DATE: JANUARY 17, 2012

TO: THE HONORABLE CITY COUNCIL

FROM: KYLE BUTTERWICK, DIRECTOR OF COMMUNITY DEVELOPMENT
BRAD FOWLER, DIRECTOR OF PUBLIC WORKS DEPARTMENT

SUBJECT: APPEAL OF PLANNING COMMISSION APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP11-0003 AND ENVIRONMENTAL IMPACT REPORT (SCH#2010041056) FOR PACIFIC COAST HIGHWAY/DEL PRADO PHASE I STREETSCAPE IMPROVEMENTS PROJECT.

RECOMMENDED ACTION:
That the City Council deny the appeal and uphold the Planning Commission approval of (i) Coastal Development Permit CDP11-0003, and (ii) certification of the Final Project Environmental Impact Report No. 2010041056 and associated Mitigation Monitoring and Reporting Program (MMRP).

ISSUES:
Should the City Council affirm or reverse the Planning Commission’s approvals of the Coastal Development Permit CDP11-0003 and Final Project Environmental Impact Report for streetscape improvements along Pacific Coast Highway (PCH) and Del Prado Avenue between the streets of Blue Lantern and Copper Lantern?

BACKGROUND/OVERVIEW:
The proposed Streetscape Improvements Project is designed to implement several of the Town Center Plan goals and policies to create a pedestrian friendly urban core that will be an incentive for private development to follow.

The PCH/Del Prado Phase I Streetscape Improvement Project is the initial phase for ultimate street improvements that are identified in the Town Center Plan. Implementation of the proposed project will re-establish two-way circulation for both PCH and Del Prado.

Existing Conditions: At the present time, PCH and Del Prado Avenue, between the Streets of Blue Lantern and Copper Lantern, operate as a one way couplet, with three (3) through lanes, generally within an 80-foot right-of-way. The existing parkways (area outside of existing street) are approximately 12 feet wide with variable sidewalk widths that often meander around existing tree wells and driveway approaches. Landscaping along both the streets is limited to parkway tree wells (measuring 4 foot by 4 foot) located at various locations and planter areas located on private property adjacent to the public rights-of-way.
**Improvements:** In addition to re-establishing two way circulation for both PCH and Del Prado Avenue, implementation of this Phase I project will provide improvements along Del Prado Avenue that include parkway widening and streetscape beautification; removal of traffic signals and installation of all-way stops at Ruby Lantern, Violet Lantern and Amber Lantern; additional parking; street light improvements; installation of new signage and banner poles; drainage and water quality enhancements; sidewalk enhancements; wall and retaining wall construction; pavement resurfacing; construction of new curb and gutter; drainage improvements; modification of certain vehicular access points including relocation or closure of certain driveway entries; construction of new landscape medians; parkway landscaping and irrigation; and installation of new parkway trees and protection of existing trees where possible.

The proposed PCH improvements include two traffic signal installations and associated improvements/modifications; signing and striping modifications; improved access to bus transit; traffic, landscape and hardscape modifications to the “gateways” at Blue Lantern and Copper Lantern; minor drainage improvements; construction of new landscape medians from Blue Lantern to Amber Lantern; street and parkway improvements as needed to accommodate bus turnouts and U-turns at designated locations; modification of certain vehicular access points; and relocation of some on-street parking.

**Environmental Impact Report:** Pursuant to the California Environmental Quality Act (CEQA), the lead agency, City of Dana Point, prepared a Final Project Environmental Impact Report (EIR) and a Supplemental Environmental Analysis for the proposed project (State Clearing House # 2010041056).

Copies of the Final EIR and the Supplemental Environmental Analysis are available at the City’s Department of Community Development, City Clerk’s Office, and can also be viewed on the City’s website at [www.danapoint.org](http://www.danapoint.org).

The Final Project EIR and the Supplemental Environmental Analysis has identified potentially significant adverse impacts associated with the implementation of the proposed project. For each potential impact, the EIR has identified mitigation measures to reduce potential impacts, to a level of less than significant that may occur due to the project’s implementation. The Mitigation Monitoring and Reporting Program (MMRP) will ensure implementation of the proposed mitigation measures.

**DISCUSSION:**

The Planning Commission conducted three public hearings on the proposed project. At the first public hearing on March 21, 2011, the Planning Commission took public testimony and continued the item to April 18, 2011, to give staff time to address issues raised by the public.

At the April 18, 2011 meeting, the item was tabled to allow sufficient time to prepare and circulate a supplemental environmental analysis of the project that was prepared to address plan revisions made in response to public comments.

At its third hearing on November 7, 2011, after considering public testimony and the supplemental environmental analysis that was conducted in response to public testimony, the Commission approved the project.
The Planning Commission’s decision is now appealed to the City Council by American Commercial Equities, LLC (ACE). ACE owns property in the project area located at 24462 and 24470 Del Prado Avenue, and 34091 Pacific Coast Highway. The appellant contends that the implementation of the proposed streetscape improvements project will result in adverse impacts to their properties, in particular, access which will be taken from the rear alley. ACE believes that the loss of direct street access will adversely affect the viability of businesses on Del Prado and will be a serious safety hazard for drivers and pedestrians using the alley.

Staff has looked closely at the points raised in the appeal, and has had its traffic engineers analyze the points as well. Based on this review, staff does not believe the points raised have any merit, and do not support overturning the findings of no significant impact after mitigation, as included in the administrative record generated to date. First, the alleyway traffic handling capacity has been determined to be sufficient and safe for the amount of traffic estimated, and will remain serviceable for the types of vehicles, and their frequency of travel, that can reasonably be expected given the existing and likely future uses of the area. Second, the impacts to access to the system of public rights of way is not substantially impacted, and viable vehicular access, without undue circuity of travel, remains for all properties. The City’s experience with existing development demonstrates that the use of rear alleyway access can effectively serve both commercial and residential developments in the area.

Further, the overall intent of the project, and one of the prime project objectives, is to enhance and encourage a more pedestrian-friendly environment in the Town Center area, placing decreased emphasis on the speed of vehicular travel and encouraging a more pedestrian accessible, destination concept. This is expected to inure to the overall economic benefit of the properties within the project area, as such concepts have in other jurisdictions. Whatever minor marginal inconveniences that may result from a de-emphasis of vehicular-serving improvements in the Town Center are not environmentally significant, and are expected to be more than offset by the upgrade in the overall visitor experience designed to be created by the project.

CONCLUSION:
Staff believes the appeal to be without merit and recommends the City Council deny it, thereby upholding the Planning Commission’s decision to approve Coastal Development Permit CDP11-0003, Final Project Environmental Impact Report No. 2010041056 and associated Mitigation Monitoring and Reporting Program (MMRP), reaffirming the Planning Commission’s findings.
NOTIFICATION AND FOLLOW-UP:
Notification of the public hearing on the appeal was published in the newspaper in accordance with the noticing requirements. Additionally, notices were mailed on January 4, 2012, to property owners within a 500-foot radius and occupants with 100 feet of the subject area.

FISCAL IMPACT:
Denial of the appeal will not result in any negative fiscal impacts to the City.

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ACTION DOCUMENT A

RESOLUTION NO. 12-01-17-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DENYING THE APPEAL BY AMERICAN COMMERCIAL EQUITIES, LLC (ACE) AND UPHOLDING THE PLANNING COMMISSION’S APPROVAL OF COASTAL DEVELOPMENT PERMIT CDP11-0003 AND ENVIRONMENTAL IMPACT REPORT (SCH#2010041056) FOR PACIFIC COAST HIGHWAY/DEL PRADO PHASE I STREETSCAPE IMPROVEMENTS PROJECT

Applicant/Property Owner: City of Dana Point

The City Council for the City of Dana Point does hereby resolve as follows:

WHEREAS, the applicant filed a verified application for a Coastal Development Permit to allow streetscape improvements along Pacific Coast Highway and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern; and

WHEREAS, said verified application constitutes a request as provided by Title 9 of the Dana Point Municipal Code; and

WHEREAS, the Planning Commission held three public hearing as prescribed by law to consider said request on March 21, April 18, and November 7, and upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the project and approved the project; and

WHEREAS, American Commercial Equities, LLC (ACE) filed an appeal to the City Council of the Planning Commission’s Certification of the final project Environmental Impact Report No. 2010041056 (“EIR”), by way of letter dated November 22, 2011; and

WHEREAS, the City Council did, on the 17th day of January, 2012, hold a duly noticed public hearing as prescribed by law to consider the appeal; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Council considered all factors relating to the appeals of Coastal Development Permit CDP11-0003 and Environmental Impact Report (SCH#2010041056).
NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Dana Point as follows:

A) The above recitations are true and correct.

B) Based on evidence presented at the public hearing, the City Council adopts the following Findings and upholds the Planning Commission approval of Coastal Development Permit CDP11-0003 and Final Environmental Impact Report SCH#2010041056, including Supplemental Environmental Analysis (Exhibit A), subject to the following Findings and Conditions.

C) That the Final Project Environmental Impact Report is in the public interest;

D) The City Council has reviewed and adopts the Statement of Findings and Facts in Support of Findings (Exhibit B), and Mitigation Monitoring and Reporting Program (Exhibit C);

E) That the City Council certifies the adequacy of Final Project EIR SC No. 2010041056 and Supplemental Environmental Analysis as the supporting environmental documentation for Coastal Development Permit CDP11-0003.

Findings

1. That the proposed project is consistent with the Dana Point General Plan and Local Coastal Program in that the proposed project is for streetscape improvements along Pacific Coast Highway and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern, to implement the Town Center Plan, and is not in conflict with any General Plan and Local Coastal Program policies. The proposed streetscape improvements are consistent with the Circulation Element of the General Plan.

2. That the proposed development is located within the Coastal Overlay District and is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act in that the proposed project will not alter existing public access or public recreation areas in the vicinity.

3. That the proposed development conforms to Public Resources Code Section 21000 (the California Environmental Quality Act - CEQA) in that the proposed project would not have any adverse environmental effect that is not or cannot otherwise be mitigated. Appropriate mitigation measures have been identified in the Environment Impact Report and in the Mitigation Monitoring and Reporting Program for the project to adequately address potential impacts to
the environment.

4. That the proposed development will not encroach upon any existing physical access way legally utilized by the public or any proposed public access way identified in an adopted Local Coastal Program Land Use Plan, nor will it obstruct any existing public views to and along the coast from any public road or from a recreational area in that the proposed project will entail streetscape improvements along Pacific Coast Highway and Del Prado Avenue. There will be no impacts on public access, or public views of and along the coast.

5. That the proposed development will be sited and designed to prevent adverse impacts to environmentally sensitive habitats and scenic resources located in adjacent parks and recreation areas, and will provide adequate buffer areas to protect such resources in that the proposed streetscape improvements will take place in an urbanized area within public right of ways. There are no known environmentally sensitive habitats located on-site, therefore the project will not result in any adverse impacts.

6. That the proposed development will minimize the alterations of natural landforms and will not result in undue risks from geologic and erosional forces and/or flood and fire hazards in that the proposed project will not result in alterations of landforms. The proposed streetscape improvements will be performed in compliance with current standards to avoid any risks associated with flood and fire hazards.

7. That the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and/or enhance visual quality in that the proposed streetscape improvements will not result in any alteration to landforms, or any other visual resources, therefore there will be no impacts on visual quality of the surroundings. The project will be an enhancement to visual character of PCH and Del Prado Avenue with additional landscaping, and various other pedestrian and bike friendly amenities.

8. That the proposed development will conform to the General Plan, Zoning Code, Local Coastal Program, applicable Specific Plan(s), or other, applicable adopted plans and programs in that the proposed project is for streetscape improvements and is not in conflict with any adopted City plans and ordinances. The project implements several goals and policies of Town Center Plan.

9. City Council has reviewed the points raised in the appeal letter of November 22, 2011, and has determined such points have been
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adequately dealt with in the Responses to Comments and the Supplemental Environmental Analysis already made a part of the administrative record as part of the project, and in the staff report and presentation accompanying this appeal hearing. Partly in response to the comments of the appealing party through the EIR comment process, the City has undertaken supplemental traffic engineering analysis of the safety and traffic handling capacity of the alleyway segments complained of, and such analysis has indicated the alley is of sufficient width and capacity to handle the expected levels and types of traffic serving the properties at issue. Similar traffic access configurations have already proven fully workable for sustainable commercial and residential mixed developments in the Town Center area on existing developments, and no substantial evidence has been presented in the record that the alleyway configuration and access proposed under the Project will unreasonably impair vehicular access to the public rights of way, or render existing or proposed future uses of the properties to be served thereby infeasible. The “continuing concerns” referenced in the appended letter of March 21, 2011 have been covered and dealt with in the Responses to Comments and Supplemental Environmental Analysis made a part of the Planning Commission’s record in certifying the EIR, and are reincorporated herein by reference. Based on all of the foregoing, and on the administrative record in its entirety, the City Council determines that the Planning Commission properly certified the EIR, and adopts and reaffirms all of the Planning Commission’s findings and determinations made in connection therewith.

Conditions

1. Approval of this application permits PCH/Del Prado Phase I streetscape improvements within and along Pacific Coast Highway and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern.

2. Approval of this application is valid for a period of 24 months (two years) from the noted date of determination. Unless subsequent extensions of approval are granted, if the development approved by this action is not commenced, the approval shall expire and shall thereafter be null and void.

3. The application is approved as a plan for the location and design of the uses, structures, features, and materials shown on the approved plans. If changes are proposed regarding the location or alteration to the appearance, an amendment to this permit shall be submitted for approval by the Director of Community Development. If the Director of Community Development determines that the proposed change complies with the provisions and the spirit and intent of this
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approval action, and that the action would have been the same for the amendment as for the approved plot plan, he may approve the amendment without requiring a new public hearing.

4. The City Council finds and determines that the Planning Commission properly certified the EIR, and based on the findings and evidence cited herein and otherwise appearing in the full administrative record of the EIR, hereby denies the appeal filed by American Commercial Equities, LLC on or about November 22, 2011.

5. All mitigation measures and project restrictions/requirements presented in the project’s “Mitigated Monitoring and Reporting Program” shall be considered as included as part of these conditions.
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PASSED, APPROVED, AND ADOPTED this ___ day of ________, 2012.

__________________________
LARA ANDERSON, MAYOR

ATTEST:

__________________________
KATHY WARD,
CITY CLERK

STATE OF CALIFORNIA )
COUNTY OF ORANGE ) ss
CITY OF DANA POINT )

I, KATHY WARD, City Clerk of the City of Dana Point, California, do hereby certify that the foregoing Resolution No. 12-xx was duly introduced at a regular meeting of the City Council on the 17 day of January, 2012, and was duly adopted and passed at a regular meeting of the City Council on the ___ day of ________, 2012, by the following vote, to wit:

AYES:

NOES:

ABSTAIN:

ABSENT:

__________________________
KATHY WARD, CITY CLERK
Final Project Environmental Impact Report SCH # 2010041056, including Supplemental Environmental Analysis is on-file with the City Clerk’s Office and is also available on the City’s website at www.danapoint.org.
EXHIBIT B

STATEMENT OF FINDINGS AND FACTS AND MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE PROPOSED PACIFIC COAST HIGHWAY/DEL PRADO AVENUE PHASE I STREET IMPROVEMENT PROJECT

DANA POINT, CA

HAVING RECEIVED, REVIEWED, AND CONSIDERED THE FOLLOWING INFORMATION AS WELL AS ALL OTHER INFORMATION IN THE RECORD OF PROCEEDINGS ON THIS MATTER, THE PLANNING COMMISSION OF THE CITY OF DANA POINT HEREBY FINDS, DETERMINES AND DECLARES AS FOLLOWS:

I. INTRODUCTION

The California Environmental Quality Act ("CEQA"), Public Resources Code Section 21061 and CEQA Guidelines Section 15091 provide that:

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

Section 15062 of the State CEQA Guidelines further stipulates that:

(b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:

(1) The project as approved will not have a significant effect on the environment, or

(2) The agency has:

(A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15061, and
(B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15061 are acceptable due to overriding concerns as described in Section 15063.

In making the findings required by Section 21081, the public agency must base its findings on substantial evidence in the record.

An Environmental Impact Report (EIR) for the project has been prepared Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project ("Project") and certified as complete by the City of Dana Point. The EIR identifies certain significant effects that may occur as a result of the Project alone or on a cumulative basis in conjunction with other past, present, and reasonably foreseeable future projects. The environmental review process for the Project is summarized below.

1. In accordance with CEQA requirements, a Notice of Preparation (NOP) of a Draft EIR was filed with the State Clearinghouse on April 16, 2010. The State Clearinghouse assigned State Clearinghouse Number 2010041056.

2. The NOP was distributed to all responsible and trustee agencies, utility and service providers, Orange County Clerk/Recorder, and other interested parties on April 16, 2010 for a 30-day public review. The review period ended on May 20, 2010.

3. The City of Dana Point distributed a Notice to all property owners, residents, and businesses within 500 feet of the subject property, which notified nearby property owners that would be most directly affected by implementation of the proposed project, along with public agencies and interested organizations, that a Scoping Meeting would be held as a means of providing comments on the scope of the Draft EIR.

4. A Scoping Meeting was conducted for the proposed Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project on May 3, 2010 in the Community House located at 24642 San Juan Ave, Dana Point, CA.

5. In accordance with CEQA requirements, a Notice of Completion (NOC) of the Draft EIR was filed with the State Clearinghouse on December 3, 2010.

6. The Draft EIR was distributed to agencies, interested organizations, and individuals by the City of Dana Point. The distribution list is available at the City of Dana Point Public Works Department.

7. A forty-five (45) day public review period for the Draft EIR was established pursuant to State law, which commenced on December 3, 2010 and ended on January 17, 2011.

8. Comments received during the public review period for the Draft EIR were responded to in a Response to Comments document dated October 2011, and distributed to each commenter ten days prior to consideration by the Dana Point City Council.

9. A Final EIR has been prepared for the Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project. The following components comprise the Final EIR:

   a. Draft EIR, November 2010;
   b. Comments received on the Draft EIR and responses to those comments, October 2011;
   c. Public hearing minutes and resolutions; and
   d. All attachments, incorporations, and references to the documents delineated in items a through c above.
The City of Dana Point is the Lead Agency with respect to the project pursuant to State CEQA Guidelines Section 15367. As a Lead Agency, the City is required by CEQA to make findings with respect to each significant effect of the Project.

The City of Dana Point has reviewed the EIR. The following sections make detailed findings with respect to the potential effects of the Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project and refer, where appropriate, to the mitigation measures set forth in the Final EIR.

The Final EIR and the administrative record concerning the Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project provide additional facts in support of the findings herein. The Final EIR (which includes, among other components, the Draft EIR, and the Response to Comments on the Draft EIR) is hereby incorporated into these Findings in its entirety. Furthermore, the mitigation measures set forth in the Mitigation Monitoring Program (MMP) are incorporated by reference in these Findings. The Mitigation Monitoring and Reporting Program (Exhibit C) was developed in compliance with Public Resources Code Section 21081.6 and is contained in a separate document. Without limitation, these are intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project.

Final EIR SCH No. 20100301056 for the Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project identified significant environmental impacts prior to mitigation that may occur as a result of implementing the project. Thus, in accordance with the provisions of CEQA, the Dana Point Planning Commission hereby adopts these findings as part of its action to certify Final EIR SCH No. 20100301056 and approve the Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project.

II. DESCRIPTION OF THE PROJECT PROPOSED FOR APPROVAL

Consistent with the intent of CEQA, the State CEQA Guidelines, and relevant judicial interpretations of CEQA, the "project" addressed in the Final EIR is defined to include the approval of the Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project, which is the initial project for ultimate street improvements identified in the approved Town Center Plan for these Circulation Element roadways. Implementation of the proposed project will re-establish two-way circulation for both PCH and Del Prado Avenue.

In addition to the return to two-way operations, the proposed improvements along PCH include traffic signal improvements/modifications, striping, and signing modifications, improved transit stops, and initial traffic and beautification related modifications to the "gateways" at Blue Lantern and Copper Lantern. Other improvements include the incorporation of landscaped medians, street improvements as needed to accommodate bus turnouts and U-turns at designated locations, the modification of certain vehicular access points and the relocation of some on-street parking. Some of these improvements require minor acquisition of rights of way for sidewalk easements, and parking, to accommodate the refined project design.

The improvements proposed for Del Prado also include the return of two-way operations, along with additional on-street parking, streetscape beautification, and "gateway" improvements and attendant minor construction right-of-way acquisition where needed. Other general improvements include the incorporation of water quality and air quality enhancements with significant additional landscaped pervious areas, reduced lighting energy consumption, reduced long-term noise levels with reduced traffic speeds, landscaped medians, pathway landscaping, installation of new trees, protection of existing trees where possible, street light improvements, signage and barrier poles, drainage and water quality enhancements, sidewalk enhancements, wall and retaining wall construction, pavement resurfacing, new curb and gutter, the modification or closure of...
certain drive entries, and other miscellaneous improvements. One of the project’s objectives is to enhance the pedestrian experience by widening sidewalks while improving on-street parking between Blue Lantern and Golden Lantern.

The original project has been revised to include the specific modifications described below.

North Gateway

- A portion of the open space area, east walls, monument and other improvements at the North Gateway on PCH between Blue Lantern and Del Prado Avenue, as shown on the original design, are proposed to be reduced. The majority of the area, instead, is proposed to be vacated to the adjacent property owners of 34091 PCH and 24292 Del Prado. These modifications would result in:

  - Possible reduction of the project’s long-term landscaped area by up to 7,737 SF.
  - Increase in the adjacent properties’ buildable land area by approximately 1,910 SF (at 34091 PCH), and approximately 3,541 SF (at 24292 Del Prado Avenue). The building square footage is allowed at 2.5 times these figures, increasing the properties’ allowable building areas by 4,775 SF and 8,852 SF, respectively. (Although these changes will allow greater available building area envelopes upon possible future modification or redevelopments of the site, the Project does not include any such redevelopment. The exact delineation of any future redevelopments or building modifications is subject to future application, and is at this time wholly speculative. Potential future building modifications will be analyzed under CEQA separately for those projects when the specifics of the individual modification or development proposals are known.) For the environmental review of this project, the effects on this project of the potential increase in building space are evaluated with this modification.

  - Reservation of the remaining portion of the proposed vacation area for public utility and landscape purposes, since utilities exist in this area already. Future development within this restricted area shall be limited to landscaping and permeable hardscape improvements, provided said improvements do not impact existing utilities. Similarly, the exact delineation of the proposed public utility and landscape easements shall be subject to City and the governing public utility’s approval.

- Eastbound PCH between Blue Lantern and Del Prado Avenue was widened by 12 feet to include a street pavement chevron-striped area between the bike & traffic lanes, and to allow the construction of a parking outlot. The parking outlot results in the addition of five (5) on-street parking spaces along PCH between Blue Lantern and Del Prado Avenue.

- One additional Royal Date Palm is proposed to be planted in the parkway along PCH between Blue Lantern and Del Prado Avenue, increasing the number from 4 to 5 Royal Date Palms. The Tipu trees, proposed in the original design to be planted in front of 34091 PCH and 24292 Del Prado, have been eliminated.

Ruby Lantern between PCH and Del Prado Avenue

- The parkway landscape area located between 34106 PCH and the proposed back of sidewalk along Ruby Lantern between PCH and Del Prado Avenue (west side only), as
shown on the original design, is proposed to be vacated to the property owner of 34105 PCH.

- The proposed design modification will reduce the project's landscape area by 448 SF.

- The proposed vacation of public property will increase the adjacent property's buildable land area by approximately 365 SF. The building square footage is allowed 2.5 times these figures, increasing the property's allowable building area by 962 SF. (Although these changes will allow greater available building area envelopes upon possible future modification or redevelopment of the site, the Project does not include any such redevelopment. The exact delineation of any future redevelopment or building modification is subject to future application, and is at this time wholly speculative. Potential future building modifications will be analyzed under CEQA separately for those projects when the specifics of the individual modification or development proposals are known.) For the environmental review of this project, the effects on this project of the potential increase in building space are evaluated with this modification.

- The remaining portion of the proposed vacation area will be reserved for public utility and landscape purposes, since utilities exist in this area already. Future development within this restricted area will be limited to landscaping and permeable landscape improvements, provided said improvements do not impact existing utilities. Similarly, the exact delineation of the proposed public utility and landscape easement shall be subject to City and the governing public utility's approval.

**Design modifications made on Del Prado Avenue between Old Golden Lantern and Golden Lantern**

- The landscape median on Del Prado Avenue between Old Golden Lantern and Golden Lantern has been reduced to include a left turn pocket lane from the proposed westbound Del Prado onto Old Golden Lantern;

- Signing & striping on Old Golden Lantern and Del Prado Avenue have been revised to allow left turn movements at the intersection of Del Prado Avenue and Old Golden Lantern.

**Project implementation necessitates the approval of the following legislative and discretionary actions by the City's Planning Commission (PC) and City Council (CC):**

- Coastal Development Permit (PC)
- Environmental Impact Report/General Plan Consistency (PC)
- Minor acquisition of street rights-of-way easements (CC)
- Preparation of project construction drawings and approval of contracts for same (CC)
- Bidding and awarding of project construction contract (CC)

**III. IMPACTS DETERMINED TO BE LESS THAN SIGNIFICANT**

The following describes impacts of the Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project found to be less than significant.
1. Aesthetics. (Have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway; substantially degrade the existing visual character or quality of the site and its surroundings, create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area)

**Fact:** Project implementation includes only improvements to PCH and Del Prado that are intended to improve circulation within the Dana Point Town Center area of the City. None of the improvements would significantly and adversely alter the aesthetic character of either PCH or Del Prado in the long term. Although construction activities would result in some temporary changes to the visual character of the area (e.g., construction equipment, staging areas, etc.), no structures or other elements are proposed that would result in long-term significant negative visual impacts to the scenic character along PCH or Del Prado Avenue. Upon completion of the construction activities, the overall character of the roadways, particularly on Del Prado, would not be permanently altered negatively, but improved with a number of beautification elements, including but not limited to enhanced sidewalks and hardcape, landscaping, improved light fixtures, and improved signage. The proposed project will be consistent with the long-range goals and objectives identified in the Conservation/Open Space Element, Urban Design, and Circulation Elements of the City’s General Plan, which are intended to improve the aesthetic character of the area. None of the improvements proposed for PCH or Del Prado will result in a change in the general character of the roadways or the character of the views either within or from the project area. No heritage trees or significant rock outcroppings exist between Copper Lantern and Blue Lantern and no historic buildings or structures that exist along other arterial roadway would be adversely affected by the proposed circulation improvements. The view corridor extending in an easterly direction through the Town Center from PCH at the Blue Lantern intersection would be preserved as a result of development restrictions for utilities placed along the northerly limits of the adjacent properties that encompass the right-of-way vacations proposed by the modifications along PCH and Del Prado Avenue. Improvements within these areas would be limited to landscaping/hardscaping only. As a result of the proposed landscape treatment and development restriction, the views through the Town Center would not only be preserved but also enhanced. Construction activities necessary to implement the proposed circulation improvements would generally occur during daytime hours, although night work may be needed at times. If night work is needed, care will be taken to avoid light spilling into adjacent homes/businesses. Further, the street lighting and pedestrian lighting system installed to be constructed will be undertaken in a manner that directs light downward, and is shielded to avoid adverse impacts. As a result, no new sources of lighting are included in the proposed project that would alter the nighttime views within the project area. Therefore, the proposed improvements would not degrade an existing public viewshed or alter the character of a public viewshed and no mitigation measures are required.

2. Agricultural Soils. (Convert Prime Farmland, Unique Farmland or Farmland of Statewide Important (Farmland); conflict with existing zoning for agricultural use, or a Williamson Act contract; involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use)

**Fact:** The subject property encompasses the right-of-way within PCH and Del Prado, and immediately adjacent areas. Project implementation will not result in the conversion of any prime or otherwise significant farmland. The entire project area is improved currently with right-of-way improvements on PCH and Del Prado. According to the Orange County Important Farmland Map, the entire area, including the project area, is designated as "Urban and Built Up Land," which encompasses land occupied by structures with a building density of at least one dwelling unit to one and one-half acres. Neither the affected arterial roadways nor the adjacent properties are zoned for agricultural uses and/or included in a Williamson Act contract. Project implementation will not require changes either to the existing zoning classifications or land use designations reflected in the Dana Point General Plan. Therefore, no conflicts with the adopted short- and long-range plans will occur and no direct or indirect impacts are anticipated to occur to existing agricultural uses as a result of project implementation. No
portion of the subject property or areas within the project environs are currently designated for agricultural purposes or are in an agricultural use. The subject property neither contains prime farmland nor supports existing agricultural uses. The site is not located in proximity to existing agricultural uses that would be affected if the project were approved. Improvements proposed for the site will not result in any significant impacts to significant farmland.

3. Biological Resources. (Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance; conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.)

Fact. The subject property has been altered and is virtually covered with impervious surfaces as a result of the PCH and Del Prado roadway improvements that have been implemented. The City’s Conservation/Open Space Element of the Dana Point General Plan indicates that no portion of the project area is designated as a "biologically sensitive area." Further, because the project area is covered with impervious surfaces that characterize street rights-of-way, it has no potential to support plant species considered to be of special interest by the U.S. Fish and Wildlife Service, California Department of Fish and Game, and California Native Plant Society due to the exotic (i.e., non-native) nature of the plant species observed, and the overall highly disturbed nature of the habitats within the survey area. The public rights-of-way within the entire project area are improved. Due to the highly disturbed nature of the project area and the existence of only non-native species occurring along the affected rights-of-way, no special status wildlife species are expected to occur. The site does not contain riparian habitat or other sensitive natural community. No portion of the project area contains federally protected wetlands as defined by Section 404 of the Clean Water Act. Specifically, no marshes, vernal pools or other wetlands defined by either the U.S. Army Corps of Engineers or the California Department of Fish and Game are located within the limits of the project site, which has been extensively altered and is devoid of natural habitat and does not support sensitive species. No large area of natural habitat or similar feature exists that would facilitate wildlife movement. Neither PCH nor Del Prado acts as a wildlife corridor nor facilitates wildlife movement. The high volume arterials act as a deterrent to wildlife movement. The project area does not support any coastal sage scrub or other sensitive habitat and species of vegetation and/or wildlife. Further, the project area is not included in the southern Orange County NCCP and, therefore, is not protected by an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other local, regional, or state habitat conservation plan. Implementation of the proposed roadway improvements will not conflict with local, regional or state resource preservation and conservation policies. Project implementation will result in roadway improvements to PCH and Del Prado in accordance with the Circulation Element of the Dana Point General Plan. No significant biological impacts would result from the proposed project and no mitigation measures are required.

4. Cultural Resources. (Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5; directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; disturb any human remains, including those interred outside of formal cemeteries)
Fact: No historic structures exist within or adjacent to the affected rights-of-way would be adversely affected by the proposed circulation improvements to the affected project area. Implementation of the proposed improvements will not adversely affect any existing historical resource in the City of Dana Point. The PCH and Del Prado rights-of-way that would be affected by the project have been extensively altered as a result of the construction of the existing roadway improvements and development located along those roadways. Any archaeological resources that may have existed at one time have likely been unweathered or disturbed as a result of prior landform alteration necessary to construct PCH, Del Prado, and adjacent land uses. Although improvements to both PCH and Del Prado will be implemented as a result of the proposed project, no significant excavation and/or grading activities are anticipated that would affect areas that have not previously been altered by grading and/or development. In addition, it is not likely that implementation of the proposed project will result in any potential significant impacts to paleontological resources due to the minimal landform alteration/grading that will occur and because the affected rights-of-way are not identified as a paleontologically sensitive area. Finally, there are no known ethnic cultural values attributable to the project area, including the affected arterial roadways that extend through the Dana Point Town Center. No human remains are known to have been discovered during prior activities on the site when the existing improvements were implemented. As a result, no significant impacts would occur to historic, cultural/archeological, or paleontological resources and no impacts to either ethnic/cultural values or human remains will occur; no mitigation measures are required.

5. Geology and Soils. [Expos]e 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 Earthquake Fault Zoning Map issued by the State Geologist for the area of based on other substantial evidence of a known fault. Refer to Division of Mines and Geology Special Publication 42, strong seismic ground shaking, seismic-related ground failure, including liquefaction, and/or landslides; result in substantial soil erosion or the loss of topsoil; be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site landslides, lateral spreading, subsidence, liquefaction or collapse; be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property; 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.

Fact: Dana Point is located in a seismically active area, however, no known active faults extend through the City and, in particular, the subject property. Therefore, potential fault rupture as a result of activity on an Aqquist-Priolo Earthquake Fault is considered to be negligible and would not be anticipated, as no such faults traverse the project area. The project area and region are subject to seismic activity, including moderate to heavy ground shaking. The nearest significant active fault is the Newport-Inglewood fault, which is located approximately five miles southwest of the site. The Newport-Inglewood fault zone is capable of generating a peak site acceleration of 0.43g. Other major active faults that may affect Dana Point include the Palos Verdes, Coronado Bank, Whittier-Elsinore, and the San Andreas faults. The potential for surface rupture on the site is believed to be limited; however, ground shaking, liquefaction, landslides, and rockfalls along coastal bluffs are the primary hazards that affect the City as a whole. Of those effects, only ground shaking and liquefaction have the likely potential to affect the project area. Although potential damage from ground shaking may occur, no habitable structures are proposed that would be significantly affected by the effects of seismic activity. Based on the seismic history of the region and proximity, the Newport-Inglewood Fault Zone has the greatest potential for causing earthquake damage related to ground shaking at the subject site. The occurrence of ground failure associated with severe ground shaking (e.g., landsliding, ground subsidence, ground lurching, shallow ground rupture, liquefaction, and soil strength loss) depends on the severity of the earthquake, distance from the causative fault, topography, subsols and groundwater conditions, and other related factors. Although the roadways would be subject to the effects of ground shaking associated with seismic events on one of the active faults in the region, it will be no different than baseline conditions already in existence. Project implementation would not result in potentially significant structural damage or loss of life. The roadways and related facilities will be designed in accordance with City, State and Federal standards.
The probability of occurrence of ground failure associated with severe ground shaking (e.g., ground subsidence, ground lurching, shallow ground rupture, liquefaction, and soil strength loss) depends on the severity of the earthquake, distance from the causative fault, topography, subsoils, groundwater conditions, and other related factors. The proposed project area consists of surficial Tertiary marine terrace deposits and Capistrano and San Onofre Formation geologic bedrock. No structures are proposed as part of the project that would be subject to liquefaction or related soil failure. No liquefaction impacts are anticipated to occur as a result of project implementation. The PCH and Del Prado rights-of-way and adjacent areas are characterized by gentle topography. No landslides have been mapped within the project site and, none were observed during the geotechnical field investigation conducted for the proposed project. In addition, the site is not located within an area of potential landsliding due to seismic shaking. The proposed project does not include extensive grading and/or excavation and no manufactured slopes are proposed and no structures are proposed in areas that would be subject to slope failure.

Implementation of the proposed project will not necessitate extensive grading and excavation that would expose soils for extended periods of time while construction of the proposed project takes place. No grading will occur where significant areas of bare soils would be exposed to the elements for extended periods of time. However, in the interim construction period, it is possible that some erosion may occur, resulting in some sedimentation. In order to ensure that potential erosion and sedimentation associated with fill material are minimized, the City will be required to prepare and submit a Notice of Intent for coverage under the General Construction Activity Storm Water Runoff Permit to the Regional Water Quality Control Board prior to initiation of construction activities. As required by the NPDES permit, a Storm Water Pollution and Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP) will be prepared and will establish Best Management Practices (BMPs) intended to reduce sedimentation and erosion. Although it is possible that some erosion could occur without the incorporation of appropriate measures, implementation of the mandatory BMPs will avoid potential erosion impacts associated with site grading and development. Therefore, the potential erosion impacts will be avoided.

The project area is not characterized by adverse soils and/or a geologic unit that is or will become unstable due to project implementation. The circulation improvements would not be subject to the effects of liquefaction, landslides, or unstable conditions. Therefore, no significant impacts are anticipated and no mitigation measures are required. The proposed development may be located on expansive soil at some locations where public right of way improvements are already existing, but will not create substantial risks to life or property (no structures are proposed). The proposed structural improvements (i.e., circulation improvements) will be required to comply with the City’s roadway design standards. Finally, the proposed project does not include any habitable structures that would generate sewage. Sanitary sewer facilities exist in the PCH and Del Prado rights-of-way that collect and convey raw sewage generated in the project environs. Care will be taken to ensure that existing sewer lines located within the affected rights-of-way are not damaged during the implementation of the proposed improvements. A septic tank or alternative system will not be required and no impacts are anticipated to the existing soils comprising the site.

6. Greenhouse Gas (Generate greenhouse gas emissions, either directly or indirectly that may have a significant impact on the environment; Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases).

Fact: Based on the construction scheduling, equipment mix, and phasing proposed for the roadway improvements, the anticipated GHG emissions have been quantified. Based on the URBEMIS2007 computer model, the anticipated construction activities associated with the proposed project will generate annual CO2 emissions estimated to remain below significance thresholds. Equipment exhaust also contains small amounts of methane and nitric oxides, which are also GHGs. Non-CO2 GHG emissions represent approximately a one percent increase in CO2-equivalent emissions from diesel.
equipment exhaust. For screening purposes, the temporary construction activity GHG emissions were compared to the chronic operational emissions in the SCAQMD’s interim thresholds. The screening level operational threshold is 3,000 metric tons (MT) of CO₂-equivalent (CO₂e) per year. Worst year construction activities, estimated at generating a total of 310 “short tons” (282 MT) are well below this threshold.

Long-term operational GHG emissions are dependent upon the vehicle miles traveled (VMT) on the affected roadway system with and without the project. On a citywide scale, VMT generation varies with development associated with buildout of the Dana Point Town Center as well as other areas of the City and within Orange County. Because the proposed project does not include development, it would not, therefore, result in additional VMT or other features that would create a demand for energy resources. As a result, no project-related GHG project-related GHG emissions will occur. There are no significant adverse long-term GHG emissions associated with project implementation.

7. Hazards and Hazardous Materials (Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; 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; Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, 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; Be located within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area; Result in a safety hazard for people residing or working in the project area; Impact implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.)

Fact: Implementation of the proposed roadway improvements would not result in the long-term use of hazardous materials. Asphalt, concrete, and other typical right-of-way materials and equipment that are used in roadway construction, including motor fuel, diesel fuel, and related petroleum products temporarily used to service vehicles and equipment, would be utilized within the project area; however, the storage and use of these materials will be subject to City requirements to follow MSDS recommendations to ensure that the potential release into the environment is minimized and does not pose a significant environmental hazard. No other hazardous or potentially hazardous materials will be stored on the site. The proposed roadway improvements will utilize materials typical of roadway improvements projects and would not utilize toxic or hazardous materials that pose a health risk to the public, either during construction or subsequent to the completion of the improvements. Therefore, implementation of the project will not create a significant hazard to the public nor the environment through the potential release of hazardous materials as a result of an accident. No significant adverse impacts are anticipated as a result of project implementation.

Project implementation will not require any demolition of structures or other activities that could result in the release of toxic or hazardous materials (e.g., asbestos, lead-based paint, etc.) into the environs. The project will utilize diesel and gasoline fuels and related petroleum-based products to operate the construction equipment. A new Montessori preschool is located within one-quarter mile of the project area, however, with the exception of petroleum products (tar, asphalt, gasoline and diesel fuels, motor oil, etc.), which would be stored and used within the limits of the project area, no toxic or hazardous materials would be utilized to implement the proposed roadway improvements. As a result, no potential for a significant release of toxic or hazardous emissions would occur in proximity to an existing school as a result of project implementation.
Land uses adjacent to the roadway include retail commercial and professional offices as well as residential uses and a small Montessori pre-school within the Dana Point Town Center. Neither the roadway nor any of the land uses located along the affected roadways are listed on any of the hazardous materials sites compiled pursuant to Government Code Section 65922.5.

The affected PCH and Del Prado rights-of-way are not located within the limits of the John Wayne Airport land use plan or other public or private use airport. Therefore, neither that commercial airport nor any other public or private airport is located within two miles of the site. As a result, project implementation will not result in potential adverse impacts, including safety hazards associated with aviation operations, to people traveling along PCH and/or Del Prado or visiting or working in the project area.

The City of Dana Point has prepared an emergency response and action plan that designates proper procedures to be followed in case of a major emergency. PCH is designated as an evacuation route in the City. Emergency shelters are also designated on the plan and include Dana Hills High School, Richard Henry Dana School, and Palisades Elementary School. Improvements proposed by the City include roadway and circulation improvements that are intended to facilitate and enhance vehicular traffic along PCH and Del Prado within the Dana Point Town Center. It is anticipated that construction activities will result in temporary lane closures to implement the proposed improvements; resulting in some temporary congestion. However, the City will require the contractor to provide traffic control and ensure that emergency access is not adversely affected on PCH or Del Prado during the project construction. Further, City staff will temporarily alter signal timing to better handle traffic during construction and reduce any congestion potential. When complete, these improvements will have the added benefit of facilitating emergency response by improving vehicular access and circulation within the Town Center area. Therefore, the proposed improvements will not adversely affect either the evacuation routes or shelters. As a result, project implementation will not physically interfere with the City’s emergency planning program. No significant impacts will occur as a result of project implementation.

The subject property is located within an urbanized area of the City of Dana Point and not within an area that is subject to wildland fire hazards. As a result, the site is not subject to the potential for wildland fires; however, as indicated above, implementation of the roadway improvements would result in improved circulation between Copper Lantern and Blue Lantern, which will facilitate emergency access, including responses by the Orange County Fire Authority and the Orange County Sheriff Department. No significant impacts as a result of wildland fires will occur if the project is implemented.

8 Hydrology and Water Quality. (Violate any water quality standards or waste discharge requirements; Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level [e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted]; Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site; Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; Otherwise substantially degrade water quality; Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map; Place within a 100-year flood hazard area structures which would impede or redirect flood flows; Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; Inundation by seiche, tsunamis, or mudflow; Result in an increase in pollutant discharges to receiving waters [consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants, e.g., heavy metals].

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pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash]. Result in significant alteration of receiving water quality during or following construction; Result in increased erosion downstream; Result in increased impervious surfaces and associated increased runoff; Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes; Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired; Tributary to other environmentally sensitive areas [if so, can it exacerbate already existing sensitive conditions]; Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters; Have a potentially significant adverse impact on groundwater quality; Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses. Impact aquatic, wetland, or riparian habitat.)

Fact Project implementation includes roadway improvements to PCH and Del Prado, which are intended to not only improve vehicular access and circulation within and through the Dana Point Town Center area of the City, but improve water quality as well. After the improvements are implemented, it is anticipated that the amount of impervious surfaces in this area, which has been extensively developed, will be reduced with landscaped and pervious zones of approximately 28,700 square feet. However, with the proposed modifications to the street improvement plans, the 28,700 square feet could be reduced by about 7,700 square feet to about 21,000 square feet. Although the impervious surfaces would be increased when compared to the original project, overall the amount of impervious surfaces would be reduced when compared to the existing conditions. Therefore, it is not anticipated that there would be any increase in the amount, or reduction in the quality of, surface runoff. As a result, the quantity and quality of the surface water runoff that will be generated will be improved from that occurring at the present time. Therefore, it is not anticipated that there would be any increase in the amount, or reduction in the quality of, surface runoff. The project will be designed to address surface water and runoff associated with the proposed project. Adequate storm drainage and flow control facilities exist in the project area to accommodate the proposed project. In addition, the incorporation of BMPs as prescribed by the City of Dana Point, County of Orange, and San Diego Regional Water Quality Control Board will ensure that no significant water quality impacts will occur. Implementation of standard conditions in accordance with the California Coastal Commission approved Town Center Plan and those imposed by the City will ensure that no impacts to surface drainage and/or water quality will occur. Appropriate best management practices shall be implemented during construction that may include, but are not limited to, silt fences, street sweeping and vacuuming, storm drain inlet protection, wind erosion control, materials and water management measures, and other means of minimizing or eliminating the potential harmful pollutants, including siltation, that could result from project implementation. Post-construction management practices will be implemented and may include, but are not limited to, biofiltration, enhanced inlet filterscreening devices, drought tolerant landscaping, and water efficient irrigation systems.

The PCH and Del Prado rights-of-way and related project area are not located within a groundwater recharge basin. Project implementation does not include any significant excavation and/or development that would affect groundwater supplies or interfere with groundwater recharge. The landscaped areas will be irrigated using excess reclaimed water capacity and planters will use drought-tolerant materials. Therefore, the proposed street improvements do not include any uses that would create a greater demand for potable water that would result in a lowering of a groundwater table. Therefore, no significant impacts will occur as a result of project implementation.

As proposed, implementation of the street improvement project would not substantively alter the existing drainage pattern that characterizes the project area. Although some of the construction activities could result in the potential for some erosion or siltation on- or off-site, the City of Dana Point will mitigate these factors. The project will include all appropriate construction and post-construction Best Management Practices (BMPs) including site design, treatment control, and source control. Appropriate construction best management practices that shall be implemented (refer to Mitigation Measures) may
include, but are not limited to, silt fences, street sweeping and vacuuming, storm drain inlet protection, wind erosion control, materials and water management measures, and other means of minimizing or eliminating the potential harmful pollutants, including salination, that could result from project implementation. Post-construction best management practices will be implemented and may include, but are not limited to, biofiltration, enhanced inlet filter/screening devices, drought tolerant landscaping, and water efficient irrigation systems. The implementation of the BMPs will ensure that the potential for erosion and salination is less than significant.

Project implementation will not result in an increase in either the volume or rate of storm water runoff as a result of the roadway improvements proposed by the City. The chemical composition of the surface water will not be changed and would include the same pollutants that are generated at the present time (e.g., silt, pesticides and fertilizers, heavy metals, and petroleum hydrocarbons associated with automobile usage and adjacent landscaped areas along PCH and Del Prado). The addition of landscaped areas absorb and help treat portions of the runoff. However, care will be taken to avoid the excessive introduction of landscaped area fertilizers, pesticides, excess reclaimed water, herbicides, etc., through the implementation of the BMPs that will be implemented as required in the NPDES Permit. As previously indicated, the City of Dana Point will incorporate requisite BMPs and other features that are intended to reduce the amount and concentration of potential pollutants in the surface water before it enters the storm water collection system and is discharged into the Ocean. As previously indicated, the incorporation of the BMPs prescribed in the mitigation measures will reduce the potential impacts both during construction and in the post-construction phase.

Project implementation will not result in any degradation of the quality of surface water that could affect water quality at other nearby locations. The types of pollutants will be virtually the same as those entering the street storm drain system at the present time (e.g., silt, heavy metals, petroleum hydrocarbons, pesticides, herbicides and fertilizers, and other pollutants common to automobile usage, landscaped areas and urban development along PCH and Del Prado), although in some areas runoff will be reduced and is prohibited during dry weather. No unusual contamination or pollutant is anticipated, either during the construction or post-construction phases as a result of implementing the proposed project. Further, the pollutants and/or contaminant concentrations associated with the storm runoff will be addressed in the requisite BMPs that have been noted for the proposed project to ensure that potential impacts will be less than significant.

The project area is not located within the 100-year flood plain as delineated by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Map (FIRM) for the City of Dana Point or other areas subject to inundation identified by the City. The proposed project includes only roadway improvements to PCH and Del Prado; no residential development is proposed by the City for the project area. Therefore, the improvements proposed for the two roadways will not result in the placement of housing within the 100-year flood plain area identified by FEMA or the City of Dana Point. The improvements proposed to PCH and Del Prado will not expose either people or structures to flood hazards because the subject rights-of-way and project area are not located within the limits of the 100-year flood plain or other designated flood hazard zone. No significant impacts are anticipated as a result of project implementation.

Although Dana Point is a coastal community, the proposed project includes only roadway and pedestrian circulation improvements at significant elevation. The area within which the improvements are proposed is located within the area designated by the City as the "Tsunami Zone." Because the potential for a tsunami is considered rare, and because the project area is not located within the Tsunami Zone, there is virtually no potential for damage and/or inundation from that phenomenon to affect the project area. Implementation of the proposed PCH/Del Prado improvement project will not expose people or structures to tsunamis or mudflows. Therefore, no significant impacts will occur as a result of project implementation.

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Pollutant discharges to receiving waters would not increase either during or after construction. The types of pollutants that have the potential to be transported downstream include silt during construction activities, nutrients, sediments, and bacteria. However, the incorporation of appropriate features (i.e., BMPs) to improve the quality of surface runoff that may contain such pollutants will ensure that no significant water quality impacts will occur. The BMPs that will be implemented during construction will be described in the SWPPP. Some BMPs that address these pollutants include, but are not limited to the use of silt fences, sediment and erosion control, non-storm water management, and material management. The implementation of the SWPPP and the indicated BMPs during construction will reduce the potential impacts to a less than significant level.

Under Section 303(d) of the 1972 Clean Water Act, states, territories and authorized tribes are required to develop lists of water quality limited segments. These waters on the list do not meet water quality standards, even after point sources of pollution have installed the minimum required levels of pollution control technology. Several areas along the coast have been listed on the Environmental Protection Agency’s 303(d) list for pollutants. Construction of the proposed project will decrease the potential runoff of these pollutants due to reduced runoff rates and volumes.

The proposed project is not located within an area on the City of Dana Point that has been identified as an ESA. And, it is not within proximity of identified ESAs along the coastline of the Pacific Ocean, as identified in the City’s Local Implementation Plan (LIP) for Urban Runoff/Water Quality. In order to address the potential impact of the project on the indicated areas, the City of Dana Point will focus on post-construction BMPs that will mitigate anthropogenic (i.e., impacts resulting from human activity) sources of fecal coliform, total coliform, and Enterococcus from the 303(d) list. Implementation of the specific post-construction BMPs will reduce the potential impacts to a less than significant level. Construction of this project will decrease the potential runoff of these pollutants due to reduced runoff rates, filtering and volumes. No significant impacts are anticipated as a result of project implementation.

A myriad of beneficial uses has been identified for the Pacific Ocean, including: IND (Industrial Service Supply), NAV (Navigation), REC-1 (Contact Water Recreation), REC-2 (Non-Contact Water Recreation), COMM (Commercial and Sport Fishing), BIOL (Preservation of Biological Habitats of Special Significance) (Pacific Ocean only), WILD (Wildlife Habitat), RARE (Rare, Threatened, or Endangered Species), MAF (Marine Habitat), AQUA (Aquaculture) (Pacific Ocean only), MIGR (Migration of Aquatic Organisms), SPWN (Spawning, Reproduction, and/or Early Development), and SHELL (Shellfish Harvesting). The area that is the subject of the proposed improvements ultimately discharges into the Pacific Ocean exclusively at Dana Point Harbor. As previously indicated, the proposed project will generate reduced surface flows from those that currently exist and improve the quality of the storm runoff. Appropriate BMPs that address both construction and post-construction activities are intended to ensure that degradation of marine, fresh, and/or wetland waters downstream from the subject site are not adversely impacted will be implemented. Implementation of these BMPs will be incorporated in to the requisite SWPPP and related plans as prescribed by the City and the San Diego Regional Water Quality Control Board.

The project area is located in an area of the City and coast that supports aquatic habitat. Although the improvements proposed for PCH and Del Prado could potentially result in temporary surface water discharges into offsite features and facilities that support such habitats, no significant impacts are anticipated. As previously indicated, water quality impacts would continue to be addressed through the incorporation of construction and long-term BMPs that will be prescribed in the WQMP and related programs prepared for the project by the City. Therefore, potential impacts to aquatic habitats will be less than significant.
9. **Mineral Resources.** (Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the site; 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.)

**Fact.** The project area encompasses the PCH and Del Prado rights-of-way between Copper Lantern and Blue Lantern within the Dana Point Town Center area, which is developed with urban uses, including retail commercial, residential, and office professional uses that are located adjacent to the two arterial roadways. The area affected by the street improvements is currently improved and does not support any mineral extraction activities. Neither the City’s General Plan nor the State of California has identified the site or environs as a potential location for mineral resources of Statewide, regional, or local significance. No mineral resources are known to exist. Therefore, the improvements to PCH and Del Prado Area as proposed will not result in the loss of any locally important mineral resource recovery site. No significant impacts will occur as a result of project implementation.

10. **Population and Housing.** (Induce substantial population growth or concentration; Displace a large number of people; Disrupt or divide the physical arrangement of an established community; Be substantially inconsistent with long-range, adopted City goals and/or policies.)

**Fact.** The proposed development will not result in the elimination of any residential dwelling units or residents. Therefore, no existing housing or residents will be displaced if the project is approved and constructed and no significant impacts will occur. The proposed project with modifications would result in approximately 14,589 square feet of additional retail floor area, and will accommodate, but does not create, additional residential dwelling units based on the adopted Town Center Plan. No such development is included in the project with the modifications. Further, project implementation does not include the development of the site for residential or other land uses that would be considered directly growth-inducing. Existing infrastructure is available to accommodate the proposed Town Center development. No utilities improvements other than storm drain alterations and electrical improvements for beautification elements, safety lighting, and traffic signals are included in the proposed project. Adequate capacity exists in all of the infrastructure systems that serve the site (e.g., sewer, water, storm drainage, roadways, etc.) and no new or expanded facilities are required to provide service to the project right-of-way improvements. No significant additional unanticipated growth would be anticipated to occur as a direct result of the proposed right-of-way improvements. Therefore, no significant growth-inducing impacts are anticipated as a result of project implementation. The street improvement project is consistent with the long-range goals and policies of the City of Dana Point as articulated in the City’s General Plan, including the Circulation Element.

11. **Public Services.** (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, including fire protection, police protection/law enforcement, parks, and/or education.)

**Fact.** Implementation of the proposed improvements/announcements would not change the manner in which fire protection service is provided in the City, but could improve the response time with the installation of two-way streets, providing a more direct route to properties. During construction, it is anticipated that lanes along the affected arterial roadways (i.e., PCH and Del Prado) might be closed temporarily to accommodate construction of the proposed improvements; however, the City will require the construction contractor to provide traffic control and limit the work activities to ensure that emergency access is not adversely affected on PCH or Del Prado during project construction. Although the removal of preeminent signal controlled intersections and their replacement with stop signs could affect emergency response times, the response times would remain within the OCFA response time criteria. Response times in some cases will decrease as well, given that Project implementation of two way streets allows direct approach to all properties rather than forcing a circuitous route via one way streets.
required today. Project plans have been reviewed by the OCFA for both construction and for the long-term following project implementation and potential buildout of Town Center. As required by that agency, the City will include preemption devices in any new signal proposed within the project. In addition, future development within the Town Center area will be required to incorporate sprinklers into their design to facilitate fire protection.

The proposed roadway and pedestrian circulation facilities will have positive impacts upon completion of the project and will facilitate the manner in which law enforcement and police protection services can respond within the project area as a result of the two-way travel direction on the roadway segments. However, as indicated above, temporary lane closures to accommodate construction activities could result in temporary delays along the affected arterials. The City will require the contractor to provide traffic control and limit the work activities to ensure that emergency access is not adversely affected on PCH or Del Prado during project construction. The proposed improvements would not result in any significant long-term changes either to the uses along PCH and Del Prado or the manner in which law enforcement/police protection services are provided. The improvement plans have been reviewed by the OCSD to ensure that adequate emergency access and related features are provided to maintain an adequate level of service during the construction phase of the project as well as long-term following project implementation and potential buildout of the Town Center.

The segment of PCH and Del Prado between Copper Lantern and Blue Lantern, which is the subject of the proposed street right-of-way circulation improvement project, will remain open to through traffic in each one-way direction throughout the construction period, and access to each of the properties will also be maintained. Therefore, no significant impacts are anticipated. In order to ensure that the effects of any temporary closure can be minimized, the City will prepare a construction management plan that addresses lane closures that may affect access along the affected arterials during the construction phase.

The proposed circulation improvements do not include any development that would generate school-age children (i.e., residential, commercial, industrial, etc.) and, therefore, will not directly result in potentially significant impacts because no school-age students will be generated by the roadway and pedestrian circulation improvements proposed by the City of Dana Point. No significant impacts are anticipated and no mitigation measures are required. Access to the existing Montessori preschool parking lot on Del Prado will be maintained throughout the construction period and after project completion.

Implementation of the proposed project does not include any residential development that would create a demand for additional park/recreational space because no residential or other development will occur as a result of the street improvements. Therefore, no significant impacts are anticipated and no mitigation measures are required.

12. Recreation (Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial deterioration of the facility would occur or be accelerated. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.)

Fact: Project implementation includes only street right-of-way and circulation improvements and does not include any land use changes (i.e., residential development) that would either directly or indirectly create a demand for recreational amenities and/or services. Rather, the proposed project includes the implementation of improvements to PCH and Del Prado to facilitate better vehicular and pedestrian circulation in the Town Center area of the City. Although the project as modified would result in less landscaped area (possible reduction of as much as much as a maximum of approximately 7,700 square feet) when compared to the original project, the reduction in this proposed new landscaped area would not significantly affect existing recreation. The proposed circulation improvements along PCH and Del Prado would not adversely affect either existing or proposed recreation
facilities in the project environs. In addition, the street right-of-way and circulation improvements will not require extensive landform alteration that would change the character of the project area, including the existing recreational amenities within the project environs. Therefore, no significant impacts would occur as a result of project implementation and no mitigation measures are required.

13. Utilities. (Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities; the construction of which could cause significant environmental effects; Require or result in the construction of new storm water drainage facilities or expansion of existing facilities; the construction of which could cause significant environmental effects; Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed; 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; Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs, Comply with federal, state, and local statutes and regulations related to solid waste.)

Fact. Implementation of the proposed project does not include development that would generate additional raw sewage. Furthermore, the proposed project would not increase additional growth within the area that would affect the adequacy either of the existing facilities or those currently proposed by the SCWD. The existing sewer facilities owned by the SCWD as well as the sewage treatment plant capacity owned by SCWWA are adequate to accommodate the existing raw sewage that is generated by existing development in the project area. Improvements proposed by the City for PCH and Del Prado between Copper Lantern and Blue Lantern will not result in any interruption of service and none of the existing or future facilities proposed by the SCWD would require relocation by the proposed project. Therefore, no significant impacts to the District’s ability to provide adequate sewage collection and treatment are anticipated.

Project implementation will not adversely affect existing water supplies. The project is consistent with the City’s General Plan Circulation Element. The proposed project includes only circulation improvements and does not include development that would create a demand for domestic water. The SCWD, which owns and maintains facilities in the vicinity of the subject property that serve the existing development in the vicinity of the proposed project, has proposed upgrades to water facilities located within PCH and Del Prado; however, the proposed street right-of-way improvement project will not affect either the existing or proposed water facilities in the affected roadways. Furthermore, project implementation will not increase the demand for potable water because no development is proposed and new landscaped areas will be served by reclaimed water. Project implementation will not require the construction of new potable water or wastewater treatment facilities. Existing supplies are adequate to ensure the provision of adequate fire flows and domestic water service for current uses to the site. Although the proposed project would result in the need to relocate several water facilities in a minor way (e.g., fire hydrants, water meters, cross connection units, etc., excluding distribution mains and laterals) along PCH and Del Prado, the relocation of these facilities will not adversely affect existing water service to the existing properties and no significant impacts are anticipated. Therefore, no significant project-related impacts to either domestic water service or sewer service will occur as a result of project implementation.

The runoff will be directed to the same storm drain facilities that exist in PCH and Del Prado. Project implementation will result in the reduction of impervious surfaces within the area encompassing the affected roadway rights-of-way that are the subject of the proposed circulation improvements. Therefore, runoff flows will decrease. As previously indicated, the improvements to PCH and Del Prado may require the relocation of one or more of the existing catch basins and related drainage facilities. However, the City will ensure that the downstream storm drains and off-site facilities have adequate capacity to continue to accommodate the surface runoff. As a result, no significant impacts to storm drain facilities are anticipated.

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Implementation of the proposed project would result in the generation of a modest amount of construction and/or demolition debris associated with the improvements to both PCH and Del Prado. Although some construction/demolition debris (e.g., asphalt, concrete, etc.) would be generated as a result of the circulation improvement project, the increase would not be significant and 76 percent of the construction/demolition waste must be recycled. The County landfill system (i.e., three landfill sites) has available capacity to accommodate any increase in non-recyclable solid waste resulting from project implementation. In addition, operations within the City and, therefore, in the project area, would be subject to requirements set forth by CalRecycle to reduce solid waste, including construction debris, as required by AB939 and follow-on legislation. The construction/demolition debris can be recycled, which would result in a reduction in the amount of refuse that would be landfilled. Improvements proposed for the two arterial roadways will be subject to the requirements established in the City's Source Reduction and Recycling Element) SRRE and the effective ordinance that reflect the manner in which solid waste (i.e., construction/demolition debris) reduction will occur. Compliance with the SRRE and City ordinance, which must include recycling of the demolished materials (e.g., asphalt, concrete, etc.), will facilitate such reductions, not only at the project site but also throughout the City of Dana Point. Therefore, no significant impacts are anticipated to occur as a result of project implementation.

FINDING

The environmental effects listed above are found not to be significant based on the analysis conducted for the proposed project.

FACTS IN SUPPORT OF FINDING

A. The discussion and environmental analysis conducted for the proposed Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project indicate that the environmental effects listed above are less than significant.

B. During the 45-day public review period as mandated by CEQA, the Draft EIR was distributed to all responsible and trustee agencies and other interested parties and no comments were received that would modify the above finding.

IV. FINDINGS REGARDING SIGNIFICANT IMPACTS OF THE PROPOSED PROJECT

A. LAND USE/RELEVANT PLANNING

1. POTENTIAL IMPACT

Long-Term Impacts: The proposed project is consistent with the long-range goals, policies and objectives articulated in the relevant elements of the Dana Point General Plan as well as the policies of the Town Center Plan that were adopted by the City to guide development. The proposed project is also compatible with the existing land uses in the area and it will comply with the applicable land use and circulation regulations prescribed by the City for the Town Center. As a result, no significant land use impacts are anticipated and no mitigation measures are required, beyond the project features noted above.

Finding: Changes or alterations have been required in, or incorporated into the project, or are otherwise being implemented which substantially mitigate or avoid the potentially significant effects on the environment as summarized above and described in detail in Chapter 4.0, Section 4.1 of the EIR.
Implementation of the proposed project shall comply with the development standards and design guidelines articulated in the relevant elements of the Dana Point General Plan and Town Center Plan.

Facts in Support of the Finding: The roadway improvements are consistent with the Circulation Element of the Dana Point General Plan as well as the County's Master Plan of Arterial Highways. The proposed project, as modified, provides an alternative in two areas along the PCH and Del Prado alignments that achieve the goals and objectives of the City for providing efficient and adequate circulation through the Town Center area without conflicting with long-range goals and policies of the Circulation Element. The proposed modifications will result in increasing the size of four existing properties within the Town Center area and allow for up to 14,589 square feet of additional development. This (maximum) potential increase in floor area would be consistent with the adopted land use designation and intensity of development prescribed in the City's Land Use Element and Town Center Plan. Nonetheless, such potential future development would be subject to project review and approval by the City and would also be subject to future environmental review. The proposed project, with the modifications are also entirely consistent with other adopted long-range plans and the project, including the Town Center Plan and SCAG's Regional Plan and Guide. The project will be designed with superior design standards that are intended to ensure the integrity and compatibility of the circulation system and the mixed-use development within the Town Center area. Compliance with the applicable ordinances and development standards will ensure that the project will be compatible with future development occurring within the Town Center, adjacent residential, commercial, and public/institutional uses and the circulation system for PCH and Del Prado Avenue.

All significant environmental effects have been avoided or substantially lessened by virtue of the measure described above. No significant, unavoidable adverse impacts will remain after implementation of the required standard condition.

B. TRAFFIC AND CIRCULATION

1. POTENTIAL IMPACT

Short-Term Impacts: Project implementation will result in potential short-term (i.e., construction) impacts that may cause delays in traffic within the project area.

Finding: Changes or alterations have been required in, or incorporated into the project, or are otherwise being implemented which substantially mitigate or avoid the potentially significant effects on the environment as summarized above and described in detail in Chapter 4.0, Section 4.2 of the EIR.

MM 4.2-1a. Prior to initiation of the proposed project, the Contractor shall prepare a Construction Management Plan (CMP), unless all issues are already addressed in the Project Construction Documents, which will address traffic rerouting, traffic control, and construction staging. The CMP will be submitted to the City of Dana Point for review and approval. The CMP, if deemed necessary and not included in the construction documents, shall incorporate several measures to ensure that the construction traffic will not result in significant impacts in the project environs. Specifically, the CMP or Project Construction Documents shall include the following:

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• Identify a truck haul route that will be used by heavy trucks carrying construction equipment and/or materials to/from the project site. All deliveries will use the designated haul route.

• Identify equipment and materials staging areas. Loading and unloading of all construction materials/equipment and/or construction vehicles will take place in designated parking areas or on-site or within the staging area. Once the delivery is complete, the trucks will exit the project area via the haul route identified above. All staging area delivery trucks will be required to shut off their engines during the loading/off-loading process.

• Prevent obstruction of through traffic lanes adjacent to the staging site, a flag person will be retained to maintain safety adjacent to the existing roadways.

• Traffic control will be coordinated with the Dana Point Police Services Department and Public Works Department, so that street traffic is not obstructed.

• Address traffic control equipment needs and placement plans. Traffic signs, signals, flagmen, and emergency vehicles shall be provided and supplied by the Contractor in accordance with the construction plans and special provisions, the standard specifications for public works construction, and other requirements prescribed by the City of Dana Point.

MM 4.2-1b Prior to any construction, partial or total street closures, notices shall be provided to residents and businesses along the affected construction route at least 48 hours in advance. Residents and/or business owners whose driveways will be closed to traffic for over 24 hours shall be notified by the Contractor at least five (5) days prior to the closure date. The contractor shall plan all work in a manner that will minimize any closure period. Access to businesses and to parking areas will be maintained for pedestrians and vehicles.

Facts in Support of the Finding: Implementation of the mitigation measures that include the implementation of a Construction Management Plan, limitations on hauling, site ingress and egress during the construction phase, and construction-related parking will ensure that demolition and construction-related traffic that could affect circulation in the project vicinity would be avoided because that plan will identify and prescribe haul routes and require the implementation of traffic control procedures to minimize delays along the adjacent roadways. In addition, providing timely notification of driveway closure(s) and the minimization of any closure period will allow existing businesses and residents to operate with only minimal disruption to their daily activities.

All significant environmental effects have been substantially lessened by virtue of the measure described above. No significant, unavoidable adverse impacts will remain after implementation of the required standard condition.
2 POTENTIAL IMPACT

Long-Term Impacts: Project implementation would result in inadequate stacking distance in the Blue Lantern/Pacific Coast Highway northbound left-turn lane during the a.m. and p.m. peak hours in Year 2015 and Year 2035.

Finding: Changes or alterations have been required in, or incorporated into the project, or are otherwise being implemented which substantially mitigate or avoid the potentially significant effects on the environment as summarized above and described in detail in Chapter 4.0, Section 4.2 of the EIR.

MM 4.2.2 The project shall be revised to restripe the Blue Lantern/Pacific Coast Highway intersection to add two-way left-turn striping that will provide 105 feet of storage to accommodate the Year 2015 and Year 2035 traffic volumes.

Facts in Support of the Finding: All key study and alley roadway segments are projected to operate at an acceptable service level in the Year 2035 based on the results of the supplemental assessment made a part of the administrative record; it can be qualitatively concluded that the cumulative traffic impacts of the project as modified of the Dana Point Town Center Plan in the Year 2015 would be similar to that anticipated for the long-range development scenario forecast for the Town Center. Therefore, the findings and conclusions presented in the Traffic Impact Analysis Report for the Pacific Coast Highway/Del Prado Avenue Phase 1 Street Improvement Project, dated August 17, 2010 remain valid. Implementation of the proposed Pacific Coast Highway/Del Prado Avenue Phase 1 Street Improvement Project, which will re-establish two-way circulation for both Pacific Coast Highway and Del Prado Avenue between Street of the Blue Lantern and Copper Lantern Street, will not adversely impact traffic flow and circulation as acceptable service levels will be maintained/achieved at key study intersections within the Town Center. In addition, implementation of the proposed modifications to the project would result in an increase of five (5) on-street public parking spaces within the Town Center when compared to the proposed project without the modifications. The supplemental Year 2035 Cumulative Plus Project analysis that concluded that the cumulative impacts of the modified project for the Dana Point Town Center Plan on the five (5) key alley intersections and four (4) key alley roadway segments, respectively, would be less than significant. Increasing the left-turn pocket to accommodate the increase in left turning movements will ensure that adequate stacking capacity is available at the Blue Lantern/Pacific Coast Highway intersection.

All significant environmental effects have been substantially lessened by virtue of the measure described above. No significant, unavoidable adverse impacts will remain after implementation of the required mitigation measures.

C. AIR QUALITY

1 POTENTIAL IMPACT

Short-Term Impacts: Construction activities associated with the proposed project are not anticipated to cause emissions to exceed SCAQMD significance thresholds. Nevertheless, reductions in pollutant emissions through enhanced dust control measures is recommended for use due to the "non-attainment" status of the South Coast Air Basin.
Finding: Changes or alterations have been required in, or incorporated into the project, or are otherwise being implemented which substantially mitigate or avoid the potentially significant effects on the environment as summarized above and described in detail in Chapter 4.0, Section 4.3 of the EIR.

SC 4.3-1 Adherence to SCAQMD Rule 403, which sets requirements for dust control associated with grading and construction activities.

SC 4.3-2 Adherence to SCAQMD Rules 431.1 and 431.2, which require the use of low sulfur fuel for stationary construction equipment.

SC 4.3-3 Adherence to SCAQMD Rule 110B, which sets limitations on ROG content in asphalt.

MM 4.3-1 The following dust control measures shall be implemented during construction of the proposed street improvement project:

- Apply soil stabilizers or moisten inactive areas.
- Prepare and implement, if determined necessary, a high wind dust control plan.
- Address previously disturbed areas if subsequent construction is delayed.
- Water exposed surfaces as needed to avoid visible dust leaving the construction site (typically three times/day).
- Cover all stockpiles with tarps at the end of each day or as needed.
- Provide water spray during loading and unloading of earthmoving materials.
- Post speed limits throughout the construction zone and approved haul route.
- Minimize in-out traffic from the construction zone.

MM 4.3-2 The following diesel exhaust reduction measures shall be implemented during construction of the proposed street improvement project:

- Require 90-day low-NOx tune-ups for off-road equipment.
- Limit allowable idling to five minutes for trucks and heavy equipment.
- Utilize equipment whose engines are equipped with diesel oxidation catalysts, if available.
- Utilize diesel particulate filters on heavy equipment, where feasible.

Facts in Support of the Findings: The project, even with the proposed modifications, does not result in any direct additional vehicle trip generation or associated mileage. It is important to note that with the vacation of a portion of right-of-way along Del Prado Avenue and Pacific Coast Highway, four existing parclods would increase in size, which could result in up to approximately 14,589 square feet of additional retail floor area within the Town Center Plan area. Although it is anticipated that this additional floor area could generate as much as approximately 647 additional vehicular trips if the private buildings were ever expanded, the mobile source emissions would be expected to be less than significant based on the emission factors and the limited vehicle miles traveled as a result of those trips. Nonetheless, any such future expansion proposed to develop the additional floor area that would be created by the proposed modifications would be subject to additional environmental analysis and review and approval by the City of Dana Point.
The daily pollutant emissions anticipated to occur as a result of the construction activities will not exceed the significance thresholds established by the SCAQMD. Nonetheless, implementation of all applicable SCAQMD rules that are intended to minimize construction emissions, including fugitive dust, NOx, VOC, and other air pollutants as well as enhanced mitigation measures during construction of the roadway improvements will ensure that demolition and construction emissions are further reduced in order to further minimize the project's short-term effects within the SCAQMD "non-attainment" area.

All significant environmental effects have been substantially lessened by virtue of the measures described above. No significant, unavoidable adverse impacts will remain after implementation of the required mitigation measures.

D. NOISE

1. POTENTIAL IMPACT

**Short-Term Impacts:** Although the vast majority of construction work will occur during daytime hours, a small portion of the work would occur during nighttime hours. As a result, it is possible that noise standards could be temporarily exceeded at any noise receptor location within approximately 1,000 feet of the construction activity source.

**Finding:** Changes or alterations have been required in, or incorporated into the project, or are otherwise being implemented which substantially mitigate or avoid the potentially significant effects on the environment as summarized above and described in detail in Chapter 4.0, Section 4.5 of the EIR.

**SC 4.5-1** In accordance with the Dana Point Municipal Code, construction shall normally be restricted to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays. (The Director of Public Works may also approve construction on Saturdays or at night.) No construction shall occur at any time on Sundays or on federal holidays. These days and hours shall also apply to any servicing of equipment and to the delivery of materials to or from the site.

**SC 4.5-2** All powered equipment operating within 1,000 feet of a dwelling must have a properly operating and maintained muffler.

**SC 4.5-3** Stockpiling and staging activities shall be located as far as practicable from dwellings.

**MM 4.5-1** The highest noise-generating activities, which include demolition and jack hammering, shall be limited to daytime hours. However, if determined absolutely necessary, the Public Works Director may also approve construction at night and on Saturdays.

**Facts in Support of the Finding:** Although the proposed project does not include future development, a portion of the existing roadway right-of-way will increase the size of four properties within the Town Center, which could result in the future development of up to approximately 14,589 square feet of additional retail floor area; however, such future development is not proposed as part of the street improvements, and may never be built.
Construction activity will primarily be limited to daytime hours of lesser noise sensitivity. Noise standards do not apply as long as construction takes place within the allowable hours. However, limited construction work will be conducted at night to limit traffic congestion impacts during the day. This work will primarily be limited to quieter activities, such as roadway restriping. Compliance with the City's Noise Control Ordinance and implementation of the mitigation measure prescribed to reduce potential noise resulting from the use of construction equipment (e.g., jack hammers, etc.) on sensitive receptors in the project area will ensure that potential impacts are reduced to a less than significant level. The mitigation measures identified above are intended to include design features that construction-related noise and vibration levels implementation of the measure identified above, which requires that construction equipment not operate in proximity to the existing sensitive uses, will be adequate to avoid potential impacts associated with vibration.

All environmental effects have been substantially lessened by virtue of the measures described above. No significant, unavoidable adverse impact will remain after implementation of the required mitigation measures.

E. PUBLIC SERVICES AND FACILITIES

1. POTENTIAL IMPACT

Short-Term/Long-Term Impacts: Potential lane and/or road closures could result in increased emergency response times to the site by fire trucks and emergency personnel; however the increased response times would remain within OCFA criteria.

Finding: Changes or alterations have been required in, or incorporated into the project, or are otherwise being implemented which substantially mitigate or avoid the potentially significant effects on the environment as summarized above and described in detail in the Final EIR.

SC-6 The new traffic signal(s) installed by the City for the proposed project shall include a preemptive device as approved by the City and OCFA.

SC-7 Future development occurring within the Town Center development area shall be required to include fire sprinklers.

(Also see MM 4.2.1a addressing short-term construction traffic delay reduction.)

Facts in Support of the Finding: The staffing and manpower levels of the Orange County Fire Department are adequate to maintain the level of fire and emergency services desired for the City. Implementation of the proposed project would not create additional demands for fire protection because the project has been designed to address emergency response by the OCFA, including lane and/or roadway closures during construction, resulting in less than significant impacts. In addition, the conditions prescribed by OCFA, which include preemptive devices in new signals to and fire sprinklers for all new construction within the Town Center area will facilitate emergency response as well as fire protection. The supplemental Year 2035 Cumulative Plus Project analysis that concluded that the cumulative impacts of the modified project for the Dana Point Town Center Plan on the five (5) key alley intersections and four (4) key alley roadway segments, respectively, would be less than significant. Response times will remain acceptable to provide an acceptable level of service to the project and the remainder of the City.
V. FINDING REGARDING SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Chapter 4.0 (Environmental Analysis) documents the analysis of the potentially significant adverse impacts associated with the proposed project (i.e., street improvements for Del Prado Avenue and Pacific Coast Highway). Several potentially significant adverse impacts have been identified in Chapter 4.0 of the Draft EIR. As a result, in each case where such an impact occurs, specific mitigation measures have been prescribed. Implementation of these mitigation measures, which will be ensured through the implementation of the Mitigation Monitoring and Reporting Program, will either eliminate, avoid, or reduce the potentially impacts to a level of insignificance. As indicated in Chapter 4.0, all of the potential impacts can be avoided through the implementation of the project design features and/or reduced to a level of insignificance through the implementation of mitigation measures. No significant unavoidable adverse impacts will occur as a result of project implementation.

VI. FINDINGS REGARDING CUMULATIVE ENVIRONMENTAL IMPACTS

Land Use and Planning

The proposed project is consistent with the long-range goals, policies and objectives articulated in the relevant elements of the Dana Point General Plan as well as the policies of the Town Center Plan adopted by the City to guide development. The proposed project is also compatible with the existing land uses in the area and will comply with the applicable land use and circulation regulations prescribed by the City for the Town Center. As a result, project implementation will not contribute to significant land use compatibility or policy conflicts when considering other projects approved in the area.

Population and Housing

Project implementation does not include any residential development and would not result in any loss of housing or displacement of residents. The roadway improvements will not, therefore, contribute to any cumulative impacts to population and housing.

Geology and Soils

The proposed project encompasses only roadway improvements; no habitable structures are proposed that would be subject to the effects of adverse soils conditions and/or seismic activity. Nonetheless, the roadways and related facilities will be designed in accordance with City standards to avoid project-related and cumulative impacts. Due to the lack of habitable structures and only limited exposure to geologic and seismic constraints, the proposed project would not contribute to any significant cumulative impacts that would occur as a result of other planned and approved development occurring in the region.

Hydrology and Water Quality

After the circulation improvements are implemented, it is anticipated that the amount of impervious surfaces in the Town Center area, which has been extensively developed, will be reduced with landscaped zones approximately 21,000 square feet. As a result, the quantity and quality of the surface water runoff that will be generated will be improved from that occurring at the present time. Therefore, it is not anticipated that there would be any increase in the amount, or reduction in the quality, of surface runoff that would contribute to significant cumulative impacts associated with other planned and/or
approved project. Project implementation would result in beneficial drainage and water quality impacts due to the upgraded storm drain facilities and incorporation of water quality features.

Air Quality

Project implementation will result in only temporary, construction emissions; however, the daily emissions do not exceed the thresholds established by the South Coast AQMD. These short-term impacts are reduced further through the implementation of measures required to be implemented by the regulatory agencies. As a result, these impacts are both short-term/temporary in nature and they do not exceed the established significance thresholds, that would be expected to contribute to the degradation of the South Coast Air Basin. Implementation of the proposed project will not occur concurrently with the infrastructure improvements (i.e., sewer, water and recycled water facilities), which have been approved and will be undertaken by the South Coast Water District. Therefore, project implementation will avoid potentially significant cumulative air quality impacts. With regard to other planned and approved projects, development/construction phasing for those projects has not been identified and cannot be accurately assessed. However, because the proposed project would contribute only short-term emissions and because the construction impacts were determined to be less than significant and, furthermore, because measures have been incorporated into the project to minimize these short-term impacts, potentially significant cumulative air quality impacts would not occur as a result of project implementation. No long-term pollutant emissions would be generated by the project. The indirect effect of redistributing the traffic along the arterial system resulting from the proposed project would also not significantly affect the CO "hot spot" concentrations because none of the concentrations forecast at the affected intersections, which reflect long-range traffic forecasts, would exceed the significance thresholds established by both State and federal agencies. Therefore, no significant project-related cumulative impacts are anticipated.

Traffic and Circulation

Project implementation would result in some short-term traffic impacts associated with the construction activities required to improve Del Prado Avenue and PCH. These short-term impacts include potential delays caused by lane closures and related work within the rights-of-ways of each affected roadway. As indicated above, the SCWD infrastructure improvement project, which includes the replacement and/or upgrade of sewer, water, and recycled water facilities in both Del Prado Avenue and PCH, would not be undertaken concurrently with the proposed project. Therefore, no cumulative short-term traffic and circulation impacts would occur. In addition, because the timing of other development projects is not currently known, it is difficult to anticipate the effect of similar construction in the Dana Point Town Center; however, each project, including the proposed street improvement project proposed by the City of Dana Point, will be required to implement measures to address the effects of their respective construction activities where such activities would affect vehicular circulation. Therefore, significant cumulative traffic and circulation impacts would be avoided.

The proposed project will not result in any significant additional permanent operational traffic generation. Project-related traffic impacts are limited to those that would occur during construction only (i.e., lane closures, etc.) that affect traffic operations for short periods of time. Future development projected for the area, including that resulting from bulitout of the City's General Plan and development within the Town Center, can be accommodated by the proposed roadway improvements. All of the roadway segments and intersections in the Town Center environs are forecast to operate at acceptable levels of service with the implementation of the proposed improvements. No significant cumulative impacts are anticipated and no additional mitigation measures are required.

Biological Resources

Because the project area (i.e., roadway rights-of-way) is covered with impervious surfaces that characterize Del Prado Avenue and Pacific Coast Highway, it has no potential to support plant species considered to be of special interest by the U.S. Fish and Wildlife Service, California Department of Fish
and Game, and California Native Plant Society due to both the exotic (i.e., non-native) nature of the plant species observed, and the overall highly disturbed nature of the habitats within the survey area. The entire project areas are already improved. As a result, the proposed project would not result in any impacts to important biological resources and, therefore, would not contribute to the cumulative degradation and/or loss of such resources. Therefore, project implementation would not result in any significant cumulative impacts to biological resources.

Mineral Resources

No significant impacts to mineral resources are anticipated. No mineral resources are known to exist within the right-of-way limits of either arterial roadway that would be adversely impacted by development of the site as proposed. Further, project implementation would not directly impact any existing mineral resource areas either in the City of Dana Point, the region, or the State of California. Although the proposed project would require the use of mineral resources (e.g., sand and gravel, concrete, etc.) in order to implement the roadway improvements, these are either renewable or are in abundant supply. Therefore, when compared to other projects in the area, the project would not contribute to the incremental loss of mineral resources, and no significant cumulative impacts to mineral resources will occur.

Hazardous and Hazardous Materials

Project implementation will not result in any potentially significant health risks. No hazards and/or hazardous conditions will be created by the proposed project that would contribute to hazardous conditions.

Noise

Cumulative noise impacts occur when multiple sources of noise, though individually not substantial, combine and lead to excessive cumulative noise exposure at noise-sensitive uses.

Temporary Construction Activities

Cumulative construction noise impacts have the potential to occur when multiple construction projects in the local area generate noise within the same time frame and contribute to the local ambient noise environment. Like stationary-source noise, cumulative construction noise and vibration impacts are confined to a localized area of impact. Consequently, cumulative impacts would only occur if other projects were being constructed in the vicinity of the project at the same time as construction of the project. The traffic impact analysis identified future projects that would occur in the vicinity of the proposed project. None of the related projects with the potential to contribute to cumulative construction noise are anticipated to occur concurrently with the proposed street improvement project. Specifically, the SCWD infrastructure improvements would occur on a different time table from the proposed improvements to Del Prado Avenue and PCH, and would not, therefore, contribute to increased noise levels along those roadways that would have a potentially adverse impact on the adjacent properties. Although other development that is planned and/or approved for the area could contribute to the ambient noise levels, the timing and scope of such potential individual projects are not known, and therefore, effects from potential overlapping operations with the proposed projects’ construction activities are speculative. Therefore, no significant cumulative impacts are anticipated with the proposed project.

Mobile-Source Noise

Because no development is proposed, project implementation would not result in direct increases to the ambient noise levels associated with increased traffic volumes. Future noise levels that reflect short-term (i.e., 2015) and long-term (i.e., 2035 General Plan “buildout”) volumes would not result in significant noise impacts. It is anticipated that while some noise levels are forecast to increase along segments of the two roadways, other segments would be characterized by decreases; however, the noise levels forecast for the area would be in the low to mid 60 dBA range. The noise level increases are associated with future

Exhibit B
Statement of Findings and Facts
Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project
Page 27
development within the Town Center and elsewhere in the City and nearby areas; however, no significant cumulative impacts are associated with the proposed project.

Public Services

The project is located in an area of the City of Dana Point that is adequately served by public services and facilities, including police and fire protection. The proposed roadway improvements will not significantly affect the existing level of service of either police or fire protection. The potential (less than significant) construction-related impacts associated with the proposed project would not alter the ability of either the Orange County Fire Authority or Orange County Sheriff Department from providing an adequate level of service in the project environments. The effects of the Town Center plan buildout have been evaluated by both the Orange County Fire Authority and Orange County Sheriff's Department to ensure that adequate levels of service can be provided and no significant impacts would occur. These projects are within the long-range projections identified in the City's General Plan and, therefore, would not adversely affect the City's ability to provide an adequate level of protection. Because the proposed project includes only roadway improvements and does not include residential development, project implementation will not contribute cumulatively to the impacts anticipated to school and parks/recreation facilities already addressed in the Town Center Plan EIR.

Utilities and Service Systems

Project implementation will not result in any direct impacts associated with demands for utilities, including sewer, water, and/or recycled water because no development is proposed with the roadway improvements proposed by the City of Dana Point. However, the South Coast Water District approved plans to implement several improvements to the existing water, wastewater, and recycled water systems provided by that agency. These improvements are proposed within the rights-of-way of several roadways in the Town Center area, including Del Prado Avenue, Pacific Coast Highway, Violet Lantern, Ruby Lantern, etc., and have been designed with knowledge of the circulation improvements proposed by the City of Dana Point for the affected roadways. Therefore, potentially significant cumulative impacts to utilities and service systems within the Town Center area are not anticipated. In addition, several mitigation measures were included in the Mitigation Negative Declaration prepared for the SOWD project, including the preparation of a construction traffic management plan for work within public roads, repair of all roadways affected by the construction activities, and the maintenance of emergency access during the construction phases of that project. Similar measures are also included in the proposed project to ensure that no significant cumulative impacts occur.

Aesthetics

Project implementation will not result in any significant landform alterations that would contribute to any cumulative adverse affect upon the aesthetic character of the existing roadway and/or the Pacific Ocean and other important scenic resources. No heritage trees or significant rock outcroppings exist between Copper Lantern and Blue Lantern and no historic buildings or structures that exist along either arterial roadway would be adversely affected by the proposed circulation improvements; therefore, no significant cumulative aesthetic impacts would occur.

Cultural/Scientific Resources

No significant excavation and/or grading activities, that would affect areas that have not previously been altered by grading and/or development, are required in order to implement the proposed roadway improvements. As a result, the proposed project would have no effect on archaeological/cultural, paleontological, and/or historic resources and no significant cumulative impacts would occur.

Climate Change/Greenhouse Gas

Project implementation will result in only temporary, construction GHG emissions. These impacts are both short-term/temporary in nature and they do not exceed the recommended significance thresholds for GHG.
Furthermore, the infrastructure improvements approved by the SOWD will not occur at the same time as the proposed street improvements, thereby avoiding potential cumulative climate change greenhouse gas emissions. As indicated previously, the timing of other projects is unknown. Therefore, because project-related GHG impacts are short-term, ceasing upon completion of the improvements and, furthermore, do not exceed the significance thresholds, no significant short-term cumulative impacts would occur as a result of project implementation. No long-term GHG emissions would be generated by the project because no development is proposed. The indirect effect of redistributing the traffic along the arterial system resulting from the proposed project would also not significantly affect the CO2e. Therefore, no significant project-related cumulative impacts are anticipated.

Recreation

The proposed project does not include any residential development or other development that would generate new residents resulting in demands for recreational facilities. Therefore, the proposed roadway improvements would have no direct or indirect demand that would result in any impacts on recreation either within Dana Point or south Orange County. Therefore, the project would not contribute to any significant cumulative impacts.

VII. FINDINGS REGARDING GROWTH-INDUCING IMPACTS

The analysis of Growth-Inducing Impacts concludes that based on the four criteria established herein, the proposed Pacific Coast Highway/Del Prado Avenue Street Improvement Project would not result in any growth-inducing impacts. The proposed project includes only vehicular and pedestrian and related improvements to Del Prado Avenue and Pacific Coast Highway, which currently exist. As previously indicated, project implementation will not result in any significant direct or indirect addition of residential development that would generate significant new residents or employment that would exceed those anticipated as a result of the approved General Plan or that would be an "attractor" of residents to the area that are not already anticipated in the General Plan. The project area is not located in an isolated area that is constrained by the absence of infrastructure where the provision of infrastructure would promote further development. None of the accepted standards that distinguish growth-inducing projects characterize the proposed project; therefore, no significant growth-inducing impacts are anticipated as a result of project implementation.

VIII. FINDINGS REGARDING ALTERNATIVES TO THE PROPOSED PROJECT

CEQA requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain most of the basic objectives of the project and to evaluate the comparative merits of the alternatives. Section 15126(d)(1) of the State CEQA Guidelines states that the "... discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

The proposed project has been compared to several "feasible" alternative development scenarios, including the No Project alternative as prescribed by CEQA. These alternatives include: (1) No Project (Existing Couplet Circulation), (2) Alternative Design No. 1 (two-way operations along Pacific Coast Highway and Del Prado Avenue but with a street section along Del Prado Avenue immediately east of Blue Lantern to Ruby Lantern with only one-way operation east to west between Blue Lantern and Ruby Lantern), and (3) Alternative Design No. 2 (same proposed circulation adjustments as the proposed project; however, right-of-way improvements on Del Prado between Ruby Lantern and Golden Lantern would not be implemented. PCH would consist of four lanes, two in each direction and Del Prado would consist of one lane in each direction).
The following discussion summarizes the potential environmental consequences and highlights the comparative merits associated with each alternative identified as "potentially feasible" and analyzed in the EIR as well as the "No Project" alternative.

A. NO PROJECT ALTERNATIVE

The No Project alternative would allow for the continuation of one-way traffic operations along Del Prado Avenue and Pacific Coast Highway through the Dana Point Town Center. Pacific Coast Highway would continue to operate as a three-lane, east-west undivided roadway between Blue Lantern and Copper Lantern Street, accommodating only one-way travel between Blue Lantern and Copper Lantern in the westbound direction. In addition, Del Prado Avenue would also operate as a three lane, east-west undivided roadway between Blue Lantern and Copper Lantern and provide only one way travel in the eastbound direction through the study area. No other improvements would occur.

SUMMARY OF MAJOR ENVIRONMENTAL EFFECTS

The No Project Alternative would result in greater land use, traffic and circulation, and water quality impacts when compared to the proposed project. This alternative would not be consistent with several of the policies articulated in the City's General Plan and/or Town Center Plan, which call for improved pedestrian access and safety, improvements to the pedestrian environment, etc. Although no direct land use impacts would occur, continuation of the No Project alternative would result in conflicts with the adopted plans and policies, and the project objectives articulated in the Town Center Plan would likely not be realized as fully. Although this alternative could continue to accommodate vehicular traffic in the study area, traffic calming and the benefits derived from the proposed project would not occur. In addition, potential impacts would occur at three intersections, compared to no impacts at any of the intersections based on the proposed project improvements. Unlike the proposed project, this alternative would not include any additional pervious surfaces to allow for improvements to groundwater quality associated with additional turfed areas.

Discussion:

- **Ability to Achieve Project Objectives**

  Implementation of the No Project alternative would not achieve any of the major objectives desired by the City of Dana Point, including improvement of traffic circulation and safety in the Town Center area, street beautification, pedestrian, bicycle and transit access improvements, improved drainage facilities, increased parking, improved ocean water quality, etc. As indicated in the preceding analysis, this alternative would result in a continuation of the existing one-way couplet to accommodate traffic, which would result in a continuation of the existing circulation, street, drainage, parking and water quality conditions that the City is proposing to improve.

- **Elimination/Reduction of Significant Impacts**

  The No project alternative would eliminate construction-related air, traffic, GHG and noise impacts when compared to the proposed project, however, all of those impacts were determined to be less than significant and, furthermore, are short-term in nature. This alternative, however, would result in intersection deficiencies at three locations, necessitating the implementation of some sort of future traffic mitigation.

**Findings**: The Planning Commission finds, pursuant to Public Resources Section 21081(a)(3), that specific legal, economic, social, technical or other considerations make the No Project Alternative identified in the DEIR and FEIR infeasible.
Facts in Support of the Findings: When compared to the proposed project, the No Project alternative neither reduces significant impacts nor achieves the City’s primary objectives desired for the project. Although this alternative would eliminate the short-term, construction-related impacts, it would result in greater long-term impacts (e.g., land use, traffic and circulation, noise and water quality) and would not achieve any of the project objectives. Therefore, this alternative is deemed not to be environmentally superior when compared to the proposed project and has been rejected.

B. ALTERNATIVE DESIGN NO. 1

Alternative Design No. 1 will provide two-way operations along Pacific Coast Highway and Del Prado Avenue. However, a street section along Del Prado Avenue immediately east of Blue Lantern to Ruby Lantern will provide only one-way operation east to west between Blue Lantern and Ruby Lantern (i.e., key study intersection No. 12). The proposed traffic signal for key study intersection No. 12 (i.e., at Del Prado Avenue and Pacific Coast Highway) will be eliminated. Westbound Del Prado traffic would “jog” right to PCH at Ruby Lantern and then be required to make a left turn onto PCH from Ruby Lantern to proceed west (up coast).

SUMMARY OF MAJOR ENVIRONMENTAL EFFECTS

This alternative would have similar impacts as the proposed project related to land use, air quality, climate change/greenhouse gas emissions, noise and water quality; however, potential traffic and circulation impacts would be greater than those resulting from project implementation. Based on the queuing analysis conducted for Alternative Design No. 1, adequate turn pocket storage would not be provided at the Blue Lantern/Pacific Coast Highway and Ruby Lantern/Pacific Coast Highway intersections in both 2015 and 2035. However, all of the deficient turn pockets can be modified to accommodate year 2035 95th percentile queues, except for the shared northbound left-through/right lane at the Ruby Lantern/Pacific Coast Highway location. The available storage for this location cannot be increased, which would cause vehicles to queue back onto Del Prado Avenue. As a result, this potential adverse impact would be significant and unavoidable in the Alternative Design No. 1 proposal.

Discussion

- Ability to Achieve Project Objectives

The Alternative Design No. 1 would achieve many of the objectives identified by the City (e.g., street beautification, pedestrian enhancements, improved lighting and drainage, increased parking, water quality improvements, etc.).

- Elimination/Reduction of Significant Impacts

Compared to the proposed project, this alternative would result in essentially the same short-term air quality, noise, water quality, and greenhouse gas emission impacts. Long-term traffic impacts would be similar to the proposed project; however, queuing impacts could not be mitigated.

Finding: The Planning Commission finds, pursuant to Public Resources Section 21081(a)(3), that specific legal, economic, social, technical or other considerations make the Alternative Design No. 1 identified in the DEIR and FEIR infeasible.

Facts in Support of the Findings: Although this alternative does achieve many of the project’s objectives, it would not improve overall traffic circulation and safety within the Town Center as desired by the City and it reduces street visibility for land uses on Del Prado Avenue between Ruby Lantern and Blue Lantern. In addition, when compared to the proposed project, a
significant and unavoidable long-term queuing impact at one intersection would occur that would not occur with the proposed project. Therefore, this alternative would not be feasible.

C. ALTERNATIVE DESIGN NO. 2

This alternative would allow for the same proposed circulation adjustments as the proposed project by changing both Pacific Coast Highway (PCH) and Del Prado from one-way to two-way streets between Blue Lantern and Copper Lantern, however, right-of-way improvements on Del Prado between Ruby Lantern and Golden Lantern would not be implemented. PCH would consist of four lanes, two in each direction and Del Prado would consist of one lane in each direction. Proposed improvements would include right-of-way work on PCH to facilitate two-way travel flow, which is the same as in the proposed project alternative. Town Center gateways at both ends (Blue Lantern and Copper Lantern) would also be the same as the proposed project, with like improvements to both PCH and to Del Prado. These gateway street and right-of-way improvements would extend into the Town Center to Ruby Lantern on the up coast (i.e., east) and and Golden Lantern on the down coast (i.e., west) end. Also on Del Prado, the three traffic signals at Ruby Lantern, Amber Lantern and Violet Lantern would be replaced with stop signs. All existing driveways would remain open with the exception of those on Del Prado between Blue Lantern and Ruby Lantern.

SUMMARY OF MAJOR ENVIRONMENTAL EFFECTS

Land use impacts with Alternative Design No. 2 would provide two-way traffic on both PCH and Del Prado Avenue, similar to the proposed project. In general, the improvements would be consistent with the Circulation Element of the Dana Point General Plan and the potential land use impacts would be similar to the proposed project. Traffic impacts identified for Alternative Design No. 2 would be similar to those identified for proposed project, including those during construction and the long-term traffic and circulation effects. Because the construction activities, equipment usage, and duration of the construction would be similar for this alternative, except for the section of Del Prado Avenue between Ruby Lantern and Golden Lantern, the short-term construction-related emissions would also be similar to those estimated for the proposed project, except for a shorter construction period duration. GHG emissions occurring as a result of Alternative Design No. 2 would be somewhat lessened when compared to those generated by the proposed project due to the reduction in work scope between Ruby Lantern and Golden Lantern on Del Prado Avenue, and would be limited to the construction phase only. Because traffic volumes would be the same as indicated for the proposed project, it is anticipated that potential long-term traffic-related noise impacts along both PCH and Del Prado Avenue would also be similar to the proposed project, particularly between Copper Lantern and Ruby Lantern. However, not all traffic calming initiatives on Del Prado Avenue (bulb outs/harder lanes) would be realized so noise reduction benefits would not be as great in comparison with the proposed project.

Discussion

- Ability to Achieve Project Objectives

This alternative design would also achieve some of the objectives identified by the City (e.g., circulation entry beautification), but will not meet all traffic calming benefits, beautification, noise reduction, pedestrian enhancements, improved lighting, and water quality objectives. Similar to the proposed project, implementation of this alternative would not result in intersection deficiencies.

- Elimination/Reduction of Significant Impacts

Compared to the proposed project, this alternative would result in some less than significant impacts on Del Prado Avenue between Ruby Lantern and Golden Lantern (e.g., short-term air...
quality, noise, greenhouse gas emissions, and traffic impacts), although somewhat reduced with the elimination of all but the stop sign/signal work on Del Prado Avenue between Ruby Lantern and Golden Lantern.

Finding: The Planning Commission finds, pursuant to Public Resources Section 21081(a)(3), that specific legal, economic, social, technical or other considerations make the Reduced Intensity Alternative identified in the DEIR and FEIR infeasible.

Facts in Support of the Findings: Although this alternative does achieve some of the project's objectives, it would not meet many objectives as noted above, and while this alternative may be marginally environmentally superior as regards less than significant short-term construction impacts, it does not provide the long-term environmental benefits to water quality and noise when compared to the proposed project. Therefore, this alternative would not be feasible.

VI. GENERAL FINDINGS

1. The plans for the project have been prepared and analyzed so as to provide for public involvement in the planning and CEQA processes.

2. The degree that any impacts described in the EIR are perceived to have a significant effect on the environment, or such impacts appear ambiguous as to their effect on the environment, any significant effects of such impacts have been substantially lessened or avoided by the standard conditions and mitigation measures set forth in the Final EIR.

3. Comments regarding the Draft EIR received during the public review period have been adequately responded to in written Responses to Comments attached to the Final EIR. Any significant effects described in such comments were avoided or substantially lessened by the standard conditions mitigation measures described in the Draft EIR.

4. The analysis contained in the Final EIR of the environmental effects and mitigation measures represent the independent judgment and analysis of the City of Dana Point.
### EXHIBIT C
Mitigation Monitoring and Reporting Program
Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project
Dana Point, CA

<table>
<thead>
<tr>
<th>SC/MM No.</th>
<th>Mitigation Measure/Standard Condition</th>
<th>Method of Verification</th>
<th>Timing of Implementation</th>
<th>Responsibility</th>
</tr>
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<tbody>
<tr>
<td>SC 4.1-1</td>
<td>Implementation of the proposed project shall comply with the development standards and design guidelines articulated in the relevant elements of the Dana Point General Plan and Town Center Plan.</td>
<td>Plan Check</td>
<td>Prior to initiation of improvements</td>
<td>Director, Community Development Department</td>
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</table>

**Traffic and Circulation**

Prior to initiation of the proposed project, the Contractor shall prepare a Construction Management Plan (CMP), unless all issues are already addressed in the Project Construction Documents, which will address traffic rerouting, traffic control, and construction staging. The CMP will be submitted to the City of Dana Point for review and approval. If deemed necessary and not included in the construction documents, the Contractor shall incorporate several measures to ensure that the construction traffic will not result in significant impacts in the project environments. Specifically, the CMP or Project Construction Documents shall include the following:

- Identify a truck haul route that will be used by heavy trucks carrying construction equipment and/or materials to/from the project site. All deliveries will use the designated haul route.
- Identify equipment and materials staging areas. Loading and unloading of all construction materials/equipment and/or construction vehicles will take place in designated parking areas or on-site or within the staging area. Once the delivery is complete, the trucks will exit the project area via the haul route identified above. All staging area delivery trucks will be required to shut off their engines during the loading/unloading process.
- Prevent obstruction of through traffic lanes adjacent to the staging site, a flag person will be retained to maintain safety adjacent to the existing roadways.

<p>| MM 4.2-1a | Plan Check | Prior to Initiation of Improvements | Director, Public Works Department |</p>
<table>
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<tr>
<th>SC/MM No.</th>
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<tr>
<td>MM 4.2-1b</td>
<td>Prior to any construction, partial or total street closures, notices shall be provided to residents and businesses along the affected construction route at least 48 hours in advance. Residents and/or business owners whose driveways will be closed to traffic for over 24 hours shall be notified by the Contractor at least five (5) days prior to the closure date. The contractor shall plan and work in a manner that minimizes any closure period. Access to businesses and to parking areas will be maintained for pedestrians and vehicles.</td>
<td>Field Observation</td>
<td>Prior to Initiation of Construction</td>
<td>Director, Public Works Department</td>
</tr>
<tr>
<td>MM 4.2-2</td>
<td>The project shall be revised to restrip the Blue Lantern/Pacific Coast Highway intersection to add two-way left-turn stripping that will provide 105 feet of storage to accommodate the Year 2015 and Year 2035 traffic volumes.</td>
<td>Plan Check</td>
<td>Prior to Initiation of Construction</td>
<td>Director, Public Works Department</td>
</tr>
<tr>
<td>SC 4.3-1</td>
<td>Adherence to SCAGMMO Rule 403, which sets requirements for dust control associated with grading and construction activities.</td>
<td>Field Observation</td>
<td>During Construction</td>
<td>Director, Public Works Department</td>
</tr>
<tr>
<td>SC 4.3-2</td>
<td>Adherence to SCAGMMO Rules 431.1 and 431.2, which require the use of low sulfur fuel for stationary construction equipment.</td>
<td>Field Observation</td>
<td>During Construction</td>
<td>Director, Public Works Department</td>
</tr>
<tr>
<td>SC 4.3-3</td>
<td>Adherence to SCAGMMO Rule 1109, which sets limitations on ROG content in asphalt.</td>
<td>Field Observation</td>
<td>During Construction</td>
<td>Director, Public Works Department</td>
</tr>
<tr>
<td>MM 4.3-1</td>
<td>The following dust control measures shall be implemented during construction of the proposed street improvement project: • Apply soil stabilizers or moisten inactive areas; • Prepare and implement, if determined necessary, a high wind dust control plan; • Address previously disturbed areas if subsequent construction is delayed; • Water exposed surfaces as needed to avoid visible dust leaving the construction site (typically three times/day); • Cover all stockpiles with tarp at the end of each day or as needed; • Provide water spray during loading and unloading of earthen materials; • Post speed limits throughout the construction zone and</td>
<td>Field Observation</td>
<td>During Construction</td>
<td>Director, Public Works Department</td>
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<tr>
<td>MM 4.3-2</td>
<td>The following diesel exhaust reduction measures shall be implemented during construction of the proposed street improvement project:</td>
<td>Field Observation</td>
<td>During Construction</td>
<td>Director, Public Works Department</td>
</tr>
<tr>
<td>SC 4.5-1</td>
<td>In accordance with the Dana Point Municipal Code, construction shall normally be restricted to between the hours of 7:00 a.m. and 6:00 p.m. on weekdays. (The Director of Public Works may also approve construction on Saturdays or at night.) No construction shall occur at any time on Sundays or on federal holidays. These days and hours shall also apply to any servicing of equipment and to the delivery of materials to or from the site.</td>
<td>Field Observation</td>
<td>During Construction</td>
<td>Director, Public Works Department</td>
</tr>
<tr>
<td>SC 4.5-2</td>
<td>All powered equipment operating within 1,000 feet of a dwelling must have a properly operating and maintained muffler.</td>
<td>Field Observation</td>
<td>During Construction</td>
<td>Director, Public Works Department</td>
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<tr>
<td>SC 4.5-3</td>
<td>Stockpiling and staging activities shall be located as far as practicable from dwellings.</td>
<td>Field Observation</td>
<td>During Construction</td>
<td>Director, Public Works Department</td>
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<tr>
<td>MM 4.5-1</td>
<td>The highest noise-generating activities, which include demolition and jack hammering, shall be limited to daytime hours. However, if determined necessary, the Public Works Director may also approved construction at night and on Saturdays.</td>
<td>Field Observation</td>
<td>During Construction</td>
<td>Director, Public Works Department</td>
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**Hydrology and Water Quality**

| SC-1      | Prior to the commencement of any activities that would result in soil disturbance of one acre or more of land, the City shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Storm Water Discharge Identification (SWID) Number. The City of Dana Point shall have prepared a Storm Water Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and shall be available for review on request. In addition, designated construction specific BMPs are | Plan Check | Prior to Initiation of Construction | Director, Public Works Department |

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Exhibit C: Mitigation Monitoring and Reporting Program
Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Program
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<tr>
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<tr>
<td>SC-2</td>
<td>Prior to commencement of the roadway improvements, the City shall design a project that:</td>
<td>Plan Check</td>
<td>Prior to Initiation of Construction</td>
<td>Director, Public Works Department</td>
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<td></td>
<td>• Incorporates applicable Site Design BMPs</td>
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<td></td>
<td>• Incorporates Source Control BMPs as defined in the Local Implementation Plan (LIP) meeting NPDES requirements.</td>
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<td>• Incorporates Treatment Control BMPs as defined in the LIP.</td>
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<td></td>
<td>• Provides catch basin drainage insert filters to address bacteria and trash.</td>
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<td>SC-3</td>
<td>Prior to commencement of the roadway improvements, the City shall require the following to be included as general or special notes on the plan sheets:</td>
<td>Plan Check</td>
<td>Prior to Initiation of Construction</td>
<td>Director, Public Works Department</td>
</tr>
<tr>
<td></td>
<td>• Sediment from areas disturbed by construction shall be retained on-site using structural drainage controls to the Maximum Extent Practicable (MEP).</td>
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<td></td>
<td>• Stockpiles of soil shall be properly contained to eliminate or reduce minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking, or wind.</td>
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<td></td>
<td>• Appropriate BMPs for construction-related materials, wastes, spills or residues shall be implemented to minimize transport from the site to streets, drainage facilities, or adjoining properties by wind or runoff.</td>
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<td>• Runoff from equipment and vehicle washing shall be contained at construction sites unless treated to remove sediment and other pollutants.</td>
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<td>• All construction contractor and sub-contractor personnel are to be made aware of the required BMPs and good housekeeping measures for the project site and any associated construction staging areas.</td>
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<td>• At the end of each day of construction activity, all construction debris and waste materials shall be</td>
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<tr>
<td>SC/MM No.</td>
<td>Mitigation Measure/Standard Condition</td>
<td>Method of Verification</td>
<td>Timing of Implementation</td>
<td>Responsibility</td>
</tr>
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<td>collected and properly disposed in trash or recycle bins.</td>
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<td></td>
<td>Construction sites shall be maintained in such a condition that an anticipated storm does not carry wastes or pollutants off the site. Discharges other than stormwater (non-stormwater discharges) are authorized under California's General Permit for Storm Water Discharges Associated with Construction Activity only where they do not cause or contribute to a violation of any water quality standard and are controlled through implementation of appropriate BMPs for elimination or reduction of pollutants. Non-stormwater discharges must be eliminated or reduced to the extent feasible. Potential pollutants include but are not limited to: solid or liquid chemical spills; wastes from paints, stains, sealants, solvents, detergents, glues, lime, pesticides, herbicides, fertilizers, wood preservatives and solvents, asbestos fibers, paint flakes or stucco fragments; fuels, oils, lubricants, and hydraulic, radiator or battery fluids; concrete, and related cutting or curing residues; floatable wastes; wastes from any equipment cleaning or chemical degreasing; wastes from street cleaning; and superchlorinated potable water line flushings. During construction, disposal of such materials should occur in a specified and controlled temporary area on-site physically separated from potential stormwater runoff, with ultimate disposal in accordance with local, state and federal requirements. Discharging contaminated groundwater produced by dewatering groundwater that has infiltrated into the construction site is prohibited. Discharging of contaminant soils via surface erosion is also prohibited. Discharging non-contaminated groundwater produced by dewatering activities requires a National Pollutant Discharge Elimination System (NPDES) permit from the San Diego Regional Water Quality Control Board.</td>
<td>Plan Check</td>
<td>Prior to Initiation of Construction</td>
<td>Director, Public Works Department</td>
</tr>
<tr>
<td>SC-4</td>
<td>Pursuant to the City of Dana Point LIP for Urban Runoff/Water Quality, all private and public works construction projects are required, at a minimum, to implement and be protected by an effective combination of erosion and sediment controls and waste and materials management BMPs. The minimum requirements include:</td>
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<tr>
<td>SCCM No.</td>
<td>Mitigation Measure/Standard Condition</td>
<td>Method of Verification</td>
<td>Timing of Implementation</td>
<td>Responsibility</td>
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<td></td>
<td>• Sediments from areas disturbed by construction shall be retained on-site using an effective combination of erosion and sediment controls to the maximum extent practicable, and stockpiles of soil shall be properly contained to minimize sediment transport from the site to streets, drainage facilities or adjacent properties via runoff, vehicle tracking, or wind.</td>
<td>Plan Check/ Field Observation</td>
<td>During Construction</td>
<td>Director, Public Works Department</td>
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<tr>
<td></td>
<td>• Construction-related materials, wastes, spills or residues shall be retained on site to minimize transport from the site to streets, drainage facilities, or adjoining property by wind or runoff.</td>
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<tr>
<td>SC-5</td>
<td>The City shall require the construction contractor to follow City-provided construction phasing specifications, which shall address issues pertaining to potential traffic conflicts during peak traffic periods, temporary displacement of on-street parking, access to public transportation, and safety. This plan shall identify lane closures, the proposed construction staging area(s); construction crew parking area(s); estimated number and types of vehicles that will occur during that phase; operational safeguards (e.g. flagmen, barricades, shuttle services, etc.) that will be implemented; relocation of public transportation facilities during construction; hourly restrictions, if necessary, to avoid traffic conflicts during peak traffic periods, and displacement of on-street parking and to ensure safety.</td>
<td>Plan Check</td>
<td>Prior to Construction</td>
<td>Director, Public Works Department OCFA</td>
</tr>
<tr>
<td>SC-6</td>
<td>The new traffic signal(s) installed by the City for the proposed project shall include a preemptive device as approved by the City and OCFA.</td>
<td>Plan Check</td>
<td>Prior to Construction</td>
<td>Director, Public Works Department OCFA</td>
</tr>
<tr>
<td>SC-7</td>
<td>Future development occurring within the Town Center development area shall be required to include sprinklers.</td>
<td>Plan Check</td>
<td>Prior to Issuance of Building Permit</td>
<td>Director, Public Works Department OCFA</td>
</tr>
</tbody>
</table>
SUPPORTING DOCUMENT B

CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT

DATE: MARCH 21, 2011
TO: DANA POINT PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: ENVIRONMENTAL IMPACT REPORT (SCH#2010041056) AND COASTAL DEVELOPMENT PERMIT CDP11-0003 FOR A MAJOR PUBLIC WORKS PROJECT FOR PACIFIC COAST HIGHWAY/DEL PRADO PHASE I STREETSCAPE IMPROVEMENTS WITHIN AND ALONG PACIFIC COAST HIGHWAY AND DEL PRADO AVENUE BETWEEN THE STREETS OF BLUE LANTERN AND COPPER LANTERN.

RECOMMENDATION: That the Planning Commission adopt the attached draft Resolution No. 11-03-21-xx, certifying the Final Project Environmental Impact Report No. 2010041056 and associated Mitigation Monitoring and Reporting Program (MMRP) and draft Resolution No. 11-03-21-xx approving Coastal Development Permit CDP11-0003.

APPLICANT/OWNER: City of Dana Point

REQUEST: A Coastal Development Permit for a Major Public Works Project for streetscape improvements along Pacific Coast Highway (PCH) and Del Prado Avenue between the streets of Blue Lantern and Copper Lantern. Implementation of the proposed project will re-establish two-way circulation for Pacific Coast Highway (PCH) and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern and result in additional public parking.

LOCATION: The proposed streetscape improvements will take place within the Town Center Plan area along and within Pacific Coast Highway and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern.

NOTICE: Notices for the Public Hearing were mailed on March 9, 2011, to property owners within a 500-foot radius, and occupants within 100 feet of the subject area. On March 10, 2011, the notice was published within a newspaper of general circulation in the City of Dana Point. Additionally on March 11, 2011, the notice was posted at the Dana Point City Hall, the Dana Point and
Capistrano Beach branch post offices, and the Dana Point Library.

ENVIRONMENTAL

Pursuant to the California Environmental Quality Act (CEQA), the lead agency, City of Dana Point, has prepared a Final Project Environmental Impact Report (EIR) for the proposed project (State Clearing House # 2010041056). Copies of the Final EIR are available at the City’s Department of Community Development and can also be viewed on the City’s website at www.danapoint.org.

The Final Project EIR has identified potentially significant adverse impacts associated with the implementation of the proposed project. For each potential impact, the EIR has identified mitigation measures to reduce potential impacts, to a level of less than significant that may occur due to the project’s implementation. The Mitigation Monitoring and Reporting Program (MMRP) will ensure implementation of the proposed mitigation measures.

During the forty-five (45) days public comment period on the draft EIR, from December 3, 2010, to January 17, 2011, the City received seven comments. The public comments and the City’s responses are attached to the Final Project EIR as Appendix G.

ISSUES

- Project consistency with the Dana Point Town Center Plan, General Plan, Zoning Ordinance, and Local Coastal Plan.

- Project’s compliance with all the findings required pursuant to the City’s Zoning Ordinance for the approval of a Coastal Development Permit and certification of the Final Project EIR and resulting Mitigation Monitoring and Reporting Program.

BACKGROUND

The Town Center Plan was originally approved by the City Council in November of 2006. The Plan provides a framework of policies, development standards and design guidelines that are designed to guide private property development. The Plan also includes several future implementation actions on the part of the City. Perhaps the most important implementation action that needs to occur in order to transform the Town Center into a pedestrian oriented environment of broad community value and importance are the public improvements to the streetscape environment.

Prior to the City’s adoption of the Town Center Plan, the City’s Town Center Subcommittee held numerous public meetings to consider the need for public improvements in Town Center. Among the many recommendations of the
subcommittee was the need for street and right-of-way improvements to be made to Del Prado Avenue and PCH. The Subcommittee further recommended that the two street sections (Del Prado and PCH) both be reconfigured from one-way traffic flow to two-way traffic flow. Finally, at the meeting of November 6, 2007, the City Council approved the concept for reconfiguring the traffic circulation pattern from one-way to two-way for the subject streets. Implementation of the proposed project will re-establish two-way circulation for both PCH and Del Prado.

Additionally, the project will implement the following goals and policies of the Town Center Plan:

**Goal:** Improve the Town Center as one of the City’s primary shopping districts with a small town “village” atmosphere.

- **Policy 2.1:** Improve pedestrian opportunities and create an attractive pedestrian environment within the Town Center.
- **Policy 2.2:** Create safety buffer of street trees, planters and street furniture between pedestrian walks and the street along both PCH and Del Prado. Provide widened sidewalks with a special Town Center streetscape design.
- **Policy 2.14:** Utilize historic lantern design for lighting in public improvements and private development and 2-foot grid pattern to reflect historic character.

**Goal:** Slow down the speed of the traffic through Town Center while maintaining efficient and safe vehicular, pedestrian, and bicycle travel.

- **Policy 3.1:** Reduce the disruptive and negative impact of traffic movements and high traffic speeds in the Town Center.
- **Policy 3.2:** Establish patterns of land use and circulation that promote the desired pedestrian character of the area.
- **Policy 3.3:** Improve pedestrian circulation in the Town Center, including pedestrian linkages with the bluff top lookouts, heritage Park, and Dana Point Harbor.

**GOAL:** Maintain and revitalize the character of designated historic structures in the Town Center.

- **Policy 7.1:** Seek to protect and revitalize historic elements in the Town Center, such as the original lanterns and historic concrete stamps.

**GOAL:** Require landscape improvements and incorporated amenities that
improve the pedestrian environment and create a strong sense of place for the Town Center.

Policy 9.1: Benches, kiosks or art features should be incorporated into the landscaping as amenities to pedestrians.

Policy 9.4: Landscaping shall be designed so it does not interfere with pedestrian circulation.

Policy 9.5: Best Management Practices (BMPs) for landscaping, in addition to those required by the City's Local Implementation Plan, shall be considered.

Policy 9.6: Landscaping shall not interfere with visibility of businesses and signage.

Policy 9.8: Street trees shall be limited to the maximum allowed building height (40 feet).

Policy 9.9: Street landscaping elements (i.e., trees/shrubs) shall be selected which are appropriate for sidewalk environments to limit the potential of root systems which may buckle sidewalks.

Policy 9.10: In addition to the adopted Zoning Code Landscape Design Standards that encourage use of drought tolerant landscaping as well as protection, preservation and enhancement of native species, the use of non-invasive plant species shall be required.

Goal: Continue the City's commitment to protecting water quality by seeking strict standards and subsequent enforcement of those standards for all new public and private development and significant redevelopment.

Policy 9.11: In addition to CEQA as applied to specific project development, projects will be consistent with Sections 30230 and 30231 of the California Coastal Act for water quality.

Policy 9.12: All development within the Town Center shall meet the requirements of the San Diego Regional Water Quality Control Board (SDRWQCB) National Pollutant Discharge Elimination System (NPDES) permit.

Policy 9.13: All development within the Town Center shall be consistent with water quality related provisions in Chapter 15.10 of the City of Dana Point Municipal Code, the City's Standard Urban Stormwater Mitigation Plan (SUSMP) and the City's "Local Implementation Plan (LIP)."
Policy 9.14: All development shall incorporate Best Management Practices (BMPs) designed to minimize or avoid the runoff of pollutants from structures, landscaping, parking and loading areas.

DISCUSSION

Pursuant to the City’s Zoning Code and Local Coastal Program, the proposed project requires the approval of a Coastal Development Permit as it meets the definition of a “Major Public Works Project”.

Existing Conditions: At the present time, PCH and Del Prado Avenue, between the Streets of Blue Lantern and Copper Lantern, operate as a one way couplet, with three (3) through lanes, generally within an 80-foot right-of-way. The existing parkways (area outside of existing street curbs), are approximately 12 feet wide, with variable width sidewalks that meander around existing tree wells and driveway approaches. Landscaping along both the streets is limited to parking tree wells (measuring 4 foot by 4 foot) located at various locations, and planter areas located on private property adjacent to the public rights-of-way.

Improvements: In addition to re-establishing two way circulation for both PCH and Del Prado Avenue, implementation of this Phase I project will provide improvements along Del Prado Avenue that include parkway widening and streetscape beautification; removal of traffic signals and installation of all-way stops at Ruby Lantern, Violet Lantern and Amber Lantern; additional parking; street light improvements; installation of new signage and banner poles; drainage and water quality enhancements; sidewalk enhancements; wall and retaining wall construction; pavement resurfacing; construction of new curb and gutter; drainage improvements; modification of certain vehicular access points including relocation or closure of certain driveway entries; construction of new landscape medians; parkway landscaping and irrigation; and installation of new parkway trees and protection of existing trees where possible.

The proposed PCH improvements include two traffic signal installations and associated improvements/modifications; signing and striping modifications; improved access to bus transit; traffic, landscape and hardscape modifications to the “gateways” at Blue Lantern and Copper Lantern; minor drainage improvements; construction of new landscape medians from Blue Lantern to Amber Lantern; street and parkway improvements as needed to accommodate bus turnouts and U-turns at designated locations; modification of certain vehicular access points; and relocation of some on-street parking.

Project Schedule: The proposed improvements will proceed to the construction phase once funding is secured by the City of Dana Point. The construction activity is estimated to last approximately 12 months. The project construction is anticipated to begin as early as 2012 and could extend into 2013. This time frame is however, dependent on several factors including funding availability, and prevailing economic conditions, which could delay the work for two to three years.
To assure that physical access is maintained to all businesses and properties within the Town Center area, construction of the PCH/ Del Prado Avenue Phase 1 Streetscape Improvements Project will be performed in various phases. The first step will be the construction on PCH with establishment of two-way traffic. Del Prado Avenue will remain open during this construction albeit a single eastbound lane.

Del Prado Avenue street curb relocation work will be undertaken in four increments, with a quarter section at a time. To encourage customers to use businesses within the project limits during the construction period, “Business Open” and parking signage as well as event publications will be used to keep the public and business community informed.

Construction for Phase II is not included as part of this project and would be considered independently at a later date depending on availability of funding. This last Phase would essentially provide improved parkways, medians and repaving of PCH between Blue Lantern and Copper Lantern.

Environmental Impact Report: The proposed project was analyzed in detail in the Environmental Impact Report (EIR) prepared by the City of Dana Point for the project. Copies of the Final EIR are available at the City’s Department of Community Development and can also be viewed on the City’s website at www.danapoint.org.

The EIR concludes the project will achieve the following specific objectives:
- Improved overall traffic circulation and safety
- Street beautification
- Pedestrian enhancements to support mixed use development
- Improved lighting and use of reduced energy LED lighting
- Improved drainage facilities
- Increased parking overall
- Improved ocean water quality
- Reduced long term noise levels
- Improved access to bus and bicycle public transit
- Improved long term air quality
- Improved accessibility

Staff is recommending the certification of the Final Project EIR with this project.

CONCLUSION
The proposed project is consistent with the City’s General Plan, Zoning Ordinance, Town Center Plan, and Local Coastal Program. Staff is recommending that the Planning Commission certify the Final Project EIR and approve the Mitigation Monitoring and Reporting Program and Coastal Development Permit CDP11-0003 for the proposed project, subject to the attached draft resolutions containing required findings and conditions of approval.
ATTACHMENTS:

1. Draft Planning Commission Resolutions No. 11-03-21-xx, and 11-03-21-xx

2. Project Plans
SUPPORTING DOCUMENT C

CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING MINUTES

March 21, 2011
6:00 – 6:38 p.m.

ACTION: Motion (Denton) and seconded (Newkirk) to adopt Resolution 11-03-21-05 approving Site Development Permit SDP10-0032 to allow the construction of a new, two-story, single-family dwelling on each of the six (6) lots recorded as part of Tract 15924. Motion carried 5-0. (AYES: Claus, Conway, Denton, O’Connor, Newkirk NOES: None ABSENT: None ABSTAIN: None)

ITEM 3: Environmental Impact Report No. 2010041056 and Coastal Development Permit CDP11-0003 for a major Public Works project for Pacific Coast Highway/Del Prado Phase I streetscape improvements within and along Pacific Coast Highway and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern.

Applicant:
Owner:
Location(s):
City of Dana Point
The proposed streetscape improvements will take place within the Town Center Plan area along and within Pacific Coast Highway and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern.
REQUEST: A Coastal Development Permit for a Major Public Works Project for streetscape improvements along Pacific Coast Highway (PCH) and Del Prado Avenue between the streets of Blue Lantern and Copper Lantern. Implementation of the proposed project will re-establish two-way circulation for Pacific Coast Highway (PCH) and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern and result in additional public parking.

ENVIRONMENTAL: Pursuant to the California Environmental Quality Act (CEQA), the lead agency, City of Dana Point, has prepared a Final Project Environmental Impact Report (EIR) for the proposed project (State Clearing House # 2010041056). Copies of the Final EIR are available at the City’s Department of Community Development and can also be viewed on the City’s website at www.danapoint.org.

The Final Project EIR has identified potentially significant adverse impacts associated with the implementation of the proposed project. For each potential impact, the EIR has identified mitigation measures to reduce potential impacts, to a level of less than significant that may occur due to the project’s implementation. The Mitigation Monitoring and Reporting Program (MMRP) will ensure implementation of the proposed mitigation measures.

During the forty-five (45) days public comment period on the draft EIR, from December 3, 2010, to January 17, 2011, the City received seven comments. The public comments and the City’s responses are attached to the Final Project EIR as Appendix C.

RECOMMENDATION: Kyle Butterwick (Director) recommended that the Planning Commission continue the item to the meeting of April 18, 2011 to allow for staff time to review and respond to correspondence received earlier in the day.

Chairman Conway opened the Public Hearing.

Deborah Rosenthal (Representing: American Commercial Equities - Santa Ana) stated that she sent the letter and apologized for sending it late. She thanked the City for spending the time to review their concerns raised in the letter. She hoped for staff to have met again with ACE (one of the property owners along Del Obispo) and that they would be able to resolve concerns about the environmental impact review and the mitigation.
Terry Goller (Dana Point) stated that she has worked on some configuration ideas with the business owner of the Teak Store. They would like staff to reconsider the diagonal parking on Del Prado. She suggested moving the bike path/lanes to Santa Clara, making it safer for bicyclists.

**ACTION:** Motion (O'Connor) and seconded (Claus) to continue this item to the April 18, 2011 Planning Commission meeting. Motion carried 5-0. (AYES: Claus, Conway, Denton, O'Connor, Newkirk NOES: None ABSENT: None ABSTAIN: None)

**E. NEW BUSINESS**

There was no New Business.

**F. STAFF REPORTS**

Kyle Butterwick (Director) presented an engraved gavel to outgoing Chairman Conway on behalf of City staff, his fellow Commissioners, the Vice-Chairwoman and the City of Dana Point; thanking him for his professionalism, loyalty, dedication of outstanding service and the success of his past four years on the Planning Commission.

**G. COMMISSIONER COMMENTS**

Commissioner Denton wished Chairman Conway the best going forward and thanked him for all his support and help.

Vice-Chairwoman O'Connor stated that it has been a pleasure to work with Chairman Conway and that his accomplishments have made a difference which is appreciated and he will be missed.

Commissioner Claus stated that it has been a delight working with Chairman Conway these past few years and added that there is no question that he will be missed.
D. PUBLIC HEARINGS

ITEM 2: Environmental Impact Report (SCH# 2010041056) and Coastal Development Permit CDP11-0003 for a major Public Works project for Pacific Coast Highway/Del Prado Phase I streetscape improvements within and along Pacific Coast Highway and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern. (Continued from the regular Planning Commission meeting of March 21, 2011).

Applicant:
Owner:
Location(s):
The proposed streetscape improvements will take place within the Town Center Plan area along and within Pacific Coast Highway and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern.

Recommendation: That the Planning Commission table the agenda item. The project will be re-noticed after preparation and recirculation of the supplement to the Environmental Impact Report.

THERE WAS A CONSENSUS OF THE PLANNING COMMISSION TO TABLE THIS ITEM.

ITEM 3: Antenna Use Permit AUP06-04 (Major) for the co-location of new commercial wireless antennas on an existing stealth, freestanding, monopine wireless communications facility and accompanying equipment structure with a Variance V06-07 to increase the height of the 50 foot monopine by eight (8) feet ten (10) inches.

Applicant: Royal Street Communications
Owner: Faith Lutheran Church of Capistrano Beach
Location(s): 34381 Calle Portola (APN 123-392-01)

Recommendation: That the Planning Commission continue Antenna Use Permit AUP06-04 (Major) and Variance V06-07 to the next regularly scheduled Planning Commission meeting of May 2, 2011.

ACTION: Motion made (Denton) and seconded (Claus) to continue this item to the regular Planning Commission meeting of May 2, 2011. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: None)
SUPPORTING DOCUMENT E

CITY OF DANA POINT
PLANNING COMMISSION
AGENDA REPORT

DATE: NOVEMBER 7, 2011
TO: DANA POINT PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: ENVIRONMENTAL IMPACT REPORT (SCH#2010041056) AND COASTAL DEVELOPMENT PERMIT CDP11-0003 FOR A MAJOR PUBLIC WORKS PROJECT FOR PACIFIC COAST HIGHWAY/DEL PRADO PHASE I STREETSCAPE IMPROVEMENTS WITHIN AND ALONG PACIFIC COAST HIGHWAY AND DEL PRADO AVENUE BETWEEN THE STREETS OF BLUE LANTERN AND COPPER LANTERN.

RECOMMENDATION: That the Planning Commission adopt the attached draft Resolution No. 11-11-07-xx, certifying the Final Project Environmental Impact Report No. 2010041056 and associated Mitigation Monitoring and Reporting Program (MMRP) and draft Resolution No. 11-11-07-xx approving Coastal Development Permit CDP11-0003.

APPLICANT/OWNER: City of Dana Point

REQUEST: A Coastal Development Permit for a Major Public Works Project for streetscape improvements along Pacific Coast Highway (PCH) and Del Prado Avenue between the streets of Blue Lantern and Copper Lantern. Implementation of the proposed project will re-establish two-way circulation for Pacific Coast Highway (PCH) and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern and result in additional public parking.

LOCATION: The proposed streetscape improvements will take place within the Town Center Plan area along and within Pacific Coast Highway and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern.

NOTICE: Notices for the Public Hearing were mailed on October 26, 2011, to property owners within a 500-foot radius, and occupants with 100 feet of the subject area. On October 28, 2011, the notice was published within a newspaper of general circulation in the City of Dana Point. Additionally on October
28, 2011, the notice was posted at the Dana Point City Hall, the Dana Point and Capistrano Beach branch post offices, and the Dana Point Library.

ENVIRONMENTAL
Pursuant to the California Environmental Quality Act (CEQA), the lead agency, City of Dana Point, prepared a Final Project Environmental Impact Report (EIR) and a Supplemental Environmental Analysis for the proposed project (State Clearing House #2010041056).

Copies of the Final EIR and the Supplemental Environmental Analysis are available at the City’s Department of Community Development and can also be viewed on the City’s website at www.danapoint.org.

The Final Project EIR and the Supplemental Environmental Analysis has identified potentially significant adverse impacts associated with the implementation of the proposed project. For each potential impact, the EIR has identified mitigation measures to reduce potential impacts, to a level of less than significant that may occur due to the project’s implementation. The Mitigation Monitoring and Reporting Program (MMRP) will ensure implementation of the proposed mitigation measures.

ISSUES
- Project consistency with the Dana Point Town Center Plan, General Plan, Zoning Ordinance, and Local Coastal Plan.

- Project’s compliance with all the findings required pursuant to the City’s Zoning Ordinance for the approval of a Coastal Development Permit and certification of the Final Project EIR and resulting Mitigation Monitoring and Reporting Program.

BACKGROUND
The Planning Commission conducted its first public hearing on this project on March 21, 2011. At that hearing the Commission took public testimony and continued the item to its April 18, 2011 meeting to give staff time to address issues raised by the public. At the April 18, 2011 meeting, the item was tabled to allow sufficient time to prepare and circulate a supplemental environmental analysis of the project that was prepared, in response to comments received by the City.

Minutes of the meeting and the staff report for the March 21, 2011, meeting are attached to this report including a detailed description of the proposed project.

DISCUSSION
To address land use and circulation issues identified in comments received following the public review and comment period, intersection/roadway improvements at two
locations within the project have been modified. These modifications are described below:

**North Gateway**
- A portion of the open space area, seat walls, monument and other improvements at the North Gateway on PCH between Blue Lantern and Del Prado Avenue, as shown on the original design, are proposed to be reduced. The majority of the area, instead, is proposed to be vacated to the adjacent property owners of 34091 PCH and 24292 Del Prado.
- Eastbound PCH between Blue Lantern and Del Prado Avenue, was widened by 12 feet to include a street pavement, chevron-striped area between the bike & traffic lanes and to allow the construction of a parking cutout. The parking cutout results in the addition of five (5) on-street parking spaces along PCH between Blue Lantern and Del Prado Avenue.
- One additional Royal Date Palm is proposed to be planted in the parkway along PCH between Blue Lantern and Del Prado Avenue, increasing the number from 4 to 5 Royal Date Palms. The Tipu trees, proposed in the original design to be planted in front of 34091 PCH and 24292 Del Prado, have been eliminated from the plans.

**Ruby Lantern between PCH and Del Prado Avenue**
- The parkway landscape area located between 34105 PCH and the proposed back of sidewalk along Ruby Lantern between PCH and Del Prado Avenue (west side only), as shown on the original design, is proposed to be vacated to the property owner of 34105 PCH.

**Design modifications made on Del Prado Avenue between Old Golden Lantern and Golden Lantern**
- The landscaped median on Del Prado Avenue between Old Golden Lantern and Golden Lantern has been reduced to include a left turn pocket lane from the proposed westbound Del Prado onto Old Golden Lantern;
- Signing & striping on Old Golden Lantern and Del Prado Avenue have been revised to allow left turn movements at the intersection of Del Prado Avenue and Old Golden Lantern.

**CONCLUSION**
The proposed project is consistent with the City's General Plan, Zoning Ordinance, Town Center Plan, and Local Coastal Program. Staff is recommending that the Planning Commission certify the Final Project EIR and Supplemental Environmental Analysis and approve the Mitigation Monitoring and Reporting Program and Coastal
Development Permit CDP11-0003 for the proposed project, subject to the attached
draft resolutions containing required findings and conditions of approval.

John Tilton, AIA  
City Architect/Planning Manager

Kyle Butterwick, Director  
Community Development Department

ATTACHMENTS:

1. Draft Planning Commission Resolution No. 11-11-07-xx with Exhibits A through D (Environmental Documents)
2. Response to Public Comments
3. Draft Planning Commission Resolution No. 11-11-07-xx (CDP)
5. Planning Commission Staff Report dated March 21, 2011
6. Revised Project Improvement Plans
C. CONSENT CALENDAR

ITEM 2: A one-year time extension of Site Development Permit SDP08-0031 to allow the construction of a new, two-story, 5,096 square foot mixed-use structure with offices on the first-floor and a residence and additional offices on the second floor; as well as a request for an increase in total permitted lot coverage at 26852 Calle Hermosa.

Applicant: Pat Meek (Logan Homes)
Owner: Blue Lantern LLC
Location: 26852 Calle Hermosa

Request: To grant a second (and final) one-year extension of a discretionary permit originally approved October 28, 2008, providing entitlement to construct a new, two-story, 5,096 square foot mixed-use structure with offices on the first-floor and a residence and additional offices on the second floor; as well as allowing an increase in total permitted lot coverage.

Recommendation: That the Planning Commission approve a (final) one-year time extension of Site Development SDP08-0031.

ACTION: Motion made (Claus) and seconded (Denton) to approve the Consent Calendar. Motion carried 5-0. (AYES: Claus, Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: None ABSTAIN: None)

D. PUBLIC HEARINGS

Commissioner Claus recused herself from the following item at 6:04 p.m.

ITEM 3: Environmental Impact Report (SCH#2010041056) and Coastal Development Permit CDP11-0003 for a major Public Works project for Pacific Coast Highway/Del Prado Phase 1 Streetscape Improvements within and along Pacific Coast Highway and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern.

Applicant/Owner: City of Dana Point
Location: The proposed streetscape improvements will take place within the Town Center Plan area along and within Pacific Coast Highway and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern.
Request: A Coastal Development Permit for a Major Public Works Project for streetscape improvements along Pacific Coast Highway (PCH) and Del Prado Avenue between the streets of Blue Lantern and Copper Lantern. Implementation of the proposed project will re-establish two-way circulation for Pacific Coast Highway (PCH) and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern and result in additional public parking.

Environmental: Pursuant to the California Environmental Quality Act (CEQA), the lead agency, City of Dana Point, prepared a Final Project Environmental Impact Report (EIR) and a Supplemental Environmental Analysis for the proposed project (State Clearing House # 2010041056).

Copies of the Final EIR and the Supplemental Environmental Analysis are available at the City’s Department of Community Development and can also be viewed on the City’s website at www.danapoint.org.

The Final Project EIR and the Supplemental Environmental Analysis has identified potentially significant adverse impacts associated with the implementation of the proposed project. For each potential impact, the EIR has identified mitigation measures to reduce potential impacts, to a level of less than significant that may occur due to the project’s implementation. The Mitigation Monitoring and Reporting Program (MMRP) will ensure implementation of the proposed mitigation measures.

Recommendation: That the Planning Commission adopt the attached draft Resolution No. 11-11-07-21, certifying the Final Project Environmental Impact Report No. 2010041056 and associated Mitigation Monitoring and Reporting Program (MMRP) and draft Resolution No. 11-11-07-22 approving Coastal Development Permit CDP11-0003.

Kyle Butterwick (Director) introduced City Staff, the Director of Public Works, Mr. Brad Fowler, who will provide an overview and summary of the current status of the project. He also introduced Mr. David Cosgrove, a representative from the City Attorney’s office involved in the legal details of the proposal.

John Tilton (City Architect/Planning Manager) provided a brief staff report. He recalled that the City Council’s previous decision to approve the two-way traffic circulation and that this proposal is based on physical improvements described in the Town Center Plan.
Brad Fowler (Director of Public Works) introduced Mr. Keeton Kreitzer from Keeton Kreitzer Associates who prepared the environmental study; Mr. Rich Barreto, Principal at Linscott, Law & Greenspan, Engineers (LLG), who prepared the traffic circulation plan. Both were available to respond to questions. He indicated that a letter of correspondence was received from Wendy McDonald indicating her concern about reestablishing the two-way traffic circulation on PCH and Del Prado, and moving traffic signals on Del Prado, Ruby Lantern and Violet Lantern. He stated that those concerns will be discussed during the course of the evening. He stated that a minor revision to the staff report was made and he directed Mr. David Cosgrove to provide the details.

David Cosgrove (Rutan & Tucker LLP) addressed one minor revision in Exhibit C, under the “Statement of Findings and Facts” (I. Introduction, Page 2) number 8, to read:

“The Comments received during the public review period for the Draft EIR were responded to in Response to Comments document dated October 2011, and distributed to each public agency commenter (adding the words: ‘public agency’) ten days prior to consideration by the Dana Point Planning Commission” (right now it says the City Council).

Mr. Cosgrove stated that the City would like to insert “public agency” before the “commenter” in number 8, and change City Council to “Planning Commission”. He suggested that a motion to approve should include those changes.

Brad Fowler (Director of Public Works) gave a brief engineering and facility overview of the project description. He stated that he would answer any questions before the discussion on the environmental study.

Rich Barreto (Linscott, Law & Greenspan, Engineers) in response to Commissioner Newkirk’s questions, briefly described traffic patterns on Blue Lantern and the section between the alley and Pacific Coast Highway. He also addressed bicycle access at Del Prado and Old Golden Lantern, and how signage and stripping will allow bicyclist to share the road with vehicle traffic.

Keeton Kreitzer (Keeton Kreitzer Associates) reviewed the environmental document. He also addressed the function and role of the Mitigation Monitoring and Reporting Program (MMRP).
CITY OF DANA POINT
PLANNING COMMISSION
REGULAR MEETING MINUTES

November 7, 2011
6:00 – 8:09 p.m.

Chairwoman O’Connor opened the Public Hearing.

Whitney Hodges (Costa Mesa, Sheppard Mullin Richter & Hampton LLP) stated that she was speaking on behalf of American Commercial Equities (ACE) and they thanked the City for making changes to the project in response to their comments, but they still believe that the traffic, alley, and compensation issues that were raised in their March 21, 2011 letter were not adequately addressed. She stated that ACE and City staff have met continually on these issues and they look forward to continuing to work with the City on those issues.

In response to Commissioner Preziosi, Ms. Hodges clarified that the issue is with the way the project is laid out, some of the easements that will be needed from the properties will restrict access to the parking that already facilitates ACE’s properties. She explained how taking out the access and entry ways to the property would force traffic to use the alley, and questioned whether the width of the alley would be an adequate two-way traffic.

Chairwoman O’Connor closed the Public Hearing.

Commissioner Newkirk stated that he viewed the Town Center as a long term project that has been thoroughly reviewed. He said the change would not be easy but added that it is a positive project that would create a business and community friendly environment, and he is in full support of the request.

Vice-Chairman Denton stated that this is a key step to successfully change the Town Center to a business and customer friendly area. The City needs to invest a year for construction of the project which will have an impact on a number of people but, the project would be a great investment for the ultimate future of the downtown. He stated that this is a positive step and one of the finest examples of the City coming together in the review process. He stated that he would vote for the project and looks forward to it starting sooner than later.

Commissioner Preziosi stated that he seconds the views of both Commissioner Newkirk and Vice-Chairman Denton. He added that he has been looking forward to a change in downtown with a pedestrian friendly environment and would like to help change the perspective that Dana Point is a gated community. He felt that the City has invested a great deal of time and effort, making the Town Center both pedestrian-friendly and bike-friendly. He also felt that businesses will suffer in the short term because change is painful. Overall for the greater good of the community, this is a long overdue addition and he would be happy to vote in support.
Chairwoman O'Connor stated that she agreed with her fellow Commissioners. She stated that the widening of the sidewalks, addition of trees and the extra landscaping improvements were important to a pedestrian-friendly environment. She added that the extra turn lanes will keep traffic nice and smooth for the residents, visitors and the businesses, a great enhancement to the City.

**ACTION:** Motion made (Denton) and seconded (Newkirk) to adopt Resolution No. 11-11-07-21 certifying Final Project Environmental Impact Report including Supplemental Environmental Analysis (State Clearinghouse No. 2010041056) and a Mitigation Monitoring and Reporting Program for Coastal Development Permit, CDP11-0003 (Resolution No. 11-11-07-22) for Pacific Coast Highway/Del Prado Avenue Phase I Streetscape Improvements within and along Pacific Coast Highway and Del Prado Avenue between the Streets of Blue Lantern and Copper Lantern, including the modification to Exhibit C (previously identified to the Planning Commission). Motion carried 4-0-1. (AYES: Denton, Newkirk, O'Connor, Preziosi NOES: None ABSENT: Claus (Recused) ABSTAIN: None)

Commissioner Claus returned to the meeting at 7:03 p.m.

**ITEM 4:** A Coastal Development Permit CDP11-0007 and Minor Site Development Permit SDP11-0017(M) to allow the demolition of an existing, single-family dwelling, the construction of a new, two-story, single-family dwelling as well as a new retaining wall proposed in excess of 30 inches in height on a coastal bluff located at 35141 Camino Capistrano. Variance V11-0001 is requested to permit development within the coastal bluff edge setback.

Applicant: Robert Theel (Robert Theel Company)
Owner: Daniel Rodriguez and Debra Liebert
Location: 35141 Camino Capistrano

Request: Approval of Coastal Development Permit CDP11-0007, V11-0001 and SDP11-0017(M) to allow the demolition of an existing residential dwelling, the construction of a new, two-story, single-family dwelling as well as a retaining wall proposed in excess of 30 inches in height.

Environmental: Pursuant to the authority and criteria contained in the California Environmental Quality Act (CEQA), the Community Development Department has
November 22, 2011

VIA FAXSIMILE AND E-MAIL

Ms. Kathy Ward, City Clerk
City of Dana Point
33282 Golden Lantern
Dana Point, California 92629
Facsimile: (949) 248-9920
E-Mail: kward@danapoint.org

Re: Appeal of the City of Dana Point Planning Commission’s Adoption of Resolution No. 11-11-07-vv

Dear Ms. Ward:

This firm represents American Commercial Equities, LLC ("ACE") in connection with the proposed Streetscape Improvements for the Town Center Plan Area Project ("Project") proposed by the City of Dana Point ("City") in the area that encompasses Pacific Coast Highway and Del Prado Avenue between Blue Lantern and Copper Lantern (the "Project Area"), within the Dana Point Town Center. On behalf of ACE, this letter appeals the above-referenced decision by the City’s Planning Commission ("Planning Commission") at its November 7, 2011 meeting. This decision certified the Final Project Environmental Impact Report No. 2010041056 ("EIR") and the associated Mitigation Monitoring and Reporting Program, and adopted Coastal Development Permit 11-0003 ("CDP") (the "Decision").

ACE owns property in the Project Area located at 24462 and 24470 Del Prado Avenue and 34091 Pacific Coast Highway. The ACE properties and uses are well-established and will be adversely affected by the Project. In particular, access to the ACE properties and uses will be limited to the existing twenty foot wide rear alley, with no room for vehicles to turn around or drive through. The rear alley also serves residential garages along its southern boundary, and is currently unlit. Truck deliveries will have to occur in the alley, or in the parking or traffic lanes on Del Prado Avenue. ACE believes the loss of direct street access will adversely affect the viability of businesses on Del Prado and will be a serious safety hazard for drivers and pedestrians using the alley.

ACE submitted extensive comments on the Project in opposition to loss of access to Del Prado and other important aspects of the Project, in letters submitted to the Planning
Commission on March 21 and November 7, 2011. Although the City has made some revisions to project design and supplemented its California Environmental Quality Act review, these modifications have not corrected the fundamental safety and functionality issues raised by the Project. Our continuing concerns are set forth in the letter dated March 21, 2011, a copy of which is attached hereto and incorporated herein.

ACE hopes to continue to work with the City to resolve its concerns during the appeal of the Planning Commission's decision. However, should these concerns not be successfully resolved, ACE respectfully requests that the City Council overturn the Decision certifying the EIR and approving the CDP, until the Project has been adequately evaluation and mitigated in accordance with CEQA. Thank you for your attention to this matter.

Very truly yours,

Deborah M. Rosenthal, AICP

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

cc: Patrick Munoz, Esq.
    Mr. Brad Fowler
    Mr. David Singelyn
    Mr. Jim Smith
    Sara Vogt-Lowell, Esq.
SHEPHERD MULLIN RICETIER & HAMPTON LLP

City Clerk
November 22, 2011
Page 3

bcc: Whitney Hodges, Esq.
March 21, 2011

VIA FACSIMILE AND E-MAIL

Planning Commission
City of Dana Point
33282 Golden Lantern
Dana Point, California 92629
Facsimile: (949) 248-9920
E-Mail: djacobo@danapoint.org

Re: Objections to the Environmental Impact Report of the Streetscape Improvements for the Town Center Plan Area Project

Dear Honorable Chairman Conway and Members of the Planning Commission:

This firm represents American Commercial Equities, LLC ("ACE") in connection with the proposed Streetscape Improvements for the Town Center Plan Area Project (the "Project") proposed by the City of Dana Point (the "City") in the area that encompasses Pacific Coast Highway and Del Prado Avenue between Blue Lantern and Copper Lantern (the "Project Area"), within the Dana Point Town Center ("Town Center"). On behalf of ACE, this letter comments on the Final Environmental Impact Report ("EIR") prepared for the Project and the related Coastal Development Permit 11-0003 ("CDP11-0003").

ACE owns property located at 24462 and 24470 Del Prado Avenue and 34091 Pacific Coast Highway. ACE rents restaurant, office, retail and residential space on the property located at 24462 and 24470 Del Prado Avenue (the "Amber Lantern Property"). ACE rents to a design center and boutique store, Bella Bazaar, on the property located at 34091 Pacific Coast Highway (the "Blue Lantern Property"). All of these properties and uses are well-established. They all take primary access from Del Prado Avenue.

The Project includes public street and right-of-way improvements to Pacific Coast Highway and Del Prado Avenue in the Town Center. The plan includes improvements such as parkway widening, return to two-way operations, relocation of on-street parking, streetscape beautification, "gateway" improvements, and attendant right-of-way acquisition. Other improvements include sidewalk enhancements, wall and retaining wall construction, and the modification of certain vehicular access points, including relocation or closure of certain driveways.
ACE recognizes the importance of enhancing through-movement and making the Town Center more readily accessible to residents and visitors. ACE also supports the City's desire to enhance the market potential of existing businesses, attract new uses that will strengthen the economic viability of the Town Center and enhance the image and identity of the Town Center as the heart of Dana Point. However, public improvement projects must comply with the California Environmental Quality Act ("CEQA").

ACE has submitted extensive comments on the Project since it was first proposed. See attachments 1-3. Unfortunately, the EIR reflects the same deficiencies that have existed in the Project throughout the planning process. The City has ignored or downplayed the serious impact that the Project will have on businesses along Del Prado. In addition to short-term construction access, the ACE properties and other businesses will permanently lose their primary access, parking and visibility as a result of the Project. The replacement access proposed by the City is not only substandard, it is arguably dangerous. See attached photographs. Yet because the EIR fails to acknowledge or analyze these impacts, it offers neither mitigation nor alternatives to the destructive aspects of the Project. The EIR must be revised and recirculated in compliance with CEQA.

I.

SUMMARY

As discussed below, ACE has the following concerns with the respect to the EIR and CDP11-003, each of which is discussed below in detail.

1. The Project is unlawfully split from the Town Center Plan.

2. The EIR's project description is inadequate.

3. The EIR's analysis of the Project on transportation, parking, vehicle access points, air quality, noise, public health and safety, and population and housing impacts are inadequate.

4. The EIR omits findings of fact upon CDP11-003 application will be based.
II. THE EIR VIOLATES CEQA IN NUMEROUS RESPECTS

A. Overview of CEQA.

CEQA was enacted in response to the well-documented failure of state and local governmental agencies to consider fully the environmental implications of their actions. Selmi, The Judicial Development of the California Environmental Quality Act, 18 U.C.D. L. Rev. 197, 202 (1984). The California Supreme Court has repeatedly affirmed that CEQA must be interpreted liberally "to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." Laurel Heights Improvement Assn. v. The Regents of the University of California ("Laurel Heights") (1988) 47 Cal.3d 376, 390, quoting Friends of Mammoth v. Board of Supervisors (1972) 8 Cal.3d 247, 259.

Two of the central purposes of CEQA are to inform governmental decision-makers and the public about the potential significant environmental effects of a proposed project and to identify ways that environmental damage can be avoided or significantly reduced. (Guidelines §§ 15002(a) and (b).)

The EIR is the heart of CEQA. (Guidelines § 15003(a).) As noted by the California Supreme Court, the EIR:

is the primary means of achieving the Legislature's considered declaration that it is the policy of this state to 'take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state.' (§ 21001, subd. (a).) . . . Because the EIR must be certified or rejected by public officials, it is a document of accountability. If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees. The EIR process protects not only the environment but also informed self-government.

Laurel Heights, 47 Cal.3d at 392.

An EIR must be "prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (Guidelines § 15151.) "The EIR must contain facts and analysis, not just the bare conclusions of a public agency. An agency's opinion

14 Cal. Code of Regs. §§ 15000 et seq. (the "Guidelines").
concerning matters within its expertise is of obvious value, but the public and decision-makers, for whom the EIR is prepared, should also have before them the basis for that opinion so as to enable them to make an independent, reasoned judgment. Kings County Farm Bureau v. City of Hanford (“Kings County”) (1990) 221 Cal.App.3d 692, 736, quoting Santiago County Water Dist. v. County of Orange (1981) 118 Cal.App.3d 818, 831. The certification of an EIR constitutes a prejudicial abuse of discretion if the failure to include relevant information precludes informed decision-making and informed participation, thereby thwarting the statutory goals of the EIR process. Kings County, 221 Cal.App.3d at 712.

B. The City of Dana Point is Unlawfully Piecemealing the Town Center Plan.

The EIR acknowledges that the Project is the first phase of a larger plan contemplated by the City, the Dana Point Town Center Plan (the “Town Center Plan”). The Plan was adopted by the City Council in November 2006 to encourage the revitalization of the Town Center. The Plan establishes a framework of public improvements that will support private reinvestment and development to encourage a pedestrian friendly environment. To date, an Environmental Impact Review has been not prepared for the overall Town Center Plan.

By analyzing only the Project in the EIR, the City of Dana Point is attempting to segment and implement parts of the Town Center Plan project prior to completion of the required programmatic review. (See, Dana Point Town Center Plan (“DPTCP”), p. 48.) The piecemeal actions include: (1) Streetscape Improvements [DPTCP, p. 48]; (2) Parking Program [DPTCP, p. 48]; (3) In Lieu Parking Program [DPTCP, p. 49]; (4) Historic Preservation [DPTCP, p. 50]; (5) Sign Code and Guidelines [DPTCP, p. 50]; and (6) Art in Public Places [DPTCP, p. 50]. The Project is only one of the contemplated actions, all of which will have a coordinated effect on the physical environment in the Town Center.

The City is prematurely implementing these actions, beginning with this Project, and, thereby, unlawfully piecemealing portions of the Town Center Plan. Under CEQA and the CEQA Guidelines, a "project" is defined as "the whole of an action." (Guidelines, § 15378.) Consequently, the California Supreme Court has stated that CEQA mandates: "that environmental considerations do not become submerged by chopping a large project into many little ones – each with minimal impact on the environment – which cumulatively may have disastrous consequences." Bosung v. LAFCO (1975) 13 Cal.3d 263, 283-284. The City has not certified, or even prepared, an EIR for the Town Center Plan. Therefore, the City is precluded from commencing any of the individual “projects,” including the Project, which make up the larger Town Center Plan.
C. The EIR Unlawfully Provides Inadequate Analysis of Numerous Identified Environmental Impacts.

The EIR is based on little or no analysis of numerous potential environmental impacts, and misclassifies impacts based upon erroneous information. For example, the EIR does not sufficiently analyze Project impacts with respect to transportation, air quality, noise, parking, and safety, and misclassifies impacts regarding population and housing. (See, EIR, Vol. I.)

1. The EIR’s Analysis Of The Project On Transportation, Parking, and Access Points Impacts Is Inadequate.

Del Prado Avenue and Pacific Coast Highway are currently one-way streets that run parallel to each other, effectively functioning as a high-speed divided arterial. Traffic on Del Prado Avenue moves from north to south, while traffic on Pacific Coast Highway moves south to north. On both sides of the Del Prado Avenue are driveways that act as access points to various parking lots serving the properties primarily commercial or office uses along the street. ACE’s Amber Lantern Property has curb cuts for two driveways to different parcels, and Bella Bazaar has one curb cut near Blue Lantern.

a. Transportation and Parking

As we have explained, ACE’s major concern is that the Project calls for the removal of direct access to its properties from Del Prado Avenue, by taking the existing access easements and curb cuts. Instead, the Project will force cars and trucks to enter the properties through a substandard alleyway to park in the existing parking lots. Drivers must proceed to the end of the street and then turn to locate the alley entrances, which are currently unmarked. The EIR leaves open the possibility that the alleys will be made one-way in the future, but fails to analyze the impacts of reducing access to the existing businesses even further. The loss of direct access to the properties poses a substantial risk to the viability of commercial uses in the Project Area.

The Amber Lantern Property will lose, not only access, but important street parking because of the proposed Project design. Vehicles driving north on Del Prado Avenue will have to execute a left turn onto Ruby Lantern, another left turn into the alley and then make their way almost a full block down a narrow alley to reach the parking lots. The existing Jack’s parking lot was not designed for a single access point, and is not configured for front-end ingress and egress to the alley. Because the EIR does not acknowledge the loss of access easements to Del Prado Avenue and the resulting impact on business, it does not suggest feasible mitigation for these impacts, such as City-maintained signage and designated drop-off points.
The Blue Lantern Property is even more seriously impacted by the Project. Vehicles will no longer pass directly in front of Bella Bazaar, which will be separated from the roadways by a wide landscaped area. Vehicles driving north on Del Prado Avenue will have to execute a tricky left turn onto Pacific Coast Highway, another left turn onto Blue Lantern, a third left turn into the alley before reaching Bella Bazaar. This is made even more difficult by the fact that they will not even see Bella Bazaar until they are at the Blue Lantern/PCH intersection. Drivers traveling south on Del Prado will not pass Bella Bazaar, but assuming they already know where they want to go, they will have to turn at the end of the block and negotiate their way down the back alley. Again, the EIR proposed no mitigation measures for the effects of the traffic reconfiguration on adjacent properties or the circulation system.

The EIR erroneously asserts that no historic buildings along either arterial roadway will be adversely affected by the proposed circulation improvements. The Blue Lantern Property, Bella Bazaar, has been deemed a historical building by the Dana Point Historical Society. Loss of visibility, access and setting all affect the historic character of the structure, which requires analysis and mitigation in the EIR.

Additionally, the Project creates two left turn lanes on Blue Lantern to turn north onto Pacific Coast Highway as well as construction of new landscape medians and buffers zones. It appears likely that this will eliminate parking adjacent to Bella Bazaar on Blue Lantern, although this is unclear in the EIR. Existing truck delivery parking on Del Prado and on Blue Lantern will be eliminated by the Project, apparently to be replaced by substandard alley parking.

The EIR also fails to adequately consider whether the reconfigured PCH and Del Prado will realistically be able to carry as much traffic as is currently handled by the one-way configuration. Converting Del Prado from a primary arterial to a two-lane street will have a substantial impact, both on carrying capacity and on the adjacent businesses. ACE is also concerned that drivers who can no longer use Del Prado for through-traffic will seek to use the alleys as a short-cut. The EIR does not address this major reclassification of Del Prado and all of its possible impacts.

While the Project claims to improve circulation and parking availability, the EIR fails to adequately address the loss of parking and delivery spaces and the impact of removing key access driveways. We have previously expressed concern that the queuing analysis along Del Prado does not accurately reflect likely conditions, and will lead to more traffic congestion than anticipated. Therefore, while the Project may improve overall through-traffic, it will create serious traffic circulation and safety problems for the Project Area. The EIR's determination that there will be no unmitigated significant impacts is incorrect.
b. **Vehicular Access**

There EIR utterly fails to discuss the functionality and operations of the properties that will lose their driveway access from Del Prado Avenue as a result of the Project. In addition to Bella Bazaar at Blue Lantern, the Project will remove driveway access to ACE’s Amber Lantern property, which contains Jack’s restaurant, Azalea Salon, Pulse Gym, and thirty residential apartments. This taking adversely and significant impacts access for the tenants, tenant deliveries, and residents. The EIR opines this access is “adequate.” *(Dana Point Town Center Parking Analysis.)* This is incorrect. Therefore, the EIR’s determination is deficient.

Using the south alley, which runs parallel to Del Prado Avenue, for all vehicular access to the ACE properties will further contribute to congestion and traffic hazards. The alley is only twenty feet wide at its widest point, and currently serves as the only access point for residential condominiums lining the south side across from the Amber Lantern Property. Further, it empties onto Ruby Lantern at another extremely busy intersection at Del Prado Avenue. The side streets of Blue Lantern and Ruby Lantern are already heavily traversed and are expected to only become more problematic as the development of the Town Center progresses, translating into numerous delays as vehicles attempt to exit onto these streets. Delivery trucks for properties in the Project Area and children being dropped off and picked up at the Montessori school adjacent to ACE’s property will further exacerbate the congestion. This poses a severe environmental impact that is not adequately addressed in the EIR.

The EIR fails to acknowledge that the 20-foot-wide alleyways adjacent to the ACE properties do not meet any applicable local requirements for primary access. Dana Point Municipal Code Section 7.080.050 provides that private streets serving five or more parcels as access to a public street must have a minimum pavement width of 40 feet. The City’s Zoning Code was recently changed to allow alley access to residential and commercial properties, apparently to facilitate the Project. As a result, Zoning Code Section 9.35.050 now allows pavement widths of 28 feet for alleys that provide access to 21-50 dwelling units, plus a 5-foot sidewalk. Not only are the 20-foot alleys too narrow to provide residential access, there is no room for a sidewalk or for the provision of a “safe and adequate alternative pedestrian circulation system,” as required by the Zoning Code. The City’s General Plan states that local streets are “designed to provide access to individual parcels in the City. Local streets consist of two lanes with a typical right-of-way width of 60 feet and a pavement width of 36 feet.” General Plan Circulation Element, page 18.

The EIR uses inapplicable methodology to conclude that the alleys will provide adequate access and LOS A. Because Dana Point does not assess capacity for streets with lower volumes than local arterials, the EIR looks to the City of Glendale standards for “local streets,” and reports that they have LOS E capacity of up to 2,500 cars per day, without considering that alleys in Glendale must meet local street requirements. The EIR then incorrectly assumes that
the 20-foot-wide alleys south of Del Prado will have the same capacity as local streets and alleys in Glendale, with similar intersection delays.

In fact, alleys in the Project Area are not comparable to Glendale "local streets" or alleys. The Glendale General Plan states that local streets are typically 2-lane roadways with street widths available for parking on one or both sides adjacent to residential land uses. They typically carry 500-700 vehicles per day, although they can accommodate up to 2,500 vehicles per day. As of December 2009, Glendale Municipal Code Section 16.08.690A contained a diagram showing that "local streets" should have 36 feet of paving, with a 60-foot right-of-way. The Glendale Code also contains extensive requirements for driveway and garage access, together with setbacks, to avoid conflict between local roads and residential parking.

It should be apparent that the alleys behind the ACE Properties have little in common with residential local streets and alleys in Glendale. These alleys are barely 20 feet wide, with no parking or sidewalks. Residential garages line one side of the alley, with no setbacks, so that cars back directly into the alley. Telephone poles, fences and dumpsters intrude into the 20-foot wide alleys at intervals. Turning radii do not meet traffic engineering standards, making it especially difficult for trucks and other large vehicles. Standard truck widths exceed 8 feet, so that two trucks could not reasonably pass each other in the alley. A truck parked more than 2 feet from the side of the alley, so that doors can open, would block passage.

The EIR Alley Evaluation estimates that the alley segments between Blue Lantern and Amber Lantern will carry approximately 900 to 1000 average daily trips. This exceeds the typical traffic volumes for Glendale's local residential streets which, as discussed above, are almost twice as wide as the Project alleys. The EIR's conclusion that more than 900 daily trips will result in LOS A is based on the erroneous assumption that the 20-foot-wide mixed use alleys can accommodate the same 2500 daily trips as 36-foot-wide residential streets in Glendale. The Alley Evaluation must be rejected and reassessed with realistic alley capacity standards.

As the EIR reports, the Broderick Montessori School is located near the Amber Lantern property on Del Prado. School pick-up and drop-off will need to occur in the alley because of the Del Prado reconfiguration. Assuming peak hour traffic by the School, there is a high likelihood of conflict with traffic accessing other uses on the 20-foot-wide alley. None of these conditions were evaluated in the EIR either as circulation or safety issues, leading the EIR to understate impacts and avoid mitigation measures. Even minimal mitigation, such as striping and lighting, would have its own impacts, none of which is discussed in the EIR.

2. The EIR's Analysis Of The Project Impacts On Air Quality Is Inadequate.

The EIR concludes that the Project would have significant and unavoidable construction-related and operational emissions. (EIR, p. 4.3-1.) The EIR also finds that the Project is not consistent with the Air Quality Management District's ("AQMD") performance
standards and emission reduction targets for greenhouse gas emissions ("GHGs") and would result in a cumulatively considerable air quality impacts. (Id.) The EIR states the Project does not need to comply with these standards because the AQMD does not apply these standards to traffic improvement programs. (Id.) The EIR further states there is no way to contain the emissions, and the impacts would only be minor due to the lack of viable mitigation measures. (EIR, pp. 1-6, 7).

CEQA does not allow a project to ignore impacts because they are difficult or impossible to mitigate. The EIR acknowledges that the Project would exceed standards in the South Coast air basin, which is already in nonattainment for several criteria pollutants. (Id., pp. 4.3-11, 22.) Where the Project will have significant unmitigated cumulative air quality impact, all feasible mitigation measures must be adopted or the City must adopt a statement of overriding consideration for the Project.

3. The EIR's Analysis Of The Project On Noise Impacts Is Inadequate.

The EIR completely ignores the residents living along Del Prado Avenue in its noise analysis. The majority of the construction for this project is slated to occur during nighttime hours. (EIR, p. 1-7.) However, the EIR states a portion of the work will occur during nighttime hours and on Saturdays. (Id.) Noise-generating activity will include, but is not limited to, demolition, jack hammering, and engine powered equipment. (Id.) This activity has the potential to dramatically increase noise at any sensitive receptor within approximately 1,600 feet, or one-third mile. (Id.) The EIR states excavation and dirt loading activities within 100 feet of any occupied space will interfere with normal enjoyment of the outdoor area. (EIR, p. 4.5-6.)

ACE's Amber Lantern Property fronting on Del Prado Avenue contains thirty apartment units. The residents of these units will be directly exposed to construction noise for an unspecified period. In addition, the residents south of the alley are within the noise impact area of the Project. The EIR failed to adequately analyze the potential noise impacts on residential uses near the Project Area, primarily because it did not acknowledge the large number of residents who would be affected by construction noise.

The noise levels resulting from the daytime activity will also disrupt the tenants at ACE's properties along Del Prado Avenue, which include a restaurant, a boutique, salon, and a gym. The tenants and any potential clientele will have to endure noise from earthmovers, diesel powered prime movers, and demolition and paving equipment. The EIR concedes that such equipment carries the potential to exceed 80 dBA. (EIR, pp. 4.5-6, 7.) This requires a 1,585-foot of distance separation to reduce the noise from equipment to allowable levels. The mitigation measures in the EIR, which primarily consist of limiting night-time construction, are wholly inadequate to protect adjacent and nearby noise receptors.
4. The EIR’s Analysis Of The Project Impacts On Public Health and Safety Is Inadequate.

The EIR concludes that the Project would have insignificant impacts with regard to hazards and hazardous materials. (EIR, p. 5-2.) However, the proposed street construction requires the use of petroleum products, including tar, asphalt, gasoline, and diesel fuel. Not only will emissions from these products be released into the air, but the raw material will also be stored within the Project Area. (EIR, p. 1-7.) Such materials and emissions are highly dangerous to public health and safety. It is of significant note that a Montessori School and numerous residences are located within one-quarter mile of the Project Area. The EIR failed to adequately analyze and mitigate for potential impacts on school children and residents.

D. The EIR Failed To Analyze Adequate Alternatives.

All of the alternatives considered in the EIR, except the No Project alternative, included extinguishment of existing access from Del Prado and PCH to properties in the Project Area. As a result, all of the Project alternatives require alley access to existing land uses. Because the taking of access easements, the loss of direct access and alley access cause significant unmitigated Project impacts, the EIR was required to consider an alternative that avoided impacts from limiting the adjacent properties to alley access.

E. The EIR Project Description Is Inadequate.

For the many reasons discussed below, the project description in the EIR is inadequate and unlawful. (EIR, p. 3-6.)

1. The Project Description Is Neither Accurate, Finite, Nor Stable.

An accurate and stable project description is the sine qua non of an informative and legally sufficient EIR. Kings County, 221 Cal.App.3d at 739. The courts have long held that "[a] curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal’s benefits against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal and weigh other alternatives in the balance." County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 183, 192-193. In other words, without a stable project description, the entire EIR is rendered inadequate.

As the California Supreme Court has recognized, if the project description is inadequate because it fails to discuss the complete project, the environmental analysis will probably reflect the same mistake. See Laurel Heights, 47 Cal.3d 376. The absence of a definitive siting configuration, the contradictory statements regarding the scope of the Project, the failure to identify the basic technical and economic characteristics of transportation and
circulation deficiencies and instead describing multiple and technically very different possibilities with respect to both, undermine with the EIR's impact analyses. Without this technical information, it is impossible to adequately analyze a proposed project when an infinite number of configurations are possible and its technical characteristics, as well as its timing, are in flux or unknown. Consequently, the project description is inadequate and corrupts the remainder of the EIR.

Furthermore, the EIR's failure to include a stable project description makes it impossible to determine whether the EIR includes a range of reasonable alternatives to the Project that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen its significant effects. (See, Guidelines §15126.6(c).)

2. The Project Description Is Unstable For Numerous Reasons.

As discussed below, the Project description is littered with unstable elements and inconsistencies that make it virtually impossible to decipher the true extent or likely configuration of the Project.

First, and as a fundamental matter, the EIR does not adequately describe the operations, facilities, and layout of the Project, specifically the removal of access along PCH or Del Prado Avenue. By way of example, the EIR makes numerous references to "traffic and beautification related modifications to the 'gateways'" and "modification of certain vehicle access points." (EIR, p. 3-6.) However, the EIR never directly acknowledges that the Project takes existing vehicular access easements from numerous properties on Del Prado and PCH. It does not describe or analyze what the referenced "modification of vehicle access points" includes, nor does it explain how other generalized improvements, such as reduced long-term noise and reduced lighting energy consumption, will be achieved. Thus, the Project description fails to contain sufficient information and detail for proper evaluation and review of the potential environmental impacts of the Project.

Second, it is unclear what right of way dedications will be required and completed for the Project. Specifically, the EIR states: "Some of the improvements will require acquisition of a right of way for sidewalk easements and parking, to accommodate the refined project design." (Id.) However, there is no discussion on the possible locations of these additional improvements nor is there any discussion of the reasons for such improvements. The EIR does not include acquisition of access easements as one of the necessary actions covered by the EIR. Further, the EIR omits any discussion of alternative actions should right of way acquisition require condemnation. (Id.) The EIR also fails to state whether one-way alley access is part of the Project, although it is clearly contemplated as a potential future action.

Finally, the Project Description omits the existence of significant residential land uses in the Project Area, which is necessary to give a full picture of Project impacts. In sum, the
Project description fails adequately to describe the Project in a manner that allows for accurate environmental review. As a result of the unstable Project description, the environmental analysis in the EIR is incapable of disclosing the extent of the Project's environmental impacts.

F. CDP11-0003 Findings of Fact Are Omitted and May Contain Inconsistencies When Compared To The EIR.

The Project’s implementation will necessitate the approval of CDP11-0003. (EIR, p. 3-18.) The EIR does not incorporate any findings of fact in support of the CDP11-003 application. Such findings of fact may contain inconsistencies from the facts provided in the EIR. These potential inconsistencies would taint the various analyses conducted for the individual impact sections, including, without limitation, cumulative impacts, traffic and access, emergency services, and housing and population analyses. Without the verified knowledge of CDP11-0003’s findings of fact, there is no way to determine the existence of inconsistent facts and analysis; thus, the EIR is defective.

III.

CONCLUSION

As set forth above, in the record of the Project, and in the EIR proceedings, all of which are incorporated herein, the proposed Project is based on an inadequate environmental document and is inconsistent with the Municipal Code. The findings upon which the proposed actions are based are inadequate, arbitrary and capricious, and unsupported by the record.

For these reasons, ACE respectfully requests that the Commission take no further action with respect to the proposed Project until the EIR for the Project has been revised and recirculated in compliance with CEQA.

Very truly yours,
Deborah M. Rosenthal, AICP

for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

W02-WEST:3WAI1V49363893.3
Attachments

cc: Mr. David Singelyn
    Mr. Jim Smith
    Sara Vogt-Lowell, Esq.
 ACE Comments on Town Center Phase 1 Plan
 Dana Point City Council Study Session
 March 31, 2009

1. Represent the owner of 3 properties on the south side of Del Prado between Blue Lantern and Amber Lantern. ACE likes and supports many aspects of the Plan, but has remaining concerns and questions. All of the properties will lose access from Del Prado as a result of the street improvement project. Staff has been very accessible, but some remaining concerns based on information provided to date.

2. **Access:** All of the ACE properties will take access from the alley south of Del Prado after installation of the street improvements. Alley is 20’ wide; garages open directly onto alley.
   a. The Project will impact the value of properties from loss of access and replacement with alley access;
   b. ACE requests safety study for the alley. Alley is not shown on any of the maps and its use is not analyzed. There is no information about how many trips on alley, or how much traffic alley can accommodate. The alley does not meet any of the city’s design standards for access.
   c. Signage is crucial; if signage is not done correctly, customers will not be able to find parking or entrances to properties. ACE needs more information about the proposed signage.

3. **Parking:**
   a. Prior documents committed the City to acquisition/construction of a public parking lot before Phase 1 construction on PCH and Del Prado. The Parking Study summary does not refer to it. ACE needs more information about location and timing; as well as distance from ACE’s properties.
   b. Parking Study concludes that there is and will continue to be adequate parking in the Town Center area through implementation of shared parking program or use of on-street public parking. ACE needs more information about how shared and on-street parking programs will be implemented.
   c. If additional parking demand for 15-year buildout can be met through shared and on-street parking programs, it is unclear why an in-lieu fee program is proposed.

4. **Traffic:** The City’s traffic study estimates 25-30% of traffic will use Del Prado. 30,000 ADT in 2006 – 41,000 ADT projected for 2020. Assuming 25%, this is 7500-10,000 trips on Del Prado – LOS E-F for this type of road. This is not addressed in the traffic study. ACE understands that the goal is to reduce and slow traffic on Del Prado, but traffic study does not address concerns that LOS will be so poor that Customers will avoid the area entirely.

5. **Site Specific:** Some site specific concerns, for instance, Bella Bazaar which will have only 1-way street and poor visibility – continuing to work with Staff – further comments in future.

If these concerns can be addressed, ACE looks forward to supporting the Project.
Dana Point Town Center
Improvement Project

Questions
April 14, 2009

Alley

1. Can the City prepare a safety study of the alley showing the location of outlets, adequacy of turning radii, truck delivery locations, lighting and vehicle capacity, striping, mirrors, turn limits, pre-school drop locations, businesses? How will the pre-school stack its cars?

2. Have the Police and Fire Department signed off on use of the alley as the primary access? Will the alley be patrolled? What about lighting?

3. Can ACE receive a copy of the special traffic study the City prepared for the alley, showing the assumptions and conclusions used by the City?

Parking

4. Will the City prepare a signage program for parking sign on Del Prado as part of the final design for Phase I? Where will signs be located, how large will they be and what will they say? How will the City handle signage for Bella Bazaar because of Del Prado will be one-way in front of this business?

5. Has the City built the public parking lot planned before construction of Phase I in the 2006 Mitigation Negative Declaration and Traffic Study? How was this lot to be funded?

6. How will the City encourage shared parking, as recommended in the 2008 Parking Study? Will the City reduce parking requirements if shared parking is available? What standards will be used for shared parking? Would the City allow ACE residential tenants to count overnight parking on other parcels, if the owner agrees.

7. How will the City credit businesses with on-street parking, as recommended in the 2008 Parking Study? Will the City reduce parking requirements if on-street parking is available? What standards will be used? For instance, how many spaces will Jack's be credited under the program?

8. If the 2008 Parking Study is correct that additional parking demand for 15-year buildout can be met through a combination of existing, shared and on-street parking, why does the Study recommend an in-lieu parking fee?

9. Will the City count all parking within ¼ mile of a use? What if the City parking lot or structure is too far away from Bella Bazaar to be usable?

Intersections
10. The City revised the Del Prado/PCH and Ruby Lantern/PCH intersections; are new site plans available?

11. How can the City time the Del Prado/PCH and Ruby Lantern/Del Prado stoplights so that northbound traffic will not back up on Del Prado?

12. Where will stop lights be replaced with stop signs along Del Prado? The Traffic Study assumed a 2-way stop sign at Amber Lantern, with no stop sign on Del Prado. The most recent plans show 4-way stop signs at Ruby Lantern, Amber Lantern and Violet Lantern. How do stop signs compare with traffic lights in terms of handling traffic?

Traffic

13. What level of service does the City expect on Del Prado? How does this compare to the existing level of service?

14. Won't parallel parking and the road "bulbs" slow traffic even further on Del Prado? Does the City really expect that 25-50% of existing traffic will use Del Prado after the improvements? Did the City do any segment analyses of Del Prado?

15. The City has suggested routing traffic to the Harbor south on Del Prado. Will Del Prado be able to handle the extra traffic, or should it be routed on PCH?

16. At what level-of-service would traffic begin to avoid Del Prado? What level-of-service is considered acceptable in a local retail area?

17. Under what circumstances would the City make the alley one-way? North or south?

Other

18. What kind of permits will be required for sidewalk cafes or sales on the wider sidewalks and road "bulbs"? For instance, Bella Bazaar will lose a large planter; will it be able to benefit from the sidewalk area by using it for special sales or events? What about Jack's?

19. Does the City know what kind of adjustments will be needed to make sure that the front doors will match the sidewalk elevation?

20. To encourage redevelopment of non-conforming properties, would City consider waiving requirement for 100% on-site residential parking and 50% on-site non-residential parking?

21. Will the City need the formal agreement of the owners and tenants to begin the Project? If so, what will the City want ACE and/or the tenants to sign?

22. Does the City expect that any of the existing uses will not fit in with the long-term plans for the Town Center?
Dana Point Town Center
Unresolved Issues
April 2, 2009

1. The City should prepare a safety study of the alley for the proposed traffic on the alley, showing the location of outlets, adequacy of turning radii, truck delivery locations, lighting and vehicle capacity, striping, mirrors, turn limits, pre-school drop locations, businesses, etc. The safety study should include all parcels and should be signed off by Public Works, the Police Department and the Fire Department. ACE should receive a copy of the alley safety study.

2. The City has prepared a traffic study for the alley and reports there is "plenty of room" on the alley for the expected traffic. Other traffic experts conclude that an alley of this size and configuration could handle no more than 1,000 ADT. ACE should receive a copy of the alley traffic study, including all assumptions and conclusions.

3. As part of the final design for Phase I, which was authorized by the City Council on March 31, 2009, the City should prepare a signage program for parking signs on Del Prado, showing location, size, text and graphics.

4. The 2006 Mitigation Negative Declaration and Traffic Study both committed the City to acquire/construct a public parking lot before starting work on PCH/Del Prado (Phase I). What has happened to this parking lot?

5. The 2008 Parking Study concludes there will be adequate parking in Town Center with encouragement of a shared parking program. How will the City "encourage" shared parking? What standards will the City apply? For instance, would the City allow ACE residential tenants to park next door, if the owner agrees.

6. The 2008 Parking Study concludes there will be adequate parking in Town Center with use of on-street public parking. How will the City credit uses with on-street parking? For instance, how many spaces will Jack's be credited under the program?

7. It is unclear why the City is considering an in-lieu fee program if additional parking demand for 15-year buildout can be met through existing, shared and on-street parking?

8. The City has redesigned the northbound Del Prado/PCH intersection to retain Ruby Lantern and a through street. The Traffic Study concludes that the Ruby Lantern/PCH stoplight can be timed so that PCH traffic is not interrupted. What is the impact of the of Del Prado/PCH stoplight on Del Prado? Will northbound traffic back up on Del Prado?

9. The Traffic Study estimates that 25-50% of existing traffic will use Del Prado. Assuming 25%, this is 7,500-10,000 trips of Del Prado daily. 8,000 ADT is typically LOS E. Parallel parking will slow traffic even further. The bulbs will encourage pedestrians to cross the street mid-block. The Traffic Study did not look at any segments, so there is no analysis of road capacity.
10. The City is currently planning 4-way stop signs at Ruby Lantern, Amber Lantern and Violet Lantern. How will this affect the flow of traffic on Del Prado, especially during peak hours? The Traffic Study assumed a 2-way stop sign at Amber Lantern, with no stop sign on Del Prado. Has this been changed and, if so, why?

11. The City proposes to direct Harbor traffic down Del Prado. Why?

12. At what LOS will traffic begin to avoid Del Prado? The Traffic Study states that LOS D is acceptable on local streets, but it does not show the LOS for Del Prado between Blue Lantern and Amber Lantern.
Final Project Environmental Impact Report SCH # 2010041056, including Supplemental Environmental Analysis is on-file with the City Clerk’s Office and is also available on the City’s website at www.danapoint.org.
SUPPORTING DOCUMENT I

RESPONSE TO PUBLIC COMMENTS
PACIFIC COAST HIGHWAY/DEL PRADO AVENUE
PHASE I STREET IMPROVEMENT PROJECT
DRAFT ENVIRONMENTAL IMPACT REPORT
DANA POINT, CA

INTRODUCTION

The 45-day public review period for the Draft Environmental Impact Report (EIR) prepared for the Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project extended from December 3, 2010 through January 17, 2011. The City of Dana Point received five (5) comment letters and one email on the Draft EIR during the formal public review and comment period. Responses to the comments included in each of the letters received by the City have been prepared and are included with the Final EIR. The comment letters and email were received from:

1. Orange County Transportation Authority (January 17, 2011)
2. Orange County Fire Authority (January 11, 2011)
3. California Department of Transportation (December 14, 2010)
5. Terry Goller/Alexander Lake (January 14, 2011)
6. WayneVia (January 14, 2011)
7. James R. Webb (December 8, 2010)

Mr. Webb raised a question regarding the cost of the proposed improvements; however, his comment did not identify any questions and/or issues related to the adequacy of the Draft EIR. The City responded to Mr. Webb's question in a letter response dated December 21, 2010.

The comment letters from Ms. Rosenthal and Mr. Theel were submitted to the City after the close of the public comment period, just prior to the scheduled public hearing before the Dana Point Planning Commission.
1. Orange County Transportation Authority (January 17, 2011)

Comment No. 1

OCTA prefers that the stops along Pacific Coast Highway remain in close proximity to their existing locations and recommend that corresponding bus stops be placed across from the westbound stops, along the south side of PCH. All bus stops along Del Prado will be removed once two-way traffic is permitted on PCH. In view of this, transit related improvements will not be required on Del Prado.

Response to Comment No. 1

As recommended by OCTA, stops along PCH will remain in close proximity to their existing locations, and corresponding bus stops will be placed across from the westbound stops along the south side of PCH. All bus stops along Del Prado Avenue will be removed once two-way traffic is permitted on PCH.

Comment No. 2

It is recommended that each proposed/existing bus stop in PCH be designed with the following in mind:

- "Fanside" type turnout should be placed where possible, with 60 foot bus bays.
- Driveways are not to be placed within the bus bay to ensure passenger safety and to eliminate any potential conflicts between OCTA buses and general traffic.
- The passenger boarding areas need to be large enough to accommodate the boarding/off-loading of wheelchair passengers from buses equip with either a front door or rear door wheelchair lift.
- Bus stops should be placed as close as possible to adjacent corners to minimize the potential for jay-walking.
- Adequate street lighting should be provided at each stop location.
- Benches and/or shelters should be placed to ensure passenger comfort.
- Trash receptacles should be placed and maintained on a regular basis.
- Minimize the number of trees or any other landscaping placed within each bus zone, especially along the curb.
- Provide pedestrian friendly access to/from any adjacent businesses.

Response to Comment No. 2

As recommended by OCTA, the City will consider each of the features identified in this comment for incorporation into the proposed/existing bus stop(s) along PCH. Field conditions may affect the City's ability to address all of the recommended items, but every effort will be made to design the proposed street improvements to address the features noted by OCTA. City staff will coordinate the design with OCTA.

Comment No. 3

Once preliminary plans become available, the Stops and Zones Section will need to review them to ensure that the existing and proposed bus stops are placed in locations that meet the Authority's operational requirements.

Response to Comment No. 3

Preliminary plans for the proposed street improvements will be submitted to OCTA's Stops and Zones Section for review to ensure that the improvements comply with OCTA's operational requirements.
Comment No. 4

Finally, the mitigation measures outlined in the Traffic Management Plan (TMP) and/or the increase in traffic during construction may require OCTA to detour buses in and around the project area to maintain schedules. In the event this occurs, OCTA should be compensated for any and all costs associated with detouring routes, administrative staff time, and/or adding additional resources.

Response to Comment No. 4

The City of Dana Point will work closely with OCTA representatives to ensure that traffic detours necessitated by construction activities avoid conflicts with the OCTA bus schedules/routes to the maximum extent practicable. The City of Dana Point was surprised with the comment asking for reimbursement of costs associated with any staff time OCTA may invest as a result of the construction effort. Routinely, the City works with OCTA Dispatch and field supervisors to temporarily close stops and detour buses during construction work. Those resources are already in place to address any impacts OCTA and the City may have during construction. Therefore, it is the City’s belief that no additional resource costs should result or be required.
2. Orange County Fire Authority (January 11, 2011)

Comment No. 1

Removal of preemptive signal controlled intersections and replacing the intersections with stop signs will impact emergency response times. Although emergency response times are impacted, this does not place the OCFA outside of our response criteria. This can be further mitigated by the use of residential, mixed use, and commercial sprinklers in the Town Center development area.

Response to Comment No. 1

Although the comment is made that Project implementation may result in some increased response times by OCFA, the anticipated emergency response times are within OCFA criteria. It should also be recognized that response times in some cases will decrease as well, given that Project implementation of two-way streets allows direct access to all properties, rather than forcing a circuitous route via one-way streets as required today. In addition, as indicated in this comment, the level of fire protection can be enhanced with incorporation of sprinklers in future residential, mixed use, and commercial structures proposed within the Town Center development area. This recommendation has been included as a condition for future development and/or redevelopment occurring in the Town Center area.

SC-7 Future development occurring within the Town Center development area shall be required to include fire sprinklers.

Comment No. 2

Please ensure that the new signal is equipped with a preemptive device as approved by the City and the OCTA.

Response to Comment No. 2

As recommended by OCFA, a condition has been included in the proposed project to ensure that the new signal is equipped with a preemptive device.

SC-6 The new traffic signal(s) installed by the City for the proposed project shall include a preemptive device as approved by the City and OCFA.

Comment No. 3

In addition, we would like to point out that all standard conditions with regard to development, including water supply, emergency access, road grades and width, access, and the like will be applied to this project. Please contact me at 714-573-6198 if you need further information on this matter.

Response to Comment No. 3

As indicated in this comment, the City acknowledges that the proposed project will comply with all standard conditions with regard to development as required by OCFA.
3. **California Department of Transportation (December 14, 2010)**

Comment No. 1

The Department of Transportation (Department) is a commenting agency on this project and has no comment at this time. However, in the event of any activity in the Department's right-of-way, an encroachment permit will be required.

**Response to Comment No. 1**

This comment indicates that the California Department of Transportation is a commenting agency and has no comments. No responses are required.

Comment No. 2

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Maryam Molevi at (949) 724-2267.

**Response to Comment No. 2**

As requested in this comment, the City of Dana Point will ensure that Caltrans is informed of changes to this project that may potentially affect State transportation facilities.

Comment No. 1

The Native American Heritage Commission (NAHC) is the state “trustee agency” pursuant to Public Resources Code §21070 for the protection and preservation of California’s Native American Cultural Resources. (Also see Environmental Protection Information Center v. Johnson (1986) 170 Cal App 3rd 604). The California Environmental Quality Act (CEQA – CA Public Resources Code §21000 – 21177, amendment effective 3/18/2010) requires that new project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a “significant effect” requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c)(1) CEQA Guidelines. Section 15382 of the CEQA Guidelines defines a significant impact on the environment as “a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including... objects of historic or aesthetic significance.” The lead agency is required to assess whether the project will have an adverse impact on these resources within the “area of potential effect” (APE), and if so, to mitigate that effect. State law also addresses Native American Religious Expression in Public Resources Code §5097.9.

Response to Comment No. 1

As indicated in Section 5 (Cultural/Scientific Resources) of the Initial Study (refer to pp. 25 and 26), the PCH and Del Prado rights-of-way that would be affected by the project have been extensively altered as a result of the construction of the existing street improvements and development located along those streets. Any archaeological resources that may have existed at one time have likely been unearthed or disturbed as a result of prior landform alteration necessary to construct PCH, Del Prado, and adjacent land uses. Although improvements to both PCH and Del Prado will be implemented as a result of the proposed project, no significant excavation and/or grading activities are anticipated that would affect areas that have not previously been altered by grading and/or development. As a result, no significant impacts to archaeological/cultural resources would occur and no mitigation measures are required.

Comment No. 2

The Native American Heritage Commission did perform a Sacred Lands File (SLF) search in the NAHC SLF Inventory, established by the Legislature pursuant to Public Resources Code §5097.94(a) and Native American Cultural Resources were not identified within one-half mile of several of the Area of Potential Effect (APE). Also it is important to understand that the absence of archaeological, Native American Cultural Resources in an area does not indicate that they are not present, or will be present once ground-breaking activity begins. The NAHC recommends early consultation with Native American tribes in your area as the best way to avoid unanticipated discoveries once a project is underway and to learn of any sensitive cultural areas.

Enclosed is a list with the names of the culturally affiliated tribes and interested Native American individuals that the NAHC recommends as “consulting parties,” for this purpose, that may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g., APE). A Native American Tribe or Tribal Elder may be the only source of information about a cultural resource. Also, the NAHC recommends that a Native American Monitor or Native American culturally knowledgeable person be employed whenever a professional archaeologist is employed during the “Initial Study” and in other phases of the environmental planning processes.

Response to Comment No. 2

As indicated in this comment, no Native American cultural resources were identified based on the Sacred Lands File search conducted by the NAHC. Although several resources were identified within a one-half...
mile radius of the subject Area of Potential Effect (APE), no grading/landform alteration or other construction activities would occur outside the affected street rights-of-way that would directly or indirectly affect cultural resources outside of the APE. Nonetheless, should it be necessary to undertake consultation, the City will initiate such consultation with the "consulting parties" identified by the NAHC.

Comment No. 3

Furthermore, the NAHC recommends that you contact the California Historic Resources Information System (CHRIS) of the Office of Historic Preservation (OHP), for information on recorded archaeological data. This information is available at the OHP Office in Sacramento (916) 445-7000.

Response to Comment No. 3

As indicated in Response to Comment No. 1, no potential adverse impacts to cultural resources are anticipated.

Comment No. 4

Consultation with tribes and interested Native American tribes and interested Native American individuals, as consulting parties, on the attached NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C. 4321-4370) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470(4) et seq.), 36 CFR Part 800.3, 4 & 5, the President’s Council on Environmental Quality (CEQ; 42 U.S.C. 4371 et seq.) and NATGSPA (25 U.S.C. 3001-3013), as appropriate. The 1982 Secretary of the Interior’s Standards for the Treatment of Historic Properties were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65043.12(e).

Response to Comment No. 4

Refer to Response to Comment No. 2.

Comment No. 5

Leo agencies should consider avoidance, as defined in Section 15370 of the California Environmental Quality Act (CEQA) when significant cultural resources could be affected by a project. Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archaeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a "dedicated cemetery." Discussion of these should be included in your environmental documents, as appropriate.

Response to Comment No. 5

The City will be required to comply with Health and Safety Code Section 7050.5 and Public Resources Code Section 15064.5(f) and 5097.98 in the event human remains are encountered during construction activities associated with the street improvements.

Comment No. 6

The authority for the SLF record search of the NAHC Sacred Lands Inventory, established by the California Legislature is California Public Resources Code §5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code §6254.10). The results of the SLF search are confidential. However, Native Americans on the attached contact list are not prohibited from and may wish to reveal the
nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 364 of the NHPA or at the Secretary of the Interior's discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C. 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the ACE and possibly threatened by proposed project activity.

Response to Comment No. 6

This comment discusses the confidentiality of the cultural resources/historic properties. No response is necessary.

Comment No. 7

CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if they identify the existence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native Americans, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave goods. Although tribal consultation under the California Environmental Quality Act (CEQA, CA Public Resources Code Section 21000 - 21177) is "advisory" rather than mandated, the NAHC does request "lead agencies" to work with tribes and interested Native American individuals as "consulting parties," on the list provided by the NAHC in order that cultural resources will be protected. However, the 2006 Senate Bill 1059 the state enabling legislation to the Federal Energy Policy Act of 2006, does mandate tribal consultation for the "electric transmission corridors." This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC.

Response to Comment No. 7

As indicated in Response to Comment No. 2, if the City of Dana Point would consult with the Native American representatives, if determined necessary. In addition, the project must also comply with current state and federal laws regarding the treatment of human remains, if encountered.

Comment No. 8

Health and Safety Code §§7050.5, Public Resources Code §§5097.98 and Sec. §§15064.5(d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

Response to Comment No. 8

Refer to Response to Comment No. 5
5. **Terry Goller/Alexander Lake (January 14, 2011)**

Comment No. 1

Years ago, Alex Lake and the Dana Point Citizens for Action worked with the Smythe Brothers on the development of the Bluff Properties including the Dana Point Resort which is now the Laguna Cliffs Marriott. They also hired a land developer in Sausalito to assist with the bluff plans including input from the community as to what was desired. Because of these plans we now are enjoying Lantern Bay and Heritage Park plus a beautiful low key hotel. Alex Lake was instrumental in helping to solve the coastal traffic with the one way couplet which has never experienced the traffic problems that continue to plague Laguna Beach and Corona Del Mar. Also, worked on bluff fortifications helping to prevent landslides which could recur at any time.

Response to Comment No. 1

This comment provides information related to the creation of the one-way couplet system that currently exists along PCH and Del Prado Avenue. The drafters suggest modifications to existing streets without changing the couplet. These issues were thoroughly vetted over 18 months of public meetings through the Town Center Subcommittee. The Subcommittee included members of the community and recommended changing the couplet to the City Council, resulting in the proposed Project. Three of the five recommendations (i.e., 2, 4, and 5) are included in the Project scope. However, diagonal parking was considered less desirable than parallel parking for both safety and traffic congestion concerns identified by the City Traffic Engineer and the public.

No significant issues related to the Draft EIR are raised in this comment, no response is necessary.

Comment No. 2

We can continue to have good flowing traffic through Dana Point with the following modifications without changing the couplet.

1. configure diagonal parking along Del Prado
2. widen the sidewalks
3. reroute the bike path to Santa Clara (helping to assist the diagonal parking)
4. install bump outs like in San Clemente with flowers and plants
5. reintroduce the forgotten lanterns every 30-40 feet

Response to Comment No. 2

This comment recommends modifications to the existing one-way couplet system to improve traffic flow. The drafters suggest modifications to existing streets without changing the couplet. These issues were thoroughly vetted over 18 months of public meetings through the Town Center Subcommittee. The Subcommittee included members of the community and recommended changing the couplet to the City Council, resulting in the proposed Project. Three of the five recommendations (i.e., 2, 4, and 5) are included in the Project scope. However, diagonal parking was considered less desirable than parallel parking for both safety and traffic congestion concerns identified by the City Traffic Engineer and the public.

No significant issues or concerns related to the Draft EIR are raised in this comment, no response is necessary.
Comment No. 3

We should not fund any outside group to tear down and redesign Dana Point when we have all the answers needed to keep Dana Point unique, flowing and beautiful.

Response to Comment No. 3

This comment represents the opinion of the commenters; no response is necessary.
6. Wayne Via (January 14, 2011)

Comment No. 1

I think that we need to proceed with the plan to make PCH and Del Prado two way streets as soon as we possibly can. Contractors are hurting for work at the present time and the $19.1 million dollars will go a lot farther in this economy. Dana Point might even have money left over to make more improvements to our "Downtown" area. We need to be ahead of the curve in revitalization, not chasing to catch up.

Response to Comment No. 1

This comment expresses support for the proposed project. No environmental issues are raised; no response is necessary.
7. James Webb (December 8, 2010)

Comment No. 1

I have read this notice. What is the estimated cost to do with this massive improvement?

Response to Comment No. 1

This comment asks how the City would pay for the proposed Project. The Director of Public Works and Engineering Services responded to Mr. Webb directly with the attached response. No environmental issues or concerns related to the Draft EIR are raised in this comment; no additional response is necessary.

Comment No. 1

ACE submitted extensive comments on the project when it was initially proposed; however, the Draft EIR reflects the same deficiencies about the Project throughout the planning process.

Response to Comment No. 1

The commenter’s allegation that the City has been non-responsive to prior comments received with respect to early conversations on project planning is inaccurate. In response to the March 31, 2009 points, included as Attachment 1, the City did conduct and provide a safety study for the alley, secured police and fire department sign-off for the project design, included segment-by-segment site plans for the proposed project, including alternatives, specified where stop signs will replace traffic lights, identified levels of service for all intersections for both existing and after project conditions in both 2015 and 2035, and identified that right-of-way acquisitions would be required. In connection with the remaining comments, the City has fully identified the standard levels of service performance criteria, as well as the impacts of the project on 2015 and 2035 conditions, and conducted the applicable alley analysis, which has been attached to the Environmental Impact Report as part of Appendix C. The commenter fails to indicate in what respects the alley way access is “substandard” or “arguably dangerous.” Furthermore, there is no expert analysis or opinion to counter the substantial evidence of the analysis of the sufficiency of existing alley ways, as incorporated into Appendix C.

Comment No. 2

To date, an Environmental Impact Review has not been prepared for the overall Town Center Plan.

Response to Comment No. 2

This comment seems to confuse the project description of the Pacific Coast Highway/Del Prado Avenue Phase I Streetscape Improvements Project with the “Plan” that is the Town Center plan. The Project is a street improvement project, that will be designed, advertised, bid, and administered as a stand-alone public works project. The fact that the Project occurs within the context of a larger backdrop of a broader plan does not thereby convert the street improvement project into a full buildout of all uses, and implementation of all programs, in the Town Center Plan.

Comment No. 3

The City is prematurely implementing the Dana Point Town Center, beginning with the proposed street improvement plans and unlawfully piecemaking portions of the Town Center Plan.

Response to Comment No. 3

There is no “piecemaking” to avoid environmental review. The Dana Point Town Center Plan was fully reviewed under CEQA in the “Initial Study/Mitigated Negative Declaration” dated September 1, 2006. That mitigated negative declaration analyzed all aspects of the Town Center Plan, and was finally approved on June 3, 2006. It was not subsequently challenged by the commenting party, or anyone, and therefore must be presumed valid. [Public Resources Code Section 21167.2.]
Comment No. 4

The EIR is based on little or no analysis of numerous potential environmental impacts, and misclassifies impacts based upon erroneous information.

Response to Comment No. 4

This EIR addresses all environmental impacts of the Project to which it relates, which is the Pacific Coast Highway/Del Prado Avenue Phase 1 Street Improvement Project. Except for the roadway improvements included in the Project, no other aspects of the Town Center Plan are being implemented by this action. This comment fails to indicate where the commenter finds the EIR deficient in connection with alleged impacts. Further, there is no evidence provided of any impacts, only conclusory statements alleging such impacts may exist. This does not constitute the type of “substantial evidence” to countermand the findings in the initial study regarding areas that were appropriate for carrying forward for further environmental analysis, and those which were not (Title 14, California Code of Regulations 15364(a)).

Comment No. 5

Project implementation will remove direct access to ACE’s properties from Del Prado Avenue.

Response to Comment No. 5

Appendix C, the traffic impact analysis, provides full analysis of the capacity of both Pacific Coast Highway and Del Prado to accommodate the change from the existing one-way to two-way operations. Table 8-2 contains year 2015 peak hour intersection capacity analyses, including level of service grades. Table 8-3 provides the same information with respect to year 2035 traffic conditions. (See, Appendix C, page 25-27.) Traffic distribution, including potential effects on alley ways, is addressed in Section 10.3 of Appendix C, the “Aisle Roadway Segment Analysis.” The traffic study estimates no more than 1,000 vehicles per day on these alley ways, and concludes LOS A conditions will prevail in both the 2015 and 2035 conditions for all segments. (See, Appendix C, page 52-55.) This constitutes substantial evidence of no significant environmental impact.

The basis in the EIR for the conclusion of no “substantial impact” based on vehicular access to the properties is drawn at least in part from applicable law on the rights of property owners to access the public rights-of-way. In the absence of an express easement for driveway or access purposes, which the comment does not identify, the City presumes the commenter is relying on an implied easement, sometimes called “abutters’ rights” of property owners to adjacent public rights-of-way. This right, recognized in cases such as San Diego Metropolitan Transit Development Board v. Price Company (1995) 37 Cal. App. 4th 1541, and Boarder Business Park, Inc. v. City of San Diego (2006) 142 Cal.App.4th 1536, exists not in reference to specific rights to specific access, but rather to a general right to have access to public rights of way. Causa indicates that impairment of access rights is not measured with respect to any entitlement on the part of an individual owner to individual access points, but rather must be assessed in the context of a general standard of access to public roadways. There is no legal right to specific driveways or entry points. (People Ex. Rel. Department of Public Works v. Murray (1959) 172 Cal.App.2d 219, 223.)

Appendix C provides substantial evidence that both referenced properties, the Amber Lantern property and the Blue Lantern property, maintain adjacent, viable access to the system of public streets and roadways, even after the Project. Tables 4.2-9 shows the level of service for alley way access that remains after the Project for all of the properties listed in Table 4.2-8, including the two referenced properties. In each case, the level of service is LOS A, the highest possible level. The landscaped area in front of the Blue Lantern property does not prevent visibility of the property from the after-Project roadway, and there
is no undue circuity of travel needed to access either of these properties. Further, there is no recognizable interest either property has in existing street parking and its continuation, or in the flow of traffic on public rights-of-way that pass the sites. [See, e.g., City of Berkeley v. Von Adelung (1963) 214 Cal. App. 2d 791.] Consequently, impacts to these have not been considered substantial in the context of CEQA review.

The City has asked its traffic engineering experts to analyze the turning radii and templates for accessibility to each of the properties along the alleyways after the project, and all sites remain accessible by SU-30 sized trucks. This is sufficient to allow delivery of goods to the properties, and to come in and out of alleyways safely.

Finally, the comment offers no evidence regarding diminished traffic flows expected, no site plans, plat maps, or other scaled diagrams showing the inability of vehicles to access the sites, nor any expert analysis indicating any insufficiency of the proposed alley ways to serve these properties, which might contradict the conclusions in Appendix C and the information the City has received from its traffic engineering experts.

Comment No. 6

In addition to the removal of direct access, project implementation will also result in the elimination of street parking resulting from the project’s design.

Response to Comment No. 6

Refer to Response to Comment No. 5

Comment No. 7

Loss of street parking on Blue Lantern

Response to Comment No. 7

There is no loss of parking proposed on Blue Lantern and, in fact, a proposed time shared loading zone is suggested there. With the supplemental modification, additional parking has been added to the front of commenter’s Blue Lantern property. In general however, impacts to parking have not been analyzed on a site-specific basis; since the purpose of CEQA is to address the environmental impacts of the Project as a whole. The City has reviewed the impacts of the Project to parking, and has concluded that the Project results in a net increase of eight marked, on-street parking spaces within the Project area. Because no specific property has any proprietary right to any specific on-street parking, the EIR examines on-street parking throughout the Project Area as a whole. This is the basis for the finding that the Project does not create substantial impacts with respect to parking.

Refer to Response to Comment No. 5

Comment No. 8

Loss of visibility, access, and setting surrounding the Bella Bazaar, deemed a historic building by the Dana Point Historical Society, will adversely affect that property.

Response to Comment No. 8

There is no loss of visibility. Parking has been added on the Del Prado front of this property that does not exist there today to improve public access. Signage will be added to advise patrons that additional parking...
is available in the rear if there is overflow from the four newly added spaces in front. The Blue Lantern property is not designated as a national or state historic site, so far as the City is aware. To the extent the building is recognized by the Dana Point Historical Society, its historical characteristics will remain intact, since the building structure itself will not be moved or altered in any way by the Project. Further, refer to Response to Comment No. 5.

Comment No. 9

Project-related improvements on Blue Lantern and new landscape medians and buffer zones will eliminate parking to Bella Bazaar and existing truck delivery parking on Del Prado and Blue Lantern will be eliminated.

Response to Comment No. 9

Refer to Response to Comment Nos. 5 and 7.

Comment No. 10

The EIR failed to adequately consider whether the reconfigured PCH and Del Prado will realistically be able to carry as much traffic as is currently handled by the one-way configuration.

Response to Comment No. 10

Appendix C, the traffic impact analysis, provides full analysis of the capacity of both Pacific Coast Highway and Del Prado to accommodate the change from the existing one-way to two-way operations. Table 8-2 contains year 2015 peak hour intersection capacity analyses, including level of service grades. Table 8-3 provides the same information with respect to year 2035 traffic conditions. (See, Appendix C, page 25-27.) Traffic distribution, including potential offsets on auxiliary ways, is addressed in Section 10.3 of Appendix C, the “Alleyway Segment Analysis.” The traffic study estimates no more than 1,000 vehicles per day on these auxiliary ways, and concludes LOS A conditions will prevail in both the 2015 and 2035 conditions, for all segments. (See, Appendix C, page 52-53.) This constitutes substantial evidence of no significant environmental impact.

Comment No. 11

The EIR fails to adequately address the loss of parking and delivery spaces and the impact of removing key access driveways.

Response to Comment No. 11

See Response to Comments Nos. 5 and 7.

Comment No. 12

The EIR fails to discuss the functionality and operations of the properties that will lose driveway access from Del Prado as a result of the project.

Response to Comment No. 12

The EIR concludes, based both on the traffic study included as Appendix C, and based on observations of the traffic patterns in and around the project area, that the remaining auxiliary access points and frequent cross streets to the described properties will be sufficient. The comment offers no evidence to the contrary, only conclusions that the elimination of alternative access will by definition result in an
alleged adverse and significant impact. Appendix "C" indicates otherwise. Queuing capacities were fully analyzed in Appendix C, the Traffic Impact Analysis. (See Appendix C, page 29-30.) Queuing capacities were analyzed for 2015 a.m. and p.m. peak hours and 2035 a.m. and p.m. peak hours. The sole deficiency identified in each scenario was a northbound left turn on Street of the Blue Lantern at Pacific Coast Highway, which has been mitigated with striping measures. (See, MM 4.2-2, EIR page 4.2-28.) The commenter provides no evidence or analysis as to how these analyses, or the identified mitigation measure may be insufficient, or why the substantial evidence generated in the Traffic Impact Analysis may not be relied upon by the City.

See Responses to Comment Nos. 5 and 7.

Comment No. 13

Post development conditions created by implementation of the street improvements will pose a severe environmental impact to the ACE properties that is not adequately addressed in the EIR.

Response to Comment No. 13

Refer to Responses to Comment Nos. 5 and 7.

Comment No. 14

The EIR does not acknowledge that the 20-foot wide alleyways adjacent to the ACE properties do not meet applicable local requirements for primary access.

Response to Comment No. 14

The commenter misconstrues the Dana Point Municipal Code. The Code specifically provides "Access to residential and commercial property can be provided from an alley." (See, Chapter 9.35.050(a)(2).) Reference to the Glendale Municipal Code was not meant to borrow dimension standards for alleys or local streets, but rather to make reference to an existing standard for LOS E traffic handling capacity in another jurisdiction. Whatever differences may exist between Glendale and the City of Dana Point, specifically, with respect to alleys, the traffic impact analysis concludes that the existing alleys, and their existing configurations, can handle the estimated 900 to 1,000 daily vehicle trips that would be expected as the maximum usage of the alleys after construction of the Project.

Nonetheless, the 2,500 LOS "E" capacity utilized in the traffic study could be reduced proportionately to account for the paved width difference between the 36-foot "local street" identified in the City of Glendale Circulation Element and the 20-foot alleys located south of Del Prado Street. This proportionate reduction would result in a LOS "E" capacity of approximately 1,350 vehicles per day (vpd). As shown in the traffic study and in the traffic section of the DEIR, the alley segments are forecast to have no more than 912 daily vehicles in the Year 2015 and no more than 940 daily vehicles in the Year 2035 at full buildout. Use of the reduced LOS "E" capacity of 1,350 vph would result in a volume/capacity (v/c) ratio of 0.676 for the Year 2015 and 0.702 for the Year 2035, which both translate to acceptable LOS B operations. Although under this analysis the LOS for the alley segments may increase by one service level (i.e. from LOS A to LOS B), the alley segments still operate at an acceptable LOS per City of Dana Point requirements, consistent with the findings in the traffic section of the DEIR.

It should be further noted that link volume thresholds are only one indication of performance, which is typically superseded by an analysis of the local intersection performance. If the terminal intersections operate satisfactorily and traffic moves at both ends, the traffic flow along the roadway segment (i.e. in the center) can flow satisfactorily. As shown in the traffic section of the DEIR, the five key alley intersections are forecast to operate at acceptable LOS A during the AM and PM peak hours in the Year 2016 and the
Year 2035 with the proposed Project. Therefore, the alley segments south of Del Prado Street can handle the forecasted daily trips.

Expressed concerns over truck access to alley widths are understandable for parties unfamiliar with local conditions, but are not significant for reasons discussed below. The concern with observed actual practice regarding delivery operations supporting business from the alley today, only having pole obstructions intermittently. And full density build-out is modest, limited to only three stories, typically two stories of residential and one story of commercial use.

First truck deliveries to businesses on these small parcels are infrequent. For example, from the City's observed experience and discussion with the business, deliveries to Bella Bazaar (34091 Del Prado) for pots occur once every two months, about six times per year. These small businesses do not receive daily deliveries from large trucks.

Second, the number of businesses served by the alleyways in question is few. The alleys are short, only about 600 or fewer feet long, with a relatively small number of small businesses (only between 4 and 6) on blocks where the commentor's businesses are located. Therefore, there is a limited amount of vehicle traffic and a very small number of large trucks that use each alley segment.

Even at full build-out traffic counts of 948 vehicles, this equates to an average of only one vehicle every 90 seconds. Such level of traffic makes the chances of two trucks in the alleyway at one time remote and with 20 foot sections pretty well throughout the alley, dual trucks is not a problem anyway. If it ever to a potential conflict were to occur, backing or other movements could be made to accommodate the conflict. Trucks are not legally allowed to park in the alley so law enforcement can also become involved if problems were to occur.

The truck turning radius from the alley is sufficient at every location to allow SU-30 size trucks to access the businesses & their parking lots. Should a new business in the future require occasional service from a WB-40 Big Rig Tractor Trailer, loading zone parking can be authorized by the City during non-peak hours on the Del Prado frontage, side streets for the many corner properties, or even in the alley. This is common practice today in nearly all cities.

While in some locations, one side of the alley has garages, these garages are on the back side of the Santa Clara Street properties and are secondary to the primary parking on Santa Clara Street. They are generally used for storage and seldom ever support vehicles. This can be verified with video evidence.

Observation indicates the small Montessori school supports a small traffic volume of only about 25 vehicles, typically arriving from 8 AM to 9 AM before many businesses are open, and at a rate of about one vehicle every two minutes. Pick-ups are spread out over a longer period of time in the later afternoon.

The density for this school land use is much less than the 3-story retail/residential full build-out scenario used to generate a maximum daily 548 vehicle trips for the longer 600 foot plus alley. So, were this use to remain, the maximum vehicle trips drops to probably no more than 60(1). True, conceptual possibilities that may indicate some theoretical concerns, are shown by actual site conditions to reduce these concerns to less than significant. Students are not dropped off but escorted to the school from their vehicles in the parking lot.

Lastly, and most importantly in understanding actual alley usage and conditions, the existing alleyway between Amber and Violet Lagoon today supports full density use of 3-story commercial/residential for much of its length, reflecting the same conditions as would be expected were similar full build-out to occur all along the alley sections in the future. No problems with access, e.g. trucks, deliveries, turning radii, alley blockage or vehicle congestion or vehicles/pedestrian safety have occurred in this alley section today. Pedestrian use of the alley is almost non-existent. This is because building frontages and store entrances
for pedestrian access are on the store fronts on Del Prado Street. Customers or residents accessing the business or residences from the alley side drive to the back parking lots and enter the building from the rear, but have no need to walk in the alley. Again, video evidence can easily demonstrate the validity of these conditions.

Comment No. 15

School pick-up and drop-off at the Montessori School will need to occur in the alley as a result of the Del Prado reconfiguration, which will have adverse impacts.

Response to Comment No. 15

The Amber Lantern and Del Prado intersection is rated at LOS A for all Project scenarios, both in 2015 and 2025. There is no evidence of traffic conflict or required mitigation for intersections and roadway segments that operate at peak levels.

See Response to Comment No. 14.

Comment No. 16

The EIR concludes that the Project would have significant and unavoidable construction-related and operational emissions and that the project is not consistent with the AQMD's performance standards.

Response to Comment No. 16

The comment misconstrues the text of the Environmental Impact Report. The threshold for significance used in the EIR is the South Coast Air Quality Management District thresholds for regional construction projects. (See EIR, page 4.3-9.) In every case, the emissions both before and after mitigation are below SCAQMD threshold amounts (see, EIR, table 4.3-6; page 4.3-12.) A lead agency may consider thresholds of significance previously adopted or recommended by other public agencies or recommended by experts. (CEQA Regs. § 15064.7(c).) There is no need for adoption of a statement of overriding considerations when no significant impacts have been identified.

Comment No. 17

CEQA does not allow a project to ignore impacts because they are difficult or impossible to mitigate; all feasible mitigation measures must be adopted or a statement of overriding considerations must be adopted.

Response to Comment No. 17

Refer to Response to Comment No. 16.

Comment No. 18

The EIR completely ignores the noise impacts to residents living along Del Prado Avenue in the noise analysis.

Response to Comment No. 18

The EIR recognizes residential uses within the Project area. (See, EIR, page 3-1.) The roadway segment from Amber Lantern to Violet Lantern shows a decrease in project and cumulative project noise in 2015 and 2025, with an overall cumulative reduction of 3.2 dBA. Long-term operational impacts on noise will
therefore decrease, and do not constitute a significant impact. Short-term construction noise has been generally limited to daytime hours, and compliance with the City's noise control ordinance. (See, Mitigation Measure 4.5.5, page 4.5-15.) This is an appropriate threshold of significance, and no significant impact on noise has been shown to contradict the conclusions found in the EIR's Text and Noise Study, appended to the EIR as Appendix E.

Comment No. 19

ACE's Amber Lantern residential property fronting on Del Prado Avenue will be exposed to construction noise, which was not evaluated in the EIR.

Response to Comment No. 19

Refer to Response to Comment No. 18.

Comment No. 20

Noise levels associated with daytime (construction) activity will disrupt the tenants at ACE's properties along Del Prado Avenue. The mitigation measures are inadequate to adequately reduce noise levels.

Response to Comment No. 20

Refer to Response to Comment No. 18.

Comment No. 21

The EIR does not adequately address potential hazards and hazardous material because the street construction requires the use of petroleum products.

Response to Comment No. 21

The use of standard construction equipment, materials, and fuels does not constitute a significant environmental impact. The Project has committed to compliance with applicable best management practices and standard construction impact mitigation measures, and will not involve any extraordinary, or unusually concentrated materials that might be potentially hazardous. The conclusion of no significant impact in this respect is supported in the EIR, and no contrary evidence is presented in the comment.

Comment No. 22

The EIR should have included an alternative that avoids impacts from limiting the adjacent properties to alley access.

Response to Comment No. 22

Alternatives analysis is governed by a rule of reason. The enhancement of the pedestrian environment and safety concerns with potential conflicts in vehicular traffic movements, led the City to conclude that each of the alternatives required some sort of restriction of vehicular access through all alternatives. CEDA Regs. § 15126.6 calls for a reasonable range of projects that could feasibly accomplish most of the basic objectives of the Project, and as such, the EIR's formulation of the included range of alternatives is appropriate.
Comment No. 23

The project and, therefore, the analysis, lacks definitive siting configuration and fails to identify the basic technical and economic characteristics of transportation circulation deficiencies. Therefore, the project description is inadequate and corrupts the remainder of the EIR.

Response to Comment No. 23

The comment fails to indicate in what respect it finds the Project description to be specifically inadequate. Exhibit 3-2 adequately describes the Project area, and section 3.4 contains a specific verbal description of the Project and its environs. Exhibit 3-3A through 3-3K provides specific site plans, even down to landscaping detailing, of what the Project is, what it includes, and how it is proposed to be built. Restriction of vehicular access to major roadways is specifically called out in Table 4.2.8, and therefore the EIR does directly acknowledge the elimination of direct access on the identified properties. The contemplated public improvements are fully depicted in the attached site plans included in the Project description, and therefore the EIR contains adequate identification of right of way areas that may be needed for the Project. Land uses within the Project area are fully described, including identification of multi-family residential uses. (EIR, page 3-1.)

Comment No. 24

The EIR does not adequately describe the operations, facilities and layout of the Project.

Response to Comment No. 24

Refer to Response to Comment No. 23.

Comment No. 25

The EIR does not include a discussion of the possible locations of additional improvements or any discussion of the reasons for such improvements cited in the project description.

Response to Comment No. 25

Refer to Response to Comment No. 23.

Comment No. 26

The Project Description omits the existence of significant residential land uses in the project area and, therefore, fails to adequate describe the project to allow for an accurate environmental review.

Response to Comment No. 26

Refer to Response to Comment Nos. 18 and 23.

Comment No. 27

The EIR does not incorporate any findings of fact in support of the project's applications.

Response to Comment No. 27

The findings of fact for this EIR have been separately stated, and made available for public review in connection with the Planning Commission’s consideration of the EIR. There is no requirement that such
The proposed project is based on an inadequate environmental document and is inconsistent with the Municipal Code.

Response to Comment No. 26

For all the foregoing reasons (refer to Responses to Comment Nos. 1 through 27), the comment fails to provide any substantial evidence of any significant environmental impact which has not been identified, discussed, and mitigated to appropriate levels. No substantial evidence has been presented to the contrary, and the City may rely on the expert analyses and other substantial evidence included in the full Administrative Record of this EIR.

Comment No. 1

The elimination of left-turn movements at the Del Prado/Old Golden Lantern intersection will have negative impacts to the adjacent property.

Response to Comment No. 1

This comment is acknowledged. The proposed project has been modified to include left-turn movements at the Del Prado/Old Golden Lantern intersection. The modifications are identified and analyzed in the Supplemental Environmental Analysis prepared for the Pacific Coast Highway/Del Prado Avenue Phase I Street Improvement Project that was sent to you under separate cover.