead garage doors, each with a surface mounted flood light above. The southern garage bay at this portion of the building projects beyond the adjacent bay. The south portion of the building features similar stucco exterior and a gable roof with three bays, each with an overhead garage door. The surface of this portion of the building aligns with the northernmost building bay. The south elevation features a man door entry at the west end and is devoid of any ornamentation. Exterior conduit continues from the base of the building to the east end at this elevation, where there is also a metal utility box addition. Two double-hung wood windows and a single man door are located on the east elevation. A concrete step at the corner of the elevation marks where the two portions of the buildings meet. The step provides access to the east elevation door and a door extending from the north portion of the building. An adjacent small horizontal slide window is found on a third man door at the northeast corner of the building which continues the elevation. Additionally, the elevation features an enclosed chain link addition housing a tank and covered with an aluminum shed roof. The north elevation has a one-story wood addition portion with a concrete masonry base and a wood panel exterior. The addition features a shed roof that extends beyond the addition base. The addition has two entry doors at the west elevation and a small, fixed window at the north elevation.

Building 5 – Transportation Office – Transportation Office (former school) Building. Constructed between 1952 and 1967, the Transportation Office is the former Serra School building, located to the southwest of the Mechanic Shop. The building features an L-shaped footprint, flat asphalt shingle roof, and stucco exterior; refer to 2021 Historical Report Figure 8, *Transportation Office, primary elevation, view southwest*. Additionally, the arm of the L portion of the footprint is comprised of a one-story building with a sloping roof. The arm portion of the building is connected to the spine via a breezeway accessed via a short concrete stair that provides access through the building and connects it to the remainder of the elevation which features a flat roof and saw tooth roof portion above. The building’s north, or primary, elevation has two aluminum slide windows at the slope roof portion of the building, the breezeway portion is one-story and features a single fixed widow followed by a band window. The elevation south of the breezeway continues and features a flat roof with an overhang. Two bays comprise this portion of the elevation, each with banded hopper windows below the roofline. Each bay has a man door entry, accessed via a short concrete stair.

The Transportation Office’s west elevation continues for one bay and is obscured by trees. The south portion of the elevation has a one-story portion that continues for a single bay and features a flat roof and wood panel exterior with a louvered opening. The sidewalk is concealed by a brick retaining wall in front of this portion of the building.

The south elevation continues from the west elevation of the same wood panel exterior from the building corner until the breezeway between the two portions of the building. This portion of the elevation features a garage entry followed by three rectangular horizontal slide aluminum windows. The multilight monitor windows of the saw tooth roof at this portion of the building rise above the





one-story portion. The one-story portion continues as a covered walkway between the breezeway portion of the building and the arm portion to the east. The covered walkway is supported at regular intervals by metal poles; refer to 2021 Historical Report Figure 9, *Transportation Building, south elevation, view northeast*.

The south elevation of the arm portion of the building features a single man door, a projecting bay with a recessed inset surrounded by a red brick base, and a second man door entry with a large, fixed window with a horizontal window inset in the opening. The portion of the elevation also features exposed conduit and utility equipment. The east elevation continues with three of the same fixed/horizontal window configurations described on the south elevation. The elevation continues to a recessed entry with a man door on the north end.

Building 6 – Transportation Office – Storage Shed. Constructed in 2003, the storage shed is located at the northeast end of the site. It is a prefabricated structure which contains a rectangular footprint on a concrete slab foundation, gable roof with skylights, and wood panel exterior; refer to 2021 Historical Report Figure 10, *Storage Shed, primary elevation, view east*. Its primary, or west, elevation features two vehicular openings with aluminum overhead garage doors. A central man door separates the garage doors. The other elevations are unadorned and have no openings.

Surface parking lots between buildings compromise the remainder of the site. In addition, two gas pump bays are featured in the northeastern corner of the lot, east of the Tire Storage Building.

## **Cultural Resources**

### **RECORDS SEARCH**

Literature searches of the California Historical Resources Information System (CHRIS) at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton were conducted on January 7, 2016 and March 12, 2020 as part of the 2021 Historical Report. The 2016 and 2020 literature searches were conducted as part of the cultural resources investigation undertaken in connection with the City's Doheny Village Zoning District Update EIR . The searches were conducted to identify previous cultural resources studies and previously recorded cultural resources within a half-mile radius of the project area. On June 7, 2021, an updated records and literature search was conducted of the CHRIS at the SCCIC in connection with the proposed Victoria Boulevard Apartments project. The search was narrowed to a 0.25-mile radius to identify any previously recorded cultural resources, as well as previously conducted cultural resources studies within the project site. The CHRIS search included a review of the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), California Points of Historical Interest list, California Historical Landmarks list, Archaeological Determinations of Eligibility list, and California State Historic Resources Inventory list.

### **PREVIOUS CULTURAL RESOURCES STUDIES**

The 2021 SCCIC records search identified sixteen previously conducted cultural resources studies within a 0.25-mile radius of the project site. Of these studies, one (OR-03969) was conducted within the project site, and none were conducted adjacent to the project site; refer to 2021 Historical Report Table 1, *Previous Cultural Resources Studies*.



## **OR-03969**

In 2010, a cultural resources survey was conducted in support of proposed improvements to the I-5/Avenida Pico interchange. The study did not identify any built or archaeological resources within the project site.

### **PREVIOUSLY RECORDED CULTURAL RESOURCES**

The 2021 SCCIC records search also identified 16 previously recorded cultural resources within a 0.25-mile radius of the project site; refer to 2021 Historical Report Table 2, *Previously Recorded Cultural Resources*. However, none of the previously recorded cultural resources are located within the project site.

### **Native American Consultation**

#### **SACRED LANDS FILES SEARCH**

As part of the process of identifying cultural resources issues within or near the project area, and to assist the City with Native American government-to-government consultation in accordance with California Government Code 65352 (Senate Bill 18 of 2004; SB 18) and Assembly Bill 52 of 2014 (AB 52), Rincon contacted the Native American Heritage Commission (NAHC) on January 8, 2016 requesting a review of the Sacred Lands Files (SLF), a list of Native American individuals and tribal organizations for tribal consultation per SB 18, and a list of Native American individuals and tribal organizations for tribal consultation per AB 52 in connection with the Doheny Village Zoning District Update. The NAHC responded via email on January 22 and 29, 2016 stating that the SLF search came back with negative results.

On March 10, 2020, Rincon sent a request to the NAHC for an updated Local Government Tribal Consultation List and SLF search in connection with the proposed project. The NAHC responded via email on March 18, 2020 stating the SLF search was negative.

#### **TRIBAL CONSULTATION**

On April 15, 2021, the City sent notification letters to each of the NAHC individuals and tribal organizations to consult on the proposed Victoria Boulevard Apartments project in accordance with SB 18 and AB 52. The Rincon Band of Luiseño Indians (Rincon Band) responded on April 30, 2021 stating that the project site is not located within Rincon Band's specific Area of Historic Interest. As such, no additional consultation was requested. No other responses from NAHC individuals or tribal organizations were received.

## **5.3.2 REGULATORY SETTING**

### **FEDERAL LEVEL**

#### **National Historic Preservation Act of 1966**

Enacted in 1966 and amended in 2000, the National Historic Preservation Act (NHPA) declared a national policy of historic preservation and instituted a multifaceted program, administered by the Secretary of the Interior, to encourage the achievement of preservation goals at the Federal, State, and



local levels. The NHPA authorized the expansion and maintenance of the NRHP, established the position of SHPO and provided for the designation of State Review Boards, set up a mechanism to certify local governments to carry out the purposes of the NHPA, assisted Native American tribes to preserve their cultural heritage, and created the Advisory Council on Historic Preservation (ACHP).

## **Section 106 Process**

Through regulations associated with the NHPA, an impact to a cultural resource would be considered significant if government action would affect a resource listed in or eligible for listing in the NRHP. The NHPA codifies a list of cultural resources found to be significant within the context of national history, as determined by a technical process of evaluation. Resources that have not yet been placed on the NRHP, and are yet to be evaluated, are afforded protection under the Act until shown to be not significant.

Section 106 of the NHPA and its implementing regulations (36 Code of Federal Regulations Part 800) note that for a cultural resource to be determined eligible for listing in the NRHP, the resource must meet specific criteria associated with historic significance and possess certain levels of integrity of form, location, and setting. The criteria for listing on the NRHP are applied within an analysis when there is some question as to the significance of a cultural resource. The criteria for evaluation are defined as the quality of significance in American history, architecture, archeology, engineering, and culture. This quality must be present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association. A property is eligible for the NRHP if it is significant under one or more of the following criteria:

- Criterion A: It is associated with events that have made a significant contribution to the broad patterns of our history; or
- Criterion B: It is associated with the lives of persons significant in our past; or
- Criterion C: It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- Criterion D: It has yielded, or may be likely to yield, information important in prehistory or history.

Criterion D is usually reserved for archaeological resources. Eligible cultural resources must meet at least one of the above criteria and exhibit integrity, measured by the degree to which the resources retain their historical properties and convey their historical character regarding the following: location, design, setting, materials, workmanship, feeling, and association.

The Section 106 evaluation process does not apply to projects undertaken under City environmental compliance jurisdiction. However, should the undertaking require funding, permits, or other administrative actions issued or overseen by a Federal agency, analysis of potential impacts to cultural resources following the Section 106 process would likely be necessary. The Section 106 process typically excludes cultural resources created less than 50 years ago unless the resource is considered highly significant from the local perspective. Finally, the Section 106 process allows local concerns to



be voiced and the Section 106 process must consider aspects of local significance before a significance judgment is rendered. The proposed Victoria Boulevard Apartments project does not require any federal funding, permits, or other federal action.

## **Secretary of the Interior’s Standards for the Treatment of Historic Properties**

Evolving from the Secretary of the Interior’s Standards for Historic Preservation Projects with Guidelines for Applying the Standards that were developed in 1976, the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings were published in 1995 and codified as 36 CFR 67. Neither technical nor prescriptive, these standards are “intended to promote responsible preservation practices that help protect our Nation’s irreplaceable cultural resources.” “Preservation” acknowledges a resource as a document of its history over time, and emphasizes stabilization, maintenance, and repair of existing historic fabric. “Rehabilitation” not only incorporates the retention of features that convey historic character, but also accommodates alterations and additions to facilitate continuing or new uses. “Restoration” involves the retention and replacement of features from a specific period of significance. “Reconstruction,” the least used treatment, provides a basis for recreating a missing resource. These standards have been adopted, or are used informally, by many agencies at all levels of government to review projects that affect historic resources.

## **STATE LEVEL**

### **California Environmental Quality Act**

CEQA requires a lead agency determine whether a project may have a significant effect on historical resources (Public Resources Code Section 21084.1). A historical resource is a resource listed in, or determined to be eligible for listing, in the CRHR, a resource included in a local register of historical resources, or any object building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (*CEQA Guidelines* Section 15064.5[a][1-3]).

A resource is considered historically significant if it meets any of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. Has yielded, or may be likely to yield, information important in prehistory or history.

In addition, if it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (Public Resources Code Section 21083.2[a], [b], and [c]). Public Resources Code Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely



adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

### **California Register of Historical Resources**

Created in 1992 and implemented in 1998, the CRHR is “an authoritative guide in California to be used by State and local agencies, private groups, and citizens to identify the State’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.” Certain properties, including those listed in or formally determined eligible for listing in the NRHP and California Historical Landmarks numbered 770 and higher, are automatically included in the CRHR. Other properties recognized under the California Points of Historical Interest program, identified as significant in historical resources surveys or designated by local landmarks programs, may be nominated for inclusion in the CRHR. A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the State Historical Resources Commission determines that it meets one or more of the criteria modeled on the NRHP criteria.

### **Senate Bill 18**

Signed into law in 2004, SB 18 requires that cities and counties notify and consult with California Native American tribes about proposed local land use planning decisions for the purpose of protecting traditional tribal cultural sites. (Cal. Government Code Sections 65352, 65352.3.) Cities and counties must provide general plan and specific plan amendment proposals to tribes that have been identified by the NAHC as having traditional lands located within the lead agency’s boundaries. If requested by the tribes, the lead agency must also conduct consultations with the tribes prior to adopting or amending their general and specific plans.

### **Assembly Bill 52**

On September 25, 2014, Governor Brown signed AB 52. In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent of AB 52 to accomplish all of the following:

1. Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.
2. Establish a new category of resources in CEQA called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.



3. Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
4. Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.
5. In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in CEQA environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision making body of the lead agency.
6. Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA.
7. Ensure that local and tribal governments, public agencies, and project proponents have information available, early in CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources, and to reduce the potential for delay and conflicts in the environmental review process.
8. Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources.
9. Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.

AB 52 requires that a lead agency consult with Native American tribes traditionally and culturally affiliated with the geographic area in which a project is proposed to be undertaken. AB 52 requires that if a Native American tribe has requested in writing to be informed of proposed projects in the geographic area, that consultation be initiated with that tribe prior to the release of an EIR. As part of the consultation process, the Native American tribe may among other comments, propose mitigation measures to avoid or reduce potentially significant impacts to tribal cultural resources. (Cal. Public Resources Code Sections 21080.3.1, 21080.3.2.)

### **California Public Resources Code**

Public Resources Code Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites; identify the powers and duties of the NAHC; require descendants to be notified when Native American human remains are discovered; and provide for treatment and disposition of human remains and associated grave goods.



## **California Health and Safety Code**

The discovery of human remains is regulated in accordance with California Health and Safety Code Section 7050.5, which states:

*In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation...until the coroner...has determined...that the remains are not subject to...provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible.... The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and...has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.*

## **LOCAL LEVEL**

### **City of Dana Point General Plan**

#### **CONSERVATION ELEMENT**

Although the City of Dana Point is relatively new as an incorporated City, the General Plan Conservation Element states that the area has an established heritage that should be preserved and protected. Historical and cultural-related goals and policies relevant to the proposed project include the following:

- Goal 8: Encourage the preservation of significant historical or culturally significant buildings, sites or features within the community.
- Policy 8.1: Require reasonable mitigation measures where development may affect historical, archaeological or paleontological resources.
  - Policy 8.2: Retain and protect resources of significant historical, archaeological, or paleontological value for education, visitor-serving, and scientific purposes.
  - Policy 8.3: Development adjacent to a place, structure or object found to be of historic significance should be designed so that the uses permitted, and the architectural design will protect the visual setting of the historical site.

### **Dana Point Historic Resource Register**

The treatment and management of historic resources in Dana Point is addressed in Chapter 9.7.250, *Historic Resources*, of the *Dana Point Municipal Code* (Municipal Code). This ordinance was adopted by City Council in 2001 and initiated a historic preservation program consisting of various preservation incentives and regulations; a means of inventorying the City's known historic resources (the Inventory); and a process wherein historic resources could be designated at the municipal level and listed in a local register (the Dana Point Historic Resource Register). Listing in the local register is a voluntary process that requires the consent and participation of property owners. In order to be



eligible for listing in the local register, a resource must satisfy Criterion (J) and at least two of the other criteria listed below:

- *Criterion A*: Buildings, structures, or places that are key focal or pivotal points in the visual quality or character of an area, neighborhood, or survey district;
- *Criterion B*: Structures that help retain the characteristics of the town that was 50 years ago;
- *Criterion C*: Structures that contribute to the unique urban quality of a downtown;
- *Criterion D*: Structures contributing to the architectural continuity of the street;
- *Criterion E*: Structures that are identified with a person or persons who significantly contributed to the culture and/or development of the City, State, or nation;
- *Criterion F*: Structures that represent an architectural type or period and/or represent the design work of known architects, draftsmen, or builders whose efforts have significantly influenced the heritage of the City, State, or nation;
- *Criterion G*: Structures that illustrate the development of California locally and regionally;
- *Criterion H*: Buildings retaining the original integrity of and/or illustrating a given period;
- *Criterion I*: Structures unique in design or detail, such as, but not limited to, materials, windows, landscaping, plaster finishes, and architectural innovation; and/or
- *Criterion J*: Structures that are least 50 years old or properties that have achieved significance within the past 50 years if they are of exceptional significance.

### **5.3.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA**

The purpose of this analysis is to identify any potential cultural or tribal cultural resources within or adjacent to the site, and to assist the City in determining whether such resources meet the official definitions of “historical resources,” as provided in the Public Resource Code, in particular CEQA.

#### **SIGNIFICANCE GUIDELINES**

##### **Historical Resources**

Impacts to a significant cultural resource that affect characteristics that would qualify it for the NRHP or that adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. These impacts could result from “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (*CEQA Guidelines* Section 15064.5 [b][1], 2000). Material impairment is defined as demolition or alteration “in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register” (*CEQA Guidelines* Section 15064.5[b][2][A]). CEQA states that when a project will cause damage to a historical resource,





reasonable efforts must be made to preserve the resource in place or left in an undisturbed state. Mitigation measures are required to the extent that the resource could be damaged or destroyed by a project. Projects that follow the Secretary of the Interior's *Standards for the Treatments of Historic Properties* are typically mitigated below the level of significance.

## **Archaeological Resources**

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

Public Resources Code Section 21083.2(g) states:

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

- 1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;*
- 2. Has a special and particular quality, such as being the oldest of its type or the best available example of its type; or*
- 3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.*

CEQA states that when a project would cause damage to a unique archaeological resource, reasonable efforts must be made to preserve the resource in place or leave it in an undisturbed state. Mitigation measures are required to the extent that the resource could be damaged or destroyed by a project. Implementation of the following mitigation measures would mitigate to the greatest extent feasible the potential for future projects to impact archaeological resources.

## **Tribal Cultural Resources**

AB 52 established a new category of resources in CEQA called tribal cultural resources. (Public Resources Code Section 21074.) “Tribal cultural resources” are either of the following:

- (1) sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:*
  - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.*
  - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.*
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying*



*the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.*

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code now requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to tribal cultural resources to the extent feasible.

## **CEQA SIGNIFICANCE CRITERIA**

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

### **Cultural Resources**

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to *CEQA Guidelines* Section 15064.5 (refer to Impact Statement CUL-1);
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5 (refer to Impact Statement CUL-2);
- c) Disturb any human remains, including those interred outside of dedicated cemeteries (refer to Section 8.0, *Effects Found Not To Be Significant*).

### **Tribal Cultural Resources**

A project may create a significant adverse environmental impact on a tribal cultural resource if it would cause a substantial adverse change in the significance of a tribal cultural resource (as defined in Cal. Public Resources Code Section 21074) that is:

- a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) (refer to Impact Statement CUL-3); or
- b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe (refer to Impact Statement CUL-3).



## 5.3.4 IMPACTS AND MITIGATION MEASURES

### HISTORICAL RESOURCES

#### CUL-1 THE PROJECT COULD CAUSE A SIGNIFICANT IMPACT TO A HISTORICAL RESOURCE.

**Impact Analysis:** As stated above, sixteen previously recorded historical resources are located within a 0.25-mile radius of the project area. However, none are located within the project site. The project site's history is tied to the development of Dana Point, serving as such since its development in 1929 and continuing to serve as the main Serra School District site until the school district consolidation occurred in 1965. For a site to be historically significant, it must retain integrity, or its ability to convey its historic significance. Though the site of the Serra School began in 1929, the original school building is no longer extant, having been demolished in 1976. The extant buildings that have reached the age of historic eligibility, largely date to the site's use as a school district transportation center and are not associated with the project site's use as a school site. Of the site's extant structures, only one, the Transportation Office (former Serra School) dates from its use as a school site. The school building, however, was constructed between 1952 and 1967, having only served that function for a few short years before the site was modified for administrative uses for the school district in 1965. The site was used by the school district for administrative purposes and most recently as the Grounds Department and Transportation Office, serving the vehicular and various maintenance needs for the school district and does not convey the site's importance as a school site associated with the development of Dana Point. The property is, therefore, not eligible under NRHP Criterion A or CRHR Criterion 1.

The project site also lacks any association with individuals who have made significant historical contributions to the City, region, State or nation. When the site operated as a school facility, it had a number of students who attended. Research failed to identify any person or persons whose relationship to the school represented a distinctive contribution to history. Furthermore, no evidence suggests that the project site's use as a school district administrative facility or transportation was connected to a person significant to history to warrant eligibility under NRHP Criterion B or CRHR Criterion 2.

The project site includes six buildings. Of these buildings, the Butler Building and the Storage Shed are less than 50 years old and have not reached the age of eligibility for listing. The other buildings on-site, the Grounds Dispatch Building (1968), Tire Storage Building (circa 1952-1967), Mechanic Shop (circa 1952-1967), and the Transportation Office (former Serra School) (circa 1952-1967) are not recommended eligible under CRHR Criterion 3 for their architecture. The Grounds Dispatch Building is a prefabricated building, simple in design, and does not reflect any architectural style. Similarly, the Tire Storage Building and Mechanic Shop were born out of utilitarian needs of the school district. The buildings are simple and not architecturally designed, do not reflect distinctive characteristics of a type, period, or method of construction, and do not possess high artistic value. The Transportation Office, though containing some elements typical of mid-century modern design (e.g., the saw tooth roof, band windows, breezeway, and sloping rooflines) is not a distinctive example of the style meriting designation. It is also not the work of a master given that research did not reveal an associated architect with the Transportation Office. As such, none of the buildings are eligible for listing in the NRHP under Criterion C or CRHR under Criterion 3.



Further, a review of available evidence and records did not indicate that the project site may yield information important to prehistory or history and, as a result, is recommended ineligible under NRHP Criterion D and CRHR Criterion 4. Finally, the project site is not a contributor or potential contributor to any existing or potential historic district. Thus, the project site is recommended ineligible for listing in the NRHP and CRHR. Given that the project site does not meet the requirements for listing in the NRHP or CRHR, the site is therefore not considered a historical resource for the purposes of CEQA pursuant to Public Resource Code Section 21084.1. As such, project development in accordance with the proposed Specific Plan would not adversely impact any historical resources. No impacts would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** No Impact.

## **ARCHAEOLOGICAL RESOURCES**

### **CUL-2 THE PROJECT COULD CAUSE A SIGNIFICANT IMPACT TO AN ARCHAEOLOGICAL RESOURCE ON-SITE.**

**Impact Analysis:** As discussed, results from the 2021 Historical Report indicate that the project site does not contain known archaeological resources. However, the site could contain previously undiscovered archaeological resources. The proposed earthwork would involve approximately 40,100 cubic yards of cut and approximately 20,515 cubic yards of fill, resulting in approximately 19,585 cubic yards of export. Based upon field explorations, it is anticipated that artificial fill would be encountered at a maximum depth of five feet below existing ground surface throughout the majority of the site (with the exception of the northeast corner, which may have deeper artificial fill depths due to former underground storage tanks). ; refer to [Appendix 11.4, \*Geotechnical Reports\*](#). Maximum excavation depths of up to 19 feet below the ground surface are proposed for construction of the underground parking structure. As such, project excavation could encounter native soils which have the potential to support unknown buried archaeological resources.

In the unlikely event that archaeological resources are encountered during project construction, Mitigation Measure CUL-1 would require all project construction efforts to halt until an archaeologist examines the site, identifies the archaeological significance of the find, and recommends a course of action. If the archaeologist determines the resource constitutes a “unique archaeological resource”, time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation would be made available to the Applicant. With implementation of Mitigation Measure CUL-1, the project would not cause a substantial adverse change in the significance of an archaeological resource or site pursuant to Section 15064.5 of the CEQA Guidelines, and impacts would be reduced to less than significant levels.

#### **Mitigation Measures:**

CUL-1 Unanticipated Discovery of Cultural Resources. The project Applicant shall retain a qualified archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards for archaeology to conduct Worker’s Environmental Awareness Program (WEAP) training for archaeological sensitivity for all construction personnel prior to the commencement of any ground disturbing activities. Archaeological sensitivity



training should include a description of the types of cultural resources that may be encountered, cultural sensitivity issues, regulatory issues, and the proper protocol for treatment of the materials in the event of a find. If archaeological resources are encountered during ground-disturbing activities, work in the immediate area should be halted and the archaeologist shall evaluate the find. If the resources are Native American human remains, the County Coroner and the Native American Heritage Commission shall be contacted as mandated by law. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for California Register of Historical Resources (CRHR) eligibility. The treatment plan shall be reviewed and approved by the qualified archaeologist. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, and, if so, shall be identified by the archaeologist to mitigate any such significant impacts to cultural resources, if identified.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

## **TRIBAL CULTURAL RESOURCES**

### **CUL-3 THE PROJECT COULD CAUSE A SIGNIFICANT IMPACT TO A TRIBAL CULTURAL RESOURCE.**

**Impact Analysis:** As stated above, the City sent letters inviting tribes to consult on the project per AB 52 and SB 18 on April 15, 2021. The Rincon Band of Luiseño Indians (Rincon Band) responded on April 30, 2021 stating that the project site is not located within Rincon Band's specific Area of Historic Interest. As such, no consultation was requested. No other responses from NAHC individuals or tribal organizations were received.

Based on the records search, literature review, field survey results, and tribal consultation results, there is low potential for unknown tribal cultural resources to be discovered on-site during site disturbance activities. As discussed in Impact Statement CUL-2, the project proposes excavation activities for the purpose of the underground parking structure. As such, project excavation could encounter native soils which has the potential to support undiscovered tribal cultural resources. If tribal cultural resources are encountered during project construction, Mitigation Measure CUL-1 would require all project construction efforts to halt until an archaeologist examines the site, identifies the archaeological significance of the find, and recommends a course of action which must be implemented. Implementation of Mitigation Measures CUL-1 would ensure that appropriate protocols are in place in the event unknown cultural resources, including archaeological and tribal cultural resources, are discovered during ground-disturbing activities. As such, impacts to tribal cultural resources would be reduced to less than significant levels.

**Mitigation Measures:** Refer to Mitigation Measure CUL-1.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

### **5.3.5 CUMULATIVE IMPACTS**

CEQA Guidelines Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which



compound or increase other environmental impacts.” As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are situated in the site vicinity.

- **THE PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD CAUSE CUMULATIVELY CONSIDERABLE IMPACTS TO HISTORICAL RESOURCES, ARCHAEOLOGICAL RESOURCES, OR TRIBAL CULTURAL RESOURCES.**

**Impact Analysis:** Table 4-1 identifies the related projects and other possible development in the area determined as having the potential to interact with the project to the extent that a significant cumulative effect may occur. Project-related impacts to historical, archeological, and tribal cultural resources have been determined to be less than significant with implementation of Mitigation Measures CUL-1. Future cumulative projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to site-specific historical, archaeological, and/or tribal cultural resources. Related projects would be required to adhere to State and Federal regulations, as well as project-specific mitigation measures.

As discussed under Impact Statements CUL-1 through CUL-3, implementation of Mitigation Measures CUL-1 would reduce potentially significant project impacts to historical, archaeological, and tribal cultural resources to less than significant levels. Thus, the project’s less than significant impacts would not be cumulatively considerable.

**Mitigation Measures:** Refer to Mitigation Measure CUL-1.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

### 5.3.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to cultural and tribal cultural resources have been identified.



## 5.4 GEOLOGY AND SOILS

This section describes the geologic and seismic conditions within the project area and evaluates the potential for geologic hazard impacts associated with implementation of the proposed project. This section is primarily based upon the following technical studies; refer to [Appendix 11.4, \*Geotechnical Reports\*](#).

- *Proposed Multi-Family Residential Development 26126 Victoria Boulevard Dana Point, California* (Victoria Geotechnical Investigation), prepared by GeoCon West Inc., dated August 11, 2022.

### 5.4.1 EXISTING SETTING

#### GEOTECHNICAL CONDITIONS

##### Regional Geology

The project site is situated at the northwest end of the Peninsular Ranges geomorphic province of southern California. This geomorphic province is characterized by fault block northwest trending mountain ranges with intervening valleys, plains and basins. The project site is located in the middle of the Dana Point 7.5-minute Quadrangle Sheet and at the southern terminus of the locally rugged San Joaquin Hills. Additionally, the province encompasses an area that extends approximately 125 miles from the Transverse Ranges province and the Los Angeles Basin south to the Mexican border, and beyond another approximately 775 miles to the tip of Baja California. The Peninsular Ranges province varies in width from approximately 30 to 100 miles and is characterized by northwest-trending mountain range blocks separated by similarly northwest-trending faults. Regional faulting in the area includes active faults including the San Joaquin Hills, Newport-Inglewood, and Chino, Elsinore.

##### Site Geology

The project site is situated in the northwestern portion of the Peninsular Ranges, a geomorphic province that is characterized by fault block northwest trending mountain ranges with intervening valleys, plains, and basins. The project site is located. at southern terminus of the San Joaquin Hills. The on-site geologic formation is the flat lying Holocene-age stream alluvial deposits, which is underlain, at depth, by the Capistrano Formation.

Based on the Victoria Geotechnical Investigation, the site is underlain by artificial fill, Holocene age stream alluvial deposits, and ultimately, at depth, by late Miocene to early Pliocene Capistrano Formation.

##### Artificial Fill

Based on field explorations, artificial fill was encountered at a maximum depth of five feet below ground surface (bgs) on-site. The artificial fill generally consists of brown, gray-brown, and reddish brown, sandy silty clay, clayey silt, and clayey silty sand. The artificial fill is characterized as slightly moist to moist and soft to firm or loose. The fill is likely the result of past grading or construction



activities at the site. Deeper fill may exist in between excavations and in other portions of the site that were not directly explored.

## **Holocene Age Stream Alluvial Deposits**

Holocene age alluvial stream deposits were encountered beneath the artificial fill. The alluvial stream deposits consist of brown to dark brown to gray to olive brown, interbedded sandy clayey silt, silty clay, and clayey sand. The alluvium is characterized as slightly moist to wet and very soft to firm and medium dense.

## **Capistrano Formation (Tc)**

Tertiary-age Capistrano Formation was encountered in borings conducted as part of the Victoria Geotechnical Investigation at depths of approximately 25 to 40 feet bgs. Where encountered, the bedrock consists of clayey and sandy siltstone and silty sandstone. In general, the unit generally consists of a stiff to hard siltstone to claystone that is highly expansive.

## **Groundwater**

The California Geological Survey (CGS) Seismic Hazard Zone Report for the Dana Point 7.5-Minute Quadrangle indicates that the historically highest groundwater level in the area is approximately five feet bgs.

The borings conducted as part of the Victoria Geotechnical Investigation encountered groundwater at depths ranging from approximately 16 to 20 feet bgs. However, it should be noted that it is not uncommon for groundwater levels to vary seasonally or for groundwater seepage conditions to develop where none previously existed, especially in impermeable fine-grained soils which are heavily irrigated or after seasonal rainfall. Additionally, given the proximity of the project site to the coast, fluctuations in groundwater depth are expected to occur due to tidal variations, flood events, seasonal precipitation, variations in ground elevations, groundwater pumping, projected sea level rise, and other factors.

## **SEISMIC HAZARDS**

Potential seismic hazards involve primary hazards (i.e., surface fault rupture and seismicity/ground shaking) and secondary hazards including liquefaction, seismically-induced settlement, lateral spreading, seismically-induced landslides, seismically-induced flooding, seiches, and tsunamis. The primary and secondary seismic hazards with potential to impact the project site are discussed below.

## **Faulting and Seismicity**

The project site is located in a historically seismically active area, as is the majority of southern California, and has the potential for strong seismic ground shaking. The Victoria Geotechnical Investigation Figure 4, *Regional Seismicity Map*, depicts the project site relative to the historic earthquakes recorded with magnitudes (M) equal to or greater than 5.0. As shown, the nearby active faults in the site vicinity range between 5.5 to greater than 7.0 M.





## **SURFACE FAULT RUPTURE**

Surface fault rupture is the offset or rupturing of the ground surface by relative displacement across a fault during an earthquake. The Alquist-Priolo Earthquake Fault Zoning Act (Act) (Public Resources Code Sections 2621-2624) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. Based on the Victoria Geotechnical Investigation, the project site is not located within a State-designated Alquist-Priolo Earthquake Fault Zone. There are no active or potentially active faults with the potential for surface fault rupture are known to occur on-site or in the vicinity. Therefore, the potential for surface rupture due to faulting occurring beneath the site is considered low. The San Joaquin Hills Blind Thrust is an active thrust that is located in the northwestern Peninsular Ranges and are predominantly underlain by mid to late Miocene age marine sedimentary rocks, including the Topanga and Monterey Formations.<sup>1</sup>

The closest trace of an active fault to the site is the Newport-Inglewood Fault Zone located approximately 2.9 miles to the southwest. Other nearby active faults are the Elsinore Fault Zone and the Palos Verdes Fault (Offshore Segment) located approximately 22 miles northeast and 17 miles southwest of the project site, respectively.

## **SEISMIC GROUND SHAKING**

Earthquake events from one of the regional active or potentially active faults near the project area could result in strong ground shaking. The level of ground shaking at a given location depends on many factors, including the size and type of earthquake, distance from the earthquake, and subsurface geologic conditions. The type of construction also affects how particular structures and improvements perform during ground shaking.

### **Secondary Seismic Hazards**

#### **LIQUEFACTION**

Liquefaction is the phenomenon in which loosely deposited granular soils located below the water table undergo rapid loss of shear strength due to excess pore pressure generation when subjected to strong earthquake-induced ground shaking. Ground shaking of sufficient duration results in the loss of grain-to-grain contact due to rapid rise in pore water pressure causing the soil to behave as a fluid for a short period of time. Factors known to influence liquefaction potential include composition and thickness of soil layers, grain size, relative density, groundwater level, degree of saturation, and both intensity and duration of ground shaking.

As discussed above, recent data indicate that groundwater depths in the site vicinity are approximately 16 to 20 feet bgs and the historic high groundwater depths in the site vicinity are approximately five feet bgs. Given the sandy soils present on-site and the potentially higher groundwater table, the project site is located within an area considered potentially susceptible to liquefaction. Further evaluation was conducted in the Victoria Geotechnical Investigation to determine the liquefaction potential

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<sup>1</sup> United States Geological Survey, *San Joaquin Hills thrust (Class A) No. 186*, [https://earthquake.usgs.gov/cfusion/qfault/show\\_report\\_AB\\_archive.cfm?fault\\_id=186&section\\_id=](https://earthquake.usgs.gov/cfusion/qfault/show_report_AB_archive.cfm?fault_id=186&section_id=), accessed July 18, 2022.



specifically at the project site. The Victoria Geotechnical Investigation conducted a review of previous geotechnical evaluations for the project site, and a liquefaction analysis of the soils underlying the project site. The Maximum Considered Earthquake Ground Motion (MCE) is the level of ground motion that has a two percent chance of exceedance in 50 years, with a statistical return period of 2,475 years. The MCE was utilized for the evaluation of liquefaction, lateral spreading, seismic settlements, and the intent of the Building Code is to maintain “Life Safety” during an MCE event. The Design Earthquake Ground Motion (DE) is the level of ground motion that has a 10 percent chance of exceedance in 50 years, with a statistical return period of 475 years.

Per the Victoria Geotechnical Investigation, the current standard of practice requires liquefaction analysis to a depth of 50 feet below the lowest portion of the proposed structure. Liquefaction typically occurs in areas where the soils below the water table are composed of poorly consolidated, fine to medium-grained, primarily sandy soil. In addition to the requisite soil conditions, the ground acceleration and duration of the earthquake must also be of a sufficient level to induce liquefaction.

The liquefaction analysis was performed for a Design Earthquake level by using a historic high groundwater table of five feet bgs and a magnitude 6.68 earthquake. The liquefaction analyses indicates that the alluvial soils below the historic high groundwater would not be susceptible to liquefaction induced settlement during the Design Earthquake ground motion. Notwithstanding, using the MCE (a historic groundwater table of five feet bgs, a magnitude 6.68 earthquake, and a peak horizontal acceleration of  $0.369 g [^2/3PGA_M]$ ), the alluvial soils below the historic high groundwater depth may be susceptible to less than one inch of settlement during the Design Earthquake ground motion.

## **SOIL EROSION**

Erosion is a process by which soil or earth material is loosened or dissolved and removed from its original location. Erosion can occur by varying processes and may occur at the project site where bare soil is exposed to wind or moving water (both rainfall and surface runoff). The processes of erosion are generally a function of material type, terrain steepness, rainfall or irrigation levels, surface drainage conditions, and general land uses.

Based on the Victoria Geotechnical Investigation, the materials discovered beneath existing ground surface of the project site could include sands, silty sands, and clayey soils. Sandy soils typically have low cohesion, and have a relatively higher potential for erosion from surface runoff when exposed in cut slopes or utilized near the face of fill embankments. Surface soils with higher amounts of clay tend to be less erodible as the clay acts as a binder to hold the soil particles together.

## **SUBSIDENCE**

Subsidence occurs when a large portion of land is displaced vertically, usually due to the withdrawal of groundwater, oil, or natural gas. Soils that are particularly subject to subsidence include those with high silt or clay content.

According to the Victoria Geotechnical Investigation, the project site is not located within an area of known ground subsidence. Historic evidence of subsidence is not known to have occurred at the project site. Additionally, there are no large-scale extraction of groundwater, gas, oil, or geothermal energy occurring or planned at the site or in the general site vicinity. Accordingly, the potential for subsidence in the project area is considered to be relatively low.



## **COMPRESSIBLE/COLLAPSIBLE SOILS**

Compressible soils are generally comprised of soils that undergo consolidation when exposed to new loading, such as fill or foundation loads. Soil collapse is a phenomenon where the soils undergo a significant decrease in volume upon increase in moisture content, with or without an increase in external loads. Buildings, structures, and other improvements may be subject to excessive settlement-related distress when compressible soils or collapsible soils are present.

The project area is underlain by both younger to older alluvial deposits that are considered to range from poorly to relatively well consolidated. Therefore, potentially compressible/collapsible soils are present on-site.

## **EXPANSIVE SOILS**

Expansive soils include clay minerals that are characterized by their ability to undergo significant volume change (shrink or swell) due to variations in moisture content. Sandy soils are generally not expansive. Changes in soil moisture content can result from rainfall, irrigation, pipeline leakage, surface drainage, perched groundwater, drought, or other factors. Volumetric change of expansive soil may cause excessive cracking and heaving of structures with shallow foundations, concrete slabs-on-grade, or pavements supported on these materials.

Tertiary-age Capistrano Formation bedrock (found on-site) consists of clayey and sandy siltstone and silty sandstone. In general, the unit generally consists of a stiff to hard siltstone to claystone that is highly expansive. Further, based on laboratory test results, the near surface site soils encountered during the field investigation are considered to have “medium” expansive potential and are classified as “expansive” in accordance with the California Building Code.

## **5.4.2 REGULATORY SETTING**

### **FEDERAL LEVEL**

#### **Federal Clean Water Act**

The primary goals of the Federal Clean Water Act (CWA) are to restore and maintain the chemical, physical, and biological integrity of the nation’s waters and to make all surface waters fishable and swimmable. The CWA forms the basic national framework for water quality management and control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, anti-degradation policy, nonpoint-source discharge programs, and wetlands protection. The U.S. Environmental Protection Agency (EPA) has delegated the administrative responsibility for portions of the CWA to State and regional agencies. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality. Dana Point lies within jurisdiction of the San Diego RWQCB.

Under the NPDES permit program, the EPA establishes regulations for discharging stormwater by municipal and industrial facilities and construction activities. CWA Section 402 prohibits discharge of



pollutants to “Waters of the United States” from any point source unless the discharge complies with an NPDES Permit.

## **Soil and Water Resources Conservation Act**

The purpose of the Soil and Water Resources Conservation Act of 1977 is to protect or restore soil functions on a permanent sustainable basis. Protection and restoration activities include prevention of harmful soil changes, rehabilitation of the soil of contaminated sites and of water contaminated by such sites, and precautions against negative soil impacts. If the soil is impacted, disruptions of its natural functions and of its function as an archive of natural and cultural history should be avoided, as far as practicable. In addition, CWA requirements provide guidance for protection of geologic and soil resources through the NPDES permit.

## **Earthquake Hazards Reduction Act**

The Earthquake Hazards Reduction Act of 1977 (Public Law 95-124) established the National Earthquake Hazards Reduction Program which is coordinated through the Federal Emergency Management Agency (FEMA), the U.S. Geological Survey (USGS), the National Science Foundation, and the National Institute of Standards and Technology. The purpose of the program is to establish measures for earthquake hazards reduction and promote the adoption of earthquake hazards reduction measures by Federal, State, and local governments; national standards and model code organizations; architects and engineers; building owners; and others with a role in planning and constructing buildings, structures, and lifelines. This is achieved through the following:

- (1) Grants, contracts, cooperative agreements, and technical assistance;
- (2) Development of standards, guidelines, and voluntary consensus codes for earthquake hazards reduction for buildings, structures, and lifelines; and
- (3) Development and maintenance of a repository of information, including technical data, on seismic risk and hazards reduction.

The program is intended to improve the understanding of earthquakes and their effects on communities, buildings, structures, and lifelines through interdisciplinary research that involves engineering, natural sciences, and social, economic, and decisions sciences.

## **Uniform Building Code**

The Uniform Building Code (UBC) is published by the International Conference of Building Officials and forms the basis for California’s Building Code, as well as approximately half of the state building codes in the United States. It has been adopted by the California Legislature to address the specific building conditions and structural requirements for California, as well as provide guidance on foundation design and structural engineering for different soil types. The UBC defines and ranks the regions of the United States according to their seismic hazard potential. There are four types of regions defined by Seismic Zones 1 through 4, with Zone 1 having the least seismic potential and Zone 4 having the highest.



## **STATE LEVEL**

### **Alquist-Priolo Earthquake Fault Zoning Act**

The Alquist-Priolo Earthquake Fault Zoning Act (Act) (Public Resources Code Sections 2621-2624) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Act requires the State Geologist to establish regulatory zones, known as "Earthquake Fault Zones," around the surface traces of active faults and to issue appropriate maps. Local agencies must regulate most development projects within these zones. Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (typically 50-foot setbacks are required).

### **Seismic Hazards Mapping Act**

The Seismic Hazards Mapping Act of 1990 directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. The purpose of the Seismic Hazards Mapping Act is to minimize loss of life and property through the identification, evaluation, and mitigation of seismic hazards.

Staff geologists in the Seismic Hazard Zonation Program gather existing geological, geophysical, and geotechnical data from numerous sources to produce the Seismic Hazard Zone Maps. They integrate and interpret these data regionally to evaluate the severity of the seismic hazards and designate as Zones of Required Investigation (ZORI) those areas prone to liquefaction and earthquake-induced landslides. Cities and counties are then required to use the Seismic Hazard Zone Maps in their land use planning and building permit processes.

The Seismic Hazards Mapping Act requires that site-specific geotechnical investigations be conducted within the ZORI to identify and evaluate seismic hazards (i.e., liquefaction and earthquake induced landslides) and formulate mitigation measures prior to permitting most developments designed for human occupancy.

### **2019 California Building Standards Code**

California building standards are published in the California Code of Regulations, Title 24, also known as the California Building Standards Code (CBSC). The CBSC, which applies to all applications for building permits, consists of 11 parts that contain administrative regulations for the California Building Standards Commission and for all State agencies that implement or enforce building standards. Local agencies must ensure development complies with the CBSC guidelines. Cities and counties can adopt additional building standards beyond the CBSC. CBSC Part 2, named the California Building Code (CBC), is based upon the 2019 International Building Code.



## **Natural Hazards Disclosure Act**

The Natural Hazards Disclosure Act requires sellers of real property and their agents provide prospective buyers with a “Natural Hazard Disclosure Statement” when the property being sold lies within one or more State-mapped hazard areas, including a Seismic Hazard Zone. State law also requires when houses built before 1960 are sold, the seller must give the buyer a completed earthquake hazards disclosure report and a booklet titled “The Homeowners Guide to Earthquake Safety.” This publication was written and adopted by the California Seismic Safety Commission.

## **Soils Investigation Requirements**

California Health and Safety Code Sections 17953–17955 and in Section 1802 of the California Building Code identify requirements for soils investigations for subdivisions requiring tentative and final maps, and for other specified types of structures. Testing of samples from subsurface investigations is required, such as from borings or test pits. Studies must be done as needed to evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness.

## **California Public Resources Code**

Paleontological resources are protected under a wide variety of Public Resources Code policies and regulations. In addition, paleontological resources are recognized as nonrenewable resources and receive protection under the Public Resources Code and CEQA. Public Resources Code Section 5097.5 states:

*No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.*

The Coastal Act also protects paleontological resources pursuant to Public Resources Code Section 30244 which provides:

*Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

Section 5097.5 prohibits the removal, without permission, of any paleontological site or feature from lands under the jurisdiction of the State or any city, county, district, authority, or public corporation, or any agency thereof. As a result, local agencies are required to comply with Public Resources Code Section 5097.5 for their own activities, including construction and maintenance, as well as for permit actions (e.g., encroachment permits) undertaken by others. Public Resources Code Section 5097.5 also establishes the removal of paleontological resources as a misdemeanor and requires reasonable mitigation of adverse impacts to paleontological resources from developments on public (State, county, city, and district) lands.



## **State Water Resources Control Board – Construction General Permit Order 2009-0009-DWQ**

The SWRCB administers water rights, water pollution control, and water quality functions throughout the State, while the RWQCBs conduct planning, permitting, and enforcement activities. For the proposed project, the NPDES permit would be addressed in two parts: construction and post-construction (operations). Construction permitting would be administered by the SWRCB, while post-construction permitting would be administered by the RWQCB. Refer to [Section 5.5, \*Hydrology and Water Quality\*](#) for further discussion concerning post-construction permitting requirements.

On November 16, 1990, the EPA published final regulations that established stormwater permit application requirements for specified categories of industries. The regulations prohibit discharges of stormwater to waters of the United States from construction projects unless the discharge complies with an NPDES Permit. On August 19, 1999, the SWRCB reissued the General Construction Stormwater Permit (Water Quality Order 99-08-DWQ). On December 8, 1999, the SWRCB amended Order 99-08-DWQ to apply to sites as small as one acre.

Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under Construction General Permit Order 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore a facility's original line, grade, or capacity.

The Construction General Permit requires the development of a Stormwater Pollution Prevention Plan (SWPPP). Construction General Permit Section A describes the elements that must be contained in a SWPPP, which include a site map(s), a list of Best Management Practices (BMPs) the discharger would use to protect stormwater runoff, and the placement of those BMPs. Additionally, the SWPPP is required to contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. A project applicant must submit a Notice of Intent (NOI) to the SWRCB, to be covered by the Construction General Permit, and prepare the SWPPP prior to construction. Implementation of the plan begins at commencement of construction and continues through project completion. Upon project completion, the applicant is required to submit a Notice of Termination (NOT) to the SWRCB to indicate that construction is completed.

### **LOCAL LEVEL**

#### **City of Dana Point Emergency Plan**

The *City of Dana Point Emergency Plan* provides the framework for responding to major emergencies or disasters. The goals of the plan are to outline a strategy to prepare for, respond to, and recover from an emergency or disaster that affects the City. In order to facilitate meeting these goals, the plan:

- Identifies potential hazards that form the basis for the emergency plan;
- Identifies authorities and assigns responsibilities to the appropriate agencies;



- Identifies other jurisdictions and organizations with which planning and emergency response activities are coordinated;
- Establishes an organizational structure to manage the emergency response;
- Outlines preplanned response actions to be taken by emergency personnel to mitigate the effects of a disaster;
- Outlines a process of disseminating emergency information and instructions to the public;
- Describes the resources available to support emergency response activities;
- Establishes responsibilities for maintaining the overall City emergency preparedness program; and
- Provides the basis for initial training and subsequent retraining of emergency workers.

## **City of Dana Point General Plan**

### **PUBLIC SAFETY ELEMENT**

The purpose of the Public Safety Element is to identify and address those features or characteristics which exist in or near the City that represent a potential danger to the safety of the citizens, sites and structures, public facilities, and infrastructure. The element establishes policies to minimize dangers to residents, workers and visitors, and identifies actions need to deal with crisis situations (e.g., earthquakes, fires, and floods). Natural hazards (i.e., geologic and seismic hazards) are among the topics addressed in this element. Geologic and seismic-related goals and policies relevant to the proposed project include the following:

- Goal 1: Reduce the risk to the community from geologic hazards including bluff instability, seismic hazards, and coastal erosion.
- Policy 1.1: Require review of soil and geologic conditions by a State-licensed Engineering Geologist under contract to the City, to determine stability prior to the approval of development, where appropriate.
- Policy 1.3 Adopt standards and requirements for grading and construction to mitigate the potential for bluff failure and seismic hazards.
- Policy 1.12: Specifically review and limit development on lands with seismic, slide, liquefaction, fire, or topographic constraints.

### **CONSERVATION AND OPEN SPACE ELEMENT**

The Conservation and Open Space Element addresses the preservation and use of the City's important natural resources and open space areas, as well as the City's park system. In regard to conservation, this element contains goals and policies that further the protection and maintenance of the State's natural resources such as water, soils, wildlife, minerals, and other natural resources, and prevents their wasteful exploitation, degradation, and destruction. In regard to open space, this element contains





goals and policies concerned with managing all open space areas, including undeveloped lands and outdoor recreation areas. The following goals and policies are relevant to the proposed project:

Goal 2: Conserve significant topographical features, important watershed areas, resources, soils and beaches.

Policy 2.2: Site and architectural design shall respond to the natural landform whenever possible to minimize grading and visual impact.

Policy 2.3: Control erosion during and following construction through proper grading techniques, vegetation replanting, and the installation of proper drainage, and erosion control improvements.

Policy 2.4: Require the practice of proper soil management techniques to reduce erosion, sedimentation, and other soil-related problems.

Policy 2.7: Require geotechnical studies for developments that are proposed for steep slopes (4:1 or steeper), on or adjacent to coastal or inland bluffs, and where geological instability may be suspected.

Policy 2.8: Minimize risks to life and property, and preserve the natural environment, by siting and clustering new development away from areas which have physical constraints associated with steep topography and unstable slopes; and where such areas are designated as Recreation/Open Space or include bluffs, beaches, or wetlands, exclude such areas from the calculation of net acreage available for determining development intensity or density potential.

Goal 8: Encourage the preservation of significant historical or culturally significant buildings, sites or features within the community.

Policy 8.1: Require reasonable mitigation measures where development may affect historical, archaeological or paleontological resources.

Policy 8.2: Retain and protect resources of significant historical, archaeological, or paleontological value for education, visitor-serving, and scientific purposes.

## **Dana Point Municipal Code**

### **CHAPTER 7.04, TENTATIVE MAPS – REQUIREMENTS FOR FILING**

This chapter pertains to tentative parcel maps and tentative tract maps in accordance with the provisions of the Subdivision Manual. A preliminary soils report is required to file a tentative map and may also include requirements for geologic, seismic and hydrology reports; aerial photographs and transparent overlays; grading, site development and landscaping plans (e.g., building setback lines); evidence from the proposed sewer agency and water supplier with respect to their capability of serving the proposed subdivision; protection and fuel modification reports; and any other information reasonably relevant to proposed subdivisions.



## **CHAPTER 7.22, PARCEL MAPS – REQUIREMENTS AND PROCEDURES**

This chapter establishes requirements and procedures to regulate the content and form of parcel maps in accordance with the provisions of the Subdivision Map Act and the Subdivision Manual. This chapter also allows the City’s Subdivision Committee to require additional information to be filed or recorded simultaneously with the map, such as building setback lines, flood hazard zones, seismic lines and setbacks, geologic mapping, archaeological sites, and possible boundary or title conflicts.

## **CHAPTER 8.01, GRADING AND EXCAVATION CONTROL**

Chapter 8.01 of the Municipal Code is intended to safeguard life, limb, property, and the public welfare, and to comply with storm water permits issued to the City, by regulating grading on private property in the City. Section 8.01.390, *Erosion Control Plans*, requires preparation of an erosion control plan in accordance with Sub article 13 of the City’s Grading Manual and any applicable storm water permits for all projects which require a grading permit. Section 8.01.400, *Erosion Control and Water Quality Control Maintenance*, requires the installation of an erosion control system device for development properties.

## **CHAPTER 8.02, CALIFORNIA BUILDING CODE**

This chapter adopts by reference the 2019 CBC, based on the 2019 International Building Code as published by the International Code Council. The provisions of the CBC constitute the building code regulations within Dana Point, including the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in the City.

## **SECTION 9.05.160, CULTURAL AND NATURAL RESOURCES**

Municipal Code Section 9.05.160, *Cultural and Natural Resources*, requires the preparation of site-specific cultural and natural resources (e.g., archaeological, paleontological, historical, and biological resources) studies for projects where the City’s environmental review process indicates the potential for impacts to these resources. Pursuant to Municipal Code Section 9.05.160, mitigation measures should be incorporated into a project’s design to reduce such impacts.

### **5.4.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA**

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (refer to Section 8.0, *Effects Found Not To Be Significant*);



- ii. Strong seismic ground shaking (refer to Impact Statement GEO-1);
- iii. Seismic-related ground failure, including liquefaction (refer to Impact Statement GEO-2);
- iv. Landslides (refer to Section 8.0, *Effects Found Not To Be Significant*);
- b) Result in substantial soil erosion or the loss of topsoil (refer to Impact Statement GEO-3);
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (refer to Impact Statements GEO-2 and GEO-4);
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property (refer to Impact Statement GEO-4);
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water (refer to Section 8.0, *Effects Found Not To Be Significant*); and
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (refer to Impact Statement GEO-5).

## **5.4.4 IMPACTS AND MITIGATION MEASURES**

### **STRONG SEISMIC GROUND SHAKING**

#### **GEO-1 PROJECT IMPLEMENTATION COULD EXPOSE PEOPLE AND STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING STRONG SEISMIC GROUND SHAKING.**

**Impact Analysis:** Southern California is known to be earthquake prone, and the project would likely be subjected to some degree of seismic ground shaking. The Victoria Geotechnical Investigation concludes that the project site would likely be subjected to moderate to strong seismic ground shaking in the event of an earthquake on one of the many active Southern California faults. Known regional active faults that could produce significant ground shaking on-site include the Newport-Inglewood Fault Zone (located approximately 2.9 miles to the southwest), Elsinore Fault Zone (located approximately 22 miles to the northeast), San Joaquin Hills Blind Thrust (located approximately 14 miles to the northwest), and Palos Verdes Fault Zone (located approximately 17 miles to the southwest). The intensity of ground shaking at the project site would depend primarily upon the earthquake magnitude, the distance from the source, and the site response characteristics.

Project impacts concerning strong seismic ground shaking would be addressed through compliance with State and local seismic and geologic safety laws, standards, and guidelines, including the Seismic Hazard Mapping Act and the 2019 CBC, among others. In general, the City regulates development (and reduces potential seismic and geologic impacts) through compliance with the 2019 CBC as adopted by the City pursuant to Municipal Code Section 8.02.001, *Adoption of the California Building Code* and project-specific design and construction recommendations. The CBC includes earthquake safety



standards based on a variety of factors, including occupancy type, types of soils and rocks on-site, and strength of probable ground motion at the project site.

In compliance with the CBC as well as General Plan Public Safety Element Policy 1.1, a project-specific Victoria Geotechnical Investigation has been prepared and provided preliminary geotechnical recommendations for design and construction. The Victoria Geotechnical Investigation includes recommended construction and design specifications that would reduce potential adverse effects from strong seismic shaking. More specifically, Section 7, *Conclusions and Recommendations*, of the Victoria Geotechnical Investigation presents the project's seismic design parameters, which are intended to meet the project seismic safety standards outlined in the CBC. The CBC regulations are required by the City per Municipal Code Section 8.02.001, *Adoption of the California Building Code*. Compliance with the CBC regulations inherently reduce the risk of strong seismic ground shaking. As such, compliance with the CBC would reduce impacts to less than significant levels.

Overall, compliance with the CBC regulations would ensure that the proposed project would not expose people or structures to potential substantial adverse effects involving strong seismic ground shaking. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **LIQUEFACTION**

### **GEO-2 PROJECT IMPLEMENTATION COULD EXPOSE PEOPLE AND STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING LIQUEFACTION.**

**Impact Analysis:** As stated earlier, the liquefaction analysis conducted as part of the Victoria Geotechnical Investigation was performed for a Design Earthquake Ground Motion by using a historic high groundwater table of five feet bgs and a magnitude 6.68 earthquake<sup>2</sup>. The liquefaction analyses indicates that the alluvial soils below the historic high groundwater would not be susceptible to liquefaction induced settlement during the Design Earthquake ground motion.

Under the 2019 CBC, one of the many intents of the CBC is to maintain "Life Safety" during a MCE event. MCE event is a separate event in which the ground shaking level at a building site with a two percent probability of exceedance in 50 years. Therefore, an additional analysis was performed to evaluate the potential for liquefaction during an MCE event. The separate degradation analysis indicated that the predominant earthquake contributing to a MCE peak ground acceleration would be characterized as a 6.72 magnitude earthquake event. As such, the liquefaction analysis for the project was performed by using a magnitude 6.72 event and a historic high groundwater table of five feet bgs.

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<sup>2</sup> Design Earthquake Ground Motion is the level of ground motion that has a 10 percent chance of exceedance in 50 years, with a statistical return period of 475 years.



Results of the analysis indicated that alluvial soils underneath the historic high groundwater would not be susceptible to liquefaction induced settlement during MCE ground motion.

Overall, the Victoria Geotechnical Investigation recommends that the project be designed for up to 0.5-inch of settlement as a result the Design Earthquake peak ground acceleration. As discussed above, the project would be required to demonstrate compliance with the CBC regulations, including incorporation of recommendations included as part of the Geotechnical Investigation for the project. As such, compliance with applicable laws, standards, and guidelines, including the CBC, as adopted by reference in Municipal Code Section 8.02.001, would ensure that project implementation would not expose people or structures to potentially significant impacts involving liquefaction. Impacts would be reduced to less than significant levels after compliance with recommended mitigation.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **SOIL EROSION**

### **GEO-3 PROJECT IMPLEMENTATION COULD RESULT IN SUBSTANTIAL SOIL EROSION OR LOSS OF TOPSOIL.**

**Impact Analysis:** According to the Victoria Geotechnical Investigation, the project site is underlain by artificial fill to a maximum depth of five feet bgs, which generally consists of brown, gray brown, and reddish brown, sandy silty clay, clayey silt, and clayey silty sand. Holocene age alluvial stream deposits were encountered beneath the artificial fill. Additionally, borings conducted for the project encountered tertiary-age Capistrano Formation at depths ranging from 25 to 40 feet bgs. Sandy soils typically have low cohesion and have a relatively higher potential for erosion from surface runoff when exposed in cut slopes or utilized near the face of fill embankments. Surface soils with higher amounts of clay tend to be less erodible as the clay acts as a binder to hold the soil particles together.

Construction activities associated with future development would include demolition, clearing, excavation, and grading, which would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. Short-term erosion impacts associated with the construction of the development would be minimized through required grading permits. Pursuant to Municipal Code Section 8.01.390, *Erosion Control Plans*, the project would be required to obtain a grading permit, which involves preparing an Erosion and Sediment Control Plan for City review and approval. In compliance with the NPDES program, individual projects involving one or more acres of site disturbance, such as the proposed project, would be required to prepare and implement a SWPPP and associated BMPs in compliance with the Construction General Permit during grading and construction; refer to [Section 5.5](#). Typical BMPs include erosion prevention mats or geofabrics, silt fencing, sandbags, plastic sheeting, temporary drainage devices, and positive surface drainage to allow surface runoff to flow away from site improvements or areas susceptible to erosion. Surface drainage design provisions and site maintenance practices would reduce potential soil erosion following site development. Adherence to the BMPs in the SWPPP would reduce, prevent, or minimize soil erosion from project-related grading and construction activities.

The project would also be required to comply with South Coast Air Quality Management District (SCAQMD) Rule 403, which would reduce the potential for soil erosion caused by wind by requiring



implementation of dust control measures during construction activities. In addition, the project would be required to implement erosion control measures such as proper grading techniques, vegetation replanting, and installation of proper drainage, during and following construction in accordance General Plan Conservation and Open Space Element Policy 2.3. Conservation and Open Space Element Policy 2.4 would require the practice of proper soil management techniques to reduce erosion, sedimentation, and other soil-related problems. Additionally, development would include surface drainage design provisions and site maintenance practices which would reduce potential soil erosion.

Following compliance with Municipal Code Section 8.01.390, *NPDES program requirements*, and SCAQMD Rule 403, future development associated with the proposed project would result in less than significant impacts involving soil erosion and loss of topsoil.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **UNSTABLE AND EXPANSIVE SOILS**

### **GEO-4 THE PROJECT COULD BE LOCATED ON SOILS THAT ARE UNSTABLE, OR EXPANSIVE, AS A RESULT OF THE PROJECT, AND POTENTIALLY RESULT IN GEOLOGIC HAZARDS.**

**Impact Analysis:** The project site could be located on unstable or expansive soils that could result in lateral spreading, subsidence, liquefaction, or collapse. Refer to Impact Statement GEO-2 for a discussion concerning the project's potential impacts in regard to liquefaction.

#### **UNSTABLE SOILS**

Subsidence. Subsidence occurs when a large portion of land is displaced vertically, usually due to the withdrawal of groundwater, oil, or natural gas. Soils that are particularly subject to subsidence include those with high silt or clay content. The project site is not located within an area of known ground subsidence. Additionally, there are no large-scale extraction of groundwater, gas, oil, or geothermal energy occurring or planned at the site or in the general site vicinity. Thus, the project site would have little to no potential for ground subsidence. No impacts are anticipated in this regard.

Lateral Spreading. As discussed above, the project would potentially be susceptible to less than one inch of settlement during earthquake-induced seismic ground shaking. Thus, the project could be susceptible to liquefaction-induced lateral spreading.

Collapse. As indicated in the Victoria Geotechnical Investigation, alluvial soils sampled on-site were determined to be compressible/collapsible. Thus, there is a potential for collapse in this regard.

Specific construction practices to mitigate potential impacts regarding lateral spreading and collapse are recommended in the Victoria Geotechnical Investigation. Recommendations involve supporting parking structures on pile foundations, excavation and re-compaction of any soft soils encountered during excavation, and in-situ ground improvement, among others. Compliance with these recommendations would mitigate potential settlement due to compressible soils and limit settlement to acceptable levels so that structures are not adversely impacted. Compliance with the 2019 CBC, as



adopted by reference in Municipal Code Section 8.02.001, would require the project applicant to implement the recommendations from the project's Geotechnical Investigation into the construction activities for the project. Thus, impacts regarding unstable soils would be reduced to less than significant levels.

## **EXPANSIVE SOILS**

Near surface site soils encountered during the Victoria Geotechnical Investigation were classified as "medium" expansive in accordance with the 2019 CBC. Recommendations made in the Victoria Geotechnical Investigation to mitigate the potential hazards due to expansive soils include changes in foundation design and grading. As discussed above, compliance with the 2019 CBC standards would ensure recommended design and construction methods are implemented to reduce potential impacts due to expansive soils. The project would also be required to establish a post-tensioned foundation system to be utilized for support of the proposed project structures; refer to CBC Section 1808.6.2, *Slab-On-Ground Foundations*.

Overall, compliance with applicable laws, standards, and guidelines, including the 2019 CBC, as adopted by reference in Municipal Code Section 8.02.001, would ensure that project implementation does not expose people or structures to potential substantial adverse effects involving unstable or expansive soils. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **PALEONTOLOGICAL RESOURCES**

### **GEO-5 PROJECT IMPLEMENTATION COULD DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE.**

**Impact Analysis:** The project site is situated in the northwestern portion of the Peninsular Ranges geomorphic province characterized by fault block northwest trending mountain ranges with intervening valleys, plains, and basins. Based on field investigation and published geologic maps, the site is underlain by Holocene-age flood plain deposits. Fill soils of varying thickness and material types related to roadways and existing developments are also present over portions of the project area. There is potential for unknown paleontological resources to be located within the project area given the site's proximity to the coast. As such, project development could result in potential impacts to previously undiscovered paleontological resources. Municipal Code Section 9.05.160 requires site-specific studies to be prepared to identify the significance of any on-site cultural and natural resources (e.g., archaeological, paleontological, historical, and biological resources) and required mitigation measures to reduce such impacts. General Plan Conservation and Open Space Element Policy 8.1 requires reasonable mitigation measures where development may affect historical, archaeological, or paleontological resources, and Policy 8.2 ensures resources of significant historical, archaeological, or paleontological value are retained and protected for education, visitor-serving, and scientific purposes.

Mitigation Measure GEO-1 would require the project Applicant to prepare a technical paleontological assessment to evaluate the sensitivity of the project site for buried paleontological resources. If



resources are known or reasonably anticipated, the paleontological assessment is required to provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan. This would ensure future development adequately evaluates and mitigates for potential paleontological resources on-site. Compliance with Mitigation Measure GEO-1 would reduce potential paleontological resource impacts associated with the project to less than significant levels.

**Mitigation Measures:**

**GEO-1** Prior to issuance of grading permits, the project Applicant shall provide a technical paleontological assessment prepared by a qualified paleontologist, defined as a paleontologist who meets the Society of Vertebrate Paleontology (SVP) standards for a Principal Investigator or Project Paleontologist, assessing the sensitivity of the project site for buried paleontological resources to the City of Dana Point Planning Division for review and approval.

If resources are known or reasonably anticipated, the assessment shall provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of the qualified paleontologist. The mitigation plan shall include, but not be limited to, the following:

- A qualified paleontologist shall be retained for the project and shall be on call during grading and other significant ground-disturbing activities;
- Should any potentially significant fossil resources be discovered, no further grading shall occur in the area of the discovery until the qualified paleontologist and City of Dana Point Planning Division concurs in writing that adequate provisions are in place to protect these resources; and
- Unanticipated discoveries shall be evaluated for significance by the qualified paleontologist. If a resource is determined to be significant by the qualified paleontologist, the resource shall be collected and catalogued in accordance with SVP guidelines and adequately curated in an institution with appropriate staff and facilities.

A report of findings with an itemized accession inventory shall be prepared as evidence that monitoring has been successfully completed and shall be submitted and approved by the City of Dana Point Planning Division prior to the granting of occupancy permits.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

### **5.4.5 CUMULATIVE IMPACTS**

*CEQA Guidelines* Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in [Table 4-1, \*Cumulative Projects List\*](#), and illustrated on [Exhibit 4-1, \*Cumulative Projects Map\*](#), cumulative projects are situated in the site vicinity.





- **PROJECT IMPLEMENTATION, PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD EXPOSE PEOPLE AND STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS INVOLVING GEOLOGY AND SOILS AND COULD IMPACT UNKNOWN PALEONTOLOGICAL RESOURCES.**

**Impact Analysis:** Cumulative projects identified in Table 4-1 would be located within proximity to similar fault zones as the proposed project. However, the intensity of the seismic ground shaking would vary by site based on earthquake magnitude, distance to epicenter, and geology of the area between the epicenter and the cumulative site. Additionally, potential paleontological resource impacts associated with the development of each cumulative project would be specific to each site. Cumulative projects would be required to comply with existing Federal, State, and local regulations and project-specific mitigation measures related to geologic hazards on a project-by-project basis.

As concluded above, geologic and seismic hazards associated with the proposed project would be reduced to less than significant levels following conformance with established regulatory requirements, including the CBC, Municipal Code, NPDES requirements, and SCAQMD Rule 403. Additionally, compliance with the CBC regulations would ensure project design and construction plans incorporate recommended design features in the Victoria Geotechnical Investigation, and Mitigation Measure GEO-1 would ensure a site-specific paleontological assessment is prepared to reduce potential impacts to unknown paleontological resources on-site. As such, with compliance with the recommended mitigation, the proposed project would not result in cumulatively considerable impacts in this regard.

**Mitigation Measures:** Refer to Mitigation Measure GEO-1.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

## 5.4.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to geology and soils have been identified.



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## 5.5 HYDROLOGY AND WATER QUALITY

This section analyzes potential project impacts to water quality, drainage patterns and flood control facilities, and groundwater supplies and recharge. Potential impacts associated with flooding are also analyzed. This section is primarily based on the *Victoria Boulevard Apartments Preliminary Hydrology Analysis* (Hydrology Analysis) prepared by Fuscoe Engineering, Inc., dated March 2022, and *Victoria Apartments Preliminary Water Quality Management Plan* (PWQMP) prepared by Fuscoe Engineering, Inc., dated March 9, 2022; refer to [Appendix 11.5, Hydrology/WQMP](#).

### 5.5.1 EXISTING SETTING

#### REGIONAL HYDROLOGY AND DRAINAGE

The project site is located within the San Juan Creek Watershed, which covers approximately 160 square miles of southern Orange County and is the second largest watershed within Orange County. The San Juan Creek Watershed includes portions of the cities of Dana Point, Laguna Hills, Laguna Niguel, Mission Viejo, Rancho Santa Margarita, and San Juan Capistrano. The San Juan Creek, its main tributary, originates in the Cleveland National Forest and ultimately discharges into the Pacific Ocean at Doheny Beach in the City of Dana Point. Major tributaries include Arroyo Trabuco (Trabuco Creek) and Oso Creek, as well as several smaller tributaries. The San Juan Creek is located approximately 0.4-mile from the western boundary of the project site and the Pacific Ocean is approximately 0.3-mile from the southern project boundary.

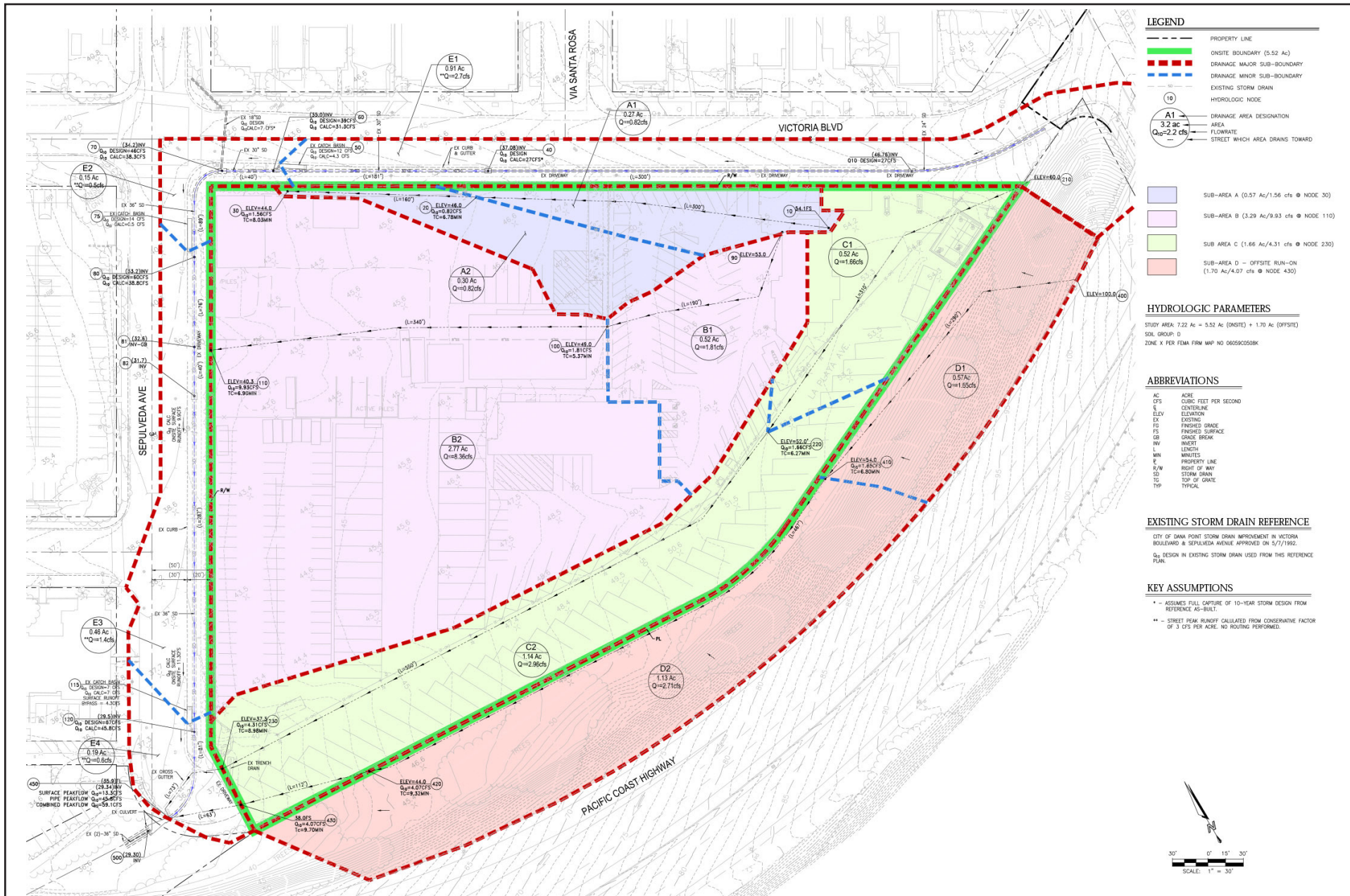
#### PROJECT SITE HYDROLOGY AND DRAINAGE

Under existing conditions, drainage within the project site generally flows southeast across the project area; refer to [Exhibit 5.5-1, Existing Hydrology](#).

Drainage Subarea A is an approximately 0.57-acre portion of the site that flows into the existing gutter system along Victoria Boulevard, which is drained by an existing 18-inch storm drain line. This 18-inch pipe connects to an existing 30-inch storm drain main (in Victoria Boulevard) that flows to the west towards Sepulveda Avenue.

Drainage Subarea B is an approximately 3.29-acre portion of the site that flows into the existing gutter system along Sepulveda Avenue, which is drained by an existing 18-inch storm drain line. This 18-inch pipe connects to an existing 36-inch reinforced concrete pipe (RCP) storm drain main (in Sepulveda Avenue) that flows south towards an open headwall culvert and 36-inch storm drain main in Sepulveda Avenue.

Drainage Subarea C is an approximately 1.66-acre portion of the site along the southerly edge that flows towards Sepulveda Avenue to the west and drains towards the same open headwall culvert that Subareas A and B drain towards.



Source: Fuscoe Engineering, May 2020



Drainage Subarea D is an approximately 1.70-acre off-site portion of Pacific Coast Highway right-of-way to the south that drains towards the street and gutter system along Sepulveda Avenue. Flows from this area coming with Subarea C flows that eventually drains towards the same open headwall culvert that Subareas A and B drain towards.

Flows into the open headwall culvert are conveyed to an existing 36-inch storm drain line, that connects into San Juan Creek, and ultimately discharges into the Pacific Ocean.

## **FLOODPLAIN MAPPING**

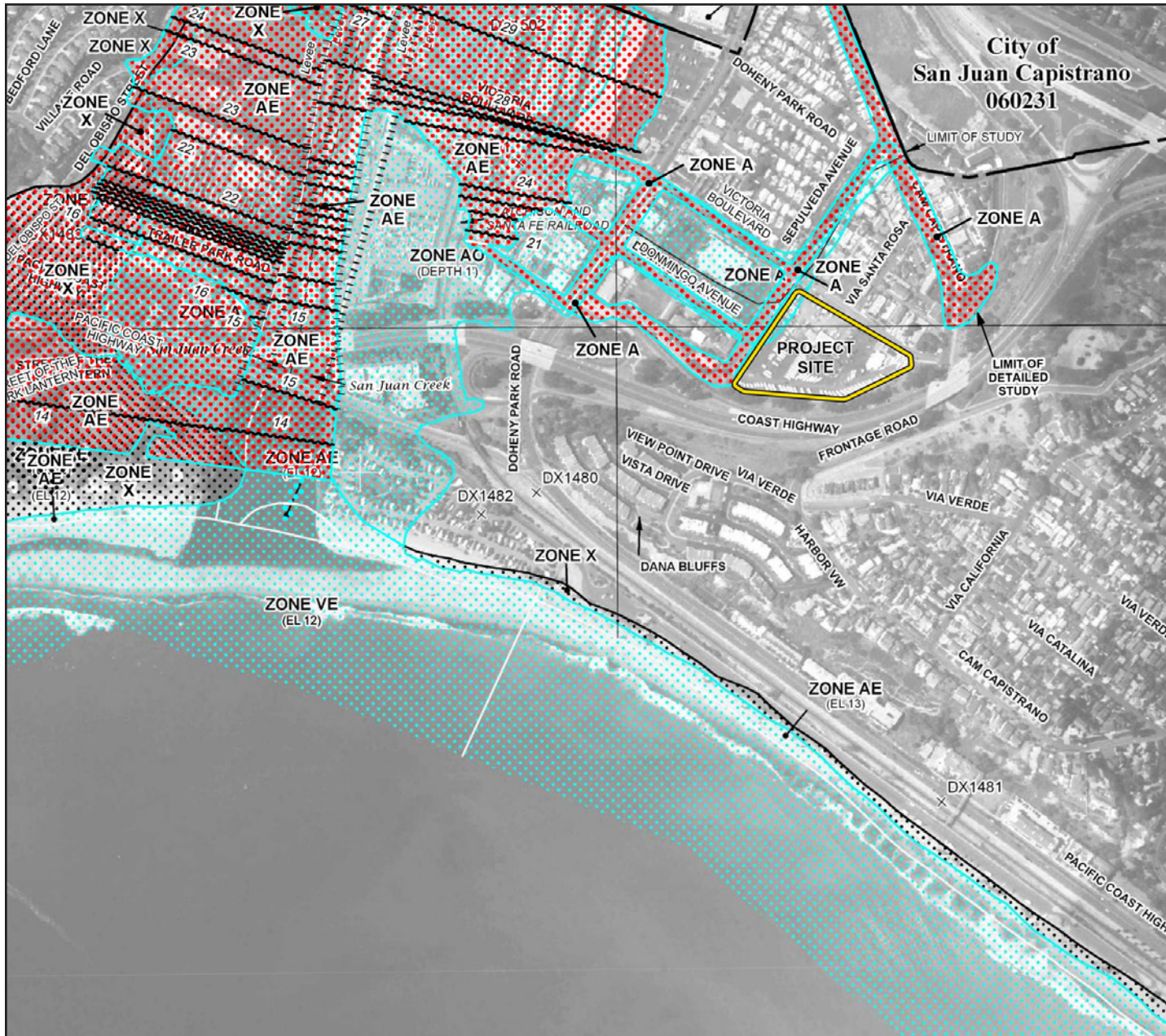
As detailed in [Section 3.0, \*Project Description\*](#), the northwestern portion of the project site is identified as a special flood hazard area (Zone A) by the Federal Emergency Management Agency (FEMA) and within a City designated Floodplain Overlay District (FP-2) zone.

However, based on the Hydrology Analysis, which is more recent and up to date, the majority of the project site is located within the FEMA Flood Zone 'X' per FEMA Flood Insurance Rate Map (FIRM) No. 06059C0508K, which was revised on March 21, 2019. Flood Zone 'X' represents areas of minimum flood hazard. A portion of the site along Sepulveda Avenue is shown to be slightly within or adjacent to FEMA Flood Zone 'A' (no Base Flood Elevation determined). The City has provided a supplemental draft FEMA flood map and reference exhibits from a Letter of Map Revision (LOMR) for the San Juan Creek area that is in the process of being adopted; refer to [Exhibit 5.5-2, \*Draft FIRM Flood Map\*](#). Per this updated study and FIRM, the Flood Zone 'A' is delineated to be retained almost completely within the public right-of-way of Sepulveda Avenue. The LOMR study determines the flooding depths within Sepulveda Avenue to be 1.5 feet, which is the best available data to determine the Base Flood Elevation within this zone.

## **STORMWATER QUALITY**

### **Point Source Pollutants**

Historically, point source pollutants have consisted of industrial operations with discrete discharges to receiving waters. Over the past several decades, many industrial operations have been identified as potential sources of pollutant discharges. For this reason, many types of industrial operations require coverage under the State of California's General Industrial Permit. This permit regulates the operation of industrial facilities and monitors and reports mechanisms to ensure compliance with water quality objectives. State regulations require industrial operations to comply with California's General Industrial Permit, which significantly lessens impacts on the quality of receiving waters. However, industrial operations that are not covered under the General Industrial Permit's jurisdiction may still have the potential to affect the water quality of receiving waters. These industrial operations would be considered nonpoint source pollutants. There are no point source pollutants that are generated on the project site.



### LEGEND

**PROJECT SITE**

**SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**

The 1% annual flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

**ZONE A** No Base Flood Elevations determined.

**ZONE AE** Base Flood Elevations determined.

**ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

**ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

**ZONE AR** Special Flood Hazard Area formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

**ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

**ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

**ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

**FLOODWAY AREAS IN ZONE AE**

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

**OTHER FLOOD AREAS**

**ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile, and areas protected by levees from 1% annual chance flood.

**OTHER AREAS**

**ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.

**ZONE D** Areas in which flood hazards are undetermined, but possible.

**COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**

**OTHERWISE PROTECTED AREAS (OPAs)**

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary  
 0.2% annual chance floodplain boundary  
 Floodway boundary  
 Zone D boundary  
 CBRS and OPA boundary  
 Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.  
 Base Flood Elevation line and value; elevation in feet\*  
 Base Flood Elevation value where uniform within zone; elevation in feet\*

\* Referenced to the North American Vertical Datum of 1988

—A— Cross section line  
 —D— Transsect line  
 87°07'45", 32°22'30" Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere  
 76°N 1000-meter Universal Transverse Mercator grid values, zone NAD 1983 UTM Zone 11N  
 600000 FT 5000-foot grid ticks; California State Plane coordinate system, zone VI (FIPSZONE 0406), Lambert Conformal Conic projection  
 DX5510 x Bench mark (see explanation in Notes to Users section of this FIRM panel)  
 ●M1.5 River Mile

**MAP REPOSITORY**  
 Refer to listing of Map Repositories on Map Index

**EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP**  
 September 15, 1989

**EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL**  
 February 5, 1992 - November 3, 1993 - January 3, 1997 - February 18, 2004 - December 3, 2009 -  
 for description of revisions, see Notice to Users page in the Flood Insurance Study report.



## **Nonpoint Source Pollutants**

A net effect of urbanization can be to increase pollutant export over naturally occurring conditions. The impact of the higher export affects the adjacent streams and the downstream receiving waters. However, an important consideration in evaluating stormwater quality is to assess whether the beneficial use to the receiving waters is impaired. Nonpoint source pollutants are characterized by the following major categories to assist in determining the pertinent data and its use. Receiving waters can assimilate a limited quantity of various constituent elements; however, there are thresholds beyond which the measured amount becomes a pollutant and results in an undesirable impact. Standard water quality categories of typical urbanization impacts are:

- *Sediment.* Sediment is made up of tiny soil particles that are washed or blown into surface waters. It is the major pollutant by volume in surface water. Suspended soil particles can cause the water to look cloudy or turbid. The fine sediment particles also act as a vehicle to transport other pollutants, including nutrients, trace metals, and hydrocarbons. Construction sites are the largest source of sediment for urban areas under development. Another major source of sediment is streambank erosion, which may be accelerated by increases in peak rates and volumes of run-off due to urbanization.
- *Nutrients.* Nutrients are a major concern for surface water quality, especially phosphorous and nitrogen, which can cause algal blooms and excessive vegetative growth. Of the two, phosphorus is usually the limiting nutrient that controls the growth of algae in lakes. The orthophosphorous form of phosphorus is readily available for plant growth. The ammonium form of nitrogen can also have severe effects on surface water quality. The ammonium is converted to nitrate and nitrite forms of nitrogen in a process called nitrification. This process consumes significant amounts of oxygen, which can impair the dissolved oxygen levels in water. The nitrate form of nitrogen is very soluble and is found naturally at low levels in water. When nitrogen fertilizer is applied to lawns or other areas more than needed by the plant, nitrates can leach below the root zone, eventually reaching ground water. Orthophosphate from automobile emissions also contributes phosphorus in areas with heavy automobile traffic. Generally, nutrient export is greatest from development sites with the most impervious areas. Other problems resulting from excess nutrients are: 1) surface algal scums; 2) water discolorations; 3) odors; 4) toxic releases; and 5) overgrowth of plants.
- *Trace Metals.* Trace metals are primarily a concern because of their toxic effects on aquatic life, and their potential to contaminate drinking water supplies. The most common trace metals found in urban run-off are lead, zinc, and copper. Fallout from automobile emissions is also a major source of lead in urban areas. A large fraction of the trace metals in urban run-off are attached to sediment; this effectively reduces the level, which is immediately available for biological uptake and subsequent bioaccumulation. Metals associated with sediment settle out rapidly and accumulate in the soils. Urban run-off events typically occur over a shorter duration, reducing the amount of exposure, which could be toxic to the aquatic environment. The toxicity of trace metals in run-off varies with the hardness of the receiving water. As total hardness of the water increases, the threshold concentration levels for adverse effects increases.



- Oxygen-Demanding Substances. Aquatic life is dependent on the dissolved oxygen in the water. When organic matter is consumed by microorganisms, dissolved oxygen is consumed in the process. A rainfall event can deposit significant quantities of oxygen-demanding substance in lakes and streams. The biochemical oxygen demand of typical urban run-off is on the same order of magnitude as the effluent from an effective secondary wastewater treatment plant. A problem from low dissolved oxygen (DO) results when the rate of oxygen-demanding material exceeds the rate of replenishment. Oxygen demand is estimated by direct measure of DO and indirect measures such as biochemical oxygen demand (BOD), chemical oxygen demand (COD), oils and greases, and TOC.
- Bacteria. Bacteria levels in undiluted urban run-off exceed public health standards for water contact recreation almost without exception. Studies have found that total coliform counts exceeded the U.S. Environmental Protection Agency's (EPA) water quality criteria at almost every site and almost every time it rained. The coliform bacteria that are detected may not be a health risk by themselves but are often associated with human pathogens.
- Oil and Grease. Oil and grease contain a wide variety of hydrocarbons, some of which could be toxic to aquatic life in low concentrations. These materials initially float on water and create the familiar rainbow-colored film. Hydrocarbons have a strong affinity for sediment and quickly become absorbed to it. The major source of hydrocarbons in urban run-off is through leakage of crankcase oil and other lubricating agents from automobiles. Hydrocarbon levels are highest in the run-off from parking lots, roads, and service stations. Residential land uses generate less hydrocarbon export, although illegal disposal of waste oil into stormwater can be a local problem.
- Other Toxic Chemicals. Priority pollutants are generally related to hazardous wastes or toxic chemicals and can be sometimes detected in stormwater. Priority pollutant scans have been conducted in previous studies of urban run-off, which evaluated the presence of over 120 toxic chemicals and compounds. The scans rarely revealed toxins that exceeded the current safety criteria. The urban run-off scans were primarily conducted in suburban areas not expected to have many sources of toxic pollutants (possibly except for illegally disposed or applied household hazardous wastes). Measures of priority pollutants in stormwater include: 1) phthalate (plasticizer compound), 2) phenols and creosols (wood preservatives), 3) pesticides and herbicides, 4) oils and greases, and 5) metals.

## **PHYSICAL CHARACTERISTICS OF SURFACE WATER QUALITY**

Standard parameters, which can assess stormwater quality, provide a method of measuring impairment. A background of these typical characteristics assists in understanding water quality requirements. The quantity of a material in the environment and its characteristics determine the degree of availability as a pollutant in surface run-off. In an urban environment, the quantity of certain pollutants in the environment is a function of the intensity of the land use. For instance, high automobile traffic volumes cause various potential pollutants (such as lead and hydrocarbons) to be more prevalent. The availability of a material, such as a fertilizer, is a function of the quantity and the way in which it is applied. Applying fertilizer in quantities that exceed plant needs leaves the excess nutrients available for loss to surface or ground water.





The physical properties and chemical constituents of water traditionally have served as the primary means for monitoring and evaluating water quality. Evaluating the condition of water through a water quality standard refers to its physical, chemical, or biological characteristics. There are many types and classifications of water quality parameters for stormwater. Typically, the concentration of an urban pollutant, rather than the annual load of that pollutant, is required to assess a water quality problem. Some of the physical, chemical, or biological characteristics that evaluate the quality of the surface run-off are listed below.

- *Dissolved Oxygen.* DO in the water has a pronounced effect on the aquatic organisms and the chemical reactions that occur. It is one of the most important biological water quality characteristics in the aquatic environment. The DO concentration of a water body is determined by the solubility of oxygen, which is inversely related to water temperature, pressure, and biological activity. DO is a transient property that can fluctuate rapidly in time and space and represents the status of the water system at a point and time of sampling. The decomposition of organic debris in water is a slow process, as are the resulting changes in oxygen status. The oxygen demand is an indication of the pollutant load and includes measurements of biochemical oxygen demand or chemical oxygen demand.
- *Biochemical Oxygen Demand.* The BOD is an index of the oxygen-demanding properties of the biodegradable material in the water. Samples are taken from the field and incubated in the laboratory at 20°C, after which the residual dissolved oxygen is measured. The BOD value commonly referenced is the standard 5-day values. These values are useful in assessing stream pollution loads and for comparison purposes.
- *Chemical Oxygen Demand.* The COD is a measure of the pollutant loading in terms of complete chemical oxidation using strong oxidizing agents. It can be determined quickly because it does not rely on bacteriological actions as with BOD. COD does not necessarily provide a good index of oxygen demanding properties in natural waters.
- *Total Dissolved Solids.* Total dissolved solids (TDS) concentration is determined by evaporation of a filtered sample to obtain residue whose weight is divided by the sample volume. The TDS of natural waters varies widely. There are several reasons why TDS is an important indicator of water quality. Dissolved solids affect the ionic bonding strength related to other pollutants such as metals in the water. TDS are also a major determinant of aquatic habitat. TDS affects saturation concentration of dissolved oxygen and influences the ability of a water body to assimilate wastes. Eutrophication rates depend on TDS.
- *pH.* The pH of water is the negative log, base 10, of the hydrogen ion (H<sup>+</sup>) activity. A pH of 7 is neutral; a pH greater than 7 indicates alkaline water; a pH less than 7 represents acidic water. In natural water, carbon dioxide reactions are some of the most important in establishing pH. The pH at any one time is an indication of the balance of chemical equilibrium in water and affects the availability of certain chemicals or nutrients in water for uptake by plants. The pH of water directly affects fish and other aquatic life; generally, toxic limits are pH values less than 4.8 and greater than 9.2.
- *Alkalinity.* Alkalinity is the opposite of acidity, representing the capacity of water to neutralize acid. Alkalinity is also linked to pH and is caused by the presence of carbonate, bicarbonate,



and hydroxide, which are formed when carbon dioxide is dissolved. A high alkalinity is associated with a high pH and excessive solids. Most streams have alkalinities less than 200 milligrams per liter (mg/l). Ranges of alkalinity of 100-200 mg/l seem to support well-diversified aquatic life.

- *Specific Conductance*. The specific conductivity of water, or its ability to conduct an electric current, is related to the total dissolved ionic solids. Long-term monitoring of project waters can develop a relationship between specific conductivity and TDS. Its measurement is quick and inexpensive and can be used to approximate TDS. Specific conductivities more than 2000 microohms per centimeter indicate a TDS level too high for most freshwater fish.
- *Turbidity*. The clarity of water is an important indicator of water quality that relates to the alkalinity of photosynthetic light to penetrate. Turbidity is an indicator of the property of water that causes light to become scattered or absorbed. Turbidity is caused by suspended clays and other organic particles. It can be used as an indicator of certain water quality constituents, such as predicting sediment concentrations.
- *Nitrogen*. Sources of nitrogen in stormwater are from the additions of organic matter to water bodies or chemical additions. Ammonia and nitrate are important nutrients for the growth of algae and other plants. Excessive nitrogen can lead to eutrophication since nitrification consumes dissolved oxygen in the water. Nitrogen occurs in many forms. Organic nitrogen breaks down into ammonia, which eventually becomes oxidized to nitrate-nitrogen, a form available for plants. High concentrations of nitrate-nitrogen in water can stimulate growth of algae and other aquatic plants, but if phosphorus is present, only about 0.30 mg/l of nitrate-nitrogen is needed for algal blooms. Some fish life can be affected when nitrate-nitrogen exceeds 4.2 mg/l. There are several ways to measure the various forms of aquatic nitrogen. Typical measurements of nitrogen include Kjeldahl nitrogen (organic nitrogen plus ammonia), ammonia, nitrite plus nitrate, nitrite, and nitrogen in plants. The principal water quality criterion for nitrogen focuses on nitrate and ammonia.
- *Phosphorus*. Phosphorus is an important component of organic matter. In many water bodies, phosphorus is the limiting nutrient that prevents additional biological activity from occurring. The origin of this constituent in urban stormwater discharge is generally from fertilizers and other industrial products. Orthophosphate is soluble and considered the only biologically available form of phosphorus. Since phosphorus strongly associates with solid particles and is a significant part of organic material, sediments influence concentration in water and are an important component of the phosphorus cycle in streams. Important methods of measurement include detecting orthophosphate and total phosphorus.

## **EXISTING REGIONAL WATER QUALITY CONDITIONS**

The San Juan Creek is under the jurisdiction of the San Diego Regional Water Quality Control Board (RWQCB). The San Diego RWQCB adopted the *Water Quality Control Plan for the San Diego Basin* (Basin Plan), dated September 8, 1994 and last amended May 17, 2016, that designates beneficial uses of the San Diego RWQCB's surface and ground waters; designate water quality objectives for the reasonable protection of those uses; and establish an implementation plan to achieve the objectives. A beneficial use is one of the various ways that water can be used for the benefit of people and/or wildlife.



Although more than one beneficial use may be identified for a given waterbody, the most sensitive use must be protected. The Basin Plan identifies the following beneficial uses for San Juan Creek:

- AGR – Agricultural Supply;
- IND – Industrial activities that do not depend on water quality;
- REC1 – Water contact recreation;
- REC2 – Non-contact water recreation;
- WARM – Supporting warm water ecosystems;
- COLD – Supporting cold water ecosystems;
- WILD – Wildlife habitat; and
- SPWN – Spawning, reproduction, and development.

The State and RWQCBs assess water quality data for California’s waters every two years to determine if they contain pollutants at levels that exceed protective water quality criteria and standards. This biennial assessment is required under Clean Water Act (CWA) Section 303(d). Once a water body has been listed as “impaired”, a Total Maximum Daily Load (TMDL) for the constituent of concern (pollutant) must be developed for that water body. According to the San Diego RWQCB, the San Juan Creek is listed pursuant to CWA 303(d) for the following pollutants:<sup>1</sup>

- Dichlorodiphenyldichloroethylene (DDE);
- Indicator bacteria;
- Phosphorus;
- Selenium;
- Total Nitrogen; and
- Toxicity.

## **GROUNDWATER**

The San Juan Valley Groundwater Basin (SJVGB) underlies the San Juan Creek Watershed and several tributary valleys in South Orange County. SJVGB encompasses 16,700 acres, or 26 square miles, and is bounded on the west by the Pacific Ocean. The groundwater basin is subdivided into four sub-basins: Upper San Juan, Middle San Juan, Lower San Juan, and Lower Trabuco. San Juan Creek drains the San Juan Valley and several other creeks drain valleys tributary to the San Juan Creek. Average annual precipitation ranges from 11 to 15 inches. Recharge of the SJVGB is provided by flows in the

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<sup>1</sup> State Water Resources Control Board, *2010 California 303(d) List Of Water Quality Limited Segments – Category 5*, [https://www.waterboards.ca.gov/water\\_issues/programs/tmdl/2010state\\_ir\\_reports/category5\\_report.shtml](https://www.waterboards.ca.gov/water_issues/programs/tmdl/2010state_ir_reports/category5_report.shtml), accessed November 11, 2021.



San Juan Creek, Oso Creek, and Trabuco Creek and precipitation to the valley floor. Water from springs flows directly from Hot Spring Canyon into San Juan Creek, adding to recharge. Based on fall 2015 analysis prepared by the San Juan Basin Authority, the total groundwater storage capacity is estimated to be approximately 27,623 acre-feet. Based on the analysis, the SJVGB is about 67 percent full and no restrictions on pumping are required.<sup>2</sup>

According to the PWQMP, groundwater was encountered approximately 16 to 20 feet below ground surface (bgs) during a field investigation conducted in March 2019. Review of historical reports indicate the historically highest groundwater level in the area is approximately five feet bgs.

## **5.5.2 REGULATORY SETTING**

### **FEDERAL LEVEL**

#### **Clean Water Act**

The principal law governing pollution of the nation's surface waters is the Federal Water Pollution Control Act (Clean Water Act [CWA]). Originally enacted in 1948, it was amended in 1972 and has remained substantially the same since. The CWA consists of two major parts: provisions that authorize Federal financial assistance for municipal sewage treatment plant construction and regulatory requirements that apply to industrial and municipal dischargers. The CWA authorizes the establishment of effluent standards on an industry basis. The CWA also requires states to adopt water quality standards that “consist of the designated uses of the navigable waters involved and the water quality criteria for such waters based upon such uses.”

The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint source discharge programs, and wetlands protection. The U.S. EPA has delegated the responsibility for administration of portions of the CWA to state and regional agencies.

#### **Impaired Water Bodies**

CWA Section 303(d) and California's Porter-Cologne Water Quality Control Act require that the State establish the beneficial uses of its State waters and to adopt water quality standards to protect those beneficial uses. Section 303(d) establishes a TMDL, which is the maximum quantity of a contaminant that a water body can maintain without experiencing adverse effects, to guide the application of State water quality standards. Section 303(d) also requires the State to identify “impaired” streams (water bodies affected by the presence of pollutants or contaminants) and to establish the TMDL for each stream.

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<sup>2</sup> Wildermuth Environmental, Inc., *Fall 2015 analysis of storage in the San Juan Groundwater Basin*, November 18, 2015.



## **National Pollution Discharge Elimination System**

To achieve its objectives, the CWA is based on the concept that all discharges into the nation's waters are unlawful, unless specifically authorized by a permit. The NPDES is the permitting program for discharge of pollutants into surface waters of the United States under CWA Section 402. Thus, industrial and municipal dischargers (point source discharges) must obtain NPDES permits from the appropriate RWQCB. The existing NPDES (Phase I) stormwater program requires municipalities serving more than 1,000,000 persons to obtain a NPDES stormwater permit for any construction project larger than five acres. Proposed NPDES stormwater regulations (Phase II) expand this existing national program to smaller municipalities with populations of 10,000 persons or more and construction sites that disturb more than one acre. For other dischargers, such as those affecting groundwater or from nonpoint sources, a Report of Waste Discharge must be filed with the RWQCB. For specified situations, some permits may be waived, and some discharge activities may be handled through inclusion in an existing General Permit.

## **National Flood Insurance Program**

Congress passed the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. These Acts are intended to reduce the need for large publicly funded flood control structures and disaster relief by restricting development on floodplains.

The National Flood Insurance Program (NFIP) provides a means for property owners to financially protect themselves from flood damage. The NFIP offers flood insurance to homeowners, renters, and business owners if their community participates in the program. Participating communities agree to adopt and enforce ordinances that meet or exceed FEMA requirements to reduce the risk of flooding. The County of Orange and City of Dana Point are participants and must adhere to the NFIP.

Through its Flood Hazard Mapping Program, FEMA identifies flood hazards, assesses flood risks and partners with states and communities to provide accurate flood hazard and risk data. Flood hazard mapping is an important part of the NFIP, as it is the basis of the NFIP regulations and flood insurance requirements. FEMA maintains and updates data through FIRMs and risk assessments. A FIRM is an official map of a community on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community.

A Special Flood Hazard Area (SFHA) is an area within a floodplain having a one percent or greater chance of flood occurrence within any given year (commonly referred to as the 100-year flood zone). SFHAs are delineated on flood hazard boundary maps issued by FEMA. The Flood Disaster Protection Act of 1973 and the National Flood Insurance Reform Act of 1994 make flood insurance mandatory for most properties in SFHAs.

## **STATE LEVEL**

### **Porter-Cologne Water Quality Control Act**

The CWA places the primary responsibility for the control of surface water pollution and for planning the development and use of water resources with the states, although it establishes certain guidelines for the states to follow in developing their programs and allows the U.S. EPA to withdraw control from states with inadequate implementation mechanisms.



California's primary statute governing water quality and water pollution issues with respect to both surface waters and groundwater is the Porter-Cologne Water Quality Control Act (Water Code Sections 13000, et seq.). The Porter-Cologne Act grants the State Water Resources Control Board (SWRCB) and the RWQCBs authority and responsibility to adopt plans and policies, to regulate discharges to surface and groundwater, to regulate waste disposal sites, and to require cleanup of discharges of hazardous materials and other pollutants. The Porter-Cologne Act also establishes reporting requirements for unintended discharges of any hazardous substance, sewage, or oil or petroleum product.

Each RWQCB must formulate and adopt a water quality control plan for its region. The regional plans are to conform to the policies set forth in the Porter-Cologne Act and established by the SWRCB in its state water policy. The Porter-Cologne Act also provides that a RWQCB may include within its regional plan water discharge prohibitions applicable to particular conditions, areas, or types of waste.

### **State Water Resources Control Board**

The SWRCB administers water rights, water pollution control, and water quality functions throughout the State, while the RWQCBs conduct planning, permitting, and enforcement activities. For the proposed project, the NPDES permit is divided into two parts: construction; and post-construction. Construction permitting is administered by the SWRCB, while post-construction permitting is administered by the RWQCB. In California, NPDES permits are also referred to as waste discharge requirements (WDRs) that regulate discharges to waters of the United States.

### **CONSTRUCTION GENERAL PERMIT ORDER 2009-0009-DWQ**

On November 16, 1990, the U.S. EPA published final regulations that established stormwater permit application requirements for specified categories of industries. The regulations provide that discharges of stormwater to waters of the United States from construction projects are effectively prohibited unless the discharge complies with an NPDES Permit. On August 19, 1999, the State Water Board reissued the General Construction Stormwater Permit (Water Quality Order 99-08-DWQ). On December 8, 1999, the State Water Board amended Order 99-08-DWQ to apply to sites as small as one acre.

Dischargers whose projects disturb one (1) or more acres of soil or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Discharges of Stormwater Associated with Construction Activity Construction General Permit Order 2009-0009-DWQ (it is acknowledged that this permit has been administratively extended until a new order is adopted and becomes effective). Construction activity subject to this permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore a facility's original line, grade, or capacity.

To obtain coverage under the Construction General Permit, Permit Registration Documents (PRDs), including a Notice of Intent (NOI), Risk Assessment, Site Map, and Storm Water Pollution Prevention Plan (SWPPP), among others, must be filed with the SWRCB prior to the commencement of construction activity. The NOI would notify the SWRCB of the applicant's intent to comply with the Construction General Permit. The SWPPP, which must be prepared by a Qualified SWPPP Developer (QSD), would include a list of best management practices (BMPs) the discharger would use to protect



stormwater run-off and the placement of those BMPs. Additionally, the project's SWPPP must contain a visual monitoring program and a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs.

## **GROUNDWATER MANAGEMENT ACT**

In 1992, the State Legislature provided for more formal groundwater management with the passage of Assembly Bill (AB) 3030, the Groundwater Management Act (Water Code Section 10750 *et seq.*). Groundwater management, as defined in DWR's Bulletin 118 Update 2003, is the planned and coordinated monitoring, operation, and administration of a groundwater basin, or portion of a basin, with the goal of long-term groundwater resource sustainability. Groundwater management needs are generally identified and addressed at the local level in the form of Groundwater Management Plans (GMP). The Act provides local water agencies with procedures to develop a GMP to enable those agencies to manage their groundwater resources efficiently and safely while protecting the quality of supplies. Under the Act, development of a GMP by a local water agency is voluntary.

The San Juan Basin Authority is the groundwater management agency over SJVGB and adopted the *San Juan Basin Groundwater and Facilities Management Plan* in November 2013. The report documents the current state of the basin, the conceptual model of the hydrologic system, the environmental and infrastructure resources in the area, management goals and impediments to the goals, management alternatives, recommended management plan(s), and a monitoring and reporting plan.<sup>3</sup>

## **SUSTAINABLE GROUNDWATER MANAGEMENT ACT**

The Sustainable Groundwater Management Act (SGMA) established a framework for sustainable, local groundwater management. SGMA requires groundwater-dependent regions to halt overdraft and bring basins into balanced levels of pumping and recharge. With passage of the SGMA, the Department of Water Resources launched the Sustainable Groundwater Management (SGM) Program to implement the law and provide ongoing support to local agencies around the state. The SGMA:

- Establishes a definition of "sustainable groundwater management";
- Requires that a Groundwater Sustainability Plan be adopted for the most important groundwater basins in California;
- Establishes a timetable for adoption of Groundwater Sustainability Plans;
- Empowers local agencies to manage basins sustainably;
- Establishes basic requirements for Groundwater Sustainability Plans; and
- Provides for a limited state role.

Specifically, SGMA requires local public agencies and groundwater sustainability agencies in high- and medium-priority basins to develop and implement groundwater sustainability plans (GSPs) or prepare an alternative to a GSP. According to the California Department of Water Resources, the SJVGB is

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<sup>3</sup> San Juan Basin Authority, *San Juan Basin Groundwater and Facilities Management Plan*, November 2013.



categorizes as a “very low” priority basin.<sup>4</sup> Therefore, there is no groundwater sustainability plan established for the SJVGB.

## **REGIONAL LEVEL**

### **NPDES/MS4 Permits**

The CWA mandates that cities in major metropolitan areas, such as Orange County, obtain permits to “effectively prohibit non-stormwater discharges into the storm sewers” and “require controls to reduce the discharge of pollutants to the maximum extent practicable.” The U.S. EPA has delegated this authority to the state of California, which has authorized the SWRCB and its local regulatory agencies, the RWQCBs, to control nonpoint source discharges to California’s waterways.

The Municipal Storm Water Permitting Program regulates stormwater discharges from municipal separate storm sewer (drain) systems (MS4s). Most of these permits are issued to a group of co-permittees encompassing an entire metropolitan area. These regional MS4 permits require the discharger to develop and implement a Storm Water Management Plan/Program with the goal of reducing the discharge of pollutants to the maximum extent practicable (MEP). MEP is the performance standard specified in CWA Section 402(p). The management programs specify what BMPs will be used to address certain program areas. The program areas include public education and outreach; illicit discharge detection and elimination; construction and post-construction; and good housekeeping for municipal operations.

The project site is located within jurisdiction of the San Diego RWQCB. The San Diego RWQCB has addressed the obligation to implement the CWA by periodically issuing permits, including MS4 permits, for the County of Orange and the incorporated cities of Orange County within the San Diego region. Further, the San Diego RWQCB periodically issues waste discharge requirements (WDR) to the sanitary district covering the City of Dana Point. The current San Diego RWQCB permit is referred to herein as the “NPDES Permit.”

In accordance with the requirements of the City and consistency with the regional MS4 permits issued by the San Diego RWQCB (Order No. R9-2013-0001, amended by Order Nos. R9-2015-0001 and R9-2015-0100; NPDES Permit No. CAS0109266),<sup>5</sup> new development and significant redevelopment projects must prepare and implement project-specific Water Quality Management Plans (WQMPs) aimed at reducing pollutants in post-development runoff. Specifically, a project-specific WQMP would include San Diego RWQCB-approved BMPs, where applicable, that address post-construction management of storm water runoff water quality. As part of the project-specific WQMP, projects must incorporate low impact development (LID), site design, and source control BMPs to address post-construction storm water runoff management. In addition, new development and redevelopment

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<sup>4</sup> California Department of Water Resources, *SGMA Basin Prioritization Dashboard*, <https://gis.water.ca.gov/app/bp2018-dashboard/p1/>, accessed July 15, 2021.

<sup>5</sup> California Regional Water Quality Control Board, *California Regional Water Quality Control Board San Diego Region Order No. R9-2013-0001, As Amended By Order Nos. R9-2015-0001 And R9-2015-0100 NPDES No. CAS0109266 National Pollutant Discharge Elimination System (NPDES) Permit and Waste Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds Within the San Diego Region*, amended November 18, 2015.





projects are required to implement site design/LID and source control BMPs applicable to their specific priority project categories, as well as implement treatment control BMPs where necessary. Selection of LID and additional treatment control BMPs is based on the pollutants of concern for the specific project site and the BMP's ability to effectively treat those pollutants, in consideration of site conditions and constraints.

Project WQMPs are required for private new development and significant redevelopment projects (and equivalent public agency capital projects) that:

- Qualify as one of the Priority Project Categories, regardless of project size.
- Do not qualify as one of the Priority Project Categories but meet one of the following: require discretionary action that will include a precise plan of development, except for those projects exempted by the Water Quality Ordinance (as applicable); or require issuance of a non-residential plumbing permit. Such projects are referred to as “Non-Priority Projects.”

The primary difference between a Priority Project and a Non-Priority Project is that Priority Projects are required to include treatment control BMPs in project design.

The overall approach to water quality treatment for the proposed project includes incorporation of site design/LID strategies and source control measures throughout the site in a systematic manner that maximizes the use of LID features to provide treatment of storm water and reduce runoff. In accordance with the regional MS4 Permit and City of Dana Point WQMP requirements, the use of LID features would be consistent with the prescribed hierarchy of treatment provided in the MS4 permit (i.e., techniques to infiltrate, filter, store, evaporate, or retain runoff close to the source of runoff). For areas of the site where LID features are not feasible or do not meet the feasibility criteria, treatment control BMPs with biotreatment enhancement design features would be utilized to provide treatment. These land development requirements are detailed in the County of Orange's *Model Water Quality Management Plan for South Orange County* (Model WQMP) and the *Technical Guidance Document for the Preparation of Conceptual/Preliminary and/or Project Water Quality Management Plans in South Orange County* (TGD), dated September 28, 2017, which jurisdictions in south Orange County have incorporated into their discretionary approval processes for new development and redevelopment projects.

Additionally, on June 24, 2015, the San Diego RWQCB issued the General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region (Order No. R9-2015-0013, NPDES No. CAG919003), which regulates groundwater extraction discharges to surface waters within the San Diego Region. Under Order No. R9-2015-0013, development projects are required to specify the location of any extracted groundwater that is discharged for the duration of the proposed development. The order establishes effluent limitations that are applicable to certain receiving waters within the region.<sup>6</sup>

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<sup>6</sup> California Regional Water Quality Control Board San Diego Region, *Order No. R9-2015-0013, NPDES No. CAG919003, General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region*, June 24, 2015.



## **Model Water Quality Management Plan for South Orange County**

The County of Orange adopted the Model WQMP and TGD on September 28, 2017, to assist with NPDES permit requirements and WQMP preparation. Cities, including Dana Point, have incorporated the Model WQMP and TGD into their discretionary approval processes for new development and significant redevelopment projects.

### **LOCAL LEVEL**

#### **Dana Point Water Quality Local Implementation Plan**

The City of Dana Point adopted the *Dana Point Water Quality Local Implementation Plan* (LIP) in December 2019. Under the LIP, the *South Orange County Water Quality Management Plan* describes the land development policies pertaining to hydromodification and LID design which are required for new developments and significant redevelopment projects. The use of LID and BMPs in project planning and design is intended to preserve a site's predevelopment hydrology by minimizing the loss of natural hydrologic processes such as infiltration, evapotranspiration, and run-off detention. Implementation of LID and BMPs could potentially offset these losses through structural and non-structural design components that restore water quality functions into the project's land plan. BMPs involve programs and policies, including structural controls that are implemented to control the discharge of pollutants.

#### **City of Dana Point General Plan**

The General Plan Land Use, Conservation/Open Space, Public Safety, and Public Facility/Growth Management Elements include goals and policies to address the City's stormwater demands. The following policies are relevant to the proposed project:

#### **LAND USE ELEMENT**

Goal 2: Achieve compatibility and enhance relationships among land uses in the community.

Policy 2.1 Consider the impacts on surrounding land uses and infrastructure when reviewing proposals for new development.

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

#### **CONSERVATION/OPEN SPACE ELEMENT**

Goal 1: Conserve and protect surface water, groundwater and imported water resources.

Policy 1.1: Retain, protect and enhance local drainage courses, channels, and creeks in their natural condition, where feasible and desirable, in order to maximize their natural hydrologic functioning so as to minimize adverse impacts from polluted storm water run-off.

Policy 1.2: Protect groundwater resources from depletion and sources of pollution.



- Policy 1.4: Protect water quality by seeking strict quality standards and enforcement with regard to water imported into the County, and the preservation of the quality of water in the groundwater basin, streams, estuaries, and the ocean.

## **PUBLIC SAFETY ELEMENT**

Goal 2: Reduce the risk to the community's inhabitants from flood hazards.

- Policy 2.3: Coordinate with the appropriate agencies to prepare and maintain a master drainage plan.
- Policy 2.6: Cooperate with the Orange County Flood Control District to plan for and make needed improvements or modifications to San Juan Creek Channel to enable it to carry runoff from a 100 year storm.
- Policy 2.7: Cooperate with the Orange County Flood Control District to plan for and correct the potential for overflow from the underground Capistrano Beach Storm Drain to relieve the potential for flooding in the Doheny Village area. Until this is accomplished, encourage affected residents and businesses to purchase Federal flood insurance.

## **PUBLIC FACILITIES/GROWTH MANAGEMENT ELEMENT**

Goal 2: Maintain and improve portions of the storm drainage system for which the City is responsible and encourage adequate maintenance of other portions of that system.

- Policy 2.1: Identify local storm drainage deficiencies and develop a capital improvements program for the correction and replacement of aging or inadequate drainage system components.
- Policy 2.2: Work with the Orange County Flood Control District in ensuring the adequacy of regional storm drainage facilities.

## **Dana Point Municipal Code**

### **CHAPTER 8.01, GRADING AND EXCAVATION CONTROL**

This chapter is intended to safeguard life, limb, property, and the public welfare, and to comply with storm water permits issued to the City, by regulating grading on private property in the City of Dana Point. It includes regulations that would reduce impacts to watercourse, erosion, among other issues, during project construction by requiring proper permits and plans in place to mitigate potential impacts. Specifically, Article 13, *Erosion Control*, establishes erosion control measures to keep sediment on-site during construction.

### **CHAPTER 15.10, STORM WATER/SURFACE RUNOFF WATER QUALITY**

This chapter is intended to enhance and protect the water quality of waters of the State and the U.S. in a manner that is consistent with the CWA and State law. It prohibits non-storm water discharges into the MS4; reduces pollutant loads in surface runoff, including in storm water, to the maximum extent practicable; establishes minimum requirements for surface runoff management, including



source control requirements, to prevent and reduce pollution; establishes requirements for development and redevelopment project site designs to reduce surface runoff pollution and erosion; and establishes requirements for the management of surface runoff flows from development and redevelopment projects, both to prevent erosion and to protect and enhance existing water-dependent habitats.

### 5.5.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (refer to Impact Statements HWQ-1);
- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin (refer to Section 8.0, *Effects Found Not To Be Significant*);
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
  - i. Result in substantial erosion or siltation on- or off-site (refer to Impact Statement HWQ-2);
  - ii. Substantially increase the rate or amount of surface run-off in a manner that would result in flooding on- or off-site (refer to Impact Statement HWQ-2);
  - iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff (refer to Impact Statement HWQ-3); or
  - iv. Impede or redirect flood flows (refer to Impact Statement HWQ-2);
- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation (refer to Impact Statement HWQ-4); and/or
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (refer to Impact Statement HWQ-5).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or a “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.



## 5.5.4 IMPACTS AND MITIGATION MEASURES

### WATER QUALITY

#### HWQ-1 THE PROJECT COULD VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS, OR OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY.

##### Impact Analysis:

##### SHORT-TERM CONSTRUCTION IMPACTS

Project-related construction activities could result in short-term impacts to water quality associated with the handling, storage, and disposal of construction materials; maintenance and operation of construction equipment; and earthmoving activities. These activities, if not controlled, could result in on- and off-site soil erosion due to stormwater run-off or operation of mechanical equipment. Poorly maintained construction vehicles and heavy equipment leaking fuel, oil, antifreeze, or other vehicle-related fluids on the site are also common sources of stormwater pollution and soil contamination.

Given that the project would disturb more than one acre of land, the project would be subject to the NPDES permit requirements and be required to prepare and submit a Notice of Intent and a SWPPP to the SWRCB demonstrating compliance with the Construction General Permit. The Construction General Permit requires the following:

- Non-stormwater discharges from construction sites are required to be eliminated or reduced to the maximum extent practicable; A SWPPP shall be prepared to govern project construction activities; and
- Routine inspections shall be performed of all stormwater pollution prevention measures and control practices being used at the site, including inspections before and after storm events.

Should the project encounter groundwater during on-site grading, dewatering activities would also require permitting and would be covered under the required NPDES permit. The SWPPP would identify point and nonpoint sources of pollutant discharge within the project site that could adversely affect water quality in the City. The SWPPP is required to include the following, among other components:

- A list of BMPs that would be used to control sediment and other pollutants in storm water and non-storm water runoff;
- A visual monitoring program;
- A chemical monitoring program for “nonvisible” pollutants to be implemented if there is a failure of BMPs; and
- A monitoring plan if the site discharges directly to a water body listed on the State’s 303(d) list of impaired waters.

Examples of construction BMPs include soil and wind erosion controls, sediment controls, tracking controls, non-stormwater management controls; and waste management controls. Compliance with



the NPDES Construction General Permit requirements would minimize short-term construction water quality impacts.

Further, it is the City's policy to preserve water quality in the groundwater basin, streams, estuaries, and the ocean by seeking strict quality standards and enforcement (General Plan Conservation/Open Space Policies 1.2 and 1.4). Accordingly, the project would be required to comply with Municipal Code Chapter 8.01, *Grading and Excavation Control*, and Chapter 15.10, *Storm Water/Surface Runoff Water Quality*, both of which would ensure construction-related impacts to water quality would be minimized to less than significant levels. Specifically, Municipal Code Chapter 8.01, *Grading and Excavation Control*, details requirements for obtaining grading permits for construction activities, which include grading plans and specifications prepared and signed by a civil engineer, and supporting data consisting of soil engineering and engineering geology reports. Erosion control plans and water quality control maintenance are also required to ensure erosion impacts are reduced with implementation of erosion control system devices. Municipal Code Chapter 15.10, *Storm Water/Surface Runoff Water Quality*, requires new development projects to prepare and implement a Water Quality Management Plan, consistent with the Model WQMP and City's LIP.

### **LONG-TERM OPERATIONAL IMPACTS**

The project site is currently developed/disturbed and is largely covered with impervious surfaces. Compared to existing conditions, the proposed project would install extensive landscaping and, as a result, would slightly decrease impervious surfaces on-site from 90 to 89 percent. Thus, project implementation is not anticipated to result in substantially increased surface runoff.

To help prevent long-term impacts associated with the proposed development, and in accordance with the requirements of the City and the regional MS4 permit, the project-specific PWQMP aims to reduce pollutants in post-development runoff. In accordance with the County's Model WQMP and TGD, the project site was divided into seven drainage management areas (DMAs) to be utilized for defining drainage areas and sizing LID and other treatment control BMPs. Runoff from the seven DMAs would be directed to modular wetland system (MWS) units for biofiltration water quality treatment prior to flowing into the City's stormwater system. Additionally, the PWQMP includes site design, source control, and LID BMPs that would reduce the project's water quality impacts as detailed below.

- Site Design BMPs: Site design BMPs incorporated into the project include the following:
  - Providing extensive landscaped areas that minimize impervious areas;
  - Preserving existing drainage patterns and time of concentration;
  - Providing intermittent landscaping around the building perimeters and in the courtyard areas to disconnect impervious areas;
  - Revegetating disturbed areas with paving or landscaping;
  - Revegetating landscaping areas with organic materials obtained during project-related grading activities; and



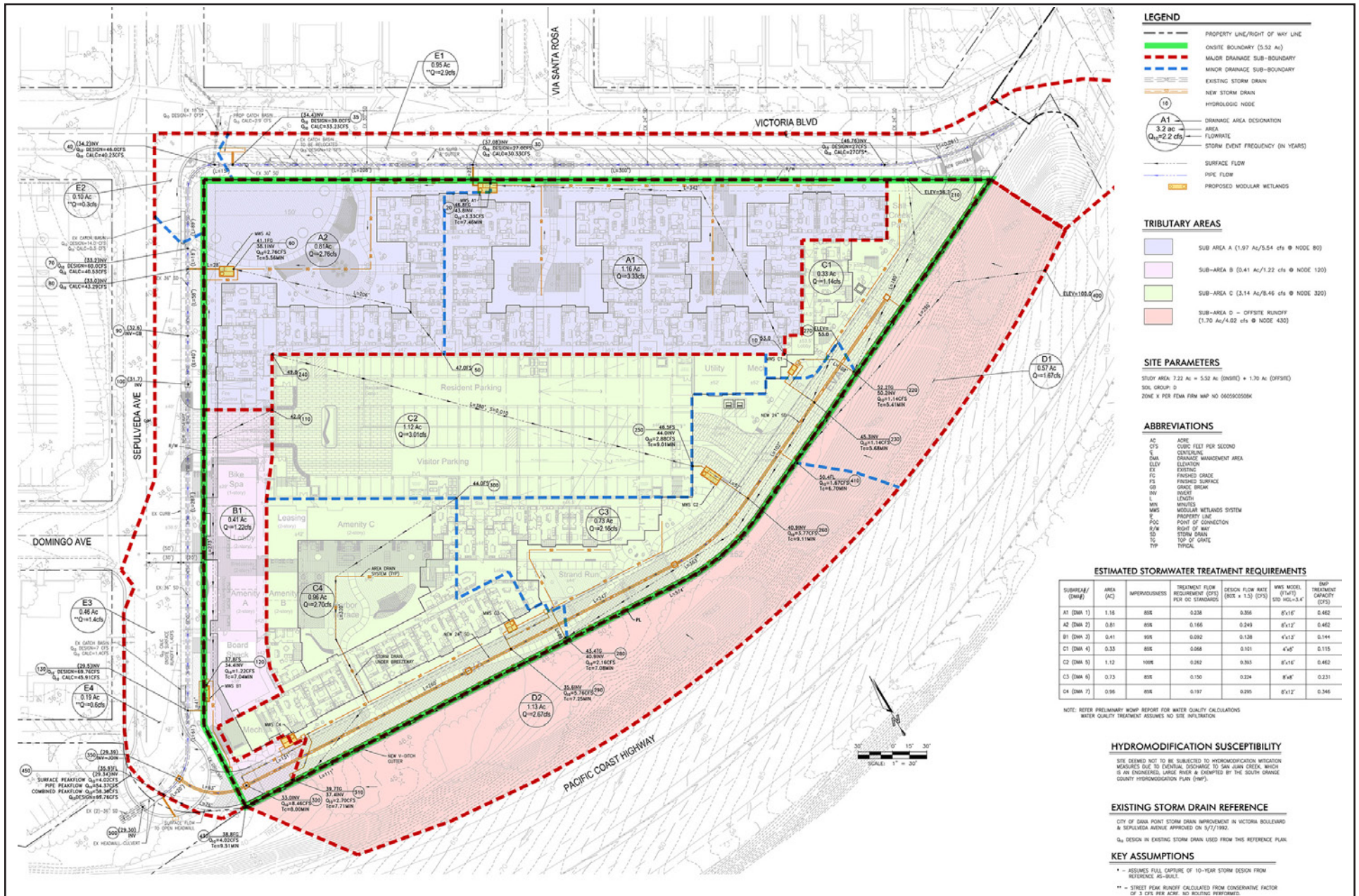
- Incorporating water-efficient landscaping (e.g., native and/or drought-tolerant landscaping).
- **Source Control BMPs:** Non-structural source control BMPs identified in the PWQMP include education for property owners, tenants, and occupants; activity restrictions; common area landscape management; BMP maintenance; common area litter control; employee training; common area catches basin inspection; and street sweeping private streets and parking lots. Additionally, structural source control BMPs include providing storm drain system stenciling and signage; and using efficient irrigation systems and landscape design, water conservation, smart controllers, and source control.
- **LID BMPs:** A total of seven MWS units would be installed underground and would biofiltrate project discharge at various locations on-site. As depicted in Exhibit 5.5-3, *Proposed Hydrology*, one MWS unit would be placed along the northern perimeter of the project site, four units would operate along the eastern and southwestern perimeter, and two units would operate along the western perimeter of the project site. The proposed MWS units are sized to treat 1.5 times the 80 percent capture flowrate not retained on-site and have treatment capacities that range between 0.115 and 0.462 cubic feet per second (cfs). A diversion structure would divert low flows to the MWS units while high flows would by-pass the system. Both treated and high flows would tie into an existing 36-inch storm drain system and exit the site along Sepulveda Avenue or Victoria Boulevard.

The MWS units treat all pollutants of concern to a medium-high to high level of effectiveness and utilizes multi-stage treatment processes, including screening media filtration, settling, and biofiltration. The pretreatment chamber contains the first three stages of treatment, and includes a catch basin inlet filter to capture trash, debris, gross solids and sediments, a settling chamber for separating out larger solids, and a media filter cartridge for capturing fine suspended solids, metals, nutrients, and bacteria. Runoff then flows through the wetland chamber where treatment is achieved through a variety of physical, chemical, and biological processes. As storm water passes down through the planting soil, pollutants are filtered, adsorbed, biodegraded and sequestered by the soil and plants, functioning similar to bioretention systems. The discharge chamber at the end of the unit collects treated flows and discharges back into the storm drain system.

With implementation of the proposed BMPs detailed in the PWQMP, stormwater runoff generated during long-term project operations would be adequately treated on-site prior to entering the City's existing storm drain system. As such, the project would not result in violation of water quality standards or waste discharge requirements or otherwise substantially degrade water quality. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.



Source: Fuscoe Engineering, March 2022





## DRAINAGE PATTERN

### HWQ-2 THE PROJECT COULD SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, OR SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF, IN A MANNER THAT WOULD RESULT IN SUBSTANTIAL EROSION, SILTATION, OR FLOODING ON- OR OFF-SITE.

**Impact Analysis:** According to the PWQMP, the proposed development would reduce impervious surfaces from 90 to 89 percent at project completion. The stormwater runoff from the proposed development would flow to the same existing storm drain system on Sepulveda Avenue and Victoria Boulevard as runoff under existing conditions and would continue to enter San Juan Creek.

As illustrated on [Exhibit 5.5-3](#), post-development site conditions would be divided into four drainage subareas:

- Drainage Subarea A (1.97 acres) occupies the majority of the northern portion of the project site and would consist of the northerly portions of the apartment buildings, common amenity courtyard, and landscaped amenities. The drainage in this area would flow to several on-site catch basins and biofiltration structural BMP planters as proposed in the PWQMP. The downstream on-site storm drain would be designed to convey the 25-year (high) flows and tie into the existing 30-inch RCP storm drain line in Victoria Boulevard downstream via a new connection.
- Drainage Subarea B (0.41 acre) encompasses westerly portions of the project site. The drainage would flow to proposed on-site diversion structures and biofiltration structural BMP planter. The downstream storm drain would be designed to convey the 25-year (high) flows and tie into the existing 36-inch storm drain line in Sepulveda Avenue downstream.
- Drainage Subarea C (3.14 acres) is located to the south of the property and consists of portions of the parking garage structure, southerly portions of the apartment buildings, common amenity courtyard, and landscaped amenities. The drainage would flow to proposed on-site catch basins and biofiltration structural BMP planters. The high flows designed to convey the 25-year storm would drain into a proposed 24-inch storm drain line along the southerly fire lane. The proposed 24-inch storm drain line would then tie into the existing 36-inch storm drain along Sepulveda Avenue. Runoff from the existing 36-inch storm drain would continue to discharge into the existing open headwall culvert downstream of Sepulveda Avenue.
- Drainage Subarea D (1.70 acres) is the off-site portion of Pacific Coast Highway, adjacent to the south of the project site consisting of mostly vegetation and pervious surfaces. The off-site runoff would be captured by an existing V-ditch gutter and discharge on the adjacent landscape surface towards the street and gutter system along Sepulveda Avenue. The off-site surface runoff would eventually join the on-site runoff downstream of the existing 36-inch storm drain at the existing open headwall culvert. From the open headwall culvert, flows would continue southerly and ultimately discharge to San Juan Creek and the Pacific Ocean.



Based on the Hydrology Analysis, the proposed storm drain design results in a slight decrease in stormwater runoff generated from the project site, when compared to existing conditions, during the 10-, 25-, and 100-year storm events; refer to [Table 5.5-1, \*Existing and Proposed Hydrology\*](#).

As such, project implementation would not substantially alter the existing drainage pattern of the site or area, or substantially increase the rate or amount of surface runoff. In addition to reducing the overall flood flow, the project would install appropriate storm drain infrastructure along Sepulveda Boulevard to alleviate existing flood flows into the existing culvert/headwall structure in Caltrans right-of-way. Further, erosion/siltation during construction activities would be minimized by complying with the NPDES Construction General Permit requirements related to erosion. Through implementation of all applicable regulations, proposed runoff rates are anticipated to be less than existing conditions. As such, impacts related to erosion and siltation would be less than significant in this regard.

**Table 5.5-1  
Existing and Proposed Hydrology**

Storm Event	Existing (cfs)	Proposed (cfs)	Change in Flow (cfs)	Percentage Change
<b>Drainage Subareas A, B, and C</b>				
10-Year	15.80	15.22	-0.58	-3.7%
25-Year	18.94	18.51	-0.43	-2.3%
100-Year	24.40	23.30	-1.1	-4.5%
<b>Off-Site Drainage Subarea D</b>				
10-Year	4.07	4.02	-0.05	-1.2%
25-Year	4.94	4.87	-0.07	-1.4%
100-Year	6.41	6.34	-0.07	-1.1%
Notes: cfs = cubic feet per second				
Source: Fuscoe Engineering, Inc., <i>Victoria Boulevard Apartments Preliminary Hydrology Analysis</i> , March 2022; refer to <a href="#">Appendix 11.5</a> .				

Additionally, the majority of the project site is located within the FEMA Flood Zone ‘X’ per FEMA Flood Insurance Rate Map (FIRM) No. 06059C0508K, map revised March 21, 2019. Flood Zone ‘X’ represents areas of minimum flood hazard. As stated, a portion of the site along Sepulveda Avenue is shown to be slightly within or adjacent to FEMA Flood Zone ‘A’ (no Base Flood Elevation determined). However, an updated LOMR study and FIRM for the San Juan Creek area shows that the Flood Zone ‘A’ area is delineated to be retained almost entirely within the public right-of-way of Sepulveda Avenue. A minimal segment of the project site adjacent to the Sepulveda Avenue right-of-way is within the updated Flood Zone ‘A’ area. Nevertheless, pursuant to Municipal Code Section 7-9-42.6(a)(4), the proposed grade of the project site along Sepulveda Boulevard would be required to be at least one foot above the Base Flood Elevation (i.e., 1.5 feet above existing grade of Sepulveda Boulevard). Thus, project development on-site would not exacerbate existing flood hazard conditions. Given that project implementation would not substantially increase the amount or rate of runoff, the project similarly would not result in flooding impacts in this regard. Impacts would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.



## DRAINAGE SYSTEM CAPACITY

### **HWQ-3 THE PROJECT COULD CREATE OR CONTRIBUTE RUNOFF WATER WHICH COULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF.**

**Impact Analysis:** Storm drains and/or stormwater conveyance systems are private and public drainage facilities that transport surface water runoff (typically in urban areas) to another location where the water is discharged to a natural drainage, water course (most likely), or treatment facility. The main purpose of the storm drain system is to properly convey and route stormwater to specially designated areas to capture and treat stormwater and reduce localized flooding or impacts on existing sewer systems.

Growth and urbanization place increased pressure on storm drain capacities. In general, increased urbanization increases the amount of impervious (paved) surfaces, thus reducing the amount of water that would normally infiltrate into the soil. Rainfall, irrigation runoff, and nuisance flows accumulate on impervious surfaces and flow downstream via the storm drain system to various outfalls that ultimately drain to local tributaries. Without proper stormwater BMPs, urban runoff is not filtered to remove trash, cleaned, or otherwise treated before it is discharged to the local tributaries. As a result, storm drains have become an increasingly important component in managing water quality impacts in addition to reducing flooding.

As analyzed under Impact Statement HWQ-2, the proposed BMPs detailed in the PWQMP involves installing seven MWS units, extensive landscaping, and other site design, source control, and LID BMPs. Specifically, each of the seven DMAs would include a MWS unit to treat runoff prior to entering the existing storm drain system. The DMAs have varying drainage areas ranging from 0.33 to 1.16 acres and varying design capture volumes ranging from 755 to 2,927 cubic feet. Construction impacts associated with the structural BMPs (i.e., storm drain stenciling and signage, irrigation and landscaping, and MWS units) are analyzed as part of the proposed project and analyzed as a whole throughout this environmental document. Implementation of the proposed storm drain improvements and BMPs would both reduce stormwater runoff and treat the runoff prior to entering the existing storm drain system; refer to [Table 5.5-1](#). As concluded in the Hydrology Analysis, the proposed storm drain system would not have an adverse effect on any existing or proposed storm drain improvements within the project area. As such, impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.



## RISK OF POLLUTANT RELEASE

### HWQ-4 IN FLOOD HAZARD, TSUNAMI, OR SEICHE ZONES, THE PROJECT COULD RISK RELEASE OF POLLUTANTS DUE TO PROJECT INUNDATION.

#### Impact Analysis:

#### FLOOD HAZARD

As stated, a portion of the site along Sepulveda Avenue is shown to be slightly within or adjacent to FEMA Flood Zone 'A' (no Base Flood Elevation determined). The City has provided a supplemental draft FEMA flood map and reference exhibits from a LOMR for the San Juan Creek area that is in the process of being adopted; refer to Exhibit 5.5-2 and Hydrology Analysis Appendix 5, *Draft FIRM and LOMR Exhibits*. Per this updated study and FIRM, the Flood Zone 'A' is delineated to be retained almost completely within the public right-of-way of Sepulveda Avenue. However, a minimal segment of the project site adjacent to the Sepulveda Avenue right-of-way is within the Flood Zone 'A.' Nevertheless, pursuant to Municipal Code Section 7-9-42.6(a)(4), the proposed grade of the project site along Sepulveda Boulevard would be required to be at least one foot above the Base Flood Elevation (i.e., 1.5 feet above existing grade of Sepulveda Boulevard). Thus, the proposed development would not exacerbate existing flood hazard conditions in the project area. Further, as analyzed above, stormwater runoff volumes under post-development conditions would be reduced compared to existing conditions and runoff would be treated on-site and conveyed into the City's existing storm drain system. Thus, project implementation would not risk release of pollutants due to project inundation. Impacts would be less than significant in this regard.

#### SEICHE

A seiche is an oscillation of a body of water in an enclosed or semi-enclosed basin, such as a reservoir, harbor, lake, or storage tank. The project site is not in the vicinity of a reservoir, harbor, lake, or storage tank capable of creating a seiche that could inundate into the project area. The closest semi-enclosed body of water is the Dana Point Harbor, which is located approximately 0.86-mile to the southwest, and down-grade, of the project site. At this distance, the risk of seiche would be negligible. No impact would occur in this regard.

#### TSUNAMI

A tsunami is a sea wave caused by a sudden displacement of the ocean floor, most often due to earthquakes. According to the California Geologic Survey, the closest tsunami flood zone is mapped within San Juan Creek approximately one mile west of the project site. However, the flood zone is confined to the limits of the creek and does not extend to surrounding properties, such as the project site.<sup>7</sup> Thus, development of the project would not place people or structures within a tsunami flood zone and no impact would occur.

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<sup>7</sup> California Geologic Survey, *Tsunami Inundation Map for Emergency Planning Dana Point Quadrangle/San Juan Capistrano Quadrangle*, March 15, 2009.



**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## CONFLICT WITH WATER QUALITY PLANS

### HWQ-5 THE PROJECT COULD CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF A WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN.

**Impact Analysis:** The 2014 Sustainable Groundwater Management Act requires local public agencies and groundwater sustainability agencies in high- and medium-priority basins to develop and implement groundwater sustainability plans (GSPs) or prepare an alternative to a GSP. The project site is located within the SJVB, which is ranked as a “very low” priority basin. Therefore, there is no groundwater sustainability plan established for the SJVB pursuant to the 2014 Sustainable Groundwater Management Act. However, the San Juan Basin Authority, as the groundwater management agency over SJVB, adopted the *San Juan Basin Groundwater and Facilities Management Plan* in November 2013. The plan documents the current state of the basin, the conceptual model of the hydrologic system, the environmental and infrastructure resources in the area, management goals and impediments to the goals, management alternatives, recommended management plan(s), and a monitoring and reporting plan.<sup>8</sup> The proposed development would not conflict with or obstruct implementation of the plan upon compliance with existing water quality and groundwater regulations.

Specifically, the City’s LIP establishes water quality standards for surface runoff waters within Dana Point, and is in compliance with the San Diego RWQCB’s Basin Plan. Section 7, *Development*, of the LIP requires new development and significant redevelopment projects that meet the criteria of a Priority Project to address the quality and quantity of stormwater runoff through the incorporation of permanent (post-construction) BMPs in project design. WQMPs are also required for all Priority Projects. As analyzed under Impact Statements HWQ-1 and HWQ-2, the project qualifies as a Priority Project and the Applicant has prepared a PWQMP with proposed site design, source control, and LID BMPs to ensure stormwater runoff generated during project operations is adequately collected, treated, and conveyed to the City’s existing storm drain system. The City of Dana Point Public Works Department is responsible for reviewing final project plans during plan check review to ensure all BMPs identified in the approved Final WQMP are incorporated into the project design.

Further, any dewatering activities would also require permitting pursuant to the General Waste Discharge Requirements for Groundwater Extraction Discharges to Surface Waters within the San Diego Region (Order No. R9-2015-0013, NPDES No. CAG919003), which regulates groundwater extraction discharges to surface waters within the region. The project would be required to specify the location of any extracted groundwater that is discharged for the duration of the proposed construction activities. The order also establishes effluent limitations that are applicable to certain receiving waters within the region.

As such, project impacts in this regard would be less than significant.

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<sup>8</sup> San Juan Basin Authority, *San Juan Basin Groundwater and Facilities Management Plan*, November 2013.



**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### 5.5.5 CUMULATIVE IMPACTS

*CEQA Guidelines* Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are located on both developed and undeveloped sites.

For purposes of hydrology and water quality, cumulative impacts are considered for cumulative projects located in the same watershed (i.e., San Juan Creek Watershed) as the proposed project.

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS, OR OTHERWISE SUBSTANTIALLY DEGRADE WATER QUALITY.**

**Impact Analysis:** Cumulative projects could contribute to water quality degradation in the City. However, similar to the proposed project, cumulative projects would be required to mitigate specific hydrologic impacts on a project-by-project basis pursuant to all applicable Federal, State, and local stormwater regulations and requirements, including NPDES and MS4 permits requirements (i.e., preparing and implementing project-specific SWPPPs and WQMPs and associated BMPs and/or LID features). Additionally, the Municipal Code incorporates Federal and State regulations and guidelines pertaining to stormwater runoff to reduce or eliminate regional water quality impacts.

As discussed in Impact Statement HWQ-1, the project would implement site design, source control, and LID BMPs detailed in the PWQMP, which would ensure the proposed development does not adversely impact existing drainage courses and hydrologic flows in the project area. Construction-related BMPs are also proposed to reduce construction-related runoff volume and pollutants. Overall, the proposed BMPs would effectively minimize the off-site discharge of anticipated and potential pollutant runoff during construction and post-development conditions. As a result, the project would not result in violation of water quality standards or waste discharge requirements or otherwise substantially degrade water quality. Therefore, implementation of the proposed project would not result in a substantial cumulative contribution to water quality impacts and impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.



- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, OR SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF, IN A MANNER THAT WOULD RESULT IN SUBSTANTIAL EROSION, SILTATION, OR FLOODING ON- OR OFF-SITE.**

**Impact Analysis:** Cumulative projects could alter drainage patterns in the watershed and result in substantial erosion/siltation and/or flooding. However, as stated above, cumulative projects would be required to consider specific hydrologic impacts on a project-by-project basis pursuant to all applicable Federal, State, and local stormwater regulations and requirements, including NPDES, MS4 permits requirements, and FEMA guidelines. These regulations would require project-specific BMP conditions, LID features, and/or on-site retention techniques, which would reduce peak flow rate or runoff volumes. As such, potential erosion/siltation and flooding would be reduced with compliance with existing Federal, State, and local laws and regulations.

As stated, the project proposes site design, source control, and LID BMPs in accordance with the PWQMP. As discussed in Impact Statement HWQ-2, the proposed storm drain design results in a slight decrease in stormwater runoff generated from the project site when compared to existing conditions during the 10-, 25-, and 100-year storm events; refer to [Table 5.5-1](#). Thus, project operations would not increase runoff in a manner that would result in substantial erosion, siltation, or flooding on- or off-site. Further, erosion/siltation during construction activities would be minimized with implementation of construction-related BMPs required under the NPDES program. As such, implementation of the proposed project would not result in a substantial cumulative contribution to erosion, siltation, or flooding on- or off-site and impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD CREATE OR CONTRIBUTE RUNOFF WATER WHICH COULD EXCEED THE CAPACITY OF EXISTING OR PLANNED STORMWATER DRAINAGE SYSTEMS OR PROVIDE SUBSTANTIAL ADDITIONAL SOURCES OF POLLUTED RUNOFF.**

**Impact Analysis:** Cumulative projects could contribute runoff water, impact stormwater drainage systems, or generate substantial additional sources of runoff in Dana Point. However, as stated above, cumulative projects would be required to mitigate specific hydrologic impacts on a project-by-project basis pursuant to all applicable Federal, State, and local stormwater regulations and requirements, including NPDES and MS4 permits requirements (i.e., project-specific SWPPP and WQMP, associated BMP conditions or LID features, and possibly on-site retention techniques). It is the City's policy to identify local storm drainage deficiencies and develop a capital improvements program for the correction and replacement of aging or inadequate drainage system components to ensure the Citywide drainage system has adequate capacity to accommodate existing and future uses (General Plan Public Facilities Element Policy 2.1). The City would also require individual development projects to prepare drainage and hydrology analyses that ensure on- and off-site drainage facilities can



accommodate any increases in stormwater flows pursuant to Municipal Code Section 7.03.070. Implementation of these regulations would minimize increases in peak flow rates or runoff volumes on a project-by-project basis.

As concluded in Impact Statement HWQ-3, project implementation would not exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Stormwater runoff would decrease when compared to existing conditions during the 10-, 25-, and 100-year storm events given the implementation of site design, source control, and LID BMPs. As such, implementation of the proposed project would not result in a substantial cumulative contribution to runoff water which could exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Impacts in this regard would be less than significant and the project would not be significantly cumulatively considerable.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

● **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD RISK RELEASE OF POLLUTANTS DUE TO PROJECT INUNDATION.**

**Impact Analysis:** Depending on the location of cumulative projects within the City, such projects could result in the release of pollutants due to project inundation in flood hazard, seiche, or tsunami zones. Given the site-specific nature of flood hazard, seiche, and tsunami zones, future cumulative projects would be analyzed on a project-by-project basis and be required to comply with existing local, State, and Federal regulations related to flood, seiche, and tsunami hazards. For example, cumulative projects within the City's Coastal Zone or floodplain overlay zones may be required to comply with Municipal Code and FEMA standards specific to flood or tsunami hazards. As such, potential pollutant release due to project inundation would be reduced with compliance with existing regulations.

As discussed in Impact Statement HWQ-4, the proposed development would not exacerbate existing flood hazard conditions in the project area and would not be impacted by potential seiche or tsunamis. Additionally, the project would reduce stormwater runoff volumes under post-development conditions compared to existing conditions and runoff would be treated on-site (with MWS units) and conveyed into the City's existing storm drain system. Thus, project implementation would not result in a substantial cumulative contribution to the release of pollutants due to project inundation. Impacts would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.





- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF A WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN.**

**Impact Analysis:** Similar to the proposed project, cumulative projects in the project area are located within the SJVB, which is ranked as a “very low” priority basin. Therefore, there is no groundwater sustainability plan established for the SJVB and cumulative projects would not conflict with or obstruct a sustainable groundwater management plan in this regard. Cumulative projects within Dana Point would be required to comply with the City’s LIP, which establishes water quality standards for surface runoff waters within the City, and is developed in accordance with the San Diego RWQCB’s Basin Plan. Depending on the nature of the cumulative project, the LIP details water quality standards required for projects that meet the criteria of a Priority Project to address the quality and quantity of stormwater runoff through the incorporation of BMPs.

As discussed in Impact Statement HWQ-5, the project complies with the City’s LIP and implements site design, source control, and LID BMPs as proposed in the project-specific PWQMP. Therefore, the project would not result in a cumulatively considerable impact with regards to conflicting with a water quality control plan or sustainable groundwater management plan. Impacts in this regard would be less than significant and the project would not be significantly cumulatively considerable.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### **5.5.6 SIGNIFICANT UNAVOIDABLE IMPACTS**

Implementation of the proposed project would not result in any significant and unavoidable impacts pertaining to hydrology and water quality.



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## 5.6 HAZARDS AND HAZARDOUS MATERIALS

This section describes the potential for the proposed project to expose the public to hazards, hazardous materials, or risk of upset that may be related to existing conditions or new hazards created as a result of the project. Mitigation measures are recommended to minimize impacts as a result of project implementation. This section is primarily based upon available online databases maintained by the State Water Resources Control Board (SWRCB) (GeoTracker) and the Department of Toxic Substances Control (DTSC) (EnviroStor), as well as the following technical studies; refer to [Appendix 11.6, \*Hazardous Materials Documentation\*](#):

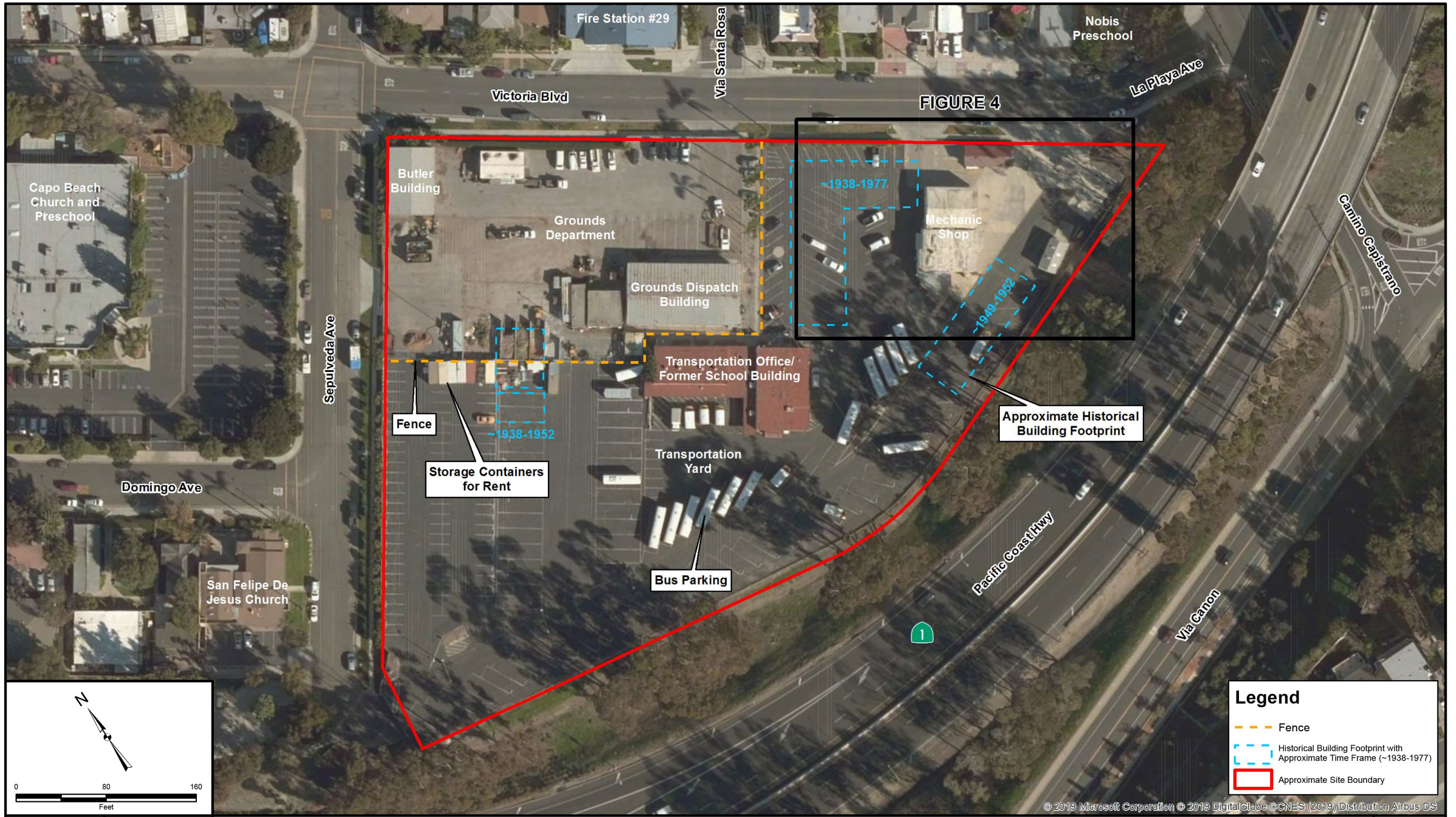
- *Phase I Environmental Site Assessment Report, 26126 Victoria Boulevard, APN 668-361-01, Capistrano Beach, CA 92624* (Phase I ESA), prepared by Leighton Consulting Inc. (Leighton), dated March 13, 2019; and
- *Limited Phase II Environmental Site Assessment, Proposed Residential Development, 26126 Victoria Boulevard, Capistrano Beach, California 92624* (Limited Phase II ESA), prepared by Leighton Consulting Inc. (Leighton), dated March 13, 2019.

For the purpose of this analysis, the term “hazardous material” refers to both hazardous substances and hazardous waste. A material is defined as “hazardous” if it appears on a list of hazardous materials prepared by a Federal, tribal, State, or local regulatory agency, or if it possesses characteristics defined as “hazardous” by such an agency. A “hazardous waste” is a solid waste that exhibits toxic or hazardous characteristics (i.e., ignitability, corrosivity, reactivity, and/or toxicity).

### 5.6.1 EXISTING SETTING

The project site is located within the Doheny Village area and consists of the existing Capistrano Unified School District (CUSD) property. The project site is subdivided into the Grounds Department and the South Transportation Yard; refer to [Exhibit 5.6-1, \*Existing and Former On-Site Uses\*](#). The project site is currently developed with six structures and is used by the CUSD Grounds Department for operations, maintenance, storage, bus/vehicle wash area, and refueling of school buses and other district vehicles; refer to [Exhibit 3-2, \*Site Vicinity\*](#). Only two of the six structures located at the northwestern and northern portions of the site are currently in operation and utilized by the Grounds Department. The remainder of the site (referred to as the South Transportation Yard), including the former tire storage building, mechanic shop, transportation office (previously used as the Serra School house), and fueling area/storage shed are no longer in operation and are used mainly for storage purposes by CUSD. Other features on-site include approximately ten metal shipping containers (used for storage), two fuel dispenser islands, a bus/vehicle wash area, and an asphalt-paved parking lot for buses or other CUSD vehicles.

Surrounding land uses include Victoria Boulevard, which bounds the project site to the north. Single-family residential, multi-family residential (Beachwood Village Mobile Home Park), and institutional (Orange County Fire Station No. 29 and Nobis Preschool) uses are present north of Victoria Boulevard. Pacific Coast Highway and associated right-of-way (approximately 100-foot-wide swath of ornamental landscaping) bounds the project site to the east and south. Sepulveda Avenue bounds the project site to the west. Further west, multi-family residential (Coffield Apartments) and institutional (San Felipe de Jesus Catholic Church and Capo Beach Church) uses are present.





## **EXISTING AND FORMER ON-SITE USES**

The project site appears to have been vacant, undeveloped land potentially utilized for farming until 1929, when the Serra (Elementary) School was developed with buildings built by architect Fay Spangler. By the mid-1960s, the school was vacated, and the site was utilized as the CUSD's administrative headquarters until 1971. In 1976, the CUSD headquarters were relocated to Capistrano High School, and the Serra School playground was removed, and paved, and former school buildings remained in use to serve as the CUSD's bus yard. As discussed above, the project site is currently developed with six structures, with only two structures (the Butler building and the grounds dispatch building) located at the northwestern and northern portions of the site currently in operation and utilized by the CUSD Grounds Department. The remainder of the site (i.e., South Transportation Yard), including the former tire storage building, mechanic shop, transportation office, and refueling area/storage shed are no longer in operation and are used mainly for storage purposes. The following describes specific development/operations associated with the project site.

### **Past Agricultural Activities**

Sites previously used for agricultural purposes have the potential to contain pesticide residues of certain persistence in soil at concentrations that are considered to be hazardous. Commonly used pesticides prior to 1973 include dichlorodiphenyldichloroethane (DDD), dichlorodiphenyltrichloroethane (DDT), and dichlorodiphenyldichloroethylene (DDE), all of which are of certain persistence in soil.

The project site appears to have been vacant, undeveloped land potentially utilized for farming until 1929. However, since this time, the site was redeveloped into a school use, and later was utilized as the CUSD's administrative headquarters and then the CUSD Grounds Department use. As such, due to the highly disturbed nature of the site, it is unlikely that residual contamination from pesticide/herbicides remain in elevated quantities.

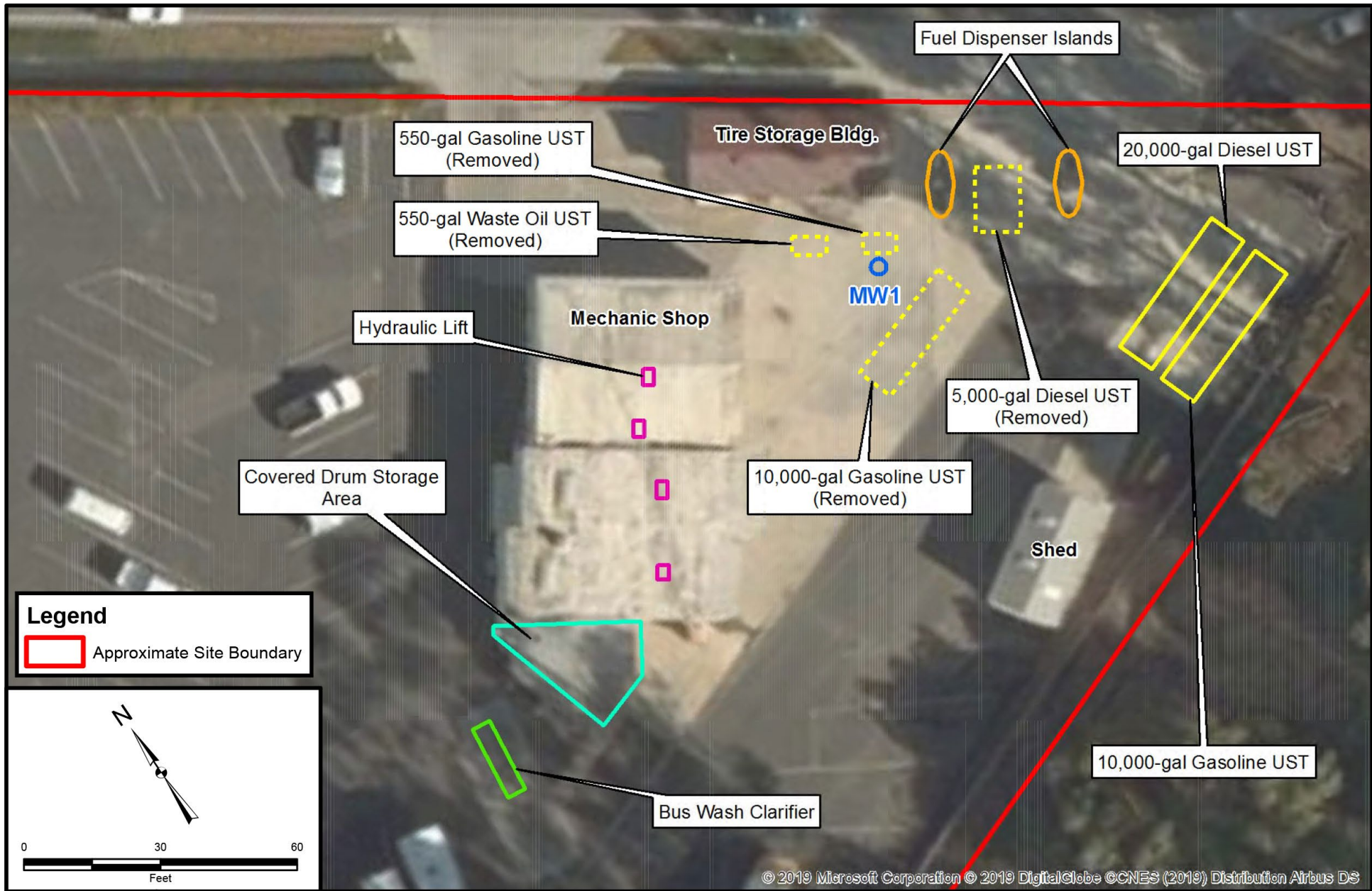
### **South Transportation Yard**

#### **FUELING AREA/STORAGE SHED**

The fueling area is located in the northeastern corner of the South Transportation Yard; refer to [Exhibit 5.6-2, \*Fueling Area and Mechanic Shop\*](#).

#### **Existing Underground Storage Tanks**

According to the Phase I ESA, the fueling area includes a 20,000-gallon diesel-containing underground storage tank (UST), a 10,000-gallon gasoline-containing UST, two fuel dispenser islands, and associated piping; refer to [Exhibit 5.6-2](#). According to the Phase I ESA, these features may have resulted in a release of gasoline/diesel to soils and may have impacted soil gas in the vicinity of these existing USTs. As such, a Limited Phase II ESA included subsurface soil and soil gas samples collected in the vicinity of the existing USTs (LB-1, -2, and -3). Based on the Limited Phase II ESA, these sample results do not indicate contamination to subsurface soil and soil gas from the existing USTs, fuel dispenser islands, and associated piping.



## Fueling Area and Mechanic Shop

Exhibit 5.6-2



It is acknowledged that recently CUSD removed the gas islands and the two USTs under the supervision of an environmental contractor. No other facilities on the site have otherwise been altered to date.

### **Historical Underground Storage Tanks**

According to the Phase I ESA, four USTs, including a 550-gallon waste oil tank, a 550-gallon gasoline-containing UST, a 10,000-gallon gasoline-containing UST, and a 5,000-gallon diesel-containing UST were historically located in, or in proximity to, the fueling area prior to removal; refer to [Exhibit 5.6-2](#). In 1989, two 550-gallon tanks were removed and, at the time of removal, a possible release of gasoline to the soils was observed. As such, a subsequent soil investigation was conducted that identified impacts to the soil and groundwater as a result of this release from one of the former 550-gallon USTs. In 1998, the remaining two USTs were removed and a remedial action involving excavation to a maximum depth of approximately 29 feet below ground surface (bgs) was performed in the vicinity of the former 550-gallon UST. The remedial excavation resulted in the removal of 281.07 tons of petroleum-contaminated soil and the introduction of 600 pounds of oxygen release compound (ORC) within the excavation pit to remove residual contamination in soil and groundwater. On July 26, 2000, the Orange County Health Care Agency (OCHCA) issued closure letter to the site confirming completion of the site investigation and corrective action for these four former USTs. Although residual concentrations of contaminants (i.e., benzene) remained, the OCHCA determined the contamination did not appear to be a public health or a groundwater threat and, as such, issued case closure.

### **GROUNDWATER MONITORING WELL**

A groundwater monitoring well (referred to as MW1) was installed between the former tire storage building and mechanic shop and utilized from 1995 to 1997, and then relocated (referred to as new MW1) during remedial excavation activities in 1998; refer to [Exhibit 5.6-2](#). According to the Limited Phase II ESA, relatively low concentration of 1,2-dichloroethane was detected in new MW1 (at 15 µg/L), which is above the associated drinking water maximum contaminant level (MCL) for California (which is 0.5 µg/L).

### **FORMER MECHANIC SHOP**

#### **Existing Drums and Containers of Cleaners/Solvents**

According to the Phase I ESA, approximately 15 55-gallon drums are stored in the middle room of the former mechanic shop, located in the northeastern portion of the project site; refer to [Exhibit 5.6-2](#). Many of the drums are empty or near empty. Based on the labels on the drums, materials contained include waste oil, HTC oil (petroleum base hydraulic fluid), diesel fuel catalyst, and tractor hydraulic fluid. Two plastic drums without labels, and several drums with unknown content are also stored in the former mechanic shop. No significant stains were observed on the concrete adjacent to the drums.

#### **Automotive Maintenance Activities and Existing Hydraulic Lifts**

The former mechanic shop also contained at least four in-ground hydraulic lifts; refer to [Exhibit 5.6-2](#). According to the Phase I ESA, the hydraulic lifts, hydraulic fluid reservoir, and associated piping were never removed, although automotive maintenance activities have not been performed at the project site for the past decade.



According to the Limited Phase II ESA, these former automotive maintenance activities and remaining in-ground hydraulic lifts may have impacted soil and subsequent soil gas below the former mechanic shop. Subsurface investigation was conducted as part of the Limited Phase II ESA in the vicinity of the hydraulic lifts (LB-5 and -6). Results from soil gas samples indicated concentrations of PCE exceeding regulatory (DTSC) screening levels for residential property (which is  $460 \mu\text{g}/\text{m}^3$ ) in the vicinity of the former mechanic shop. Specifically, PCE was detected in five soil gas samples with a maximum concentration of  $948 \mu\text{g}/\text{m}^3$  at five feet bgs, exceeding the regulatory screening level of 460 microgram per cubic meter ( $\mu\text{g}/\text{m}^3$ ). Based on the Limited Phase II ESA, the extent of PCE in soil gas above screening levels appears to be relatively well defined and centered near the mechanic shop and former 10,000-gallon gasoline-containing UST location; refer to [Exhibit 5.6-3, \*PCE Concentrations in Soil Gas at Five Feet BGS\*](#), of the Limited Phase II ESA. According to the Limited Phase II ESA, the elevated PCE concentrations in this area suggest that solvents were used during vehicle maintenance operations and have impacted shallow soil gas below the area.

## **BUS WASH AREA**

The bus/vehicle wash area is located southwest of the former mechanic shop and is currently used for cleaning various CUSD vehicles; refer to [Exhibit 5.6-2](#). The bus/vehicle wash area features a floor drain and in-ground clarifier. As such, oil and water associated with the bus/vehicle washing activities would drain to, and be separated by, the bus wash clarifier. Wastewater from the clarifier would then be discharged to the sanitary sewer system on-site. Regular maintenance of the clarifier includes removal of the clarifier sludge, then transport off-site for disposal. According to the Limited Phase II ESA, the floor drain and in-ground clarifier are considered a potential concern if leaks in clarifier stages or connection piping have impacted soil at the project site. As such, soil samples were taken in the vicinity of bus wash area (LB-7) to identify whether or not potentially impacted soil is present. Based on the Limited Phase II ESA, results from soil and soil gas samples collected does not indicated contamination to subsurface soil and soil gas from the existing floor drain and in-ground clarifier.

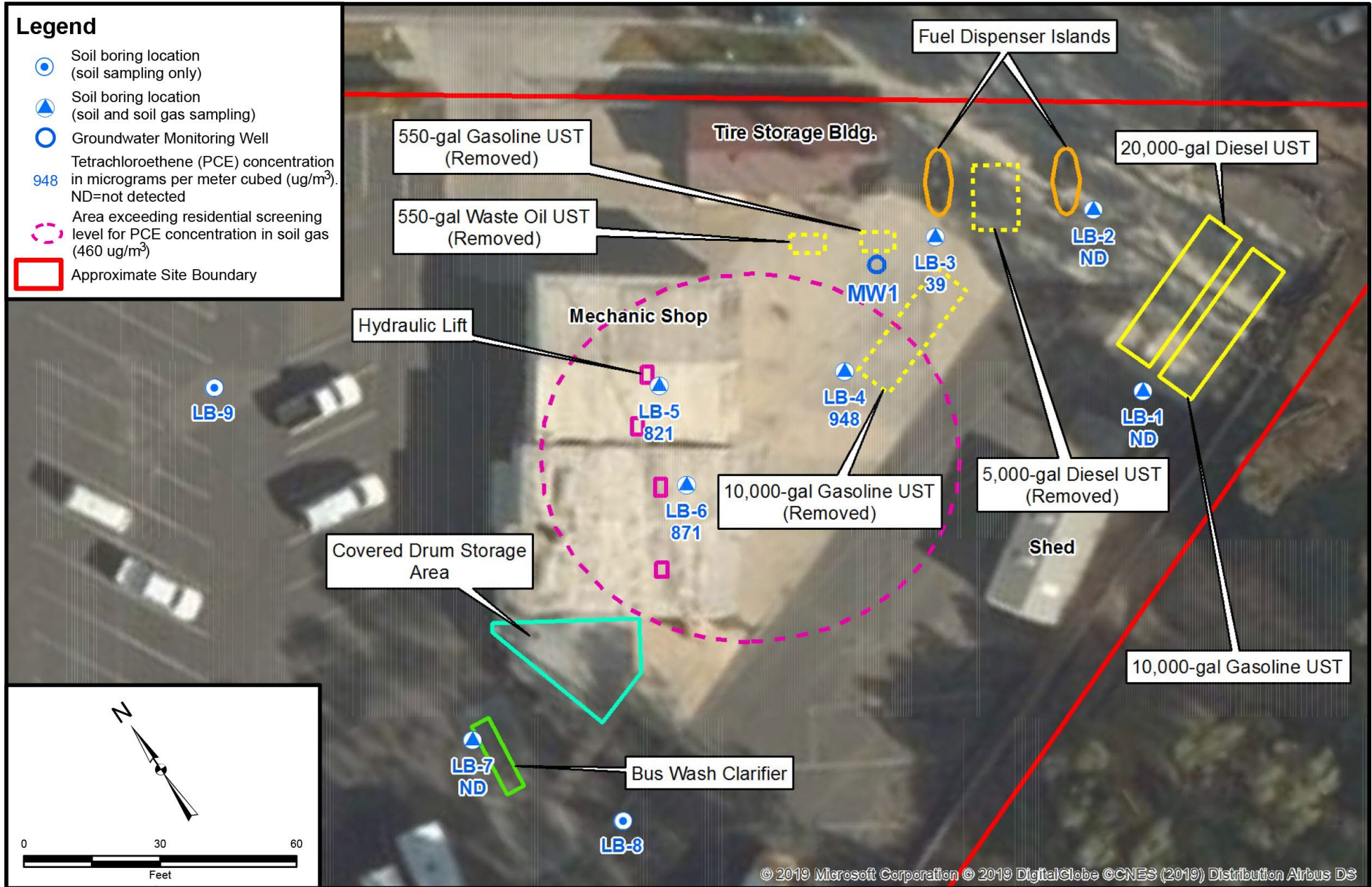
## **Grounds Department**

### **GROUNDS DISPATCH BUILDING**

The grounds dispatch building is located within the Grounds Department portion of the project, generally located in the northern portion of the site; refer to [Exhibit 5.6-1](#). Portable fuel containers (presumably used for fueling the motorized grounds-keeping equipment) and pesticides (within a fenced enclosure) are stored inside the ground dispatch building. According to the Limited Phase II ESA, soil samples were taken in the vicinity of the grounds dispatch building (LB-11) to identify whether or not potentially impacted soil and/or soil gas are present.

Results of soil samples indicate total petroleum hydrocarbons (TPH) concentration is below regulatory (Regional Water Quality Control Board [RWQCB]) screening levels with the exception of the one-foot soil samples collected outside of the ground dispatch building. Elevated diesel range organics (DRO) was detected at  $440 \text{ mg}/\text{kg}$ , at concentrations above its corresponding environmental screening level (which is  $260 \text{ mg}/\text{kg}$ ), in three one-foot soil samples collected at one-foot bgs. Soil was noted to have an odor and was reported to contain 1,042 parts per million (ppm) of total volatile organic compounds (TVOCs) when screened with the field photoionization detector (PID). A soil sample collected at three feet bgs does not contain DRO concentrations above environmental screening levels. As such, the Limited Phase II ESA determined that a limited surface spill occurred





## PCE Concentrations in Soil Gas at Five Feet BGS



in this area. Results from additional soil gas samples collected at five feet bgs indicated concentration of TVOCs below residential regulatory screening levels. Results of soil gas samples indicate elevated naphthalene concentration of 1,010  $\mu\text{g}/\text{m}^3$  above regulatory (DTSC) screening level for naphthalene (which is 83  $\mu\text{g}/\text{m}^3$ ) at five feet bgs. According to the Limited Phase II ESA, the elevated soil gas concentrations are most likely due to the visually impacted soil identified in the two feet of soil below asphalt pavement from a limited chemical release adjacent to the Grounds Dispatch Building.

## **POTENTIAL ON-SITE HAZARDOUS MATERIALS**

Structures constructed between the 1940s and the 1970s may be associated with hazardous building materials (e.g., asbestos-containing material [ACM] and/or lead-based paint [LBP]). Additionally, organochlorine-containing termiticides (OCPs) may have been used to treat wooden buildings constructed prior to 1989, and universal waste (certain categories of hazardous waste such as batteries, pesticides, mercury-containing equipment, and lamps that are commonly generated by a wide variety of establishments) are often present in sites with historical uses.

### **Asbestos-Containing Materials**

Asbestos is a strong, incombustible, and corrosion resistant material, which was used in many commercial products since prior to the 1940s and up until the early 1970s. If inhaled, asbestos fibers can result in serious health problems. The California Division of Occupational Safety and Health (Cal/OSHA) asbestos construction standard (Title 8, California Code of Regulations (CCR), Section 1259) defines asbestos-containing material (ACM) as material containing more than one percent asbestos. Asbestos-containing-construction-material (ACCM) is defined as any manufactured construction material which contains more than one tenth of one percent asbestos by weight (a lower threshold than the one percent for ACM). Suspect materials that may contain ACCMs include, but may not be limited to, drywall systems, floor tiles, ceiling tiles, and roofing systems.

### **Lead-Based Paints**

Lead has long been used as a component of paint, primarily as a pigment and for its ability to inhibit and resist corrosion. Over time, as concern over the health effects associated with lead began to grow, health and environmental regulations were enacted to restrict the use of lead in certain products and activities in the U.S. In the last twenty-five years, lead-based paint (LBPs), leaded gasoline, leaded can solder and lead-containing plumbing materials were among the products that were gradually restricted or phased out of use.

### **Organochlorine Termiticides**

Organochlorine pesticides (OCPs) included chlordane, aldrin, dieldrin, heptachlor, and dichlorodiphenyltrichloroethane (DDT). In the 1970s and the 1980s, the EPA banned all uses of OCPs with the exception of heptachlor, which are only used today for the control of fire ants in underground power transformers. Organochlorine termiticides are a group of pesticides that were used for termite control in and around wooden buildings and homes from the mid-1940s to the late



1980s.<sup>1</sup> Termites are insects that eat wood, soil, dead leaves and sometimes paper. Although they do not pose a health risk to humans, termites can cause thousands of dollars of damage to wooden structures. Termiticides were commonly applied directly to soil beneath buildings or beneath slab foundations and around the foundation perimeter for new construction. They are also periodically applied underneath the building at occupied structures, around the perimeter of the foundation, in trenches excavated around the foundation, or by injection through holes drilled next to the foundation or in the flooring at the periphery of walls. As OCPs break down slowly in the environment, they may sometimes still be found in treated soils at high concentration.

Exposure to the organochlorine termiticides can occur through ingestion, absorption through the skin, or inhalation; however, the primary exposure to these chemicals long after application is from unintentional ingestion of contaminated soil or through contaminated foods. Plants can take up residues from the soil. The greatest exposure to these chemicals is expected in areas where they were applied at homes or building sites for termite control, but the potential for exposure would depend on how and where they were applied in the past, the frequency residents may come into contact with contaminated soil or foods grown in contaminated soil, and any actions after applications that may have disturbed or spread contaminated soil.

## **Title 22 Metals**

Pursuant to Title 22 of the California Code of Regulations (CCR), hazardous waste characterization is determined via the use of Total Threshold Limit Concentration (TTLC) and Soluble Threshold Limit Concentration (STLC). Specifically, Section 66261.24, *Characteristic of Toxicity*, of CCR Title 22 identifies the regulatory level of contaminants that exhibits the characteristic of toxicity.

## **Universal Waste**

The federal regulations identify five specific categories of materials that can be managed as universal wastes: batteries, pesticides, mercury-containing equipment, lamps, and aerosol cans. 40 Code of Federal Regulations (CFR) Part 273 regulations define the type of materials that fall under the universal waste categories and specify in what situations that material can be considered a universal waste. The universal waste regulations can vary from state to state. The majority of states have adopted the full federal universal waste program; however, others have only adopted some of the federal universal wastes. A state does not have to include all of the federal universal wastes when they adopt the universal waste regulations. If a state doesn't adopt a certain universal waste and the waste meets the definition of a hazardous waste, then it must be managed under the applicable hazardous waste regulations in that state.

## **Sampling Results**

The project site is currently developed with six structures, built prior to 1979; refer to [Exhibit 5.6-1](#). As such, ACMs, LBPs, OCPs, and other possible hazardous materials/waste may be present in on-site soils in the vicinity of these structures. The Limited Phase II ESA sampled soils near these on-site

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<sup>1</sup> Hawaii State Department of Health, *Past Use of Chlordane, Dieldrin, and other Organochlorine Pesticides for Termite Control in Hawai'i: Safe Management Practices around Treated Foundations or during Building Demolition*, revised May 2018.



structures (LB-8 through LB-13) for such substances/waste in shallow soils. Results of soil samples did not indicate concentrations of OCPs, metals, or asbestos. Nonetheless, on-site structures may still contain ACMs, LBPs, and/or universal waste.

## **GROUNDWATER CONCERNS FROM OFF-SITE PROPERTIES**

It is acknowledged that surrounding off-site properties within the project area also handle/store/transport hazardous materials that could have affected groundwater (and associated soil gas) at the project site. According to the Phase I ESA, Orange County Fire Station No. 29, located approximately 0.01-mile (70 feet) north of the project site at 26111 Victoria Boulevard, had reported instance of a leaking diesel-containing UST. An environmental cleanup case was opened in 1993 and closed in 1998 under OCHCA oversight. According to the Phase I ESA, the former diesel release incident at Orange County Fire Station No. 29 is not anticipated to pose a significant threat to the groundwater at the project site based on the relatively short clean-up period, the released chemical (diesel fuel), and the distance between this off-site property and the project site (70 feet, across Victoria Boulevard).

## **CORTESE DATABASE**

Government Code Section 65962.5 requires the Department of Toxic Substances (DTSC) and the State Water Resources Control Board (SWRCB) to compile and update a regulatory sites listing (per the Code Section's criteria). Additionally, the State Department of Health Services is also required to compile and update, as appropriate, a list of all public drinking water wells that contain detectable levels of organic contaminants and are subject to water analysis pursuant to Health and Safety Code Section 116395. Government Code Section 65962.5 requires the local enforcement agency, as designated pursuant to CCR Title 14 Section 18051 to compile, as appropriate, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste.

According to the Phase I ESA, the project site was historically reported pursuant to Government Code Section 65962.5 under several different site names with the street address of 26126 Victoria Boulevard and reference to either Capistrano Beach or Dana Point as the city. These listings were primarily for instances of historical records of leaking USTs to soil or groundwater, records of existing USTs, or as an industrial facility that treats and/or disposes of liquid or semisolid wastes. However, according to CalEPA, the site is not currently listed pursuant to Government Code Section 65962.5.<sup>2</sup>

## **EMERGENCY RESPONSE**

The *City of Dana Point Emergency Preparedness Plan* (Emergency Preparedness Plan) provides the framework for responding to major emergencies or disasters within the City. The Emergency Preparedness Plan identifies potential hazards; identifies authorities and assigns responsibilities to the appropriate agencies; identifies other jurisdictions and organizations with which planning and emergency response activities are coordinated; establishes an organizational structure to manage the emergency response; outlines preplanned response actions to be taken by emergency personnel to

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<sup>2</sup> California Environmental Protection Agency, *Cortese Listing*, <https://calepa.ca.gov/sitecleanup/corteselist/>, accessed June 6, 2022.



mitigate the effects of a disaster; outlines a process of disseminating emergency information and instructions to the public; describes the resources available to support emergency response activities; establishes responsibilities for maintaining the overall City emergency preparedness program; and provides the basis for initial training and subsequent retraining of emergency workers. Moreover, the General Plan Public Safety Element includes a Public Safety Plan which described the approach to be used in implementing the goals and policies outlined in the Public Safety Element.

## **5.6.2 REGULATORY SETTING**

### **FEDERAL LEVEL**

According to the U.S. Environmental Protection Agency (EPA), a “hazardous” waste is defined as one “which because of its quantity, concentrations, or physiochemical or infectious properties, may either increase mortality or produce irreversible or incapacitating illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed” (U.S. Public Health and Welfare Code Section 6903). Special handling and management are required for materials and wastes that exhibit hazardous properties. Treatment, storage, transport, and disposal of these materials are highly regulated at both the Federal and State levels. The Federal and State laws provide the “cradle to grave” regulation of hazardous wastes. Businesses, institutions, and other entities that generate hazardous waste are required to identify and track their hazardous waste from the point of generation until it is recycled, reused, or disposed of. Compliance with Federal and State hazardous materials laws and regulations minimizes the potential risks to the public presented by these potential hazards.

#### **Resource Conservation and Recovery Act (RCRA)**

The Resource Conservation and Recovery Act (RCRA) is the principal federal law that regulates generation, management, and transportation of hazardous waste. Hazardous waste management includes the treatment, storage, or disposal of hazardous waste. The primary responsibility for implementing RCRA is assigned to the EPA’s DTSC, although individual states are encouraged to seek authorization to implement some or all RCRA provisions.

#### **Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)**

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) is a law developed to protect the water, air, and soil resources from the risks created by past chemical disposal practices. This law is also referred to as the Superfund Act and regulates sites on the National Priority List, which are called Superfund sites.

#### **Hazardous Materials Transportation Act (HMTA)**

The Hazardous Materials Transportation Act of 1975 (HMTA) empowered the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property." In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of



Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The HMTUSA statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials.

## **Emergency Planning and Community Right-To-Know Act (EPCRA)**

In 1986, Congress passed the Superfund Amendments and Reauthorization Act. Title III of this regulation may be cited as the “Emergency Planning and community Right-to-Know Act of 1986” (EPCRA). The EPCRA required the establishment of state commissions, planning districts, and local committees to facilitate the preparation and implementation of emergency plan. Under the requirements, local emergency planning committees are responsible for developing a plan for preparing for and responding to a chemical emergency, including:

- An identification of local facilities and transportation routes where hazardous materials are present.
- The procedures for immediate response in case of an accident (this must include a community-wide evacuation plan).
- A plan for notifying the community that an incident has occurred.
- The names of response coordinators at local facilities.
- A plan for conducting drills to test the plan.

The emergency plan is reviewed by the State Emergency Response Commission and publicized throughout the community. The local emergency planning committee is required to review, test, and update the plan each year. The goal of the plan is to improve public- and private-sector readiness and to mitigate local impacts resulting from natural or man-made emergencies.

Another purpose of the EPCRA is to inform communities and citizens of chemical hazards in their areas. Sections 311 and 312 of EPCRA require businesses to report to state and local agencies the location and quantities of chemicals stored on-site. Under section 313 of EPCRA, manufacturers are required to report chemical releases for more than 600 designated chemicals. In addition to chemical releases, regulated facilities are also required to report off-site transfers of waste for treatment or disposal at separate facilities, pollution prevention measures, and chemical recycling activities. The EPA maintains the Toxic Release Inventory database that documents the information that regulated facilities are required to report annually.

## **National Emission Standards for Hazardous Air Pollutants**

The National Emission Standards for Hazardous Air Pollutants (NESHAP) are stationary source standards for hazardous air pollutants established by the EPA. Hazardous air pollutants (HAPs) are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects. Sources subject to NESHAPs are required to perform an initial performance test to demonstrate compliance. To demonstrate continuous compliance, sources are generally required to monitor control device operating parameters



which are established during the initial performance test. Sources may also be required to install and operate continuous emission monitors to demonstrate compliance.

## **STATE LEVEL**

The EPA and the DTSC have developed and continue to update lists of hazardous wastes subject to regulation. In addition to the EPA and DTSC, the Regional Water Quality Control Board, San Diego Region (San Diego RWQCB), is the enforcing agency for the protection and restoration of water resources, including remediation of unauthorized releases of hazardous substances in soil and groundwater. Other State agencies involved in hazardous materials management include the Office of Emergency Services, California Department of Transportation (Caltrans), California Highway Patrol, Air Resources Board (ARB), and the California Integrated Waste Management Board (CalRecycle).

### **Hazardous Materials Release Notification**

Many state statutes require emergency notification of a hazardous chemical release:

- California Health and Safety Codes Sections 25270.8, and 25507;
- Vehicle Code Section 23112.5;
- Public Utilities Code Section 7673, (PUC General Orders #22-B, 161);
- Government Code Sections 51018, 8670.25.5 (a);
- Water Codes Sections 13271, 13272; and
- California Labor Code Section 6409.1 (b)10.

Requirements for immediate notification of all significant spills or threatened releases cover owners, operators, persons in charge, and employers. Notification is required regarding significant releases from facilities, vehicles, vessels, pipelines, and railroads. In addition, all releases that result in injuries or harmful exposure to workers must be immediately reported to the California Occupational Safety and Health Administration pursuant to the California Labor Code Section 6409.1(b).

### **Hazardous Materials Disclosure Programs**

The Unified Program administered by the State of California consolidates, coordinates, and makes consistent the administrative requirements, permits, inspections, and enforcement activities for environmental and emergency management programs, which include: Hazardous Materials Release Response Plans and Inventories (business plans), the California Accidental Release Prevention (CalARP) Program, the UST Program, and the Aboveground Petroleum Storage Tank (APST) Program. The Unified Program is implemented at the local government level by Certified Unified Program Agencies (CUPA).

### **California Accidental Release Prevention (CalARP) Program**

The California Accidental Release Prevention (CalARP) program was implemented on January 1, 1997 in response to Senate Bill 1889 and replaced the California Risk Management and Prevention Program (RMPP). CalARP aims to be proactive and therefore requires businesses to prepare risk management



plans, which are detailed engineering analyses of the potential accident factors present at a business and the mitigation measures that can be implemented to reduce this accident potential. This requirement is coupled with the requirements for preparation of hazardous materials business plans under the Unified Program, implemented by the CUPA.

### **Transportation of Hazardous Materials/Wastes**

Transportation of hazardous materials/wastes is regulated by CCR Title 26. The U.S. Department of Transportation (DOT) is the primary regulatory authority for the interstate transport of hazardous materials. The DOT establishes regulations for safe handling procedures (i.e., packaging, marking, labeling, and routing) and enforces federal and State regulations and respond to hazardous materials transportation emergencies along with the California Highway Patrol. Emergency responses are coordinated as necessary between federal, State, and local governmental authorities and private persons through a State-mandated Emergency Management Plan.

### **Worker and Workplace Hazardous Materials Safety**

Occupational safety standards exist to minimize worker safety risks from both physical and chemical hazards in the workplace. Cal/OSHA is responsible for developing and enforcing workplace safety standards and assuring worker safety in the handling and use of hazardous materials. Among other requirements, Cal/OSHA requires many businesses to prepare Injury and Illness Prevention Plans and Chemical Hygiene Plans. The Hazard Communication Standard requires that workers be informed of the hazards associated with the materials they handle.

### **Department of Toxic Substances Control (DTSC)**

The responsibility for implementation of RCRA was given to DTSC in August 1992. The DTSC is also responsible for implementing and enforcing California's own hazardous waste laws, which are known collectively as the Hazardous Waste Control Law. Although similar to RCRA, the California Hazardous Waste Control Law and its associated regulations define hazardous waste more broadly and regulate a larger number of chemicals. Hazardous wastes regulated by California but not by EPA are called "non-RCRA hazardous wastes."

### **San Diego Regional Water Quality Control Board (San Diego RWQCB)**

The San Diego RWQCB is the enforcing agency for the protection and restoration of water resources, including remediation of unauthorized releases of hazardous substances in soil and groundwater. The Site Cleanup Program (SCP) regulates and oversees the investigation and cleanup of 'non-federally owned' sites where recent or historical unauthorized releases of pollutants to the environment, including soil, groundwater, surface water, and sediment, have occurred. Sites in the program are varied and include, but are not limited to, pesticide and fertilizer facilities, rail yards, ports, equipment supply facilities, metals facilities, industrial manufacturing and maintenance sites, dry cleaners, bulk transfer facilities, refineries, and some brownfields. These releases are generally not from strictly petroleum USTs. The types of pollutants encountered at the sites are plentiful and diverse and include solvents, pesticides, heavy metals, and fuel constituents to name a few.





## **South Coast Air Quality Management District (SCAQMD)**

The South Coast Air Quality Management District (SCAQMD) works with the California Air Resources Board and is responsible for developing and implementing rules and regulations regarding air toxics on a local level. The SCAQMD establishes permitting requirements, inspects emission sources, and enforces measures through educational programs and/or fines. SCAQMD Rule 1403 governs the demolition of buildings containing asbestos materials. Rule 1403 specifies work practices with the goal of minimizing asbestos emissions during building demolition and renovation activities, including the removal and associated disturbance of ACM. The requirements for demolition and renovation activities include asbestos surveying, notification, ACM removal procedures and time schedules, ACM handling and cleanup procedures, and storage and disposal requirements for asbestos-containing waste materials. Rule 1166 governs the emission of volatile organic compounds (VOCs) from excavating, grading, handling, and treating VOC-contaminated soil as a result of leakage from storage or transfer operations, accidental spillage, or other deposition. The requirements for excavating an UST, transfer pipe, or VOC-contaminated soils include operating pursuant to an approved mitigation plan, notification, VOC monitoring, and procedure for handling and transporting contaminated soils. Rule 1401 governs any new, modified, or relocation of permit units (article, machine, equipment, or facility) that emit toxic air contaminants. The rule establishes allowable risks (maximum individual cancer risk, cancer burden, and noncancer acute and chronic hazard index) from operating permit units. Regulation 13 (Rules 1300 – 1325) establishes pre-construction review requirements for the installation or modification of a source facility (i.e., power plant, engine, equipment) of nonattainment air contaminant, ozone-depleting compounds (ODCs), or ammonia.

## **LOCAL LEVEL**

### **City of Dana Point General Plan**

The Public Safety Element of the General Plan contains an evaluation of environmental and man-made hazards that have the potential to threaten human life, public health, and property to varying degrees. The City works in conjunction with several other government entities to ensure a clean environment through various land use policies and its Municipal Code, expediting the cleanup of contaminated sites, and making sure proper measures are taken to manage hazardous materials and plan for hazardous waste incidents. The following Public Safety Element policies apply to the proposed project:

### **PUBLIC SAFETY ELEMENT**

Goal 3: Reduce the risk to the community's inhabitants from exposure to hazardous materials and wastes.

- Policy 3.1: Cooperate with the County to implement applicable portions of the County's proposed Hazardous Waste Management Plan.
- Policy 3.5: Encourage and support the proper disposal of hazardous household waste and waste oil.



## **Dana Point Municipal Code**

The following sections of the Municipal Code address hazards and hazardous materials:

### **CHAPTER 8.24, CALIFORNIA FIRE CODE**

The City adopted the California Code of Regulations (CCR) Title 24, Part 9, known and designated as the 2016 California Fire Code, with the modifications set forth in Section 8.24.010 *Amendments, Additions and Deletions*, of the Municipal Code, for the purpose of prescribing regulations governing conditions hazardous to the life and property from fire or explosion. The provisions of the California Fire Code constitute the fire code regulations of the City.

### **Orange County Health Care Agency**

The Orange County Health Care Agency (OCHCA) Environmental Health Division is designated as the CUPA for the County of Orange (including the City of Dana Point) by the State Secretary for Environmental Protection on January 1, 1997. The CUPA is the local administrative agency that coordinates the regulation of hazardous materials and hazardous wastes in Orange County through the following six programs:

- Hazardous Materials Disclosure (HMD);
- Business Emergency Plan (BEP);
- Hazardous Waste (HW);
- Underground Storage Tank (UST);
- Aboveground Petroleum Storage Tank (APST); and
- California Accidental Release Prevention (CalARP).

### **5.6.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA**

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Section 8.0, *Effects Found Not To Be Significant*);
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment (refer to Impact Statement HAZ-1);
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (refer to Impact Statement HAZ-2);



- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (refer to Impact Statement HAZ-1);
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area (refer to Section 8.0, *Effects Found Not To Be Significant*);
- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (refer to Impact Statement HAZ-3); and
- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires (refer to Section 8.0, *Effects Found Not To Be Significant*).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

## **5.6.4 IMPACTS AND MITIGATION MEASURES**

### **ACCIDENTAL RELEASE OF HAZARDOUS MATERIALS**

#### **HAZ-1 PROJECT IMPLEMENTATION COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.**

**Impact Analysis:** One of the means through which human exposure to hazardous substance could occur is through accidental release. Incidents that result in an accidental release of hazardous substances into the environment can cause contamination of soil, surface water, and groundwater, in addition to any toxic fumes that might be generated. Human exposure to contaminated soil or water can have potential health effects based on a variety of factors, such as the nature of the contaminant and the degree of exposure.

#### **CONSTRUCTION**

Construction activities could expose construction workers to accidental conditions as a result of existing potential contamination in on-site soils, soil gas, and/or groundwater. Potential construction-related impacts in this regard are discussed below.



## South Transportation Yard

### *Fueling Area/Storage Shed*

#### Existing Underground Storage Tanks

The fueling area recently included two USTs, two fuel dispenser islands, and associated piping, which were removed in 2022. According to the Limited Phase II ESA, results from soil and soil gas samples collected do not indicate contamination to subsurface soil and soil gas from the existing USTs, fuel dispenser islands, and associated piping. Other existing utilities on-site may also be associated with hazardous materials, such as hydraulic lifts, hydraulic fluid reservoir and associated piping, the bus wash clarifier, and other existing drums and containers of cleaners/solvents. As such, the project would require implementation of Mitigation Measure HAZ-1 prior to issuance of grading permits. Mitigation Measure HAZ-1 would require the removal of numerous features remaining on-site, including but not limited to the hydraulic lifts, hydraulic fluid reservoir and associated piping, the bus wash clarifier, and other existing drums and containers of cleaners/solvents. Removal activities shall adhere to applicable Federal, State, and local regulations. Specifically, all features removal activities associated with Mitigation Measure HAZ-1 are subject to the permanent closure requirements of the CCR Title 23, Division 3, Chapter 16, *Underground Storage Tank Regulations*, Article 7, *Closure Requirements* under the oversight of OCHCA Environmental Health Division. It should be noted that part of the UST program requires OCHCA Environmental Health staff to be onsite during removal activities to observe the condition of the UST(s) during removal and direct sampling to determine whether a reportable unauthorized release has occurred. Impacted soil identified during the removal of these features shall be removed and handled according to the Soil Management Plan (SMP), as described in Mitigation Measure HAZ-2. Mitigation Measure HAZ-2 would require a SMP to be prepared for the project site prior to issuance of grading permits. The SMP would provide guidelines for safety measures, soil management, and handling of disturbed soils. All residual liquid, solids, or sludge from implementation of Mitigation Measure HAZ-2 would be handled as hazardous waste or recyclable material in accordance with Chapters 6.5, *Hazardous Waste Control*, of the Health and Safety Code. The SMP would also be required to present a decision framework and specific risk management measures for managing soil in a manner protective of human health and consistent with applicable regulatory requirements. Confirmation soil samples would be required to be collected within the excavated areas to ensure all remaining on-site soils are not impacted by potentially hazardous materials uncovered during the removal activities.

According to the Limited Phase II ESA, implementation of Mitigation Measure HAZ-1 would constitute contaminant source removal and reduce associated chemical concentrations in soil gas in the vicinity of these existing features. Implementation of the Mitigation Measure HAZ-2, which includes the SMP and associated confirmation samples collected within the excavated areas, would confirm remaining soil is not impacted above regulatory screening levels and further reduce potential risks associated with these existing features. Based on the Limited Phase II ESA, future grading operations at the project site as part of project construction would further reduce any remnant soil gas concentrations in the upper five feet of shallow soil. With implementation of Mitigation Measures HAZ-1 and HAZ-2, impacts related to the existing hazardous materials-related features would be reduced to less than significant levels.



### Historical Underground Storage Tanks

As discussed above, four underground storage tanks were historically located in, or in proximity to, the fueling area. Two 550-gallon tanks were removed in 1989, one of which resulted in a release to soils. Impacted soils were excavated in 1998, concurrently with the removal of the two remaining USTs at the time. The remedial excavation resulted in the removal of 281.07 tons of petroleum-contaminated soil and introduction of 600 pounds of ORC within the excavation pit to remove residual contamination in soil and groundwater. The OCHCA issued closure letter for the four USTs on July 26, 2000. Additionally, although elevated PCE concentrations were identified in this area according to the Limited Phase II ESA, it was determined to be likely the result of vehicle maintenance operations in the former mechanic shop and unlikely to be associated with these former USTs. As such, impacted soils from these former USTs were removed and are no longer of concern. Impacts in this regard are less than significant.

### ***Former Mechanic Shop***

#### Automotive Maintenance Activities and Existing Hydraulic Lifts

The former on-site mechanic shop contained at least four in-ground hydraulic lifts with two trenches that were used for historical automotive maintenance activities. According to the Phase I ESA, the hydraulic lifts, hydraulic fluid reservoir, and associated piping were never removed, although automotive maintenance activities have not been performed at the project site for the past decade. According to the Limited Phase II ESA, results from soil gas samples indicated elevated concentrations of PCE exceeding regulatory (DTSC) screening levels for residential property (which is 460  $\mu\text{g}/\text{m}^3$ ) in the vicinity of the former mechanic shop. Based on the Limited Phase II ESA, the extent of PCE in soil gas above screening levels appears to be relatively well defined and centered on the mechanic shop and former 10,000-gallon gasoline-containing UST location; refer to [Exhibit 5.6-3](#). Removal of the existing hydraulic lifts, hydraulic fluid reservoir, and associated piping may result in the accidental release of hazardous chemicals including solvents and petroleum-based products. As discussed above, the project would require implementation of Mitigation Measure HAZ-1, which would mandate the removal of numerous features remained on-site, including the hydraulic lifts, hydraulic fluid reservoir, and associated piping. Based on the Limited Phase II ESA, implementation of Mitigation Measure HAZ-1 would constitute contaminant source removal and reduce associated chemical concentrations in soil gas, including PCE concentration, in the vicinity of the mechanic shop and former 10,000-gallon gasoline-containing UST location. Excavation and grading operations on-site would require the removal of 19,585 cubic yards of on-site soils. As such, excavation work would likely remove the upper five feet in the vicinity of the former mechanic shop, where existing localized impacted soils are present. These excavated soils would be required to be removed and handled according to the SMP (Mitigation Measure HAZ-2). Such materials would be handled as hazardous waste or recyclable material in accordance with Chapters 6.5, *Hazardous Waste Control*, of the Health and Safety Code. With implementation of Mitigation Measures HAZ-1 and HAZ-2, impacts associated with PCE contamination in the vicinity of the former mechanic shop would be reduced to less than significant levels.



### Existing Drums and Containers of Cleaners/Solvents

According to the Phase I ESA, the former mechanic shop contained approximately 15 empty or near empty 55-gallon drums, portable fuel containers, and pesticides. Materials identified to be storing in these containers include waste oil, HTC oil (petroleum base hydraulic fluid), diesel fuel catalyst, and tractor hydraulic fluid. No significant stains were observed on the concrete adjacent to the drums. As no evidence of spills or staining from these existing drums and containers of cleaners/solvents have been reported or observed, no contamination from these drums and containers are anticipated.

Nonetheless, the project would be required to comply with Mitigation Measure HAZ-1. Mitigation Measure HAZ-1 would require the removal of numerous features remained on-site, including the existing drums and containers of cleaners/solvents. As discussed under “Existing Underground Storage Tanks”, removal activities would adhere to the applicable regulations and requirements and be under the supervision of OCEHA Environmental Health Division. Removal activities would occur under supervision of the OCHCA and/or other relevant agencies. Impacted soil identified during the removal of these features would be required to be removed and handled according to the SMP, as described in Mitigation Measure HAZ-2. Confirmational soil samples would be required to be collected within the excavated areas to ensure all remaining on-site soils are not impacted by potentially hazardous materials uncovered during the removal activities. Implementation of Mitigation Measures HAZ-1 and HAZ-2 would ensure impacts as a result of the removal of existing on-site features be reduced to less than significant levels.

### ***Bus Wash Area***

The bus/vehicle wash area features a floor drain and in-ground clarifier and is currently used for cleaning various CUSD vehicles. According to the Phase I ESA, a leak in the clarifier or associated piping may result in contamination to soil and soil gas below the bus/vehicle washing area. Based on the Limited Phase II ESA, results from the soil samples do not indicate elevated concentration of TPHs and VOCs above regulatory levels exist in the subsurface soil and groundwater within the bus/vehicle wash area. Nonetheless, the project would be required to comply with Mitigation Measure HAZ-1, which would ensure that impacts regarding the accidental condition associated with the bus wash clarifier would be reduced to less than significant levels.

## **Grounds Department**

### ***Grounds Dispatch Building***

According to the Limited Phase II ESA, results of soil samples indicated TPH concentration below regulatory screening levels with the exception of the one-foot soil samples collected outside of the ground dispatch building. Elevated DRO concentration above regulatory screening level was detected and soil was noted to have an odor. As a soil sample collected at three feet bgs does not contain DRO concentration above regulatory levels, the Limited Phase II ESA determined that a limited surface spill occurred in this area. Concentration of TVOCs were detected below regulatory screening levels. Results of soil gas samples indicate elevated naphthalene concentration above regulatory screening level (i.e., the Department of Toxic Substances Control modified screening levels [DTSC-SL]) at five feet bgs. According to the Limited Phase II ESA, the elevated soil gas concentrations are most likely due to the visually impacted soil identified in the two feet of soil below asphalt pavement from a limited chemical release adjacent to the Grounds Dispatch Building.



In order to mitigate the limited surface spill in area just outside the ground dispatch building, the project would be required to comply with Mitigation Measure HAZ-3. Visually impacted soil in the vicinity of the grounds dispatch building would be removed to approximately three feet bgs, and confirmational soil samples from excavation walls and floor would be collected prior to initiation of grading activities. According to the Limited Phase II ESA, removal of the contaminant source in soil in accordance with Mitigation Measure HAZ-3 would reduce the concentration of VOCs in soil gas within the vicinity of the grounds dispatch building, which would reduce risk of naphthalene indoor vapor intrusion for future residents. Future grading operations at the project site as part of project construction should further reduce any remnant soil gas concentrations in the upper five feet in the vicinity of the former mechanic shop. Further, the project would be required to comply with Mitigation Measure HAZ-4, which would require additional verification soil gas sampling(s) to be conducted in the vicinity of the grounds dispatch building and mechanic shop upon building demolition and prior to site grading to confirm that no impacts to soil gas at the current grounds dispatch building area would post a significant risk to future occupants via vapor intrusion. Should any samples determine that residual contamination in either soil or soil gas exceed the thresholds for residential use (i.e., DTSC-SL of 83  $\mu\text{g}/\text{m}^3$  for naphthalene, and DTSC-SL of 460  $\mu\text{g}/\text{m}^3$  for PCE), the project Applicant would be required to install appropriate vapor barrier(s), as necessary, prior to construction of the on-site building foundation (Mitigation Measure HAZ-4). Vapor barrier, typically a chemically rated membrane installed sub-slab, is a standard typical engineering control for minimization of vertical soil gas migration. As the project would be required to implement Mitigation Measures HAZ-1 through HAZ-3, which would require removal of on-site impacted soils during project excavation activities, Mitigation Measure HAZ-4 would ensure residual contamination in either soil or soil gas, if any, would not negatively impacts building occupants. As discussed above, Mitigation Measure HAZ-2 would require a SMP to be prepared for the project site prior to issuance of grading permits. The SMP would provide guidelines for safety measures, soil management, and handling of disturbed soils. With implementation of the Mitigation Measures HAZ-2 through HAZ-4, impacts regarding accidental condition associated with existing contamination to soils beneath the grounds dispatch building would be reduced to less than significant levels.

### ***Existing Groundwater Monitoring Well***

According to the Phase I ESA, a groundwater monitoring well (referred to as MW1) is located between the former tire storage building and mechanic shop. Although there are currently no active environmental cases associated with the project site, elevated concentration of 1,2-dichloroethane was detected above regulatory screening level. As such, MW1 would represent a potential vertical pathway for future groundwater contamination and, as such, would be required to be removed (Mitigation Measure HAZ-5). Mitigation Measure HAZ-5 would require the project Applicant to obtain a monitoring well deconstruction permit from OCHCA prior to issuance of grading permits for the proposed project in accordance with Orange County Well Ordinance (County Ordinance No. 2607). Orange County Well Ordinance requires that a monitoring well deconstruction permit be obtained from OCHCA Health Officer or his/her designee prior to the construction or destruction of any well. Upon receipt of the monitoring well deconstruction permit, the project Applicant would be required to retain a qualified environmental professional with Phase II/Site Characterization experience to properly seal and abandon MW1, in accordance with State of California Bulletin 74-81, *Water Well Standards and Bulletin 74-90, California Well Standards* (California Well Standards). Specifically, Part III,



*Destruction of Monitoring Wells*, of the California Well Standards describes specifications for destruction of monitoring wells. These activities include, but are not limited to:

- A preliminary investigation on the monitoring well to be conducted before it is destroyed to determine its condition and details of its construction;
- Sealing conditions are met;
- Exploratory borings are completely filled with appropriate sealing material from bottom to top (if located in areas of known or suspected contamination or pollution);
- Placement of sealing material for monitoring wells and exploratory borings comply with Section 23 of the Water Well Standards and Part III of the California Well Standards; and
- Materials used for sealing to be low in permeabilities and compatible with the chemical environment into which it is placed and must have mechanical properties consistent with present and future site uses.

Implementation of Mitigation Measure HAZ-5 would ensure impacts regarding the existing groundwater monitoring well be reduced to less than significant levels.

### **On-Site Structures**

The project site is currently developed with six structures, built prior to 1979; refer to [Exhibit 5.6-1](#). Structures constructed between the 1940s and the 1970s may be associated with hazardous building materials (e.g., ACM, and/or LBP). Additionally, organochlorine-containing termiticides (OCPs) may have been used to treat wooden buildings constructed prior to 1989, and universal waste (certain categories of hazardous waste such as batteries, pesticides, mercury-containing equipment, and lamps that are commonly generated by a wide variety of establishments) are often present in sites with historical uses.

Demolition of the structures could expose construction personnel and the public to ACMs or LBPs. Federal and State regulations govern the renovation and demolition of structures where ACMs and LBPs are present. All demolition that could result in the release of ACMs or LBPs would be conducted according to Federal and State regulations which govern the renovation and demolition of structures where ACMs and LBPs are present. Specifically, the NESHAP establishes that building owners conduct an asbestos survey to determine the presence of ACMs prior to the commencement of any remedial work, including demolition.

Based on the Limited Phase II ESA, results from soil samples screened for asbestos did not indicate elevated concentration of asbestos in on-site soils. Based on the Phase I ESA, there is a potential that lead-based paint (LBPs) is present in on-site buildings and shallow soil in proximity to these buildings. Due to the presence of structures built between the 1940s and the 1970s and the various historical uses of the site, the Limited Phase II ESA indicated the potential for on-site structure to contain ACM, LBP, and/or universal waste. The project would be required to comply with Mitigation Measure HAZ-6, which would require surveys of ACM, LBP, and universal waste to be conducted by a qualified specialist or contractor and submitted to the OCHCA for review and comment, and to the project Engineer for approval, prior to demolition of existing structures (including piping materials).





Specifically, if ACMs are located, abatement of asbestos would be required to be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403. In accordance with Rule 1403, abatement of asbestos would be required prior to any demolition activities if ACM material is found. If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste would be required to be evaluated independently from the building material by a qualified environmental professional in accordance with CCR Title 8, Section 1529, *Asbestos*. If LBPs are found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. LBP removal and disposal shall be performed in accordance with CCR Title 8, Section 1532.1, *Lead*, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or universal waste removal shall provide evidence of abatement activities to the OCHCA and Director of Public Works. The project Applicant would be required to inform the Director of Public Works, via the monthly compliance report, of the date when all ACMs, LBPs, and universal waste are removed from the site. Compliance with existing regulations related to ACMs and LBPs and implementation of Mitigation Measure HAZ-6 would reduce potential impacts in this regard to a less than significant level.

Additionally, based on the Limited Phase II ESA, soil samples collected adjacent to current and historical structures indicated no evidence of elevated levels of OCPs or Title 22 metals above regulatory screening levels. Impacts in this regard are less than significant.

### **Unknown Contamination**

Project implementation would involve grading and excavation activities which could also reveal unknown contamination. Potential risks would be minimized by compliance with all existing federal, State, and local laws related to the hazardous materials/waste, as discussed above. Based on the Limited Phase II ESA, observations would be required to be made during project construction for potential contamination source or indicator such as, but not limited to, the presence of underground facilities, buried debris, waste drum tanks, and stained or odorous soils (Mitigation Measure HAZ-7). Mitigation Measure HAZ-7 would require contractor to establish procedures if unknown wastes or contamination source or indicator are encountered during construction. If unknown wastes or suspect materials are discovered during construction, the construction contractor would be required to halt work in the vicinity of the suspected contaminant, notify the Director of Public Works and OCHCA, and perform remedial activities as required under existing regulatory agency standards. Compliance with Mitigation Measure HAZ-1 would further minimize potential risks related to accidental release of hazardous materials from unknown contamination discovered during construction. With compliance with recommended mitigation, impacts in this regard would be reduced to less than significant levels.

### **Off-Site Regulatory Properties**

It is acknowledged that surrounding off-site properties within the project area also handle/store/transport hazardous materials that could have affected soil, soil gas, and groundwater at the project site. According to the Phase I ESA, Orange County Fire Station No. 29, located approximately 0.01-mile (70 feet) north of the project site at 26111 Victoria Boulevard, had reported



instance of a leaking diesel-containing UST. An environmental cleanup case was opened in 1993 and closed in 1998 under OCHCA oversight. Based on the relatively short clean up period, the released chemical (diesel fuel), and the relative distance between Orange County Fire Station No. 29 and the project site (70 feet), the Phase I ESA concluded that the former leaking UST at Orange County Fire Station No. 29 has not resulted in impacts to soil, soil gas, or groundwater beneath the projects site. No impacts are anticipated in this regard.

### **Cortese Database**

According to the Phase I ESA, the project site was historically reported pursuant to Government Code Section 65962.5 under several different site names with the street address of 26126 Victoria Boulevard and reference to either Capistrano Beach or Dana Point as the city. These listings were primarily for instances of historical records of leaking USTs to soil or groundwater, records of existing USTs, or as an industrial facility that treats and/or disposes of liquid or semisolid wastes. However, according to CalEPA, the site is not currently listed pursuant to Government Code Section 65962.5.3

As discussed above, contaminations to soil and soil gas as a result of historical and existing uses of the site are present in certain portions of shallow soils on-site.

Overall, compliance with all existing Federal, State, and local laws related to the hazardous materials and Mitigation Measures HAZ-1 through HAZ-7 would reduce potential impacts as a result of existing and past uses of the project site to less than significant levels.

### **OPERATION**

Substantial risks associated with hazardous materials are not typically associated with residential uses. Minor cleaning products along with the occasional use of pesticides and herbicides for landscape maintenance of the project site are generally the extent of hazardous materials that would be routinely utilized on-site. Thus, as the presence and on-site storage of these materials are common for residential uses and would not be stored in substantial quantities (quantities required to be reported to a regulatory agency), impacts in this regard are less than significant.

### **Mitigation Measures:**

HAZ-1 On-site Features Removal. Prior to issuance of grading permits, the project Applicant shall retain a qualified environmental professional with Phase II/Site Characterization experience to remove numerous features remaining on-site, including but not limited to the hydraulic lifts, hydraulic fluid reservoir and associated piping, and the bus wash clarifier. Impacted soil identified during the removal of these features shall be removed and handled according to the Soil Management Plan (Mitigation Measure HAZ-2). Confirmation soil samples shall be collected within the excavated areas. Removal activities

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<sup>3</sup> California Environmental Protection Agency, *Cortese Listing*, <https://calepa.ca.gov/sitecleanup/corteselist/>, accessed June 6, 2022.



shall adhere to applicable federal, State, and local regulations, and shall occur under supervision of the Orange County Health Care Agency and/or other relevant agencies.

- HAZ-2 Soil Management Plan. Prior to issuance of a grading permit, a Soil Management Plan (SMP) shall be prepared by a qualified environmental professional with Phase II/Site Characterization experience. The SMP shall include guidelines for safety measures and soil management in the event that soils are to be disturbed, and for handling soil during any planned earthwork activities. The SMP shall also include a decision framework and specific risk management measures for managing soil, including any soil import/export activities, in a manner protective of human health and consistent with applicable regulatory requirements. The SMP shall be submitted to, reviewed, and approved by the Director of Public Works prior to issuance of grading permit. Upon approval, the SMP shall be made available to the contractor and the Director of Public Works for use during grading activities.
- HAZ-3 Remediation for Shallow Soil. Prior to initiation of grading activities, the project Applicant shall retain a qualified environmental professional with Phase II/Site Characterization experience to conduct shallow soil remediation in the vicinity of the grounds dispatch building. Visually impacted soil in the vicinity of the grounds dispatch building shall be removed to an adequate depth as determined by the specialist. Confirmation soil samples from excavation walls and floor shall be collected and analyzed. Remedial activities shall adhere to applicable federal, State, and local regulations, and under supervision of the Orange County Health Care Agency, San Diego Regional Water Quality Control Board, and/or other relevant agencies, as applicable.
- HAZ-4 Additional Verification Sampling. Upon completion of building demolition and prior to and during site grading, the project Applicant shall retain a qualified environmental professional with Phase II/Site Characterization experience to conduct verification soil gas sampling(s) in the vicinity of the grounds dispatch building and mechanic shop. Should any samples determine that residual contamination in either soil or soil gas exceed the thresholds for residential use (i.e., the Department of Toxic Substances Control modified screening levels [DTSC-SL] of 83  $\mu\text{g}/\text{m}^3$  for naphthalene, and DTSC-SL of 460  $\mu\text{g}/\text{m}^3$  for PCE, or otherwise specified by the oversight agency), the project Applicant shall install vapor barrier(s), if determined necessary, prior to construction of the on-site building foundation.
- HAZ-5 Monitoring Well Deconstruction. Prior to issuance of grading permits, the project Applicant shall obtain a monitoring well deconstruction permit from Orange County Health Care Agency and/or the Regional Water Quality Control Board. Upon receipt of the monitoring well deconstruction permit, the project Applicant shall obtain a qualified environmental professional with Phase II/Site Characterization experience to properly seal and abandon the existing monitoring well (MW1) on-site in accordance with the existing laws and regulations.
- HAZ-6 Asbestos/Lead-Based Paint Surveys. Prior to demolition of existing structures (including piping materials), the project Applicant shall retain a qualified specialists or contractor to conduct surveys of ACM, LBP, and universal waste and submitted to the City Director of



Public Works for approval. If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403. If LBPs are found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. LBP removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Specialists or contractors performing ACM, LBP, and/or universal waste removal shall provide evidence of abatement activities to the City Director of Public Works, if applicable. The project Applicant shall inform the Director of Public Works, via the monthly compliance report, of the date when all ACMs, LBPs, and universal waste are removed from the site, if applicable.

HAZ-7 Unknown Waste. Prior to initiation of construction activities, contractor shall establish procedures in the event that unknown wastes or contamination source or indicator are encountered during construction. Observations shall be made during project construction for potential contamination source or indicator such as, but not limited to, the presence of underground facilities, buried debris, waste drum tanks, and stained or odorous soils. If unknown wastes or suspect materials are discovered during construction, the contractor shall comply with the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the Director of Public Works;
- Secure the area as directed by the Director of Public Works; and
- Notify the implementing agency's Hazardous Waste/Materials Coordinator. The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

## **SCHOOL SITES**

**HAZ-2 PROJECT IMPLEMENTATION COULD EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS, SUBSTANCES, OR WASTE WITHIN ONE-QUARTER MILE OF AN EXISTING SCHOOL.**

**Impact Analysis:** Three existing schools are located within a 0.25-mile radius of the project site:

- Nobis Preschool, located at 26153 Victoria Boulevard, is approximately 0.01-mile (75 feet) north of the site;



- Capo Beach Christian School, located at 25975 Domingo Avenue, is approximately 0.04-mile (220 feet) west of the site; and
- Little Thinkers Montessori Academy, located at 34240 Camino Capistrano, is approximately 0.1-mile (520 feet) north of the site.

The proposed project is anticipated to involve the demolition of existing structures and potential soil management activities that may require the handling of hazardous materials at the project site as well as the transport of these materials off-site to an approved landfill facility. These activities would be required to comply with federal, State, and local laws and regulations regarding the handling and transport of hazardous materials. With compliance with federal, State, and local laws and regulations as well as implementation of the recommended Mitigation Measures HAZ-1 through HAZ-7, the project is not anticipated to result in any significant impacts involving the handling of hazardous materials, substances, or waste within the vicinity of these schools. Impacts in this regard would be reduced to less than significant levels.

**Mitigation Measures:** Refer to Mitigation Measures HAZ-1 through HAZ-7.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

## **EVACUATION PLAN**

### **HAZ-3 PROJECT IMPLEMENTATION COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH INTERFERENCE WITH AN ADOPTED EMERGENCY RESPONSE OR EVACUATION PLAN.**

**Impact Analysis:** The proposed project would not physically interfere with an adopted emergency response plan or emergency evacuation plan. Project construction activities could result in short-term temporary impacts to street traffic along Victoria Boulevard and Sepulveda Avenue. While temporary lane closures may be required, travel along surrounding roadways would remain open and would not interfere with emergency access in the site vicinity. It is acknowledged that the project site is located adjacent to Pacific Coast Highway, which is designated as an evacuation route in the General Plan Public Safety Element. Nonetheless, the project would not require temporary lane closure along Pacific Coast Highway.

According to the General Plan, the City maintains the Emergency Preparedness Plan, which provides the framework for responding to major emergencies or disasters within the City. Moreover, the General Plan Public Safety Element includes a Public Safety Plan which described the approach to be used in implementing the goals and policies outlined in the Public Safety Element. The OCFA provides emergency medical and fire protection support; according to the General Plan, OCFA meets its adopted response standards in the City of Dana Point. The project proposes a residential development and would not affect the existing emergency service operations. Further, the project includes a third driveway at the southern terminus of Sepulveda Avenue for emergency access only. All emergency vehicular access (EVA) drive aisles would be designed to meet minimum fire lane widths and turning radii requirements as required by the OCFA. Impacts in this regard would be less than significant.



**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### 5.6.5 CUMULATIVE IMPACTS

Section 15355 of the *CEQA Guidelines* requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are located on both developed and undeveloped sites.

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED PROJECTS, COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.**

**Impact Analysis:** Cumulative projects could result in creating a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. However, as discussed above, with implementation of existing laws and regulations established by the OCHCA, San Diego RWQCB, DTSC, DOT, Caltrans, and Cal/OSHA, among others, these cumulative impacts would be minimized. As discussed above, with implementation of the recommended Mitigation Measures HAZ-1 through HAZ-7, implementation of the proposed project would not result in significant impacts involving hazards and hazardous materials. As such, the project would not result in a cumulatively considerable impact in this regard and impacts would be less than significant.

**Mitigation Measures:** Refer to Mitigation Measures HAZ-1 through HAZ-7.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED PROJECTS, COULD EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS, SUBSTANCES, OR WASTE WITHIN ONE-QUARTER MILE OF AN EXISTING SCHOOL.**

**Impact Analysis:** Cumulative projects that result in hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school would be required to go through CEQA clearance to ensure that no significant impacts to sensitive receptors would result. Further, with compliance with the laws and regulations established by the OCHCA, San Diego RWQCB, DTSC, DOT, Caltrans, and Cal/OSHA, among others, these cumulative impacts would be minimized. As the proposed project would not result in significant impacts involving hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing school with implementation of Mitigation Measures HAZ-1 through HAZ-7 and compliance with existing regulations, the project would not significantly contribute to a cumulatively considerable impact in this regard. Impacts in this regard would be less than significant.



**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED PROJECTS, COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH INTERFERENCE WITH AN ADOPTED EMERGENCY RESPONSE OR EVACUATION PLAN.**

**Impact Analysis:** Cumulative projects that may interfere with an adopted emergency response or evacuation plan would be required to go through CEQA clearance to ensure that surrounding roadways would remain open and emergency access in the site vicinity would not be impacted. Further, with compliance with the laws and regulations established by the OCHCA, San Diego RWQCB, DTSC, DOT, Caltrans, and Cal/OSHA, among others, these cumulative impacts would be minimized. As discussed above, the proposed project would not result in significant impacts through interference with an adopted emergency response or evacuation plan, although temporary lane closure along Victoria Boulevard and Sepulveda Avenue may be required during project construction. While temporary lane closures may be required, travel along surrounding roadways would remain open and would not interfere with emergency access in the site vicinity. As such, the project would not significantly contribute to a cumulatively considerable impact in this regard. Impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## 5.6.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant impacts related to hazards and hazardous materials have been identified following compliance with the applicable federal, State, and local regulatory requirements and implementation of the recommended Mitigation Measures HAZ-1 through HAZ-7.



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## 5.7 TRANSPORTATION

This section evaluates the potential transportation-related impacts resulting from construction and operation of the proposed project. Mitigation measures are recommended, as indicated, to avoid or reduce project impacts on transportation. This section is primarily based on the following technical study:

- *Victoria Apt Specific Plan, Dana Point Revised Vehicle Miles Traveled (VMT) Analysis Technical Memorandum* (VMT Analysis) prepared by Linscott, Law and Greenspan, Engineers, dated September 30, 2022; refer to [Appendix 11.7, VMT Analysis](#).

In 2013, Senate Bill (SB) 743 was adopted, starting a process that fundamentally changed the way transportation impact analysis is conducted under CEQA. SB 743 identifies Vehicle Miles Traveled (VMT) as the most appropriate CEQA transportation metric and eliminates auto delay, or level of service (LOS), and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant impacts. In December 2018, the California Natural Resource Agency integrated VMT into the CEQA Guidelines (14 California Code of Regulations Section 15064.3) pursuant to the provisions of SB 743. The VMT guidelines became effective Statewide beginning July 1, 2020. As such, the following analysis utilizes VMT as the transportation metric to evaluate the project's potential impacts.

### 5.7.1 EXISTING SETTING

#### EXISTING STREET SYSTEM

The principal local network of streets serving the project site includes Interstate 5 (I-5), Pacific Coast Highway/State Route 1, Coast Highway, Victoria Boulevard, Sepulveda Avenue, Camino Capistrano/Doheny Park Road, Camino Capistrano (east of Doheny Park Road), Stonehill Drive, and Domingo Avenue.

- **Interstate 5 (I-5)** is an 11- to 13-lane divided freeway in the project vicinity providing regional north-south circulation through Orange County and the State of California. I-5 Freeway access is provided via grade separated interchanges at Pacific Coast Highway and Stonehill Drive. It currently carries approximately 242,200 to 243,300 vehicles per day in the project vicinity. I-5 is designated as a Major Arterial per the General Plan Circulation Element.
- **Pacific Coast Highway/State Route 1 (SR-1)** is a four- to six-lane divided roadway in the project vicinity providing regional circulation along the coast. Pacific Coast Highway is classified as a Major Arterial per the General Plan Circulation Element. On-street parking is generally prohibited within the project area and there are no dedicated bicycle lanes within the project area. Sidewalks are provided on the north side of the road west of San Juan Creek Trail and on the south side of the road west of Doheny Park Plaza. The posted speed limit is 35 miles per hour west of Doheny Park Road and 55 miles per hour east of Doheny Park Road.
- **Coast Highway** is a four-lane divided roadway trending northeast to southeast in the study area. Coast Highway is classified as a Primary Arterial per the City of Dana Point General Plan. On-street parking is generally permitted south of the Doheny State Beach Campgrounds.



There are no dedicated lanes within the study area. Sidewalks are provided on the south side of the road. There is no posted speed limit within the study area.

- **Victoria Boulevard** is primarily a two-lane, undivided roadway oriented in an east-west direction. Sidewalks and on-street parking are generally permitted on both sides of the roadway. There are no dedicated bicycle lanes provided and there is no posted speed limit within the project area. Victoria Boulevard is not classified per the General Plan Circulation Element.
- **Sepulveda Avenue** is a two-lane undivided roadway providing local north-south circulation in the project area. Sepulveda Avenue is not classified per the General Plan. On-street parking is generally permitted. Dedicated on-street bicycle lanes are not provided in the study area. Sidewalks are generally provided on both sides of the roadway and there is no posted speed limit in the project vicinity.
- **Camino Capistrano/Doheny Park Road** is a four-lane divided roadway providing north-south local access in the project area. Between Stonehill Drive and Victoria Boulevard, Camino Capistrano turns easterly into a two-lane undivided roadway connecting to Via Canon, while the four-lane segment continues to the south as Doheny Park Road near the project site. Camino Capistrano/Doheny Park Road has two-way left turn lanes with intermittent raised medians. Doheny Park Road is classified as an Augmented Primary Arterial (four to six lanes divided roadway without parking) per the General Plan. On-street parking is prohibited on the northern segment of Camino Capistrano and generally permitted on the southern segment of Doheny Park Road. On-street Class II bicycle lanes are provided on Doheny Park Road between Pacific Coast Highway and Camino Capistrano. Sidewalks are provided on both sides of Doheny Park Road and on the west side of Camino Capistrano. The posted speed limit is 35 miles per hour in the project vicinity.
- **Camino Capistrano (east of Doheny Park Road)** is a two-lane undivided roadway trending northwest-southeast in the project area. Camino Capistrano is classified as a Secondary Arterial per the General Plan. On-street parking is generally permitted north of Victoria Boulevard in the project area. There are no dedicated bicycle lanes on Camino Capistrano (east of Doheny Park Road) in the project area. Sidewalks are provided on both sides of the Camino Capistrano (east of Doheny Park Road). The posted speed limit is 35 miles per hour.
- **Stonehill Drive** a four- to six-lane divided roadway providing local east-west circulation in the study area. Stonehill Drive is classified as a Primary Arterial west of San Juan Creek and a Major Arterial east of San Juan Creek per the General Plan. On-street parking is generally prohibited, except between Del Obispo Street and San Juan Creek. On-street Class II bicycle lanes are provided on Stonehill Drive between Del Obispo Street and San Juan Creek. Sidewalks are provided on both sides of the roadway. The posted speed limit is 40 miles per hour west of San Juan Creek and 50 miles per hour east of San Juan Creek.
- **Domingo Avenue** is a two-lane undivided roadway providing local east-west circulation in the project area. Domingo Avenue is not classified in the General Plan. On-street parking is generally permitted in the project area. There are no dedicated bicycle lanes provided and



sidewalks are generally provided on both sides of the roadway. There is no posted speed limit within the project vicinity.

## **EXISTING TRANSIT SERVICE**

Orange County Transportation Authority (OCTA) currently provides public transit services in the project area. OCTA's *OC Bus South County System Map* illustrates the transit routes of OCTA in south Orange County, including the project area.<sup>1</sup> The project area is currently served by Route 1 along Pacific Coast Highway/Camino Capistrano, as well as Route 91 along Pacific Coast Highway/Del Obispo Street. From the project site, the nearest OCTA transit stop is approximately one mile away.

## **EXISTING BICYCLE AND PEDESTRIAN FACILITIES**

The *City of Dana Point Bicycle and Pedestrian Trail Master Plan* indicates that there are no existing bicycle facilities within the vicinity of the project site. However, there are locations identified as future bicycle facilities in close proximity to the project site, including a Class I (off-street multi-use) bicycle path along the east side of San Juan Creek Trail and Pacific Coast Highway, as well as Class III (shared on-street) bicycle routes along Victoria Boulevard (including along the project boundary), Camino Capistrano, and Pacific Coast Highway.

Pedestrian sidewalks are currently provided along the project site frontage. Pedestrian connectivity is afforded between the project site and existing commercial and retail uses along Doheny Park Road.

### **5.7.2 REGULATORY SETTING**

#### **STATE LEVEL**

##### **Senate Bill 743**

In 2013, SB 743 was adopted, establishing a process that fundamentally changed the way transportation impact analysis is conducted under CEQA. SB 743 identifies VMT as the most appropriate CEQA transportation metric and eliminates auto delay, or LOS, and similar measurements of vehicular roadway capacity and traffic congestion as the basis for determining significant impacts. In December 2018, the California Natural Resource Agency integrated VMT as the governing transportation metric into the CEQA Guidelines (14 California Code of Regulations Section 15064.3) pursuant to SB 743.

#### **LOCAL LEVEL**

##### **Orange County Congestion Management Program**

The *Orange County Congestion Management Program* (OCCMP) was developed by OCTA in June 1990 in accordance with Proposition 111. The goals of the OCCMP are to support regional mobility objectives by reducing traffic congestion, to provide a mechanism for coordinating land use and development

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<sup>1</sup> Orange County Transportation Authority, *OC Bus South County System Map*, <https://www.octa.net/Bus/Routes-and-Schedules/System-Map/>, accessed June 26, 2021.



decisions that support the regional economy, and to support gas tax funding eligibility. To meet these goals, the OCCMP contains a number of policies designed to monitor and address system performance issues. OCTA developed the policies that makeup the OCCMP in coordination with local jurisdictions, the California Department of Transportation (Caltrans), and the South Coast Air Quality Management District (SCAQMD). The OCCMP performance measures provide an index of the effectiveness and efficiency of Orange County's fixed-route bus and commuter rail services.

## **City of Dana Point General Plan**

The General Plan Circulation Element includes goals and policies that aim to improve traffic congestion and mass transit services in the City. The following Circulation Element policies are relevant to the proposed project:

### **CIRCULATION ELEMENT**

Goal 1: Provide a system of streets that meets the needs of current and future residents and facilitates the safe and efficient movement of people and goods throughout the City.

Policy 1.2: Develop circulation system standards for roadway and intersection classifications, right-of-way width, pavement width, design speed, capacity, maximum grades and associated features such as medians and bicycle lanes.

Policy 1.6: Develop a transportation network that is capable of meeting the needs of projected increases in the population and in non-residential development.

Policy 1.9: Limit driveway access on arterial streets to maintain a desired quality of flow.

Policy 1.11: Require that proposals for major new developments include a future traffic impact analysis which identifies measures to mitigate any identified project impacts.

Policy 1.12: Encourage new development which facilitates transit services, provides for non-automobile circulation and minimizes vehicle miles traveled.

Policy 1.13: Minimize pedestrian and vehicular conflicts.

Goal 5: Encourage non-motorized transportation, such as bicycle and pedestrian circulation.

Policy 5.2: Maintain existing pedestrian facilities and encourage new development to provide pedestrian walkways between developments, schools and public facilities.

Policy 5.3: Ensure accessibility of pedestrian facilities to the elderly and disabled.

Policy 5.6: Develop programs that encourage the safe utilization of easements and/or rights-of-way along flood control channels, public utility rights-of-way, railroad rights-of-way, and street rights-of-way wherever possible for the use of bicycles and/or hiking trails.

Policy 5.9: Support and coordinate the development and maintenance of bikeways and trails in conjunction with the master plans of the appropriate agencies.



Policy 5.12: Provide for a non-vehicular circulation system that encourages mass-transit, bicycle transportation, pedestrian circulation.

Goal 6: Provide for well-designed and convenient parking facilities.

Policy 6.1: Consolidate parking, where appropriate, to reduce the number of ingress and egress points onto arterials.

Policy 6.3: Provide sufficient off-street parking.

Policy 6.4: Encourage the use of shared parking facilities, such as through parking districts or other mechanisms.

### **CONSERVATION/OPEN SPACE ELEMENT**

The General Plan Conservation/Open Space Element includes the following policies that are relevant to the traffic condition of proposed project:

Goal 5: Reduce air pollution through land use, transportation and energy use planning.

Policy 5.1: Design safe and efficient vehicular access to streets to ensure efficient vehicular ingress and egress.

### **LAND USE ELEMENT**

The General Plan Land Use Element includes the following policies are relevant to the traffic condition of proposed project:

Goal 1: Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents.

Policy 1.8: The location and amount of new development should maintain and enhance public access to the coast by facilitating the provision or extension of transit service, providing non-automobile circulation within the development, providing adequate parking facilities or providing substitute means of serving the development with public transportation, and assuring the potential for public transit for high intensity uses.

### **City of Dana Point Bicycle and Pedestrian Trail Master Plan**

The *City of Dana Point Bicycle and Pedestrian Trail Master Plan* (Bicycle and Pedestrian Master Plan) was developed in February 2006 to serve as a resource document to guide the development and maintenance of a bicycle and pedestrian trail network and support facilities and other programs for Dana Point over a 20-year timespan. The Bicycle and Pedestrian Master Plan addresses important issues related to the City's bikeways and pedestrian trails, such as planning, community involvement, utilization of existing resources, facility design, multi-modal integration, safety and education, support facilities, as well as specific programs, implementation, maintenance, and funding.

The Bicycle and Pedestrian Master Plan identifies the pathway between Pacific Coast Highway, Doheny Park Road, and Coast Highway as one of the most critical missing linkages. As detailed in the



Bicycle and Pedestrian Master Plan, a Class III bicycle route is planned along Victoria Boulevard, Doheny Park Road, and Coast Highway. The following goals and objectives in the Bicycle and Pedestrian Master Plan align with those in the General Plan Circulation Element:

**Goal 1: Promote Bicycle Transportation and Walking.** Make bicycle and pedestrian travel integral parts of daily life in Dana Point, particularly for trips of less than five miles, by implementing and maintaining a network of bikeways and pedestrian trails, providing end-of-trip facilities, improving bicycle/transit integration, encouraging bicycle use and walking, and making bicycling and walking safer.

**Goal 4: Improve Pedestrian Mobility and Enhance Recreational Opportunities.** Provide a pedestrian trail network that enhances pedestrian mobility and recreation, makes walking more attractive as a transport mode, and connects with important destinations.

Objective D: Provide short- and long-term bicycle parking and other bicycle amenities in employment and commercial areas, in multifamily housing complexes, at schools, at parks and recreation areas, and at transit facilities.

## **Dana Point Municipal Code**

### **CHAPTER 7.08, STANDARDS OF DESIGN**

Municipal Code Chapter 7.08, *Standards of Design*, establishes standards of design for subdivisions to be consistent with the General Plan.

### **CHAPTER 9.35, ACCESS, PARKING AND LOADING**

Municipal Code Chapter 9.35, *Access, Parking and Loading*, establishes regulations for parking requirements and design standards for parking facilities and is intended to ensure that all land uses provide safe access and on-site circulation along with adequate off-street parking and loading facilities within the City. The regulations would also ensure that the use of land does not negatively affect the safety, use of, or vehicular circulation within public rights-of-way.

## **5.7.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA**

### **VMT SIGNIFICANCE THRESHOLDS**

The Governor's Office of Planning and Research (OPR) *Technical Advisory for Evaluating Transportation Impacts in CEQA* (OPR Technical Advisory), dated December 2018, states that a 15 percent reduction in VMT is achievable for development projects in a variety of place types and is consistent with SB 743's direction to OPR to select a threshold that aligns with the State's three statutory goals: 1) the reduction of greenhouse gas emissions; 2) the development of multimodal transportation networks; and 3) a diversity of land uses.

The OPR Technical Advisory provides recommendations for thresholds of significance for only three types of development, focusing only on the project types which tend to have the greatest effect on VMT. The OPR Technical Advisory does not provide recommendations on thresholds for other kinds



of development projects; however, the three main development project types, residential, office, and retail may be considered proxies for developments which exhibit certain trip/travel characteristics as detailed below:

- “Residential” may be considered a proxy for a development which generates new trips;
- “Office” may be considered a proxy for a development which generates primarily work trips; and
- “Retail” may be considered a proxy for a development which primarily attracts already existing trips, leading to a diversion of trips rather than generating new trips.

If a project can be demonstrated to match one of these proxy categories, the applicable thresholds may be utilized. The proposed residential project is expected to generate new trips and thus, is analyzed under the following residential threshold:

- A proposed residential project exceeding a level of 15 percent below average existing regional (i.e., City of Dana Point) VMT per capita may indicate a significant transportation impact.

The VMT Analysis includes additional discussion regarding OPR’s guidance on the methodology for calculating VMT and evaluating project impacts; refer to [Appendix 11.7](#).

## **CEQA SIGNIFICANCE CRITERIA**

*CEQA Guidelines* Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities (refer to Impact Statement TRA-1);
- b) Conflict or be inconsistent with *CEQA Guidelines* section 15064.3, subdivision (b) (refer to Impact Statement TRA-2);
- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (refer to Impact Statement TRA-3); and
- d) Result in inadequate emergency access (refer to Impact Statement TRA-4).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.



## 5.7.4 IMPACTS AND MITIGATION MEASURES

### PEDESTRIAN, BICYCLE, AND TRANSIT FACILITIES

#### **TRA-1 PROJECT IMPLEMENTATION COULD CONFLICT WITH A PROGRAM PLAN, ORDINANCE OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT, ROADWAY, BICYCLE AND PEDESTRIAN FACILITIES.**

**Impact Analysis:** Refer to Impact Statement TRA-2 regarding project impacts to roadway facilities.

#### **TRANSIT FACILITIES**

As stated above, the project area is currently served by OCTA Route 1 along Pacific Coast Highway/Camino Capistrano, as well as Route 91 along Pacific Coast Highway/Del Obispo Street. Bus stops for Route 1 are located on Victoria Avenue at the intersections of Via Santa Rosa and Sepulveda Avenue.

While the proposed project would not provide any direct transit service, the project is located in an urban area with nearby commercial (retail) uses within walking distance. As discussed in [Section 5.12, \*Population and Housing\*](#), the proposed project would introduce up to 796 additional residents to the City (a 2.4 percent increase from the City's current population of 32,943 persons). This increase in the number of residents may increase the need for transit facilities near the project area. The existing transit system was designed to support planned growth in the City pursuant to the General Plan. As such, the project's nominal increase in population would not result in a substantial increase in the use of transit facilities such that construction of new or expanded facilities would be required. Further, development of the proposed project would not affect the availability of existing transit services in the project area. Therefore, the project would not conflict with the adopted plans, programs, and policies related to transit facilities.

#### **BICYCLE FACILITIES**

Currently, there are no existing bicycle facilities/routes within the project's vicinity. As discussed above, the *Bicycle and Pedestrian Master Plan* identifies a planned Class III bicycle route along Victoria Boulevard.

The project would comply with relevant goals and objectives outlined in the Bicycle and Pedestrian Master Plan. The Specific Plan would allow for development of a Class III bicycle route along the project frontage of Victoria Boulevard in accordance with the *City of Dana Point Bicycle and Pedestrian Trails Master Plan*. The proposed project would also reconstruct the adjacent sidewalks along Sepulveda Avenue and Victoria Boulevard at a minimum width of 10 feet to allow for bicycle travel. Direct bicycle access to the proposed residential community would be provided via the project's secondary driveway along Victoria Boulevard. Lastly, the proposed project would install bicycle storage facilities pursuant to the California Green Building (CALGreen) Code (California Code of Regulations, Title 24, Part 11). As such, the project would comply with Goal 1 of the Bicycle and Pedestrian Master Plan, which encourages an increase in bicycle travel within the City. The proposed project would also comply with Objective D of the Bicycle and Pedestrian Master Plan, which requires short-and-long-term parking in multifamily housing complexes. Lastly, the design standards of the project would





comply with Policy 5.6, which promotes the safe utilization of easements of street rights-of-way bicycles, Policy 5.9, which requires development and maintenance of bikeways. As such, the project would not conflict with the adopted plans, programs, and policies related to bicycle facilities.

## **PEDESTRIAN FACILITIES**

The project would comply with Policies 1.12 and 5.16 of the General Plan by constructing perimeter pedestrian sidewalks along Victoria Boulevard and Sepulveda Avenue; refer to Exhibit 5-7-1, *On-Site Circulation and Sight Distance*. The proposed project would provide a minimum a width of 10 feet on these roads to accommodate pedestrian travel along the project boundaries. The perimeter sidewalks would connect to the proposed pedestrian walkways that are interconnected throughout the proposed development, providing interconnectivity and internal pedestrian circulation within the multi-family housing community. Additionally, the project would include a boardwalk deck that would provide pedestrian connectivity between on-site amenities and structures. The proposed pedestrian facilities would comply with design standards set forth by the Municipal Code Chapter 7.08, *Standards of Design* for pedestrian facilities. Last, proposed pedestrian facilities would be compliant with General Plan Policies 5.3 and 5.12. As such, the project would not conflict with the adopted plans, programs, and policies related to pedestrian facilities.

Overall, the proposed project would not conflict with adopted policies, plans, or programs related to transit, bicycle, or pedestrian facilities. Impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **VEHICLE MILES TRAVELED**

### **TRA-2 PROJECT IMPLEMENTATION COULD CONFLICT WITH OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B).**

**Impact Analysis:** As discussed above, the OPR Technical Advisory provides recommendations for thresholds of significance for residential development projects regarding impacts to VMT.

## **VMT SCREENING**

Under VMT methodology, screening is used to determine if a project is required to conduct a detailed VMT analysis. Currently, the City has not adopted a VMT screening criteria for development projects. Thus, the screening methods recommended by the OPR Technical Advisory were utilized for this project. A development project may be screened out of a full VMT analysis if the project meets the following criteria and considerations:

- **Proximity to Transit Facilities:** A development project may be screened out of VMT analysis based on proximity to certain transit facilities, such as being located within one-half mile of a major transit stop or a stop along a high-quality transit corridor. The proposed development site is not located within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor. Therefore, the project would not screen out under this criterion.



- Small Projects: Under the OPR Technical Advisory, projects that are forecast to generate 110 or more average daily trips (ADT) are not considered to be small projects. The OPR Technical Advisory states that project types for which trip generation increases relatively linearly with building footprint generate or attract an additional 110-124 trips per 10,000 square feet. The proposed project would generate 2,518 ADT.<sup>2</sup> As such, project would not screen out under this criterion.
- Map-Based Screening: An additional screening methodology is provided for residential and office land use projects. Lead agencies may prepare maps based on a regional travel demand model or travel survey data to illustrate areas that are currently below the selected VMT threshold. The City does not have a regional travel demand model or travel survey data to illustrate this. Therefore, this screening methodology does not apply.
- Additional Screening Considerations: The OPR Technical Advisory provides additional considerations for projects that may qualify to be screened out. For instances, the OPR Technical Advisory advises for retail projects that are local serving and are less than 50,000 square feet in size to be screened out because they tend to improve retail destination proximity, shorten trips, and reduce VMT. The proposed project is not considered a local serving use under this criterion. Additionally, the OPR Technical Advisory cites research that could support the presumption of less than significant impacts for 100 percent affordable housing projects, on the basis that low-wage workers are more likely to choose housing close to their workplaces, thus reducing commute distances and VMT. Although the project includes affordable housing units, the project is not 100 percent affordable, and as such, does not meet this criterion. Therefore, additional screening recommendations would not apply to the project in this regard.

Per the analysis above, the proposed project does not meet any of the screening criteria provided by the OPR Technical Advisory. Therefore, a full VMT analysis was prepared for the proposed project.

## **FULL VMT ANALYSIS**

Public Resources Code Section 21099 provides the criteria for determining the significance of transportation impacts. There are three statutory goals that the significance criteria must promote: (1) reduction of GHG emissions; (2) development of multi-modal networks; and (3) a diversity of land uses. The Technical Advisory provides OPR's recommendations for quantitative thresholds of significance, which align with the State's three statutory goals. The recommended significance thresholds were developed from legislative mandates and state policies (i.e., AB 32, SB 375, SB 391 and a number of Executive Orders) that established quantitative GHG emissions reduction targets.

The Technical Advisory applies the thresholds for residential projects to either household (i.e., tour-based) VMT or home-based (i.e., trip-based) VMT assessments. It should be noted that the metric used to determine project VMT and the city-wide or regional VMT must be consistent (i.e., "apples to apples" comparison). The Technical Advisory states that a fifteen percent (15 percent) reduction

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<sup>2</sup> Ganddini Group Inc, *Traffic Impact Analysis*, dated April 28, 2022.



in VMT is achievable for development projects in a variety of place types and is consistent with SB 743’s direction to OPR to select a threshold that aligns with the State’s three statutory goals.

For residential projects, the existing VMT per capita may be measured from city or regional averages. If city VMT per capita is used as a basis for a significance threshold in a Metropolitan Planning Organization (MPO) area, the project should not cumulatively exceed the population or number of units specified in the Sustainable Communities Strategy (SCS) for that city and should be consistent with the SCS. Exceeding the population or the number of units specified in the SCS would undermine the GHG reduction targets stated in SB 375. The Technical Advisory recommends that the local agency can compare a residential project’s VMT to (1) the region’s VMT per capita, or (2) the aggregate population-weighted VMT per capita of all cities in the region.”

It should be noted that the Technical Advisory provides recommendations for thresholds of significance for only three types of development, focusing only on the project types which tend to have the greatest effect on VMT. The three main development project types, residential, office, and retail may be considered proxies for developments which exhibit certain trip/travel characteristics, which includes: “Residential” which may be considered a proxy for a development which generates new trips.

As discussed above, the proposed residential project is expected to generate new trips and thus, is analyzed under the following home-based average VMT per capita residential threshold:

- A proposed residential project exceeding a level of 15 percent below average existing regional (i.e., City of Dana Point) VMT per capita may indicate a significant transportation impact.

The Orange County Transportation Authority has taken a proactive approach to implementing SB 743 by developing the Orange County Transportation Analysis Model (OCTAM) to analyze VMT per capita for the region and County (including the City of Dana Point). The OCTAM model includes VMT per capita estimates for each city and traffic analysis zone (TAZ) within Orange County. As such, the VMT Analysis utilized the Orange County Transportation Analysis Model (OCTAM) to determine the VMT per capita for the City and the proposed project. Table 5.7-1, Citywide VMT Per Capita, summarizes the City’s VMT per capita, which is 21.5 VMT per capita and is forecast to be 21.3 VMT per capita by 2045. As such, the threshold of significance, 15 percent below the 2045 entitled VMT per capita, would be 18.11 VMT per capita.

**Table 5.7-1  
Citywide VMT Per Capita**

Year	Existing (2016)	Entitled (2045)	Threshold (15% below Entitled [2045])
VMT per Capita	21.5	21.3	18.11
Source: Linscott, Law and Greenspan, Engineers, Victoria Apt Specific Plan, Dana Point Revised Vehicle Miles Traveled (VMT) Analysis Technical Memorandum, September 30, 2022; refer to Appendix 11.7.			

Table 5.7-2, Proposed Project Average VMT, details the project’s VMT per capita within the project area (traffic analysis zone [TAZ] 1706), which is 16.8 VMT per capita and is forecast to be 16.9 VMT per capita by 2045. The project’s 16.9 VMT per capita would be well below the threshold of significance



of 18.11 VMT per capita (7.23 percent lower). As such, the project’s VMT impacts would be less than significant.

Table 5.7-2  
Proposed Project Average VMT

Year	2016 With Project	2045 With Project	Compared to the Threshold (18.11 VMT per Capita)
VMT per Capita	16.8	16.9	-7.23%
Source: Linscott, Law and Greenspan, Engineers, Victoria Apt Specific Plan, Dana Point Revised Vehicle Miles Traveled (VMT) Analysis Technical Memorandum, September 30, 2022; refer to Appendix 11.7.			

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## GEOMETRIC DESIGN FEATURES

### TRA-3 PROJECT IMPLEMENTATION COULD INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT).

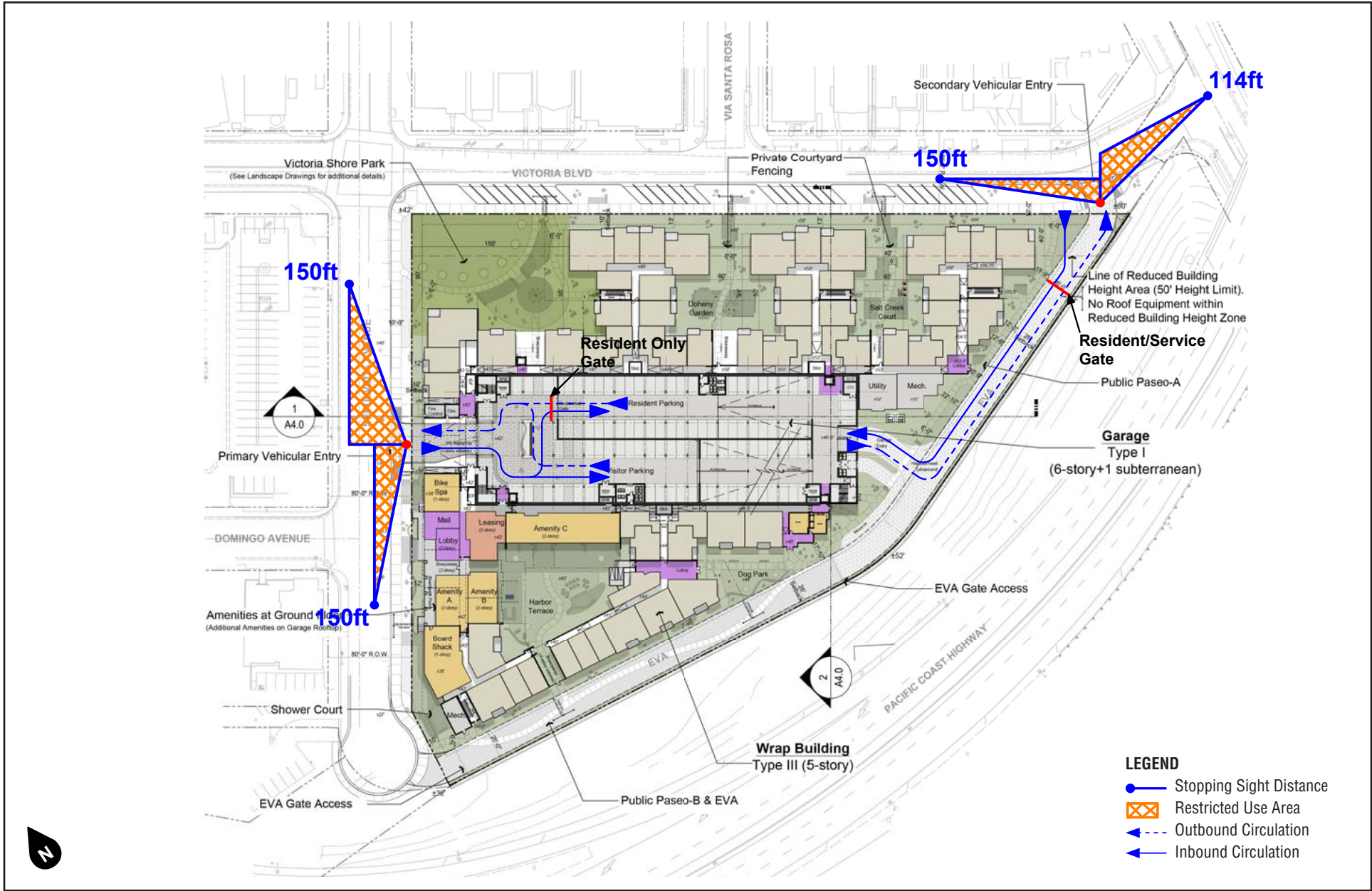
**Impact Analysis:** Development of the proposed project would result in a new apartment community at the project site, which is situated within an urban residential area of Dana Point and would not introduce any new incompatible uses. The increased vehicles on-site and potential interaction with bicyclists and pedestrians would occur. The following analysis considers the project’s proposed circulation system safety design considerations.

#### SITE ACCESS

A 42-foot-wide full access driveway on Sepulveda Avenue (Sepulveda Avenue Driveway) and a gated full access driveway on Victoria Boulevard (Victoria Boulevard Driveway) would serve as the primary vehicular access to the project site. Additionally, a third driveway would be located at the southern end of Sepulveda Avenue and would only be used as emergency access and enforced through the use of bollards and/or similar devices (i.e., Knox key boxes). The new project driveway at Sepulveda Avenue would be stop controlled at the proposed parking garage exit. The project driveway at Victoria Boulevard would be stop controlled as motorists leave the project site. Bicycle and pedestrian access would be afforded along the project boundaries and into the proposed development.

On-site circulation patterns and sight distance requirements are illustrated on Exhibit 5.7-1, On-Site Circulation and Sight Distance. The Sepulveda Avenue access would provide access for resident and visitor vehicles. The Victoria Boulevard access would provide access for resident and service vehicles. As illustrated on Exhibit 5.7-1, upon entering from the Sepulveda Avenue access, visitors would continue straight into the visitor parking area and residents would turn left to access the resident only gate.

Considerations for stopping sight distance are also illustrated on Exhibit 5.7-1. Based on the *Highway Design Manual* (California Department of Transportation, July 2018), the stopping sight distance for a 25 mile per hour design speed is 150 feet. All proposed driveways achieve a minimum of 150 feet,



- LEGEND**
- Stopping Sight Distance
  - Restricted Use Area
  - - - Outbound Circulation
  - Inbound Circulation

NOT TO SCALE



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VICTORIA BOULEVARD APARTMENTS  
 ENVIRONMENTAL IMPACT REPORT  
**On-Site Circulation and Sight Distance**

**Exhibit 5.7-1**



with the exception of the proposed Victoria Avenue driveway looking east. At this location there is only approximately 114 feet of sight distance available before reaching the intersection at Camino Capistrano. There are no posted speed limits at this location. Assuming vehicles turning from the intersection on Victoria Boulevard (eastward) are travelling at approximately 15 miles per hour, the necessary stopping sight distance is reduced to 100 feet; therefore, adequate stopping sight distance appears to be provided. Nonetheless, as part of the City's entitlement process, the City would review all proposed site access points to confirm compliance with all applicable safety standards and considerations concerning the proposed access configurations. Additionally, the project would comply with all site access requirements for residential developments detailed in the Municipal Code

Chapter 9.35, *Access, Parking and Loading*, including the required curb-to-curb roadway width for access on streets from parking facilities and spacing standard for driveways of residential developments. Lastly, site plans of the project would also be reviewed by the Orange County Fire Authority (OCFA) for review to ensure that inadequate design features or incompatible uses, for the purpose of emergency access, do not occur.

### **GATE STACKING ANALYSIS**

Residential gate stacking evaluation has been performed based on the County of Orange Standard Plan 1107 requirements, which states that there should be one foot of stacking for each dwelling unit. When two or more gated access points are provided, the number of residential dwelling units served by each access should be estimated.

This standard was originally developed for gated entries staffed by a guard. With technological advancements, residents are typically provided with remote gate operating devices so that they do not have to stop and speak with a guard, swipe a card, or punch a code. Therefore, gate stacking is primarily associated with visitors who would have to stop at a guard shack or call box. Since guest parking typically accounts for approximately 10 to 20 percent of the total parking supply, the length of the visitor lane is conservatively estimated on the higher end as 20 percent of the stacking required, but in no case should the visitor lane be less than two car lengths.

A turn around should be provided for vehicles that are turned away at the gate. The turnaround should have a minimum radius of 38 feet to accommodate trucks and passenger vehicles. Where it is not possible, a minimum radius of 30 feet may be considered, on a case-by-case basis. Exceptions to this rule of providing a turnaround are as follows:

- When all visitor parking is provided outside of the gates and vacant striped-out stalls are provided for turning around at the dead end.
- When all visitor parking is provided at a completely separate location.
- When the parking structure is for residents only, and the gate is situated very close to the street with signage "Residents Only" and the signage depicts where visitors should enter and if a call box is available for a visitor to use to contact the manager and the manager could open the gate to allow the visitor inside the site to turn around.

A resident only access gate is proposed at the bottom of the ramp between the ground level parking area and level two resident only parking. A second access driveway is proposed at Victoria Boulevard



for residents and service vehicles only. All visitors would enter from the primary access driveway at Sepulveda Avenue. Upon entering from Sepulveda Avenue, access to the visitor parking area (at the ground level of the parking garage) is uncontrolled and therefore does not require any stacking length. On-site residents would utilize remotes to operate the gates. As such, no stacking length is necessary for the resident only gate (for level two of the parking garage). A Condition of Approval would require the project to install “Do Not Enter” directional signage and/or one-way pavement markings at the Sepulveda entry area to ensure exiting visitor vehicles do not unintentionally enter the inbound driveway lane.

The Victoria Boulevard gate is estimated to require 25 feet of stacking length to accommodate one service vehicle. The required stacking length for the Victoria Boulevard entrance would be 25 feet. The required stacking length for the Victoria Boulevard entrance would be accommodated on-site without backing into the public right-of-way and adequate turn around areas are provided in front of the gates.<sup>3</sup> As such, impacts would be less than significant in this regard.

### **CONSTRUCTION ACTIVITIES**

Construction activities associated with the project would generate traffic as a result of construction equipment being transported to and from the site, and vehicular traffic from construction workers, export of construction debris, and delivery of materials to the site. Staging areas for construction equipment and materials storage would be established on-site. The construction activities would include demolition, site preparation, grading/excavation, trenching, building construction, and paving.

Construction-related trips associated with trucks and employees traveling to and from the site in the morning and afternoon may result in some minor temporary and short-term traffic delays to vehicles traveling along Victoria Boulevard and/or Sepulveda Avenue. However, in accordance with Municipal Code Section 11.10.014, *Special Provisions*, construction noise is prohibited between the hours of 8:00 p.m. and 7:00 a.m. Monday through Saturday, and/or any time on Sunday or a Federal holiday. Further, Mitigation Measure TRA-1 would require a Construction Management Plan (CMP), which would minimize project-related construction traffic impacts on the local circulation system. Per Mitigation Measure TRA-1, all construction vehicles would carry the required hauling permits and would use the most direct route via the project site to I-5. The exact haul routes would be confirmed with the City of Dana Point Director of Public Works and/or the adjacent jurisdictions (e.g., Caltrans and the City of San Juan Capistrano) prior to approval. Construction may require temporary closures of vehicle lanes, bicycle lanes, and/or sidewalks. Mitigation Measure TRA-1 would require the Applicant (Developer) coordinate with the Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures would not impact operations of adjacent uses or emergency access. In addition, Mitigation Measure TRA-1 would ensure traffic signs, traffic cone arrangements, and flaggers are present during general drop-off and pick-up hours for nearby schools (i.e., Nobis Preschool, San Clemente Christian School) to ensure safe pedestrian access along the Project frontage for students. Overall, construction-related traffic impacts

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<sup>3</sup> Ganddini Group Inc, *Traffic Impact Analysis*, dated April 28, 2022.



would be short-term and temporary and implementation of Mitigation Measure TRA-1 would ensure construction-related project impacts are less than significant.

**Mitigation Measures:**

TRA-1 Prior to issuance of any grading and/or demolition permits, whichever occurs first, the Applicant (Developer) shall prepare a Construction Management Plan (CMP) to be submitted for review and approval by the City of Dana Point Director of Public Works. The requirement for a CMP shall be incorporated into the Project specifications and subject to verification by the Director of Public Works prior to final plan approval. The CMP shall include, at a minimum, the following measures, which shall be implemented during all construction activities as overseen by the Construction Contractor:

- Meet the standards established in the current *California Manual on Uniform Traffic Control Device* (MUTCD) as well as City of Dana Point requirements. The CMP shall be prepared by the contractor and submitted to the Director of Public Works for approval pertaining to off-site work, including sidewalk construction, building façade, underground utilities, and any work that would require temporary curb lane closures. The plan shall be developed according to the MUTCD (latest edition) guidelines, including plans for traffic signs, traffic cone arrangements, and flaggers to assist with pedestrian and traffic.
- Submit the CMP to the California Department of Transportation (Caltrans) and City of San Juan Capistrano for review and comment, prior to approval by the Director of Public Works, should construction hauling utilize facilities within these jurisdictions.
- Identify traffic control for any street closure, detour, or other disruption to traffic circulation, including the necessary traffic controls to allow for construction-related traffic to enter and exit the site.
- Should project construction activities require temporary vehicle lane, bicycle lane, and/or sidewalk closures, the Applicant (Developer) shall coordinate with the Director of Public Works regarding timing and duration of proposed temporary lane and/or sidewalk closures to ensure the closures do not impact operations of adjacent uses or emergency access.
- Identify the routes that construction vehicles must utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.), to access the site, traffic controls and detours, and proposed construction phasing plan for the project.
- Specify all grading and equipment operations shall not be conducted between the hours of 8:00 p.m. and 7:00 a.m. Monday through Saturday, and/or any time on Sunday or a Federal holiday, pursuant to Section 11.10.014, *Special Provisions*, of the *Dana Point Municipal Code*.





- Should project construction activities occur during general drop-off and pick-up hours for nearby schools (i.e., Nobis Preschool), traffic signs, traffic cone arrangements, and flaggers shall assist with ensuring safe pedestrian access along the project frontage for students.
- Require the Applicant (Developer) to keep all haul routes clean and free of debris including, but not limited to, gravel and dirt, as a result of its operations. The Applicant (Developer) shall clean adjacent streets, as directed by the Director of Public Works, of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.
- All construction-related parking and staging of vehicles shall be kept out of the adjacent public roadways and shall occur on-site.
- Traffic controls shall be implemented for any street closure, detour, or other disruption to traffic circulation and shall maintain emergency access to the site.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

## **EMERGENCY ACCESS**

### **TRA-4 PROJECT IMPLEMENTATION COULD RESULT IN INADEQUATE EMERGENCY ACCESS.**

**Impact Analysis:** Emergency access would be provided via a secondary emergency vehicle access driveway (EVA) located at the southern end of Sepulveda Avenue. Emergency access only would be enforced through the use of bollards and/or similar devices (i.e., Knox key boxes). The EVA would also be accessible from the Victoria Boulevard Driveway as well and would include appropriate hammerhead turnaround for emergency vehicles.

As described in Impact Statement TRA-3, implementation of Mitigation Measure TRA-1 would require the project Applicant to submit a CMP that would detail plans emergency access to the site. Additionally, compliance with Municipal Codes 8.02 and 8.04, the project would comply with design standards outlined under the California Building Code and the California Fire Code regarding for emergency ingress/egress. As discussed above site plans for the proposed project would subject to review by the City and OCFA to ensure that adequate emergency access or emergency response would be provided. Lastly the project site plans would be subject to review by OCFA and the Orange County Sheriff Department (OCSD) for compliance with fire and emergency access standards and requirements. With the implementation of Mitigation Measure TRA-1, and by complying with Municipal Code regulations for emergency access design, impacts to the emergency access of the project site would be reduced to less than significant levels.

**Mitigation Measures:** Refer to Mitigation Measure TRA-1.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.



## 5.7.5 CUMULATIVE IMPACTS

*CEQA Guidelines* Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in [Table 4-1, \*Cumulative Projects List\*](#), and illustrated on [Exhibit 4-1, \*Cumulative Projects Map\*](#), cumulative projects are situated in the site vicinity.

- **FUTURE DEVELOPMENT, COMBINED WITH OTHER RELATED PROJECTS, COULD CONFLICT WITH A PROGRAM PLAN, ORDINANCE OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT, ROADWAY, BICYCLE AND PEDESTRIAN FACILITIES, AND RESULT IN CUMULATIVE IMPACTS.**

**Impact Analysis:** Pursuant to future development identified in [Table 4-1](#) and [Exhibit 4-1](#), as cumulative projects are developed in the area, overall demands on the transportation system would increase. Cumulative development would be required to be reviewed by their respective cities, as well as the Orange County Transportation Authority (OCTA) and Caltrans, as applicable. As such, the each jurisdiction would ensure that future development, on a project-by-project basis, would comply with State and local municipal code requirements. For those projects in the City of Dana Point, Municipal Cod Chapter 9.43 requires new developments to promote and encourage the use of alternative transportation modes, and Chapter 7.08 would provide standards of design and requirements for sidewalks. Similar to the project, the majority of cumulative projects listed in [Table 4-1](#), are infill development projects. Additionally, multiple cumulative projects listed would be located along the Pacific Coast Highway and Camino Capistrano, both of which are identified in the Bicycle Master Plan as an existing Class III Bike Lane. As such, cumulative projects would need to comply with the goals and objectives stated within the Bicycle Master Plan pertaining to development near Class III Bike Lanes.

Capital Improvement Projects are planned in the project area to promote pedestrian and bicycle connectivity. The most significant of those is the Doheny Village Connectivity Enhancement Project which includes the following intersection and bikeway facility improvements in Doheny Village:

- Reconfiguration of Doheny Park Road
  - An additional southbound lane would be provided from the Freeway On-Ramps to Coast Highway;
  - Bike lanes would be extended from Doheny Park Road/Las Vegas to the Coast Highway/Doheny Park Road intersection;
  - Asphalt medians would be removed; and
  - The sidewalk along the west side of Doheny Park Road would be widened and enhanced with beautification elements (i.e., landscaping, street furniture, lighting).
- Pacific Coast Highway (PCH) Connector



- The sidewalk would be widened and enhanced with a landscaped buffer (landscaping between vehicle lanes and sidewalk), bollard lighting, and other improvements; and
- The roadway lane configuration would be altered.
- Coast Highway/Doheny Park Road Intersection
  - Intersection modifications are planned and a new traffic signal would be installed;
  - The current free right lane to Southbound Coast Highway from the PCH Connector would be eliminated;
  - A pedestrian crosswalk would be added to connect to new north side sidewalk connection on Coast Highway;
  - Bulb outs/landscaping would be added;
  - Pedestrian/bicycle amenities would be added;
  - Enhanced lighting would be added; and
  - Storm drain improvements would be installed.
- Coast Highway
  - Additional southbound lane would be added (two lanes total) to align with the County Master Plan of Arterial Highways;
  - Sidewalk extension would be provided from terminus of existing north side sidewalk (at Riviera Hotel) to Coast Highway/Doheny Park Road;
  - Widened sidewalk on south side of Coast Highway would be provided; and
  - Other street improvements (i.e., storm drain, asphalt repairs, street lighting) would also be included.

These improvements would support all modes of transport and would enhance connectivity for bicyclists and pedestrians than what currently exists in the project area.

As discussed under Impact Statement TRA-1, the proposed project would involve an increase in residential development above existing conditions, resulting in increased demand on the transportation system in the project area. However, with compliance with the existing regulations and standards pertaining to pedestrian, bike, and transit services/facilities, cumulative impacts in this regard would be less than significant. Overall, the project supports a multi-modal transportation network and would provide and encourage alternative modes of transportation through the provision of various pedestrian, bicyclist, and transit opportunities. As such, the proposed project would not significantly contribute to a significant cumulative impact in this regard and impacts would be less than significant.



**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

- **FUTURE DEVELOPMENT, COMBINED WITH OTHER RELATED PROJECTS, COULD CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B).**

**Impact Analysis:** Cumulative projects have the potential to increase the City's average VMT per capita/employee and total VMT. Each cumulative project would be evaluated on a project-level basis to determine the project's generated VMT in order to compare to the City's average and total VMT. Additionally, each cumulative project would be required to comply with project-specific mitigation measures, as needed, on a project-by-project basis.

As discussed in the VMT Analysis, OPR states that a project's cumulative impacts are based on a determination of whether the "incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." When using an absolute VMT metric, i.e., total VMT, analyzing the combined impacts for a cumulative impact analysis may be appropriate. A project that falls below the threshold that is aligned with long-term goals and relevant plans has no cumulative impact distinct from the project impact. Accordingly, a less than significant project impact would imply a less than significant cumulative impact, and vice versa. As stated in Impact Statement TRA-2, the proposed project would result in less than significant VMT impacts. Therefore, the project would not contribute to a significant cumulatively considerable impact and impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

- **FUTURE DEVELOPMENT, COMBINED WITH OTHER RELATED PROJECTS, COULD SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT), AND RESULT IN CUMULATIVE IMPACTS.**

**Impact Analysis:** Cumulative projects could result in an increase in hazards due to a geometric design feature or incompatible use. However, cumulative projects would be evaluated on a case-by-case basis through the development review process of their respective cities to determine the appropriate land use permit for authorizing their use and the conditions for their establishment and operation. The development review would ensure that safe access and circulation to and within the development area would be provided. Additionally, access to development sites would be required to comply with all applicable Municipal Code and City design standards and would be reviewed by the City and the OCFA to ensure that inadequate design features or incompatible uses do not occur as development occurs.

The proposed project would involve an increase in residential development above existing conditions. As stated in the Impact Statement TRA-3, the proposed residential development is not anticipated to



result in significant safety design hazards during project operations. Implementation of Mitigation Measure TRA-1 would be required during construction activities to ensure safety practices during construction. The project would also be subject to applicable Municipal Code and City design standards and would be reviewed by the Director of Public Works and the OCFA to ensure that inadequate design features or incompatible uses do not occur. As such, the proposed project would not significantly contribute to a cumulative impact involving inadequate design features or incompatible uses. Impacts in this regard would be less than significant.

**Mitigation Measures:** Refer to Mitigation Measure TRA-1.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

● **FUTURE DEVELOPMENT, COMBINED WITH OTHER RELATED PROJECTS, COULD RESULT IN INADEQUATE EMERGENCY ACCESS.**

**Impact Analysis:** Cumulative projects could result in inadequate emergency access in the area. However, future projects would be required to comply with the City's development review process on a case-by-case basis, including review for compliance with the City's Municipal Code pertaining to maintaining/providing emergency access. New developments would also be required to comply with all applicable fire and building codes and ordinances for construction and access to the site during both construction and operational phases. Individual projects would be reviewed by the Director of Public Works and OCFA to determine the specific fire requirements applicable to the specific development and to ensure compliance with these requirements. This would ensure that new developments would provide adequate emergency access to and from each site. Further, the City and OCFA would review any modifications to existing roadways to ensure that adequate emergency access or emergency response would be maintained. Emergency response and evacuation procedures would be coordinated through the City in coordination with the OCSD and OCFA.

The project would involve an increase in residential development above existing conditions. As stated in the Impact Statement TRA-4, project operations are not anticipated to significantly affect emergency access. Further, implementation of Mitigation Measure TRA-1 would ensure emergency access to the project site during construction activities. The project would comply with Municipal Codes 8.02 and 8.04, and comply with design standards outlined under the California Building Code and the California Fire Code. Additionally, the project would be subject to site plan review under the OCFA and the OCSD to ensure compliance with regional fire and emergency access standards and requirements. With the implementation of Mitigation Measure TRA-1, as well as compliance with State, regional, and local standards and regulations, the project would not significantly contribute to a cumulatively considerable impact regarding emergency access. As such, a less than significant impact would result in this regard.

**Mitigation Measures:** Refer to Mitigation Measure TRA-1.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

## **5.7.6 SIGNIFICANT UNAVOIDABLE IMPACTS**

No significant unavoidable impacts related to transportation have been identified with compliance with recommended mitigation.



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## **5.8 AIR QUALITY**

This section addresses the potential air emissions generated by the construction and operation of the project and impacts on air quality. The analysis also addresses the consistency of the project with the air quality policies set forth within the South Coast Air Quality Management District's (SCAQMD) *2022 Air Quality Management Plan (2022 AQMP)*. The analysis of project-generated air emissions focuses on whether the project would cause an exceedance of an ambient air quality standard or SCAQMD significance thresholds. Air quality technical data is included in [Appendix 11.8, \*Air Quality/Greenhouse Gas Emissions/Energy Data\*](#).

### **5.8.1 EXISTING SETTING**

#### **SOUTH COAST AIR BASIN**

##### **Geography**

The project is located within the South Coast Air Basin (Basin), a 6,600-square mile area bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The Basin includes the non-desert portions of Los Angeles and all of Orange County, Riverside, and San Bernardino Counties, in addition to the San Geronio Pass area of Riverside County.

The extent and severity of the air pollution problem in the Basin is a function of the area's natural physical characteristics (weather and topography), as well as man-made influences (development patterns and lifestyle). Factors such as wind, sunlight, temperature, humidity, rainfall, and topography all affect the accumulation and/or dispersion of air pollutants throughout the Basin.

##### **Climate**

The general region lies in the semipermanent high-pressure zone of the eastern Pacific. As a result, the climate is mild, tempered by cool sea breezes. The climate consists of a semi-arid environment with mild winters, warm summers, moderate temperatures, and comfortable humidity. Precipitation is limited to a few winter storms. The usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds. The average annual temperature varies little throughout the Basin, averaging 75 degrees Fahrenheit (°F). However, with a less-pronounced oceanic influence, the eastern inland portions of the Basin show greater variability in annual minimum and maximum temperatures. All portions of the Basin have recorded temperatures over 100°F in recent years.

Although the Basin has a semi-arid climate, the air near the surface is moist due to the presence of a shallow marine layer. Except for infrequent periods when dry, continental air is brought into the Basin by offshore winds, the ocean effect is dominant. Periods with heavy fog are frequent, and low stratus clouds, occasionally referred to as "high fog," are a characteristic climate feature. The annual average relative humidity is 70 percent at the coast and 57 percent in the eastern part of the Basin. Precipitation in the Basin is typically 9 to 14 inches annually and is rarely in the form of snow or hail due to typically warm weather. The frequency and amount of rainfall are greater in the coastal areas of the Basin.



The height of the inversion is important in determining pollutant concentration. An inversion is defined as a layer of the atmosphere in which the temperature increases as elevation increases. When the inversion is approximately 2,500 feet above sea level, the sea breezes carry the pollutants inland to escape over the mountain slopes or through the passes. At a height of 1,200 feet, the terrain prevents the pollutants from entering the upper atmosphere, resulting in a settlement in the foothill communities. Below 1,200 feet, the inversion puts a tight lid on pollutants, concentrating them in a shallow layer over the entire coastal Basin. Usually, inversions are lower before sunrise than during the day. Mixing heights for inversions are lower in the summer and more persistent, being partly responsible for the high levels of ozone (O<sub>3</sub>) observed during the summer months in the Basin. Smog in southern California is generally the result of these temperature inversions combining with coastal day winds and local mountains to contain the pollutants for long periods of time, allowing them to form secondary pollutants by reacting with sunlight. The Basin has a limited ability to disperse these pollutants due to typically low wind speeds.

The area in which the project is located offers clear skies and sunshine yet is still susceptible to air inversions. These inversions trap a layer of stagnant air near the ground, where it is then further loaded with pollutants. These inversions cause haziness, which is caused by moisture, suspended dust, and a variety of chemical aerosols emitted by trucks, automobiles, furnaces, and other sources.

Dana Point experiences average high temperatures of up to 77.5°F during the month of August and average low temperatures of 43.4°F during the month of December. The annual average precipitation in the City is 12.52 inches. Rainfall occurs most frequently in February, with an average rainfall of 2.77 inches.<sup>1</sup>

## **LOCAL AMBIENT AIR QUALITY**

The SCAQMD monitors air quality at 37 monitoring stations throughout the Basin. Each monitoring station is located within a Source Receptor Area (SRA). The communities within an SRA are expected to have similar climatology and ambient air pollutant concentrations. The project is located in the Capistrano Valley SRA (SRA 21). The monitoring station representative of the project area is the Mission Viejo – 26081 Via Pera monitoring station, located approximately 11.0 miles north of the project site. The air pollutants measured at Mission Viejo – 26081 Via Pera station include O<sub>3</sub>, carbon monoxide (CO), particulate matter (PM<sub>10</sub>), and fine particulates (PM<sub>2.5</sub>). The closest monitoring station with nitrogen oxide (NO<sub>2</sub>) air quality data is the Costa Mesa – Mesa Verde Drive monitoring station, located approximately 20.2 miles northwest of the project site. The air quality data monitored at the Mission Viejo – 26081 Via Pera and Costa Mesa – Mesa Verde Drive monitoring stations from 2017 to 2019 are presented in Table 5.8-1, *Measured Air Quality Levels*.

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<sup>1</sup> Period of Record Monthly Climate Summary, *Laguna Beach, CA*, <https://wrcc.dri.edu/cgi-bin/cliMAIN.pl?ca4647>, accessed June 14, 2021.





Table 5.8-1  
Measured Air Quality Levels

Pollutant	Primary Standard		Year	Maximum Concentration <sup>1</sup>	Number of Days State/Federal Std. Exceeded
	California	Federal			
Carbon Monoxide (CO) <sup>2</sup> (1-Hour)	20 ppm for 1 hour	35 ppm for 1 hour	2017	1.402 ppm	0 / 0
			2018	1.197 ppm	0 / 0
			2019	0.963 ppm	0 / 0
Ozone (O <sub>3</sub> ) <sup>2</sup> (1-Hour)	0.09 ppm for 1 hour	N/A	2017	0.103 ppm	3 / 0
			2018	0.121 ppm	2 / 0
			2019	0.106 ppm	3 / 0
Ozone (O <sub>3</sub> ) <sup>2</sup> (8-Hour)	0.070 ppm for 8 hours	0.070 ppm for 8 hours	2017	0.084 ppm	27 / 25
			2018	0.088 ppm	10 / 9
			2019	0.088 ppm	11 / 11
Nitrogen Dioxide (NO <sub>x</sub> ) <sup>3</sup>	0.180 ppm for 1 hour	0.100 ppm for 1 hour	2017	0.045 ppm	0 / *
			2018	*	* / *
			2019	*	* / *
Particulate Matter (PM <sub>10</sub> ) <sup>2,4,5</sup>	50 µg/m <sup>3</sup> for 24 hours	150 µg/m <sup>3</sup> for 24 hours	2017	58.2 µg/m <sup>3</sup>	1 / 0
			2018	55.6 µg/m <sup>3</sup>	1 / 0
			2019	45.1 µg/m <sup>3</sup>	0 / 0
Fine Particulate Matter (PM <sub>2.5</sub> ) <sup>2,5</sup>	No Separate State Standard	35 µg/m <sup>3</sup> for 24 hours	2017	19.5 µg/m <sup>3</sup>	* / 0
			2018	38.9 µg/m <sup>3</sup>	* / 1
			2019	20.8 µg/m <sup>3</sup>	* / 0
ppm = parts per million µg/m <sup>3</sup> = micrograms per cubic meter * = insufficient data available to determine the value    NA = Not Applicable PM <sub>10</sub> = particulate matter 10 microns in diameter or less PM <sub>2.5</sub> = particulate matter 2.5 microns in diameter or less					
<b>Notes:</b> 1. Maximum concentration is measured over the same period as the California Standard. 2. Measurements taken at the Mission Viejo – 26081 Via Pera Monitoring Station located at 26081 Vie Pera, Mission Viejo, California 92691. 3. Measurements taken at the Costa Mesa – Mesa Verde Drive Monitoring Station located at 2850 Mesa Verde Drive East, Costa Mesa, California 92626. 4. PM <sub>10</sub> exceedances are based on State thresholds established prior to amendments adopted on June 20, 2002. 5. PM <sub>10</sub> and PM <sub>2.5</sub> exceedances are derived from the number of samples exceeded, not days.					
<b>Sources:</b> California Air Resources Board, iADAM Air Quality Data Statistics, <a href="http://www.arb.ca.gov/adam/">http://www.arb.ca.gov/adam/</a> , accessed on June 4, 2021. California Air Resources Board, AQMIS Air Quality and Meteorological Information's Systems, <a href="https://www.arb.ca.gov/aqmis2/aqdselect.php">https://www.arb.ca.gov/aqmis2/aqdselect.php</a> , accessed on June 4, 2021.					

Carbon Monoxide (CO). CO is an odorless, colorless toxic gas that is emitted by mobile and stationary sources as a result of the incomplete combustion of hydrocarbons or other carbon-based fuels. In cities, automobile exhaust can cause as much as 95 percent of all CO emissions.

CO replaces oxygen in the body's red blood cells. Individuals with a deficient blood supply to the heart, patients with diseases involving heart and blood vessels, fetuses (unborn babies), and patients with chronic hypoxemia (oxygen deficiency) as seen in high altitudes are most susceptible to the adverse effects of CO exposure. People with heart disease are also more susceptible to developing chest pains when exposed to low levels of carbon monoxide.

Ozone (O<sub>3</sub>). O<sub>3</sub> occurs in two layers of the atmosphere. The layer surrounding the earth's surface is the troposphere. The troposphere extends approximately 10 miles above ground level, where it meets the second layer, the stratosphere. The stratospheric (the "good" O<sub>3</sub> layer) extends upward from about



10 to 30 miles and protects life on earth from the sun's harmful ultraviolet rays. "Bad" O<sub>3</sub> is a photochemical pollutant and needs volatile organic compounds (VOCs), nitrogen oxides (NO<sub>x</sub>), and sunlight to form; therefore, VOCs and NO<sub>x</sub> are O<sub>3</sub> precursors. To reduce O<sub>3</sub> concentrations, it is necessary to control the emissions of these O<sub>3</sub> precursors. Significant O<sub>3</sub> formation generally requires an adequate amount of precursors in the atmosphere and a period of several hours in a stable atmosphere with strong sunlight. High O<sub>3</sub> concentrations can form over large regions when emissions from motor vehicles and stationary sources are carried hundreds of miles from their origins.

While O<sub>3</sub> in the upper atmosphere (stratosphere) protects the earth from harmful ultraviolet radiation, high concentrations of ground-level O<sub>3</sub> (in the troposphere) can adversely affect the human respiratory system and other tissues. O<sub>3</sub> is a strong irritant that can constrict the airways, forcing the respiratory system to work hard to deliver oxygen. Individuals exercising outdoors, children, and people with pre-existing lung diseases such as asthma and chronic pulmonary lung disease are considered to be the most susceptible to the health effects of O<sub>3</sub>. Short-term exposure (lasting for a few hours) to O<sub>3</sub> at elevated levels can result in aggravated respiratory diseases such as emphysema, bronchitis, and asthma, shortness of breath, increased susceptibility to infections, inflammation of the lung tissue, increased fatigue, as well as chest pain, dry throat, headache, and nausea.

Nitrogen Dioxide (NO<sub>2</sub>). NO<sub>x</sub> is a family of highly reactive gases that are a primary precursor to the formation of ground-level O<sub>3</sub> and react in the atmosphere to form acid rain. NO<sub>2</sub> (often used interchangeably with NO<sub>x</sub>) is a reddish-brown gas that can cause breathing difficulties at elevated levels. Peak readings of NO<sub>2</sub> occur in areas that have a high concentration of combustion sources (e.g., motor vehicle engines, power plants, refineries, and other industrial operations). NO<sub>2</sub> can irritate and damage the lungs and lower resistance to respiratory infections such as influenza. The health effects of short-term exposure are still unclear. However, continued or frequent exposure to NO<sub>2</sub> concentrations that are typically much higher than those normally found in the ambient air may increase acute respiratory illnesses in children and increase the incidence of chronic bronchitis and lung irritation. Chronic exposure to NO<sub>2</sub> may aggravate eyes and mucus membranes and cause pulmonary dysfunction.

Coarse Particulate Matter (PM<sub>10</sub>). PM<sub>10</sub> refers to suspended particulate matter, which is smaller than 10 microns or ten one-millionths of a meter. PM<sub>10</sub> arises from sources such as road dust, diesel soot, combustion products, construction operations, and dust storms. PM<sub>10</sub> scatters light and significantly reduces visibility. In addition, these particulates penetrate into the lungs and can potentially damage the respiratory tract. On June 19, 2003, the California Air Resources Board (CARB) adopted amendments to the statewide 24-hour particulate matter standards based upon requirements set forth in the Children's Environmental Health Protection Act (Senate Bill 25).

Fine Particulate Matter (PM<sub>2.5</sub>). Due to recent increased concerns over health impacts related to fine particulate matter (particulate matter 2.5 microns in diameter or less), both State and Federal PM<sub>2.5</sub> standards have been created. Particulate matter impacts primarily affect infants, children, the elderly, and those with pre-existing cardiopulmonary disease. In 1997, the U.S. Environmental Protection Agency (EPA) announced new PM<sub>2.5</sub> standards. Industry groups challenged the new standard in court, and the implementation of the standard was blocked. However, upon appeal by the EPA, the United States Supreme Court reversed this decision and upheld the EPA's new standards.



On January 5, 2005, the EPA published a Final Rule in the Federal Register that designates the Basin as a non-attainment area for Federal PM<sub>2.5</sub> standards. On June 20, 2002, CARB adopted amendments for statewide annual ambient particulate matter air quality standards. These standards were revised/established due to increasing concerns by CARB that previous standards were inadequate, as almost everyone in California is exposed to levels at or above the current State standards during some parts of the year, and the statewide potential for significant health impacts associated with particulate matter exposure was determined to be large and wide-ranging. On July 8, 2016, EPA made a finding that the South Coast has attained the 1997 24-hour and annual PM<sub>2.5</sub> standards based on 2011-2013 data. However, the Basin remains in non-attainment as the EPA has not determined that California has met the Federal Clean Air Act requirements for re-designating the Basin non-attainment area to attainment.

Sulfur Dioxide (SO<sub>2</sub>). Sulfur dioxide (SO<sub>2</sub>) is a colorless, irritating gas with a rotten egg smell; it is formed primarily by the combustion of sulfur-containing fossil fuels. SO<sub>2</sub> is often used interchangeably with sulfur oxides (SO<sub>x</sub>). Exposure of a few minutes to low levels of SO<sub>2</sub> can result in airway constriction in some asthmatics.

Volatile Organic Compounds (VOC). VOCs are hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. VOCs contribute to the formation of smog through atmospheric photochemical reactions and/or may be toxic. Compounds of carbon (also known as organic compounds) have different levels of reactivity; that is, they do not react at the same speed or do not form O<sub>3</sub> to the same extent when exposed to photochemical processes. VOCs often have an odor, and some examples include gasoline, alcohol, and the solvents used in paints. Exceptions to the VOC designation include carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. VOCs are a criteria pollutant since they are a precursor to O<sub>3</sub>, which is a criteria pollutant. The SCAQMD uses the terms VOC and reactive organic gases (ROG) (see below) interchangeably.

Reactive Organic Gases (ROG). Similar to VOCs, ROGs are also precursors in forming O<sub>3</sub> and consist of compounds containing methane, ethane, propane, butane, and longer chain hydrocarbons, which are typically the result of some type of combustion/decomposition process. Smog is formed when ROG and nitrogen oxides react in the presence of sunlight. ROGs are a criteria pollutant since they are a precursor to O<sub>3</sub>, which is a criteria pollutant. The SCAQMD uses the terms ROG and VOC interchangeably.

## **SENSITIVE RECEPTORS**

Sensitive populations are more susceptible to the effects of air pollution than the general population. Sensitive populations (sensitive receptors) that are in proximity to localized sources of toxics and CO are of particular concern. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. The following types of people are most likely to be adversely affected by air pollution, as identified by CARB: children under 14, elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. Locations that may contain a high concentration of these sensitive population groups are called sensitive receptors and include residential areas, hospitals, day-care facilities, elder-care facilities, elementary schools, and parks. Sensitive receptors in the project vicinity include residential uses, schools, and churches.



## 5.8.2 REGULATORY SETTING

### FEDERAL LEVEL

#### U.S. Environmental Protection Agency (EPA)

The EPA is responsible for implementing the Federal Clean Air Act (FCAA), which was first enacted in 1955 and amended numerous times after. The FCAA established federal air quality standards known as the National Ambient Air Quality Standards (NAAQS). These standards identify levels of air quality for “criteria” pollutants that are considered the maximum levels of ambient (background) air pollutants considered safe, with an adequate margin of safety, to protect the public health and welfare; refer to [Table 5.8-2, \*National and California Ambient Air Quality Standards\*](#).

### STATE LEVEL

#### California Air Resources Board (CARB)

CARB administers the air quality policy in California. The California Ambient Air Quality Standards (CAAQS) were established in 1969 pursuant to the Mulford-Carrell Act. These standards, including with the NAAQS in [Table 5.8-2](#), are generally more stringent and apply to more pollutants than the NAAQS. In addition to the criteria pollutants, CAAQS have been established for visibility reducing particulates, hydrogen sulfide, and sulfates. The California Clean Air Act (CCAA), which was approved in 1988, requires that each local air district prepare and maintain an Air Quality Management Plan (AQMP) to achieve compliance with CAAQS. These AQMP’s also serve as the basis for the preparation of the State Implementation Plan for the State of California.

Like the EPA, CARB also designates areas within California as either attainment or non-attainment for each criteria pollutant based on whether the CAAQS have been achieved. Under the CCAA, areas are designated as non-attainment for a pollutant if air quality data show that a state standard for the pollutant was violated at least once during the previous three calendar years. Exceedances that are affected by highly irregular or infrequent events are not considered violations of a state standard and are not used as a basis for designating areas as non-attainment.

### REGIONAL LEVEL

#### South Coast Air Quality Management Control District (SCAQMD)

The SCAQMD is one of 35 air quality management districts that have prepared AQMPs to accomplish a five-percent annual reduction in emissions. SCAQMD adopted the 2022 AQMP on December 2, 2022. The primary purpose of the 2022 AQMP is to identify, develop, and implement strategies and control measures to meet the 2015 eight-hour ozone NAAQS – 70 parts per billion (ppb) as expeditiously as practicable, but no later than the statutory attainment deadline of August 3, 2018, for the Basin and August 3, 2033, for the Riverside County portion of the Salton Sea Air Basin. The 2022 AQMP incorporates the recently adopted *SCAG’s 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* (2020-2045 RTP/SCS) and motor vehicle emissions from CARB.



Table 5.8-2  
National and California Ambient Air Quality Standards

Pollutant	Averaging Time	California <sup>1</sup>		Federal <sup>2</sup>	
		Standard <sup>3</sup>	Attainment Status	Standards <sup>3,4</sup>	Attainment Status
Ozone (O <sub>3</sub> )	1 Hour	0.09 ppm (180 µg/m <sup>3</sup> )	Nonattainment	N/A	N/A
	8 Hours	0.070 ppm (137 µg/m <sup>3</sup> )	Nonattainment	0.070 ppm (137 µg/m <sup>3</sup> )	Nonattainment
Particulate Matter (PM <sub>10</sub> )	24 Hours	50 µg/m <sup>3</sup>	Nonattainment	150 µg/m <sup>3</sup>	Attainment/Maintenance
	Annual Arithmetic Mean	20 µg/m <sup>3</sup>	Nonattainment	N/A	N/A
Fine Particulate Matter (PM <sub>2.5</sub> )	24 Hours	No Separate State Standard		35 µg/m <sup>3</sup>	Nonattainment
	Annual Arithmetic Mean	12 µg/m <sup>3</sup>	Nonattainment	12.0 µg/m <sup>3</sup>	Nonattainment
Carbon Monoxide (CO)	8 Hours	9.0 ppm (10 mg/m <sup>3</sup> )	Attainment	9 ppm (10 mg/m <sup>3</sup> )	Attainment/Maintenance
	1 Hour	20 ppm (23 mg/m <sup>3</sup> )	Attainment	35 ppm (40 mg/m <sup>3</sup> )	Attainment/Maintenance
Nitrogen Dioxide (NO <sub>2</sub> ) <sup>5</sup>	Annual Arithmetic Mean	0.030 ppm (57 µg/m <sup>3</sup> )	N/A	53 ppb (100 µg/m <sup>3</sup> )	Attainment/Maintenance
	1 Hour	0.18 ppm (339 µg/m <sup>3</sup> )	Attainment	100 ppb (188 µg/m <sup>3</sup> )	Attainment/Maintenance
Lead (Pb) <sup>7,8</sup>	30 days Average	1.5 µg/m <sup>3</sup>	Attainment	N/A	N/A
	Calendar Quarter	N/A	N/A	1.5 µg/m <sup>3</sup>	Nonattainment
	Rolling 3-Month Average	N/A	N/A	0.15 µg/m <sup>3</sup>	Nonattainment
Sulfur Dioxide (SO <sub>2</sub> ) <sup>6</sup>	24 Hours	0.04 ppm (105 µg/m <sup>3</sup> )	Attainment	0.14 ppm (for certain areas)	Unclassified/Attainment
	3 Hours	N/A	N/A	N/A	N/A
	1 Hour	0.25 ppm (655 µg/m <sup>3</sup> )	Attainment	75 ppb (196 µg/m <sup>3</sup> )	N/A
	Annual Arithmetic Mean	N/A	N/A	0.30 ppm (for certain areas)	Unclassified/Attainment
Visibility-Reducing Particles <sup>9</sup>	8 Hours (10 a.m. to 6 p.m., PST)	Extinction coefficient = 0.23 km@<70% RH	Unclassified	<b>No Federal Standards</b>	
Sulfates	24 Hour	25 µg/m <sup>3</sup>	Attainment		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m <sup>3</sup> )	Unclassified		
Vinyl Chloride <sup>7</sup>	24 Hour	0.01 ppm (26 µg/m <sup>3</sup> )	N/A		

µg/m<sup>3</sup> = micrograms per cubic meter; ppm = parts per million; ppb = parts per billion; km = kilometer(s); RH = relative humidity; PST = Pacific Standard Time; N/A = Not Applicable

- California standards for ozone, carbon monoxide (except 8-hour Lake Tahoe), sulfur dioxide (1- and 24-hour), nitrogen dioxide, and particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>, and visibility reducing particles), are values that are not to be exceeded. All others are not to be equal to or exceeded. California ambient air quality standards are listed in the Table of Standards in Section 70200 of Title 17 of the California Code of Regulations.
- National standards (other than ozone, particulate matter, and those based on annual arithmetic mean) are not to be exceeded more than once a year. The ozone standard is attained when the fourth highest 8-hour concentration measured at each site in a year, averaged over three years, is equal to or less than the standard. For PM<sub>10</sub>, the 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m<sup>3</sup> is equal to or less than one. For PM<sub>2.5</sub>, the 24-hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard.
- Concentration expressed first in units in which it was promulgated. Equivalent units given in parentheses are based upon a reference temperature of 25°C and a reference pressure of 760 torr. Most measurements of air quality are to be corrected to a reference temperature of 25°C and a reference pressure of 760 torr; ppm in this table refers to ppm by volume, or micromoles of pollutant per mole of gas.
- National Primary Standards: The levels of air quality necessary, with an adequate margin of safety, to protect the public health.
- To attain the 1-hour national standard, the 3-year average of the annual 98th percentile of the 1-hour daily maximum concentrations at each site must not exceed 100 ppb. Note that the national 1-hour standard is in units of parts per billion (ppb). California standards are in units of parts per million (ppm). To directly compare the national 1-hour standard to the California standards the units can be converted from ppb to ppm. In this case, the national standard of 100 ppb is identical to 0.100 ppm.
- On June 2, 2010, a new 1-hour SO<sub>2</sub> standard was established and the existing 24-hour and annual primary standards were revoked. To attain the 1-hour national standard, the 3-year average of the annual 99th percentile of the 1-hour daily maximum concentrations at each site must not exceed 75 ppb. The 1971 SO<sub>2</sub> national standards (24-hour and annual) remain in effect until one year after an area is designated for the 2010 standard, except that in areas designated non-attainment for the 1971 standards, the 1971 standards remain in effect until implementation plans to attain or maintain the 2010 standards are approved. Note that the 1-hour national standard is in units of ppb. California standards are in units of parts per million (ppm). To directly compare the 1-hour national standard to the California standard the units can be converted to ppm. In this case, the national standard of 75 ppb is identical to 0.075 ppm.
- CARB has identified lead and vinyl chloride as 'toxic air contaminants' with no threshold level of exposure for adverse health effects determined. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.
- The national standard for lead was revised on October 15, 2008 to a rolling 3-month average. The 1978 lead standard (1.5 µg/m<sup>3</sup> as a quarterly average) remains in effect until one year after an area is designated for the 2008 standard, except that in areas designated non-attainment for the 1978 standard, the 1978 standard remains in effect until implementation plans to attain or maintain the 2008 standard are approved.
- In 1989, CARB converted both the general statewide 10-mile visibility standard and the Lake Tahoe 30-mile visibility standard to instrumental equivalents, which are "extinction of 0.23 per kilometer" and "extinction of 0.07 per kilometer" for the statewide and Lake Tahoe Air Basin standards, respectively.

Source: California Air Resources Board and U.S. Environmental Protection Agency, *Ambient Air Quality Standards chart*, <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>, May 4, 2016.



In addition to the 2022 AQMP and its rules and regulations, the SCAQMD published the *CEQA Air Quality Handbook*. The SCAQMD *CEQA Air Quality Handbook* provides guidance to assist local government agencies and consultants in developing the environmental documents required by CEQA. With the help of the *CEQA Air Quality Handbook*, local land use planners and other consultants are able to analyze and document how proposed and existing projects affect air quality and should be able to fulfill the requirements of the CEQA review process. The SCAQMD is in the process of developing an *Air Quality Analysis Guidance Handbook* to replace the current *CEQA Air Quality Handbook* approved by the SCAQMD Governing Board in 1993.

## **Southern California Association of Governments (SCAG)**

On September 3, 2020, the Regional Council of SCAG formally adopted the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (2020-2045 RTP/SCS)*. The SCS portion of the 2020-2045 RTP/SCS highlights strategies for the region to reach the regional target of reducing GHGs from autos and light-duty trucks by 8 percent per capita by 2020, and 19 percent by 2035 (compared to 2005 levels). Specially, these strategies are:

- Focus growth near destinations and mobility options;
- Promote diverse housing choices;
- Leverage technology innovations;
- Support implementation of sustainability policies; and
- Promote a green region.

Furthermore, the 2020-2045 RTP/SCS discusses a variety of land use tools to help achieve the State-mandated reductions in GHG emissions through reduced per capita VMT. Some of these tools include center focused placemaking, focusing on priority growth areas, job centers, transit priority areas, as well as high quality transit areas and -green regions.

## **LOCAL LEVEL**

### **City of Dana Point General Plan**

The Conservation/Open Space and Land Use Elements of the General Plan, include goals and policies pertaining to air quality within the City. The following goals and policies would be applicable to the project:

#### **LAND USE ELEMENT**

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

- Policy 3.6: Encourage patterns of development necessary to minimize air pollution and vehicle miles traveled. (Coastal Act/30250)

#### **CONSERVATION/OPEN SPACE ELEMENT**

Goal 5: Reduce air pollution through land use, transportation, and energy use planning.



- Policy 5.1: Design Safe and efficient vehicular access to streets to ensure efficient vehicular ingress and egress. (Coastal Act/30252)
- Policy 5.2: Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.
- Policy 5.3: Encourage neighborhood parks close to concentrations of residents to encourage pedestrian travel to public recreation facilities.
- Policy 5.4: Provide commercial areas that are conducive to pedestrian and bicycle circulation.
- Policy 5.6: Encourage bicycle/trail systems to reduce air pollution.

### Dana Point Municipal Code

Municipal Code Chapter 12.10, *Mobile Source Air Pollution Reduction Program*, establishes the Air Quality Improvement Trust Fund. The Air Quality Improvement Trust Fund is authorized to receive a portion of funds from motor vehicle registration to be expended on programs and projects aimed at reducing mobile-source emissions. As established in the City’s Municipal Code, programs implemented by the City using funds utilized from the Air Quality Improvement Trust Fund shall be consistent with the California Clear Air Act of 1988, or the plan proposed pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety Code.

## 5.8.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

### REGIONAL AIR QUALITY

In its *CEQA Air Quality Handbook*, the SCAQMD has established significance thresholds to assess the impact of project-related air pollutant emissions. Table 5.8-3, *SCAQMD Regional Pollutant Emission Thresholds of Significance*, presents these significance thresholds. There are separate thresholds for short-term construction and long-term operational emissions. A project with daily emission rates below these thresholds is considered to have a less than significant effect on regional air quality.

**Table 5.8-3  
SCAQMD Regional Pollutant Emission Thresholds of Significance**

Phase	Pollutant (lbs/day)					
	VOC	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Construction	75	100	550	150	150	55
Operation	55	55	550	150	150	55
<small>CO = carbon monoxide; VOC = volatile organic compounds; NO<sub>x</sub> = nitrogen oxides; PM<sub>10</sub> = particulate matter smaller than 10 microns; PM<sub>2.5</sub> = particulate matter smaller than 2.5 microns</small>						
<small>Source: South Coast Air Quality Management District, <i>CEQA Air Quality Handbook</i>, November 1993.</small>						



## LOCAL AIR QUALITY

### Localized Significance Thresholds

Localized Significance Thresholds (LSTs) were developed in response to the SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold Methodology* (revised July 2008) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with projects. The SCAQMD provides the LST look-up tables for one-, two-, and five-acre projects emitting CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways.

### Localized CO

In addition, the project would result in a local air quality impact if the project results in increased traffic volumes that would result in an exceedance of the CO ambient air quality standards of 20 parts per million (ppm) for 1-hour CO concentration levels, and 9 ppm for 8-hour CO concentration levels. If the CO concentrations at potentially impacted intersections with the project are lower than the standards, then there is no significant impact. If future CO concentrations with the project are above the standard, then the project would have a significant local air quality impact.

## CUMULATIVE EMISSIONS

The SCAQMD's 2022 AQMP was prepared to accommodate growth, meet State and Federal air quality standards, and minimize the fiscal impact that pollution control measures have on the local economy. According to the *CEQA Air Quality Handbook*, project-related emissions that fall below the established construction and operational thresholds should be considered less than significant unless there is pertinent information to the contrary.

If a project exceeds these emission thresholds, the *CEQA Air Quality Handbook* states that the significance of a project's contribution to cumulative impacts should be determined based on whether the rate of growth in average daily trips exceeds the rate of growth in population.

## CEQA SIGNIFICANCE CRITERIA

*CEQA Guidelines* Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Conflict with or obstruct implementation of the applicable air quality plan (refer to Impact Statement AQ-1);
- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (refer to Impact Statements AQ-2);
- c) Expose sensitive receptors to substantial pollutant concentrations (refer to Impact Statements AQ-3).





- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people (refer to Section 8.0, *Effects Found Not To Be Significant*).

Based on these standards/criteria, the effects of the project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

## **5.8.4 IMPACTS AND MITIGATION MEASURES**

### **CONSISTENCY WITH REGIONAL PLANS**

#### **AQ-1 IMPLEMENTATION OF THE PROPOSED PROJECT COULD CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN.**

**Impact Analysis:** On December 2, 2022, the SCAQMD Governing Board adopted the 2022 AQMP. The 2022 AQMP incorporates the latest scientific and technical information and planning assumptions, including the latest applicable growth assumptions, updated emission inventory methodologies for various source categories. Additionally, the 2022 AQMP utilized information and data from the SCAG and its 2020-2045 RTP/SCS. The SCAQMD considers projects that are consistent with the 2022 AQMP, which is intended to bring the Basin into attainment for all criteria pollutants, to also have less than significant cumulative impacts.

Criteria for determining consistency with the AQMP are defined by the following indicators:

#### **CRITERION 1**

With respect to the first criterion, SCAQMD methodologies require that an air quality analysis for a project include forecasts of project emissions in relation to contributing to air quality violations and delay of attainment.

- a) *Would the project result in an increase in the frequency or severity of existing air quality violations?*

Since the consistency criteria identified under the first criterion pertain to pollutant concentrations rather than to total regional emissions, an analysis of a project’s pollutant emissions relative to localized pollutant concentrations associated with the CAAQS and NAAQS is used as the basis for evaluating project consistency. As discussed in Impact Statement AQ-3, the localized concentration of CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> would be less than significant during project construction and operation. Therefore, the project would not result in an increase in the frequency or severity of existing air quality violations. Because ROG is not a criteria pollutant, there is no ambient standard or localized threshold of ROG. Due to the role ROG plays in O<sub>3</sub> formation, it is classified as a precursor pollutant, and only a regional emissions threshold has been established. As such, the project would not cause or contribute to localized air quality violations or delay the attainment of air quality standards or interim emissions reductions specified in the AQMP.



b) *Would the project cause or contribute to new air quality violations?*

As discussed below in Impact Statements AQ-2 and AQ-3, the project would result in emissions that would be below the SCAQMD's thresholds for regional and localized emissions. Therefore, the project would not have the potential to cause or affect a violation of the ambient air quality standards with mitigation incorporated.

c) *Would the project delay timely attainment of air quality standards or the interim emissions reductions specified in the AQMP?*

The project would result in less than significant impacts with regard to localized concentrations during operations. As such, the project would not delay the timely attainment of air quality standards or 2022 AQMP emissions reductions.

## **CRITERION 2**

With respect to the second criterion for determining consistency with SCAQMD and SCAG air quality policies, it is important to recognize that air quality planning within the Basin focuses on the attainment of ambient air quality standards at the earliest feasible date. Projections for achieving air quality goals are based on assumptions regarding population, housing, and growth trends. Thus, the SCAQMD's second criterion for determining project consistency focuses on whether or not the project exceeds the assumptions utilized in preparing the forecasts presented in the 2022 AQMP. Determining whether or not a project exceeds the assumptions reflected in the 2022 AQMP involves the evaluation of the three criteria outlined below. The following discussion provides an analysis of each of these criteria.

a) *Would the project be consistent with the population, housing, and employment growth projections utilized in the preparation of the AQMP?*

A project is consistent with the 2022 AQMP in part if it is consistent with the population, housing, and employment assumptions that were used in the development of the 2022 AQMP. In the case of the 2022 AQMP, three sources of data form the basis for the projections of air pollutant emissions: the General Plan, SCAG's regional growth forecast, and SCAG's 2020-2045 RTP/SCS. The 2020-2045 RTP/SCS also provides socioeconomic forecast projections of regional population growth.

Based on the General Plan Land Use Map, the project site is designated "Community Facility" (CF) and "Recreation/Open Space" (R/OS) and is situated within the Coastal Overlay District boundary. With approval of the Victoria Boulevard Specific Plan, the Specific Plan identifies the entirety of the 5.51-acre project site as "Village Multi-family Residential" (VMFR). The VMFR designation allows for the development of a combination of studio, one-, two-, and three-bedroom unit types (up to 349 units) within the Specific Plan area. As mentioned in Section 5.12, *Population and Housing*, buildout in accordance with the Specific Plan would be within the General Plan's buildout population forecast but would exceed its housing forecast by approximately 228 units. Nevertheless, the General Plan was adopted in 1991 and information, including existing conditions data and buildout assumptions, are predominantly outdated. As such, comparing the project's buildout potential to the General Plan buildout assumptions is provided solely for informational purposes. Further, as discussed under Impact



Statement PHE-1, the proposed project's buildout would be within SCAG's dwelling unit forecasts for 2045.

Based on the City's average household size of 2.28<sup>2</sup>, the 349 units would introduce up to 796 additional residents within the City. The City's current population is 32,943 persons as of May 1, 2022.<sup>3</sup> The forecast population in 2045 is 35,600 persons.<sup>4</sup> The project's potential growth-inducing impacts would be considered less than significant since the 796 additional residents represents only a 2.4 percent increase from the City's current population of 32,943 persons. Further, as discussed under Impact Statement PHE-1, the proposed project's buildout would be within SCAG's population forecasts for 2045. Thus, the project would not result in substantial unplanned population growth and impacts in this regard would be less than significant; refer to [Section 5.12](#) for a detailed analysis of project impacts in population and housing. It should be noted that the SCAQMD has incorporated these same population and housing projections into the 2022 AQMP. As such, it could be implied that a project's consistency with SCAG's forecasts in regard to population, housing, and employment assumptions would suggest a project's consistency with the SCAQMD's 2022 AQMP. As such, the project would be consistent with the types, intensity, and patterns of land use envisioned for the site vicinity as projected in the 2022 AQMP, and a less than significant impact would occur with regard to 2022 AQMP consistency with the project.

*b) Would the project implement all feasible air quality mitigation measures?*

The demolition of on-site structures and development of the project would be required to comply with all applicable SCAQMD rules and regulations, including Rule 403 that requires excessive fugitive dust emissions controlled by regular watering or other dust prevention measures and Rule 1113) that regulates the ROG content of paint. As such, the project meets this AQMP consistency criterion.

*c) Would the project be consistent with the land use planning strategies set forth in the AQMP?*

Land use planning strategies set forth in the 2022 AQMP are primarily based on the 2020-2045 RTP/SCS. The project is planned as an infill redevelopment project that allows up to 349 dwelling units on the approximately 5.51-acre project site in the Doheny Village area, where there are existing commercial/neighborhood-serving retail uses within walking distance. The project proposes numerous outdoor spaces and opportunities for recreation, including outdoor amenities such as courtyard space, a rooftop amenity area, and recreation spaces surrounding the development. As discussed in Criterion 2(a), the project plans for growth around livable corridors and provides more options for short trips and neighborhood mobility

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<sup>2</sup> State of California Department of Finance, E-5 Population and Housing Estimates for Cities, Counties, and the State, 2021-2022 with 2020 Census Benchmark, May 2022.

<sup>3</sup> Ibid.

<sup>4</sup> Southern California Association of Governments, 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy Demographics & Growth Forecast, September 2020.



areas. As such, the project is consistent with the land use planning strategies set forth in the AQMP.

Additionally, the project would be consistent with the General Plan Land Use Element Policy 3.6 by implementing an infill residential development that would contribute towards minimizing air pollution and vehicle miles traveled. The project would also be consistent with the General Plan Conservation/Open Space Element Policy 5.1, 5.2, 5.3, 5.4, and 5.6 by designing safe and efficient vehicular access to streets, encouraging multi-family developments close to commercial areas, encouraging neighborhood park close to concentrations of residents, providing outdoor amenities that are conducive to pedestrian and bicycle orientation, and encouraging external and internal pedestrian and bicycle circulation systems to reduce air pollution. Therefore, the project would be consistent with the actions and strategies of the 2020-2045 RTP/SCS, and therefore would be consistent with the 2022 AQMP. As such, the project meets this AQMP consistency criterion.

In conclusion, the determination of 2022 AQMP consistency is primarily concerned with a project's long-term influence on the Basin's air quality. The project would not result in a long-term impact on the region's ability to meet State and Federal air quality standards. Also, the project would be consistent with the 2022 AQMP's goals. As discussed above, the project's long-term influence would also be consistent with the SCAQMD and SCAG's goals and policies and is, therefore, considered consistent with the 2022 AQMP. Impacts associated with compliance with the 2022 AQMP would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **PROJECT-RELATED EMISSIONS**

**AQ-2 THE PROJECT COULD RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF CRITERIA POLLUTANTS FOR WHICH THE PROJECT REGION IS IN NON-ATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD.**

**Impact Analysis:**

### **SHORT-TERM (CONSTRUCTION) AIR EMISSIONS**

Short-term air quality impacts are predicted to occur during grading and construction activities associated with the project implementation. Temporary air emissions would result from the following activities:

- Particulate (fugitive dust) emissions from grading and building construction; and
- Exhaust emissions from the construction equipment and the motor vehicles of the construction crew.

The project involves demolishing the existing Capistrano Unified School District (CUSD) bus yard and developing a three- to five-story 349-unit apartment complex with an attached six-story (seven-



level) parking structure and associated amenities. Construction of the project would involve one and half month of demolition, two months of grading, one and half month of paving, 28 months of building construction, and three months of painting. Several of these construction activities would overlap in timing. The total development would take approximately 31 months in total, under a single phase (i.e., occur in one setting). Emissions for each construction activity have been quantified based upon the activity duration and equipment types. The analysis of daily construction emissions was prepared by the California Emission Estimator Model (CalEEMod, version 2020.4.0). Refer to [Appendix 11.8](#) for the CalEEMod outputs and results. [Table 5.8-4, Maximum Daily Construction Emissions](#), presents the project’s anticipated daily short-term construction emissions.

**Table 5.8-4  
Maximum Daily Construction Emissions**

Emissions Source	Pollutant (pounds/day) <sup>1,2</sup>					
	ROGs	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Year 1	3.57	52.01	30.38	0.16	6.17	2.31
Year 2	33.74	22.84	27.31	0.10	7.10	2.29
Year 3	2.58	17.66	22.08	0.08	6.07	1.98
<b>Maximum Daily Emissions</b>	<b>33.74</b>	<b>52.01</b>	<b>30.38</b>	<b>0.16</b>	<b>7.10</b>	<b>2.31</b>
SCAQMD Thresholds	75	100	550	150	150	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
Notes: 1. Emissions were calculated using CalEEMod version 2020.4.0, as recommended by the SCAQMD. Winter emissions represent worst-case scenario and is therefore presented as a conservative analysis. 2. The reduction/credits for construction emissions are based on “mitigation” included in CalEEMod and are required by the SCAQMD Rules. The “mitigation” applied in CalEEMod includes the following: properly maintain mobile and other construction equipment; replace the ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stock piles with tarps; water all haul roads twice daily; and limit speeds on unpaved roads to 15 miles per hour. The emissions results in this table represent the “mitigated” emissions shown in <a href="#">Appendix 11.8</a> .						
Refer to <a href="#">Appendix 11.8</a> for assumptions used in this analysis.						

**Fugitive Dust Emissions**

Fugitive dust (PM<sub>10</sub> and PM<sub>2.5</sub>) from grading and construction is expected to be short-term and would cease following project completion. Most of this material is composed of inert silicates, which are less harmful to health than the complex organic particulates released from combustion sources. These particles are either directly emitted or are formed in the atmosphere from the combustion of gases such as NO<sub>x</sub> and SO<sub>x</sub> combining with ammonia. The greatest amount of fugitive dust generated is expected to occur during site grading and excavation of the project; refer to [Appendix 11.8](#). Dust generated by such activities usually becomes more of a local nuisance than a serious health problem. Of particular concern is the amount of PM<sub>10</sub> generated as a part of fugitive dust emissions.

CalEEMod was used to calculate PM<sub>10</sub> and PM<sub>2.5</sub> fugitive dust emissions as part of the site earthwork activities; refer to [Table 5.8-4](#). Maximum particulate matter emissions would occur during the initial stages of construction when grading activities would occur. As detailed in [Table 5.8-4](#), construction-related PM<sub>10</sub> emissions would range between 6.07 and 7.10 pounds per day, and PM<sub>2.5</sub> emissions would range between 1.98 and 2.31 pounds per day, which are less than each respective regional significance



thresholds. Thus, fugitive dust emissions would be below the thresholds of 150 and 55 pounds per day for PM<sub>10</sub> and PM<sub>2.5</sub>, respectively.

### **Construction Equipment and Worker Vehicle Exhaust Emissions**

Exhaust emissions would be generated by the operation of vehicles and equipment on the site, such as graders, dozers, pavers, loaders, scrapers, and trucks. The majority of construction equipment and vehicles would be diesel-powered, which tends to be more efficient than gasoline-powered equipment. Diesel-powered equipment produces lower CO and hydrocarbon emissions than gasoline equipment but produces greater amounts of NO<sub>x</sub>, SO<sub>x</sub>, and particulates per hour of activity. The transportation of machinery, equipment, and materials to and from the site, as well as construction worker trips, would also generate vehicle emissions during construction. However, as presented in Table 5.8-4, construction equipment and worker vehicle exhaust emissions would not exceed the emissions thresholds. As such, the impact would be less than significant.

### **ROG Emissions**

In addition to gaseous and particulate emissions, the application of asphalt and surface coatings creates ROG emissions, which are O<sub>3</sub> precursors. In accordance with the methodology prescribed by the SCAQMD, ROG emissions associated with paving and architectural coating have been quantified with the CalEEMod model. As required by SCAQMD Rule 1113, all architectural coatings for the proposed structures would comply with specifications on painting practices as well as regulation on the ROG content of paint.<sup>5</sup> ROG emissions associated with the project would be less than significant; refer to Table 5.8-4. As such, the impact would be less than significant.

### **Total Daily Construction Emissions**

CalEEMod was utilized to model construction emissions for ROG, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. As indicated in Table 5.8-4, construction emissions would not exceed SCAQMD thresholds. As such, construction emissions would be less than significant.

### **Asbestos**

Pursuant to guidance issued by the Governor's Office of Planning and Research State Clearinghouse, lead agencies are encouraged to analyze potential impacts related to naturally occurring asbestos. Asbestos is a term used for several types of naturally occurring fibrous minerals that are a human health hazard when airborne. The most common type of asbestos is chrysotile, but other types such as tremolite and actinolite are also found in California. Asbestos is classified as a known human carcinogen by State, Federal, and international agencies and was identified as a toxic air contaminant by the CARB in 1986.

Asbestos can be released from serpentinite and ultramafic rocks when the rock is broken or crushed. At the point of release, the asbestos fibers may become airborne, causing air quality and human health hazards. These rocks have been commonly used for unpaved gravel roads, landscaping, fill projects,

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<sup>5</sup> South Coast Air Quality Management District, Rule 1113 Architectural Coatings, <http://www.aqmd.gov/docs/default-source/rule-book/reg-xi/r1113.pdf>, accessed June 9, 2021.



and other improvement projects in some localities. Asbestos may be released into the atmosphere due to vehicular traffic on unpaved roads, during grading for development projects, and at quarry operations. All of these activities may have the effect of releasing potentially harmful asbestos into the air. Natural weathering and erosion processes can act on asbestos bearing rock and make it easier for asbestos fibers to become airborne if such rock is disturbed.

Serpentinite and/or ultramafic rock are known to be present in 44 of California's 58 counties. These rocks are particularly abundant in the counties of the Sierra Nevada foothills, the Klamath Mountains, and Coast Ranges. According to the California Department of Conservation Division of Mines and Geology, the site is not located in an area where naturally occurring asbestos is likely to be present.<sup>6</sup> Therefore, no impacts are anticipated to result in this regard.

### **LONG-TERM (OPERATIONAL) AIR EMISSIONS**

Operational emissions generated by both stationary and mobile sources would result from normal daily activities on the project site after occupation (i.e., increased concentrations of ROG, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and CO). Mobile source emissions would be generated by the motor vehicles traveling to and from the project site. Stationary area source emissions would be generated by the consumption of natural gas for space and water heating devices, operation of landscape maintenance equipment, potential machinery, and use of consumer products. Stationary energy emissions would result from natural gas consumption associated with the project. Analysis of mobile emissions is based primarily upon *Victoria Boulevard Apartments Traffic Impact Analysis* (Traffic Impact Analysis) prepared by Ganddini Group, Inc. on April 28, 2022.<sup>7</sup> The analysis of daily operational emissions has been prepared by utilizing the California Emissions Estimator Model Version 2020.4.0 (CalEEMod); refer to [Appendix 11.8](#). Although two of the six existing structures on-site are currently in operations, as a conservative analysis, except for mobile sources, emissions from existing uses on-site were not modeled or deducted from project-generated emissions.

#### **Mobile Source Emissions**

Mobile sources are emissions from motor vehicles, including tailpipe and evaporative emissions. Depending upon the pollutant being discussed, the potential air quality impact may be of either regional or local concern. For example, ROG, NO<sub>x</sub>, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> are all pollutants of regional concern (NO<sub>x</sub> and ROG react with sunlight to form O<sub>3</sub> [photochemical smog], and wind currents readily transport SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>). However, CO tends to be a localized pollutant, dispersing rapidly at the source.

Project-generated vehicle emissions have been estimated using CalEEMod. This model predicts ROG, CO, SO<sub>x</sub>, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from motor vehicle traffic associated with new development; refer to [Appendix 11.8](#). According to the Traffic Impact Analysis, the project would generate 2,518 net daily trips on the weekdays, 256 midday peak hour trips on Saturdays, and 245

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<sup>6</sup> California Department of Conservation Division of Mines and Geology, *A General Location Guide for Ultramafic Rocks in California – Areas More Likely to Contain Naturally Occurring Asbestos Report*, August 2000, [https://ww3.arb.ca.gov/toxics/asbestos/ofr\\_2000-019.pdf](https://ww3.arb.ca.gov/toxics/asbestos/ofr_2000-019.pdf), accessed September 2, 2021.

<sup>7</sup> Ganddini Group, Inc., *Victoria Boulevard Apartments Traffic Impact Analysis*, dated April 28, 2022.



midday peak hour trips on Sundays beyond existing condition. Table 5.8-5, *Net Long-Term Operational Air Emissions*, presents the anticipated net mobile source emissions. As shown in Table 5.8-5, mobile source emissions would not exceed SCAQMD thresholds. As such, a less than significant impact would occur due to the project's operational mobile emissions.

**Table 5.8-5  
Net Long-Term Operational Air Emissions**

Emissions Source	Pollutant (pounds/day) <sup>1,3,5</sup>					
	ROG	NO <sub>x</sub>	CO	SO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Project Summer Emissions<sup>4</sup></b>						
Area	8.43	5.54	31.06	0.03	0.59	0.59
Energy	0.08	0.64	0.27	<0.01	0.05	0.05
Mobile	6.44	6.29	64.33	0.16	18.23	4.93
<b>Total Summer Emissions</b>	<b>14.94</b>	<b>12.47</b>	<b>95.66</b>	<b>0.19</b>	<b>18.87</b>	<b>5.56</b>
<i>Significance Threshold<sup>2</sup></i>	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
<b>Project Winter Emissions<sup>4</sup></b>						
Area	8.42	5.54	31.06	0.03	0.58	0.58
Energy	0.08	0.64	0.27	<0.01	0.05	0.05
Mobile	6.39	6.75	63.72	0.15	18.23	4.93
<b>Total Winter Emissions</b>	<b>14.90</b>	<b>12.93</b>	<b>95.05</b>	<b>0.19</b>	<b>18.87</b>	<b>5.56</b>
<i>Significance Threshold<sup>2</sup></i>	55	55	550	150	150	55
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
Notes:						
1. Based on CalEEMod modeling results.						
2. Regional daily thresholds are based on the SCAQMD significance thresholds.						
3. Refer to <a href="#">Appendix 11.8</a> , for assumptions used in this analysis.						
4. Project operational emissions were modeled with the operational year of 2025, consistent with the Traffic Impact Analysis.						
5. The emissions data modeled in CalEEMod is with the implementation of the CALGreen, AB 341, and SCAQMD Rule 403 and Rule 445. The mitigation includes the following: properly maintain mobile and other construction equipment; replace the ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; water all haul roads three times daily; and limit speeds on unpaved roads to 15 miles per hour; only natural gas hearth per SCAQMD Rule 445; low-flow water use per CALGreen; 50 percent reduction on solid waste per AB 341.						
Refer to <a href="#">Appendix 11.8</a> for assumptions used in this analysis.						

### Area Source Emissions

Area source emissions are generated from consumer products, architectural coating, landscaping, and hearths (wood stoves and fireplaces). Area source emissions are as described below.

- *Architectural Coatings:* As part of project maintenance, architectural coatings on the project buildings would emit emissions from the evaporation of solvents contained in paints, varnishes, primers, and other surface coatings.
- *Consumer Products:* Consumer products include, but are not limited to detergents, cleaning compounds, polishes, personal care products, and lawn and garden products. Many of these products contain organic compounds, which when released in the atmosphere can react to form ozone and other photochemically reactive pollutants.





- *Landscape Maintenance Equipment*: Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the site.

On March 7, 2008, SCAQMD adopted Rule 445. SCAQMD Rule 445 prohibits the permanent installation of a wood-burning device in any residential development that begun construction on March 9, 2009. Thus, the CalEEMod run did not include hearths as future development would be required to comply with SCAQMD Rule 445. As indicated in [Table 5.8-5](#), the project's operational area source emissions for all criteria pollutants would be below the SCAQMD's significance thresholds.

### **Energy Source Emissions**

Energy source emissions (i.e., generated at the site of the power generation source) would be generated as a result of electricity and natural gas (non-hearth) usage associated with the project. The primary use of electricity and natural gas by the project would be for space heating and cooling, water heating, ventilation, lighting, appliances, and electronics. It should be noted that the project would comply with the most current version of the California Code of Regulations Title 24, and the California Green Building Standards Code (also referred to as CALGreen and is Part 11 of Title 24), which would further reduce the project's energy use. As indicated in [Table 5.8-5](#), the project's net energy source emissions would not exceed SCAQMD thresholds.

### **Operational Emissions Conclusion**

As shown in [Table 5.8-5](#), the project's operational emissions would not exceed the SCAQMD regional thresholds for ROG, NO<sub>x</sub>, CO, SO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. As indicated, the operational emissions from the project would not exceed regional thresholds of significance established by the SCAQMD for criteria air emissions. Therefore, a less than significant impact would occur in this regard.

### **CONCLUSION**

As shown in [Table 5.8-4](#) and [Table 5.8-5](#), the project would not result in short- and long-term air quality impacts. The project's emissions would not exceed the SCAQMD adopted construction and operational thresholds. Therefore, a less than significant impact would occur in this regard.

### **AIR QUALITY HEALTH IMPACTS**

Adverse health effects induced by criteria pollutant emissions are highly dependent on a multitude of interconnected variables (e.g., cumulative concentrations, local meteorology and atmospheric conditions, and the number and character of exposed individuals [e.g., age, gender]). In particular, O<sub>3</sub> precursors VOCs and NO<sub>x</sub> affect air quality on a regional scale. Health effects related to ozone are therefore the product of emissions generated by numerous sources throughout a region. Existing models have limited sensitivity to small changes in criteria pollutant concentrations, and, as such, translating project-generated criteria pollutants to specific health effects or additional days of non-attainment would produce meaningless results. In other words, the project's less than significant increases in regional air pollution from criteria air pollutants would have nominal or negligible impacts on human health.



As noted in the Brief of Amicus Curiae by the SCAQMD,<sup>8</sup> the SCAQMD acknowledged it would be extremely difficult, if not impossible to quantify health impacts of criteria pollutants for various reasons including modeling limitations as well as where in the atmosphere air pollutants interact and form. Further, as noted in the Brief of Amicus Curiae by the San Joaquin Valley Air Pollution Control District (SJVAPCD),<sup>9</sup> SJVAPCD has acknowledged that currently available modeling tools are not equipped to provide a meaningful analysis of the correlation between an individual development project's air emissions and specific human health impacts.

The SCAQMD acknowledges that health effects quantification from ozone, as an example is correlated with the increases in the ambient level of ozone in the air (concentration) that an individual person breathes. SCAQMD's Brief of Amicus Curiae states that it would take a large amount of additional emissions to cause a modeled increase in ambient ozone levels over the entire region. The SCAQMD states that based on their own modeling in the SCAQMD's 2012 *Air Quality Management Plan*, a reduction of 432 tons (864,000 pounds) per day of NO<sub>x</sub> and a reduction of 187 tons (374,000 pounds) per day of VOCs would reduce ozone levels at the highest monitored site by only nine parts per billion. As such, the SCAQMD concludes that it is not currently possible to accurately quantify ozone-related health impacts caused by NO<sub>x</sub> or VOC emissions from relatively small projects (defined as projects with regional scope) due to photochemistry and regional model limitations. As such, for the purpose of this analysis, since the project would not exceed SCAQMD regional thresholds for operational air emissions, the project would have a less than significant impact for air quality health impacts as well.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **LOCALIZED EMISSIONS**

### **AQ-3 DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN LOCALIZED EMISSIONS IMPACTS OR EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.**

**Impact Analysis:**

#### **LOCALIZED SIGNIFICANCE THRESHOLDS**

LSTs were developed in response to SCAQMD Governing Boards' Environmental Justice Enhancement Initiative (I-4). The SCAQMD provided the *Final Localized Significance Threshold*

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<sup>8</sup> South Coast Air Quality Management District, *Application of the South Coast Air Quality Management District for Leave to File Brief of Amicus Curiae in Support of Neither Party and Brief of Amicus Curiae. In the supreme Court of California. Sierra Club, Revive the San Joaquin, and League of Women Voters of Fresno v. County of Fresno*, 2014.

<sup>9</sup> San Joaquin Valley Air Pollution Control District, *Application for Leave to File Brief of Amicus Curiae Brief of San Joaquin Valley Unified Air Pollution Control District in Support of Defendant and Respondent, County of Fresno and Real Party In Interest and Respondent, Friant Ranch, L.P. In the Supreme Court of California. Sierra Club, Revive the San Joaquin, and League of Women Voters of Fresno v. County of Fresno*, 2014.



*Methodology* (dated June 2003 [revised October 2009]) for guidance. The LST methodology assists lead agencies in analyzing localized impacts associated with project-specific level projects. The SCAQMD provides the LST look-up tables for one-, two-, and five-acre projects emitting CO, NO<sub>x</sub>, PM<sub>2.5</sub>, or PM<sub>10</sub>. The LST methodology and associated mass rates are not designed to evaluate localized impacts from mobile sources traveling over the roadways. The project site is located within SRA 21.

### **Sensitive Receptors**

To assess the potential for long-term operational and short-term emission impacts, the two closest receptor locations were identified as representative locations for analysis. Some people are especially sensitive to air pollution and are given special consideration when evaluating air quality impacts from projects. These groups of people include children, the elderly, individuals with pre-existing respiratory or cardiovascular illness, and athletes and others who engage in frequent exercise. Structures that house these persons or places where they gather to exercise are defined as “sensitive receptors;” they are also known to be locations where an individual can remain for 24 hours.

The closest sensitive receptors are residential (i.e., along Victoria Boulevard) and institutional (i.e., Orange County Fire Station No. 29, San Felipe De Jesus Catholic Church) uses located approximately 70 feet to the north and west of the project site; refer to [Exhibit 5.11-2, \*Noise Measurement Locations\*](#), which shows locations of noise measurements taken adjacent to the nearest existing residential use (NM1), Fire Station No. 29 (NM2) and San Felipe De Jesus Catholic Church (NM4) to the north and west. Other sensitive receptors in the study area at greater distances than those identified would experience lower air impacts than those identified below due to additional particle dispersion from a distance and the shielding of intervening structures.

### **Construction**

The SCAQMD guidance on applying CalEEMod to LSTs specifies the amount of acres a particular piece of equipment would likely disturb per day. SCAQMD provides LST thresholds for one-, two-, and five-acre site disturbance areas; SCAQMD does not provide a LST threshold over five acres. The project would actively disturb approximately 3.5 acres per day (a total of 150.5 acres disturbed during grading divided by a total 43 grading days) during the grading of the project site. Since the total acreage disturbed is less than five acres per day for both the site preparation and grading phases, the SCAQMD’s screening look-up tables are utilized in determining impacts. It should be noted that since the look-up tables identify thresholds at only one acre, two acres, and five acres, linear regression has been utilized, consistent with SCAQMD guidance, in order to interpolate the threshold values for the other disturbed acreage not identified. Therefore, the LST thresholds for two acres were utilized for the construction LST analysis. As previously noted, a 70-foot (21 meters) sensitive receptor distance is utilized to determine the LSTs for emissions of CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Therefore, the LST values for 25 meters were used. [Table 5.8-6, \*Construction Localized Significance Emission Summary\*](#) identified the localized impacts at the nearest receptor location near the project. As shown in [Table 5.8-6](#), localized on-site construction emissions would not exceed the SCAQMD LSTs thresholds. A less than significant impact would occur.



**Table 5.8-6  
Construction Localized Significance Emissions Summary**

Phase	Emissions (pounds per day) <sup>5</sup>			
	NO <sub>x</sub>	CO	PM <sub>10</sub>	PM <sub>2.5</sub>
Year 1 <sup>1</sup>	<b>33.42</b>	<b>24.40</b>	<b>2.68</b>	<b>1.33</b>
Year 2 <sup>2</sup>	13.13	10.29	0.50	0.46
Year 3 <sup>3</sup>	13.13	10.29	0.50	0.46
<b>Maximum Daily Emissions<sup>3</sup></b>	<b>33.42</b>	<b>24.40</b>	<b>2.68</b>	<b>1.33</b>
<i>SCAQMD Localized Threshold<sup>4</sup></i>	131	993	6	4
<b>Threshold Exceeded?</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
Notes: NO <sub>x</sub> = nitrous oxide; CO = carbon monoxide; PM <sub>10</sub> = particulate matter smaller than 10 microns; PM <sub>2.5</sub> = particulate matter smaller than 2.5 microns				
1. The highest on-site NO <sub>x</sub> , CO, PM <sub>2.5</sub> , and PM <sub>10</sub> emissions are grading during Year 1.				
2. The highest on-site NO <sub>x</sub> , CO, PM <sub>2.5</sub> , and PM <sub>10</sub> emissions are building construction during Year 2.				
3. The highest on-site NO <sub>x</sub> , CO, PM <sub>2.5</sub> , and PM <sub>10</sub> emissions are building construction during Year 3.				
4. The Localized Significance Threshold was determined using Appendix C of the SCAQMD Final Localized Significant Threshold Methodology guidance document for pollutants NO <sub>x</sub> , CO, PM <sub>10</sub> , and PM <sub>2.5</sub> . The Localized Significance Threshold conservatively uses the two-acre threshold, the distance to sensitive receptors (25 meters), and the source receptor area (SRA 21).				
5. The emissions data modeled in CalEEMod is with the implementation of SCAQMD Rule 403. The mitigation includes the following: properly maintain mobile and other construction equipment; replace the ground cover in disturbed areas quickly; water exposed surfaces three times daily; cover stockpiles with tarps; water all haul roads three times daily; and limit speeds on unpaved roads to 15 miles per hour.				
Refer to Appendix 11.8 for assumptions used in this analysis.				

## Operations

According to SCAQMD localized significance threshold methodology, LSTs would apply to the project operation if the project includes stationary sources or attracts mobile sources that may spend extended periods queuing and idling at the site (e.g., warehouse or transfer facilities). Occasional truck deliveries for packages etc., and trash pickup (once per week) would occur at the project. These truck delivery/trash pickup activities would be intermittent and would not include extended periods of idling time; therefore, idling emissions from truck deliveries would be minimal. Thus, due to the lack of such emissions, no long-term localized significance threshold analysis is needed. Operational LST impacts would be less than significant in this regard.

## CARBON MONOXIDE HOTSPOTS

CO emissions are a function of vehicle idling time, meteorological conditions, and traffic flow. Under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels (i.e., adversely affecting residents, school children, hospital patients, the elderly, etc.).

The Basin is designated as an attainment/maintenance area for the Federal CO standards and an attainment area for State standards. There has been a decline in CO emissions even though vehicle miles traveled on U.S. urban and rural roads have increased. Nationwide estimated anthropogenic CO emissions have decreased 68 percent between 1990 and 2014. In 2014, mobile sources accounted for



82 percent of the nation's total anthropogenic CO emissions.<sup>10</sup> CO emissions have continued to decline since this time. The Basin was re-designated as attainment in 2007 and is no longer addressed in the SCAQMD's AQMP. Three major control programs have contributed to the reduced per-vehicle CO emissions: exhaust standards, cleaner-burning fuels, and motor vehicle inspection/maintenance programs.

A detailed CO analysis was conducted in the Federal Attainment Plan for Carbon Monoxide (CO Plan) for the SCAQMD's 2003 *Air Quality Management Plan*, which is the most recent AQMP that addresses CO concentrations. The locations selected for microscale modeling in the CO Plan are worst-case intersections in the Basin and would likely experience the highest CO concentrations. Thus, CO analysis within the CO Plan is utilized in comparison to the project since it represents a worst-case scenario with heavy traffic volumes within the Basin.

Of these locations, the Wilshire Boulevard/Veteran Avenue intersection in Los Angeles experienced the highest CO concentration (4.6 parts per million [ppm]), which is well below the 35-ppm 1-hr CO Federal standard. The Wilshire Boulevard/Veteran Avenue intersection is one of the most congested intersections in Southern California with an average daily traffic volume of approximately 100,000 vehicles per day. As the CO hotspots were not experienced at the Wilshire Boulevard/Veteran Avenue intersection, it can be reasonably inferred that CO hotspots would not be experienced at any intersections within the City near the project site due to the comparatively net volume of traffic (2,518 net daily trips during the weekdays, 256 midday peak hour trips on Saturdays, and 245 midday peak hour trips on Sunday within the entire project area) that would occur as a result of project implementation. Furthermore, the highest hourly recorded CO value at the Mission Viejo – 26081 Via Pera monitoring station between 2017 and 2019 was 1.402 ppm, which is well below the 35-ppm 1-hour CO Federal Standard; refer to Table 5.8-1. Therefore, impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### **5.8.5 CUMULATIVE IMPACTS**

Table 4-1, *Cumulative Projects List*, identifies the related projects and other possible development in the area determined as having the potential to interact with the project to the extent that a significant cumulative effect may occur. The following discussions are included per topic area to determine whether a significant cumulative effect would occur.

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<sup>10</sup> United States Environmental Protection Agency, *Carbon Monoxide Emissions*, [https://cfpub.epa.gov/roe/indicator\\_pdf.cfm?i=10](https://cfpub.epa.gov/roe/indicator_pdf.cfm?i=10), accessed by June 14, 2021.



## SHORT-TERM (CONSTRUCTION) AIR EMISSIONS

- **SHORT-TERM CONSTRUCTION ACTIVITIES ASSOCIATED WITH THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS, COULD RESULT IN INCREASED AIR POLLUTANT EMISSION IMPACTS OR EXPOSE SENSITIVE RECEPTORS TO INCREASED POLLUTANT CONCENTRATIONS.**

**Impact Analysis:** The SCAQMD neither recommends quantified analyses of cumulative construction emissions, nor does it provide separate methodologies or thresholds of significance to be used to assess cumulative construction impacts. The SCAQMD significance thresholds for construction are intended to meet the objectives of the 2022 AQMP to ensure the NAAQS and CAAQS are not exceeded. As the project Applicant has no control over the timing or sequencing of cumulative projects in the project vicinity, any quantitative analysis to ascertain the daily construction emissions that assumes multiple, concurrent construction would be speculative. Future cumulative projects would also be required to analyze construction emission impacts on a project-level under CEQA and implement mitigation as needed.

As indicated in [Table 5.8-4](#), the project would not result in short-term air quality impacts as the project-level emissions would not exceed the SCAQMD adopted construction threshold. Therefore, the project would not result in cumulatively considerable impacts with regards to short-term construction air quality emissions.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## LONG-TERM (OPERATION) AIR EMISSIONS

- **IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN INCREASED IMPACTS PERTAINING TO OPERATIONAL AIR EMISSIONS.**

**Impact Analysis:** The SCAQMD has set forth both a methodological framework as well as significance thresholds for the assessment of a project's cumulative operational air quality impacts. The SCAQMD's approach for assessing cumulative impacts is based on the SCAQMD's 2022 AQMP forecasts of attainment of NAAQS in accordance with the requirements of the Federal and State CAAs. This forecast also takes into account SCAG's 2020-2045 RTP/SCS forecasted future regional growth. As such, the analysis of cumulative impacts focuses on determining whether the project is consistent with the growth assumptions upon which the SCAQMD's 2022 AQMP is based. If the project is consistent with the growth assumptions, then the future development would not impede the attainment of NAAQS, and a significant cumulative air quality impact would not occur.

As discussed above, the project would not result in long-term air quality impacts, as the project's operational emissions would not exceed the SCAQMD adopted operational thresholds. Emission reduction technology, strategies, and plans are constantly being developed. As a result, the project would not contribute a cumulatively considerable net increase of any non-attainment criteria pollutant



or expose sensitive receptors to potentially significant health risk impacts. Therefore, cumulative operational impacts associated with the implementation of the project would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## CUMULATIVE CARBON MONOXIDE HOTSPOTS

### ● IMPLEMENTATION OF THE PROPOSED PROJECT AND RELATED PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE CARBON MONOXIDE HOTSPOT IMPACTS.

**Impact Analysis:** Future related projects would be required to analyze localized emission impacts on a project-level under CEQA and implement mitigation as needed. As stated, future ambient CO concentrations resulting from the project would be substantially below National and State standards, as the highest hourly recorded CO value at the Mission Viejo – 26081 Via Pera monitoring station between 2017 and 2019 was 1.402 ppm, which is well below the 35-ppm 1-hour CO Federal Standard; refer to [Table 5.8-1](#). Therefore, the project’s contribution would not be cumulatively considerable, and the cumulative impact would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## CUMULATIVE CONSISTENCY WITH APPLICABLE AIR QUALITY PLAN

### ● IMPLEMENTATION OF THE PROPOSED PROJECT AND RELATED PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE INCONSISTENCIES WITH THE APPLICABLE AIR QUALITY PLAN.

**Impact Analysis:** Future related projects would be required to analyze project-level consistency with applicable air quality plans, including the 2022 AQMP. As analyzed above, operational concentrations of criteria air pollutants of the project would be lower than SCAQMD thresholds. Therefore, the project would not result in an increase in the frequency or severity of existing air quality violations. Further, the project would be consistent with the SCAQMD and SCAG’s goals and policies (refer to [Table 5.1-3](#), [SCAG 2020-2045 RTP/SCS Consistency Analysis](#)). In addition, the growth anticipated by the project would be consistent with SCAG’s growth forecast, and therefore is consistent with the 2022 AQMP. As such, impacts associated with the project in this regard would not be cumulatively considerable. Cumulative impacts would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## 5.8.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to air quality have been identified.



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## 5.9 GREENHOUSE GAS EMISSIONS

This section evaluates greenhouse gas (GHG) emissions associated with the proposed project and analyzes project compliance with applicable regulations. Consideration of the project’s consistency with applicable plans, policies, and regulations, as well as the introduction of new sources of GHGs, is included in this section. GHG technical data is included as [Appendix 11.8, \*Air Quality/Greenhouse Gas Emissions/Energy Data\*](#).

### 5.9.1 EXISTING SETTING

The City of Dana Point (City) lies within the southern portion of the South Coast Air Basin (Basin). The Basin is a 6,600-square mile area bounded by the Pacific Ocean to the west and the San Gabriel, San Bernardino, and San Jacinto Mountains to the north and east. The Basin includes all of Orange County and the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties, in addition to the San Gorgonio Pass area in Riverside County. The Basin’s terrain and geographical location (i.e., a coastal plain with connecting broad valleys and low hills) determine its distinctive climate.

The general region lies in the semi-permanent high-pressure zone of the eastern Pacific. The climate is mild and tempered by cool sea breezes. The usually mild climatological pattern is interrupted infrequently by periods of extremely hot weather, winter storms, or Santa Ana winds. The extent and severity of the air pollution problem in the Basin is a function of the area’s natural physical characteristics (weather and topography), as well as man-made influences (development patterns and lifestyle). Factors such as wind, sunlight, temperature, humidity, rainfall, and topography all affect the accumulation and/or dispersion of pollutants throughout the Basin.

### SCOPE OF ANALYSIS FOR CLIMATE CHANGE

The study area for climate change and the analysis of GHG emissions is broad as climate change is influenced by world-wide emissions and their global effects. However, the study area is also limited by *CEQA Guidelines* Section 15064(d), which directs lead agencies to consider an “indirect physical change” only if that change is a reasonably foreseeable impact which may be caused by the project.

The baseline against which to compare potential impacts of the project includes the natural and anthropogenic drivers of global climate change, including world-wide GHG emissions from human activities that have grown more than 90 percent between 1970 and 2014. The State of California is leading the nation in managing GHG emissions. Accordingly, the impact analysis for this project relies on guidelines, analyses, policy, and plans for reducing GHG emissions established by the California Air Resources Board (CARB).



## GLOBAL CLIMATE CHANGE – GREENHOUSE GASES

The natural process through which heat is retained in the troposphere is called the “greenhouse effect.”<sup>1</sup> The greenhouse effect traps heat in the troposphere through a threefold process as follows: Short wave radiation emitted by the Sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long wave radiation; and GHG in the upper atmosphere absorb this long wave radiation and emit this long wave radiation into space and toward the Earth. This “trapping” of the long wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect.

The most abundant GHGs are water vapor and carbon dioxide (CO<sub>2</sub>). Many other trace gases have greater ability to absorb and re-radiate long wave radiation; however, these gases are not as plentiful. For this reason, and to gauge the potency of GHGs, scientists have established a Global Warming Potential (GWP) for each GHG based on its ability to absorb and re-radiate long wave radiation. GHGs normally associated with development projects include the following:<sup>2</sup>

- Water Vapor (H<sub>2</sub>O). Although water vapor has not received the scrutiny of other GHGs, it is the primary contributor to the greenhouse effect. Natural processes, such as evaporation from oceans and rivers, and transpiration from plants, contribute 90 percent and 10 percent of the water vapor in our atmosphere, respectively. The primary human related source of water vapor comes from fuel combustion in motor vehicles; however, it does not contribute a significant amount (less than one percent) to atmospheric concentrations of water vapor. The IPCC has not determined a GWP for water vapor.
- Carbon Dioxide (CO<sub>2</sub>). Carbon dioxide is primarily generated by fossil fuel combustion in stationary and mobile sources. Due to the emergence of industrial facilities and mobile sources in the past 250 years, CO<sub>2</sub> emissions from fossil fuel combustion increased by a total of 1.8 percent between 1990 and 2019.<sup>3</sup> Carbon dioxide is the most widely emitted GHG and is the reference gas (GWP of 1) for determining GWPs for other GHGs.
- Methane (CH<sub>4</sub>). Methane is emitted from biogenic sources, incomplete combustion in forest fires, landfills, manure management, and leaks in natural gas pipelines. The United States’ top three methane sources are landfills, natural gas systems, and enteric fermentation. Methane is the primary component of natural gas, used for space and water heating, steam production, and power generation. The GWP of methane is 27.9.

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<sup>1</sup> The troposphere is the bottom layer of the atmosphere, which varies in height from the Earth’s surface to 10 to 12 kilometers.

<sup>2</sup> All GWPs are given as 100-year GWP. Generally, GWPs were obtained from the Intergovernmental Panel on Climate Change (IPCC) Fourth Assessment Report (AR4) and Fifth Assessment Report (AR5), with the addition of GWPs from the IPCC’s Sixth Assessment Report for fluorinated GHGs that did not have GWPs in the AR4 and AR 5.

<sup>3</sup> United States Environmental Protection Agency, *Inventory of United States Greenhouse Gas Emissions and Sinks 1990 to 2019*, 2020, <https://www.epa.gov/sites/production/files/2021-04/documents/us-ghg-inventory-2021-main-text.pdf>, accessed July 27, 2021.



- Nitrous Oxide (N<sub>2</sub>O). Nitrous oxide is produced by both natural and human related sources. Primary human related sources include agricultural soil management, animal manure management, sewage treatment, mobile and stationary combustion of fossil fuels, adipic acid production, and nitric acid production. The GWP of nitrous oxide is 273.
- Hydrofluorocarbons (HFCs). Typically used as refrigerants for both stationary refrigeration and mobile air conditioning, use of HFCs for cooling and foam blowing is increasing, as the continued phase out of chlorofluorocarbons (CFCs) and HCFCs gains momentum. The 100-year GWP of HFCs range from 4.84 for HFC-161 to 14,600 for HFC-23.
- Perfluorocarbons (PFCs). PFCs are compounds consisting of carbon and fluorine and are primarily created as a byproduct of aluminum production and semiconductor manufacturing. PFCs are potent GHGs with a GWP several thousand times that of CO<sub>2</sub>, depending on the specific PFC. Another area of concern regarding PFCs is their long atmospheric lifetime (up to 50,000 years). The GWP of PFCs range from 7,380 to 12,400.
- Sulfur hexafluoride (SF<sub>6</sub>). SF<sub>6</sub> is a colorless, odorless, nontoxic, nonflammable gas. SF<sub>6</sub> is the most potent GHG that has been evaluated by the IPCC with a GWP of 25,200. However, its global warming contribution is not as high as the GWP would indicate due to its low mixing ratio compared to CO<sub>2</sub> (4 parts per trillion [ppt] in 1990 versus 365 ppm, respectively).

In addition to the six major GHGs discussed above (excluding water vapor), many other compounds have the potential to contribute to the greenhouse effect. Some of these substances were previously identified as stratospheric ozone (O<sub>3</sub>) depleters; therefore, their gradual phase out is currently in effect. The following is a listing of these compounds:

- Hydrochlorofluorocarbons (HCFCs). HCFCs are solvents, similar in use and chemical composition to CFCs. The main uses of HCFCs are for refrigerant products and air conditioning systems. As part of the Montreal Protocol, all developed countries that adhere to the Montreal Protocol are subject to a consumption cap and gradual phase out of HCFCs. The United States is scheduled to achieve a 100 percent reduction to the cap by 2030. The 100-year GWPs of HCFCs range from 56.4 for HCFC-122 to 2,300 for HCFC-142b.
- 1,1,1 trichloroethane. 1,1,1 trichloroethane or methyl chloroform is a solvent and degreasing agent commonly used by manufacturers. The GWP of methyl chloroform is 161 times that of CO<sub>2</sub>.
- Chlorofluorocarbons (CFCs). CFCs are used as refrigerants, cleaning solvents, and aerosols spray propellants. CFCs were also part of the U.S. Environmental Protection Agency's (EPA) Final Rule (57 Federal Register [FR] 3374) for the phase out of O<sub>3</sub> depleting substances. Currently, CFCs have been replaced by HFCs in cooling systems and a variety of alternatives for cleaning solvents. Nevertheless, CFCs remain suspended in the atmosphere contributing to the greenhouse effect. CFCs are potent GHGs with 100-year GWPs ranging from 3,550 for CFC-11 to 16,200 for CFC-13.



## **SEA LEVEL RISE**

Sea level rise is caused primarily by two factors related to global warming: the added water from melting ice sheets and glaciers, and the expansion of seawater as it warms. Global mean sea level has risen about eight to nine inches since 1880, with about a third of that coming in just the last two and a half decades.<sup>4</sup> In the United States, almost 30 percent of the population lives in relatively high population-density coastal area, where sea level plays a role in flooding, shoreline erosion, and hazards from storms.<sup>5</sup> Rising sea levels threaten infrastructure necessary for local jobs and regional industrials. Projections for U.S. sea level rise for the end of the century and beyond depend on which greenhouse gas pathway we follow and how the major ice sheets respond to this ocean and atmospheric warming. If we are able to significantly reduce greenhouse gas emissions, U.S. sea level in 2100 is projected to be around 0.6 meters (2 feet) higher on average than it was in 2000. But on a pathway with high greenhouse gas emissions and rapid ice sheet collapse, models project that average sea level rise for the contiguous United States could be 2.2 meters (7.2 feet) by 2100 and 3.9 meters (13 feet) by 2150.<sup>6</sup> It should be noted that the elevation of the project site is approximately 50 feet, and therefore is not expected to be affected by sea level rise.

### **5.9.2 REGULATORY SETTING**

#### **FEDERAL LEVEL**

To date, no national standards have been established for nationwide GHG reduction targets, nor have any regulations or legislation been enacted specifically to address climate change and GHG emissions reduction at the project level. Various efforts have been promulgated at the Federal level to improve fuel economy and energy efficiency to address climate change and its associated effects.

Energy Independence and Security Act of 2007. The Energy Independence and Security Act of 2007 (December 2007), among other key measures, requires the following, which would aid in the reduction of national GHG emissions:

- Increase the supply of alternative fuel sources by setting a mandatory Renewable Fuel Standard requiring fuel producers to use at least 36 billion gallons of biofuel in 2022.
- Set a target of 35 miles per gallon for the combined fleet of cars and light trucks by model year 2020, and direct the National Highway Traffic Safety Administration (NHTSA) to establish a fuel economy program for medium- and heavy-duty trucks and create a separate fuel economy standard for work trucks.
- Prescribe or revise standards affecting regional efficiency for heating and cooling products and procedures for new or amended standards, energy conservation, energy efficiency labeling for

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<sup>4</sup> National Oceanic and Atmospheric Administration, Climate Change: Global Sea Level, <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level>, April 19, 2022, accessed July 22, 2022.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.



consumer electronic products, residential boiler efficiency, electric motor efficiency, and home appliances.

U.S. Environmental Protection Agency Endangerment Finding. GHGs meet the definition of air pollutants under the existing Clean Air Act and must be regulated if these gases could be reasonably anticipated to endanger public health or welfare. In December 2009, the EPA finalized an endangerment finding and, based on scientific evidence it found that six GHGs (CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, HFCs, PFCs, and SF<sub>6</sub>) constitute a threat to public health and welfare. That finding forms the basis for the EPA's regulatory actions.

Federal Vehicle Standards. In 2007, the George W. Bush Administration issued Executive Order 13432 directing the EPA, the Department of Transportation, and the Department of Energy to establish regulations that reduce GHG emissions from motor vehicles, non-road vehicles, and non-road engines by 2008. In 2009, the NHTSA issued a final rule regulating fuel efficiency and GHG emissions from cars and light-duty trucks for model year 2011, and in 2010, the EPA and NHTSA issued a final rule regulating cars and light-duty trucks for model years 2012–2016.

In 2010, President Barack Obama issued a memorandum directing the Department of Transportation, Department of Energy, EPA, and NHTSA to establish additional standards regarding fuel efficiency and GHG reduction, clean fuels, and advanced vehicle infrastructure. In response to this directive, the EPA and NHTSA proposed stringent, coordinated Federal GHG and fuel economy standards for model years 2017–2025 light-duty vehicles. The proposed standards projected to achieve 163 grams per mile of CO<sub>2</sub> in model year 2025, on an average industry fleet-wide basis, which is equivalent to 54.5 miles per gallon if this level were achieved solely through fuel efficiency. The final rule was adopted in 2012 for model years 2017–2021, and NHTSA intends to set standards for model years 2022–2025 in a future rulemaking. On January 12, 2017, the EPA finalized its decision to maintain the current GHG emissions standards for model years 2022–2025 cars and light trucks.

In addition to the regulations applicable to cars and light-duty trucks described above, in 2011, the EPA and NHTSA announced fuel economy and GHG standards for medium- and heavy-duty trucks for model years 2014–2018. The standards for CO<sub>2</sub> emissions and fuel consumption are tailored to three main vehicle categories: combination tractors, heavy-duty pickup trucks and vans, and vocational vehicles. According to the EPA, this regulatory program will reduce GHG emissions and fuel consumption for the affected vehicles by 6 to 23 percent over the 2010 baselines.

In August 2016, the EPA and NHTSA announced the adoption of the phase two program related to the fuel economy and GHG standards for medium- and heavy-duty trucks. The phase two program will apply to vehicles with model year 2018 through 2027 for certain trailers, and model years 2021 through 2027 for semi-trucks, large pickup trucks, vans, and all types and sizes of buses and work trucks. The final standards are expected to lower CO<sub>2</sub> emissions by approximately 1.1 billion metric tons and reduce oil consumption by up to 2 billion barrels over the lifetime of the vehicles sold under the program.

In March 2021, The EPA and NHTSA adopted the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule. The SAFE Vehicles Rule sets tough but feasible fuel economy and CO<sub>2</sub> standards that increase 1.5 percent in stringency each year from model years 2021 through 2026. These standards apply to both passenger cars and light trucks, and will continue the nation's progress toward energy



independence and CO<sub>2</sub> reduction, while recognizing the realities of the marketplace and consumers' interest in buying vehicles that meet all of their diverse needs.

Presidential Executive Order 13783. Presidential Executive Order 13783, Promoting Energy Independence and Economic Growth (March 28, 2017), orders all Federal agencies to apply cost-benefit analyses to regulations of GHG emissions and evaluations of the social cost of CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O.

## **STATE LEVEL**

Various Statewide and local initiatives to reduce the State's contribution to GHG emissions have raised awareness that, even though the various contributors to and consequences of global climate change are not yet fully understood, global climate change is under way, and there is a real potential for severe adverse environmental, social, and economic effects in the long term.

Executive Order S-1-07. Executive Order S-1-07 proclaims that the transportation sector is the main source of GHG emissions in California, generating more than 40 percent of Statewide emissions. It establishes a goal to reduce the carbon intensity of transportation fuels sold in California by at least ten percent by 2020. This order also directs CARB to determine whether this Low Carbon Fuel Standard (LCFS) could be adopted as a discrete early-action measure as part of the effort to meet the mandates in AB 32. The development of CARB's 2017 Scoping Plan Update has identified the LCFS as a regulatory measure to reduce GHG emissions to meet the 2030 emissions target. In calculating Statewide emissions and targets, the 2017 Scoping Plan Update has assumed the LCFS be extended to an 18-percent reduction in carbon intensity beyond 2020. On September 27, 2018, CARB approved a rulemaking package that amended the Low Carbon Fuel Standard to relax the 2020 carbon intensity reduction from 10 percent to 7.5 percent and to require a carbon intensity reduction of 20 percent by 2030.

Executive Order S-3-05. Executive Order S-3-05 set forth a series of target dates by which Statewide emissions of GHGs would be progressively reduced, as follows:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

The Executive Order directed the secretary of the California Environmental Protection Agency (Cal/EPA) to coordinate a multi-agency effort to reduce GHG emissions to the target levels. The secretary also submits biannual reports to the governor and California Legislature describing the progress made toward the emissions targets, the impacts of global climate change on California's resources, and mitigation and adaptation plans to combat these impacts. To comply with the executive order, the secretary of Cal/EPA created the California Climate Action Team, made up of members from various State agencies and commissions. The team released its first report in March 2006. The report proposed to achieve the targets by building on the voluntary actions of California businesses, local governments, and communities and through State incentive and regulatory programs.

Executive Order S-13-08. Executive Order S-13-08 seeks to enhance the State's management of climate impacts including sea level rise, increased temperatures, shifting precipitation, and extreme



weather events by facilitating the development of the State's first climate adaptation strategy. This Executive Order results in consistent guidance from experts on how to address climate change impacts in the State of California.

Executive Order N-79-20. Governor Gavin Newsom signed Executive Order N-79-20 on September 23, 2020. The Executive Order N-79-20 would phase out sales of new gas-powered passenger cars by 2035 in California with an additional 10-year transition period for heavy vehicles. The State would not restrict used car sales, nor forbid residents from owning gas-powered vehicles. In accordance with the Executive Order, CARB is developing 2020 Mobile Source Strategy, a comprehensive analysis that presents scenarios for possible strategies to reduce the carbon, toxic and unhealthy pollution from cars, trucks, equipment, and ships.

Senate Bill 100 (SB 100). SB 100 (Chapter 312, Statutes of 2018) requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt-hours (kWh) of those products sold to their retail end-use customers achieve 44 percent of retail sales by December 31, 2024, 52 percent by December 31, 2027, 60 percent by December 31, 2030, and 100 percent by December 31, 2045. The bill would require the California Public Utilities Commission (CPUC), CEC, state board, and all other state agencies to incorporate that policy into all relevant planning. In addition, SB 100 would require the CPUC, CEC, and state board to utilize programs authorized under existing statutes to achieve that policy and, as part of a public process, issue a joint report to the Legislature by January 1, 2021, and every four years thereafter, that includes specified information relating to the implementation of the policy.

Assembly Bill 1493. AB 1493 (also known as the Pavley Bill) requires that CARB develop and adopt, by January 1, 2005, regulations that achieve "the maximum feasible reduction of GHG emitted by passenger vehicles and light-duty trucks and other vehicles determined by CARB to be vehicles whose primary use is noncommercial personal transportation in the State." To meet the requirements of AB 1493, CARB approved amendments to the California Code of Regulations (CCR) in 2004 by adding GHG emissions standards to California's existing standards for motor vehicle emissions. Amendments to CCR Title 13, Sections 1900 and 1961 and adoption of 13 CCR Section 1961.1 require automobile manufacturers to meet fleet-average GHG emissions limits for all passenger cars, light-duty trucks within various weight criteria, and medium-duty weight classes for passenger vehicles (i.e., any medium-duty vehicle with a gross vehicle weight rating less than 10,000 pounds that is designed primarily to transport people), beginning with the 2009 model year. Emissions limits are reduced further in each model year through 2016. The near-term standards were intended to achieve a reduction of about 22 percent in GHG emissions compared to the emissions from the 2002 fleet, while the mid-term standards were intended to achieve a reduction of about 30 percent.

Assembly Bill 32 (California Global Warming Solutions Act of 2006). California passed the California Global Warming Solutions Act of 2006 (AB 32; *California Health and Safety Code* Division 25.5, Sections 38500-38599). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and establishes a cap on Statewide GHG emissions. AB 32 requires that Statewide GHG emissions be reduced to 1990 levels by 2020. AB 32 specifies that regulations adopted in response to AB 1493 should be used to address GHG emissions from vehicles. However, AB 32 also includes language stating that if the AB 1493 regulations cannot be implemented, then



CARB should develop new regulations to control vehicle GHG emissions under the authorization of AB 32.

Senate Bill 32 (SB 32). Signed into law on September 2016, SB 32 codifies the 2030 GHG reduction target in Executive Order B-30-15 (40 percent below 1990 levels by 2030). The bill authorizes CARB to adopt an interim GHG emissions level target to be achieved by 2030. CARB also must adopt rules and regulations in an open public process to achieve the maximum, technologically feasible, and cost-effective GHG reductions.

CARB Scoping Plan. On December 11, 2008, CARB adopted its Scoping Plan, which functions as a roadmap to achieve the California GHG reductions required by AB 32 through subsequently enacted regulations. CARB's Scoping Plan contains the main strategies California would implement to reduce the projected 2020 "Business-as-Usual" (BAU) emissions to 1990 levels, as required by AB 32. These strategies are intended to reduce carbon dioxide equivalent (CO<sub>2</sub>e) emissions by 174 million metric tons. This reduction of 42 million metric tons carbon dioxide equivalent (MTCO<sub>2</sub>e), or almost ten percent from 2002 to 2004 average emissions, would be required despite the population and economic growth forecasted through 2020.

CARB's Scoping Plan calculates 2020 BAU emissions as those expected to occur in the absence of any GHG reduction measures. The 2020 BAU emissions estimate was derived by projecting emissions from a past baseline year using growth factors specific to each of the different economic sectors (e.g., transportation, commercial and residential, industrial, etc.). CARB used three-year average emissions, by sector, for 2002 to 2004 to forecast emissions to 2020. When CARB's Scoping Plan process was initiated, 2004 was the most recent year for which actual data was available. The measures described in CARB's Scoping Plan are intended to reduce the projected 2020 BAU to 1990 levels, as required by AB 32.

AB 32 requires CARB to update the Scoping Plan at least once every five years. CARB adopted the first major update to the Scoping Plan on May 22, 2014. The updated Scoping Plan summarizes recent science related to climate change, including anticipated impacts to California and the levels of GHG reduction necessary to likely avoid risking irreparable damage. It identifies the actions California has already taken to reduce GHG emissions and focuses on areas where further reductions could be achieved to help meet the 2020 target established by AB 32. The Scoping Plan update also looks beyond 2020 toward the 2050 goal, established in Executive Order S-3-05, and observes that "a mid-term Statewide emission limit will ensure that the State stays on course to meet our long-term goal." The Scoping Plan Update did not establish or propose any specific post-2020 goals, but identified such goals in water, waste, natural resources, clean energy, transportation, and land use.

On January 20, 2017, CARB released the proposed Second Update to the Scoping Plan, which identifies the State's post-2020 reduction strategy. The Second Update was finalized in November 2017 and approved on December 14, 2017 and reflects the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. The Third Update (2022 Scoping Plan) Draft is posted for public review but has not been adopted by the time of analysis. As such, the project would focus on consistency with the 2017 Scoping Plan. The 2017 Scoping Plan Update establishes a new Statewide emissions limit of 260 million MTCO<sub>2</sub>e for the year 2030, which corresponds to a 40 percent decrease in 1990 levels by 2030. The 2017 Scoping Plan Update contains the following goals:





1. SB 350
  - Increases renewable electricity procurement goal from 33 percent to 50 percent by 2030.
  - Doubling of energy efficiency savings by 2030.
2. Low Carbon Fuel Standard (LCFS)
  - Increased stringency (reducing carbon intensity 18 percent by 2030, up from 10 percent in 2020).
3. Mobile Source Strategy (Cleaner Technology and Fuels Scenario)
  - Maintaining existing GHG standards for light- and heavy-duty vehicles.
  - Put 4.2 million zero-emission vehicles (ZEVs) on the roads.
  - Increase ZEV buses, delivery and other trucks.
4. Sustainable Freight Action Plan
  - Improve freight system efficiency.
  - Maximize use of near-zero emission vehicles and equipment powered by renewable energy.
  - Deploy over 100,000 zero-emission trucks and equipment by 2030.
5. Short-Lived Climate Pollutant (SLCP) Reduction Strategy
  - Reduce emissions of methane and hydrofluorocarbons 40 percent below 2013 levels by 2030.
  - Reduce emissions of black carbon 50 percent below 2013 levels by 2030.
6. SB 375 Sustainable Communities Strategies
  - Increased stringency of 2035 targets.
7. Post-2020 Cap-and-Trade Program
  - Declining caps, continued linkage with Québec, and linkage to Ontario, Canada.
  - CARB will look for opportunities to strengthen the program to support more air quality co-benefits, including specific program design elements.
8. 20 percent reduction in GHG emissions from the refinery sector.
9. By 2018, develop Integrated Natural and Working Lands Action Plan to secure California's land base as a net carbon sink.



Senate Bill 375. Acknowledging the relationship between land use planning and transportation sector GHG emissions, SB 375 was passed by the State Assembly on August 25, 2008 and signed by the Governor on September 30, 2008. The legislation links regional planning for housing and transportation with the GHG reduction goals outlined in AB 32. Reductions in GHG emissions can be achieved by, for example, locating employment opportunities close to transit. Under SB 375, each Metropolitan Planning Organization (MPO) is required to adopt a Sustainable Communities Strategy (SCS) to encourage compact development that reduces passenger vehicle miles traveled (VMT) and trips so the region can meet a target, created by CARB, for reducing GHG emissions. If the SCS is unable to achieve the regional GHG emissions reduction targets, then the MPO is required to prepare an alternative planning strategy that shows how the GHG emissions reduction target can be achieved through alternative development patterns, infrastructure, and/or transportation measures.

## **REGIONAL LEVEL**

### **Southern California Association of Governments**

On September 3, 2020, the Regional Council of Southern California Association of Governments (SCAG) formally adopted *The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments – Connect SoCal* (2020-2045 RTP/SCS). The SCS portion of the 2020-2045 RTP/SCS highlights strategies for the region to reach the regional target of reducing GHGs from autos and light-duty trucks by 8 percent per capita by 2020, and 19 percent by 2035 (compared to 2005 levels). Specifically, these strategies are:

- Focus growth near destinations and mobility options;
- Promote diverse housing choices;
- Leverage technology innovations;
- Support implementation of sustainability policies; and
- Promote a green region.

Furthermore, the 2020-2045 RTP/SCS discusses a variety of land use tools to help achieve the state-mandated reductions in GHG emissions through reduced per capita VMT. Some of these tools include center focused placemaking, focusing on priority growth areas, job centers, transit priority areas, as well as high quality transit areas and green regions.

## **LOCAL LEVEL**

### **Dana Point Energy Efficiency and Conservation Plan**

The *Dana Point Energy Efficiency and Conservation Plan* (Energy Plan) provides goals, measures, and recommendations for the City, its residents, and businesses to reduce overall energy consumption and increase natural resource conservation in conformance with Statewide legislation and executive orders. Specifically, the plan has the following six main goals:

- Reduce energy use, and hence reduce greenhouse gas emissions;



- Promote sustainable land use and redevelopment;
- Encourage sustainable construction;
- Promote efficient transportation;
- Continue current efforts to conserve and efficiently use water; and
- Encourage public education and outreach in the community concerning energy reduction and sustainable behaviors.

## **City of Dana Point General Plan**

City policies and implementation measures pertaining to energy are contained in the Circulation, Conservation/Open Space, and Land Use Elements of the General Plan. These policies and implementation measures include the following:

### **CIRCULATION ELEMENT**

Goal 1: Provide a system of streets that meets the needs of current and future residents and facilitates the safe and efficient movement of people and goods throughout the City.

Policy 1.12: Encourage new development which facilitates transit services, provides for non-automobile circulation and minimizes vehicle miles traveled.

### **CONSERVATION/OPEN SPACE ELEMENT**

Goal 4: Conserve energy resources through use of available technology and conservation practices.

Policy 4.1: Encourage innovative site and building designs, and orientation techniques which minimize energy use by taking advantage of sun/shade patterns, prevailing winds, landscaping, and building materials.

Policy 4.2: Maintain local legislation to establish, update and implement energy performance building code requirements established under State Title 24 Energy Regulations.

### **LAND USE ELEMENT**

Goal 10: Protect the resident-serving land uses throughout the City.

Policy 10.3: Encourage resident-serving uses within walking distance of areas designated on the Land Use Diagram for residential use, where possible, to minimize the encroachment of resident serving uses into visitor-serving areas, to minimize the use of primary coastal access roads for non-recreational trips, and to minimize energy consumption and vehicle miles traveled by encouraging the use of public transportation.



### 5.9.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Amendments to CEQA Guidelines Section 15064.4 were adopted to assist lead agencies in determining the significance of the impacts of GHG emissions. Consistent with existing CEQA practice, Section 15064.4 gives lead agencies the discretion to determine whether to assess those emissions quantitatively or qualitatively. This section recommends certain factors to be considered in the determination of significance (i.e., the extent to which a project may increase or reduce GHG emissions compared to the existing environment; whether the project exceeds an applicable significance threshold; and the extent to which the project complies with regulations or requirements adopted to implement a plan for the reduction or mitigation of GHGs). The amendments do not establish a quantified or performance-based threshold of significance; rather, lead agencies are granted discretion to establish significance thresholds for their respective jurisdictions, including looking to thresholds developed by other public agencies or suggested by other experts, such as the California Air Pollution Control Officers Association (CAPCOA), so long as any threshold chosen is supported by substantial evidence (see CEQA Guidelines Section 15064.7(c)).

The California Natural Resources Agency (CNRA) has also clarified that the CEQA Guidelines amendments focus on the effects of GHG emissions as cumulative impacts, and therefore GHG emissions should be analyzed in the context of CEQA's requirements for cumulative impact analyses (see CEQA Guidelines Section 15064(h)(3)).<sup>7</sup> A project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides specific requirements to avoid or substantially lessen the cumulative problem within the geographic area of the project.<sup>8</sup>

The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions, nor have the South Coast Air Quality Management District (SCAQMD), CARB, or any other state or regional agency adopted a numerical significance threshold for assessing GHG emissions that is applicable to the project. Since there is no applicable adopted or accepted numerical threshold of significance for GHG emissions, the methodology for evaluating the project's impacts related to GHG emissions focuses on its consistency with Statewide, regional, and local plans adopted for the purpose of reducing and/or mitigating GHG emissions. This evaluation of consistency with such plans is the sole basis for determining the significance of the project's GHG-related impacts on the environment.

Notwithstanding, for informational purposes, the analysis also calculates the amount of GHG emissions that would be attributable to the project using recommended air quality models, as described below. The primary purpose of quantifying the project's GHG emissions is to satisfy State CEQA Guidelines Section 15064.4(a), which calls for a good-faith effort to describe and calculate emissions.

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<sup>7</sup> See Generally California Natural Resources Agency, *Final Statement of Reasons for Regulatory Action (December 2009)*, pp. 11-13, 14, 16; see also Letter from Cynthia Bryant, Director of the Office of Planning and Research to Mike Chrisman, secretary for Natural Resources, April 13, 2009. Available at <https://planning.lacity.org/eir/CrossroadsHwd/deir/files/references/C01.pdf>, accessed July 27, 2021.

<sup>8</sup> 14 CCR Section 15064(h)(3).



The estimated emissions inventory is also used to determine if there would be a reduction in the project's incremental contribution of GHG emissions as a result of compliance with regulations and requirements adopted to implement plans for the reduction or mitigation of GHG emissions. However, the significance of the project's GHG emissions impacts is not based on the amount of GHG emissions resulting from the project.

## **CONSISTENCY WITH PLANS**

The project's GHG impacts are evaluated by assessing the project's consistency with applicable local, regional, and Statewide GHG reduction plans and strategies. On a regional level, the SCAG 2020-2045 RTP/SCS contains measures to achieve VMT reductions required under SB 375. On a Statewide level, the 2017 Scoping Plan Update provides measures to achieve SB 32 targets. Thus, if the project complies with these plans, policies, regulations, and requirements, the project would result in a less than significant impact because it would be consistent with the overarching State and regional plans for GHG reduction. A consistency analysis is provided below and describes the project's compliance with performance-based standards included in the regulations outlined in the applicable portions of the 2020-2045 RTP/SCS and 2017 Scoping Plan Update.

## **QUANTIFICATION OF EMISSIONS**

In view of the above considerations, this EIR quantifies the project's total annual GHG emissions for informational purposes, taking into account the GHG emission reduction features that would be incorporated into the project's design. The California Emissions Estimator Model version 2020.4.0 (CalEEMod) is a Statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant and GHG emissions associated with both construction and operations from a variety of land use projects. CalEEMod was developed in collaboration with the air districts of California, who provided data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) to account for local requirements and conditions. The model is considered by the SCAQMD to be an accurate and comprehensive tool for quantifying air quality and GHG impacts from land use projects throughout California.

## **CEQA SIGNIFICANCE CRITERIA**

*CEQA Guidelines* Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment (refer to Impact Statement GHG-1); and
- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases (refer to Impact Statement GHG-2).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced



to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

## 5.9.4 IMPACTS AND MITIGATION MEASURES

### GREENHOUSE GAS EMISSIONS

#### **GHG-1 GREENHOUSE GAS EMISSIONS GENERATED BY THE PROJECT COULD HAVE A SIGNIFICANT IMPACT ON GLOBAL CLIMATE CHANGE.**

**Impact Analysis:** The proposed project would involve the demolition of the existing bus yard and development of a three- to five-story, 349-unit apartment complex with an attached six-story (seven level) parking structure and associated amenities. The proposed project-related GHG emissions would include emissions from direct and indirect sources. The proposed project would result in direct and indirect emissions of CO<sub>2</sub>, N<sub>2</sub>O, and CH<sub>4</sub>, and would not result in other GHGs that would facilitate a meaningful analysis. Therefore, this analysis focuses on these three forms of GHG emissions. Direct project-related GHG emissions include emissions from construction activities, area sources, and mobile sources, while indirect sources include emissions from electricity and natural gas consumption, water demand, and solid waste generation. CalEEMod was used to calculate project-related GHG emissions.

CalEEMod relies upon trip data provided in *Victoria Boulevard Apartments Traffic Impact Analysis* (Traffic Impact Analysis) prepared by Ganddini Group, dated April 28, 2022, and project-specific land use data to calculate emissions. Although two of the six existing structures on-site are currently in operations, as a conservative analysis, except for mobile sources, emissions from existing uses on-site were not modeled or deducted from project-generated emissions. [Table 5.9-1, \*Project Greenhouse Gas Emissions\*](#), presents the estimated proposed project's CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O emissions. CalEEMod outputs are contained within [Appendix 11.8](#).

### GHG REDUCTIONS

The proposed project would include operational emission reductions upon compliance with Assembly Bill 341 (at least 50 percent of solid waste generated to be reduced, recycled, or composted by 2020). In addition, SCAQMD Rule 445 (gaseous-fueled fireplaces and stoves only; no wood burning devices) and the most current building energy efficiency standards (i.e., Title 24 and the California Green Building Standards Code [CALGreen]) were applied to the proposed project CalEEMod run.



Table 5.9-1  
Project Annual Greenhouse Gas Emissions

Source	CO <sub>2</sub>	CH <sub>4</sub>		N <sub>2</sub> O		Total Metric Tons of CO <sub>2</sub> e
	Metric Tons/year <sup>1</sup>	Metric Tons/year <sup>1</sup>	Metric Tons of CO <sub>2</sub> e <sup>2</sup>	Metric Tons/year <sup>1</sup>	Metric Tons of CO <sub>2</sub> e <sup>2</sup>	
<b>Direct Emissions<sup>4</sup></b>						
Construction (amortized over 30 years)	85.29	0.01	0.31	<0.01	1.25	86.85
Area Source	81.32	0.01	0.18	<0.01	0.41	81.91
Mobile Source	1,908.45	0.12	2.90	0.08	23.90	1,935.28
<b>Total Direct Emissions<sup>3,5</sup></b>	<b>2,075.07</b>	<b>0.14</b>	<b>3.38</b>	<b>0.09</b>	<b>25.56</b>	<b>2,104.05</b>
<b>Indirect Emissions<sup>4</sup></b>						
Energy	594.57	0.03	0.77	0.01	1.80	597.09
Solid Waste	16.32	0.96	24.10	0.00	0.00	40.44
Water Demand	113.53	0.60	15.00	0.01	4.40	132.92
<b>Total Indirect Emissions<sup>3</sup></b>	<b>724.42</b>	<b>1.59</b>	<b>39.87</b>	<b>0.02</b>	<b>6.20</b>	<b>770.45</b>
<b>Total Project-Related Emissions<sup>3</sup> 2,874.50 MTCO<sub>2</sub>e/year</b>						
Notes:						
1. Emissions calculated using California Emissions Estimator Model Version 2020.4.0 (CalEEMod) computer model.						
2. CO <sub>2</sub> Equivalent values calculated using the EPA Website, <i>Greenhouse Gas Equivalencies Calculator</i> , <a href="http://www.epa.gov/cleanenergy/energy-resources/calculator.html">http://www.epa.gov/cleanenergy/energy-resources/calculator.html</a> , accessed December 16, 2022.						
3. Totals may be slightly off due to rounding.						
4. Emission reductions applied in the CalEEMod model, or "mitigated emission", include regulatory requirements such as compliance with the 2019 Title 24 Building Standards Code, the 2019 CALGreen Code, and AB 341. These mandatory regulatory requirements would include high building energy efficiency, low flow plumbing fixtures, and solid waste diversion.						
Refer to Appendix 11.8, for detailed model input/output data.						

## Direct Project-Related Sources of Greenhouse Gases

### *Construction Emissions*

Construction GHG emissions are typically summed and amortized over the lifetime of the project (assumed to be 30 years), then added to the operation emissions.<sup>9</sup> As shown in Table 5.9-1, the proposed project would result in 86.85 MTCO<sub>2</sub>e per year when amortized over 30 years (or a total of 2,605.52 MTCO<sub>2</sub>e in 30 years).

### *Area Source*

Area source emissions were calculated using CalEEMod and project-specific land use data. Project-related area sources include exhaust emissions from landscape maintenance equipment, such as lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain

<sup>9</sup> The project lifetime is based on the standard 30-year assumption of the South Coast Air Quality Management District (South Coast Air Quality Management District, *Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold*, October 2008).



the landscaping of the site. As noted in [Table 5.9-1](#), the proposed project would result in 81.91 MTCO<sub>2e</sub> per year of area source GHG emissions.

### ***Mobile Source***

According to the Traffic Impact Analysis, the proposed project would generate a net increase of 2,518 daily trips on weekdays, 256 midday peak hour trips on Saturdays, and 245 midday peak hour trips on Sundays. Based on the proposed project-generated daily vehicle trips, the proposed project would result in a net increase of approximately 1,935.28 MTCO<sub>2e</sub> per year of mobile source-generated GHG emissions; refer to [Table 5.9-1](#). As shown in [Table 5.9-1](#), the predominant source of the proposed project GHG emissions would come from mobile emissions. The project would be required to use fuel sources that comply with the CARB LCFS, which would reduce fuel carbon intensity 18 percent by 2030, up from 10 percent in 2020. It should be noted that neither the lead agency, nor the project applicant has authority to control the rates of GHG emissions from vehicles that would travel to and from the proposed project.

### **Indirect Project-Related Sources of Greenhouse Gases**

#### ***Energy Consumption***

Energy consumption emissions were calculated using the CalEEMod model and project specific land use data. On-site electricity would be provided by San Diego Gas and Electric (SDG&E). As shown in [Table 5.9-1](#), the project would indirectly result in 597.09 MTCO<sub>2e</sub>/year GHG emissions due to energy consumption.

#### ***Solid Waste***

Solid waste emissions associated with operations of the project were calculated using the CalEEMod model and project-specific land use data. Per AB 341, the project would be required to reduce, recycle, or compost at least 50 percent of the solid waste generated. Therefore, a 50 percent reduction in solid waste was modeled in the CalEEMod. [Table 5.9-1](#) shows the project's operational solid waste emissions, which would result in 40.44 MTCO<sub>2e</sub>/year.

#### ***Water Demand***

The South Coast Water District (SCWD) would be the main water supply provider to the proposed project. The project's water supply would be provided by local surface water, groundwater, as well as recycled water sources. The project would be required to comply with the CALGreen Code, which requires newer developments to be fitted with low flow plumbing fixtures and fittings, as well as water-efficient landscaping. Based on CalEEMod output, the project is anticipated to consume approximately 36.47 million gallons of water per year, resulting in 132.92 MTCO<sub>2e</sub>/year, refer to [Appendix 11.8](#).

### **Total Project-Related Sources of Greenhouse Gases**

As shown in [Table 5.9-1](#), the total amount of project related operational GHG emissions from direct and indirect sources combined minus the mobile source GHG emissions from existing uses would be 2,874.50 MTCO<sub>2e</sub> per year. The City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions, nor have the SCAQMD, CARB, or any other State or regional





agency adopted a numerical significance threshold for assessing GHG emissions that is applicable to the project. As such, per the Impact Statement GHG-2, below, the proposed project would not have a significant impact on emissions, since the proposed project would be consistent with applicable measures in the 2020-2045 RTP/SCS, 2017 Scoping Plan Update, and the City's General Plan and Energy Plan. Impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

**GHG-2 IMPLEMENTATION OF THE PROPOSED PROJECT COULD CONFLICT WITH AN APPLICABLE GREENHOUSE GAS REDUCTION PLAN, POLICY, OR REGULATION.**

**Impact Analysis:** The project's GHG plan consistency analysis is based on the project's consistency with the 2020-2045 RTP/SCS, 2017 Scoping Plan Update, City's Energy Plan, and applicable goals found within the General Plan. The 2020-2045 RTP/SCS is a regional growth-management strategy that targets per-capita GHG reduction from passenger vehicles and light-duty trucks in the Southern California region. The 2020-2045 RTP/SCS incorporates local land use projections and circulation networks in city and county general plans. The 2017 Scoping Plan Update describes the approach California will take to reduce GHG emissions by 40 percent below 1990 levels by the year 2030. The City's Energy Plan and General Plan contain energy efficient goals and policies that would help implement energy efficient measures and would subsequently reduce energy consumption and GHG emissions within the City.

**CONSISTENCY WITH THE SCAG 2020-2045 RTP/SCS**

On September 3, 2020, the Regional Council of SCAG formally adopted the 2020-2045 RTP/SCS. The 2020-2045 RTP/SCS includes performance goals that were adopted to help focus future investments on the best-performing projects; and different strategies to preserve, maintain, and optimize the performance of the existing transportation system. The SCAG 2020-2045 RTP/SCS is forecast to help California reach its GHG reduction goals by reducing GHG emissions from passenger cars by eight percent below 2005 levels by 2020 and 19 percent by 2035 in accordance with the most recent CARB targets adopted in March 2018. Five key SCS strategies are included in the 2020-2045 RTP/SCS to help the region meet its regional VMT and GHG reduction goals, as required by the State. Table 5.9-2, *Consistency with the 2020-2045 RTP/SCS*, shows the project's consistency with these five strategies found within the 2020-2045 RTP/SCS. As shown therein, the proposed project would be consistent with the GHG emission reduction strategies contained in the 2020-2045 RTP/SCS.



Table 5.9-2  
Consistency with the 2020-2045 RTP/SCS

Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
<b>Focus Growth Near Destinations and Mobility Options</b>		
<ul style="list-style-type: none"> <li>• Emphasize land use patterns that facilitate multimodal access to work, educational and other destinations</li> <li>• Focus on a regional jobs/housing balance to reduce commute times and distances and expand job opportunities near transit and along center-focused main streets</li> <li>• Plan for growth near transit investments and support implementation of first/last mile strategies</li> <li>• Promote the redevelopment of underperforming retail developments and other outmoded nonresidential uses</li> <li>• Prioritize infill and redevelopment of underutilized land to accommodate new growth, increase amenities and connectivity in existing neighborhoods</li> <li>• Encourage design and transportation options that reduce the reliance on and number of solo car trips (this could include mixed uses or locating and orienting close to existing destinations)</li> <li>• Identify ways to “right size” parking requirements and promote alternative parking strategies (e.g., shared parking or smart parking)</li> </ul>	<p>Center Focused Placemaking, Priority Growth Areas (PGA), Job Centers, High Quality Transit Areas (HQTAs), Transit Priority Areas (TPA), Neighborhood Mobility Areas (NMAs), Livable Corridors, Spheres of Influence (SOIs), Green Region, Urban Greening.</p>	<p><b>Consistent.</b> Transit Priority Areas (TPAs) are defined in the 0.5-mile radius around an existing or planned major transit stop or an existing stop along a High-Quality Transit Corridor (HQTC). A HQTC is defined as a corridor with fixed route bus service frequency of 15 minutes (or less) during peak commute hours. Although the project site is not located in a TPA, the project is an infill development located near transit station (Route 91 run by Orange County Transportation Authority). Route 91 provide north-south local bus service between Laguna Hills to San Clemente and operate daily. Further, the project site is located within a pedestrian-oriented area given that it fronts existing sidewalks to the north and west. The project site is located in an urbanized area and within walking and biking distance to existing commercial and neighborhood-serving retail uses. The project would also provide bicycle parking spaces and electric vehicle (EV) parking spaces in accordance with CALGreen Code. Therefore, the project would focus growth near destinations and mobility options.</p>
<b>Promote Diverse Housing Choices</b>		
<ul style="list-style-type: none"> <li>• Preserve and rehabilitate affordable housing and prevent displacement</li> <li>• Identify funding opportunities for new workforce and affordable housing development</li> <li>• Create incentives and reduce regulatory barriers for building context sensitive accessory dwelling units to increase housing supply</li> <li>• Provide support to local jurisdictions to streamline and lessen barriers to housing development that supports reduction of greenhouse gas emissions</li> </ul>	<p>PGA, Job Centers, HQTAs, NMA, TPAs, Livable Corridors, Green Region, Urban Greening.</p>	<p><b>Consistent.</b> The proposed project would include 349 multi-family dwelling units on approximately 5.51 acres, with a mix of market rate and affordable housing units. As such, the proposed project would help increase housing supply within a compact area with potential jobs, commercial uses, as well as access to a HQTA. Therefore, the project would be consistent with this reduction strategy.</p>



Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
<b>Leverage Technology Innovations</b>		
<ul style="list-style-type: none"> <li>• Promote low emission technologies such as neighborhood electric vehicles, shared rides hailing, car sharing, bike sharing and scooters by providing supportive and safe infrastructure such as dedicated lanes, charging and parking/drop-off space</li> <li>• Improve access to services through technology—such as telework and telemedicine as well as other incentives such as a “mobility wallet,” an app-based system for storing transit and other multi-modal payments</li> <li>• Identify ways to incorporate “micro-power grids” in communities, for example solar energy, hydrogen fuel cell power storage and power generation</li> </ul>	HQTA, TPAs, NMA, Livable Corridors.	<b>Consistent.</b> The project would be required to comply with all applicable Title 24 and CALGreen building codes at the time of construction. These building codes would require EV charging stations, designated EV parking, as well as bike parking and storage. Furthermore, as of 2020, the Title 24 code requires photovoltaic solar panels on residential development. Therefore, the project would leverage technology innovations and help the City, County, and State meet its GHG reduction goals. The project would be consistent with this reduction strategy.
<b>Support Implementation of Sustainability Policies</b>		
<ul style="list-style-type: none"> <li>• Pursue funding opportunities to support local sustainable development implementation projects that reduce greenhouse gas emissions</li> <li>• Support Statewide legislation that reduces barriers to new construction and that incentivizes development near transit corridors and stations</li> <li>• Support local jurisdictions in the establishment of Enhanced Infrastructure Financing Districts (EIFDs), Community Revitalization and Investment Authorities (CRIAs), or other tax increment or value capture tools to finance sustainable infrastructure and development projects, including parks and open space</li> <li>• Work with local jurisdictions/communities to identify opportunities and assess barriers to implement sustainability strategies</li> <li>• Enhance partnerships with other planning organizations to promote resources and best practices in the SCAG region</li> <li>• Continue to support long range planning efforts by local jurisdictions</li> <li>• Provide educational opportunities to local decisions makers and staff on new tools, best practices and policies related to implementing the Sustainable Communities Strategy</li> </ul>	Center Focused Placemaking, Priority Growth Areas (PGA), Job Centers, High Quality Transit Areas (HQTAs), Transit Priority Areas (TPA), Neighborhood Mobility Areas (NMAs), Livable Corridors, Spheres of Influence (SOIs), Green Region, Urban Greening.	<b>Consistent.</b> As previously discussed, the project would comply with sustainable practices included in the 2019 Title 24 standards and CALGreen Code, such as installation of EV charging stations, bike parking and storage, solar panels, and low-flow fixtures. Thus, the project would be consistent with this reduction strategy.



Reduction Strategy	Applicable Land Use Tools	Project Consistency Analysis
<p><b>Promote a Green Region</b></p> <ul style="list-style-type: none"> <li>• Support development of local climate adaptation and hazard mitigation plans, as well as project implementation that improves community resiliency to climate change and natural hazards</li> <li>• Support local policies for renewable energy production, reduction of urban heat islands and carbon sequestration</li> <li>• Integrate local food production into the regional landscape</li> <li>• Promote more resource efficient development focused on conservation, recycling and reclamation</li> <li>• Preserve, enhance and restore regional wildlife connectivity</li> <li>• Reduce consumption of resource areas, including agricultural land</li> <li>• Identify ways to improve access to public park space</li> </ul>	<p>Green Region, Urban Greening, Greenbelts and Community Separators.</p>	<p><b>Consistent.</b> The proposed project consists of a residential infill development in an urbanized area and would therefore not interfere with regional wildlife connectivity or consumption of agricultural land. While a portion of the project site is designated “Recreation/Open Space” (R/OS), there is no existing open space on-site. The project proposes 3.3 acres of open space, including 1.065 acres of public open space and 0.83-acre of frontage open space, and would improve public access to open space refer to <u>Section 5.13, <i>Public Services, Recreation, and Utilities</i></u>. In addition, the project would be required to comply with 2019 Title 24 standards and CALGreen Code, which would help reduce energy consumption and reduce GHG emissions. Thus, the project would support efficient development that reduces energy consumption and GHG emissions. The project would be consistent with this reduction strategy.</p>
<p>Source: Southern California Association of Governments, <i>2025-2040 Regional Transportation Plan/Sustainable Communities Strategy – Connect SoCal</i>, September 3, 2020.</p>		



## CONSISTENCY WITH THE 2017 CARB SCOPING PLAN UPDATE

The 2017 Scoping Plan Update identifies additional GHG reduction measures necessary to achieve the 2030 target. These measures build upon those identified in the first update to the Scoping Plan in 2013. Provided in [Table 5.9-3, \*Consistency with the 2017 Scoping Plan Update\*](#), is an evaluation of applicable reduction actions/strategies by emissions source category to determine how the project would be consistent with or exceed reduction actions/strategies outlined in the 2017 Scoping Plan Update.

**Table 5.9-3**  
**Consistency with the 2017 Scoping Plan Update**

Actions and Strategies	Project Consistency Analysis
<b>Senate Bill 350 (SB 350)</b>	
Achieve a 50 percent Renewables Portfolio Standard (RPS) by 2030, with a doubling of energy efficiency savings by 2030.	<b>Consistent.</b> The proposed project would not be an electrical provider or delay the goals of SB 350. Furthermore, the project would utilize electricity from SDG&E, which would be required to comply with SB 350. As such, the project would be in compliance with SB 350.
<b>Low Carbon Fuel Standard (LCFS)</b>	
Increase stringency of carbon fuel standards; reduce the carbon intensity of fuels by 18 percent by 2030, which is up from 10 percent in 2020.	<b>Consistent.</b> Motor vehicles driven within the project area would be required to use LCFS-complaint fuels, thus the project would be in compliance with this goal.
<b>Mobile Source Strategy (Cleaner Technology and Fuels Scenario)</b>	
Maintain existing GHG standards of light and heavy-duty vehicles while adding an addition 4.2 million zero-emission vehicles (ZEVs) on the road. Increase the number of ZEV buses, delivery trucks, or other trucks.	<b>Consistent.</b> The proposed project is a residential development and would potentially involve occasional light, medium, and heavy-duty truck trips associated with trash pick-up, landscaping, and maintenance. Truck uses within the project would be required to comply with all CARB regulations, including the LCFS and newer engine standards. The proposed project would not conflict with the CARB's goal of adding 4.2 million zero-emission (ZEVs) on the road. Furthermore, development within the project area would be required to comply with 2019 Title 24 and CALGreen Code, which requires the installation of electric vehicle (EV) charging stations. As such, the project would not conflict with the goals of the Mobile Source Strategy.
<b>Sustainable Freight Action Plan</b>	
Improve the freight system efficiency and maximize the use of near zero emission vehicles and equipment powered by renewable energy. Deploy over 100,000 zero-emission trucks and equipment by 2030.	<b>Consistent.</b> As described above, truck uses within the project area would be required to comply with all CARB regulations, including the LCFS and newer engine standards. Additionally, the project would not conflict with CARB's goal to deploy over 100,000 zero-emission trucks and equipment by 2030, as the project would comply with all future applicable regulatory standard adopted by CARB.
<b>Short-Lived Climate Pollutant (SLCP) Reduction Strategy</b>	
Reduce the GHG emissions of methane and hydrofluorocarbons by 40 percent below the 2013 levels by 2030. Furthermore, reduce the emissions of black carbon by 50 percent below the 2013 levels by the year 2030.	<b>Consistent.</b> The project would not emit a large amount of CH <sub>4</sub> (methane) emissions; refer to <a href="#">Table 5.9-1</a> . Furthermore, the project would comply with all CARB and SCAQMD hydrofluorocarbon regulations. As such, the proposed project would not conflict with the SLCP reduction strategy.



Actions and Strategies	Project Consistency Analysis
<b>SB 375 Sustainable Communities Strategies</b>	
Increase the stringency of the 2035 GHG emission per capita reduction target for metropolitan planning organizations (MPO).	<b>Consistent.</b> As shown in <a href="#">Table 5.9-2</a> , the project would be consistent with the 2020-2045 RTP/SCS and would not conflict with the goals of SB 375. Furthermore, the project would be consistent with the City's Energy Plan goals by helping reduce energy and water usage.
<b>Post-2020 Cap and Trade Programs</b>	
The Cap-and-Trade Program will reduce greenhouse gas (GHG) emissions from major sources (covered entities) by setting a firm cap on Statewide GHG emissions while employing market mechanisms to cost-effectively achieve the emission-reduction goals.	<b>Not Applicable.</b> As seen in <a href="#">Table 5.9-1</a> , the project would generate 3,070.10 MTCO <sub>2e</sub> per year, which is below the 25,000 MTCO <sub>2e</sub> per year Cap-and-Trade screening level. Therefore, the project would not conflict with this goal.
Source: California Air Resources Board, <i>2017 Scoping Plan</i> , November 2017.	

## CONSISTENCY WITH THE CITY'S ENERGY PLAN AND GENERAL PLAN

As described in [Table 5.10-5, \*Energy Plan and General Plan Project Consistency Analysis\*](#), the project would comply with the applicable goals identified in the City's Energy Plan and General Plan. The Energy Plan and General Plan contain energy efficient goals and policies that would help implement energy efficient measures and would subsequently reduce energy consumption within the City. These energy reduction measures and goals would also help reduce the project's GHG emissions. Compliance with Title 24 and CALGreen Code would ensure the project incorporates energy efficient windows, insulation, lighting, ventilation systems, as well as water efficient fixtures and electric vehicles charging infrastructure, which is consistent with the goals and policies of the Energy Plan and General Plan. Additionally, per the Renewables Portfolio Standard (RPS), the project would utilize electricity provided by SDG&E that would achieve 60 percent renewable energy by 2030. Therefore, the proposed project would be consistent with the Energy Plan and General Plan goals to reduce energy consumption and GHG emissions.

## CONCLUSION

In summary, the plan consistency analysis provided above demonstrates that the proposed project complies with or exceeds the plans, policies, regulations and GHG reduction actions/strategies outlined in the 2020-2045 RTP/SCS and the 2017 Scoping Plan Update. The proposed project would also be consistent with the City's Energy Plan and General Plan; refer to [Section 5.10, \*Energy\*](#). Therefore, the project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing emissions of GHGs, and impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## 5.9.5 CUMULATIVE IMPACTS

[Table 4-1, \*Cumulative Projects List\*](#), identifies the related projects and other possible development in the area determined as having the potential to interact with the proposed project to the extent that a



significant cumulative effect may occur. The following discussions are included per topic area to determine whether a significant cumulative effect would occur.

- **GREENHOUSE GAS EMISSIONS GENERATED BY THE PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD HAVE A SIGNIFICANT CUMULATIVE IMPACT ON GLOBAL CLIMATE CHANGE OR COULD CONFLICT WITH AN APPLICABLE GREENHOUSE GAS REDUCTION PLAN, POLICY, OR REGULATION.**

**Impact Analysis:** Project-related GHG emissions are not confined to a particular air basin; instead, GHG emissions are dispersed worldwide. No single project is large enough to result in a measurable increase in global concentrations of GHG emissions. Therefore, impacts identified under Impact Statement GHG-1 are not project-specific impacts to global climate change, but the proposed project's contribution to this cumulative impact. Furthermore, the City has not adopted a numerical significance threshold for assessing impacts related to GHG emissions, nor have the SCAQMD, CARB, or any other State or regional agency adopted a numerical significance threshold for assessing GHG emissions that is applicable to the project.

GHG impacts are recognized as exclusively cumulative impacts, and there are no non-cumulative GHG emission impacts from a climate change perspective. As such, significant direct impacts associated with the project and proposed project also serve as the project's cumulative impact. As analyzed in Impact Statements GHG-1 and GHG-2, the proposed project would be consistent with applicable measures in the 2020-2045 RTP/SCS, 2017 Scoping Plan Update, and the City's General Plan and Energy Plan and the project's GHG emissions would be considered less than significant. Thus, the project would not cumulatively contribute to GHG impacts and impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## 5.9.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No significant unavoidable impacts related to GHG emissions have been identified.



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## 5.10 ENERGY

This section analyzes potential project impacts related to energy consumption and energy plan consistency. Such impacts include the depletion of nonrenewable resources (e.g., oil, natural gas, coal, etc.) and emissions of pollutants during both construction and operations. Mitigation measures are recommended to avoid or reduce potential impacts, if any.

### 5.10.1 EXISTING SETTING

#### ELECTRICITY/NATURAL GAS SERVICES

San Diego Gas and Electric (SDG&E) provides electrical services in south Orange County, including the City, through State-regulated public utility contracts. Over the past 15 years, electricity generation in California has undergone a transition. Historically, California has relied heavily on oil- and gas-fired plants to generate electricity. Spurred by regulatory measures and tax incentives, California's electrical system has become more reliant on renewable energy sources, including cogeneration, wind energy, solar energy, geothermal energy, biomass conversion, transformation plants, and small hydroelectric plants. Unlike petroleum production, generation of electricity is usually not tied to the location of the fuel source and can be delivered great distances via the electrical grid. The generating capacity of a unit of electricity is expressed in megawatt (MW). One MW provides enough energy to power 1,000 average California homes per day. Net generation refers to the gross amount of energy produced by a unit, minus the amount of energy the unit consumes. Generation is typically measured in megawatt-hours (MWh), kilowatt-hours (kWh), or gigawatt-hours (GWh).

The Southern California Gas Company (SoCalGas) provides natural gas services to the City. Natural gas is a hydrocarbon fuel found in reservoirs beneath the earth's surface and is composed primarily of methane (CH<sub>4</sub>). It is used for space and water heating, process heating and electricity generation, and as transportation fuel. Use of natural gas to generate electricity is expected to increase in the coming years because it is a relatively clean alternative to other fossil fuels like oil and coal. In California and throughout the western United States, many new electrical generation plants that are fired by natural gas are being brought online. Thus, there is great interest in importing liquefied natural gas from other parts of the world. Nearly 45 percent of the electricity consumed in California was generated using natural gas.<sup>1</sup> While the supply of natural gas in the United States and production has increased greatly, California produces little, and imports 90 percent of its natural gas.<sup>2</sup>

#### ENERGY USAGE

Energy usage is typically quantified using the British Thermal Unit (BTU). Total energy usage in California was 7,802.3 trillion BTU in 2019 (the most recent year for which this specific data is

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<sup>1</sup> California Energy Commission, *Supply and Demand of Natural Gas in California*, <https://www.energy.ca.gov/data-reports/energy-almanac/californias-natural-gas-market/supply-and-demand-natural-gas-california>, accessed July 28, 2021.

<sup>2</sup> Ibid.



available), which equates to an average of 197 million BTU per capita.<sup>3,4</sup> Of California’s total energy usage, the breakdown by sector is 48.6 percent transportation, 24.1 percent industrial, 12.5 percent commercial, and 14.8 percent residential.<sup>5</sup> Electricity and natural gas in California are generally consumed by stationary users such as residences and commercial and industrial facilities, whereas petroleum consumption is generally accounted for by transportation-related energy use. In 2020, taxable gasoline sales (including aviation gasoline) in California accounted for 14,008,219,800 gallons of gasoline.<sup>6</sup>

The electricity consumption attributable to Orange County from 2010 to 2019 is shown in Table 5.10-1, Electricity Consumption in Orange County 2010-2019.<sup>7</sup> As indicated in Table 5.10-1, energy consumption in Orange County increased from 2010 to 2014 and decreased after 2014.

**Table 5.10-1  
Electricity Consumption in Orange County 2010-2019**

Year	Electricity Consumption (in millions of kilowatt hours)
2010	19,769
2011	19,925
2012	20,402
2013	20,281
2014	20,747
2015	20,722
2016	20,221
2017	20,201
2018	20,008
2019	19,460

Source: California Energy Commission, *Electricity Consumption by County*, <http://www.ecdms.energy.ca.gov/electbycounty.aspx>, accessed July 28, 2021.

The natural gas consumption in Orange County from 2010 to 2019 is shown in Table 5.10-2, Natural Gas Consumption in Orange County 2010-2019.<sup>8</sup> Natural gas consumption in Orange County peaked in 2011 and 2013 and decreased until 2016.

<sup>3</sup> United States Census Bureau, California Population as of July 1, 2019, <https://www.census.gov/quickfacts/fact/table/CA/POP010220#POP010220>, accessed July 28, 2021.

<sup>4</sup> U.S. Energy Information Administration, *Table F33: Total Energy Consumption, Price, and Expenditure Estimates, 2019*, [https://www.eia.gov/state/seds/sep\\_fuel/html/fuel\\_te.html](https://www.eia.gov/state/seds/sep_fuel/html/fuel_te.html), accessed July 28, 2021.

<sup>5</sup> U.S. Energy Information Administration, *California Energy Consumption by End-Use Section, 2019*, <https://www.eia.gov/beta/states/states/ca/overview>, accessed July 28, 2021.

<sup>6</sup> California Department of Tax and Fee Administration, *Net Taxable Gasoline Gallons*, <https://www.cdtfa.ca.gov/taxes-and-fees/spftrpts.htm>, accessed July 28, 2021.

<sup>7</sup> Electricity consumption data is not available for the City. The year 2019 is the most recent year for which the County’s electricity consumption data is available.

<sup>8</sup> Natural gas consumption data is not available for the City. The year 2019 is the most recent year for which the County’s natural gas consumption data is available.



**Table 5.10-2**  
**Natural Gas Consumption in Orange County 2010-2019**

Year	Natural Gas Consumption (in millions of therms)
2010	636
2011	640
2012	613
2013	636
2014	545
2015	544
2016	570
2017	576
2018	575
2019	623

Source: California Energy Commission, *Gas Consumption by County*, <http://www.ecdms.energy.ca.gov/gasbycounty.aspx>, accessed July 28, 2021.

## GASOLINE/DIESEL FUELS

Automotive fuel consumption in Orange County from 2010 to 2021 is shown in Table 5.10-3, *Automotive Fuel Consumption in Orange County 2010-2021* (projections for the year 2021 are also shown). As shown in Table 5.10-3, since 2010, on-road automotive fuel consumption in Orange County has generally declined, and heavy-duty vehicle fuel consumption has steadily increased.

**Table 5.10-3**  
**Automotive Fuel Consumption in Orange County 2010-2021**

Year	On-Road Automotive Fuel Consumption (Gallons)	Heavy-Duty Vehicle/Diesel Fuel Consumption (Gallons)
2010	1,344,129,994	59,871,181
2011	1,336,738,194	61,354,508
2012	1,331,717,654	60,988,381
2013	1,334,565,632	61,904,545
2014	1,362,819,916	61,804,346
2015	1,393,469,370	61,192,532
2016	1,434,165,531	64,918,407
2017	1,433,135,097	65,624,264
2018	1,402,439,821	66,594,437
2019	1,374,826,800	67,515,102
2020	1,345,642,878	67,959,801
2021 (projected)	1,316,303,338	68,232,322

Source: California Air Resources Board, *EMFAC2017*, accessed on July 28, 2021.



## 5.10.2 REGULATORY SETTING

### STATE LEVEL

#### **California's Energy Efficiency Standards for Residential and Nonresidential Buildings (Title 24)**

In 1978, the California Energy Commission (CEC) established the Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6), commonly referred to as "Title 24," California's energy efficiency standards for residential and non-residential buildings, in response to a legislative mandate to create uniform building codes to reduce California's energy consumption and provide energy efficiency standards for residential and non-residential buildings. The 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings (California Code of Regulations, Title 24, Part 6), commonly referred to as "Title 24," became effective on January 1, 2020. In general, Title 24 requires the design of building shells and building components to conserve energy. The standards are updated periodically to allow consideration and possible incorporation of new energy efficiency technologies and methods. Under 2019 Title 24 standards, nonresidential buildings use about 30 percent less energy, mainly due to lighting upgrades, when compared to 2016 Title 24 standards. The standards offer developers better windows, insulation, lighting, ventilation systems, and other features that reduce energy consumption in homes and businesses.

#### **California Green Building Code**

The California Green Building (CALGreen) Code (California Code of Regulations, Title 24, Part 11), is a Statewide mandatory construction code that was developed and adopted by the California Building Standards Commission and the California Department of Housing and Community Development. CALGreen standards require new residential and commercial buildings to comply with mandatory measures under five topical areas: planning and design; energy efficiency; water efficiency and conservation; material conservation and resource efficiency; and environmental quality. CALGreen also provides voluntary tiers and measures that local governments may adopt which encourage or require additional measures in the five green building topics. The most recent update to the CALGreen Code was adopted in 2019 and went into effect on January 1, 2020. CALGreen requires new buildings to reduce water consumption by 20 percent, divert 50 percent of construction waste from landfills, and install low pollutant-emitting materials.

#### **California Public Utilities Commission Energy Efficiency Strategic Plan**

The California Public Utilities Commission prepared an Energy Efficiency Strategic Plan (Strategic Plan) in September 2008 with the goal of promoting energy efficiency and a reduction in greenhouse gases. In January 2011, a lighting chapter was adopted and added to the Strategic Plan. The Strategic Plan is California's single roadmap to achieving maximum energy savings in the State between 2009 and 2020, and beyond 2020. The Strategic Plan contains the practical strategies and actions to attain significant statewide energy savings, as a result of a year-long collaboration by energy experts, utilities, businesses, consumer groups, and governmental organizations in California, throughout the West, nationally and internationally. The plan includes the four bold strategies:



1. All new residential construction in California will be zero net energy by 2020;
2. All new commercial construction in California will be zero net energy by 2030;
3. Heating, ventilation and air condition (HVAC) will be transformed to ensure that its energy performance is optimal for California's climate; and
4. All eligible low-income customers will be given the opportunity to participate in the low-income energy efficiency program by 2020.

## **California Energy Commission Integrated Energy Policy Report**

In 2002, the California State legislature adopted Senate Bill (SB) 1389, which requires the CEC to develop an Integrated Energy Policy Report (IEPR) every two years. SB 1389 requires the CEC to conduct assessments and forecasts of all aspects of energy industry supply, production, transportation, delivery and distribution, demand, and prices, and use these assessments and forecasts to develop energy policies that conserve resources, protect the environment, ensure energy reliability, enhance the State's economy, and protect public health and safety.

The CEC adopted the *2020 Integrated Energy Policy Report Update (2020 IEPR Update) Volume I and Volume III* on March 17, 2021, and *Volume II* on April 14, 2021.<sup>9</sup> The 2020 IEPR Update provides the results of the CEC's assessments of a variety of energy issues facing California, many of which will require action if the State is to meet its climate, energy, air quality, and other environmental goals while maintaining reliability and controlling costs.<sup>10</sup> The year of 2020 was unprecedented as the State continues to face the impacts and repercussions of several events including the COVID-19 pandemic, electricity outages, and Statewide wildfires. In response to these challenging events, the 2020 IEPR Update covers a broad range of topics, including transportation, microgrids, and the *California Energy Demand Forecast*. Volume I of the 2020 IEPR Update focuses on California's transportation future and the transition to zero-emission vehicles (ZEVs), Volume II examines microgrids, lessons learned from a decade of State-supported research, and stakeholder feedback on the potential of microgrids to contribute to a clean and resilient energy system, and Volume III reports on California's energy demand outlook, updated to reflect the global pandemic and help plan for a growth in zero-emission plug in electric vehicles.<sup>11</sup> Overall, the 2020 IEPR Update identifies actions the State and others can take that would strengthen energy resiliency, reduce greenhouse gas (GHG) emissions that cause climate change, improve air quality, and contribute to a more equitable future.

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<sup>9</sup> California Energy Commission, *2020 Integrated Energy Policy Report Update Schedule*, March 25, 2021, [https://www.energy.ca.gov/sites/default/files/2021-03/Workshop%20Schedule%20for%20Web%203.25.21\\_Updated\\_ADA.pdf](https://www.energy.ca.gov/sites/default/files/2021-03/Workshop%20Schedule%20for%20Web%203.25.21_Updated_ADA.pdf), accessed July 30, 2021.

<sup>10</sup> California Energy Commission, *Final 2020 Integrated Energy Policy Report Update, Volume I: Blue Skies, Clean Transportation*, March 2021, <https://www.energy.ca.gov/data-reports/reports/integrated-energy-policy-report/2020-integrated-energy-policy-report-update-0>, accessed July 30, 2021.

<sup>11</sup> Ibid.



## **LOCAL LEVEL**

### **Dana Point Energy Efficiency and Conservation Plan**

The *Dana Point Energy Efficiency and Conservation Plan* (Energy Plan) provides goals, measures, and recommendations for the City, its residents, and businesses to reduce overall energy consumption and increase natural resource conservation in conformance with statewide legislation and executive orders. Specifically, the Energy Plan has the following six main goals:

- Reduce energy use, and hence reduce greenhouse gas emissions;
- Promote sustainable land use and redevelopment;
- Encourage sustainable construction;
- Promote efficient transportation;
- Continue current efforts to conserve and efficiently use water; and
- Encourage public education and outreach in the community concerning energy reduction and sustainable behaviors.

### **City of Dana Point General Plan**

City policies and implementation measures pertaining to energy are contained in the Circulation, Conservation/Open Space, and Land Use Elements of the *General Plan*. These policies and implementation measures include the following:

#### **CIRCULATION ELEMENT**

Goal 1: Provide a system of streets that meets the needs of current and future residents and facilitates the safe and efficient movement of people and goods throughout the City.

Policy 1.12: Encourage new development which facilitates transit services, provides for non-automobile circulation and minimizes vehicle miles traveled.

#### **CONSERVATION/OPEN SPACE ELEMENT**

Goal 4: Conserve energy resources through use of available technology and conservation practices.

Policy 4.1: Encourage innovative site and building designs, and orientation techniques which minimize energy use by taking advantage of sun/shade patterns, prevailing winds, landscaping, and building materials.

#### **LAND USE ELEMENT**

Goal 10: Protect the resident-serving land uses throughout the City.

Policy 10.3: Encourage resident-serving uses within walking distance of areas designated on the Land Use Diagram for residential use, where possible, to minimize the encroachment of resident serving uses into visitor-serving areas, to minimize the



use of primary coastal access roads for non-recreational trips, and to minimize energy consumption and vehicle miles traveled by encouraging the use of public transportation.

### 5.10.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

*CEQA Guidelines* Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation? (refer to Impact Statement EN-1); and/or
- b) Conflict with or obstruct a State or local plan for renewable energy or energy efficiency (refer to Impact Statement EN-2).

Based on these standards/criteria, the effects of the project have been categorized as either a “less than significant impact” or a “potentially significant impact.” If a potentially significant impact cannot be reduced to a less than significant level through the application of goals, policies, standards, or mitigation, it is categorized as a significant and unavoidable impact.

### 5.10.4 IMPACTS AND MITIGATION MEASURES

#### ENERGY CONSUMPTION

##### EN-1 THE PROJECT COULD RESULT IN WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES.

**Impact Analysis:** Electricity, natural gas, and fuel consumption associated with the project has been prepared utilizing the California Emissions Estimator Model Version 2020.4.0 (CalEEMod) and the 2017 CARB Emission FACTor (EMFAC2017) model. Energy consumption was calculated for the project; refer to [Appendix 11.8, \*Air Quality/Greenhouse Gas/Energy Data\*](#). Although two of the six existing structures on-site are currently in operations, as a conservative analysis, except for mobile sources, energy consumption from existing uses on-site were not modeled or deducted from project consumptions. The project’s electricity, natural gas, and fuel consumption depicted in [Table 5.10-4, \*Project and Countywide Energy Consumption\*](#), summarize the estimated energy consumption for the project. As shown in [Table 5.10-4](#), the project’s energy usage would constitute an approximate 0.0096 percent increase over the County’s typical annual electricity consumption, and an approximate 0.0041 percent increase over the County’s typical annual natural gas consumption. Additionally, the project’s construction and operational vehicle fuel consumption would increase the County’s consumption by 1.5966 percent and 0.0298 percent, respectively (**CEQA Appendix F - Criterion 1**).



**Table 5.10-4  
Project and Countywide Energy Consumption**

Energy Type	Project Annual Energy Consumption <sup>1</sup>	Orange County Annual Energy Consumption <sup>2</sup>	Percentage Increase Countywide
Electricity Consumption <sup>3</sup>	1,874 MWh	19,459,509 MWh	0.0096%
Natural Gas Consumption <sup>3</sup>	25,393 therms	623,146,364 therms	0.0041%
<b>Fuel Consumption</b>			
Construction Fuel Consumption <sup>3</sup>	1,046,812 Gallons	65,564,072 Gallons	1.5966%
Operational Automotive Fuel Consumption <sup>3</sup>	352,290 Gallons	1,183,854,669 Gallons	0.0298%
Notes:			
1. As modeled in CalEEMod version 2020.4.0.			
2. The project's electricity and natural gas consumption are compared to the total consumption in Orange County in 2019. The project's automotive fuel consumption is compared with the projected Countywide fuel consumption in 2025. Orange County electricity consumption data source: California Energy Commission, <i>Electricity Consumption by County</i> , <a href="http://www.ecdms.energy.ca.gov/elecbycounty.aspx">http://www.ecdms.energy.ca.gov/elecbycounty.aspx</a> , accessed July 28, 2021. Orange County natural gas consumption data source: California Energy Commission, <i>Gas Consumption by County</i> , <a href="http://www.ecdms.energy.ca.gov/gasbycounty.aspx">http://www.ecdms.energy.ca.gov/gasbycounty.aspx</a> , accessed July 28, 2021.			
3. Project fuel consumption is calculated based on CalEEMod results for the project. Trip generation and vehicle miles traveled modeled are based on <i>Victoria Boulevard Apartments Traffic Impact Analysis</i> prepared by Ganddini, dated May 20, 2021. Countywide fuel consumption is from the California Air Resources Board's EMFAC2017 model.			
Refer to <u>Appendix 11.8</u> for assumptions used in this analysis.			

**CONSTRUCTION-RELATED ENERGY**

During construction, the project would consume energy in two general forms: (1) the fuel energy consumed by construction vehicles and equipment; and (2) bound energy in construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Fossil fuels used for construction vehicles and other energy-consuming equipment would be used during grading, paving, building construction, and architectural coatings. Fuel energy consumed during construction would be temporary and would not represent a significant demand on energy resources. In addition, some incidental energy conservation would occur during construction through compliance with State requirements that equipment not in use for more than five minutes be turned off. Project construction equipment would also be required to comply with the latest U.S. Environmental Protection Agency (EPA) and California Air Resources Board (CARB) engine emissions standards. These emissions standards require highly efficient combustion systems that maximize fuel efficiency and reduce unnecessary fuel consumption. In addition, because the cost of fuel and transportation is a significant aspect of construction budgets, contractors and owners have a strong financial incentive to avoid wasteful, inefficient, and unnecessary consumption of energy during construction (**CEQA Appendix F - Criterion 4**).

Significant reductions in energy inputs for construction materials can be achieved by selecting green building materials composed of recycled materials that require less energy to produce than non-





recycled materials.<sup>12</sup> The integration of green building materials can help reduce environmental impacts associated with the extraction, transport, processing, fabrication, installation, reuse, recycling, and disposal of these building industry source materials.<sup>13</sup> The proposed Specific Plan also encourages selecting sustainable construction materials and products wherever possible. The project-related incremental increase in the use of energy bound in construction materials such as asphalt, steel, concrete, pipes and manufactured or processed materials (e.g., lumber and gas) would not substantially increase demand for energy compared to overall local and regional demand for construction materials. As indicated in Table 5.10-4, the project's fuel consumption from construction would be approximately 1,046,812 gallons, which would increase fuel use in the County by 1.5966 percent. As such, construction would have a nominal effect on the local and regional energy supplies (**CEQA Appendix F - Criterion 2**). It is noted that construction fuel use is temporary and would cease upon completion of construction activities. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in the region or State (**CEQA Appendix F - Criterion 5**). Therefore, construction fuel consumption would not be any more inefficient, wasteful, or unnecessary than other similar development projects of this nature. As such, a less than significant impact would occur in this regard.

## **OPERATIONAL ENERGY CONSUMPTION**

### **Transportation Energy Demand**

Pursuant to the Federal Energy Policy and Conservation Act of 1975, the National Highway Traffic and Safety Administration is responsible for establishing additional vehicle standards and for revising existing standards. Compliance with Federal fuel economy standards is not determined for each individual vehicle model. Rather, compliance is determined based on each manufacturer's average fuel economy for the portion of their vehicles produced for sale in the United States. Table 5.10-4 estimates the annual fuel consumed by vehicles traveling to and from the project site. As indicated in Table 5.10-4, project operation is estimated to consume approximately 352,290 gallons of fuel per year, which would increase the Countywide automotive fuel consumption by 0.0298 percent. As such, the project does not propose any unusual features that would result in excessive long-term operational fuel consumption (**CEQA Appendix F - Criterion 2**).

The key drivers of transportation-related fuel consumption are job locations/commuting distance and many personal choices on when and where to drive for various purposes. Those factors are outside of the scope of the design of the project. However, the project would include on-site electric vehicle charging stations in parking lots in compliance with the CALGreen Code. This project design feature would encourage and support the use of electric vehicles by residents, workers, and visitors of the project and thus reduce petroleum fuel consumption. In addition, consistent with *General Plan Policy 10.3*, the project would reduce vehicle miles traveled (VMT) through proposed multi-family residential development near commercial uses (**CEQA Appendix F - Criterion 4 and Criterion 6**).

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<sup>12</sup> California Department of Resources Recycling and Recovery, *Green Building Materials*, <https://www.calrecycle.ca.gov/greenbuilding/materials#Material>, accessed July 29, 2021.

<sup>13</sup> Ibid.



Therefore, fuel consumption associated with vehicle trips generated by the project would not be considered inefficient, wasteful, or unnecessary in comparison to other similar developments in the region. A less than significant impact would occur.

### **Building Energy Demand**

The CEC developed 2020 to 2030 forecasts for energy consumption and peak demand in support of the 2019 IEPR for each of the major electricity and natural gas planning areas and the State based on the economic and demographic growth projections.<sup>14</sup> CEC forecasts that the Statewide annual average growth rates of energy demand between 2019 and 2030 would be up to 1.10 percent for electricity and 0.16 percent for natural gas.<sup>15</sup> As shown in [Table 5.10-4](#), operational energy consumption of the project would represent approximately 0.0096 percent increase in electricity consumption and 0.0041 percent increase in natural gas consumption over the current Countywide usage, which would be significantly below CEC's forecasts and the current Countywide usage. Therefore, the project would be consistent with the CEC's energy consumption forecasts and would not require additional energy capacity or supplies (**CEQA Appendix F - Criterion 2**). The project would also consume energy during the same time periods as other residential development. As a result, the project would not result in unique or more intensive peak or base period electricity demand (**CEQA Appendix F - Criterion 3**).

The project would be required to comply with the most current version of the Title 24 Building Energy Efficiency Standards, which provide minimum efficiency standards related to various building features, including appliances, water and space heating and cooling equipment, building insulation and roofing, and lighting. Implementation of the current 2019 Title 24 standards significantly reduces energy usage (30 percent compared to the 2016 standards). The Title 24 Building Energy Efficiency Standards are updated every three years and become more stringent between each update; therefore, complying with the latest 2019 Title 24 standards would make the project more energy efficient than existing buildings built under the earlier versions of the Title 24 standards. Compliance with 2019 Title 24 standards would also ensure the project would be consistent with *General Plan* Conservation/Open Space Element Policies 4.1 and 4.2 by incorporating sustainable building design features (**CEQA Appendix F - Criterion 4**).

Furthermore, the electricity provider, SDG&E, is subject to California's Renewables Portfolio Standard (RPS). The RPS requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 60 percent of total procurement by 2030, and 100 percent of total procurement by 2045. Renewable energy is generally defined as energy that comes from resources which are naturally replenished within a human timescale such as sunlight, wind, tides, waves, and geothermal heat. The increase in reliance of such energy resources further ensures that new development projects would not result in the waste of the finite energy resources (**CEQA Appendix F - Criterion 5**).

Last, development in accordance with the proposed Specific Plan would incorporate the proposed design guidelines, such as providing shade from the sun, taking advantage of coastal breezes, and

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<sup>14</sup> California Energy Commission, *California Energy Demand 2020-2030 Revised Forecast*, February 2020.

<sup>15</sup> Ibid.



promoting energy efficiency in the project design. Therefore, the project would not cause wasteful, inefficient, and unnecessary consumption of building energy during project operation, or preempt future energy development or future energy conservation. A less than significant impact would occur.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## CONFLICT WITH APPLICABLE ENERGY PLAN

### EN-2 THE PROJECT COULD CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY.

**Impact Analysis:** The project would comply with the applicable goals identified in the City’s Energy Plan and General Plan as analyzed in Table 5.10-5, *Energy Plan and General Plan Project Consistency Analysis*. The Energy Plan and General Plan contain energy efficient goals and policies that would help implement energy efficient measures and would subsequently reduce energy consumption within the City. Compliance with Title 24 and CALGreen standards would ensure the project incorporates energy efficient windows, insulation, lighting, ventilation systems, as well as water efficient fixtures and electric vehicles charging infrastructure, which is consistent with the goals and policies of the Energy Plan and General Plan. Additionally, per the RPS, the project would utilize electricity provided by SDG&E that would achieve 60 percent of total procurement by 2030, and 100 percent renewable energy by 2045. Therefore, the project would result in less than significant impacts associated with renewable energy or energy efficiency plans.

**Table 5.10-5  
Energy Plan and General Plan Project Consistency Analysis**

Goals/Policies	Project Consistency
<u>Energy Plan:</u> Reduce energy use, and hence reduce greenhouse gas emissions.  <u>General Plan:</u> Policy 4.1: Encourage innovative site and building designs, and orientation techniques which minimize energy use by taking advantage of sun/shade patterns, prevailing winds, landscaping, and building materials.	<b>Consistent.</b> The project would comply with 2019 Title 24 Building Energy Efficiency Standards and CALGreen Code, which require proper building orientation to take advantage of sun/shade patterns and prevailing winds, energy- and water-efficient landscaping, and sustainable building materials. As such, the project would be consistent with the goals and policies of the plans.
<u>Energy Plan:</u> Promote sustainable land use and redevelopment.  <u>General Plan:</u> Policy 10.3: Encourage resident-serving uses within walking distance of areas designated on the Land Use Diagram for residential use, where possible, to minimize the encroachment of resident serving uses into visitor-serving areas, to minimize the use of primary coastal access roads for non-recreational trips, and to minimize energy consumption and vehicle miles traveled by encouraging the use of public transportation.	<b>Consistent.</b> The project is a multi-family residential project in the Doheny Village area, where there are existing commercial/neighborhood-serving retail uses within walking distance. By doing so, the project would promote the redevelopment of the underutilized site and help accommodate new growth in the City. The project would also offer opportunities for social engagement and achieve fiscal sustainability as guided by the Specific Plan. Additionally, having resident-serving uses within walking distance would encourage alternative modes of transportation such as walking and biking, thereby reducing vehicle miles traveled (VMT). As such, the project would be consistent with the goals and policies of the plans.



Goals/Policies	Project Consistency
<u>Energy Plan:</u> Encourage sustainable construction.  <u>General Plan:</u> Refer to Policy 10.3, above.	<b>Consistent.</b> In accordance with CALGreen and the Specific Plan, the project would be required to divert 65 percent of construction waste from landfills. The project would also comply with applicable requirements of the 2019 Title 24 Building Energy Efficiency Standards and the CALGreen Code, including sustainable construction materials and energy efficient appliances. As such, the project would be consistent with the goals and policies of the plans.
<u>Energy Plan:</u> Promote efficient transportation.  <u>General Plan:</u> Policy 1.12: Encourage new development which facilitates transit services, provides for non-automobile circulation and minimizes vehicle miles traveled.	<b>Consistent.</b> As previously discussed, the project would be a residential development project with nearby resident-serving uses in the project area. As a multi-family residential project near retail services, the project would support a range of mobility options including walking and biking, thereby reducing VMT. As previously discussed, the project would install EV charging stations, designated EV parking spaces, and bike parking spaces in accordance with the CALGreen Code. Additionally, the project would promote alternatives to single occupancy vehicle use as guided by the Specific Plan. As such, the project would be consistent with the goals and policies of the plans.
<u>Energy Plan:</u> Encourage public education and outreach in the community concerning energy reduction and sustainable behaviors.	<b>Not Applicable.</b> This goal is directed towards the City, and not applicable for individual development projects.
Sources: City of Dana Point, <i>Energy Efficiency and Conservation Plan</i> , December 2011; City of Dana Point, <i>Dana Point General Plan</i> , dated July 9, 1991.	

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### 5.10.5 CUMULATIVE IMPACTS

Table 4-1, *Cumulative Projects List*, identifies related projects and other cumulative development in the project area determined as having the potential to interact with the project to the extent that a significant cumulative effect may occur. The following discussions are included by topical area to determine whether a significant cumulative effect would occur.

#### ENERGY CONSUMPTION AND PLAN CONSISTENCY

- **IMPLEMENTATION OF THE PROJECT AND OTHER CUMULATIVE PROJECTS COULD RESULT IN WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES OR CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY.**

**Impact Analysis:** The geographic context for cumulative energy consumption impacts for electricity and natural gas is Countywide and relative to SDG&E’s and SoCalGas’ service areas. While the geographic context for transportation-related energy use is more difficult to define, it is meaningful to consider the project in the context of Countywide consumption. Future growth within the County is anticipated to increase the demand for electricity, natural gas, and transportation energy, as well as the



need for energy infrastructure. As stated above, the project would nominally increase the County's electricity, natural gas, and construction and operational fuel consumption by 0.01, 0.0043, 1.0677, and 0.0298 percent, respectively; refer to [Table 5.10-4](#). Additionally, per the RPS, the project and cumulative projects identified in [Table 4-1](#) would utilize electricity provided by SDG&E that would be comprised of 60 percent renewable energy by 2030 and 100 percent renewable energy by 2045. Furthermore, the project and other cumulative projects in the site vicinity would be subject to Title 24 and CALGreen standards, as well as goals and policies of the Energy Plan and General Plan. Thus, the project and related projects would comply with energy conservation plans and efficiency standards required to ensure that energy is used efficiently. As such, implementation of the project and other cumulative projects would not result in wasteful, inefficient, or unnecessary consumption of energy resources, and the project's cumulatively considerable impacts would be less than significant.

**Mitigation Measures:** No mitigation measures required.

**Level of Significance:** Less Than Significant Impact.

### **5.10.6 SIGNIFICANT UNAVOIDABLE IMPACTS**

No significant unavoidable impacts related to energy have been identified.



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## 5.11 NOISE

The purpose of this section is to evaluate noise source impacts to surrounding land uses as a result of implementation of the proposed project. This section evaluates short-term construction-related impacts, as well as future buildout conditions. Mitigation measures are also recommended to avoid or lessen the project's noise impacts. Information in this section is based on the *Dana Point General Plan* (General Plan) and the *Dana Point Municipal Code* (Municipal Code). Noise measurement and traffic noise modeling data can be found in [Appendix 11.9, \*Noise Data\*](#).

### 5.11.1 EXISTING SETTING

#### NOISE SCALES AND DEFINITIONS

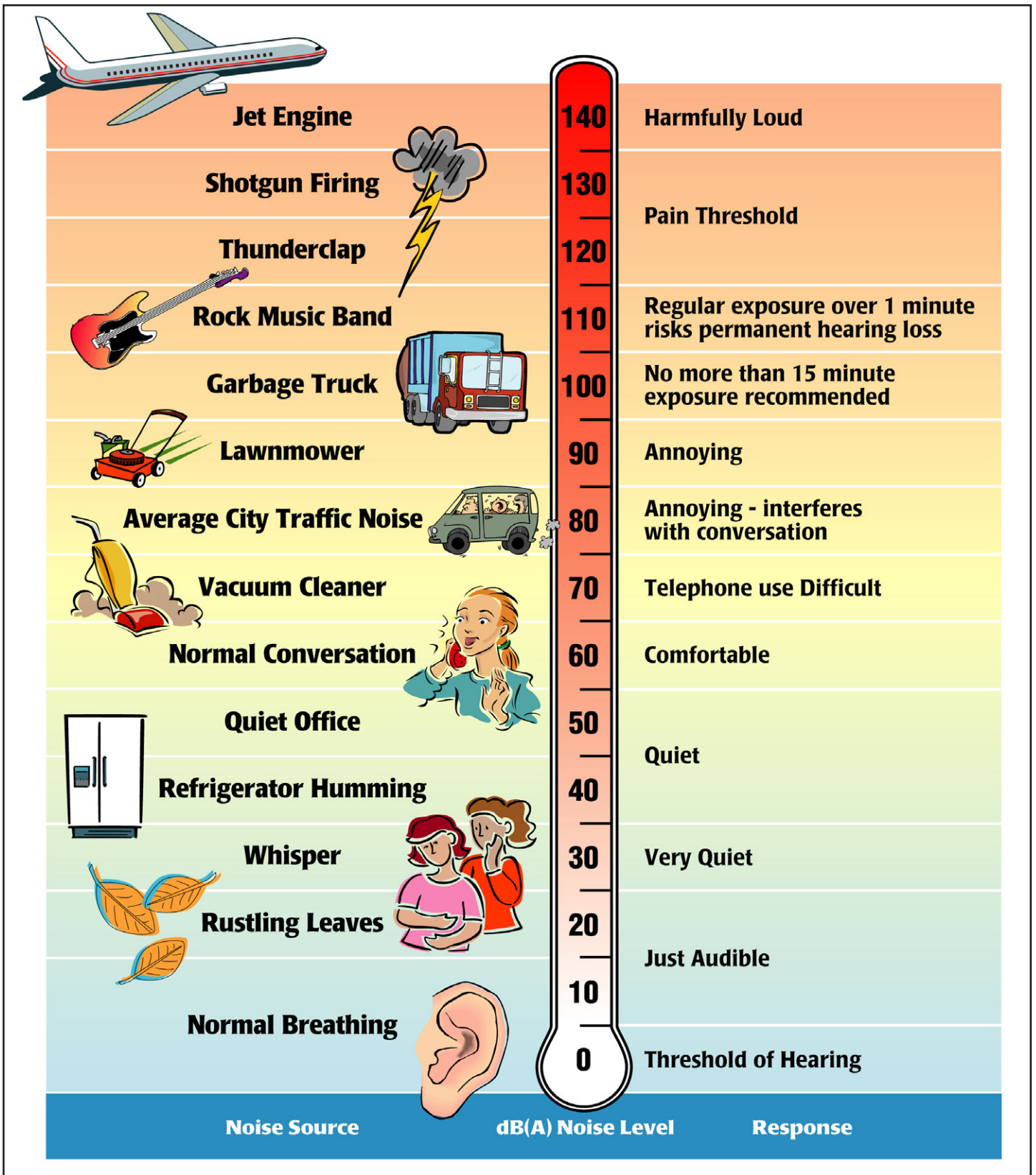
Sound is described in terms of the loudness (amplitude) of the sound and frequency (pitch) of the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Since the human ear is not equally sensitive to sound at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) performs this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Decibels are based on the logarithmic scale. The logarithmic scale compresses the wide range in sound pressure levels to a more usable range of numbers in a manner similar to the Richter scale used to measure earthquakes. In terms of human response to noise, a sound 10 dBA higher than another is judged to be twice as loud, and 20 dBA higher four times as loud, and so forth. Everyday sounds normally range from 30 dBA (very quiet) to 100 dBA (very loud). Examples of various sound levels in different environments are illustrated on [Exhibit 5.11-1, \*Common Environmental Noise Levels\*](#).

Many methods have been developed for evaluating community noise to account for, among other things:

- The variation of noise levels over time;
- The influence of periodic individual loud events; and
- The community response to changes in the community noise environment.

Numerous methods have been developed to measure sound over a period of time; refer to [Table 5.11-1, \*Noise Descriptors\*](#).



Source: Environmental Protection Agency, *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety* (EPA/ONAC 550/9-74-004), March 1974.

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## Common Environmental Noise Levels

Exhibit 5.11-1





**Table 5.11-1  
Noise Descriptors**

Term	Definition
Decibel (dB)	The unit for measuring the volume of sound equal to 10 times the logarithm (base 10) of the ratio of the pressure of a measured sound to a reference pressure (20 micro Pascals).
A-Weighted Decibel (dBA)	A sound measurement scale that adjusts the pressure of individual frequencies according to human sensitivities. The scale accounts for the fact that the region of highest sensitivity for the human ear is between 2,000 and 4,000 cycles per second (hertz).
Equivalent Sound Level ( $L_{eq}$ )	The sound level containing the same total energy as a time varying signal over a given time period. The $L_{eq}$ is the value that expresses the time averaged total energy of a fluctuating sound level.
Maximum Sound Level ( $L_{max}$ )	The highest individual sound level (dBA) occurring over a given time period.
Minimum Sound Level ( $L_{min}$ )	The lowest individual sound level (dBA) occurring over a given time period.
Community Noise Equivalent Level (CNEL)	A rating of community noise exposure to all sources of sound that differentiates between daytime, evening, and nighttime noise exposure. These adjustments are +5 dBA for the evening, 7:00 PM to 10:00 PM, and +10 dBA for the night, 10:00 PM to 7:00 AM.
Day/Night Average ( $L_{dn}$ )	The $L_{dn}$ is a measure of the 24-hour average noise level at a given location. It was adopted by the U.S. Environmental Protection Agency (EPA) for developing criteria for the evaluation of community noise exposure. It is based on a measure of the average noise level over a given time period called the $L_{eq}$ . The $L_{dn}$ is calculated by averaging the $L_{eq}$ 's for each hour of the day at a given location after penalizing the "sleeping hours" (defined as 10:00 PM to 7:00 AM) by 10 dBA to account for the increased sensitivity of people to noises that occur at night.
Exceedance Level ( $L_n$ )	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% ( $L_{01}$ , $L_{10}$ , $L_{50}$ , $L_{90}$ , respectively) of the time during the measurement period.

Source: Cyril M. Harris, *Handbook of Noise Control*, 1979.

## HEALTH EFFECTS OF NOISE

Human response to sound is highly individualized. Annoyance is the most common issue regarding community noise. However, many factors influence people's response to noise. The factors can include the character of the noise, the variability of the sound level, the presence of tones or impulses, and the time of day of the occurrence. Additionally, non-acoustical factors, such as the person's opinion of the noise source, the ability to adapt to the noise, the attitude towards the source and those associated with it, and the predictability of the noise, all influence people's response. As such, response to noise varies widely from one person to another and with any particular noise, individual responses will range from "not annoyed" to "highly annoyed".

The effects of noise are often only transitory, but adverse effects can be cumulative with prolonged or repeated exposure. The effects of noise on the community can be organized into six broad categories:

- Noise-Induced Hearing Loss;
- Interference with Communication;
- Effects of Noise on Sleep;



- Effects on Performance and Behavior;
- Extra-Auditory Health Effects; and
- Annoyance.

According to the United States Public Health Service, nearly ten million of the estimated 21 million Americans with hearing impairments owe their losses to noise exposure. Noise can mask important sounds and disrupt communication between individuals in a variety of settings. This process can cause anything from a slight irritation to a serious safety hazard, depending on the circumstance. Noise can disrupt face-to-face communication and telephone communication, and the enjoyment of music and television in the home. It can also disrupt effective communication between teachers and pupils in schools, and can cause fatigue and vocal strain in those who need to communicate in spite of the noise.

Interference with communication has proved to be one of the most important components of noise-related annoyance. Noise-induced sleep interference is one of the critical components of community annoyance. Sound level, frequency distribution, duration, repetition, and variability can make it difficult to fall asleep and may cause momentary shifts in the natural sleep pattern, or level of sleep. It can produce short-term adverse effects on mood changes and job performance, with the possibility of more serious effects on health if it continues over long periods. Noise can cause adverse effects on task performance and behavior at work, and non-occupational and social settings. These effects are the subject of some controversy, since the presence and degree of effects depends on a variety of intervening variables. Most research in this area has focused mainly on occupational settings, where noise levels must be sufficiently high and the task sufficiently complex for effects on performance to occur.

Annoyance can be viewed as the expression of negative feelings resulting from interference with activities, as well as the disruption of one's peace of mind and the enjoyment of one's environment. Field evaluations of community annoyance are useful for predicting the consequences of planned actions involving highways, airports, road traffic, railroads, or other noise sources. The consequences of noise-induced annoyance are privately held dissatisfaction, publicly expressed complaints to authorities, and potential adverse health effects, as discussed above. In a study conducted by the United States Department of Transportation, the effects of annoyance to the community were quantified. In areas where noise levels were consistently above 60 dBA CNEL, approximately nine percent of the community is highly annoyed. When levels exceed 65 dBA CNEL, that percentage rises to 15 percent. Although evidence for the various effects of noise have differing levels of certainty, it is clear that noise can affect human health. Most of the effects are, to a varying degree, stress related.

## **GROUND-BORNE VIBRATION**

Sources of ground-borne vibrations include natural phenomena (earthquakes, volcanic eruptions, sea waves, landslides, etc.) or man-made causes (explosions, machinery, traffic, trains, construction equipment, etc.). Vibration sources may be continuous (e.g., factory machinery) or transient (e.g., explosions).

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One is the peak particle



velocity (PPV); another is the root mean square (RMS) velocity. The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. The RMS velocity is defined as the average of the squared amplitude of the signal. PPV is typically used for evaluating potential building damage, whereas PPV and RMS vibration velocity amplitudes are used to evaluate human response to vibration. Typically, ground-borne vibration, generated by man-made activities, attenuates rapidly with distance from the source of vibration. Man-made vibration issues are therefore usually confined to short distances (i.e., 500 feet or less) from the source. Both construction and operation of development projects can generate ground-borne vibration.

Table 5.11-2, *Human Reaction and Damage to Buildings from Continuous Vibration Levels*, displays the reactions of people and the effects on buildings produced by continuous vibration levels. The annoyance levels shown in Table 5.11-2 should be interpreted with care since vibration may be found to be annoying at much lower levels than those listed, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage. In high noise environments, which are more prevalent where groundborne vibration approaches perceptible levels, this rattling phenomenon may also be produced by loud airborne environmental noise causing induced vibration in exterior doors and windows.

**Table 5.11-2  
Human Reaction and Damage to Buildings from Continuous Vibration Levels**

Peak Particle Velocity (inch/second)	Human Reaction	Effect on Buildings
0.006–0.019	Range of threshold of perception	Vibrations unlikely to cause damage of any type
0.08	Vibrations readily perceptible	Recommended upper level to which ruins and ancient monuments should be subjected
0.1	Level at which continuous vibrations may begin to annoy people, particularly those involved in vibration sensitive activities	Virtually no risk of architectural damage to normal buildings
0.2	Vibrations may begin to annoy people in buildings	Threshold at which there is a risk of architectural damage to normal dwellings <sup>1</sup>
0.4–0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Architectural damage and possibly minor structural damage
Note: 1. Historic and some old buildings have a threshold of 0.25 PPV (in/sec).		
Source: California Department of Transportation, Transportation and Construction Vibration Guidance Manual, Table 20, April 2020.		

## SENSITIVE RECEPTORS

Human response to noise varies widely depending on the type of noise, time of day, and sensitivity of the receptor. The effects of noise on humans can range from temporary or permanent hearing loss to mild stress and annoyance due to such things as speech interference and sleep deprivation. Prolonged stress, regardless of the cause, is known to contribute to a variety of health disorders. Noise, or the

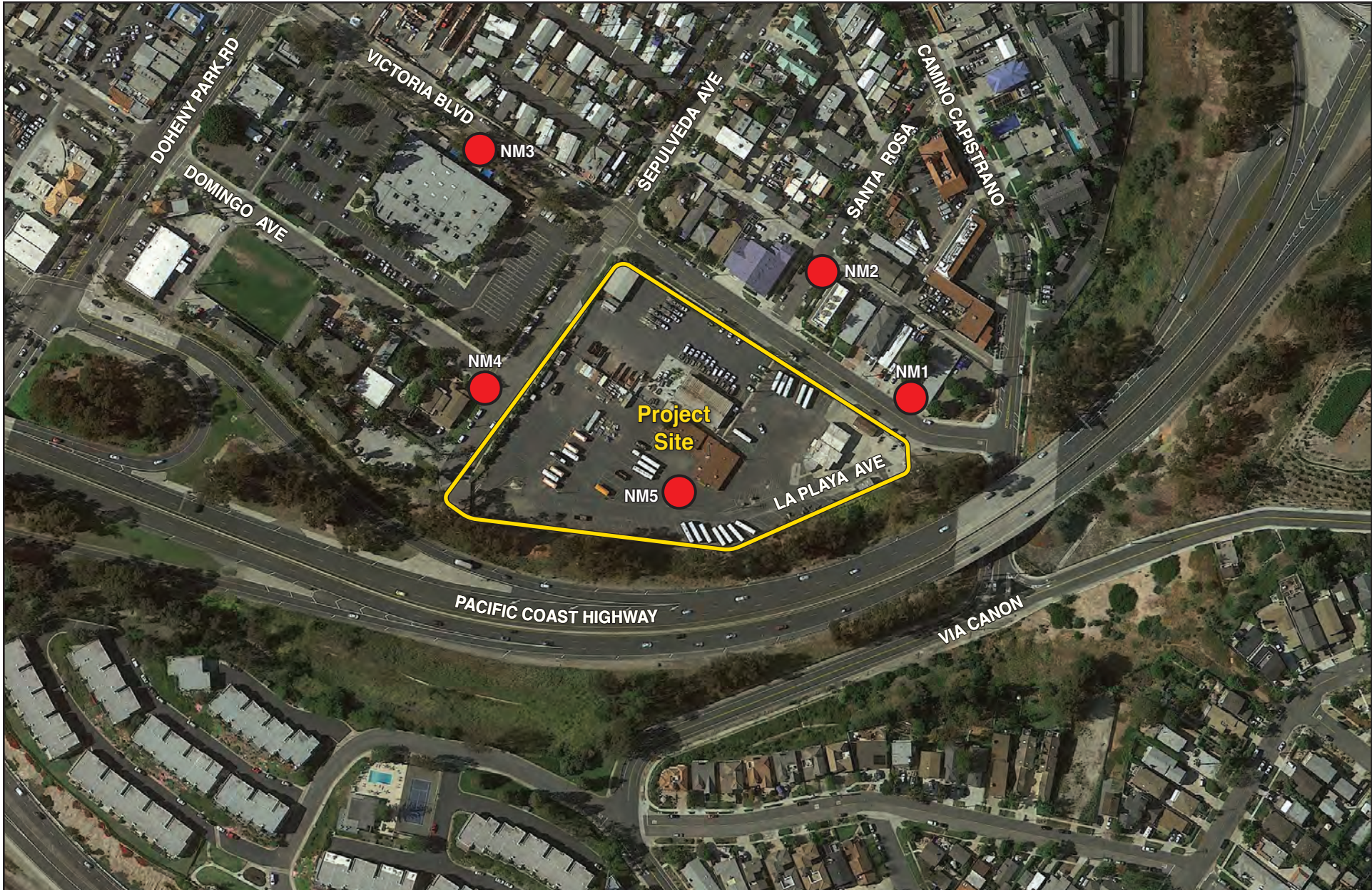


lack thereof, is a factor in the aesthetic perception of some settings, particularly those with religious or cultural significance. Certain land uses are particularly sensitive to noise, including schools, hospitals, rest homes, long-term medical and mental care facilities, and parks and recreation areas. Residential areas are also considered noise sensitive, especially during the nighttime hours. The site vicinity is predominantly composed of commercial and residential uses. The following receptors were identified as sensitive receptors in vicinity of the project site:

- The nearest residential uses (i.e., single- and multi-family) are located approximately 70 feet to the north of the project site.
- The closest childcare center is Nobis Preschool, located approximately 70 feet to the north on Victoria Boulevard.
- The closest school is San Clemente Christian School, located approximately 70 feet to the west on Sepulveda Avenue.
- The nearest institutional uses are San Felipe de Jesus Catholic Church and Capo Beach Church, located approximately 70 feet to the west on Sepulveda Avenue.
- The closest assisted living facility is The Fountains At Sea Bluffs, located approximately 0.65-mile to the west on Sea Bluffs Drive.
- The closest hospital is the Pacific Hills Treatment Center, located approximately 265 feet to the north on Via Santa Rosa.
- The closest park is the Del Obispo Community Park, located approximately 0.44-mile to the west on Del Obispo Street.

## **AMBIENT NOISE MEASUREMENTS**

In order to quantify existing ambient noise levels in the project area, Michael Baker International conducted noise measurements on November 7, 2019; refer to [Exhibit 5.11-2, \*Noise Measurement Locations\*](#), and [Table 5.11-3, \*Noise Measurements\*](#). The noise measurement sites were representative of typical existing noise exposure within and immediately adjacent to the project site. Short-term measurements were taken at each site between 9:30 a.m. and 11:00 a.m. Meteorological conditions were clear skies, warm temperatures, with light wind speeds (approximately 0 to 5 miles per hour), and low humidity.



Source: Google Earth Pro, 2020

Project Site

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## Noise Measurement Locations

Exhibit 5.11-2



**Table 5.11-3  
Noise Measurements**

Measurement Location Number	Location	L <sub>eq</sub> (dBA)	L <sub>min</sub> (dBA)	L <sub>max</sub> (dBA)	Peak (dBA)	Time
1	Along the sidewalk adjacent to the Nobis Preschool.	62.2	54.5	73.4	96.2	9:36 a.m.
2	On the sidewalk adjacent to the apartment complex along Via Santa Rosa.	55.1	50.3	71.4	90.4	9:49 a.m.
3	In a dirt path adjacent to Capo Beach Church, along Victoria Boulevard	61.9	49.8	78.0	96.3	10:07 a.m.
4	At the northwest corner of Domingo and Sepulveda Avenue.	60.1	47.3	78.6	100.0	10:23 a.m.
5	In the CUSD bus yard on the southern side of the project site.	60.1	53.7	69.4	89.0	10:47 a.m.
Notes: dBA = A-weighted decibels; L <sub>eq</sub> = Equivalent Sound Level; L <sub>min</sub> = Minimum Sound Level; L <sub>max</sub> = Maximum Sound Level						
Source: Michael Baker International, Victoria Boulevard Apartments – Existing Noise Technical Memorandum, May 14, 2020.						

## MOBILE SOURCES

In order to assess the potential for mobile source noise impacts, it is necessary to determine the noise currently generated by vehicles traveling through the project area. Existing roadway noise levels in the vicinity of the project site were projected utilizing noise models in accordance with the Federal Highway Administration’s Highway Noise Prediction Model (FHWA RD-77-108) together with several roadway and site parameters. These parameters determine the projected impact of vehicular traffic noise and include the roadway cross-section (such as the number of lanes), roadway width, average daily traffic (ADT), vehicle travel speed, percentages of auto and truck traffic, roadway grade, angle-of-view, and site conditions (“hard” or “soft”). The model does not account for ambient noise from existing adjacent uses (i.e., church, school, homes, traffic, etc.) or topographical differences between the roadway and adjacent land uses; noise projections are based on modeled vehicular traffic from the *Victoria Boulevard Apartments Traffic Impact Analysis* (Traffic Impact Analysis), prepared by Ganddini Group, Inc. on April 28, 2022.

A 30- to 65-mile per hour (mph) average vehicle speed was assumed for existing conditions based on empirical observations and posted maximum speeds along the adjacent roadways. Existing modeled traffic noise levels are detailed in Table 5.11-4, Existing Traffic Noise Levels. As shown in Table 5.11-4, noise within the area from mobile noise ranges from 37.9 dBA to 68.5 dBA at 100 feet from roadway centerline.



Table 5.11-4  
Existing Traffic Noise Levels

Roadway Segment	Existing Conditions				
	ADT	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)		
60 CNEL Noise Contour			65 CNEL Noise Contour	70 CNEL Noise Contour	
<b>Del Obispo Street</b>					
South of Pacific Coast Highway (PCH)	15,000	62.1	139	64	-
PCH to Stonehill Drive	16,000	62.4	145	67	-
<b>Stonehill Drive</b>					
Del Obispo Street to Doheny Park Road	33,000	65.5	231	107	50
<b>Pacific Coast Highway</b>					
West of Del Obispo Street	37,000	68.5	366	170	79
Del Obispo Street to Camino Las Ramblas	39,200	68.4	366	170	79
South of Doheny Park Road	14,000	64.0	186	86	-
<b>Doheny Park Road</b>					
North of PCH	9,800	59.0	85	-	-
Camino Las Ramblas to Las Vegas Ave	16,100	61.1	119	55	-
Las Vegas Avenue to Domingo Avenue	18,700	61.8	131	61	-
Domingo Avenue to Victoria Boulevard	18,200	61.6	129	60	-
Victoria Boulevard to Camino Capistrano	17,200	61.4	124	58	-
Camino Capistrano to Stonehill Drive	21,000	62.3	142	66	-
North of Stonehill Drive	24,000	62.8	155	72	-
<b>Las Vegas Avenue</b>					
Cul de sac to Doheny Park Road	700	46.3	-	-	-
Doheny Park Road to Camino Las Ramblas	8,800	57.3	66	-	-
<b>Domingo Avenue</b>					
Cul de sac to Doheny Park Road	600	45.7	-	-	-
Doheny Park Road to Sepulveda Avenue	800	46.9	-	-	-
<b>Victoria Boulevard</b>					
Cul de sac to Doheny Park Road	2,700	52.2	-	-	-
Doheny Park Road to Sepulveda Avenue	3,700	53.6	37	-	-
Sepulveda Avenue to Camino Capistrano	2,500	51.8	-	-	-
<b>Sepulveda Avenue</b>					
Cul de sac to Domingo Avenue	100	37.9	-	-	-
Domingo Avenue to Victoria Boulevard	400	43.9	-	-	-
Victoria Boulevard to Camino Capistrano	1,100	48.3	-	-	-
<b>Camino Capistrano</b>					
Sepulveda Avenue to Victoria Boulevard	2,900	52.5	-	-	-
Camino Las Ramblas to Via Canon	4,400	54.3	42	-	-
<b>Camino Las Ramblas</b>					
Camino Capistrano to Interstate 5 on/off ramp	38,000	67.6	322	149	69
<b>Via Canon</b>					
North of Camino Capistrano	1,500	50.6	-	-	-
South of Camino Capistrano	3,000	53.6	38	-	-
Notes: ADT = average daily traffic; dBA = A-weighted decibels; CNEL = Community Noise Equivalent Level, - = contour is located within the roadway right-of-way.					
Source: Michael Baker International, <i>Victoria Boulevard Apartments – Existing Noise Technical Memorandum</i> , May 14, 2020; refer to Appendix 11.9.					



## STATIONARY NOISE SOURCES

The project area consists of residential, commercial, religious, and retail uses. The primary sources of stationary noise in the project vicinity are urban-related activities (e.g., mechanical equipment, parking areas, and pedestrians). The noise associated with these sources may represent a single-event or a continuous occurrence.

### 5.11.2 REGULATORY SETTING

#### FEDERAL LEVEL

##### U.S. Environmental Protection Agency

The U.S. Environmental Protection Agency (EPA) offers guidelines for community noise exposure in the publication *Noise Effects Handbook – A Desk Reference to Health and Welfare Effects of Noise*. These guidelines consider occupational noise exposure as well as noise exposure in homes. The EPA recognizes an exterior noise level of 55 decibels day-night level (dB L<sub>dn</sub>) as a general goal to protect the public from hearing loss, activity interference, sleep disturbance, and annoyance. The EPA and other Federal agencies have adopted suggested land use compatibility guidelines that indicate that residential noise exposures of 55 to 65 dB L<sub>dn</sub> are acceptable. However, the EPA notes that these levels are not regulatory goals, but are levels defined by a negotiated scientific consensus, without concern for economic and technological feasibility or the needs and desires of any particular community.

#### STATE LEVEL

##### California Environmental Quality Act

The State Office of Planning and Research (OPR) *Noise Element Guidelines* include recommended exterior and interior noise level standards for local jurisdictions to identify and prevent the creation of incompatible land uses due to noise. The *Noise Element Guidelines* contain a land use compatibility table that describes the compatibility of various land uses with a range of environmental noise levels in terms of the CNEL. Table 5.11-5, *Land Use Compatibility for Community Noise Environments*, presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution.





**Table 5.11-5  
Land Use Compatibility for Community Noise Environments**

Land Use Category	Community Noise Exposure (CNEL)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential-Low Density, Single-Family, Duplex, Mobile Homes	50 – 60	55 - 70	70 – 75	75 – 85
Residential – Multiple Family	50 – 65	60 – 70	70 – 75	70 – 85
Transient Lodging – Motel, Hotels	50 – 65	60 – 70	70 – 80	80 – 85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50 – 70	60 – 70	70 – 80	80 – 85
Auditoriums, Concert Halls, Amphitheaters	NA	50 – 70	NA	65 – 85
Sports Arenas, Outdoor Spectator Sports	NA	50 – 75	NA	70 – 85
Playgrounds, Neighborhood Parks	50 – 70	NA	67.5 – 77.5	72.5 – 85
Golf Courses, Riding Stables, Water Recreation, Cemeteries	50 – 70	NA	70 – 80	80 – 85
Office Buildings, Business Commercial and Professional	50 – 70	67.5 – 77.5	75 – 85	NA
Industrial, Manufacturing, Utilities, Agriculture	50 – 75	70 – 80	75 – 85	NA
Notes: CNEL = community noise equivalent level; NA = not applicable <b>NORMALLY ACCEPTABLE:</b> Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. <b>CONDITIONALLY ACCEPTABLE:</b> New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features have been included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice. <b>NORMALLY UNACCEPTABLE:</b> New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise-insulation features must be included in the design. <b>CLEARLY UNACCEPTABLE:</b> New construction or development should generally not be undertaken. Source: Office of Planning and Research, California, <i>General Plan Guidelines</i> , July 2017.				

As depicted in [Table 5.11-5](#), the range of noise exposure levels overlap between the normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable categories. OPR’s *State General Plan Guidelines* note that noise planning policy needs to be rather flexible and dynamic to reflect not only technological advances in noise control, but also economic constraints governing application of noise-control technology and anticipated regional growth and demands of the community. In project specific analyses, each community must decide the level of noise exposure its residents are willing to tolerate within a limited range of values below the known levels of health impairment. Therefore, the City may use their discretion to determine which noise levels are considered acceptable or unacceptable, based on land use, project location, and other project factors.

## LOCAL LEVEL

### City of Dana Point General Plan

The Noise Element of the *Dana Point General Plan* (General Plan) adopted standards for noise compatibility for land uses. The guidelines categorize the land uses in terms of community noise exposure; refer to [Table 5.11-6](#), *Noise/Land Use Compatibility Matrix*. The guidelines are intended to be used as one of the many factors used in the land use planning process. In addition, interior and exterior noise standards are depicted in [Table 5.11-7](#), *General Plan Interior and Exterior Noise Standards*.



Table 5.11-6  
Noise/Land Use Compatibility Matrix

Land Use Categories		Community Noise Exposure (CNEL)						
Designations	Uses	<55	55-60	60-65	65-70	70-75	75-80	>80
RESIDENTIAL (ALL EXCEPT MOBILE HOME)	Single Family, Duplex, Multiple Family	A	A	B	B	C	D	D
RESIDENTIAL	Mobile Home	A	A	B	C	C	D	D
VISITOR/RECREATION COMMERCIAL	Hotel, Motel, Transient Lodging	A	A	B	B	C	C	D
NEIGHBORHOOD COMMERCIAL, COMMUNITY COMMERCIAL	Commercial Retail, Bank, Restaurant, Movie Theater	A	A	A	A	B	B	C
PROFESSIONAL/ ADMINISTRATIVE, INDUSTRIAL/ BUSINESS PARK	Office Building, Research and Development, Professional Offices, City Office Building	A	A	A	B	B	C	D
COMMUNITY FACILITY	Amphitheater, Concert Hall Auditorium, Meeting Hall	B	B	C	C	D	D	D
VISITOR/RECREATION COMMERCIAL, COMMUNITY COMMERCIAL	Children's Amusement Park, Miniature Golf Course, Co-cart Track; Equestrian Center, Sports Club	A	A	A	B	B	D	D
COMMUNITY COMMERCIAL, INDUSTRIAL/BUSINESS PARK, COMMUNITY FACILITY	Automobile Service Station, Auto Dealership, Manufacturing, Warehousing, Wholesale, Utilities	A	A	A	A	B	B	B
COMMUNITY FACILITY	Hospital, Church, Library, Schools' Classroom	A	A	B	C	C	D	D
RECREATION/OPEN SPACE	Parks	A	A	A	B	C	D	D
RECREATION/OPEN SPACE	Golf Course, Cemeteries, Nature Centers, Wildlife Reserves/ Habitat	A	A	A	A	B	C	C
RECREATION/OPEN SPACE	Agriculture	A	A	A	A	A	A	A
Notes:								
<u>ZONE A – CLEARLY COMPATIBLE:</u> Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.								
<u>ZONE B – NORMALLY COMPATIBLE:</u> New construction or development should be undertaken only after detailed analysis of the noise reduction requirements are made and needed noise insulation features in the design are determined. Conventional construction, with closed windows and fresh air supply systems or air conditioning, will normally suffice.								
<u>ZONE C - NORMALLY INCOMPATIBLE:</u> New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of noise reduction requirements must be made and needed noise insulation features included in the design.								
<u>ZONE D - CLEARLY INCOMPATIBLE:</u> New construction or development should generally not be undertaken.								
Source: City of Dana Point, <i>City of Dana Point General Plan</i> , July 9, 1991.								



**Table 5.11-7  
General Plan Interior and Exterior Noise Standards**

Land Use Category		Community Noise Exposure (CNEL)	
Designations	Uses	Interior <sup>1</sup>	Exterior <sup>2</sup>
Residential (All)	Single Family Duplex, Multiple Family	45 <sup>3</sup>	65
	Mobile Home	-	65 <sup>4</sup>
Neighborhood Commercial,	Hotel, Motel, Transient Lodging	45	-
Community Commercial,	Commercial Retail, Bank, Restaurant	55	-
Visitor/Recreation	Office Building, Research and Development,	50	-
Commercial,	Professional Offices, City Office Building		
Commercial/Residential,	Amphitheater, Concert Hall, Auditorium, Meeting Hall	45	-
Professional/Administrative,	Gymnasium (Multipurpose)	50	-
Industrial/Business Park,	Sports Club	55	-
Open Space, Harbor	Manufacturing, Warehousing, Wholesale, Utilities	65	-
Marine Land	Movie Theaters	45	-
Community Facility	Hospital, Schools classroom	45	65
	Church, Library	45	-
Open Space	Parks	-	65
Notes: CNEL: Community Noise Equivalent Level			
1. Indoor environment including: Bathrooms, toilets, closet, corridors			
2. Outdoor environmental limited to: Private yard of single family, multi-family private patio or balcony which is served by a means of exit from inside the dwelling, balconies 6 feet deep or less are exempt, mobile home park, park's picnic area, schools' playground.			
3. Noise level requirement with closed windows. Mechanical ventilating system or other means of natural ventilation shall be provided as of Chapter 12, Section 1205 of State of California Uniform Building Code (UBC).			
4. Exterior noise levels should be such that interior noise levels will not exceed 45 CNEL.			
Source: City of Dana Point, <i>City of Dana Point General Plan</i> , July 9, 1991.			

Noise and land use incompatibilities can be avoided for new developments when noise is properly considered in the planning, design, and permitting of a project. The City desires to prevent future land use and noise conflicts through the planning and approval process. The following General Plan goals, policies, and strategies are applicable to the proposed project:

**NOISE ELEMENT**

Goal 2: Incorporate noise considerations into land use planning decisions.

- Policy 2.1: Establish acceptable limits of noise for various land uses throughout the community, in accordance with Table N-2 ([Table 5.11-6](#)).
- Policy 2.2: Ensure acceptable noise levels near schools, hospitals, convalescent homes, and other noise sensitive areas, in accordance with Table N-1 ([Table 5.11-7](#)).
- Policy 2.3: Establish standards for all types of noise not already governed by local ordinances or preempted by State or Federal Law.
- Policy 2.4: Require noise reduction techniques in site and architectural design and construction where noise reduction is necessary.
- Policy 2.5: Discourage locating noise sensitive land uses in noisy environments.



**Strategy 5:** Enforce standards that specify acceptable limit of noise for various land uses throughout the City. Table N-1 ([Table 5.11-6](#)) shows criteria used to assess the compatibility of proposed land uses with the noise environment. These criteria are the bases of specific Noise Standards. These standards, presented in Table N-2 ([Table 5.11-7](#)), define City policy related to land uses and acceptable noise levels.

**Strategy 6:** Incorporation of noise reduction features during site planning to mitigate anticipated noise impacts on affected noise sensitive land uses. New development will be permitted only if appropriate mitigation measures are included such that the standards contained in the Noise Element are met.

**Strategy 7:** Enforce the provisions of the State of California Uniform Building Code (UBC) which specifies that the indoor noise levels for multi-family residential living spaces not exceed 45 dB CNEL due to the combined effect of all noise sources. The State requires implementation of this standard when the outdoor noise levels exceed 60 dB CNEL. The Noise Referral Zones (60 dB CNEL) can be used to determine when this standard needs to be addressed. The Uniform Building Code (specifically, the California Administrative Code, Title 24, Part 6, Division T25, Chapter 1, Subchapter 1, Article 4, Sections T25-28) requires that “Interior community noise levels (CNEL/L<sub>DN</sub>) with windows closed, attributable to exterior sources shall not exceed an annual CNEL or L<sub>DN</sub> of 45 dB in any habitable room”. The code requires that this standard be applied to all new hotels, motels, apartment houses and dwellings other than detached single-family dwellings. The City will also, as a matter of policy, apply this standard to single family dwellings.

## Dana Point Municipal Code

### SECTION 11.10, NOISE CONTROL

The City’s standards for governing environmental noise are set forth in Chapter 11.10, *Noise Control* of the Municipal Code. The City has also adopted community noise standards within Chapter 11.10 of the Municipal Code in order to limit unnecessary, excessive, and annoying noise in the City; refer to [Table 5.11-8, \*Municipal Code Interior and Exterior Noise Standards\*](#).

**Table 5.11-8  
Municipal Code Interior and Exterior Noise Standards**

Noise Zone <sup>1</sup>	Interior Noise Level (dBA) <sup>2</sup>		Exterior Noise Level (dBA) <sup>3</sup>	
	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
1	55	45	55	50

Notes: dBA = A-weighted decibel

1. The entire City is designated as “Noise Zone 1.”
2. For a cumulative period of time within an hour, it is unlawful for any person at any location within the City to create any noise, when measured on any residential property, to exceed the interior noise standard:
  - for more than 5 minutes;
  - plus 5 dB(A) for more than 1 minutes;
  - plus 10 dB(A) for any period of time.
3. For a cumulative period of time within an hour, it is unlawful for any person at any location within the City to create any noise, when measured on any residential property, to exceed the exterior noise standard:
  - for more than 30 minutes;
  - plus 5 dB(A) for more than 15 minutes;
  - plus 10 dB(A) for more than 5 minutes;
  - plus 15 dB(A) for more than 1 minute; or
  - plus 20 dB(A) for any period of time.

Source: City of Dana Point, *Dana Point Municipal Code*, Chapter 11.10, Noise Control.



## SECTION 11.10.014, SPECIAL PROVISIONS

Section 11.10.014, *Special Provisions*, of the Municipal Code specifies the following exemptions from the noise standard, including construction-related noise:

*The following activities shall be exempted from the provisions of this Chapter:*

- (a) *Activities conducted on the grounds of any public or private nursery, elementary, intermediate or secondary school or college;*
- (b) *Outdoor gatherings, public dances and shows; provided said events are conducted pursuant to a license or permit duly issued by the City;*
- (c) *Activities conducted on any park or playground, provided such park or playground is owned and operated by a public entity;*
- (d) *Any mechanical device, apparatus or equipment used, related to or connected with emergency machinery, vehicle or work;*
- (e) *Noise sources associated with construction, repair, remodeling, or grading of any real property, provided said activities do not take place between the hours of 8:00 p.m. and 7:00 a.m. on weekdays, including Saturday, or at any time on Sunday or a Federal holiday, with the exception of work on Pacific Coast Highway between the San Juan Creek Bridge and Crystal Lantern which is defined in Subsection (k) of this Section;*
- (k) *Noise sources associated with the construction, street repairs, utility work, striping work, signal work, maintenance work including, but not limited to, landscape and tree maintenance, and any other noise generating activity related to construction or maintenance of Pacific Coast Highway between the San Juan Creek Bridge and Crystal Lantern, at any time. (Added by Ord. 92-11, 11/24/92; amended by Ord. 06-06, 8/23/06)*

Section 11.10.016 (Schools, Hospitals and Churches – Special Provisions) of the Municipal Code states the following:

*It is unlawful for any person to create any noise which causes the noise level at any school, hospital or church while the same is in use to exceed the noise limits as specified in Section 11.10.010 prescribed for the assigned noise zone in which the school, hospital or church is located, or which noise level unreasonably interferes with the use of such institutions or which unreasonably disturbs or annoys patients in the hospital, provided conspicuous signs are displayed in three (3) separate locations within one-tenth (1/10) of a mile of the institution indicating the presence of a school, church or hospital.*

## 5.11.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

CEQA Guidelines Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:



- a) Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (refer to Impact Statements NOI-1 and NOI-3);
- b) Generate excessive groundborne vibration or groundborne noise levels (refer to Impact Statement NOI-2); and/or
- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels (refer to Section 8.0, *Effects Found Not To Be Significant*).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

## **NOISE IMPACT CRITERIA**

### **Significance of Changes in Traffic Noise Levels**

An off-site traffic noise impact typically occurs when there is a discernable increase in traffic and the resulting noise level exceeds an established noise standard. In community noise considerations, changes in noise levels greater than 3 dB are often identified as substantial, while changes less than 1 dB will not be discernible to local residents. A 5-dB change is generally recognized as a clearly discernable difference.

As traffic noise levels at sensitive uses likely approach or exceed the City’s 60 dBA CNEL clearly compatible standard, a 3.0 dB increase as a result of the project is used as the increase threshold for the project. Thus, the project would result in a significant noise impact if a permanent increase in ambient noise levels of 3.0 dB occurs upon project implementation and the resulting noise level exceeds the applicable exterior standard at a noise sensitive use.

### **Significance of Changes in Cumulative Traffic Noise Levels**

The project’s contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds the perception level (i.e., auditory level increase) threshold. The combined effect compares the “cumulative with project” condition to the “existing” conditions. This comparison accounts for the traffic noise increase from the project generated in combination with traffic generated by projects in the cumulative projects list. The following criteria have been utilized to evaluate the combined effect of the cumulative noise increase.



- *Combined Effects:* The cumulative with project noise level (“Future With Project”) would cause a significant cumulative impact if a 3 dBA increase over existing conditions occurs and the resulting noise level exceeds the applicable exterior standard at a sensitive use.<sup>1</sup>

Although there may be a significant noise increase due to the proposed project in combination with other related projects (combined effects), it must also be demonstrated that the project has an incremental effect. In other words, a significant portion of the noise increase must be due to the proposed project. The following criteria have been utilized to evaluate the incremental effect of the cumulative noise increase.

- *Incremental Effects:* The “Future With Project” causes a 1 dBA increase in noise over the “Future Without Project” noise level.

A significant impact would result only if both the combined and incremental effects criteria have been exceeded and the resulting noise level exceeds the applicable exterior standard at a noise sensitive use.

## 5.11.4 IMPACTS AND MITIGATION MEASURES

### SHORT-TERM CONSTRUCTION NOISE IMPACTS

#### NOI-1 CONSTRUCTION-RELATED ACTIVITIES WITHIN THE PROJECT AREA COULD RESULT IN TEMPORARY NOISE IMPACTS TO NEARBY NOISE SENSITIVE RECEIVERS.

**Impact Analysis:** The proposed project involves demolishing the six existing Capistrano Unified School District (CUSD) structures and related improvements such as the fencing and parking lot, and developing a three- to five-story 349-unit apartment complex with an attached six-story (seven levels) parking structure and associated amenities. Construction of the project would involve: one and half months of demolition, two months of grading, one and half months of paving, 28 months of building construction, and three months of painting. Several of these construction activities would overlap in timing. The total development would take approximately 31 months in total under a single phase (i.e., occur in one setting).

Construction activities would generate perceptible noise levels during the demolition, grading, paving, building construction, and architectural coating activities. High groundborne noise levels and other miscellaneous noise levels can be created by the operation of heavy-duty trucks, backhoes, bulldozers, excavators, front-end loaders, scrapers, and other heavy-duty construction equipment. Table 5.11-9, *Maximum Noise Levels Generated by Construction Equipment*, indicates the anticipated noise levels of construction equipment. The average noise levels presented in Table 5.11-9 are based on the quantity, type, and Acoustical Use Factor for each type of equipment that is anticipated to be used.

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<sup>1</sup> As shown in Table 5.11-6, the City of Dana Point considers 60 dBA CNEL clearly compatible for sensitive uses. Therefore, this analysis utilizes 60 dBA CNEL as the sensitive use exterior standards for cumulative traffic noise impacts.



**Table 5.11-9  
Maximum Noise Levels Generated by Construction Equipment**

Equipment Type	Actual L <sub>max</sub> at 50 Feet (dBA)	Actual L <sub>max</sub> at 70 Feet (dBA)
Backhoe	78	75
Bulldozer	82	79
Compactor	82	79
Compressor	78	75
Concrete Mixer	79	76
Concrete Pump	81	78
Crane, Mobile	81	78
Dump Truck	76	73
Excavator	81	78
Generator	81	78
Grader	85	82
Loader	79	76
Paver	77	74
Pump	81	78
Roller	80	77
Tractor	84	81
Flatbed Truck	74	71
Welder	74	71

Source: Federal Highway Administration, 2006.

Construction activities would require approximately 40,100 cubic yards of cut and 20,515 cubic yards of fill, resulting in 19,585 cubic yards of soil export. The primary construction equipment noise sources used during construction would be during earthwork activities (use of graders, rollers, loaders, and scrapers), and building construction (use of graders, rollers, loaders, and scrapers). Graders typically generate the highest noise levels, emitting approximately 85 dBA at a distance of 50 feet. Point sources of noise emissions are atmospherically attenuated by a factor of 6 dBA per doubling of distance. This assumes a clear line-of-sight and no other machinery or equipment noise that would mask project construction noise. The shielding of buildings and other barriers that interrupt line-of-sight conditions further reduce noise levels from point sources.

Construction noise impacts generally happen when construction activities occur in areas immediately adjoining noise sensitive land uses, during noise sensitive times of the day, or when construction durations last over extended periods of time. The closest sensitive receptors are residential and institutional uses located approximately 70 feet to the north and west of the project site. As indicated in [Table 5.11-9](#), typical construction noise levels would range from approximately 71 to 82 dBA at this distance. These noise levels could intermittently occur for a few days when construction equipment is operating closest to these uses. The remainder of the time, the construction noise levels would be much less because the equipment would be working further away from the existing sensitive uses.

Noise levels presented in [Table 5.11-9](#) are conservative, as these noise levels assume the simultaneous operation of all heavy construction equipment (e.g., concrete saws, excavators, and dozers) at the same precise location. In reality, construction equipment would be used throughout the project site and would not be concentrated at the point closest to the sensitive receptors. It is noted that the grading phase (the loudest construction phase) would occur for approximately two months (refer to [Appendix](#)





11.8, *Air Quality/Greenhouse Gas Emissions/Energy Data*) and thus, the associated noise impacts would be temporary. It should be acknowledge that pursuant to Municipal Code Section 11.10.014, *Special Provisions*, noise associated with construction activities are exempt from other provisions of the Municipal Code (including the City's interior and exterior noise standards as provided in Municipal Code Chapter 11.10, *Noise Control*; refer to Table 5.11-8 above) provided that construction would be prohibited between the hours of 8:00 p.m. and 7:00 a.m. Monday through Saturday, and/or any time on Sunday or a Federal holiday. The project would be required to comply with these allowable hours for construction. Thus, noise associated with the proposed project construction would be exempt from the City's interior and exterior noise standards. Notwithstanding the following construction noise considerations are made.

Although project construction noise would be exempt from the City's interior and exterior noise standards provided that construction would occur only during the City's allowable construction hours, and is considered a typical part of urban life, the project could expose the closest sensitive receptors (i.e., residential and institutional uses) to temporary high noise levels ranging from 71 to 82 dBA during construction activities. In order to further reduce construction noise levels during project construction, the project would implement the City's standard condition of approval in regard to construction noise. Implementation of this standard conditions of approval would require all construction equipment to be equipped with properly operating and maintained mufflers (which would result in a sound reduction of 5 dBA), the use of temporary walls or noise barriers at the discretion of the Director of Public Works to block and deflect noise (which would result in a sound reduction of up to 20 dBA), locate stationary construction equipment so that emitted noise is directed away from the nearest noise sensitive receptors, locate equipment staging in areas furthest away from sensitive receptors, and limit haul truck deliveries to the same hours specified for construction equipment (between the hours of 7:00 a.m. to 8:00 p.m. Monday through Saturday). Project compliance with this standard condition of approval would further reduce temporary construction noise at the closest sensitive receptors, and short-term construction noise impacts would be considered less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **VIBRATION IMPACTS**

### **NOI-2 PROJECT IMPLEMENTATION COULD RESULT IN ADVERSE VIBRATION IMPACTS TO NEARBY SENSITIVE RECEPTORS AND STRUCTURES.**

**Impact Analysis:** Project operations would not generate substantial levels of vibration due to the lack of vibration-generating sources associated with the multi-family residential development, and therefore, is not analyzed below. Conversely, project construction would have the potential to result in varying degrees of temporary groundborne vibration, depending on the specific construction equipment used and the operations involved. Vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effect on buildings located in the vicinity of the construction site often varies depending on soil type, ground strata, and construction characteristics of the receiver building(s). The results from vibration can range from no



perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage at the highest levels. Groundborne vibrations from construction activities rarely reach levels that damage structures.

Construction vibration impacts include human annoyance and building damage. Human annoyance occurs when construction vibration rises significantly above the threshold of human perception for extended periods of time. Building damage can be cosmetic or structural. Ordinary buildings that are not particularly fragile would not experience any cosmetic damage (e.g., plaster cracks) at distances beyond 30 feet. This distance can vary substantially depending on the soil composition and underground geological layer between vibration source and receiver. In addition, not all buildings respond similarly to vibration generated by construction equipment.

As shown in Table 5.11-2, the California Department of Transportation (Caltrans) has published reactions of people and the effects on buildings produced by continuous vibration levels. Based on Table 5.11-2, there is a risk of architectural damage to normal dwellings at 0.2 inch/second PPV. Further, Table 5.11-2 notes that vibrations may begin to annoy people at 0.2 inch/second PPV. Thus, for the purposes of this analysis, 0.2 inch/second PPV is utilized for the human annoyance and building damage groundborne vibration threshold. The typical vibration produced by construction equipment is illustrated in Table 5.11-10, *Typical Vibration Levels for Construction Equipment*.

**Table 5.11-10  
Typical Vibration Levels for Construction Equipment**

Equipment	Approximate peak particle velocity at 25 feet (inch/second)	Approximate peak particle velocity at 70 feet (inch/second)
Vibratory compactor/roller	0.210	0.045
Large bulldozer	0.089	0.019
Loaded trucks	0.076	0.016
Jackhammer	0.035	0.008
Small bulldozer/Tractors	0.003	0.001
Notes: 1. Calculated using the following formula: $PPV_{equip} = PPV_{ref} \times (25/D)^{1.5}$ where: PPV (equip) = the peak particle velocity in in/sec of the equipment adjusted for the distance PPV (ref) = the reference vibration level at 25 feet in in/sec D = the distance from the equipment to the receiver Source: Federal Transit Administration, <i>Transit Noise and Vibration Impact Assessment Manual</i> , September 2018.		

The nearest structures (i.e., residential and institutional uses) would be located approximately 70 feet to the west of the project site boundary. As indicated in Table 5.11-10, vibration velocities from typical heavy construction equipment operations that would be used during project construction range from 0.001 to 0.045 inch/second PPV at 70 feet from the source of activity. Therefore, the human annoyance and building damage threshold criteria (i.e. 0.2 inch/second PPV) would not be exceeded. Thus, a less than significant impact would occur in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.



## LONG-TERM OPERATIONAL NOISE IMPACTS

**NOI-3 FUTURE NOISE LEVELS ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN A SUBSTANTIAL PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE PROJECT VICINITY AND EXPOSE PERSONS TO OR GENERATE NOISE LEVELS IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.**

### Impact Analysis:

#### MOBILE SOURCES

The “Future Without Project” and “Future With Project” scenarios were compared to evaluate project-related operational noise impacts. In [Table 5.11-11, \*Future Traffic Noise Levels\*](#), the noise levels (dBA at 100 feet from roadway centerline) depict what would typically be heard 100 feet perpendicular to the roadway centerline. It should be noted that the “Future Without Project” scenario assumes continued use of the site for maintenance and storage of equipment and buses. As such, existing noise sources associated with these activities would remain. As indicated in [Table 5.11-11](#) under the “Future Without Project” scenario, noise levels at a distance of 100 feet from the centerline would range from approximately 37.9 dBA to 69.4 dBA. The highest noise levels under “Future Without Project” conditions would occur along Pacific Coast Highway (between Del Obispo Street and Camino Las Ramblas). Similarly, under “Future With Project” conditions, noise levels at a distance of 100 feet from the centerline would range from approximately 37.9 dBA to 69.5 dBA, with the highest noise levels also occurring along Pacific Coast Highway (between Del Obispo Street and Camino Las Ramblas).

[Table 5.11-11](#) also compares the “Future Without Project” scenario to the “Future With Project” scenario. As shown in [Table 5.11-11](#), 13 of the roadway segments modeled (along Del Obispo Street, Stonehill Drive, Pacific Coast Highway, Doheny Park Road, and Camino Las Ramblas) would generate noise levels above the 60 dBA CNEL standard. However, the increase in ambient noise would not exceed the 3.0 dB threshold along these roadway segments. Furthermore, two of the roadway segments modeled (along Domingo Avenue from Doheny Park Road to Sepulveda Avenue and Sepulveda Avenue from Domingo Avenue to Victoria Boulevard) would increase ambient noise levels above the 3.0 dB threshold. Although noise levels generated along these roadway segments would exceed the 3.0 dB threshold, the modeled noise levels would not exceed the 60 dBA CNEL standard. Therefore, a less than significant impact would occur as noise generated along roadway segments under the “Future With Project” scenario would not exceed both the 3.0 dB threshold and the 60 dBA CNEL standard.



Table 5.11-11  
Future Traffic Noise Levels

Roadway Segment	Future Without Project					Future With Project					Difference in dBA @ 100 feet from Roadway
	ADT <sup>1</sup>	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT <sup>1</sup>	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			70 CNEL Noise Contour	65 CNEL Noise Contour	60 CNEL Noise Contour			70 CNEL Noise Contour	65 CNEL Noise Contour	60 CNEL Noise Contour	
<b>Del Obispo Street</b>											
South of Pacific Coast Highway (PCH)	20,300	63.4	-	79	170	20,300	63.4	-	79	170	0.0
PCH to Stonehill Drive	17,800	62.9	-	72	155	17,900	62.9	-	72	156	0.0
<b>Stonehill Drive</b>											
Del Obispo Street to Doheny Park Road	38,600	66.1	55	119	256	38,900	66.2	56	120	258	0.1
<b>Pacific Coast Highway</b>											
West of Del Obispo Street	42,200	69.0	86	185	400	42,600	69.1	87	187	402	0.1
Del Obispo Street to Camino Las Ramblas	49,400	69.4	92	198	426	49,900	69.5	93	199	429	0.1
South of Doheny Park Road	15,100	64.4	-	91	195	15,200	64.4	-	91	196	0.0
<b>Doheny Park Road</b>											
North of PCH	11,100	59.5	-	-	93	11,500	59.6	-	-	95	0.1
Camino Las Ramblas to Las Vegas Ave	18,300	61.7	-	60	129	19,100	61.8	-	62	133	0.1
Las Vegas Avenue to Domingo Avenue	21,300	62.3	-	66	143	22,700	62.6	-	69	149	0.3
Domingo Avenue to Victoria Boulevard	20,800	62.2	-	65	141	21,300	62.3	-	66	143	0.1



Roadway Segment	Future Without Project					Future With Project					Difference in dBA @ 100 feet from Roadway
	ADT <sup>1</sup>	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT <sup>1</sup>	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			70 CNEL Noise Contour	65 CNEL Noise Contour	60 CNEL Noise Contour			70 CNEL Noise Contour	65 CNEL Noise Contour	60 CNEL Noise Contour	
Victoria Boulevard to Camino Capistrano	20,300	62.1	-	64	139	21,300	62.3	-	66	143	0.2
Camino Capistrano to Stonehill Drive	24,900	63.0	-	74	159	25,900	63.2	-	76	163	0.2
North of Stonehill Drive	25,700	63.1	-	75	162	26,000	63.2	-	76	163	0.1
<b>Las Vegas Avenue</b>											
Cul de sac to Doheny Park Road	700	46.3	-	-	-	700	46.3	-	-	-	0.0
Doheny Park Road to Camino Las Ramblas	10,400	58.0	-	34	74	11,100	58.3	-	36	77	0.3
<b>Domingo Avenue</b>											
Cul de sac to Doheny Park Road	700	46.3	-	-	-	700	46.3	-	-	-	0.0
Doheny Park Road to Sepulveda Avenue	400	43.9	-	-	-	2,100	51.1	-	-	-	7.2
<b>Victoria Boulevard</b>											
Cul de sac to Doheny Park Road	3,000	52.6	-	-	32	3,000	52.6	-	-	32	0.0
Doheny Park Road to Sepulveda Avenue	3,600	53.4	-	-	36	5,000	54.9	-	-	45	1.5
Sepulveda Avenue to Camino Capistrano	2,700	52.2	-	-	-	2,800	52.3	-	-	-	0.1
<b>Sepulveda Avenue</b>											
Cul de sac to Domingo Avenue	100	37.9	-	-	-	100	37.9	-	-	-	0.0
Domingo Avenue to Victoria Boulevard	400	43.9	-	-	-	1,700	50.2	-	-	-	6.3



Roadway Segment	Future Without Project					Future With Project					Difference in dBA @ 100 feet from Roadway
	ADT <sup>1</sup>	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			ADT <sup>1</sup>	dBA @ 100 Feet from Roadway Centerline	Distance from Roadway Centerline to: (Feet)			
			70 CNEL Noise Contour	65 CNEL Noise Contour	60 CNEL Noise Contour			70 CNEL Noise Contour	65 CNEL Noise Contour	60 CNEL Noise Contour	
Victoria Boulevard to Camino Capistrano	1,200	48.7	-	-	-	1,200	48.7	-	-	-	0.0
<b>Camino Capistrano</b>											
Sepulveda Avenue to Victoria Boulevard	3,200	52.9	-	-	34	3,200	52.9	-	-	34	0.0
Camino Las Ramblas to Via Canon	5,000	54.9	-	-	45	5,300	55.1	-	-	47	0.2
<b>Camino Las Ramblas</b>											
Camino Capistrano to I-5 on/off ramp	45,800	68.4	78	169	364	46,300	68.5	79	170	367	0.1
<b>Via Canon</b>											
North of Camino Capistrano	1,700	51.2	-	-	-	1,700	51.2	-	-	-	0.0
South of Camino Capistrano	3,400	54.2	-	-	41	3,700	54.5	-	-	43	0.3

Notes: ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level

1. As a worst-case scenario, weekday ADT volumes were analyzed.

Source: Noise modeling is based upon traffic data depicted in the *Victoria Apartments Traffic Impact Analysis*, prepared by Ganddini Group, Inc., dated April 28, 2022.



## **STATIONARY SOURCES**

Stationary noise sources associated with the proposed project would include mechanical equipment, slow moving trucks, the dog park area, parking activities, and outdoor gathering areas. These noise sources are typically intermittent and short in duration and would be comparable to existing sources of noise experienced in the site vicinity.

## **MECHANICAL EQUIPMENT**

The proposed project would require the use of commercial heating, ventilation, and air conditioning (HVAC) units. Commercial-scale HVAC equipment units are generally equipped with noise shielding cabinets, placed on the roof, and are not usually significant sources of noise impacts. HVAC units typically result in noise levels that average 55 dBA at 50 feet from the source.<sup>2</sup> Roof-mounted HVAC units would be located as close as 95 feet from the nearest sensitive receptors (i.e., residential and institutional uses). At this distance, HVAC noise levels would be approximately 49 dBA. However, the project would include rooftop parapets that would break the line-of-sight to the HVAC units and reduce noise levels by 5 dBA. Therefore, noise levels would be approximately 44 dBA at the nearest sensitive receptor. Therefore, HVAC noise levels would not exceed the City's daytime (i.e., 55 dBA) or nighttime (i.e., 50 dBA) exterior noise standards (refer to Table 5.11-8). Thus, impacts associated with HVAC noise levels would be less than significant.

## **SLOW-MOVING TRUCKS**

The proposed project may involve occasional deliveries and trash/recycling pickups from slow-moving trucks. Typically, a medium 2-axle truck used to make deliveries can generate a maximum noise level of 79 dBA at a distance of 50 feet.<sup>3</sup> These are levels generated by a truck that is operated by an experienced "reasonable" driver with typically applied accelerations. One loading dock would be located on the southeastern side of the proposed parking structure, approximately 345 feet from the nearest sensitive receptor (i.e., Nobis Preschool). However, delivery loading and unloading activities would occur within the parking garage. Similarly, trash/recycling pickups would occur within the parking garage as well. Therefore, noise levels associated with slow-moving trucks would be imperceptible at the nearest sensitive receptor (i.e., Nobis Preschool). Noise associated with deliveries and trash/recycling pickups would be consistent with the existing noise environment, as these activities already occur at the existing uses in the surrounding area. Additionally, slow-moving truck noise would be intermittent, short in duration, and would not generate excessive noise levels over an extended period of time. Impacts resulting from truck delivery activities would be less than significant.

## **DOG PARK**

The project proposes an active dog park to the south of the proposed residential building. Dog park-related noise sources include dogs barking and patron conversations. Typically, dog parks can generate

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<sup>2</sup> U.S. Environmental Protection Agency, *Community Noise*, 1971.

<sup>3</sup> Elliot H. Berger, Rick Neitzel, and Cynthia A. Kladden, *Noise Navigator Sound Level Database with Over 1700 Measurement Values*, July 6, 2010.



noise levels of 51.8 dBA at 10 feet from the source.<sup>4</sup> The nearest sensitive receptors (i.e., residential and institutional uses) would be located approximately 340 feet from the proposed dog park. At this distance, dog park noise levels would be approximately 21 dBA. However, the residential building would separate the proposed dog park and the nearest sensitive receptors, which would result in a noise level reduction of at least 10 dBA.<sup>5</sup> Therefore, dog park noise levels would be reduced to approximately 11 dBA and would not exceed the City's daytime (i.e., 55 dBA) or nighttime (i.e., 50 dBA) exterior noise standards. Impacts in this regard would be less than significant.

## **OUTDOOR GATHERING AREAS**

Noise generated by groups of people (i.e., crowds) is dependent on several factors including vocal effort, impulsiveness, and the random orientation of the crowd members. According to Prediction of Crowd Noise, crowd noise is approximately 62 dBA at one meter (i.e., 3.28 feet) from the source.<sup>6,7</sup> Noise has a decay rate due to distance attenuation, which is calculated based on the Inverse Square Law. Based upon the Inverse Square Law, sound levels decrease by 6 dBA for each doubling of distance from the source.<sup>8</sup> Within the proposed project boundaries, crowds have the potential to gather at the courtyards and rooftop amenity area. The nearest sensitive receptors (i.e., residential and institutional uses) are located approximately 70 feet from the proposed courtyards and rooftop amenity area. Therefore, crowd noise at the nearest sensitive receptors would be approximately 35 dBA and would not exceed the City' daytime (i.e., 55 dBA) or nighttime (i.e., 50 dBA) exterior noise standards. Impacts would be less than significant in this regard.

## **PARKING AREAS**

Traffic associated with residential parking areas is typically not of sufficient volume to exceed community noise standards, which are based on a time-averaged scale such as the day-night average sound level (DNL) (or  $L_{dn}$ ) scale. However, the instantaneous maximum sound levels generated by a car door slamming, engine starting up, and car pass-bys may be an annoyance to adjacent noise-sensitive receptors. Estimates of the maximum noise levels associated with some parking activities are presented in Table 5.11-12, Maximum Noise Levels Generated by Parking Lots. Conversations in parking areas may also be an annoyance to adjacent sensitive receptors. Sound levels of speech typically range from 33 dBA at 48 feet for normal speech to 50 dBA at 50 feet for very loud speech. The project proposes an enclosed parking structure with approximately 681 parking spaces.

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<sup>4</sup> Rincon Consultants Inc., *City of Beverly Hills Dog Park Project Draft Initial Study-Mitigated Negative Declaration*, dated July 2015.

<sup>5</sup> National Cooperative Highway Research Program (NCHRP), *Synthesis of Highway Practice 87, Highway Noise Barriers*, December 1981, [http://onlinepubs.trb.org/Onlinepubs/nchrp/nchrp\\_syn\\_87.pdf](http://onlinepubs.trb.org/Onlinepubs/nchrp/nchrp_syn_87.pdf), accessed May 13, 2020.

<sup>6</sup> Crowd noise is estimated at 60 dBA at one meter (3.28 feet) away for raised normal speaking. This noise level would have a +5 dBA adjustment for the impulsiveness of the noise source, and a -3 dBA adjustment for the random orientation of the crowd members. Therefore, crowd noise would be approximately 62 dBA at one meter from the source.

<sup>7</sup> Hayne, M.J., *Prediction of Crowd Noise*, November 2006.

<sup>8</sup> *Ibid.*





**Table 5.11-12**  
**Maximum Noise Levels Generated by Parking Lots**

Noise Source	Maximum Noise Levels at 50 Feet from Source
Car door slamming	61 dBA L <sub>eq</sub>
Car starting	60 dBA L <sub>eq</sub>
Car idling	53 dBA L <sub>eq</sub>
Notes: dBA = A-weighted Decibels; L <sub>eq</sub> = Equivalent Sound Level	
Source: Kariel, H. G., <i>Noise in Rural Recreational Environments</i> , Canadian Acoustics 19(5), 3-10, 1991.	

It should be noted that parking lot noise are instantaneous noise levels compared to noise standards in the DNL scale, which are averaged over time. As a result, actual noise levels over time resulting from parking lot activities would be far lower. In addition, the parking structure situated in the center of the project and would be surrounded by the residential buildings which would provide additional sound buffering. Impacts associated with the parking structure would be considered minimal since the parking area would be enclosed within a structure and surrounded by residential buildings. Therefore, noise impacts from parking lots would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### 5.11.5 CUMULATIVE IMPACTS

Table 4-1, *Cumulative Projects List*, identifies the related projects and other possible development in the area determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. The following discussions are included per topic area to determine whether a significant cumulative effect would occur.

#### SHORT-TERM CONSTRUCTION NOISE IMPACTS

- **CONSTRUCTION-RELATED ACTIVITIES WITHIN THE PROJECT AREA COULD RESULT IN SIGNIFICANT TEMPORARY NOISE IMPACTS TO NEARBY NOISE SENSITIVE RECEIVERS.**

**Impact Analysis:** Construction activities associated with the proposed project and cumulative projects may overlap, resulting in construction noise in the site vicinity. However, construction noise primarily affects the areas immediately adjacent to a construction site. Although there may be other construction activity occurring concurrently, without further information it is speculative to assume how much other construction work would occur concurrently in close proximity to the project site. The closest cumulative project is a residential/mixed-use development (34202 Del Obispo Street), located approximately 0.55-mile west of the project site. Due to the distance and intervening structures, cumulative construction noise impacts would not occur. Additionally, the proposed project and all cumulative projects within the City would be required to comply with the City’s noise standards and allowable hours of construction. The proposed project would also implement a Condition of Approval, which would further to reduce construction noise impacts to surrounding sensitive receptors. Therefore, the project’s contribution to cumulative noise impacts would be less than significant.



**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## VIBRATION IMPACTS

### ● PROJECT IMPLEMENTATION COULD RESULT IN SIGNIFICANT VIBRATION IMPACTS TO NEARBY SENSITIVE RECEPTORS AND STRUCTURES.

**Impact Analysis:** As discussed above, project operational activities would not generate substantial groundborne vibration and project construction activities would not generate groundborne vibration on-site above the significance criteria (i.e. 0.2 inch/second PPV threshold as established by Caltrans). Groundborne vibration generated from cumulative development projects would be required to implement any required mitigation measures on a project-by-project basis, as applicable, pursuant to CEQA provisions. Therefore, the project's contribution to cumulative vibration impacts would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## LONG-TERM NOISE IMPACTS

### ● THE PROPOSED PROJECT COULD RESULT IN A SIGNIFICANT INCREASE IN TRAFFIC AND LONG-TERM STATIONARY AMBIENT NOISE LEVELS.

**Impact Analysis:**

#### MOBILE NOISE

The cumulative mobile noise analysis is conducted in a two-step process. First, the combined effects from both the proposed project and other related projects are compared. Second, for combined effects that are determined to be cumulatively significant, the project's incremental effects then are analyzed. The project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds perception level (i.e., auditory level increase) threshold. The combined effect compares the "Future With Project" condition to "Existing" conditions. This comparison accounts for the traffic noise increase from the project generated in combination with traffic generated by projects in the cumulative projects list.

A significant impact would result only if both the combined (including an exceedance of the applicable exterior standard at a sensitive use) and incremental effects criteria have been exceeded. Noise by definition is a localized phenomenon, and reduces as distance from the source increases. Consequently, only the proposed project and growth due to occur in the project site's general vicinity would contribute to cumulative noise impacts. Table 5.11-13, *Cumulative Noise Scenario*, lists the traffic noise effects along roadway segments in the project vicinity for "Existing," "Future Without Project," and "Future With Project" conditions, including incremental and net cumulative impacts.



Table 5.11-13  
Cumulative Noise Scenario

Roadway Segment	Existing	Future Without Project	Future With Project	Combined Effects	Incremental Effects	Future With Project Noise Level Exceeds City's 60 dBA CNEL Noise Standard for Sensitive Receptors?	Cumulatively Significant Impact?
	dBA @ 100 Feet from Roadway Centerline	dBA @ 100 Feet from Roadway Centerline	dBA @ 100 Feet from Roadway Centerline	Difference In dBA Between Existing and Future With Project	Difference In dBA Between Future Without Project and Future With Project		
<b>Del Obispo Street</b>							
South of Pacific Coast Highway (PCH)	62.1	63.4	63.4	1.3	0.0	Yes	No
PCH to Stonehill Drive	62.4	62.9	62.9	0.5	0.0	Yes	No
<b>Stonehill Drive</b>							
Del Obispo Street to Doheny Park Road	65.5	66.1	66.2	0.7	0.0	Yes	No
<b>Pacific Coast Highway</b>							
West of Del Obispo Street	68.5	69.0	69.1	0.6	0.0	Yes	No
Del Obispo Street to Camino Las Ramblas	68.4	69.4	69.5	1.0	0.0	Yes	No
South of Doheny Park Road	64.0	64.4	64.4	0.4	0.0	Yes	No
<b>Doheny Park Road</b>							
North of PCH	59.0	59.5	59.6	0.7	0.2	No	No
Camino Las Ramblas to Las Vegas Ave	61.1	61.7	61.8	0.7	0.2	Yes	No
Las Vegas Avenue to Domingo Avenue	61.8	62.3	62.6	0.8	0.3	Yes	No
Domingo Avenue to Victoria Boulevard	61.6	62.2	62.3	0.7	0.1	Yes	No
Victoria Boulevard to Camino Capistrano	61.4	62.1	62.3	0.9	0.2	Yes	No
Camino Capistrano to Stonehill Drive	62.3	63.0	63.2	0.9	0.2	Yes	No
North of Stonehill Drive	62.8	63.1	63.2	0.3	0.1	Yes	No
<b>Las Vegas Avenue</b>							
Cul de sac to Doheny Park Road	46.3	46.3	46.3	0.0	0.0	No	No
Doheny Park Road to Camino Las Ramblas	57.3	58.0	58.3	1.0	0.3	No	No



Roadway Segment	Existing	Future Without Project	Future With Project	Combined Effects	Incremental Effects	Future With Project Noise Level Exceeds City's 60 dBA CNEL Noise Standard for Sensitive Receptors?	Cumulatively Significant Impact?
	dBA @ 100 Feet from Roadway Centerline	dBA @ 100 Feet from Roadway Centerline	dBA @ 100 Feet from Roadway Centerline	Difference In dBA Between Existing and Future With Project	Difference In dBA Between Future Without Project and Future With Project		
<b>Domingo Avenue</b>							
Cul de sac to Doheny Park Road	45.7	46.3	46.3	0.7	0.0	No	No
Doheny Park Road to Sepulveda Avenue	46.9	43.9	51.1	4.2	7.2	No	Yes
<b>Victoria Boulevard</b>							
Cul de sac to Doheny Park Road	52.2	52.6	52.6	0.5	0.0	No	No
Doheny Park Road to Sepulveda Avenue	53.6	53.4	54.9	1.3	1.4	No	No
Sepulveda Avenue to Camino Capistrano	51.8	52.2	52.3	0.5	0.2	No	No
<b>Sepulveda Avenue</b>							
Cul de sac to Domingo Avenue	37.9	37.9	37.9	0.0	0.0	No	No
Domingo Avenue to Victoria Boulevard	43.9	43.9	50.2	6.3	6.3	No	Yes
Victoria Boulevard to Camino Capistrano	48.3	48.7	48.7	0.4	0.0	No	No
<b>Camino Capistrano</b>							
Sepulveda Avenue to Victoria Boulevard	52.5	52.9	52.9	0.4	0.0	No	No
Camino Las Ramblas to Via Canon	54.3	54.9	55.1	0.8	0.3	No	No
<b>Camino Las Ramblas</b>							
Camino Capistrano to I-5 on/off ramp	67.6	68.4	68.5	0.9	0.0	Yes	No
<b>Via Canon</b>							
North of Camino Capistrano	50.6	51.2	51.2	0.5	0.0	No	No
South of Camino Capistrano	53.6	54.2	54.5	0.9	0.4	No	No
Notes: ADT = average daily trips; dBA = A-weighted decibels; CNEL = community noise equivalent level							
Source: Noise modeling is based upon traffic data depicted in the <i>Victoria Apartments Traffic Impact Analysis</i> , prepared by Ganddini Group, Inc., April 28, 2022.							



As indicated in [Table 5.11-13](#), the Incremental Effects criterion of 1.0 dBA and the Combined Effects criterion of 3.0 dBA are exceeded along Domingo Avenue from Doheny Park Road to Sepulveda Avenue and Sepulveda Avenue from Domingo Avenue to Victoria Boulevard. Although both the combined and incremental effects criteria have been exceeded, cumulative traffic noise levels along Domingo Avenue and Sepulveda Avenue would not exceed the City's sensitive use exterior noise standards (i.e. 60 dBA CNEL)<sup>9</sup>. Therefore, the proposed project, in combination with cumulative background traffic noise levels, would result in less than significant impacts.

### **STATIONARY NOISE**

Although related projects have been identified within the project area, the noise generated by stationary equipment on-site cannot be quantified due to the speculative nature of each development. Nevertheless, each cumulative project would require separate discretionary approval and project-specific environmental analysis, which would address potential noise impacts and identify necessary attenuation measures, where appropriate. Additionally, as noise dissipates as it travels away from its source, noise impacts from stationary sources would be limited to each of the respective sites and their vicinities. The nearest related project to the proposed project site is a residential/mixed-use development (34202 Del Obispo Street), located approximately 0.55-mile west of the project site. Due to the distance and intervening structures, cumulative stationary noise impacts would not occur. As noted above, the proposed project would not result in significant stationary noise impacts that would significantly affect surrounding sensitive receptors. Thus, the proposed project and identified cumulative projects are not anticipated to result in a significant cumulative impact in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### **5.11.5 SIGNIFICANT UNAVOIDABLE IMPACTS**

No significant unavoidable impacts related to noise have been identified with compliance with recommended mitigation.

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<sup>9</sup> As shown in [Table 5.11-6](#), the City of Dana Point considers 60 dBA CNEL clearly compatible for sensitive uses. Therefore, this analysis for cumulative traffic noise impacts utilizes 60 dBA CNEL as the sensitive use exterior standards.



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## 5.12 POPULATION AND HOUSING

This section identifies the existing population, housing, and employment statistics in the City of Dana Point (City) and provides an analysis of potential impacts that may result from project implementation. More specifically, the impact analysis evaluates how project implementation would induce population, housing, or employment growth in Dana Point, either directly or indirectly. The following analyses are based primarily on data obtained from the 2000 and 2010 U.S. Census, California Department of Finance (2022 data), California Employment Development Department (2022 data), and Southern California Association of Governments’ (SCAG) *Connect SoCal: 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy* (2020-2045 RTP/SCS).

### 5.12.1 EXISTING SETTING

#### POPULATION

Population data for the County of Orange (County) and City is presented in Table 5.12-1, *Population Estimates and Projections*.

**Table 5.12-1  
Population Estimates and Projections**

Year	County of Orange	City of Dana Point	City of Dana Point as Percent of County of Orange
<b>Population</b>			
2010 <sup>1</sup>	3,010,232	33,351	1.1%
Existing Conditions (May 2022) <sup>2</sup>	3,162,245	32,943	1.0%
2010-2022 Change	+152,013	-408	--
2010-2022 % Change	+5.0%	-1.2%	--
<b>2045 SCAG Forecast<sup>3</sup></b>	<b>3,534,700</b>	<b>35,600</b>	<b>1.0%</b>
2022-2045 Change	+372,455	+2,657	--
2022-2045 % Change	+11.8%	8.1%	--

Sources:

1. U.S. Census Bureau, *2010 Census*.
2. California Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022, with 2020 Benchmark*, May 2022.
3. Southern California Association of Governments, *2020-2045 RTP/SCS Demographics & Growth Forecast Appendix*, September 2020, [https://scag.ca.gov/sites/main/files/file-attachments/0903connectsocial\\_demographics-and-growth-forecast.pdf?1606001579](https://scag.ca.gov/sites/main/files/file-attachments/0903connectsocial_demographics-and-growth-forecast.pdf?1606001579), accessed June 21, 2021.

#### County of Orange

The County’s population totaled 3,010,232 persons in 2010 and is currently estimated to be approximately 3,162,245 persons, representing a growth rate of approximately 5.0 percent between 2010 and 2022.

SCAG projects the County’s population to increase to approximately 3,534,700 persons by 2045, an 11.8 percent increase from 2022 to 2045.



## City of Dana Point

As indicated in Table 5.12-1, the City’s population was an estimated 33,351 persons in 2010 and is currently estimated to be approximately 32,943 persons, representing a population decrease rate of approximately 1.2 percent between 2010 and 2022.

SCAG forecasts the City’s population to increase to approximately 35,600 persons by 2045, an 8.1 percent increase from 2022 to 2045. Comparatively, the City is forecast to grow at a lower rate than the County, which is forecast to grow by approximately 11.8 percent. By 2045, the City is forecasted to constitute approximately 1.0 percent of the County’s total population, similar to existing conditions.

## HOUSING

Housing data for the County and City is presented in Table 5.12-2, Housing Inventory Estimates and Projections.

**Table 5.12-2**  
**Housing Inventory Estimates and Projections**

	Dwelling Units	
	County of Orange	City of Dana Point
2010 <sup>1</sup>	1,048,907	15,938
Existing Conditions (May 2022) <sup>2</sup>	1,142,380	16,379
2010-2022 Change	+93,743	+441
2010-2022 % Change	+8.9%	+2.8%
2022 Vacancy Rate <sup>2</sup>	5.1%	12.3%
2022 Persons per Household <sup>2</sup>	2.87	2.28
2045 SCAG Forecasts <sup>3</sup>	<b>1,216,122<sup>4</sup></b>	<b>17,332<sup>4</sup></b>
2022-2045 Change	+73,742	+953
2022-2045 % Change	+6.5%	+5.8%
Sources:		
1. U.S. Census Bureau, <i>2010 Census</i> .		
2. California Department of Finance, <i>E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022, with 2020 Benchmark</i> , May 2022.		
3. Southern California Association of Governments, <i>2020-2045 RTP/SCS Demographics &amp; Growth Forecast Appendix</i> , September 2020, <a href="https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579">https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579</a> , accessed June 21, 2021.		
4. Dwelling unit forecasts are based on 2022 vacancy rates and SCAG forecasted household estimates.		

## County of Orange

The County’s housing inventory was an estimated 1,048,907 dwelling units in 2010 and is currently estimated to be approximately 1,142,380 dwelling units, representing an increase of approximately 8.9 percent between 2010 and 2022.

Vacancy rates are a measure of the general availability of housing. They also indicate how well the types of available units meet the housing market demand. A low vacancy rate suggests that households may have difficulty finding housing within their price range, whereas a high vacancy rate indicates that either the units available are not suited to the population’s needs or there is an oversupply of housing





units. The availability of vacant housing units provides households with choices of type and price to accommodate their specific needs. Low vacancy rates can result in higher prices, limited choices, and settling with inadequate housing. Low vacancy rates may also contribute to overcrowding. A vacancy rate between 4.0 and 6.0 is considered “healthy.” As of 2022, the County has an estimated vacancy rate of 5.1 percent and an average household size of 2.87.

SCAG forecasts the County’s households to reach 1,154,100 by 2045. Assuming a 5.1 percent vacancy rate, the County’s housing inventory is forecast to total approximately 1,216,122 dwelling units by 2045, representing an increase of approximately 6.5 percent between 2022 and 2045; refer to Table 5.12-2.

### City of Dana Point

The City’s housing inventory was an estimated 15,938 dwelling units in 2010 and is currently estimated to be approximately 16,379 dwelling units, representing an increase of approximately 2.8 percent; refer to Table 5.12-2. Comparatively, the City’s housing growth rate between 2010 and 2022 was lower than the County’s growth rate for the same period (8.9 percent).

As indicated in Table 5.12-2, the City’s 2022 vacancy rate is estimated to be approximately 12.3 percent. Comparatively, the City’s vacancy rate is higher than the County’s overall vacancy rate of 5.1 percent.

SCAG forecasts the City’s households to reach 15,200 by 2045. Assuming a 12.3 percent vacancy rate, the City’s housing inventory is anticipated to increase to 17,332 dwelling units by 2045, representing an increase of approximately 5.8 percent between 2022 and 2045; refer to Table 5.12-2.

### EMPLOYMENT

Table 5.12-3, *Employment Estimates and Projections*, details existing and projected employment data for the County and City.

**Table 5.12-3  
Employment Estimates and Projections**

	County of Orange		City of Dana Point	
	Employment	Unemployment Rate	Employment	Unemployment Rate
Existing Conditions (April 2022) <sup>1</sup>	1,536,800	2.7%	17,800	2.4%
2045 SCAG Forecast <sup>2</sup>	1,980,500	--	13,500	--
<i>2022-2045 Change</i>	<i>+443,700</i>	<i>--</i>	<i>-4,300</i>	<i>--</i>
<i>2022-2045 % Change</i>	<i>+28.9%</i>	<i>--</i>	<i>-24.2%</i>	<i>--</i>
Sources:				
1. California Employment Development Department, Labor Market Information Division, <i>Monthly Labor Force Data for Cities and Census Designated Places (CDP) April 2022 - Preliminary</i> , May 20, 2022.				
2. Southern California Association of Governments, <i>2020-2045 RTP/SCS Demographics &amp; Growth Forecast Appendix</i> , September 2020, <a href="https://www.connectsocial.org/Documents/Draft/dConnectSoCal_Demographics-And-Growth-Forecast.pdf">https://www.connectsocial.org/Documents/Draft/dConnectSoCal_Demographics-And-Growth-Forecast.pdf</a> , accessed June 21, 2021.				



## **County of Orange**

According to the California Employment Development Department, the County has an estimated 1,536,800 jobs and an unemployment rate of 2.7 percent as of April 2022. SCAG projections indicate the County will have an estimated 1,980,500 jobs by 2045.

## **City of Dana Point**

As indicated in [Table 5.12-3](#), the City has an estimated 17,800 jobs and an unemployment rate of 2.4 percent as of April 2022. SCAG projections indicate that the number of jobs within the City are forecast to decrease by 4,300 jobs to 13,500 jobs by 2045.

The jobs/housing ratio is used as a general measure of balance between a community's employment opportunities and the housing needs of its residents. However, it does not indicate the types of jobs available or if wages are commensurate with housing prices. A ratio of 1.0 or greater generally indicates that a community provides adequate employment opportunities, potentially allowing its residents to work within the community (rather than commuting to neighboring cities). As of 2022, the City's jobs/housing ratio is approximately 1.09.

## **5.12.2 REGULATORY SETTING**

### **REGIONAL LEVEL**

#### **Southern California Association of Governments**

SCAG is the responsible agency for developing and adopting regional housing, population, and employment growth forecasts for local governments from Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura counties.

SCAG's demographic data is developed to enable the proper planning of infrastructure and facilities to adequately meet the needs of anticipated growth. On September 3, 2020, SCAG's Regional Council adopted the 2020-2045 RTP/SCS, a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals.

#### **Regional Housing Needs Assessment (RHNA)**

State law requires that jurisdictions provide their fair share of regional housing needs. The State of California Department of Housing and Community Development (HCD) is mandated to determine the State-wide housing need. In cooperation with HCD, local governments and Councils of Governments (COGs) are charged with making a determination of the existing and projected housing needs as a share of the Statewide housing need of their city or region.

The Regional Housing Needs Assessment (RHNA) is an assessment process performed periodically as part of housing element and general plan updates at the local level. The RHNA quantifies the housing need by income group within each jurisdiction during specific planning periods. The *5th Cycle Final RHNA Allocation Plan* was adopted by the SCAG Regional Council on October 4, 2012 and covers the planning period from October 15, 2013 to October 15, 2021. The 6th RHNA cycle covers



the housing element planning period from October 2021 through October 2029. The *6<sup>th</sup> Cycle Final RHNA Allocation Plan* was adopted by SCAG on March 4, 2021.

The RHNA allows communities to anticipate growth so that collectively, the region can grow in ways that enhance quality of life, improve access to jobs, promote transportation mobility, and address social equity and fair share housing needs.

## **LOCAL LEVEL**

### **City of Dana Point 2021-2029 Housing Element**

The *City of Dana Point 2021-2029 Housing Element* (Housing Element) was adopted on February 1, 2022. The Housing Element identifies and establishes the City’s strategy for the maintenance and development of housing to meet the needs of existing and future residents. It establishes policies that guide City decision making and an action program to implement housing goals for the State-designated eight-year planning period from October 15, 2021 through October 15, 2029. The City’s housing strategy is based on a comprehensive evaluation of existing housing programs and policies; an assessment of the City’s population, economic, and housing characteristics; and a discussion of the physical and regulatory resources and constraints for housing production.

According to SCAG’s *6<sup>th</sup> Cycle Final RHNA Allocation Plan*, the housing needs of the City for the 2021-2029 planning period is 530 housing units; refer to Table 5.12-4, *Dana Point 2021-2029 RHNA Allocation*. Table 5.12-4 summarizes the specific number of housing units per income category anticipated to be provided between 2021 and 2029.

**Table 5.12-4  
Dana Point 2021-2029 RHNA Allocation**

<b>Income Category<sup>1</sup></b>	<b>RHNA Allocation (Units)</b>
Very Low	147
Low	84
Moderate	101
Above Moderate	198
<b>Total</b>	<b>530</b>

Notes:

1. Income Categories:

Very Low Income: Four-person household does not exceed 50 percent of the median family income of the County.

Low Income: Four-person household with income between 51 percent and 80 percent of the County median family income.

Moderate Income: Four-person household with income between 81 percent and 120 percent of the County median family income.

Above Moderate Income: Four-person household with income 121 percent or more of the County median family income.

Source: Southern California Association of Governments, *SCAG 6th Cycle Final RHNA Allocation Plan*, modified June 3, 2021, <https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1623447417>, accessed June 21, 2021.



### 5.12.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Environmental Checklist form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (refer to Impact Statement PHE-1); and/or
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (refer to Section 8.0, *Effects Found Not To Be Significant*).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a “less than significant impact” or “potentially significant impact.” Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

### 5.12.4 IMPACTS AND MITIGATION MEASURES

#### POPULATION GROWTH

##### PHE-1 THE PROJECT COULD DIRECTLY OR INDIRECTLY INDUCE SUBSTANTIAL UNPLANNED POPULATION GROWTH.

**Impact Analysis:** The project would allow development of a 349-unit apartment complex and associated amenities in accordance with the proposed Specific Plan. Therefore, project implementation could induce direct population growth in the City.

It is speculative at this point to determine whether all future residents of the anticipated 349 apartment units would relocate from within or outside of Dana Point. Thus, this analysis conservatively assumes future residents would relocate from outside of the City. Based on the City’s average household size of 2.28, the 349 proposed units would introduce up to 796 additional residents to the City. The anticipated population growth associated with the project represents a 2.4 percent increase from the City’s current population of 32,943 persons.

Table 5.12-5, *Proposed Project Buildout Compared to General Plan Buildout Assumptions*, compares the project’s potential population and housing growth to the General Plan’s population and housing forecasts for the City at buildout. The City’s housing stock is forecast to total approximately 16,500 dwelling units at General Plan buildout, with a resultant population of approximately 40,000 persons; refer to Table 5.12-5. Compared to the General Plan buildout assumptions, the proposed development potential would increase the City’s housing stock by 349 dwelling units and increase the City’s population by 796 persons. As shown in Table 5.12-5, buildout in accordance with the Specific Plan would be within the General Plan’s buildout population forecast but would exceed its housing forecast by approximately 228 units. Nevertheless, the General Plan was adopted in 1991 and information,



including existing conditions data and buildout assumptions, are predominantly outdated. As such, comparing the project’s buildout potential to the General Plan buildout assumptions is provided solely for informational purposes.

**Table 5.12-5  
Proposed Project Buildout Compared to General Plan Buildout Assumptions**

Description	Dwelling Units	Population
Existing Conditions (May 2022) <sup>1</sup>	16,379	32,943
Proposed Project	349	796 <sup>2</sup>
<i>Total City (Including Proposed Project)</i>	16,728	33,739
General Plan Buildout Assumptions	16,500	40,000
<i>Project's Net Development Potential Compared to General Plan Buildout Increase Assumption</i>	+228	-6,261
Notes:		
1. California Department of Finance, <i>E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022, with 2020 Benchmark</i> , May 2022.		
2. Based on City's average household size of 2.28.		

Table 5.12-6, *Proposed Project Buildout Compared to SCAG Growth Forecasts*, compares the project’s anticipated housing and population growth with SCAG’s 2045 growth projections for Dana Point. As indicated in Table 5.12-6, SCAG projects that the City’s housing stock would total 17,332 dwelling units with a resultant population of 35,600 persons by 2045. Compared to SCAG’s growth forecasts, the proposed development potential would increase the City’s housing stock by 349 dwelling units and increase the City’s population by up to 796 persons. As shown, the proposed project’s buildout would be within SCAG’s population and dwelling unit forecasts for 2045. Therefore, the project would not result in substantial unplanned population growth and impacts in this regard would be less than significant.

**Table 5.12-6  
Proposed Project Buildout Compared to SCAG Growth Forecasts**

Description	Dwelling Units	Population
Existing Conditions (May 2022) <sup>1</sup>	16,379	32,943
Proposed Project	349	796 <sup>2</sup>
<i>Total City (Including Proposed Project)</i>	16,728	33,739
SCAG 2045 Forecasts <sup>3,4</sup>	17,332	35,600
<i>Project's Net Development Potential Compared to SCAG's 2045 Forecast Assumption</i>	-604	-1,861
Notes:		
1. California Department of Finance, <i>E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2021-2022, with 2020 Benchmark</i> , May 2022.		
2. Based on City's average household size of 2.28.		
3. Southern California Association of Governments, <i>2020-2045 RTP/SCS Demographics &amp; Growth Forecast Appendix</i> , September 2020, <a href="https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579">https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial_demographics-and-growth-forecast.pdf?1606001579</a> , accessed June 21, 2021.		
4. Dwelling unit forecasts are based on 2022 vacancy rate.		



## **JOBS/HOUSING BALANCE**

As stated above, the jobs/housing ratio is used as a general measure of balance between a community's employment opportunities and the housing needs of its residents. As of 2022, the City's jobs/housing ratio is approximately 1.09.

The proposed project is a residential development; therefore, no new jobs would be created with project development. Instead, the project would increase the City's housing stock by 349 dwelling units. Based on existing conditions, the project would slightly decrease the City's jobs/housing ratio to 1.06. A ratio of 1.0 or greater generally indicates that a community provides adequate employment opportunities, potentially allowing its residents to work within the community (rather than commuting to neighboring cities). As such, the project's nominal decrease to the City's jobs/housing ratio would result in a less than significant impact.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### **5.12.5 CUMULATIVE IMPACTS**

*CEQA Guidelines* Section 15355 requires an analysis of cumulative impacts, which are defined as, "two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts." As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are situated in the site vicinity.

● **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED PROJECTS, COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS RELATED TO SUBSTANTIAL UNPLANNED POPULATION GROWTH.**

**Impact Analysis:** Development of projects listed in Table 4-1 would result in increased population in the City of Dana Point, most of which are consistent with the existing General Plan land use designation(s) for each site respective. Each project that would require a General Plan amendment would be required to consider the contribution of unplanned growth in the area on a project-by-project basis. For the purpose of this analysis, cumulative impacts involving population and housing are analyzed in terms of consistency with General Plan and SCAG growth assumptions for applicable jurisdictions.

As stated above, buildout of the proposed project would introduce up to 796 additional residents and 349 dwelling units to the City. Tables 5.12-5 and 5.12-6 compare the project's anticipated population and housing growth to the General Plan buildout assumptions and SCAG growth forecasts, respectively. As summarized above, buildout in accordance with the Specific Plan would be within the General Plan's buildout population forecast but would exceed its housing forecast by approximately 228 units; refer to Table 5.12-5. However, the General Plan was adopted in 1991 and information, including existing conditions data and buildout assumptions, are predominantly outdated. Further, the project's buildout would be within SCAG's population and dwelling unit projections for 2045; refer to Table 5.12-6. Thus, the project's incremental effects involving population and housing growth are not considered cumulatively significant and would not result in substantial unplanned cumulative population growth.



**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### **5.12.6 SIGNIFICANT UNAVOIDABLE IMPACTS**

Implementation of the proposed project would not result in any significant and unavoidable impacts pertaining to population or housing.



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## 5.13 PUBLIC SERVICES/ RECREATION AND UTILITIES

Public services addressed in this section include fire protection, police protection, schools, and other public facilities such as libraries. Utilities addressed in this section include water, wastewater treatment, stormwater drainage, electric power, natural gas, telecommunications, and solid waste. Potential impacts to park and reaction facilities are also addressed in this section. This section discusses the existing conditions, which provide the necessary baseline information. Mitigation measures are recommended, as necessary, to minimize impacts as a result of project implementation. Portions of this section is based upon *Victoria Boulevard Apartments Hydraulic Analysis, Technical Memorandum* (Hydraulic Analysis), prepared by Dudek, dated July 2022; refer to Appendix 11.10, Utilities Correspondence.

### 5.13.1 EXISTING SETTING

#### FIRE PROTECTION

Orange County Fire Authority (OCFA), Division 3, Battalion 6, provides fire protection and emergency response services to the project area. As a joint power authority, OCFA contracts with multiple cities for fire protection services, including the City of Dana Point. OCFA is organized into five departments: Operations, Community Risk Reduction, Support Services, Business Services, and Organizational Planning. The City of Dana Point is served by four OCFA fire stations. OCFA Station No. 29 is located approximately 0.01-mile (70 feet) north of the project site at 26111 Victoria Boulevard. The OCFA fire stations that serve Dana Point, along with their locations, equipment, and personnel are identified in Table 5.13-1, Fire Stations. There are currently no plans for expansion of OCFA facilities, services, or staff or to construct a new facility that would serve the city.

**Table 5.13-1  
Fire Stations**

Station	Equipment and Personnel
OCFA Station No. 29 26111 Victoria Boulevard Dana Point, CA 92624	Equipment: 1 PM Engine Personnel: 1 Battalion Chiefs, 1 Fire Captains, 1 Fire Apparatus Engineers, 2 Firefighters
OCFA Station No. 30 23831 Stonehill Drive Dana Point, CA 92629	Equipment: 1 Air Utility, 1 Medic Engine, 1 Patrol Personnel: 1 Fire Captains, 1 Fire Apparatus Engineers, 2 Firefighters, Reserve Firefighters
OCFA Station No. 7 31865 Del Obispo San Juan Capistrano, CA 92675	Equipment: 1 Engine, 1 Medic, 1 Patrol, 1 Water Tender Personnel: 1 Fire Captains, 1 Fire Apparatus Engineers, 3 Firefighters, Reserve Firefighters
OCFA Station No. 50 670 Camino de Los Mares San Clemente, CA 92673	Equipment: 1 Engine, 1 PAU Engine Personnel: 1 Fire Captains, 1 Fire Apparatus Engineers, 2 Firefighters
Note: 1. Identified personnel represent total station staffing. Daily staffing is one-third of the numbers identified above.	
Source: Orange County Fire Authority, <i>Operations Division 3, Coverage Map</i> , <a href="https://www.ocfa.org/AboutUs/Departments/OperationsDirectory/Division3.aspx#coverage">https://www.ocfa.org/AboutUs/Departments/OperationsDirectory/Division3.aspx#coverage</a> , accessed June 20, 2022.	



As indicated in Table 5.13-1, the City of Dana Point is served by approximately 13 OCFA firefighters per day.<sup>1</sup> The General Plan identifies the following target response times for OCFA:

- Response time for arrival of the first fire engine at an emergency scene should be within five minutes for 80 percent of the City.
- Response time for arrival of the paramedics full first alarm assignment at a scene should be within 10 minutes for 80 percent of the City.

According to the General Plan, OCFA meets its adopted response standards in the City of Dana Point. In 2021, the OCFA responded to 46 fire calls; 2,617 emergency medical service calls; and 803 calls on other incidents within the City.<sup>2</sup> There are currently no plans for new or expanded fire protection facilities in the City.

## **POLICE PROTECTION**

The City contracts the Orange County Sheriff's Department (OCSD) for police services. OCSD operates from the Dana Point Police Department located at 33282 Golden Lantern, Suite 140. According to the OCSD, Dana Point is served by approximately 25 fulltime deputies, six sergeants, and six parking control officers.<sup>3</sup>

The Dana Point Police Department's current response time for a priority one call is 4:33 minutes. The department's target response time is approximately five minutes. The Department's goal for responding to non-emergency calls is within 15 minutes or less, 75 percent of the time.

## **SCHOOLS**

The project site is served by Capistrano Unified School District (CUSD). CUSD serves 200 square miles of southern Orange County, serving approximately 43,719 students.<sup>4</sup> Existing CUSD school facilities include the following:

- 38 elementary schools;
- 15 middle schools;
- 9 high schools; and
- 6 charter schools.

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<sup>1</sup> OCFA daily staffing levels are approximately one-third of total staff.

<sup>2</sup> Orange County Fire Authority, *2021 Statistical Annual Report*, <https://www.ocfa.org/Transparency/Governance.aspx>, accessed June 20, 2022.

<sup>3</sup> Orange County Sheriff's Department, *Dana Point*, <https://www.ocsheriff.gov/patrol-areas/dana-point>, accessed May 21, 2021.

<sup>4</sup> Capistrano Unified School District Website, *About CUSD*, <https://www.capousd.org/District/Our-District/About-Us/index.html>, accessed June 20, 2022.



Table 5.13-2, *Capistrano Unified School District Facilities*, identifies the existing enrollment and capacity of each school serving the project site and, as shown, the capacity for student enrollment of each school levels are currently adequate.

**Table 5.13-2  
Capistrano Unified School District Facilities**

School (Grade Levels)	2021 Enrollment	Capacity
Palisades Elementary School (K-5)	376	788
Shorecliffs Middle School (6-8)	756	1,229
San Juan Hills High School (9-12)	2,916	3,342

Source: Email Correspondence with Clark Hampton, Deputy Superintendent. Dated June 22, 2021.

CUSD collects developer fees for school facilities from residential and commercial/industrial development in order to offset impacts to school services. As of 2020, CUSD collects developer fees in the amount of \$4.08 per square foot of residential development.<sup>5</sup>

## PARKS AND RECREATION

The City of Dana Point maintains 28 public parks and facilities. There are a total 149 acres of City parkland, 42 acres of County of Orange parkland, and 62 acres of State parkland within the City. The City also maintains the Dana Point Community Center, which includes a community services building, organized sport leagues, and senior center. According to the Section 7.36.025(c) of the Dana Point Municipal Code, the City’s parkland standard is five acres per 1,000 residents. However, the City’s Parks, Recreation, and Open Masterplan requires a higher goal for the City’s parkland-to-population standard to be six acres per 1,000 residents. As of April 2020, the City’s existing population is approximately 33,107 persons.<sup>6</sup> Based on this population estimate and the City’s parkland standards (a total of five and six acres per 1,000 residents), the City has a parkland demand of approximately 165 to 198 acres. As the City currently offers approximately 149 acres of parkland (or approximately 4.5 acres per 1,000 residents), there is a parkland deficiency of more than 16 acres citywide. However, the City also has a joint-use agreement with the CUSD for use of school facilities. These facilities are generally open to the public during non-school hours, which would supplement this deficiency. Table 5.13-3, *Local Area Parks*, identifies existing City parks within a one-mile radius of the project area. There are no existing parks or joint-use facilities on-site.

<sup>5</sup> Email Correspondence with Clark Hampton, Deputy Superintendent. Dated June 22, 2021.

<sup>6</sup> U.S Census Bureau, *Dana Point city, California*, <https://www.census.gov/quickfacts/fact/table/danapointcitycalifornia/POP010220#POP010220>. May 26, 2021.



Table 5.13-3  
Local Area Parks

Park and Address	Distance from Project Site (miles)	Restrooms	Ocean View	Playground	Picnic Tables	Barbeques	Baseball/Softball	Basketball	Dog Fun Zone	Volleyball	Tennis	Wedding Site
Louise Leyden Park Dana Bluff West at Via Verde	0.1		X									
Del Obispo Park 34052 Del Obispo Street	0.5	X		X	X	X	X	X			X	
Palisades Gazebo Park 26401 Palisades Drive	0.5		X									X
Sunset Park 33345 Calle Naranja	0.7	X		X	X	X						
Pines Park 34941 Camino Capistrano	0.7		X	X	X	X						X
Sea View Park 25262 Manzanita Drive	0.7		X	X								
Lantern Bay Park 25111 Park Lantern	0.8	X	X	X	X	X						X
Creekside Park 25743 Stonehill Drive	0.4	X		X	X			X	X	X		
Calle Paloma Parkette 34584 Calle Paloma	0.8											
Ocean Knoll Park Dana Point, CA	0.9								X			
Source: City of Dana Point, <i>City of Dana Point Parks &amp; Facilities</i> , <a href="https://www.danapoint.org/home/showdocument?id=17127">https://www.danapoint.org/home/showdocument?id=17127</a> , accessed June 20,2022.												

## PUBLIC LIBRARIES

The project site is served by the Orange County Public Library (OCPL). The OCPL operates as a network of public libraries that within 33 cities in Orange County, as well as within multiple unincorporated areas of the County.

The Dana Point Library (DPL), located at 33841 Niguel Road, is approximately 3.3 miles from the proposed project site and serves as the OCPL branch to the City. The DPL facility is approximately 10,535 square feet in size, and holds approximately 46,838 physical volumes and have nine employees. The DPL has access to a circulation of more than two million volumes in the OCPL system, including those available in surrounding branch libraries. The DPL employs nine librarians, and utilize four to 12 volunteers. It should be noted that the DPL is scheduled to undergo tenant enhancements in the first half of 2022 and will be closed for several months. The current program room of the library is barely adequate to serve the Dana Point community. Additionally, the library has experienced currently has parking issues with the Sea Terrace Community Park and neighboring hotels using the library parking lot.



The San Clemente Library (SCL), located at 242 Avenida Del Mar in the City of San Clemente, is approximately 6.9 miles from the proposed project site. The SCL facility is approximately 14,525 square feet in size, and it holds approximately 58,164 physical volumes and has nine employees. The SCL employs nine librarians, and utilizes four to 11 volunteers.

## **WATER**

The project site receives potable water services from the South Coast Water District (SCWD). SCWD relies on a combination of imported water, local groundwater, and recycled water to meet its current water needs. SCWD works with two primary agencies, Metropolitan Water District of Southern California (Metropolitan) and Municipal Water District of Orange County (MWDOC) to ensure a safe and reliable water supply that would continue to serve the community in periods of drought and shortage.

According to the SCWD *2020 Urban Water Management Plan (2020 UWMP)*, SCWD serves an 8.3 square mile service area consisting of Dana Point, South Laguna Beach, parts of San Clemente, and San Juan Capistrano. According to the 2020 UWMP, SCWD has 30 miles of transition mains and two reservoirs that hold a total of 60 million gallons of water.

### **Water Infrastructure**

Existing water pipeline infrastructure in the project area includes an existing 10-inch domestic water line located within Victoria Boulevard, 6-inch lines within Domingo Avenue, Via Santa Rosa, and Sepulveda Avenue, and a 4-inch line within Sepulveda Avenue, starting at the southwest corner of the project site and extending to the northwest; refer to [Appendix 11.10](#), Hydraulic Analysis Figure 1-1, *Project Location and Existing Potable Water System*. According to the Hydraulic Analysis, the project's potable water (domestic, fire, and irrigation services) would be served by an existing 10-inch pipeline in Victoria Boulevard; existing 4-inch and 6-inch potable water pipelines in Sepulveda Avenue at the southwest side of the project site would be available only for fire service.

### **Water Supply**

As stated, the SCWD's water portfolio is comprised of imported water, local groundwater, and recycled water. According to the 2020 UWMP, the SCWD was 66 percent dependent on imported water, and 19 percent dependent on recycled water, and 15 percent dependent on groundwater. The sources of imported water supplies include the Colorado River and the State Water Project (SWP) provided by Metropolitan and delivered through MWDOC. The local groundwater is from the San Juan Basin. According to the 2020 UWMP, this supply mix is expected to remain consistent through 2045. [Table 5.13-4](#), *SCWD Current and Planned Supplies*, includes a summary of SCWD's current and planned water supplies through 2045.



Table 5.13-4  
SCWD Current and Planned Supplies

Water Supply	2020	2025	2030	2035	2040	2045
Imported Water	4,530	4,480	4,642	4,683	4,716	4,720
Groundwater	847	1,000	1,000	1,000	1,000	1,000
Recycled Water	845	1,100	1,250	1,350	1,350	1,350
<b>Total Water Supplies</b>	<b>6,221</b>	<b>6,580</b>	<b>6,892</b>	<b>7,033</b>	<b>7,066</b>	<b>7,070</b>
Note: All units in acre-feet (AF).						
Source: Arcadis, SCWD 2020 Urban Water Management Plan, Tables 6-1 and 6-2, June 2021.						

### Imported Water

In 2020, the SCWD supplemented its local groundwater with 4,530 acre-feet (AF) of imported water purchased wholesale by Metropolitan through MWDOC. Metropolitan’s principal sources of water are the Colorado River via the Colorado River Aqueduct (CRA) and the Lake Oroville watershed in Northern California through the SWP. For Orange County, the raw water obtained from these sources is treated at the Robert B. Diemer Filtration Plant (Diemer Filtration Plant) located north of Yorba Linda. Typically, the Diemer Filtration Plant receives a blend of Colorado River water from Lake Mathews through the Metropolitan Lower Feeder and SWP water through the Yorba Linda Feeder. Imported water is conveyed to SCWD through the East Orange County Feeder (ECOF) No. 2 system, which conveys Diemer Filtration Plant’s water to the Aufdenkamp Transmission Main (ATM) and the Joint Transmission Main (JTM).

### Groundwater

In 2008, SCWD incorporated local groundwater into its water resource portfolio with the construction of its Groundwater Recovery Facility (GRF), which extracts and treats brackish groundwater from the San Juan Groundwater Basin (Basin). In FY 2019-20, SCWD relied on 847 acre feet per year (AFY), approximately 13.5 percent of SCWD’s water supply portfolio for FY 2019-20 – from the Basin. With the expected addition of the SCWD’s second GRF well (located in the City of Dana Point’s Creekside Park), SCWD will be able to extract its full permitted amount of 1,300 AFY from the Basin, which will net approximately 1,040 AFY of treated groundwater production.

The San Juan Basin is located in southern Orange County within the San Juan Creek Watershed. The San Juan Basin is comprised of four sub-basins: Upper San Juan, Middle San Juan, Lower San Juan, and Lower Trabuco and is bound on the west by the Pacific Ocean and by tertiary semi-permeable marine deposits. Recharge of the San Juan Basin occurs through flow from San Juan Creek, Oso Creek, and Arroyo Trabuco, precipitation to the valley floor, and Hot Spring Canyon spring flows. Currently, three agencies, including SCWD, have groundwater rights to the Basin and use this water for either municipal purposes or for irrigation. These agencies are listed below:

- SCWD: 1,300 AFY;
- San Juan Basin Authority (SBJA): 12,500 AFY; and
- City of San Juan Capistrano: 6,150 AFY of SBJA’s water rights, including 5,800 AFY at the Alipaz well field and Tirador well and up to 350 AFY for the San Juan Hills Golf Club.



## Recycled Water

The SCWD’s recycled water distribution system consists of 16 miles of pipeline, three pump stations with a total pumping capacity of 5,200 gallons per minute, and three reservoirs with a capacity of 4.7 million gallons. The distribution system begins at the Advanced Wastewater Treatment Plant (AWT) facility to the north and a pipeline that runs south along Pacific Coast Highway to Stonehill Drive.

Recycled water is used to irrigate parks, golf courses, greenbelts, and offsets demand on imported potable water. Current customers receiving recycled water from the SCWD include the Montage Resort, Lang Park, The Ranch Golf Course & Bungalows, Monarch Links Golf Course at the St. Regis Resort, Niguel Shores Community Association, Dana Hills High School, the majority of City of Dana Point parks, Golden Lantern and Town Center medians, Gloria Dei Lutheran Church, Lantern Bay Villas Home Owner Association, Lantern Bay estates, Cape Cove Home Owner Association, Ritz Cove, Pacific Coast Highway median areas, and numerous other greenbelt areas located within private home owner associations.

## Water Demand

The SCWD served approximately 12,553 domestic water customer service connections, either active or inactive, within the water distribution system, with all existing connections metered in the fiscal year of 2014-15. Approximately 63 percent of SCWD’s water demand is residential; 19 percent is commercial/industrial/institutional (CII); 16 percent is used by dedicated landscape irrigation meters; and the remaining two percent consists of non-revenue water. SCWD also serves approximately 185 recycled water customer services, accounting for approximately 13 percent of the current demands. The total number of customer services connections served by SCWD is 12,738.

Table 5.13-5, *Existing Water Demand On-Site*, contains a summary of SCWD’s current total water demand for on-site uses.

**Table 5.13-5  
Existing Water Demand On-Site**

Land Use	Average Daily Demand (gallon per month)	Maximum Monthly Demand (gallon per month)
Existing Uses (Recreation/Public Use Facilities/Park)	4.6	9.2
Note: Average Daily Demand (ADD) = the yearly total water demand divided by the number of days in a year. For the purpose of this analysis, ADD is expressed in gallons per month; Maximum Month Demand (MMD) = the maximum quantity of water used on any day of the year. For the purpose of this analysis, MMD is expressed in gallons per month. It is noted that the highest monthly water usage typically occurs during a summer month.		
Source: Dudek, <i>Victoria Boulevard Apartments Hydraulic Analysis, Technical Memorandum, Table 2-1, Increased Net Water Demand Projections</i> , July 2022.		

## WASTEWATER

Wastewater services for the project site are provided by SCWD through the existing sanitary sewer system. The existing system consists of approximately 744,480 lineal feet of gravity sewer pipelines, 14 sewage lift stations, and 3,722 manholes. Sanitary sewer is conveyed to one of two wastewater treatment facilities owned and operated by the South Orange County Wastewater Authority



(SOCWA).<sup>7</sup> The project’s wastewater would be treated by SOCWA at the J.B. Latham Plant in Dana Point. The J.B. Latham Plant has a total peak flow capacity of 13 million gallons per day (mgd) for treatment and SCWD owns 27.3 percent of the capacity, approximately 3.549 mgd. SOCWA indicates that the J.B. Latham Plant processes an average capacity use of 6 mgd.

**Wastewater Infrastructure**

Existing wastewater infrastructure in the project area consists of an 8-inch underground sewer line in Sepulveda Avenue that connects to SCWD’s wastewater infrastructure system; refer to Hydraulic Analysis Figure 1-2, *Project Location and Existing Sewer System*.

**Pump Station**

According to the Hydraulic Analysis, wastewater from the proposed multi-family residential development drains into Lift Station 12, located adjacent to the Santa Fe Avenue and Victoria Boulevard intersection; refer to Hydraulic Analysis Figure 3-4, *Future (2040) Peak Flow Results*, for an approximately location of Lift Station 12.

The *South Coast Water District Infrastructure Master Plan Update (IMP Update)*, published in October 2017, provides a comprehensive Capital Improvement Program (CIP) for the SCWD. As reported in the IMP Update, the Lift Station 12 is undersized based on the SCWD’s design criteria. According to the Hydraulic Analysis, peak flow into the station is estimated at approximately 1,934 gallons per month in the future (2040).

**Wastewater Loading**

Table 5.13-6, *Existing Wastewater Loading On-Site*, contains a summary of SCWD’s current wastewater loading from on-site uses.

**Table 5.13-6  
Existing Wastewater Loading On-Site**

Land Use	Average Dry Weather Wastewater Flow (gallon per month)	Peak Wastewater Flow (gallon per month)
Existing Uses (Recreation/Public Use Facilities/Park)	3	12.5
<p>Note: Net Average Dry Weather Wastewater Flow (ADWF) = the average flow that occurs on a daily basis during the dry weather season, and is usually estimated from a 5-year average of dry weather flows. For the purpose of this analysis, ADWF is expressed in gallons per month; Peak Wastewater flow could be estimated based on average dry weather flow using peaking factor equations. For steady-state simulation, the following peaking factor equation was used:  <math>Q_{Peak} = 2.4 \times Q_{Average}^{0.89}</math> (where <math>Q_{Average}</math> is in cubic feet)</p>		
<p>Source: Dudek, <i>Victoria Boulevard Apartments Hydraulic Analysis, Technical Memorandum, Table 3-1, Increased Net Sewer Loading Projections</i>, July 2022.</p>		

<sup>7</sup> South Coast Water District, *Sewer System Management Plan, page 4.4*, revised September 2014.





## **STORMWATER**

Refer to Section 5.5, *Hydrology and Water Quality*, for a detailed discussion on the drainage conditions for the project site.

Under existing conditions, drainage within the project site generally flows southeast across the project area. As discussed in Section 5.5, on-site stormwater drainage occurs through four drainage subareas (identified as Drainage Subareas A through D); refer to Figure 5.5-1, *Existing Hydrology*.

Drainage Subarea A flows into the existing gutter system along Victoria Boulevard, which is drained by an existing 18-inch storm drain line. This 18-inch pipe connects to an existing 30-inch storm drain main (in Victoria Boulevard) that flows to the west towards Sepulveda Avenue.

Drainage Subarea B flows into the existing gutter system along Sepulveda Avenue, which is drained by an existing 18-inch storm drain line. This 18-inch pipe connects to an existing 36-inch reinforced concrete pipe (RCP) storm drain main (in Sepulveda Avenue) that flows south towards an open headwall culvert and 36-inch storm drain main in Sepulveda Avenue.

Drainage Subarea C flows towards Sepulveda Avenue to the west and drains towards the same open headwall culvert that Subareas A and B drain towards.

Lastly, Drainage Subarea D connects with Subarea C flows that eventually drains towards the same open headwall culvert on Sepulveda Avenue that Subareas A and B drain towards.

## **SOLID WASTE**

Solid waste disposal services to the project site would be contracted through CR&R Environmental Services (CR&R). In addition to solid waste services, CR&R also offers residential curbside recycling services, hazardous waste services, electronic waste services, bulky items pickup, organic waste services, and construction services.

In 2018, a total of 28,997 tons of solid waste were disposed in six permitted landfills serving the City.<sup>8</sup> Among the six sites serving the City, the Prima Deshecha Landfill admitted approximately 91 percent of City's waste. Table 5.13-7, *Landfills Serving the City*, provides a summary of these facilities.

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<sup>8</sup> California Department of Resources Recycling and Recovery, *Jurisdiction Disposal By Facility, Disposal during 2019 for Dana Point*, <https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Destination/DisposalByFacility>, accessed August 4, 2021.



Table 5.13-7  
Landfills Serving the City

Landfill/Location	Amount Disposed by City in 2020 (tons per day)	Maximum Daily Throughput (tons per day)	Remaining Capacity (cubic yards)	Anticipated Closure Date
Prima Deshecha Landfill 32250 Avenida La Pata, San Juan Capistrano, CA 92675	26,368.68	4,000	134,300,000	12/31/2102
Frank R. Bowerman Sanitary Landfill 11002 Bee Canyon Access Road, Irvine, CA 92618	1,252.7	11,500	205,000,000	12/31/2053
Olinda Alpha Landfill 1942 North Valencia Avenue, Brea, CA 92823	786.92	8,000	17,500,000	12/31/2021
Simi Valley Landfill & Recycling Center 2801 Madera Road, Simi Valley, CA 93065	373.11	64,750	82,954,873	3/31/2063
El Sobrante Landfill 10910 Dawson Canyon Road, Corona, CA 91719	152.8	16,054	143,977,170	01/01/2051
Azusa Land Reclamation Co. Landfill 1211 West Gladstone Street, Azusa, CA 91702	63.18	8,000	51,512,201	01/01/2045
<b>Total</b>	<b>28,997.39</b>	--	<b>635,244,244</b>	--
Sources: 1. California Department of Resources Recycling and Recovery, <i>SWIS Facility/Site Search</i> , <a href="https://www2.calrecycle.ca.gov/SolidWaste/Site/Search">https://www2.calrecycle.ca.gov/SolidWaste/Site/Search</a> , accessed August 4, 2021. 2. California Department of Resources Recycling and Recovery, <i>Jurisdiction Disposal By Facility, Disposal during 2019 for Dana Point</i> , <a href="https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Destination/DisposalByFacility">https://www2.calrecycle.ca.gov/LGCentral/DisposalReporting/Destination/DisposalByFacility</a> , accessed August 4, 2021.				

## DRY UTILITY SERVICES

### Electricity

The San Diego Gas and Electric Company (SDGE) provides electrical services to the project site. SDGE is a regulated California utility company with Sempra Energy Company functioning as the parent company. SDGE supplies power to a population of 1.4 million business and residential accounts in a 4,100 square-mile service area spanning two counties and 25 communities.<sup>9</sup> Existing overhead electrical lines for the project site occur along Victoria Boulevard and Sepulveda Avenue. Additionally, there are multiple overhead and underground electrical lines on-site that serve the existing project site.

<sup>9</sup> San Diego Gas and Electricity. *About Us*. <https://www.sdge.com/more-information/our-company/about-us>. Accessed June 20, 2021.



## **Natural Gas**

Natural Gas is provided to the project site by the Southern California Gas Company (SoCalGas). Sempra Energy Company also functions as a parent company for SoCalGas, providing natural gas service lines to the project site. SoCalGas owns, operates, and maintains the gas facilities within the project site. An existing underground gas line for the project occurs along Victoria Boulevard.

## **Telecommunication**

Cable, telephone, and internet services within the City of Dana Point are currently provided by AT&T and COX Communications. Existing telephone lines are present in Sepulveda Avenue, and an existing cable/television line is also present along Victoria Boulevard.

### **5.13.2 REGULATORY SETTING**

To aid the reader, this section is organized by subject rather than by Federal, State, and local regulations as seen in other Draft EIR sections.

## **FIRE PROTECTION**

### **Federal Level**

There are no Federal regulations directly applicable to fire protection with respect to this project.

### **State Level**

#### **CALIFORNIA CODE OF REGULATIONS TITLE 24 – FIRE CODES**

California Code of Regulations (CCR) Title 24, refers to the California Building Code (CBC), contains complete regulations and general construction building standards of state adopting agencies, including administrative, fire and life safety, and field inspection provisions. Part 2 of the CBC was updated in 2008 to reflect changes in the base document from the Uniform Building Code to the International Building Code. Part 9 of the CBC, refers to the California Fire Code, which contains other fire safety-related building standards. In particular, the CBC Chapter 7A, Materials and Construction Methods for Exterior Wildfire Exposure, addresses fire safety standards for new construction.

#### **CALIFORNIA PUBLIC RESOURCES CODE SECTIONS 4290-4299 AND GENERAL CODE SECTION 51178**

A variety of State codes, particularly Public Resources Code Sections 4290-4299 and General Code Section 51178, require minimum statewide fire safety standards pertaining to: roads for fire equipment access; signage identifying streets, roads, and buildings; minimum private water supply reserves for emergency fire use; and fire fuel breaks and greenbelts. They also identify primary fire suppression responsibilities among the Federal, State, and local governments. In addition, any person who owns, leases, controls, operates, or maintains a building or structure in or adjoining a mountainous area or forest-covered, brush-covered, or grass-covered land, or any land covered with flammable material, must follow procedures to protect the property from wildland fires. This regulation also helps ensure fire safety and provide adequate access to outlying properties for emergency responders and safe evacuation routes for residents.



## **Local Level**

### **DANA POINT GENERAL PLAN**

The General Plan Land Use, Public Facilities/Growth Management, and Public Safety Elements include goals and policies to address the City's fire protection needs. The following goals and policies are relevant to the proposed project:

#### **Land Use Element**

Goal 1: Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents.

Policy 1.3: Assure that land use intensities are consistent with capacities of existing and planned public service facilities. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

#### **Public Facilities/Growth Management Element**

Goal 4: Maintain desirable levels of police, fire, and emergency medical services in the City.

Policy 4.1: Periodically evaluate services and service criteria to ensure the City has adequate police, fire and emergency medical services.

Policy 4.5: Coordinate with the Orange County Sheriff's and Fire Departments for the continued provision of adequate law enforcement and fire protection.

Goal 7: Develop a Growth Management Plan which ensures that growth and development are based upon the City's ability to provide an adequate circulation system and public facilities pursuant to the Countywide Growth Management Plan Component and the Traffic Improvement and Growth Management Ordinance (Measure M), and which preserves the City's quality of life and natural resources while protecting its fiscal well-being.

Policy 7.1: Adopt Orange County level of service standards for law enforcement, fire, library, and storm drains and Capistrano Bay Park and Recreation District standards for parks and open space (see Table PF-1).

#### **Public Safety Element**

Goal 4: Reduce the risk to the community's inhabitants from fires or explosions.



Policy 4.4: Establish and maintain mutual aid agreements with surrounding cities for fire protection.

Policy 4.5: Encourage building code requirements that assure adequate fire protection.

## **DANA POINT MUNICIPAL CODE**

### **Municipal Code Chapter 8.24, *California Fire Code***

Municipal Code Chapter 8.24, *California Fire Code*, adopts by reference the 2019 edition of the California Fire Code with amendments. Municipal Code Chapter 8.02, *California Building Code*, adopts by reference the 2019 edition of the California Fire Code with amendments.

## **POLICE PROTECTION**

### **Federal Level**

There are no Federal regulations directly applicable to police protection with respect to this project.

### **State Level**

There are no State regulations directly applicable to police protection with respect to this project.

### **Local Level**

## **DANA POINT GENERAL PLAN**

The General Plan Land Use, Public Facilities/Growth Management, and Public Safety Elements include goals and policies to address the City's police protection needs. The following goals and policies are relevant to the proposed project:

### **Land Use Element**

Goal 1: Achieve a desirable mixture of land uses to meet the residential, commercial, industrial, recreational, open space, cultural and public service needs of the City residents.

Policy 1.3: Assure that land use intensities are consistent with capacities of existing and planned public service facilities. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.



## **Public Facilities/Growth Management Element**

Goal 4: Maintain desirable levels of police, fire, and emergency medical services in the City.

Policy 4.1: Periodically evaluate services and service criteria to ensure the City has adequate police, fire and emergency medical services.

Policy 4.5: Coordinate with the Orange County Sheriff's and Fire Departments for the continued provision of adequate law enforcement and fire protection.

Goal 7: Develop a Growth Management Plan which ensures that growth and development are based upon the City's ability to provide an adequate circulation system and public facilities pursuant to the Countywide Growth Management Plan Component and the Traffic Improvement and Growth Management Ordinance (Measure M), and which preserves the City's quality of life and natural resources while protecting its fiscal well-being.

Policy 7.1: Adopt Orange County level of service standards for law enforcement, fire, library, and storm drains and Capistrano Bay Park and Recreation District standards for parks and open space (see Table PF-1).

## **SCHOOLS**

### **Federal Level**

There are no Federal regulations directly applicable to school services with respect to this project.

### **State Level**

#### **LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998 (SENATE BILL 50)**

Senate Bill 50 (SB 50) was enacted by the State Legislature in 1998 and made significant amendments to existing state law governing school fees. Specifically, SB 50 amended prior California Government Code Section 65995(a) to prohibit state or local agencies from imposing school impact mitigation fees, dedications or other requirements in excess of those provided in the statute in connection with “any legislative or adjudicative act...by any state or local agency involving...the planning, use, or development of real property....” The legislation also amended California Government Code Section 65996(b) to prohibit local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any “legislative or adjudicative act [involving] the planning, use or development of real property.” Further, SB 50 established the base amount of allowable developer fees: \$1.93 per square foot for residential construction and \$0.31 per square foot for commercial. These base amounts are commonly called “Level 1 fees” and are the same caps that were in place at the time SB 50 was enacted. Level 1 fees are subject to inflation adjustment every two years.

In certain circumstances, for residential construction, school districts can impose fees that are higher than Level 1 fees. School districts can impose Level 2 fees, which are equal to 50 percent of land and construction costs if they: (1) prepare and adopt a school needs analysis for facilities; (2) are determined by the State Allocation Board to be eligible to impose these fees; and (3) meet at least two of the following four conditions:



- At least 30 percent of the district’s students are on a multi-track year-round schedule;
- The district has placed on the ballot within the previous four years a local school bond that received at least 50 percent of the votes cast;
- The district has passed bonds equal to 30 percent of its bonding capacity; or
- At least 20 percent of the district’s teaching stations are relocatable classrooms.

Additionally, if the State’s bond funds are exhausted, a school district that is eligible to impose Level 2 fees is authorized to impose even higher fees. Commonly referred to as “Level 3 fees,” these fees are equal to 100 percent of land and construction costs of new schools required as a result of new developments.

## **Local Level**

### **DANA POINT GENERAL PLAN**

The General Plan Land Use and Public Facilities/Growth Management Elements includes goals and policies to address the City’s school service needs. The following goals and policies are relevant to the proposed project:

#### **Land Use Element**

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

- Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

#### **Public Facilities/Growth Management Element**

Goal 5: Encourage adequate community facilities including libraries, schools, civic and cultural facilities.

- Policy 5.8: Coordinate the approval of new development with the capacity of the Capistrano Unified School District.

- Policy 5.9: Ensure to the extent feasible that adequate sites are available for public facilities, churches, schools, museum(s), government offices, a civic/cultural center or other facilities that may serve the public interest.

### **DANA POINT MUNICIPAL CODE**

#### **Municipal Code Section 7.10.025, *Elementary School Sites***

Under Municipal Code Section 7.10.025, *Elementary School Sites*, the City may require projects involving a subdivision to dedicate land for the elementary school facilities, as necessary. Dedication of elementary school facilities would ensure that the future residents of the subdivision would acquire adequate public-school service in accordance with the requirements and procedures set forth in the Subdivision Map Act.



## **PARKS AND RECREATION**

### **Federal Level**

There are no Federal regulations directly applicable to parks and recreation with respect to this project.

### **State Level**

#### **QUIMBY ACT**

The Quimby Act (Government Code Section 66477) states that the legislative body of a city or county may, by ordinance, require the dedication of land or impose a fee payment requirement of in lieu thereof, or a combination of both, for park or recreational purposes as a condition to the approval of a tentative map or parcel map, provided certain requirements are met. This Section further states that “the dedication of land, or the payment of fees, or both, shall not exceed the proportionate amount necessary to provide three (3.0) acres of park area per 1,000 persons residing within a subdivision subject to this section.”

#### **PROPOSITION 40 PARK BOND ACT**

Proposition 40 is intended to maintain a high quality of life for California’s growing population by providing a continuing investment in park and recreational facilities. Specifically, it is for acquisition and development of neighborhood, community, and regional parks, and recreational land and facilities, in urban and rural areas. Projects eligible for funding include an acquisition, development, improvement, rehabilitation, restoration, enhancement and the development of interpretative facilities, or local parks and recreational land and facilities, and funds are distributed based on a city’s population.

### **Local Level**

#### **DANA POINT PARKS, RECREATION, AND OPEN SPACE MASTER PLAN**

The Dana Point Parks, Recreation, Open Master Plan (Park Master Plan) (dated 2005) is intended to be a 20-year plan that serves as a resource document for the orderly development and management of recreation and community services, programs, and facilities for the City. The Dana Point Parks, Recreation, Open Master Plan discusses the existing parkland and open space facilities and identifies areas within the City with recreational needs. The Parks Master Plan links the General Plan goals and community input received during the Master Plan process, to address the City’s parks and recreational needs.

#### **DANA POINT GENERAL PLAN**

The General Land Use, Urban Design, and Public Facilities/Growth Management Elements include goals and policies to address the City’s parks and recreation needs. The following goals and policies are relevant to the proposed project:

##### **Land Use Element**

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.





- Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.
- Policy 3.5: Public facilities including parking areas or facilities shall, wherever appropriate and feasible, be distributed throughout the coastal zone area to mitigate against the impacts, social and otherwise, of overcrowding and overuse by the public of any single area.

### **Urban Design Element**

Goal 4: Maintain and enhance the City's public spaces and resources.

- Policy 4.4: Encourage development of community cultural and recreational facilities.

### **Public Facilities/Growth Management Element**

Goal 5: Encourage adequate community facilities including libraries, schools, civic and cultural facilities.

- Policy 5.7: Encourage well-planned neighborhood and community park facilities that are within convenient distance to all residential areas.
- Policy 5.9: Ensure to the extent feasible that adequate sites are available for public facilities, churches, schools, museum(s), government offices, a civic/cultural center or other facilities that may serve the public interest.
- Policy 5.11: Consider creating various funding mechanisms, such as developer impact fees, to contribute toward the cost of new civic facilities.
- Policy 5.12: Coordinate the provision of community facilities with the development of new parks and recreational facilities.

## **DANA POINT MUNICIPAL CODE**

### **Municipal Code Section 7.10.010, *Required Dedication For Public Use Or Benefit***

Municipal Code Section 7.10.010, *Required Dedication for Public Use or Benefit*, requires all real property to include (both on- and off-site) dedication to the public, the City, or other public agency for public use or benefit. Such dedication could include but not limited to local streets, arterial highways, and transportation corridors; alleys; trails, paths, and pedestrian-ways; flood-control facilities; parks; easements for landscaping maintenance; public utility easements; public transit facilities; other public easements; accessways to the shoreline or to lakes; and reservoirs as provided in Sections 7.08.125 and 7.08.130 of the Municipal Code.

### **Municipal Code Section 7.36.050, *Payment of In-Lieu Fees for Park and Recreation Purposes***

Municipal Code Section 7.36.050, *Payment of In-Lieu Fees for Park and Recreation Purposes*, would require payment of in-lieu fees in subdivisions containing 50 or less parcels (or lots). However, a dedication of land may be required for a condominium project exceeding 50 dwelling units notwithstanding the fact that the number of parcels may be less than 50. The provision would also allow for the payment



of in-lieu fees for park and recreation purposes instead of dedication of parkland, if the location or topography of the subdivision is not conducive to the development of parks and recreation facilities.

## **PUBLIC LIBRARIES**

### **Federal Level**

There are no Federal regulations directly applicable to library services with respect to this project.

### **State Level**

There are no State regulations directly applicable to library services with respect to this project.

### **Local Level**

The General Public Facilities/Growth Management Elements includes goals and policies to address the City's school service needs. The following goals and policies are relevant to the proposed project:

#### **DANA POINT GENERAL PLAN**

##### **Public Facilities/Growth Management Element**

Goal 5: Encourage adequate community facilities including libraries, schools, civic and cultural facilities.

Policy 5.1: Cooperate with the Orange County Public Library to periodically assess library service needs for the community.

#### **ORANGE COUNTY CODE OF ORDINANCES**

The Orange County Code of Ordinances, Article 7, establishes a development fee program that apportions the pro rata share of the costs of a facility to each parcel within a benefit area within a benefit area based on the benefit to be derived by each such parcel and the contribution of the development approved for such parcel to the need for the facility and without regard to whether or not such parcels are within a fee area. The program states the estimated cost of the facility, which cost shall be deemed fixed for purposes of the program. As stated in Article 7, Section 7-9-705, the term facilities would include fire stations, libraries and sheriff's substations, appropriate sites, and equipment necessary to the functioning of such facility

## **WATER**

### **Federal Level**

#### **FEDERAL SAFE DRINKING WATER ACT OF 1974**

The Safe Drinking Water Act authorizes the U.S. Environmental Protection Agency (EPA) to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water. The EPA, states, and water systems then work together to make sure that these standards are met. Originally, Safe Drinking Water Act focused primarily on treatment as the means of providing safe drinking water at the tap. The 1996



amendments greatly enhanced the existing law by recognizing source water protection, operator training, funding for water system improvements, and public information as important components of safe drinking water. This approach ensures the quality of drinking water by protecting it from source to tap. The Safe Drinking Water Act applies to every public water system in the United States.

## **State Level**

### **STATE OF CALIFORNIA WATER RECYCLING ACT**

Enacted in 1991, the Water Recycling Act established water recycling as a State priority. The Water Recycling Act encourages municipal wastewater treatment districts to implement recycling programs to reduce local water demands.

### **CALIFORNIA CODE OF REGULATIONS, TITLE 22, DIVISION 4, CHAPTER 3 WATER RECYCLING CRITERIA**

California regulates the wastewater treatment process and use of recycled water pursuant to California Code of Regulations, Title 22, Division 4, Chapter 3, *Water Recycling Criteria*. According to these regulations, recycled water to be used for irrigation of public areas must be filtered and disinfected to tertiary standards.

### **URBAN WATER MANAGEMENT ACT**

The Urban Water Management Plan Act was passed in 1983 and codified as Water Code Sections 10610 through 10657. Since its adoption in 1983, the Urban Water Management Plan Act has been amended on several occasions. Some of the more notable amendments include an amendment in 2004, which required additional discussion of transfer and exchange opportunities, non-implemented demand management measures, and planned water supply projects. Also, in 2005, another amendment required water use projections (required by Water Code Section 10631) to include projected water use for single-family and multi-family residential housing needed for lower income households. In addition, Government Code Section 65589.7 was amended to require local governments to provide the adopted housing element to water and sewer providers. The Act requires “every urban water supplier providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre feet of water annually, to prepare and adopt, in accordance with prescribed requirements, an urban water management plan.” Urban water suppliers must file these plans with the California Department of Water Resources every five years describing and evaluating reasonable and practical efficient water uses, reclamation, and conservation activities. As required by the Memorandum of Understanding Regarding Urban Water Conservation in California and Assembly Bill 11 (Filante, 1991), the 2005 Urban Water Management Plan Act, incorporated water conservation initiatives, and a Water Shortage Contingency Plan as well.

### **WATER CONSERVATION ACT OF 2009**

Water Code Sections 10800, *et seq.* creates a framework for future planning and actions by urban (and agricultural) water suppliers to reduce California’s water use. The law requires urban water suppliers to reduce statewide per capita water consumption by 20 percent by 2020. Additionally, the State is required to make incremental progress towards this goal by reducing per capita water use by at least 10 percent by 2015. Each urban retail water supplier was required to develop water use targets and an



interim water use target by July 1, 2011. Each urban retail water supplier was required, by July 2011, to include in their water management plan the baseline daily per capita water use, water use target, interim water use target, and compliance daily per capita water use.

### **SENATE BILL 610**

Water Code Sections 10610 to 10656 require water suppliers to prepare an UWMP to promote water demand management and efficient use in their service areas. UWMPs are included with the environmental document for specified projects.

Concerning water supply, the Water Code requires preparation of a Water Supply Assessment for certain projects.<sup>10</sup> The Water Code requires that a Water Supply Assessment be prepared for any “project” which would consist of one or more of the following:<sup>11</sup>

- A proposed residential development of more than 500 dwelling units;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- A proposed hotel or motel, or both, having more than 500 rooms;
- A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
- A mixed-use project that includes one or more of the projects specified above; or
- A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500-dwelling unit project.

### **SENATE BILL 221**

Senate Bill 221 (SB 221),<sup>12</sup> amended State law, effective January 1, 2002, to improve the link between information on water supply availability and land use at the tentative map preparation phase of a project. SB 610 and SB 221 are companion measures which seek to:

- Promote more collaborative planning between local water suppliers and cities and counties;

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<sup>10</sup> Water Code Sections 10910–10915.

<sup>11</sup> Water Code Section 10912(a).

<sup>12</sup> Business and Professions Code Section 11010 and Government Code Section 66473.4.



- Require detailed information regarding water availability be provided to city and county decision-makers prior to approval of specific large development projects;
- Require that this detailed information be included in the administrative record that serves as the evidentiary basis for an approval action by the city or county on such projects; and
- Recognize local control and decision making regarding the availability of water for projects and the approval of projects.

SB 221 pertains only to residential projects and establishes the relationship between the Water Supply Assessment prepared for a project and the project approval under the Subdivision Map Act.

### **EFFICIENCY STANDARDS**

CCR Title 20 addresses Public Utilities and Energy and includes appliance efficiency standards that promote water conservation. The CBC (CCR Title 24) includes the California Plumbing Code (Part 5), which promotes water conservation. In addition, a number of California laws listed below require water-efficient plumbing fixtures in structures:

- CCR Title 20 Section 1604(g) establishes efficiency standards that give the maximum flow rate of all new showerheads, lavatory faucets, sink faucets, and tub spout diverters.
- CCR Title 20 Section 1606 prohibits the sale of fixtures that do not comply with established efficiency regulations.
- CCR Title 24 Sections 25352(i) and (j) address pipe insulation requirements, which can reduce water used before hot water reaches equipment or fixtures. Insulation of water-heating systems is also required.
- Health and Safety Code Section 17921.3 requires low-flush toilets and urinals in virtually all buildings.

### **Local Level**

#### **SOUTH COAST WATER DISTRICT URBAN WATER MANAGEMENT PLAN 2015**

In compliance with Water Code Sections 10610 through 10656 of the Urban Water Management Planning Act, the SCWD adopted its UWMP in June 2016. The UWMP outlines the SCWD's existing and future water supplies and assesses the SCWD's forecasted water demands and supply availability through 2040. The UWMP is organized by topic and includes a discussion of the SCWD's water service area and facilities, water sources and supplies, water use by customer type, demand management measures, water supply reliability, planned water supply projects and programs, a water shortage contingency plan, and recycled water use.

#### **DANA POINT GENERAL PLAN**

The General Plan Land Use, Conservation/Open Space, and Public Facility/Growth Management Elements includes goals and policies to address the City's water demands. The following goals and policies are relevant to the proposed project:



### **Land Use Element**

Goal 2: Achieve compatibility and enhance relationships among land uses in the community.

Policy 2.1 Consider the impacts on surrounding land uses and infrastructure when reviewing proposals for new development.

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

### **Conservation/Open Space Element**

Goal 1: Conserve and protect surface water, groundwater and imported water resources.

Policy 1.2: Protect groundwater resources from depletion and sources of pollution.

Policy 1.3: Conserve imported water by providing water conservation techniques, and using reclaimed water, water conserving appliances, and drought-resistant landscaping when feasible.

Policy 1.4: Protect water quality by seeking strict quality standards and enforcement with regard to water imported into the County, and the preservation of the quality of water in the groundwater basin, streams, estuaries, and the ocean.

### **Public Facilities/Growth Management Element**

Goal 1: Encourage adequate water and sewer service.

Policy 1.1: Work closely with local-serving water and sewer districts in determining future area needs and expanding sewer service to the Headlands area, when necessary.

Policy 1.2: Encourage the use of drought resistant landscaping to reduce overall water use.

Policy 1.3: Support public education programs for water conservation.

Policy 1.7: Evaluate the varying levels of service provided by the water and sewer districts serving the City and support increased coordination among these districts in order to provide consistent service levels.

Policy 1.8: Encourage and support water and sewer districts in the effective management of their revenue resources to ensure equitable service throughout the City.

### **DANA POINT MUNICIPAL CODE**

#### **Municipal Code Chapter 9.55, *Water Efficient Landscape Standards And Requirements***

Municipal Code Chapter 9.55, *Water Efficient Landscape Standards and Requirements*, promotes and encourages high quality landscape improvements that recognize and respect the limited availability of water in California. This Chapter requires the consideration of water conservation measures through the appropriate design, installation and maintenance of landscape and irrigation systems.



## **WASTEWATER**

### **Federal Level**

#### **FEDERAL CLEAN WATER ACT (33 USC SECTIONS 1251, ET SEQ.)**

The Clean Water Act's (CWA) primary goals are to restore and maintain the chemical, physical, and biological integrity of the nation's waters and to make all surface waters fishable and swimmable. The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint-source discharge programs, and wetlands protection. The EPA has delegated the responsibility for administration of CWA portions to State and regional agencies. In California, the SWRCB administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality.

### **State Level**

There are no State regulations directly applicable to wastewater treatment with respect to this project.

### **Local Level**

#### **SOUTH COAST WATER DISTRICT SEWER SYSTEM MASTER PLAN**

The *South Coast Water District Sewer System Master Plan* (SSMP), last updated in September 2014, was prepared pursuant to SWRCB's Statewide General Waste Discharge Requirements and Monitoring and Reporting Program (GWDR) Order No. 2006-0003. SSMPs are state-mandated requirements for California public collection system agencies that own or operate sanitary sewer systems greater than one mile in length. The goals for these plans are to reduce Sanitary Sewer Overflows (SSOs), protect public health and environment, and improve the overall maintenance and management of sewer systems, including neighborhood lift stations. SCWD's SSMP includes a comprehensive assessment of the SCWD's sewer system and its ability to accommodate existing and future wastewater collection needs.

#### **SOUTH COAST WATER DISTRICT INFRASTRUCTURE MASTER PLAN**

The *South Coast Water District Infrastructure Master Plan Update* (IMP Update), published in October 2017, provides a comprehensive Capital Improvement Program (CIP) for the SCWD. The IMP Update details the water supply, water distribution, wastewater, and recycled water infrastructure in SCWD. It also identifies existing and potential system inefficiency or deficiencies in the SCWD's infrastructure that needs to be addressed.

#### **DANA POINT GENERAL PLAN**

The General Plan Land Use and Public Facility/Growth Management Elements includes goals and policies to address the City's wastewater treatment demands. The following goals and policies are relevant to the proposed project:



## **Land Use Element**

Goal 2: Achieve compatibility and enhance relationships among land uses in the community.

Policy 2.1: Consider the impacts on surrounding land uses and infrastructure when reviewing proposals for new development.

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

## **Public Facility/Growth Management Element**

Goal 1: Encourage adequate water and sewer service.

Policy 1.1: Work closely with local-serving water and sewer districts in determining future area needs and expanding sewer service to the Headlands area, when necessary.

Policy 1.4: Support the appropriate regional agencies in developing and utilizing reclaimed water facilities.

Policy 1.5: Consider requiring new development to pay for the cost of extending reclaimed water lines in the City.

Policy 1.7: Evaluate the varying levels of service provided by the water and sewer districts serving the City and support increased coordination among these districts in order to provide consistent service levels.

Policy 1.8: Encourage and support water and sewer districts in the effective management of their revenue resources to ensure equitable service throughout the City.

## **STORMWATER**

### **Federal Level**

Refer to [Section 5.5.2](#), *Regulatory Setting*, for a discussion on all applicable Federal level regulations regarding stormwater.

### **State Level**

Refer to [Section 5.5.2](#) for a discussion on all applicable State level regulations regarding stormwater.

### **Local Level**

[Section 5.5.2](#) includes a discussion on all applicable local level regulations regarding stormwater. Nevertheless, the following discussion on local regulations and standards are specifically focused on impacts to stormwater as a utility service system.





## **REGIONAL WATER QUALITY CONTROL BOARD**

NPDES permits are required for operators of municipal separate storm sewer systems, construction projects, and industrial facilities. These permits specify limits on the amount of pollutants that can be contained in the discharge of each facility of property. The SOCWA operates its wastewater treatment plant (J.B. Latham Plant) and wastewater collection and disposal system pursuant to the requirements of Order No. R8-2004-0062, issued by the San Diego RWQCB.

## **LOCAL IMPLEMENTATION PLAN**

The City of Dana Point adopted the *Water Quality Local Implementation Plan (LIP)* in 2017. Under the LIP, the *South Orange County Water Quality Management Plan* describes the land development policies pertaining to hydromodification and LID design which are required for new developments and significant redevelopment projects. The use of LID and BMPs in project planning and design is intended to preserve a site's predevelopment hydrology by minimizing the loss of natural hydrologic processes such as infiltration, evapotranspiration, and run-off detention. Implementation of LID and BMPs could potentially offset these losses through structural and non-structural design components that restore water quality functions into the project's land plan. BMPs involve programs and policies, including structural controls that are implemented to control the discharge of pollutants.

## **DANA POINT GENERAL PLAN**

The General Plan Land Use, Conservation/Open Space, Public Safety, and Public Facility/Growth Management Elements includes goals and policies to address the City's stormwater demands. The following policies are relevant to the proposed project:

### **Land Use Element**

Goal 2: Achieve compatibility and enhance relationships among land uses in the community.

Policy 2.1 Consider the impacts on surrounding land uses and infrastructure when reviewing proposals for new development.

Goal 3: Direct growth of the community so as to maintain and improve the quality of life.

Policy 3.1: Require new development to contribute its share of the cost of providing necessary public services and facilities through equitable development fees and exactions.

### **Conservation/Open Space Element**

Goal 1: Conserve and protect surface water, groundwater and imported water resources.

Policy 1.1: Retain, protect and enhance local drainage courses, channels, and creeks in their natural condition, where feasible and desirable, in order to maximize their natural hydrologic functioning so as to minimize adverse impacts from polluted storm water run-off.



## **Public Facilities/Growth Management Element**

Goal 2: Maintain and improve portions of the storm drainage system for which the City is responsible and encourage adequate maintenance of other portions of that system.

Policy 2.1: Identify local storm drainage deficiencies and develop a capital improvements program for the correction and replacement of aging or inadequate drainage system components.

Policy 2.2: Work with the Orange County Flood Control District in ensuring the adequacy of regional storm drainage facilities.

## **DANA POINT MUNICIPAL CODE**

### **Section 7.03.070, *Vesting Tentative Maps***

This section requires that at the time a vesting tentative map is filed, the subdivider shall include a hydrology study. The hydrology study shall include a hydrologic analysis of the proposed drainage facilities to convey runoff from the proposed subdivision in a manner which will not adversely impact downstream properties.

### **Chapter 8.01, *Grading and Excavation Control***

This chapter is intended to safeguard life, limb, property, and the public welfare, and to comply with storm water permits issued to the City, by regulating grading on private property in the City of Dana Point. It includes regulations that would reduce impacts to watercourse, erosion, among other issues, during project construction by requiring proper permits and plans in place to mitigate potential impacts. Specifically, Article 13, *Erosion Control*, establishes erosion control measures to keep sediment on-site during construction.

### **Chapter 15.10, *Storm Water/Surface Runoff Water Quality***

This chapter is intended to enhance and protect the water quality of waters of the State and the United States in a manner that is consistent with the Clean Water Act and State law. It prohibits non-storm water discharges into the MS4; reduces pollutant loads in surface runoff, including in storm water, to the maximum extent practicable; establishes minimum requirements for surface runoff management, including source control requirements, to prevent and reduce pollution; establishes requirements for development and redevelopment project site designs to reduce surface runoff pollution and erosion; and establishes requirements for the management of surface runoff flows from development and redevelopment projects, both to prevent erosion and to protect and enhance existing water-dependent habitats.

## **SOLID WASTE**

### **Federal Level**

#### **RESOURCE CONSERVATION AND RECOVERY ACT OF 1976**

The Resource Conservation and Recovery Act (RCRA) of 1976 (Title 40 of the Code of Federal Regulations), Part 258 contains regulations for municipal solid waste landfills and requires states to



implement their own permitting programs incorporating the Federal landfill criteria. The Federal regulations address the location, operation, design (liners, leachate collection, run-off control, etc.), groundwater monitoring, and closure of landfills.

## **State Level**

### **CALIFORNIA INTEGRATED WASTE MANAGEMENT ACT OF 1989 (AB 939)**

The Integrated Solid Waste Management Act of 1989 (AB 939) (California Public Resources Code Section 40050 et seq.) established an integrated waste management system that focuses on source reduction, recycling, composting, and land disposal of waste. AB 939 requires every city and county in California to divert 50 percent of its waste from landfills whether through waste reduction, recycling, or other means. Compliance with AB 939 is measured in part by comparing solid waste disposal rates for a jurisdiction with target disposal rates. Actual rates at or below target rates are consistent with AB 939. AB 939 also requires California counties to show 15 years of disposal capacity for all jurisdictions in the county or show a plan to transform or divert its waste.

### **ASSEMBLY BILL 341**

AB 341 (Chapter 476, Statutes of 2011) increased the Statewide solid waste diversion goal to 75 percent by 2020. The law also mandates recycling for commercial and multi-family residential land uses as well as school districts.

### **ASSEMBLY BILL 1826**

AB 1826 (California Public Resources Code Sections 42649.8 et seq.) requires recycling of organic matter by businesses generating such wastes in amounts over certain thresholds. AB 1826 also requires that local jurisdictions implement an organic waste recycling program to divert organic waste generated by businesses and multi-family developments that consist of five or more units (CalRecycle 2019a).

### **CALIFORNIA GREEN BUILDING STANDARDS CODE**

Section 5.408, Construction Waste Reduction, Disposal, and Recycling, of the California Green Building Standards Code (CALGreen) (Title 24, California Code of Regulations, Part 11) requires at least 50 percent of nonhazardous construction and demolition waste from non-residential construction operations be recycled and/or salvaged for reuse. CALGreen is updated on a three-year cycle; the 2016 CALGreen took effect on January 1, 2017. The 2019 CALGreen takes effect on January 1, 2020.

## **Local Level**

### **DANA POINT GENERAL PLAN**

The General Plan Conservation/Open Space, Public Safety, and Public Facility/Growth Management Elements includes goals and policies to address the City's solid waste demands. The following goals and policies are relevant to the proposed project:

#### **Public Facilities/Growth Management Element**

Goal 3: Provide necessary control of solid waste.



- Policy 3.1: Continue to work with the cities of San Clemente and San Juan Capistrano in the development of an SRR Element which will include a recycling plan.
- Policy 3.2: Identify and evaluate alternatives to reduce solid waste in accordance with AB 939.
- Policy 3.3: Support litter cleanup efforts on public and private properties.
- Policy 3.4: Work closely with the County of Orange in developing strategies and programs to manage solid and hazardous wastes.
- Policy 3.5: Support recycling by requiring areas for recycling bins.

## **DANA POINT MUNICIPAL CODE**

### **Municipal Code Chapter 6.10, *Integrated Waste Management***

Municipal Code Chapter 6.10, *Integrated Waste Management*, includes regulations adopted for the purposes of promoting public health, safety, and well-being; preventing the spread of vectors; and limiting adverse impacts on air quality and traffic from excessive numbers of collection vehicles. The provisions within this Chapter establish standards for solid waste removal, storage, rates, service requirements, among others.

### **CONSTRUCTION AND DEMOLITION WASTE RECYCLING PROGRAM (C&DWR)**

The City's Construction and Demolition Waste Ordinance (No.03-17) requires contractors and other construction related persons to obtain a permit and haul at least 75 percent of their construction waste to a recycling facility certified by the City. The City also requires a construction and demolition deposit in the amount of \$1.00 per square foot per floor of the work area of the project in order to encourage compliance with the ordinance.

## **DRY UTILITY SERVICES**

### **Federal Level**

There are no Federal regulations directly applicable to dry utilities with respect to this project.

### **State Level**

### **CALIFORNIA CODE OF REGULATIONS TITLE 24 – ELECTRIC CODES**

California Code of Regulations (CCR) Title 24, refers to the California Building Code (CBC), contains complete regulations and general construction building standards of state adopting agencies, including provisions discussing electricity and potential hazards arising from electric installations. Part 3 of the CBC refers to the California Electrical Code, which contains standards for the installation and maintenance for electric utility lines. Chapters 3 and 7, in particular, discuss the electricity installation standards for residential units.



## **Local Level**

### **DANA POINT GENERAL PLAN**

The General Plan Public Facility/Growth Management Element includes goals and policies to address the City's demand for dry utilities. The following goals and policies are relevant to the proposed project:

#### **Public Facilities/Growth Management Element**

Goal 6: Maintain, improve, and expand utilities including natural gas, electricity, and communications.

Policy 6.1: Where feasible, provide underground utility lines in all neighborhoods and continue to underground utility lines in future developments.

### **DANA POINT MUNICIPAL CODE**

Municipal Code Chapter 8.14, *California Electrical Code*, adopts by reference the 2019 edition of the California Electric Code in its entirety. The California Electrical Code would constitute the electrical code regulations of the City.

## **5.13.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA**

*CEQA Guidelines* Appendix G contains the Environmental Checklist Form that was used during the preparation of this EIR. Accordingly, a project may create a significant adverse environmental impact if it would:

### **PUBLIC SERVICES**

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:
  - Fire protection (refer to Impact Statement PSRU-1);
  - Police protection (refer to Impact Statement PSRU-2);
  - Schools (refer to Impact Statement PSRU-3);
  - Parks (refer to Impact Statement PSRU-4); or
  - Other public facilities (refer to PSRU-5).



## **RECREATION**

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (refer to Impact Statement PSRU-4);
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment (refer to Impact Statement PSRU-4);

## **UTILITIES AND SERVICE SYSTEMS**

- a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects (refer to Impact Statements PSRU-6, PSRU-7, PSRU-8, PRSU-9, and PRSU-10);
- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (refer to Impact Statement PSRU-6);
- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments (refer to Impact Statement PSRU-7);
- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (refer to Impact Statement PSRU-9); and
- e) Comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? (refer to Impact Statement PSRU-9).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or "potentially significant impact." Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

### **5.13.4 IMPACTS AND MITIGATION MEASURES**

#### **FIRE PROTECTION SERVICES**

**PSRU-1 PROJECT IMPLEMENTATION COULD RESULT IN THE NEED FOR ADDITIONAL FIRE PROTECTION FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS, IN ORDER TO MAINTAIN ACCEPTABLE SERVICE RATIOS, RESPONSE TIMES OR OTHER PERFORMANCE OBJECTIVES.**



## **Impact Analysis:**

### **CONSTRUCTION IMPACTS**

The project would not result in the need for the construction of any new or physically altered fire protection facilities. Construction activities associated with the project could temporarily result in an incrementally increased demand for OCFA fire protection services. However, all construction activities would be subject to compliance with applicable State and local regulations in place to reduce risk of construction-related fire (i.e., installation of temporary construction fencing to restrict site access and maintenance of a clean construction site). Additionally, the project would be required to comply with Municipal Code Chapter 8.02, *California Building Code*, which adopts by reference the CBC standards regarding site access requirements and fire safety precautions. Further, as discussed in [Section 5.7, \*Transportation\*](#), Mitigation Measure TRA-1 would require the project Applicant to implement a Construction Management Plan (CMP). The CMP would require implementing alternative routes for emergency vehicles during the construction phase of the project to ensure adequate emergency access. With implementation of Mitigation Measure TRA-1, and compliance with State and local regulations, construction-related impacts to fire protection services from the project would be less than significant in this regard.

### **OPERATIONAL IMPACTS**

The project would be designed in accordance with Municipal Code Chapter 8.02, *California Building Code*, as well as Municipal Code Chapter 8.24, *California Fire Code*, which adopts by reference the 2016 edition of the California Fire Code. The California Fire Code includes fire safety-related building standards for construction, access, water mains, fire flows, and hydrants. Further, in conformance with General Plan Public Safety Element Policies 4.4, 4.5, and 7.1, the proposed project would be required to comply with building code requirements related to fire protection and prevention. Additionally, the project would be required to comply with General Plan Land Use Element Policy 3.1 and pay the respective fire-related development fees and exactions to the City.

Further, the City and OCFA would review the project's site plans to confirm that the proposed primary and secondary access driveways and emergency vehicle access (EVA) driving aisle meet the applicable State and local codes and standards pertaining to emergency access.

Potable water would be used for fire suppression and provided by SCWD. The proposed project would install one new fire hydrant along Sepulveda Avenue, three new fire hydrants along Victoria Boulevard and the eastern side of the project site, and one new fire hydrant along the proposed EVA drive aisle that meet OCFA standards. Additionally, the project Applicant has prepared a Fire Master Plan that was approved by OCFA on February 15, 2022. The Fire Master Plan details the expected emergency exits within the proposed structures, the proposed on-site locations for fire hydrants, and the proposed locations of drought-resistant on-site vegetation. Lastly, as a standard condition of approval, the project Applicant would be required to enter into a Secured Fire Protection Agreement with OCFA. The agreement would specify the Applicant's pro-rata fair share funding of capital improvements necessary to establish adequate fire protection facilities and equipment, and/or personnel.

Project implementation would not induce significant unplanned population growth; refer to [Section 5.12, \*Population and Housing\*](#). Therefore, although the proposed project is expected to increase demand



for OCFA services, the demand would not be substantial or result in the need for additional fire protection facilities, and would not adversely impact service ratios, response times, or other OCFA performance standards.<sup>13</sup> Additionally, the increase in demand for OCFA services would not require the construction of new fire protection facilities or expansion of existing fire protection facilities. Therefore, the project would result in a less than significant impact in this regard.

**Mitigation Measures:** Refer to Mitigation Measure TRA-1.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

## **POLICE PROTECTION SERVICES**

**PSRU-2 PROJECT IMPLEMENTATION COULD RESULT IN THE NEED FOR ADDITIONAL POLICE PROTECTION FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS, IN ORDER TO MAINTAIN ACCEPTABLE SERVICE RATIOS, RESPONSE TIMES OR OTHER PERFORMANCE OBJECTIVES.**

**Impact Analysis:**

### **CONSTRUCTION IMPACTS**

The project would not result in the need for the construction of any new or physically altered police protection facilities. As discussed in Section 5.7, Mitigation Measure TRA-1 would require a CMP, which would include construction-related best management practices to minimize project-related construction traffic impacts on the local circulation system, including emergency access. Therefore, construction activities would not substantially impact police response times. Construction activities would also be subject to compliance with applicable State and local regulations to reduce impacts to police protection services, including Municipal Code Chapter 8.02 (adopts by reference the 2019 CBC), which includes site access requirements and other relevant safety precautions. As such construction-related impacts concerning police protection services would be less than significant.

### **OPERATIONAL IMPACTS**

Project implementation would result in additional demands on existing police protection services, and may result in the need for one additional deputy sheriff in the area.<sup>14</sup> As discussed in Section 3.0, Project Description, project buildout would result in the construction 349 dwelling units on the 5.51-acre project site. Although the proposed residential development would increase demand for police protection services, the proposed project is not anticipated to result in substantial unplanned population growth refer to Section 5.12.

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<sup>13</sup> Written Communication, Orange County Fire Authority, July 1, 2021.

<sup>14</sup> Written Communication, Orange County Sheriff's Department, Sherriff Coroner Don Barnes, August 10, 2021.





The proposed project would also be subject to conformance with several General Plan policies intended to reduce impacts to police protection services. In conformance with General Plan Public Facilities/Growth Management Element Policies 4.1 and 4.5, the City would ensure desirable level of police services is maintained by periodically evaluating services and service criteria and coordinating with other agencies; and in conformance with General Plan Public Safety Element Policies 4.4, 4.5, and 7.1, the City would establish and maintain mutual said agreements with surrounding cities for police protection, encourage building code requirements that assure police protection, and adopt Orange County level of service standards for law enforcement. Additionally, as detailed in Specific Plan Section 6.2.1, *Financing Mechanisms*, and in congruence with General Plan Land Use Element Policy 3.1, impact fees and/or exactions would be utilized to offset project demands on existing services, including police protection services. The Applicant would be required to work with the City to determine appropriate fees and exactions, which may be identified in a formal written agreement that is acceptable to both the City and Applicant. The Applicant, developer, and/or owner of the project would be required to pay its fair share of all applicable impact fees. Compliance with relevant legislations and General Plan policies would ensure the project's additional demand for police protection services do not adversely impact OCSD's ability to meet its established response times and police staffing levels. As such, operational impacts concerning police protection services would be less than significant.

**Mitigation Measures:** Refer to Mitigation Measure TRA-1.

**Level of Significance:** Less Than Significant Impact with Mitigation Incorporated.

## **SCHOOL SERVICES**

### **PSRU-3 PROJECT IMPLEMENTATION COULD RESULT IN THE NEED FOR ADDITIONAL SCHOOL FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS, IN ORDER TO MAINTAIN ACCEPTABLE PERFORMANCE OBJECTIVES.**

**Impact Analysis:** As indicated in [Table 5.13-2](#), CUSD schools that would serve the proposed project would have the capacity necessary to accommodate project-generated students. In accordance with CUSD Student Generation Rates, the project would have the potential to generate approximately: <sup>15</sup>

- 50 Elementary School Level Students (349 dwelling units \* 0.14);
- 16 Middle School Level Students (349 dwelling units \* 0.06); and
- 36 High School Level Students (349 dwelling units \* 0.10).

Further, in compliance with AB 2926, SB 50, and General Plan Land Use Element Policy 3.1, the project would be required to contribute its fair share of the cost of increasing demand for school facilities through payment of development impact fees. According to Section 65996 of the California Government Code, payment of statutory fees is considered full mitigation for new development

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<sup>15</sup> Written Correspondence, Capistrano Unified School District, Clark Hampton, Deputy Superintendent, June 22, 2021.



projects. Thus, upon payment of required fees by the Applicant, consistent with existing CUSD and State requirements, a less than significant impact would occur in this regard.

In addition, the Development Agreement for the project envisions providing substantial funding for reconstruction/seismic improvements at Dana Hills High School. The details regarding specific improvements are unknown at this time, but as a general proposition the activities are designed to make the existing site safer and more modernized, but not to increase student capacity or population. As further information is unknown at this point, analysis of the specific impacts would require speculation, which is neither necessary nor appropriate under CEQA. Should specific improvements be identified and trigger the need for compliance with CEQA, such analysis would be conducted at that time.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **PARKS AND RECREATIONAL FACILITIES**

**PSRU-4 PROJECT IMPLEMENTATION COULD RESULT IN THE NEED FOR ADDITIONAL PARKS AND RECREATIONAL FACILITIES AND/OR THE INCREASED USE OF EXISTING NEIGHBORHOOD AND REGIONAL PARKS SUCH THAT SUBSTANTIAL PHYSICAL DETERIORATION COULD OCCUR OR BE ACCELERATED. PROJECT IMPLEMENTATION WOULD RESULT IN THE CONSTRUCTION OF PARKS AND RECREATIONAL FACILITIES WHICH COULD HAVE AN ADVERSE PHYSICAL EFFECT ON THE ENVIRONMENT.**

**Impact Analysis:**

### **CONSTRUCTION IMPACTS**

Due to its temporary nature, project construction activities would not generate an increase in the City's population and no impacts concerning parks and recreational facilities would result.

### **OPERATIONAL IMPACTS**

As discussed above, the City is currently experiencing a deficit of more than 16 acres of parkland to satisfy the City's parkland standards. The Municipal Code and Park Master Plan specify that a minimum of five acres of park space per 1,000 City residents be devoted to parks and recreation. According to Section 5.12, the project's potential buildout would generate a population increase of approximately 796 persons and would require approximately 4.0 acres of parkland. Additionally, under existing project entitlements, the project site is entitled to only 1.1 acres of open space.

The proposed project would, however, contribute to this requirement by dedicating approximately 1.065 acres of public active open space on-site. This 1.065 acres of public open space would ultimately contribute to meeting the project's required parkland demand. Specifically, the proposed public active open space would include Victoria Shore Park (at the southeastern corner of Sepulveda Avenue and Victoria Boulevard) as well as a Dog Park and two public paseos along the former La Playa Avenue right-of-way; refer to Exhibit 3-6, Conceptual Landscape Plan. Amenities in Victoria Shore Park would



include an outdoor exercise station, activity lawn, fire pit lounge deck, canopy palms, and enhanced architectural features. Both of the proposed paseo features would include a public access walking and biking trail, seating areas with benches, drivable grass with drivable turf, and architecturally enhanced hardscape features. Amenities in the dog park would include synthetic lawn dog run feature, dog water fountain, and trash/dog waste station.

In order to accommodate the remaining 0.035-acre square feet of parkland/public open space, the project Applicant would be required to comply with Municipal Code Section 7.36.050, *Payment of In-Lieu Fees for Park and Recreation Purposes*, and pay the appropriate park in-lieu fees. Accordingly, payment of appropriate park in-lieu fees would also adhere to General Plan Land Use Element Policy 3.1 and Public Facilities/Growth Management Element Policy 5.11, both of which require new development to contribute a fair share cost to support public facilities. As such, impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **PUBLIC LIBRARIES**

### **PRSU-5 PROJECT IMPLEMENTATION COULD RESULT IN THE NEED FOR ADDITIONAL PUBLIC LIBRARY FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS, IN ORDER TO MAINTAIN ACCEPTABLE PERFORMANCE OBJECTIVES.**

**Impact Analysis:** As discussed in [Section 5.12](#), project buildout is anticipated to generate approximately 796 residents. According to the OCPL, an additional 349 housing units would result in approximately 1,047 potential customers for the Dana Point Library.<sup>16</sup> As such, the project would increase demand for library services within the project area. The Dana Point Library is currently inadequate in serving the City's existing population with physical volumes; however, the Dana Point Library has access to a circulation of more than two million volumes in the full OCPL system. Additionally, the Dana Point Library is anticipated to undergo improvements beginning in 2022, which will help expand the existing number of physical volumes. As such, the Dana Point Library would be able to adequately provide library services to the residents of the project area, including future project residents.

Additionally, the proposed project would be required to comply with City and County standards related to the payment of development impact fees. Specific Plan Section 6.2.1, *Financing Mechanisms*, in congruence with General Plan Land Use Element Policy 3.1, requires impact fees and/or exactions to offset project demands on existing services, including library services. The Applicant would be required to work with the City to determine appropriate fees and exactions, which may be identified in a formal written agreement that is acceptable to both the City and Applicant. The Applicant, developer, and/or owner of the project would be required to pay its fair share of all applicable impact fees. As such, impacts related to library services would be less than significant.

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<sup>16</sup> Written Correspondence, Orange County Public Library, Julie Oakley, August 9, 2021.



**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## WATER SUPPLY AND DISTRIBUTION

**PSRU-6 PROJECT IMPLEMENTATION MAY NOT HAVE SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT AND REASONABLY FORESEEABLE FUTURE DEVELOPMENT DURING NORMAL, DRY AND MULTIPLE DRY YEARS, AND COULD REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER TREATMENT FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.**

**Impact Analysis:** The project would construct new on-site private water lines to serve the proposed multi-family residences. As discussed in [Section 5.13.1](#), *Existing Setting*, the project's portable water (domestic, fire, and irrigation services) would be served by an existing 10-inch pipeline in Victoria Boulevard; existing 4-inch and 6-inch potable water pipelines in Sepulveda Avenue at the southwest side of the project site would be available only for fire service.

## CONSTRUCTION IMPACTS

Construction activities would require minimal water for dust control purposes; refer to [Section 5.8](#), *Air Quality*, for a discussion on required water spraying activities. Water use in this regard would be limited in quantity and short-term. Given the limited potential water demand during construction, construction activities would not substantially increase the demand for water within the project site, and impacts to regional water supplies would be considered less than significant.

## OPERATIONAL IMPACTS

The proposed project would result in the change in land use of the existing site to a multi-family residential site. To determine whether the existing water infrastructure could accommodate the proposed project, water capacity assessment was conducted as part of the Hydraulic Analysis.

The projected water demand between the existing and proposed land use are shown in [Table 5.13-8](#), *Net Water Demand On-Site*. Minimum residual zone pressure and maximum pipeline velocity were projected for existing and future (with proposed project) conditions under four scenarios, including the Existing (2020) Maximum Day Demand, the Existing (2020) Maximum Day Demand With Fire Flow, the Future (2040) Maximum Day Demand, and the Future (2040) Maximum Day Demand With Fire Flow.

According to the Hydraulic Analysis, the proposed multi-family residential development would not result in additional violations of minimum residential zone pressure or maximum pipeline velocity in the potable water system beyond existing conditions. As detailed in the Hydraulic Analysis, a 55-foot section of 10-inch pipeline, located on the south side of Pacific Coast Highway, slightly exceeded the 12 feet per second (fps) maximum velocity requirement under all scenarios, with and without the project; refer to Hydraulic Analysis Figure 2-1 through 3-4 for results of the water capacity assessment.



Table 5.13-8  
Net Water Demand On-Site

Land Use	Average Daily Demand (gallon per month)	Maximum Monthly Demand (gallon per month)
Existing Uses (Recreation/Public Use Facilities/Park)	4.6	9.2
Proposed Uses (Multi-Family Residential)	76.0	152.0
<b>Net Potable Water Demand</b>	<b>71.4</b>	<b>142.8</b>
Note: Average Daily Demand (ADD) = the yearly total water demand divided by the number of days in a year. For the purpose of this analysis, ADD is expressed in gallons per month; Maximum Month Demand (MMD) = the maximum quantity of water used on any day of the year. For the purpose of this analysis, MMD is expressed in gallons per month. It is noted that the highest monthly water usage typically occurs during a summer month.		
Source: Dudek, <i>Victoria Boulevard Apartments Hydraulic Analysis, Technical Memorandum, Table 2-1, Increased Net Water Demand Projections, July 2022.</i>		

Additionally, Specific Plan Section 6.2.1, *Financing Mechanisms*, in congruence with General Plan Land Use Element Policy 3.1, requires impact fees and/or exactions to offset project demands on existing services, including water services. The Applicant would be required to work with the City to determine appropriate fees and exactions, which may be identified in a formal written agreement that is acceptable to both the City and Applicant. The Applicant, developer, and/or owner of the project would be required to pay its fair share of all applicable impact fees. As such, impacts to water services would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## WASTEWATER TREATMENT

**PSRU-7 PROJECT IMPLEMENTATION COULD RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER WHICH SERVES OR MAY SERVE THE PROJECT THAT IT HAS ADEQUATE CAPACITY TO SERVE THE PROJECT'S PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS, EXCEED WASTEWATER TREATMENT REQUIREMENTS OF THE APPLICABLE REGIONAL WATER QUALITY CONTROL BOARD, OR RESULT IN THE CONSTRUCTION OF NEW WASTEWATER TREATMENT FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.**

**Impact Analysis:** The project would construct new on-site private wastewater lines to serve the proposed multi-family residences. As discussed in Section 5.13.1, *Existing Setting*, existing wastewater infrastructure in the project area consists of an 8-inch underground sewer line in Sepulveda Avenue that connects to SCWD's wastewater infrastructure system. The project proposes to construct on-site wastewater system to connect to the existing 8-inch underground sewer line and remove an existing 6-inch line under the project site.



## CONSTRUCTION IMPACTS

Construction activities is not anticipated to result in substantial wastewater. No impacts would occur in this regard.

## OPERATIONAL IMPACTS

The proposed project would result in the change in land use of the existing site to a multi-family residential site. To determine whether the existing wastewater collection infrastructure could accomdated the proposed project, wastewater collection assessment was conducted as part of the Hydraulic Analysis.

The previous land use wastewater loading was compared to the proposed residential land use wastewater loading, and the net average dry weather flow (ADWF), as well as the net peak flow sewer loads, were calculated; refer to Table 5.13-9, *Net Wastewater Loading On-Site*.

**Table 5.13-9  
Net Wastewater Loading On-Site**

Land Use	Average Dry Weather Wastewater Flow (gallon per month)	Peak Wastewater Flow (gallon per month)
Existing Uses (Recreation/Public Use Facilities/Park)	3	12.5
Proposed Uses (Multi-Family Residential)	76	221.7
<b>Net Wastewater Load</b>	<b>73.0</b>	<b>209.2</b>
<small>Note: Net Average Dry Weather Wastewater Flow (ADWF) = the average flow that occurs on a daily basis during the dry weather season, and is usually estimated from a 5-year average of dry weather flows. For the purpose of this analysis, ADWF is expressed in gallons per month; Peak Wastewater flow could be estimated based on average dry weather flow using peaking factor equations. For steady-state simulation, the following peaking factor equation was used:  <math>Q_{Peak} = 2.4 \times Q_{Average}^{0.89}</math> (where <math>Q_{Average}</math> is in cubic feet)</small>		
<small>Source: Dudek, <i>Victoria Boulevard Apartments Hydraulic Analysis, Technical Memorandum, Table 3-1, Increased Net Sewer Loading Projections</i>, July 2022.</small>		

The depth of sewage flow to pipe diameter ratio (d/D) is the main criteria used to evaluate the project’s impacts on existing sewer pipelines. Additionally, minimum pipeline velocity (fps), pump station minimum number of pumps and capacity, and pump station emergency storage capacity.

According to the Hydraulic Analysis, the proposed multi-family residential development would not result in additional any new maximum depth of sewage flow to pipe diameter ratio (d/D) violations in the sewer collection system downstream of the project site beyond existing conditions, and no wastewater collection system upgrades are required to serve future residential of the proposed project.

As discussed above, wastewater from the proposed multi-family residential development drains into Lift Station 12, located adjacent to the Santa Fe Avenue and Victoria Boulevard intersection according to the Hydraulic Analysis; refer to Hydraulic Analysis Figure 3-4, *Future (2040) Peak Flow Results*, for an approximately location of Lift Station 12. The Lift Station 12 is currently undersized based on the SCWD’s design criteria. According to the Hydraulic Analysis, peak flow into the station from the proposed project is estimated at approximately 209.2 gallons per month in the future (2040). Nonetheless, as Lift Station 12 is already undersized, the proposed project would not introduce



additional need to upgrade the existing wastewater facility. Additionally, Specific Plan Section 6.2.1, *Financing Mechanisms*, in congruence with General Plan Land Use Element Policy 3.1, requires impact fees and/or exactions to offset project demands on existing services, including wastewater services. The Applicant would be required to work with the City to determine appropriate fees and exactions, which may be identified in a formal written agreement that is acceptable to both the City and Applicant. The Applicant, developer, and/or owner of the project would be required to pay its fair share of all applicable impact fees. As such, impacts to water services would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **STORMWATER DRAINAGE FACILITIES**

### **PSRU-8 PROJECT IMPLEMENTATION COULD RESULT IN THE CONSTRUCTION OF NEW STORMWATER DRAINAGE FACILITIES.**

#### **Impact Analysis:**

Refer to [Section 5.5](#) for a detailed discussion on the proposed project's potential to create or contribute runoff water that could exceed the capacity of the existing on-site stormwater drainage system (Impact Statement HWQ-3).

As discussed, the project site currently drains through four drainage subareas that eventually drain towards an open headwall culvert on Sepulveda Avenue. The project would implement site design, source control, and low impact development (LID) best management practices (BMPs) to reduce potential adverse impacts related to water quality and stormwater runoff volumes that could result from project implementation. Specifically, modular wetland systems would be installed to treat stormwater runoff prior to flowing into the City's stormwater system. The proposed stormwater drainage system improvements would result in a slight decrease in stormwater runoff generated from the project site, when compared to existing conditions, during the 10-, 25-, and 100-year storm events. Thus, the proposed stormwater drainage facilities analyzed throughout this EIR as part of the proposed project would result in less than significant impacts in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **SOLID WASTE GENERATION**

### **PSRU-9 PROJECT IMPLEMENTATION MAY NOT BE SERVED BY A LANDFILL WITH SUFFICIENT PERMITTED CAPACITY TO ACCOMMODATE THE PROJECT'S SOLID WASTE DISPOSAL NEEDS AND COMPLY WITH FEDERAL, STATE, AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE.**



## **Impact Analysis:**

### **CONSTRUCTION IMPACTS**

Future temporary construction impacts are anticipated to potentially involve demolition of existing structures, construction of new structures, and grading. Other construction activities may include building walls and fencing, adding signage and lighting, providing landscaping, on-site utilities, trails, and infrastructure improvements (i.e., sewer, water, and dry utilities). All future construction activities would be subject to comply with relevant Federal, State, and local requirements concerning solid waste. Specifically, the project would be required to demonstrate compliance with the AB 939, which requires all California cities to “reduce, recycle, and re-use solid waste generated in the state to the maximum extent feasible.” AB 939 requires that at least 50 percent of waste produced is recycled, reduced, or composted. Lastly, the project Applicant would be subject to the City’s Construction and Demolition Waste Recycling (C&DWR) Program. The C&DWR Program would require the project to demonstrate compliance with the 2019 (or most recent) Green Building Code, which includes design and construction measures that act to reduce construction-related waste through material conservation measures and other construction-related efficiency measures. Compliance with these programs would ensure the project’s construction-related solid waste impacts would be less than significant.

### **OPERATIONAL IMPACTS**

Project operations would result in an increase in solid waste generation. The Prima Deshecha Landfill accepts approximately 91 percent of the City’s solid waste. According to the project’s air quality modeling assumptions for the proposed project, buildout of the project is expected to generate approximately 84 tons of solid waste per year (0.23 tons per day); refer to [Appendix 11.8, \*Air Quality/Greenhouse Gas Emissions/Energy Data\*](#). As indicated, the Prima Deshecha Landfill has a maximum permitted throughput of 4,000 tons per day and a remaining capacity of 134,300,000 cubic yards (or 36,261,000 tons). Thus, project operations would represent less than 0.1 percent of the Prima Deshecha Landfill’s daily permitted throughput.

Compliance with all applicable Federal, State, and local laws, regulations, and standards regarding solid waste disposal, including the mandates of RCRA, AB 939, AB 341, AB 1826, the California Green Building Code, Municipal Code Chapter 6.10 (which includes regulations for solid waste management within the City) and General Plan Public Facilities/Growth Management Element Policies 3.1 through 3.5 would further reduce impacts to solid waste disposal. Additionally, the project would be subject to compliance with all applicable solid waste handling, processing, and disposal requirements stipulated under Chapter 6.10, *Integrated Waste Management*, of the Municipal Code. Further, Specific Plan Section 6.2.1, *Financing Mechanisms*, in congruence with General Plan Land Use Element Policy 3.1, requires impact fees and/or exactions to offset project demands on existing services, including solid waste services. The Applicant would be required to work with the City to determine appropriate fees and exactions, which may be identified in a formal written agreement that is acceptable to both the City and Applicant. The Applicant, developer, and/or owner of the project would be required to pay its fair share of all applicable impact fees. As such, operational impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.





**Level of Significance:** Less Than Significant Impact.

## **DRY UTILITY SERVICES**

### **PRSU-10 THE PROJECT COULD RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW OR EXPANDED DRY UTILITY FACILITIES, WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.**

The project would result in the construction of new private on-site dry utilities associated with electricity, natural gas, and telecommunication services.

## **ELECTRICITY**

The project would install and reconfigure electric utility lines on-site and off-site. All existing overhead and underground electric utility lines on-site would be removed, and an existing underground transformer on-site would be removed and replaced as part of the project. An existing on-site overhead electric utility line along Victoria Boulevard, at the northwest corner of the project site, would be relocated as an underground line, with the associated power pole, would also be removed. The project would construct new on-site private underground electrical lines on-site.

Construction activities would be limited to providing power to the construction site and portable construction equipment. The level of power for these activities would be short-term, and would not substantially increase the demand for electricity within the project area. Heavy equipment used for construction is primarily powered by diesel fuel. Temporary electric power would likely be provided via existing utility boxes and lines and/or temporary power poles on the project site. Given the limited potential demand for electricity during construction, impacts to regional electricity supplies would be considered less than significant.

The proposed project would result in the change in land use of the existing site to a multi-family residential site. As such, on-site residences would have an increase in the need for electrical service, compared to existing conditions.

The project would remove all existing on-site electrical infrastructure, and would install all new electrical infrastructure to support the proposed development at the project site. All newly installed electrical service lines would comply with existing regulations per the 2019 Electrical Code for multi-family residential development, complying with the CCR Title 24 and the Dana Point Municipal Code Chapter 8.14. Additionally, Specific Plan Section 6.2.1, *Financing Mechanisms*, in congruence with General Plan Land Use Element Policy 3.1, requires impact fees and/or exactions to offset project demands on existing services, including electrical services. The Applicant would be required to work with the City to determine appropriate fees and exactions, which may be identified in a formal written agreement that is acceptable to both the City and Applicant. The Applicant, developer, and/or owner of the project would be required to pay its fair share of all applicable impact fees. As such, impacts to electrical services would be less than significant in this regard.

## **NATURAL GAS**

Project-related construction activities would not increase demand for natural gas, since construction activities and equipment would not rely on natural gas as a fuel source. Therefore, construction



activities would not impact natural gas services and would not require new or physically altered natural gas transmission facilities. As such, no impacts are anticipated during construction.

Project operations would increase the need for natural gas on-site. However, the project would not result in an increase in demand that would be substantial enough to exceed the demand projected by the CEC. Additionally, the existing underground gas line along Victoria Boulevard would adequately serve the proposed development. This service line would be extended from the existing main to a new meter on-site. Further, as discussed above, the project Applicant would pay the fair share of costs for utilizing the existing facilities for natural gas. As such, impacts would be less than significant in this regard.

### **TELECOMMUNICATION**

Existing telephone, cable, and internet service infrastructure would be appropriately upgraded on-site to serve the proposed project. No other off-site infrastructure improvements are anticipated to serve the proposed development. As such, impacts to telecommunication services would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### **5.13.5 CUMULATIVE IMPACTS**

*CEQA Guidelines* Section 15355 requires an analysis of cumulative impacts, which are defined as, “two or more individual effects which, when considered together, are considerable, or which compound or increase other environmental impacts.” As outlined in Table 4-1, *Cumulative Projects List*, and illustrated on Exhibit 4-1, *Cumulative Projects Map*, cumulative projects are located on both developed and undeveloped sites.

### **FIRE PROTECTION SERVICES**

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR FIRE PROTECTION SERVICES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

**Impact Analysis:** Cumulative development projects within the OCFA’s service area in City would have the potential to result in the need for additional OCFA resources (i.e., additional staffing, equipment, expanded/new facilities). However, cumulative projects would be subject to all applicable laws, ordinances, and regulations in place for fire protection and emergency services. Development occurring within the City would be required to demonstrate compliance with all applicable regulations, including the Municipal Code Chapter 8.24 (adopts by reference the 2016 edition of the California Fire Code) requirements regarding construction, access, water mains, fire flows, and hydrants. In conformance with General Plan Public Facilities/Growth Management Element Policies 4.1 and 4.5, the City would ensure desirable level of fire protection services is maintained by periodically evaluating services and service criteria and coordinate with OCFA and other agencies. In conformance with General Plan Public Safety Element Policies 4.4 and 4.5, the City would establish and maintain mutual said agreements with surrounding cities for fire protection and encourage building code requirements



that assure fire protection. Further, in conformance with General Plan Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development. Cumulative projects would be reviewed by the City and the OCFA to determine specific fire requirements (e.g., fire hydrant spacing, sprinkler requirements in certain types of construction, safe vehicular access for evacuation or response, and ensuring the development does not negatively impact response times) applicable to the specific development and to ensure compliance with all applicable requirements as discussed.

As concluded in Impact Statement PSRU-1, the proposed project is not anticipated to result in significant impacts to fire protection services following the inclusion of an EVA driveway for emergency service as well as implementation of the proposed Fire Master Plan for the project. Additionally, Mitigation Measure TRA-1 would require implementation of a CMP to ensure adequate access for emergency vehicles during the construction phase of the project. Further, the proposed project would conform with the applicable laws, ordinances, and regulations in place for fire protection and emergency services as detailed above. As such, the proposed project would not result in cumulatively considerable impacts to fire protection services. Impacts in this regard would be less than significant.

**Mitigation Measures:** Refer to Mitigation Measure TRA-1.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

## **POLICE PROTECTION SERVICES**

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR POLICE PROTECTION SERVICES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

**Impact Analysis:** Cumulative development in the Dana Point Police Department's service area within the City has the potential to result in the need for additional OCSD resources (i.e., additional staffing, equipment, expanded/new facilities). However, cumulative development would be subject to all applicable laws, ordinances, and regulations in place for police services. Site-specific development would be reviewed by the City and the OCSD to determine specific safety requirements applicable to the individual development proposals and to ensure compliance with these requirements under including the Municipal Code Chapter 8.02 (adopts by reference the 2019 CBC), which includes site access requirement and other relevant safety precautions. In conformance with General Plan Public Facilities/Growth Management Element Policies 4.1 and 4.5, the City would ensure desirable level of police protection services is maintained by periodically evaluating services and service criteria and coordinate with other agencies; and in conformance with General Plan Public Safety Element Policies 4.4, 4.5, and 7.1, the City would establish and maintain mutual said agreements with surrounding cities for police protection, encourage building code requirements that assure police protection, and adopt Orange County level of service standards for law enforcement. During the development review process of potential buildout, the City would coordinate with the project applicant to ensure the project is designed with public safety in mind to prevent crime and minimize impacts on police protection facilities. Further, in conformance with General Plan Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and



require new development to pay the capital costs of public facilities and services needed to serve those development.

As concluded in Impact Statement PSRU-2, the proposed project is not anticipated to involve significant impacts to police protection services, as the project would not induce substantial population growth. Additionally, Mitigation Measure TRA-1 would require a CMP be prepared and implemented to minimize project-related construction traffic impacts on the local circulation system. Further, the proposed project would conform with the applicable laws, ordinances, and regulations in place for police protection services as detailed above. Therefore, the proposed project would not result in cumulatively considerable impacts to police protection services. Impacts in this regard would be less than significant.

**Mitigation Measures:** Refer to Mitigation Measure TRA-1.

**Level of Significance:** Less Than Significant Impact With Mitigation Incorporated.

## **SCHOOL SERVICES**

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR SCHOOL SERVICES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

**Impact Analysis:** For purposes of school services analysis, cumulative impacts are considered for projects which would also be sited within the CUSD service area. Cumulative development projects would also be subject to Education Code Sections 17620 *et seq.* Cumulative development projects would be evaluated on a case-by case basis at the project level, as they are implemented, for their potential to impact CUSD school services.

Cumulative school services impacts are analyzed in terms of impacts within CUSD boundaries. Cumulative development within the CUSD boundaries has the potential to result in the need for additional school resources (i.e., additional staffing, equipment, expanded/new facilities). However, cumulative development would be subject to all applicable laws, ordinances, and regulations in place for school services. Individual development projects would be required to pay the statutory school fees based on the type and size of development proposed pursuant to SB 50. Payment of fees to the appropriate school district is considered full mitigation for project impacts associated with the need to provide new or altered school facilities to serve new students generated by future development. Further, in conformance with General Plan Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development.

Project implementation would introduce future additional residential development which would increase demands for CUSD school services. However, the proposed project would be subject to Education Code Sections 17620 *et seq.*, which allow school districts to collect impact fees from developers of new commercial and residential building space. As such, the proposed project would be required to pay these development impacts fees, which are deemed to be full mitigation, the project's incremental effects to local school facilities are not cumulatively considerable. Impacts in this regard would be less than significant.



**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## PARKS AND RECREATIONAL FACILITIES

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR PARKS AND RECREATIONAL FACILITIES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

**Impact Analysis:** Cumulative development projects within the City would increase demands on existing parks and recreation facilities. However, cumulative development would be subject to all applicable laws, ordinances, and regulations in place for parks and recreation facilities. Cumulative development projects would be evaluated on a case-by case basis at the project level, as they are implemented, for their potential to impact City-owned parks and recreational facilities. Pursuant to Municipal Code Section 7.36.050, future development activities involving a tentative tract map or tentative parcel map would be required to dedicate land for park facilities or pay in-lieu fees incident to and as a condition of the approval. Further, the City would encourage adequate community facilities, including parks and recreational facilities, in conformance with General Plan Public Facilities/Growth Management Element Policies 5.3, 5.7, 5.9, 5.11, and 5.12. In conformance with General Plan Land Use Element Policy 3.1, the City would also ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those developments.

As concluded in Impact Statement PSRU-4, the proposed project is not anticipated to result in significant impacts to parks and recreational facilities. The project would provide approximately 1.065 acres of public active open space, and the Applicant would pay the appropriate park in-lieu fees pursuant to Municipal Code Section 7.36.050, *Payment of In-Lieu Fees for Park and Recreation Purposes*. As such, impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## PUBLIC LIBRARIES

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR OTHER PUBLIC FACILITIES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

**Impact Analysis:** Cumulative development projects within the City would increase demands on other public facilities, such as public library facilities. However, cumulative development project would be subject to all applicable laws, ordinances, and regulations in place for public library facilities. Cumulative development would be evaluated on a case-by-case basis at the project level, as they are implemented, for their potential to impact libraries within the OCPL system. Pursuant to the County of Orange Code of Ordinances, Article 7, cumulative development projects would need to comply with local and regional standards in payment of development fees and capital costs of public facilities and services needed to serve those development. Additionally, cumulative development and the City



would need to cooperate with the OCPL to periodically assess library service needs for the community, in conformance with the General Plan Public Facilities/Growth Management Element Policy 5.1.

As concluded in Impact Statement PSRU-5, the proposed project is not anticipated to involve significant impacts to public library facilities following conformance with the applicable laws, ordinances, and regulations in place for library services as detailed above. Therefore, the proposed project would not result in cumulatively considerable impacts to public facilities. Impacts in this regard would be less than significant.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **WATER SERVICES AND INFRASTRUCTURE**

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR WATER FACILITIES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

**Impact Analysis:** Cumulative development would likely result in the need for the construction of new private water facilities or the expansion of existing facilities on a project-by-project basis. In conformance with General Plan Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development. Cumulative development would also be required to conduct water service analyses on a case-by-case basis at the project level, as they are implemented, for their potential to result in construction-related or operational impacts on water facilities.

As concluded in Impact Statement PSRU-6, the proposed project would not result in substantial adverse impacts to water facility in the project area beyond existing conditions. As such, the project, along other cumulative projects, would not result in cumulatively considerable impacts in regard to water facilities.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **WASTEWATER SERVICES AND INFRASTRUCTURE**

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR WASTEWATER FACILITIES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

**Impact Analysis:** Cumulative development would likely result in the need for the construction of new wastewater collection facilities or the expansion of existing facilities on a project-by-project basis. In conformance with General Plan Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development. Cumulative development would also be required to conduct wastewater collection system capacity analyses on a



case-by-case basis at the project level, as they are implemented, for their potential to result in construction-related or operational impacts on wastewater collection facilities.

As concluded in Impact Statement PSRU-7, the proposed project would not result in substantial adverse impacts to wastewater collection system beyond existing conditions. As such, the project, along other cumulative projects, would not result in cumulatively considerable impacts in regard to wastewater facilities.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **STORMWATER DRAINAGE FACILITIES**

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR STORMWATER DRAINAGE FACILITIES THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

**Impact Analysis:** Cumulative development would likely result in the need for the construction of new stormwater drainage facilities or the expansion of existing facilities on a project-by-project basis. In conformance with General Plan Land Use Element Policy 3.1, the City would ensure cumulative development pays the cost of its infrastructure and services needs and require new development to pay the capital costs of public facilities and services needed to serve those development. Cumulative development would also be required to conduct drainage and hydrology analyses on a case-by-case basis at the project level, as they are implemented, for their potential to result in construction-related or operational impacts on stormwater drainage facilities. Cumulative project would be subject to NPDES permitting process, which may require implementation of BMPs and LIDs depending on the project's size.

As concluded in Impact Statement PSRU-8, the proposed stormwater drainage facilities would involve site design, source control, and LID BMPs that reduce the overall impervious surfaces on-site and slightly reduce stormwater runoff volumes compared to existing conditions. As such, the proposed stormwater drainage facilities as analyzed throughout this EIR would not result in cumulatively considerable impacts.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

## **SOLID WASTE GENERATION**

- **THE PROJECT COMBINED WITH OTHER CUMULATIVE PROJECTS COULD CREATE INCREASED DEMAND FOR SOLID WASTE GENERATION THAT COULD CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS.**

**Impact Analysis:** Cumulative development projects within the City would increase demands for solid waste disposal services. However, cumulative development projects would be subject to all applicable laws, ordinances, and regulations in place for solid waste, including RCRA, AB 939, AB 341, AB 1826,



the California Green Building Code, Municipal Code Chapter 6.10, and General Plan Public Facilities/Growth Management Element Policies 3.1 through 3.5.

Project implementation would introduce new residential land uses that would increase solid waste generation. As indicated in Impact Statement PSRU-9, the Prima Deshecha Landfill has sufficient remaining capacity for solid waste disposal for future development within the City, including the proposed development. Additionally, upon compliance with applicable laws, ordinances, and regulations for solid waste, the project-generated solid waste would not be significantly cumulatively considerable and impacts would be less than significant in this regard.

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance:** Less Than Significant Impact.

### **5.13.6 SIGNIFICANT UNAVOIDABLE IMPACTS**

Implementation of the proposed project would not result in any significant and unavoidable impacts pertaining to public services, recreation, or utilities and service systems.





## 6.0 OTHER CEQA CONSIDERATIONS

### 6.1 LONG-TERM IMPLICATIONS OF THE PROPOSED PROJECT

If the project is approved and implemented, a variety of short- and long-term impacts would occur on a local level. During project grading and construction, portions of surrounding uses may be temporarily impacted by dust and noise. There may also be an increase in vehicle pollutant emissions caused by grading and construction activities. However, these disruptions would be temporary and may be avoided or lessened to a large degree through mitigation identified in this EIR and through compliance with the established regulatory framework; refer to [Section 5.0, \*Environmental Analysis\*](#), and [Section 8.0, \*Effects Found Not To Be Significant\*](#).

The project would create long-term environmental consequences associated with the conversion of the existing CUSD facility to a fully improved residential development including residential and open space uses. Project development and subsequent long-term effects may impact the physical, aesthetic, and human environments. Long-term physical consequences of development include increased traffic volumes, increased noise from project-related mobile (traffic) and stationary (mechanical, landscaping, recreational, etc.) sources, hydrology and water quality impacts, and increased energy and natural resource consumption. Incremental degradation of local and regional air quality would also occur due to mobile source emissions generated from project-related traffic, and stationary source emissions generated from the consumption of natural gas and electricity. However, as concluded in [Section 5.0](#) and [Section 8.0](#), the project's impacts would be less than significant following compliance with the established regulatory framework and recommended mitigation measures. Therefore, the proposed project would not have significant long-term implications in this regard.

### 6.2 IRREVERSIBLE ENVIRONMENTAL CHANGES THAT WOULD BE INVOLVED IN THE PROPOSED ACTION SHOULD IT BE IMPLEMENTED

According to CEQA Guidelines Sections 15126(c) and 15126.2(c), an EIR is required to address any significant irreversible environmental changes that would occur should the proposed project be implemented. As stated in CEQA Guidelines Section 15126.2(d):

*“Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter likely. Primary impacts and, particularly, secondary impacts [such as highway improvement which provides access to a previously inaccessible area] generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.”*

The environmental impacts associated with the project are analyzed in [Section 5.0](#) and [Section 8.0](#). The project site is currently developed and built out. Construction of the proposed residential development would consume limited, slowly renewable, and non-renewable resources. This consumption would occur during the construction phase and would continue throughout the project's



operational lifetime. The project would require a commitment of resources including building materials; fuel and operational materials/resources; and transportation of goods and people to and from individual development sites. Construction would require the consumption of resources that are not renewable or which may renew so slowly as to be considered non-renewable. These resources include, but are not limited to, lumber and other forest products; aggregate materials used in concrete and asphalt; metals; and water. Fossil fuels such as gasoline and oil would also be consumed in the use of construction vehicles and equipment.

The project would consume resources similar to those currently consumed within the City (e.g., energy resources such as electricity and natural gas as well as petroleum-based fuels required for vehicle trips, fossil fuels, and water). Fossil fuels would represent the primary energy source associated with both construction and ongoing operation, and the existing, finite supplies of these natural resources would be incrementally reduced. Future operations of the proposed residential development would occur in accordance with California Code of Regulations Title 24 Part 6, which sets forth conservation practices that would limit energy consumption. Nonetheless, the project's energy requirements represent a long-term commitment of essentially non-renewable resources.

Future construction activities associated with implementation of the proposed project could release hazardous materials into the environment through reasonably foreseeable upset and accidental conditions; refer to Section 5.6, *Hazards and Hazardous Materials*. However, demolition, grading, and excavation activities would be subject to established regulatory standards to ensure that hazardous materials are not released into the environment. Compliance with the established regulatory framework and Mitigation Measures HAZ-1 through HAZ-7 would protect against a significant and irreversible environmental change resulting from the accidental release of hazardous materials.

In conclusion, development of the proposed project would result in the irretrievable commitment of limited, slowly renewable, and nonrenewable resources, which would limit the availability of these resource quantities for future generations or for other uses during the life of individual developments. It is noted that the continued use of such resources would be on a relatively small scale in a regional context. Although irreversible environmental changes would result from project implementation, such changes would not be considered significant.

### **6.3 GROWTH INDUCING IMPACTS**

CEQA Guidelines Section 15126.2(d) requires that an EIR analyze a project's growth-inducing impacts. Specifically, CEQA Guidelines Section 15126.2(e) requires that an EIR:

*“Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth [a major expansion of a waste water treatment plant might, for example, allow for more construction in service areas]. Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also discuss the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively. It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.”*



In general, a project may foster spatial, economic, or population growth in a geographic area, if it meets any one of the following criteria:

- Removes an impediment to growth (e.g., establishes an essential public service and provision of new access to an area);
- Fosters economic expansion or growth (e.g., changes in revenue base and employment expansion);
- Fosters population growth (e.g., construction of additional housing or employment-generating land uses), either directly or indirectly;
- Establishes a precedent-setting action (e.g., an innovation, a change in zoning and general plan amendment approval); or
- Develops or encroaches on an isolated or adjacent area of open space (being distinct from an infill project).

Should a project meet any one of the above-listed criteria, it may be considered growth-inducing under CEQA. Generally, growth-inducing projects are either located in isolated, undeveloped, or underdeveloped areas, necessitating the extension of major infrastructure such as sewer and water facilities or roadways, or encourage premature or unplanned growth.

In accordance with the CEQA Guidelines and based on the above-listed criteria, the project's potential growth-inducing impacts are analyzed below.

## **REMOVAL OF AN IMPEDIMENT TO GROWTH**

As a residential development, the proposed project would increase demands for public services (i.e., fire and police protection, schools, parks and recreational facilities, and libraries) and utility and service systems (i.e., water, wastewater, stormwater, and solid waste). Given the site's location in an urbanized and built out environment, the project site is already served by essential public services and utilities; refer to [Section 5.13, \*Public Services/ Recreation and Utilities\*](#). As detailed in [Section 3.4, \*Project Characteristics\*](#), several infrastructure connections and improvements, including water, sewer, storm drain, electrical, and gas lines, are proposed to accommodate the project. However, these proposed infrastructure improvements would not remove obstacles to growth since the proposed project would rely upon the existing network of utilities and service systems in the Doheny Village area, including water, wastewater, storm drain, telecommunication, and solid waste services. Thus, project implementation would not result in a removal of an impediment to growth through the establishment of an essential public service.

Regional access to the project site is provided via Interstate 5 (I-5) and Pacific Coast Highway. Local access is provided via Victoria Boulevard and Sepulveda Avenue. As explained in [Section 5.7, \*Transportation\*](#), the project area's roadway network is fully built out with both regional and local access already provided by an existing roadway network. Therefore, implementation of the proposed project would not remove an existing impediment to growth through the provision of new access to an area.



## **ECONOMIC GROWTH**

The Specific Plan permits a maximum of 349 multi-family residential dwelling units within the project site; refer to Table 3-1, *Victoria Boulevard Specific Plan Development Standards*. Construction activities associated with the residential development would generate construction-related jobs. However, these jobs would be temporary and would likely be filled by workers living in the area. Therefore, short-term construction jobs associated with the project would not be growth-inducing in this regard.

The proposed project is a residential development; therefore, no new jobs would be generated with project operations; refer to Section 5.12, *Population and Housing*. Nonetheless, as detail in Section 5.12, buildout of the proposed project would introduce up to 795 additional residents. As a residential project in a mixed-use neighborhood (Doheny Village), the project would bring people closer to existing jobs, entertainment, and employment centers. Residents of the proposed project would seek shopping, entertainment, employment, home improvement, and other economic opportunities in the City and surrounding area. This increased demand for such economic goods and services may encourage the creation of new businesses and/or the expansion of existing businesses that address these needs. More importantly, existing shopping, entertainment, and employment centers in the immediate project area would serve future residents. Overall, economic growth could occur within the project area due to project implementation. However, economic growth would generally be considered a beneficial impact to the region. Moreover, given the built-out nature of the site and its vicinity, future economic effects are not expected to significantly affect the environment.

## **POPULATION GROWTH**

A project can induce population growth in an area either directly (i.e., by proposing new homes or businesses) or indirectly (i.e., through the extension of roads or other infrastructure). The project site is located in a developed area of the City and the project would not involve the extension of roads or other infrastructure into undeveloped areas; refer above to the “Removal of an Impediment to Growth” section. However, the proposed residential development would have the potential to induce direct growth in the City’s population.

As detailed in Section 5.12, buildout of the Specific Plan would allow up to 349 additional dwelling units in the City and would introduce up to 795 additional residents. The additional residents would increase the City’s population over existing conditions (May 2022) from approximately 32,943 to 33,739 residents, an approximately 2.4 percent increase. As such, the proposed project would foster population growth through new housing.

## **PRECEDENT-SETTING ACTION**

The proposed project would require a General Plan Amendment, Zone Change, Specific Plan, Tentative Parcel Map, Local Coastal Program Amendment, Coastal Development Permit, Site Development Permit, Development Agreement, and Site Plan Review from the City, as well as other discretionary permit/approvals; refer to Section 3.7, *Permits and Approvals*. The approval of these discretionary actions would not set a precedent that would make it more likely for other projects in the City to gain approval of similar applications. For example, a future project requesting to redesignate or rezone a site would need to undergo the same environmental review as the proposed project and mitigate potentially significant environmental impacts on a project-level. The proposed



discretionary approvals would only regulate future land development within the Specific Plan area by limiting permitted uses and requiring future development on-site to comply with development standards and design guidelines in the Specific Plan. While the project would result in the development of a residential community, the site is located near existing commercial, retail, manufacturing, and institutional uses within Doheny Village that would be compatible with the project's residential uses. Further, future projects with similar required discretionary actions would also be subject to applicable environmental review on a project-by-project basis. Implementation of the proposed project would not establish a procedure that would make future re-designations and/or rezones easier and would be speculative to determine any such effect. As such, the proposed project would not involve a precedent-setting action that could significantly affect the environment.

## **DEVELOPMENT OR ENCROACHMENT OF OPEN SPACE**

The project site is built out and is currently utilized by the CUSD Ground Department; refer to [Exhibit 3-2, \*Site Vicinity\*](#). Although the project site is designated "Community Facility" (CF) and "Recreation/Open Space" (R/OS), there are no existing open space areas on, within, or adjacent to the project site. Further, the project site is surrounded by urban, developed land. As such, the proposed infill development would not develop or encroach on an isolated or adjacent area of open space, resulting in a growth-inducing impact.

Further, it is acknowledged that the project proposes approximately 144,018 square feet (3.306 acres) of open space, including 46,399 square feet (1.065 acres) of public active open space, 34,719 square feet (0.797 acre) of public street and frontage open space, 44,644 square feet (1.025 acre) of private active open space, and 18,256 square feet (0.419 acre) of private passive (i.e., patio) open space. A total of 1.065 acres of public open space would include Victoria Shore Park (at the southeastern corner of Sepulveda Avenue and Victoria Boulevard) as well as a Dog Park and two public paseos along the former La Playa Avenue right-of-way; refer to [Exhibit 3-4, \*Conceptual Landscape Plan\*](#). As such, the project would not develop or encroach on an isolated or adjacent area of open space.

## **SUMMARY**

In summary, project implementation is not considered growth-inducing with respect to removing an impediment to growth, fostering economic expansion or growth, establishing a precedent-setting action, or encroaching into an isolated area of open space. However, the project is considered growth-inducing with respect to fostering direct population growth as a result of new residents on-site.



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## 7.0 ALTERNATIVES TO THE PROPOSED PROJECT

Under CEQA, the identification and analysis of alternatives to a project is a fundamental part of the environmental review process. CEQA Public Resources Code Section 21002.1(a) establishes the need to address alternatives in an EIR by stating that in addition to determining a project’s significant environmental impacts and indicating potential means of mitigating or avoiding those impacts, “the purpose of an environmental impact report is ... to identify alternatives to the project”, which could avoid or substantially lessen the project’s significant effects.

Direction regarding the definition of project alternatives is provided in the CEQA Guidelines as follows:

*An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.<sup>1</sup>*

The CEQA Guidelines emphasize that the selection of project alternatives be based primarily on the ability to reduce significant effects relative to the proposed project, “even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.”<sup>2</sup> The CEQA Guidelines further direct that the range of alternatives be guided by a “rule of reason,” such that only those alternatives necessary to permit a reasoned choice are addressed.<sup>3</sup>

In selecting project alternatives for analysis, potential alternatives must pass a test of feasibility. CEQA Guidelines Section 15126.6(f)(1) states that:

*Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site ...*

Beyond these factors, the CEQA Guidelines require the analysis of a “no project” alternative and an evaluation of alternative location(s) for the project, if feasible. Based on the alternatives analysis, an environmentally superior alternative is to be designated. If the environmentally superior alternative is the No Project Alternative, then the EIR shall identify an environmentally superior alternative among the other alternatives.<sup>4</sup> In addition, CEQA Guidelines Section 15126.6(c) requires that an EIR identify any alternatives that were considered for analysis but rejected as infeasible and discuss the reasons for their rejection.

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<sup>1</sup> CEQA Guidelines Section 15126.6(a).

<sup>2</sup> CEQA Guidelines Section 15126.6(b).

<sup>3</sup> CEQA Guidelines Section 15126.6(f).

<sup>4</sup> CEQA Guidelines Section 15126.6(e)(2).



The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. The range of potential alternatives to the proposed project shall also include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects. Among the factors that may be considered when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site (or the site is already owned by the proponent). Only locations that would avoid or substantially lessen any of the project's significant effects need be considered for inclusion. An alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative need not be considered.

Potential environmental impacts associated with the following alternatives are compared to the project's impacts:

- Alternative 1 – “No Project” Alternative; and
- Alternative 2 – “Village Commercial/Residential Zoning District Development” Alternative.

Alternative 1 is mandated by CEQA, while Alternative 2 was selected based on its potential to implement certain components of the project to accomplish some or most of the basic objectives of the project and avoid or substantially lessen one or more of the proposed project's significant effects. Specifically, the “No Project” Alternative is considered to enable the decision-makers to compare the impacts of approving the project with the impacts of not approving the project. The “Village Commercial/Residential Zoning District Development” Alternative was selected for analysis to evaluate an alternative that is consistent with adjacent zoning per the Doheny Village Zoning District Update and to determine whether it would reduce any potentially significant impacts associated with the proposed project.

Throughout the following analysis, the alternatives' impacts are analyzed for each environmental issue area, as examined in Section 5.1, *Land Use and Relevant Planning*, through Section 5.13, *Public Services, Recreation, and Utilities*, of this EIR. In this manner, each alternative can be compared to the project on an issue-by-issue basis. A table is included at the end of this section that provides an overview of the alternatives analyzed and a comparison of each alternative's impact in relation to the project. This section also identifies alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process. Among the factors used to eliminate alternatives from detailed consideration include failure to meet most of the basic project objectives, infeasibility, or inability to avoid significant environmental impacts. Section 7.6, *“Environmentally Superior” Alternative*, identifies the “environmentally superior” alternative, as required by the CEQA Guidelines.

## **7.1 SUMMARY OF PROJECT OBJECTIVES**

An EIR must only discuss in detail an alternative that is capable of feasibly attaining most of the basic objectives associated with the action, while at the same time avoiding or substantially lessening any of the significant effects associated with the proposed project. Below is a summary of the project objectives, as provided in Section 3.6, *Goals and Objectives*.





- Increase the supply and diversity of housing types in the City of Dana Point, consistent with the goals and policies of the Housing Element.
- Implement infill development on underutilized parcels, consistent with the General Plan and Housing Element.
- Ensure height and massing of future development within the project area is sensitive to the scale of existing streetscapes, especially along Victoria Boulevard.
- Promote the character and surf heritage of the historical Doheny Village.
- Increase the supply of affordable housing by mandating that no less than 5% of the units be developed for very low income level housing, 5% of the units be developed for low income housing level housing, and 5% of the units be developed for moderate income housing.
- Promote pedestrian-oriented development, consistent with the planned Doheny Village Zoning District Update Project, by providing housing within walking distance of places of business and employment.
- Utilize architectural and landscape design to create public street frontages with pedestrian interest.
- Incorporate landscaping and streetscaping enhancements as a means of investing in City beautification.
- Reinforce a sense of place through unique and project-specific identity signage that adds interest and variety to the public realm and complements the harbor and coastal zone features of Dana Point.
- Incorporate public open spaces within the project area, including a focal element (Victoria Park) to enhance the public realm and public access at the corner of Sepulveda Avenue and Victoria Boulevard, all of which would be maintained by the project developer in perpetuity.
- Create a funding mechanism which yields a substantial contribution to be utilized exclusively on improvements to Dana Hills High School at the earliest commercially feasible time.
- Utility undergrounding for all utilities along the project frontages at Victoria Boulevard and Sepulveda Avenue.
- Provide a substantial contribution to the City to be utilized for community benefits as directed by the City Council.

## **7.2 SUMMARY OF SIGNIFICANT IMPACTS**

Pursuant to CEQA Guidelines Section 15126.6(a), an EIR shall describe a range of reasonable alternatives to the project which would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. Only those impacts found significant are relevant in making the final determination of whether an alternative is environmentally superior or inferior to the proposed project. As detailed in [Section 5.1](#) through [Section 5.13](#) of this EIR, upon compliance with



existing regulations and mitigation measures, project implementation would not result in any significant and unavoidable impacts.

### **7.3 ALTERNATIVES CONSIDERED BUT REJECTED**

In accordance with CEQA Guidelines Section 15126.6(c), an EIR should identify any alternatives that were considered for analysis but rejected as infeasible and briefly explain the reasons for their rejection. According to the CEQA Guidelines, among the factors that may be used to eliminate alternatives from detailed consideration are the alternative’s failures to meet most of the basic project objectives, the alternative’s infeasibility, or the alternative’s inability to avoid significant environmental impacts. The following possible alternative was considered but not carried forward for additional analysis, since it would not accomplish most of the basic project objectives of the project or are considered infeasible.

#### **“ALTERNATIVE SITE” ALTERNATIVE**

CEQA requires a discussion of alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. The key question and first step in the analysis is evaluating whether any of the significant effects of the project would be avoided or substantially lessened by developing the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR.<sup>5</sup>

The project Applicant does not currently own or control other comparably sized and located property in the City of Dana Point capable of accommodating the proposed project design. As such, development of the project on an alternative site has been eliminated from consideration.

### **7.4 “NO PROJECT” ALTERNATIVE**

Under CEQA Guidelines Section 15126.6(e), the specific alternative of “no project” shall be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project. The “no project” analysis is required to discuss the existing conditions at the time the Notice of Preparation (published on July 19, 2021) as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

#### **DESCRIPTION**

The “No Project” Alternative assumes the circumstance under which the proposed project does not proceed, and the project site’s current General Plan land use designations and zoning remain as is. Based on the General Plan Land Use Map, the project site is designated “Community Facility” (CF) and “Recreation/Open Space” (R/OS) and is situated within the Coastal Overlay District boundary. Based on the City’s Zoning Map, the project site is zoned “Community Facilities” (CF) and

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<sup>5</sup> CEQA Guidelines Section 15126.(5)(B)(1).



“Recreation” (REC). The northwestern portion of the project site is also located in the Floodplain Overlay District (FP-2) boundary.

Given that the site is currently developed with uses consistent with the existing land use designations and zoning (i.e., CUSD Grounds Department facilities), it is reasonably expected that buildout of the site under existing designations and zoning would be the existing CUSD facilities. Thus, the “No Project” Alternative is essentially a ‘no build’ alternative wherein the existing environmental setting is maintained. Specifically, the site would continue to operate as a CUSD Grounds Department facility for operations, maintenance, storage, bus/vehicle wash area, and refueling of school buses and other district vehicles. The existing structures on-site would remain and no new development would occur.

Unlike the proposed project, the “No Project” Alternative would not require a General Plan Amendment, Zone Change, Specific Plan, Tentative Parcel Map, Local Coastal Program Amendment, Coastal Development Permit, Site Development Permit, Development Agreement, or Site Plan Review.

## **IMPACT COMPARISON TO THE PROPOSED PROJECT**

### **Land Use and Relevant Planning**

As stated in Section 3.0, *Project Description*, the proposed project would require a number of discretionary approvals, including a Zone Change, General Plan Amendment and Local Coastal Program Amendment. Under the “No Project” Alternative, no development would occur and the project site would maintain its existing land use designations and zoning and thus, would be consistent with the General Plan, Local Coastal Program, and Municipal Code. However, in comparison to the proposed project, this alternative would not be able to achieve several General Plan policies compared to the proposed project. Specifically, this alternative would not improve the site’s appearance with landscape design and pedestrian amenities (General Plan Land Use Element Policy 7.2), nor would it establish design guidelines for the site consistent with the rest of Doheny Village (General Plan Land Use Element Policy 7.3). Further, the “No Project” Alternative would not meet General Plan Land Use Element Policy 7.5 which encourages the development of a diversity of housing opportunities including medium density housing in the areas adjacent to the retail areas and also as a part of mixed residential and retail or office use.

In contrast, the proposed project would construct a 349-unit multi-family community (including market rate and affordable units) with a parking structure and associated amenities in accordance with the proposed Victoria Boulevard Specific Plan. The Specific Plan would include development standards and design guidelines that are consistent with the character of Doheny Village and the site would be improved with extensive landscaping and common and private open space areas. Additionally, as analyzed in Section 5.1, *Land Use and Relevant Planning*, the proposed project would be consistent with relevant goals, policies, and/or standards from the General Plan, Municipal Code, California Coastal Act, *Dana Point Specific Plan* (1996 LCP), and the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments – Connect SoCal* (2020-2045 RTP/SCS). Overall, this alternative would be neither environmentally superior nor inferior to the proposed project in this regard.



## **Aesthetics/Light and Glare**

The “No Project” Alternative would not result in any new development compared to the proposed project. Therefore, existing development would remain and no aesthetic impacts related to new construction or operational activities would occur under this alternative. This alternative would not result in the project’s less than significant impacts to scenic views/vistas, character/quality, and light and glare impacts. As such this alternative would be environmentally superior to the proposed project with regard to aesthetics/light and glare.

## **Tribal and Cultural Resources**

The “No Project” Alternative would not result in any new development compared to the proposed project. Thus, the potential to impact previously undiscovered cultural or tribal cultural resources during construction activities would not occur. As such, this alternative would be environmentally superior to the proposed project in this regard.

## **Geology and Soils**

The “No Project” Alternative would not result in any new development. Thus, this alternative would not introduce structures or people to existing geologic and seismic hazards on-site. However, it is acknowledged that the existing dated structures on-site would still be subject to such seismic hazards. The “No Project” Alternative would not result in any construction activities that could impact previously undiscovered paleontological resources. As such, this alternative would be environmentally superior to the proposed project.

## **Hydrology and Water Quality**

Compared to the proposed project, the “No Project” Alternative would not result in any new development. Thus, no new construction or operational activities would impact existing hydrologic and water quality conditions in the project area. However, this alternative would not include the proposed project’s best management practices (BMPs) related to hydrology and water quality that would reduce stormwater runoff and improve water quality treatment on-site. As detailed in [Table 5.5-1, \*Existing and Proposed Hydrology\*](#), the proposed storm drain design results in a slight decrease in stormwater runoff generated from the project site, when compared to existing conditions, during the 10-, 25-, and 100-year storm events. The project would also implement site design, source control, and low impact development BMPs that would not occur under the “No Project” Alternative. As the existing condition includes the existing CUSD Grounds Department activities, and lacks best management practices for water quality, this alternative would be neither environmentally superior nor inferior to the proposed project.

## **Hazards and Hazardous Materials**

No new development would occur under the “No Project” Alternative compared to the proposed project. Thus, the potential to expose workers and the public to hazards and hazardous materials, such as soil contamination, asbestos containing materials (ACMs) and lead based paints (LBPs), during demolition and construction activities would not occur. As such, no mitigation would be required to reduce such impacts. In addition, given that no development would occur, the “No Project”



Alternative would not result in the increase in handling of hazardous materials, potential for accidental conditions, or an increase in the transport of hazardous materials.

However, it is acknowledged that remedial activities of existing hazardous materials conditions would not occur and the existing fueling area (including a 20,000-gallon diesel-containing underground storage tank [UST], a 10,000-gallon gasoline-containing UST, two fuel dispenser islands, and associated piping) would remain on-site. Nonetheless, since retention of the existing uses would not result in any soil or ground disturbance requiring remediation of existing contaminated soils on site, this alternative would be considered environmentally superior to the proposed project.

## **Transportation**

No new development would occur under the “No Project” Alternative compared to the proposed project. Thus, no transportation impacts related to a potential conflict with a program plan, ordinance or policy addressing the circulation system, VMT, hazard due to a geometric design feature or incompatible use, or inadequate emergency access would occur. In comparison, the proposed project would increase the use of transportation facilities in the project area. However, the proposed project would not exceed the City’s established VMT threshold and would provide a number of new pedestrian and bicyclist amenities (i.e., bicycle lanes, walkways, sidewalks, and bicycle storage) that would tie the proposed development into the existing network in Doheny Village. In conclusion, although the project would result in less than significant transportation impacts pertaining to non-vehicular transit, VMT, and safety design hazards, the “No Project” Alternative would result in no new transportation impacts. This alternative would be environmentally superior to the proposed project.

## **Air Quality**

Under the “No Project” Alternative, no new development would occur and the project site would maintain its existing General Plan designations and zoning. Thus, no short-term construction or long-term operational air quality emissions would be generated. This alternative would be environmentally superior to the proposed project.

## **Greenhouse Gas Emissions**

Given that no new development would occur on-site, no construction or operational GHG emissions would be generated and this alternative would be environmentally superior to the proposed project.

## **Energy**

No new development would occur under the “No Project” Alternative compared to the proposed project. Thus, no new impacts would occur from additional energy usage related to electricity and natural gas consumption. The “No Project” Alternative would be environmentally superior to the proposed project.

## **Noise**

As discussed, the “No Project” Alternative would result in no new development within the project area. Thus, no construction or operational noise or vibration impacts would occur, and no mitigation



would be required under this alternative. However, it is acknowledged that the existing noise conditions of the CUSD Grounds Department would continue. Since the “No Project” Alternative would not result temporary construction noise impacts, the “No Project” Alternative would be environmentally superior to the proposed project in this regard.

### **Population and Housing**

As discussed, no new development would occur under the “No Project” Alternative. Thus, no new residents or housing would be introduced into the project area and no population and housing impacts would occur. In comparison, the proposed project would introduce up to 796 additional residents and 349 market rate and affordable housing units. Therefore, the “No Project” Alternative would be environmentally superior to the proposed project.

### **Public Services/Recreation and Utilities**

No new development would occur under this alternative compared to the proposed project. Thus, this alternative would not increase demands for public services, recreation, or utilities compared to existing conditions. However, the “No Project” Alternative would not construct new on-site storm drain system, minimizing runoff downstream, nor water quality best management practices (BMPs) at the project site nor would on-site electrical utilities be undergrounded. As such, the “No Project” Alternative would be neither environmentally superior nor inferior to the proposed project.

### **ABILITY TO MEET PROJECT OBJECTIVES**

As detailed in Table 7-1, “No Project” Alternative and Project Objectives, the “No Project” Alternative would not achieve any of the project’s basic objectives.

**Table 7-1  
“No Project” Alternative and Project Objectives**

Objective	Discussion
Increase the supply and diversity of housing types in the City of Dana Point, consistent with the goals and policies of the Housing Element.	<b>Not Achieved.</b> This alternative would not provide new housing in the City and would not achieve this project objective.
Implement infill development on underutilized parcels, consistent with the General Plan and Housing Element.	<b>Not Achieved.</b> The “No Project” Alternative would not redevelop any underutilized parcels in the City.
Ensure height and massing of future development within the project area is sensitive to the scale of existing streetscapes, especially along Victoria Boulevard.	<b>Not Applicable.</b> No development would occur and the Victoria Boulevard Specific Plan would not be adopted under this alternative. Therefore, this project objective is not applicable to the “No Project” Alternative.
Promote the character and surf heritage of the historical Doheny Village.	<b>Not Achieved.</b> Existing on-site conditions would remain under the “No Project” Alternative. Thus, this alternative would not introduce any development that would promote the character and surf heritage of the historical Doheny Village.
Increase the supply of affordable housing by mandating that no less than 5% of the units be developed for very low income level housing, 5% of the units be developed for low income housing	<b>Not Achieved.</b> The “No Project” Alternative would not provide any housing on-site and thus, would not achieve this objective.



Objective	Discussion
level housing, and 5% of the units be developed for moderate income housing	
Promote pedestrian-oriented development, consistent with the planned Doheny Village Zoning District Update Project by providing housing within walking distance of places of business and employment.	<b>Not Achieved.</b> As stated, no development would occur. Therefore, no pedestrian-oriented development would be provided under this alternative.
Utilize architectural and landscape design to create public street frontages with pedestrian interest.	<b>Not Achieved.</b> The existing structures associated with the CUSD Grounds Department facility would remain, and the existing architecture and landscaping on-site would not be altered. Thus, the alternative would not achieve this objective.
Incorporate landscaping and streetscaping enhancements as a means of investing in City beautification.  i.	<b>Not Achieved.</b> Beautification methods, such as landscaping and streetscaping enhancements, would not be provided under the “No Project” Alternative. Therefore, the alternative would not achieve this objective.
Reinforce a sense of place through unique and project-specific identity signage that adds interest and variety to the public realm and complements the harbor and coastal zone features of Dana Point.	<b>Not Achieved.</b> No changes to the site’s existing conditions would occur under the “No Project” Alternative. Thus, this alternative would not achieve this project objective.
Incorporate public open spaces within the project area, including a focal element (Victoria Park) to enhance the public realm and public access at the corner of Sepulveda Avenue and Victoria Boulevard, all of which would be maintained by the project developer in perpetuity.	<b>Not Achieved.</b> Although the existing landscaped area (along the project site’s western boundary) would remain designated and zoned open space, the “No Project” Alternative would not provide any new active open space areas at the northwest corner or southern portion of the project site. Therefore, this alternative would not achieve this objective.
Create a funding mechanism which yields a substantial contribution to be utilized exclusively on improvements to Dana Hills High School at the earliest commercially feasible time.	<b>Not Achieved.</b> The “No Project” Alternative would not establish any funding mechanism as no development would occur. Therefore, this alternative would not achieve this objective.
Utility undergrounding for all utilities along the project frontages at Victoria Boulevard and Sepulveda Avenue.	<b>Not Achieved.</b> The “No Project” Alternative would result in no development and would not underground any utilities along Victoria Boulevard and Sepulveda Avenue. Therefore, this alternative would not achieve this objective.
Provide a substantial contribution to the City to be utilized for community benefits as directed by the City Council.	<b>Not Achieved.</b> The “No Project” Alternative would not result in any payment to the City to be utilized for community benefits as no development would occur. Therefore, this alternative would not achieve this objective.

## 7.5 “VILLAGE COMMERCIAL/RESIDENTIAL ZONING DISTRICT DEVELOPMENT” ALTERNATIVE

The “Village Commercial/Residential Zoning District Development” Alternative aims to develop the project site assuming the portion of the site currently designated and zoned CF is redesignated to Commercial/Residential and rezoned to Village Commercial/Residential (V-C/R), similar to adjacent properties to the north and west. The adjacent properties to the north and west were redesignated and rezoned to Commercial/Residential and V-C/R, respectively, as part of the Doheny Village Zoning District Update Project (approved by Dana Point City Council in July 2021). The Doheny Village



Zoning District Update Project involved redesignating and rezoning nearly all parcels within Doheny Village with the exception of the project site. As such, it is reasonable to include an alternative to the proposed project in which the site is redesignated and rezoned and developed similar to its adjacent properties within Doheny Village. As part of this development alternative, the 1.1-acre on-site parcel along Sepulveda Avenue, currently designated Open Space and zoned REC, would not be redesignated or rezoned.

Based on the V-C/R zoning district development standards, the V-C/R Zoning District Development Alternative would demolish the existing CUSD Grounds Department facility and allow for construction of a multi-family residential development; refer to Exhibit 7-1, “Village Commercial/Residential Zoning District Development” Alternative.

The “V-C/R Zoning District Development” Alternative would develop a 114-unit multi-family residential development on 4.4 acres of the project site. The remaining 1.1-acre parcel along Sepulveda Avenue would be graded and landscaped with turf, to serve as public open space to be owned and maintained by the City of Dana Point Parks Division.

The multi-family residential development would construct seven three-story apartment buildings and one leasing/amenity building. The one-story, 5,500-square foot leasing/amenity building would be located near the main entry at Victoria Boulevard and Via Santa Rosa. A secondary gated entry would be provided at a second driveway along Victoria Boulevard at the northeast corner of the site. The seven apartment buildings would be three-stories (ranging from 35 to 40 feet in height) and would include 87 tuck-under (covered) parking spaces on the ground level. Carports and uncovered parking spaces (75 and 64 spaces, respectively) would also be provided throughout the site and along the eastern and southern project boundary. In addition to the amenity and leasing building, a community pool is proposed in the center of the site.

Table 7-2, Proposed Project and “V-C/R Zoning District Development” Alternative Comparison, provides a general comparison of the proposed project to the “V-C/R Zoning District Development” Alternative. As detailed in Table 7-2, this alternative would develop 235 fewer residential units than the proposed project at a substantially lower density of 20.7 dwelling units per acre. However, it is noted that the V-C/R district would allow a maximum density of 30 dwelling units per acre, up to 132 dwelling units at the project site. The residential buildings would be three stories in height. This Alternative would also construct off-street surface parking spaces and “tuck-under” garage spaces to accommodate the new apartment complex.

While this alternative would provide 1.1 acres of public open space along Sepulveda Avenue, it would provide less private open space compared to the project. Additionally, this alternative would not develop the private courtyards or the dual-purposed landscaped emergency vehicle access road along the eastern and southern project boundary provided by the proposed project. The various private residential amenities proposed under the project in the southern portion of the site would not be provided.





Source: ktgy Architecture • Planning, September 2021

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VICTORIA BOULEVARD APARTMENTS  
ENVIRONMENTAL IMPACT REPORT

# “Village Commercial/Residential Zoning District Development” Alternative



**Table 7-2  
Proposed Project and “V-C/R Zoning District Development” Alternative Comparison**

	Proposed Project	“V-C/R Zoning District Development” Alternative
Dwelling Units		
<i>Studio</i>	36	0
<i>One Bedroom</i>	181	56
<i>Two Bedroom</i>	115	52
<i>Three Bedroom</i>	17	6
<i>Total Units</i>	349	114
Affordable Housing (15% required)	At least 15 percent (53 units)	At least 15 percent (17 units)
Residential Density	63.3 dwelling units per acre	20.7 dwelling units per acre
Building Height	3 to 5 stories	3 stories
Open Space		
<i>Public Open Space</i>	46,399 square feet (1.065 acres)	1.1 acres
<i>Private Open Space</i>	62,900 (1.44 acres)	11,400 square feet (100 square feet per dwelling unit)
Landscaped Area	69,495 square feet (approximately 29 percent of the 5.51-acre site)	9,583 square feet; 0.22 acres (5 percent of total lot area based on 4.4-acre site)
Parking Spaces		
<i>Garage</i>	681 spaces (seven-story parking structure)	87 spaces (tuck-under)
<i>Carport</i>	--	75 spaces
<i>Open</i>	--	64 spaces
<i>Total Parking Spaces</i>	681 spaces	226 spaces

Similar to the proposed project, the “V-C/R Zoning District Development” Alternative would require a General Plan Amendment, Zone Change, Local Coastal Program Amendment, Coastal Development Permit, Tentative Parcel Map, and Site Plan Review. This alternative would not require a Specific Plan. The CUSD property is public land subject to the provisions of the Surplus Land Act, which requires at least 15 percent lower income units. As such, similar to the proposed project, this alternative would also be required to provide at least 15 percent affordable units. However, given the lower density proposed, the affordable units would be proportionately decreased.

## **IMPACT COMPARISON TO THE PROPOSED PROJECT**

### **Land Use and Relevant Planning**

Under the “V-C/R Zoning District Development” Alternative, the project site would be rezoned and redesignated similar to its adjacent properties within Doheny Village. This alternative would adhere to the development standards and guidelines that are outlined in Municipal Code Chapter 9.14, *Doheny Village Districts*. As such, the development would be consistent in design with the rest of Doheny Village. The “V-C/R Zoning District Development” Alternative would require similar entitlements as the proposed project, including a General Plan Amendment, Zone Change, Local Coastal Program Amendment, Coastal Development Permit, Tentative Parcel Map, and Site Plan Review. Additionally, this alternative and the proposed project would both be consistent with the General Plan, Municipal



Code, the California Coastal Act, *Dana Point Specific Plan* (1996 LCP), and the *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy of the Southern California Association of Governments – Connect SoCal* (2020-2045 RTP/SCS). Therefore, this alternative would be neither environmentally superior nor inferior to the proposed project in this regard.

### **Aesthetics/Light and Glare**

The “V-C/R Zoning District Development” Alternative would develop a multi-family residential community consisting of seven, three-story apartment buildings and one leasing/amenity building. This alternative would introduce structures that are reduced in size, height, and scale compared to the proposed project. Similar to the proposed project, this alternative would not result in any substantial obstructions to scenic vistas and corridors in the project area. In regard to project consistency with scenic quality as proposed under General Plan goals and policies, this alternative would implement the development standards set forth in the Municipal Code Chapter 9.14, *Doheny Village Districts*, and thus, would develop the site similar to its adjacent properties within Doheny Village. As such, the “V-C/R Zoning District Development” Alternative would be neither environmentally superior nor inferior to the proposed project.

### **Tribal and Cultural Resources**

Similar to the proposed project, the existing structures on-site would be demolished under the “V-C/R Zoning District Development” Alternative. As such, this alternative would have the potential to encounter unknown archaeological resources and tribal cultural resources during ground-disturbing activities as the proposed project, although to a lesser extent given this alternative would not excavate a parking garage on-site. As such, this alternative is environmentally superior to the proposed project.

### **Geology and Soils**

As elaborated in [Section 5.5, \*Geology and Soils\*](#), the project site is susceptible to a variety geological and seismic hazard, including strong seismic ground shaking, liquefaction, soil erosion, and unstable and expansive soils. In addition, there is a potential for unknown paleontological resources to be located within the project area given the site’s proximity to the coast. Similar to the proposed project, implementation of the “V-C/R Zoning District Development” Alternative would introduce new structures and residents to existing geologic and seismic hazards on-site. Thus, this alternative would be neither environmentally superior nor inferior to the proposed project.

### **Hydrology and Water Quality**

Similar to the proposed project, construction activities under the “V-C/R Zoning District Development” Alternative could result in short-term water quality impacts associated with the handling, storage, and disposal of construction materials, maintenance and operation of construction equipment, and earthmoving activities. This alternative would similarly be subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements, and would be required to obtain and Construction General Permit and implement a Stormwater Pollution Prevention Plan (SWPPP).

The “V-C/R Zoning District Development” Alternative would result in a lower development intensity than the proposed project. However, the alternative would install substantially less landscaping



(approximately 134,217 fewer square feet) compared to the proposed project, and would therefore result in an increase in impervious surfaces. However, the “V-C/R Zoning District Development” Alternative would be required to implement a variety of BMPs associated with a project-specific Water Quality Management Plan to reduce water quality and stormwater runoff volume impacts. Therefore, hydrology and water quality impacts of this alternative would be similar to the proposed project. Overall, this alternative would be neither environmentally superior nor inferior to the proposed project.

## **Hazards and Hazardous Materials**

Similar to the proposed project, this alternative would involve demolishing the on-site structures and buildings. Six of the existing structures on-site were built prior to 1979, and could potentially contain hazardous materials, such as asbestos containing materials (ACMs) and lead-based paints (LBPs). As such, this alternative could also potentially expose workers and the public to hazards and hazardous materials during demolition and construction activities. This Alternative would also require the handling of hazardous soil on-site and the removal of the existing fueling area (including a 20,000-gallon diesel-containing underground storage tank [UST], a 10,000-gallon gasoline-containing UST, two fuel dispenser islands, and associated piping), similar to the proposed project. As such, the “V-C/R Zoning District Development” Alternative would result in the increase in handling of hazardous materials, potential for accidental conditions, or an increase in the transport of hazardous materials, particularly during site disturbance, demolition, and remedial activities, similar to the proposed project. However, as with the proposed project, this alternative would be subject to compliance with all applicable federal and State laws and regulations related to the routine use, transport, and disposal of hazardous materials, or the accidental release of hazardous materials. Thus, this alternative would be neither environmentally superior nor inferior to the proposed project.

## **Transportation**

Compared to the proposed project, the reduced development intensity involved under the “V-C/R Zoning District Development” Alternative would reduce anticipated need for the transportation facilities. Thus, it is reasonable to assume that fewer vehicle miles would be traveled under this alternative compared to the proposed project. Similar to the proposed project, this alternative would be required to comply with Municipal Code Chapter 7.08, *Standards of Design*, which provides standards of design and requirements for sidewalks, and Chapter 9.35, *Access, Parking and Loading*. Construction activities under both scenarios would potentially result in partial lane closures on adjacent roadways and would require the developer to prepare and implement a Construction Management Plan.

At completion, this alternative would not provide many of the bicycle and pedestrian amenities proposed under the project. For example, the project’s pedestrian-oriented walkways, private courtyards, public open space/paseos, Class III bicycle route, and bicycle storage areas on-site would not be implemented under this alternative. Overall, this alternative would be neither environmentally superior nor inferior to the proposed project.



## **Air Quality**

The “V-C/R Zoning District Development” Alternative would introduce up to 114 dwelling units compared to proposed project’s 349 dwelling units. Thus, this alternative would proportionally reduce the project’s short-term construction and long-term operational air quality emissions. This alternative would be environmentally superior to the proposed project.

## **Greenhouse Gas Emissions**

Compared to the proposed project, the reduced development intensity proposed under the “V-C/R Zoning District Development” Alternative would proportionally reduce the project’s GHG emissions during construction and operational phases. As such, this alternative would be environmentally superior to the proposed project.

## **Energy**

Compared to the proposed project, impacts from energy usage related to electricity and natural gas consumption during construction and operations would proportionally decrease given that the development intensity under the “V-C/R Zoning District Development” Alternative would be proportionally reduced, compared to the proposed project. Thus, this alternative would be environmentally superior to the proposed project.

## **Noise**

Due to the reduced development intensity of the “V-C/R Zoning District Development” Alternative, construction-related noise impacts would proportionally decrease compared to the proposed project. Additionally, operational noise impacts from fewer stationary and mobile noise sources under this alternative would be reduced compared to the proposed project. However, it is acknowledged that proposed parking areas would be open, rather than enclosed in a structure. Nonetheless, this alternative would be environmentally superior to the proposed project.

## **Population and Housing**

The “V-C/R Zoning District Development” Alternative would construct a 114-unit multi-family residential development. Based on the City’s average household size of 2.28, this alternative could introduce up to 260 residents. Therefore, this alternative would result in 235 fewer units and 536 fewer residents (than the proposed project) and, as such, would result in reduced impacts to population growth.

Overall, this alternative would be environmentally superior to the proposed project.

## **Public Services/Recreation and Utilities**

The “V-C/R Zoning District Development” Alternative would provide 235 fewer units and introduce 536 fewer residents compared to the proposed project. Therefore, this alternative would result in a proportional reduction in demand for fire, police, school, library, and parks and recreation services, and would generate proportionally less wastewater, water demand, solid waste, and electricity and gas demands. It is acknowledged that this alternative would provide fewer recreational amenities than the



proposed project. However, overall impacts related to public services, recreation, and utilities and service systems would be reduced under this alternative. This alternative would be environmentally superior to the proposed project.

## ABILITY TO MEET PROJECT OBJECTIVES

The “V-C/R Zoning District Development” Alternative would achieve eleven of the project’s basic objectives, however, not to the extent as the proposed project for some objectives; refer to Table 7-3, “Village Commercial/Residential Zoning District Development” Alternative and Project Objectives.

**Table 7-3  
“Village Commercial/Residential Zoning District Development” Alternative  
and Project Objectives**

Objective	Discussion
Increase the supply and diversity of housing types in the City of Dana Point, consistent with the goals and policies of the Housing Element.	<b>Achieved, but not to the extent of the Proposed Project.</b> The “V-C/R Zoning District Development” Alternative would develop a develop a 114-unit multi-family residential development with market and affordable units. As such, this alternative would achieve this objective, although not to the extent as the proposed project.
Implement infill development on underutilized parcels, consistent with the General Plan and Housing Element.	<b>Achieved.</b> This alternative would redevelop an underutilized site identified as surplus CUSD property. As such, this alternative would achieve this objective.
Ensure height and massing of future development within the project area is sensitive to the scale of existing streetscapes, especially along Victoria Boulevard.	<b>Achieved.</b> Future development in accordance with “V-C/R Zoning District Development” Alternative would be required to comply with the development standards and design guidelines outlined in Municipal Code Chapter 9.14, <i>Doheny Village Districts</i> . As such, the proposed development would be sensitive to the scale of existing streetscapes and would achieve this objective.
Promote the character and surf heritage of the historical Doheny Village.	<b>Achieved.</b> As discussed, the future multi-family residential community developed in accordance with the “V-C/R Zoning District Development” Alternative would be required to comply with the development standards and design guidelines outlined in Municipal Code Chapter 9.14, <i>Doheny Village Districts</i> . As such, the residential community would be developed similar to other adjacent V-C/R zoned properties within Doheny Village, which would be consistent with the character of the historical Doheny Village. Thus, this alternative would achieve this objective.
Increase the supply of affordable housing by mandating that no less than 5% of the units be developed for very low income level housing, 5% of the units be developed for low income housing level housing, and 5% of the units be developed for moderate income housing.	<b>Achieved, but not to the extent of the Proposed Project.</b> This alternative would develop a 114-unit multi-family development with at least 15 percent affordable units (i.e., at least 17 low-income units). However, the proposed project would provide a 349-unit development with at least 15 percent affordable units (i.e., at least 53 low-income units). As such, this alternative would achieve this objective, although not to the extent as the proposed project.
Promote pedestrian-oriented development, consistent with the planned Doheny Village Zoning District Update Project by providing housing within walking distance of places of business and employment.	<b>Achieved, but not to the extent of the Proposed Project.</b> This alternative would develop a 114-unit multi-family development in close proximity to existing commercial, retail, and office uses within Doheny Village. The new apartment complex would be oriented inward rather than fronting Victoria Boulevard, which makes it less of a pedestrian-oriented development than the proposed project. This alternative would not construct the proposed project’s on-site pedestrian connections, which foster pedestrian movement. As such, this alternative would



Objective	Discussion
	achieve this objective by providing housing within walking distance of places of business and employment, although not to the extent as the proposed project, as it is less of a pedestrian-oriented development compared to the proposed project.
Utilize architectural and landscape design to create public street frontages with pedestrian interest.	<b>Achieved, but not to the Extent of the Proposed Project.</b> The “V-C/R Zoning District Development” Alternative would maintain the existing perimeter sidewalks, provide landscaping along Victoria Boulevard, and provide a 1.1-acre public open space along Sepulveda Avenue. However, the proposed landscaping along Victoria Boulevard and Sepulveda Avenue under this alternative would not be as substantive as the proposed project. As such, this alternative would achieve this objective, although not to the extent as the proposed project.
Incorporate landscaping and streetscaping enhancements as a means of investing in City beautification.	<b>Achieved, but not to the Extent of the Proposed Project.</b> Under the “V-C/R Zoning District Development” Alternative, landscaping would be provided along Victoria Boulevard and approximately 1.1 acres along Sepulveda Avenue would be graded and landscaped with turf to serve as public open space to be owned and operated by the City. In comparison, the proposed project would install and maintain public active open space areas, as well as enhanced landscaping and architectural treatments. Thus, this alternative would achieve this objective, although not to the extent as the proposed project.
Reinforce a sense of place through unique and project-specific identity signage that adds interest and variety to the public realm and complements the harbor and coastal zone features of Dana Point.	<b>Achieved, but not to the Extent of the Proposed Project.</b> This alternative would include appropriate residential community signage consistent with the Municipal Code requirements. However, the project’s proposed sign regulations, imposed by the Specific Plan, would not occur. As such, this alternative would achieve this objective, although not to the extent as the proposed project.
Incorporate public open spaces within the project area, including a focal element (Victoria Park) to enhance the public realm and public access at the corner of Sepulveda Avenue and Victoria Boulevard, all of which would be maintained by the project developer in perpetuity.	<b>Achieved, but not to the Extent of the Proposed Project.</b> As discussed, approximately 1.1 acres of the project site along Sepulveda Avenue would be designated as public open space. However, the proposed open space under this alternative would not provide as much of a focal element for the public realm as the project. Specifically, the Victoria Shore Park proposed as the corner of Sepulveda Avenue and Victoria Boulevard would not be implemented. Additionally, this alternative would not provide other open space and recreational amenities such as the Arrival Promenade, rooftop garden, public paseos, private courtyards, and dog park. As such, this alternative does achieve this objective, however, not to the extent as the proposed project.
Create a funding mechanism which yields a substantial contribution to be utilized exclusively on improvements to Dana Hills High School at the earliest commercially feasible time.	<b>Not Achieved.</b> This alternative would not establish funding mechanism which yields a substantial contribution to be utilized exclusively on improvements to Dana Hills High School at the earliest commercially feasible time. Therefore, this alternative would not achieve this objective.
Utility undergrounding for all utilities along the project frontages at Victoria Boulevard and Sepulveda Avenue.	<b>Not Achieved.</b> This alternative would not result in utility undergrounding along Victoria Boulevard and Sepulveda Avenue. Therefore, this alternative would not achieve this objective.
Provide a substantial contribution to the City to be utilized for community benefits as directed by the City Council.	<b>Not Achieved.</b> This alternative would not result in substantial contribution to the City to be utilized for community benefits. Therefore, this alternative would not achieve this objective.



## 7.6 “ENVIRONMENTALLY SUPERIOR” ALTERNATIVE

Table 7-4, *Comparison of Alternatives*, summarizes the comparative analysis presented above (i.e., the alternatives compared to the proposed project). Review of Table 7-4 indicates the “No Project” Alternative is the environmentally superior alternative, as it would avoid or lessen most of the project’s environmental impacts. According to CEQA Guidelines Section 15126.6(e), “if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.” Accordingly, the “V-C/R Zoning District Development” Alternative is considered environmentally superior to the proposed project.

**Table 7-4  
Comparison of Alternatives**

Sections	“No Project” Alternative	“Village Commercial/ Residential Zoning District Development” Alternative
Land Use and Relevant Planning	=	=
Aesthetics/Light and Glare	✓	=
Tribal and Cultural Resources	✓	✓
Geology and Soils	✓	=
Hydrology and Water Quality	=	=
Hazards and Hazardous Materials	✓	=
Transportation	✓	=
Air Quality	✓	✓
Greenhouse Gas Emissions	✓	✓
Energy	✓	✓
Noise	✓	✓
Population and Housing	△	✓
Public Services/Recreation/Utilities	=	✓
△ Indicates an impact that is greater than the proposed project (environmentally inferior). ✓ Indicates an impact that is less than the proposed project (environmentally superior). = Indicates an impact that is equal to the proposed project (neither environmentally superior nor inferior).		

It is acknowledged that the “No Project” Alternative would not meet any of the project’s basic objectives. This alternative would not provide new housing in the City and would not redevelop an underutilized parcel. No pedestrian-oriented development would be provided under this alternative. Beautification methods, such as landscaping and streetscaping enhancements, would not be provided. Although the existing landscaped area (along the project site’s western boundary) would remain designated and zoned open space, the “No Project” Alternative would not provide any new active open space areas at the northwest corner or southern portion of the project site.

Accordingly, because the fewer number of units would result in correspondingly reduced impacts for specific environmental issues, the “V-C/R Zoning District Development” Alternative is considered environmentally superior to the proposed project. The “V-C/R Zoning District Development” Alternative would result in reduced environmental impacts regarding tribal and cultural resources; air quality; greenhouse gas emissions; energy; noise; and public services and recreation; refer to Table 7-4. This alternative would achieve the project’s basic objectives, although not to the extent of the





proposed project; refer to [Table 7-3](#). This alternative would provide fewer affordable units compared to the proposed project. This alternative would develop a 114-unit multi-family development with at least 15 percent affordable units (i.e., at least 17 low-income units). However, the proposed project would provide a 349-unit development and provide substantially more affordable housing units. The “V-C/R Zoning District Development” Alternative would maintain the existing perimeter sidewalks, provide landscaping along Victoria Boulevard, and provide a 1.1-acre public open space along Sepulveda Avenue. However, the proposed landscaping along Victoria Boulevard and Sepulveda Avenue under this alternative would not be as substantive as the proposed project. The proposed open space under this alternative would not provide as much of a focal element for the public realm as the project. Specifically, the Victoria Shore Park proposed as the corner of Sepulveda Avenue and Victoria Boulevard would not be implemented. Additionally, this alternative would not provide other open space and recreational amenities such as the Arrival Promenade, rooftop garden, public paseos, private courtyards, and dog park.



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## 8.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

CEQA provides that an EIR shall focus on the significant effects on the environment and discuss potential environmental effects with emphasis in proportion to their severity and probability of occurrence. The City of Dana Point (City) prepared the *Victoria Boulevard Apartments Initial Study* (Initial Study; dated July 2021) to analyze the proposed project's effect on specific environmental topic areas, included as part of the Environmental Checklist form presented in *CEQA Guidelines* Appendix G; refer to Appendix 11.1, *Notice of Preparation/Initial Study*. The Initial Study concluded that certain impacts were identified as “less than significant” or “no impact” due to the inability of a project of this scope to yield such impacts or the absence of project characteristics producing effects of this type. These effects are not required to be included in the EIR's primary environmental analysis sections (Section 5.1, *Aesthetics*, through 5.13, *Public Services/Recreation and Utilities*). In accordance with *CEQA Guidelines* Section 15128, the following discussion includes a brief description of potential impacts found to be less than significant in the Initial Study. The lettered analyses under each topical area directly correspond to their order in *CEQA Guidelines* Appendix G.

**AGRICULTURE AND FORESTRY RESOURCES.** *In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:*

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?*

**No Impact.** Per the California Department of Conservation, the Doheny Village area is situated within urban and built-up land.<sup>1</sup> The project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Thus, no impacts would result in this regard.

- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?*

**No Impact.** The project site is zoned “Community Facilities” (CF) and “Recreation” (REC) and is not covered under an existing Williamson Act contract. Thus, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impacts would occur in this regard.

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<sup>1</sup> California Department of Conservation, *California Important Farmland Finder*, <https://maps.conservation.ca.gov/DLRP/CIFF/>, accessed April 30, 2021



- c) *Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

**No Impact.** As stated above in Agriculture and Forestry Resources (b), the project site and the surrounding area is not zoned for any forest land, timberland, or timberland production. Project implementation would not affect any existing lands zoned for forest land, timberland, or timberland production. Therefore, no impacts would occur.

- d) *Result in the loss of forest land or conversion of forest land to non-forest use?*

**No Impact.** Refer to response to Agriculture and Forestry Resources (c). No impact would occur.

- e) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

**No Impact.** Refer to responses to Agriculture and Forestry Resources (a) through (d). No agricultural resources forest land exists within or adjacent to the project site. Therefore, construction activities would not result into the conversion of farmland to non-agricultural use or forest land to non-forest use. No impacts would occur in this regard.

**AIR QUALITY. *Would the project:***

- d) *Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?*

**Less Than Significant Impact.** The South Coast Air Quality Management District's (SCAQMD) *CEQA Air Quality Handbook*, establishes land use activities typically associated with odor complaints, including agriculture uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. The proposed project involves development of a multi-family residential complex and would not include any uses identified by the SCAQMD as being associated with odors.

Construction activities associated with the proposed project may generate detectable odors from heavy-duty equipment exhaust and architectural coatings. However, construction-related odors would be short-term in nature and cease upon project completion. In addition, the project would be required to comply with the California Code of Regulations, Title 13, Sections 2449(d)(3) and 2485, which minimizes the idling time of construction equipment either by requiring equipment to be shut off when not in use or limiting idling time to no more than five minutes. Compliance with these existing regulations would further reduce the detectable odors from heavy-duty equipment exhaust. The project would also be required to comply with the SCAQMD Regulation XI, *Rule 1113 – Architectural Coating*, which would minimize odor impacts from reactive organic gas (ROG) emissions during architectural coating applications. Any odor impacts to existing adjacent land uses would be short-term and negligible. As such, the project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Impacts would be less than significant in this regard.



**BIOLOGICAL RESOURCES. *Would the project:***

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

**No Impact.** The *Results of a Biological Resources Assessment for the Doheny Village Zoning District Update Project – City of Dana Point, Orange County, California* (Biological Resources Report), prepared by Michael Baker International and dated July 2, 2020, provides a detailed assessment of the suitability of on-site habitat to support special-status plant and wildlife species; refer to Appendix 11.11, *Biological Resources Report*.

The site is developed with the existing CUSD bus yard and associated structures. According to the Biological Resources Report, no special-status plant species are expected to occur within the Doheny Village area, including the project site, particularly because Doheny Village is completely developed and built out. The Biological Resources Report also concluded that special-status wildlife species have either low potentials or are not expected to occur within the Doheny Village area with the exception of Cooper’s hawk (*Accipiter cooperii*; California Department of Fish and Wildlife [CDFW] Watch List), which has a high potential to occur, and yellow warbler (*Setophaga petechia*; CDFW Species of Special Concern), which has a moderate potential to occur. However, the project site itself is completely developed and paved with no vegetation on-site that could provide foraging or nesting opportunities. As such, no impacts would occur in this regard.

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

**No Impact.** Riparian habitats are those occurring along the banks of rivers and streams. Sensitive natural communities are natural communities that are considered rare in the region by regulatory agencies, known to provide habitat for sensitive animal or plant species, or known to be important wildlife corridors. According to the Biological Resources Report, no special-status vegetation communities occur within the Doheny Village area. As such, no impacts would result in this regard.

- c) *Have a substantial adverse effect on State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**No Impact.** Wetlands are defined under the Federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, and bogs. The project site is completely paved and developed with the CUSD bus yard and associated structures. No wetlands are present on-site. As such, no impact would result in this regard.

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

**Less Than Significant Impact.** Habitat linkages provide links between larger habitat areas that are separated by development. Wildlife corridors are like linkages but provide specific opportunities for



animals to disperse or migrate between areas. A corridor can be defined as a linear landscape feature of sufficient width to allow animal movement between two comparatively undisturbed habitat fragments. Adequate cover is essential for a corridor to function as a wildlife movement area. It is possible for a habitat corridor to be adequate for one species yet inadequate for others. Wildlife corridors are key features for dispersal, seasonal migration, breeding, and foraging. Additionally, open space can provide a buffer against both human disturbance and natural fluctuations in resources.

The project area is in the *Orange County Southern Subregion Natural Community Conservation Plan/Master Streambed Alteration Agreement/Habitat Conservation Plan* (NCCP/MCAA/HCP). According to the Biological Resources Report, Doheny Village, including the project site, is not located within any identified wildlife corridors or habitat linkages in the NCCP/MCAA/HCP study area, most of which are located within Rancho Mission Viejo and the Cleveland National Forest. Additionally, the project site is entirely built out and surrounded by urban development and provides no opportunities for wildlife to move through the site. Thus, the project site would not act as a wildlife movement corridor or habitat linkage.

Further, the Migratory Bird Treaty Act (MBTA) governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. Mandatory compliance with the MBTA would reduce the project's potential construction-related impacts to migratory birds. As such, impacts would be less than significant in this regard.

e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**No Impact.** The project would not conflict with any local policies or ordinances protecting biological resources. The General Plan Conservation/Open Space Element does not contain a tree preservation policy or ordinance. Additionally, the project would not remove any existing street trees along Victoria Boulevard or Sepulveda Avenue. Therefore, no impacts would occur in this regard.

f) *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?*

**Less Than Significant Impact.** As stated above, the project area is located within the NCCP/MCAA/HCP. The central purpose of the NCCP/MCAA/HCP is to undertake natural community-based planning for the major habitat systems found in the NCCP/MCAA/HCP in a manner that would: (1) further the statutory purposes of the Natural Community Conservation Plan (NCCP) Act, CFGC Section 1600 et seq., and Federal Endangered Species Act (FESA); (2) meet the requirements of the Special Rule for the coastal California gnatcatcher and Draft Southern Planning Guidelines and Draft Watershed Planning Principles, including the NCCP Conservation Guidelines; and (3) in so doing, provide the basis for authorizing regulatory coverage for the impacts of Covered Activities on designated Covered Species (including both listed and unlisted species) and other provisions pursuant to the NCCP/MCAA/HCP's Conservation Strategy and Implementation Agreement.

According to the Biological Resources Report, the project area is not located within any identified wildlife corridors or habitat linkages in the NCCP/MCAA/HCP study area. No other approved local, regional, or State habitat conservation plans apply to the site. Thus, development of the proposed



project would not conflict with any approved habitat conservation plan or natural community conservation plan. Less than significant impacts would occur in this regard.

**CULTURAL RESOURCES. *Would the project:***

c) *Disturb any human remains, including those interred outside of formal cemeteries?*

**Less Than Significant Impact.** Due to the level of past disturbance on-site, it is not anticipated that human remains, including those interred outside of formal cemeteries, would be encountered during earth removal or disturbance activities. If human remains are found, those remains would require proper treatment, in accordance with applicable laws. State of California Public Resources Health and Safety Code Section 7050.5-7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the Native American Heritage Commission and consultation with the individual identified by the Native American Heritage Commission to be the most likely descendant. If human remains are found during excavation, excavation must stop near the find and any area that is reasonably suspected to overlay adjacent remains until the County coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with the regulations, impacts related to the disturbance of human remains would be less than significant.

**GEOLOGY AND SOILS. *Would the project:***

a)(i) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

**No Impact.** The Alquist-Priolo Earthquake Fault Zoning Act (Act) (Public Resources Code 2621-2624, Division 2 Chapter 7.5) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Act requires the State Geologist to establish regulatory zones, known as "Earthquake Fault Zones," around the surface traces of active faults and to issue appropriate maps. Local agencies must regulate most development projects within these zones. Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (typically 50-foot setbacks are required).



The project area is not transected by known active or potentially active faults.<sup>2</sup> The closest active fault zone is the Newport-Inglewood/Offshore Zone of Deformation fault zone, located offshore approximately three miles east of the site.<sup>3</sup> Therefore, the potential for surface rupture is considered low. As such, the project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. No impact would occur in this regard.

a)(iv) *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

**No Impact.** Seismically induced landslides can overrun structures, people or property, sever utility lines, and block roads. Landslides, slope failures, and mudflows of earth materials generally occur where slopes are steep and/or the earth materials are too weak to support themselves. Earthquake-induced landslides may also occur due to seismic ground shaking. According to the Doheny Village Geotechnical Evaluation, the project site is not located in an area susceptible to landslides; refer to Doheny Village Geotechnical Evaluation Figure 5, *Seismic Hazard Zones*. Additionally, as indicated in the Victoria Geotechnical Investigation, there are no known landslides near the site, nor is the site in the path of any known or potential landslides. As such, the potential for landslide hazards is considered low.<sup>4</sup> Project implementation would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

**No Impact.** No septic tanks or alternative wastewater disposal systems are proposed for the project. The proposed development would be connected to existing sewer mainlines and service lines, which are currently available in the project area. Therefore, no impact would occur in this regard.

**HAZARDS AND HAZARDOUS MATERIALS. *Would the project:***

a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

**Less Than Significant Impact.** Substantial risks associated with hazardous materials are not typically associated with residential uses. Minor cleaning products along with the occasional use of pesticides and herbicides for landscape maintenance of the project site are generally the extent of hazardous materials that would be routinely utilized on-site. Thus, as the presence and on-site storage of these materials are common for residential uses and would not be stored in substantial quantities (quantities required to be reported to a regulatory agency), impacts in this regard are less than significant.

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<sup>2</sup> Ninyo & Moore, *Preliminary Geotechnical Evaluation, Doheny Village Plan*, Dana Point California, dated June 8, 2016.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid





Limited amounts of some hazardous materials could be used in the short-term construction of the project, including standard construction materials (e.g., paints and solvents), vehicle fuel, and other hazardous materials. The routine transportation, use, and disposal of these materials would be required to adhere to State and local standards and regulations for handling, storage, and disposal of hazardous substances. Additionally, the project would be required to adhere to the regulations outlined in the California Code of Regulations (CCR) Title 26 and the City Municipal Code Chapter 8.24, *Fire Code*, pertaining to the transport of hazardous material. With compliance with the existing State and local procedures that are intended to minimize potential health risks associated with their use, impacts associated with the handling, storage, and transport of these hazardous materials during construction would be less than significant.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?*

**No Impact.** The closest public use airport, John Wayne Airport, is located approximately 17.5 miles to the northwest of the project site. The project site is located outside of the John Wayne Airport Influence Area and is not located within the vicinity of a private airstrip or any airport land use plan, or within two miles of a public airport. As such, no impacts would occur in this regard.

- g) *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

**Less Than Significant Impact.** Refer to response to Wildfire (a), below.

**HYDROLOGY AND WATER QUALITY. *Would the project:***

- b) *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

**Less Than Significant Impact.** The project site is already built out and developed with the existing CUSD bus yard. Therefore, the site is mostly impervious and is not currently utilized for groundwater recharge. There are also no designated groundwater recharge basins or infrastructure in the project vicinity.<sup>5</sup> South Coast Water District (SCWD) relies on a combination of imported water, local groundwater, and recycled water to meet its current water needs. As discussed in Section 5.13, *Public Services/Recreation and Utilities*, only 15 percent of SCWD's water supplies come from groundwater. Redevelopment of the site, including the project's anticipated water demand on groundwater resources, would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management. Impacts would be less than significant.

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<sup>5</sup> California Department of Water Resources, *SGMA Basin Prioritization Dashboard*, <https://gis.water.ca.gov/app/bp-dashboard/final/>, accessed May 13, 2021.



**LAND USE AND RELEVANT PLANNING. *Would the project:***

a) *Physically divide an established community?*

**No Impact.** Factors that could physically divide a community include, but are not limited to:

- Construction of major highways or roadways.
- Construction of storm channels.
- Closing bridges or roadways; and
- Construction of utility transmission lines.

The key factor with respect to this threshold is the potential to create physical barriers that change the connectivity between areas of a community to the extent that persons are separated from other areas of the community. The proposed project would not physically divide an established community. The project site is already physically separated from surrounding uses given that it is bound by Victoria Boulevard to the north, Pacific Coast Highway and associated right-of-way to the east and south, and Sepulveda Avenue to the west; refer to Exhibit 3-2, *Site Vicinity*. Compared to the existing CUSD bus yard, redevelopment of the site into a residential development in accordance with the proposed Victoria Boulevard Specific Plan would enhance the site and integrate well into the existing Doheny Village residential community. Thus, development of the proposed project would not physically divide an established community, and no impacts would occur in this regard.

**MINERAL RESOURCES. *Would the project:***

a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?*

**No Impact.** The project site is mapped as Mineral Resource Zone 3 by the California Geological Survey, indicating that there are mineral resources in the area, the significance of which cannot be determined from available data.<sup>6</sup> Additionally, the project site is currently developed with the CUSD Ground Department facility for operations, maintenance, storage, bus/vehicle wash area, and refueling of school buses and other district vehicles and thus is not available as a mining site. Therefore, project development would not cause the loss of availability of mineral resources valuable to the region and the State, and no impact would occur.

b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

**No Impact.** Refer to response to Mineral Resources (a). Additionally, according to the General Plan Conservation/Open Space Element, no mineral resources have been identified in the City. However, sand and gravel resources are in San Juan Creek, north of the City. As the project would not impact this portion of San Juan Creek, no impact would occur in this regard.

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<sup>6</sup> California Department of Conservation, *Generalized Mineral Land Classification of Orange County, California*, 1994, [ftp://ftp.consrv.ca.gov/pub/dmg/pubs/ofr/OFR\\_94-15/OFR\\_94-15\\_Plate\\_1.pdf](ftp://ftp.consrv.ca.gov/pub/dmg/pubs/ofr/OFR_94-15/OFR_94-15_Plate_1.pdf), accessed May 14, 2021.



**NOISE. *Would the project:***

- c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels?*

**No Impact.** The closest public use airport, John Wayne Airport, is located approximately 17.5 miles to the northwest of the project site. The closest private airstrip is the Mission Hospital Heliport, located approximately 6.7 miles to the north of the site at 27700 Medical Center Road in the City of Mission Viejo. The project site is located outside of the John Wayne Airport Influence Area and is not located within the vicinity of a private airstrip or any airport land use plan, or within two miles of a public airport.<sup>7</sup> As such, no impacts would occur in this regard.

**POPULATION AND HOUSING. *Would the project:***

- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

**No Impact.** The project would not displace substantial numbers of existing people or housing and would not necessitate the construction of replacement housing elsewhere. As described in Section 3.0, *Project Description*, the project involves the demolition of the existing CUSD facility and there are no existing people or housing on-site. Therefore, the proposed project would not displace existing people or housing necessitating the construction of replacement housing elsewhere. No impact would result in this regard.

**WILDFIRE. *If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project:***

- a) *Substantially impair an adopted emergency response plan or emergency evacuation plan?*

**No Impact.** According to the California Department of Forestry and Fire’s *Orange County Very High Fire Hazard Severity Zones in SRA*, the City is not located in or near a State responsibility area (SRA).<sup>8</sup> Further, according to the California Department of Forestry and Fire’s *Orange County Very High Fire Hazard Severity Zones in LRA*, the nearest area designated “Very High Fire Hazard Severity Zone” (VHFHSZ) is situated greater than 0.5-mile east, in the cities of San Juan Capistrano and San Clemente.<sup>9</sup> As such, the project site and immediate vicinity are not classified as a very high fire hazard severity zone and no impact would occur in this regard.

Nonetheless, it is acknowledged that the Orange County Fire Authority (OCFA) recognizes the proximity from the nearest VHFHSZ and recommended installation of fire defensible appropriate

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<sup>7</sup> County of Orange Airport Land Use Commission, *Airport Environs Land Use Plan for John Wayne Airport*, amended April 17, 2008, [http://www.ocair.com/commissions/aluc/docs/JWA\\_AELUP-April-17-2008.pdf](http://www.ocair.com/commissions/aluc/docs/JWA_AELUP-April-17-2008.pdf), accessed May 14, 2021.

<sup>8</sup> California Department of Forestry and Fire Protection, *Orange County Fire Hazard Severity Zones in SRA*, November 7, 2007, [https://osfm.fire.ca.gov/media/6737/fhszs\\_map30.pdf](https://osfm.fire.ca.gov/media/6737/fhszs_map30.pdf), accessed May 13, 2021.

<sup>9</sup> California Department of Forestry and Fire Protection, *Dana Point Very High Fire Hazard Severity Zones in LRA, As Recommended by CAL FIRE*, October 2011, [https://osfm.fire.ca.gov/media/5882/c30\\_danapoint.pdf](https://osfm.fire.ca.gov/media/5882/c30_danapoint.pdf), accessed May 13, 2021.



landscaping at the project site. As such the project proposes a fuel modification zone, which is a 20-foot setback zone, appropriate fire lanes, and knock key boxes for gates.<sup>10</sup> The fire access lane would include permeable, flexible and plantable concrete pavement system. Landscaping within a 12- to 85-foot setback from the property boundary will be 100 percent irrigated, privately maintained, and must be cleared of undesirable plant species, as determined by OCFA, for the purpose of fire defensibility.<sup>11</sup> Areas along the southern property boundary are required to include non-flammable decomposed granite mulch. Shrub plants species must consist of 50 percent passive protection landscape succulent ignition resistance landscaping. For the proposed structure, building materials are required to be ignition-resistant. Exterior walls must be type IIIA two-hour rated and framing must be fire-retardant treated.

b) *Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

**No Impact.** Refer to response to Wildfire (a).

c) *Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

**No Impact.** Refer to response to Wildfire (a).

d) *Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

**No Impact.** Refer to response to Wildfire (a).

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<sup>10</sup> Younghusband Consulting Inc., *Fire Master Plan*, approved May 24, 2022.

<sup>11</sup> KTG Architecture and Planning, *Conceptual Fuel Modification Plan*, dated January 27, 2022.



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