

Section IV

Report to Planning Commission





ITEM # 1

Dana Point Harbor Department (DPHD) Report

DATE: January 10, 2006

TO: Orange County Planning Commission

FROM: Dana Point Harbor Department

SUBJECT: Public Hearing on Dana Point Revitalization Project Draft Program Environmental Impact Report (DEIR) 591 State Clearinghouse (SCH) Number 2003101142.

PROPOSAL: The Dana Point Harbor Revitalization Project (Revitalization Plan) DEIR 591 is both a project and program level EIR. It analyzes the environmental impacts of the Revitalization Plan in the Commercial Core areas (Planning Areas 1 and 2) on a project level basis and analyzes the environmental impacts of the programmatic elements of the Revitalization Plan in Planning Areas 1, 3-7 (landside) and 8-12 (waterside).

The Revitalization Plan for Planning Areas 1 and 2 consists of the replacement and/or remodeling of all existing retail and restaurant buildings, a new 610-space parking deck, new boater loading and drop-off areas, a new dry-stack boat storage building and improvements to boater service and public restroom buildings. On a programmatic level, the Revitalization Plan provides for a number of future improvements in Planning Areas 1, 3 through 7 (landside) and 8 through 12 (waterside). Plans for Planning Area 1 include an second dry stack boat storage building and the construction of a new lighthouse facility by the Dana Point Lighthouse Society at the terminus of Puerto Place.

LOCATION: Dana Point Harbor (Harbor) is approximately 276.8 acres, owned and operated by the County of Orange (County), and located entirely in the southern portion of the City of Dana Point (City).

APPLICANT: Dana Point Harbor Department

STAFF George Carvalho, Director, Dana Point Harbor Department

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BACKGROUND: On December 7, 2005 a Public Workshop was held in Santa Ana to provide the Planning Commission with an overview of the Harbor's history and operations and also a general overview of the Revitalization Plan and how the Plan was developed. The Director of the Dana Point Harbor Department also reviewed the aesthetics, traffic and parking, alternatives considered, the project impacts that have been identified as significant and unavoidable and also the processing of the DEIR.

SYNOPSIS: This report includes an overview of the Revitalization Plan process and an overview of the Draft Environmental Impact Report No. 591 for the Revitalization Plan Project including the Areas of Controversy, the Responses to Comments and the Mitigation Monitoring and Reporting Program.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

In compliance with CEQA, the State CEQA Guidelines, and the County's environmental analysis procedures, the County has prepared Program EIR No. 591 to address the environmental impacts of the proposed Revitalization Plan project. Per CEQA and the County's procedures, the Planning Commission is the responsible for recommendations to the Board of Supervisors on the adequacy of the Program EIR 591. The Board of Supervisors is responsible for final action (i.e. certification) of the Final Program EIR 591

ORGANIZATION OF DRAFT PROGRAM EIR 591:

Draft EIR 591 is composed of four volumes. Volume I contains the text of the DEIR including the executive summary. The Technical Appendices are designated as Volume II, III and IV. Volume II contains the Notice of Preparation and Comments. Volumes III and IV contain the various Technical Appendices which support the Draft Environmental Impact Report Sections. A fourth volume, entitled "Final EIR" has been prepared and it contains the Errata Sheets, the Statement of Facts and Findings, the Responses to Comments, and the Mitigation Monitoring and Reporting Program.

BACKGROUND:

This section provides a general context for understanding the proposed Revitalization Plan project in relation to its regional and local setting. The following discussion refers to appropriate DEIR sections which elaborate further on the topic.

Regional and Local Setting

Dana Point Harbor (Harbor) is approximately 276.8 acres, owned and operated by the County of Orange (County), and located entirely in the southern portion of the City of Dana Point (City). The City is located in the southern portion of Orange County, midway between the cities of San Diego and Los Angeles. The Harbor is bordered by the Pacific Ocean to the south, Dana Headlands and the Old Cove Marine Life Preserve to the west, Doheny State Beach to the east and a variety of commercial, hotel, residential, and public park uses to the north. The Harbor is a man-made regional recreational facility built in a cove formed by the headlands of Dana Point to the north, in Capistrano Bay. The harbor construction

was completed in the early 1970s. The County has not remodeled, refurbished any of the Harbor facilities since that time. Beginning in the late 1990s planning for the Revitalization began.

REVITALIZATION PLAN DEVELOPMENT

The Dana Point Harbor Revitalization Plan has been subject to extensive public outreach, beginning in the late 1990's with the Dana Point Harbor Task Force and continuing through the current process with numerous meetings with various stakeholders. In addition, Program EIR 591 included a formal public scoping meeting as part of the Notice of Preparation public review process. The Project has been designed to address the Dana Point Harbor Task Force goals as well as respond to stakeholder input regarding important issues such as:

- Adequacy of parking;
- Construction phasing that minimizes business impacts; and
- Improving Harbor water quality.

The County of Orange Resources and Development Management Department (RDMD) began the master-planning process by concentrating on the Harbor's landside improvements in 1997 and creating the 23-member Dana Point Harbor Task Force. This task force had representatives from the County, City, local citizens, merchants, boaters, and other key Harbor users. Led by Orange County Supervisor Thomas Wilson, the 1997/1998 task force process resulted in the creation of the *Dana Point Harbor Draft Concept Plan*. The Board of Supervisors received and filed the *Dana Point Harbor Concept Plan* in December 1998 as an informational item, but did not formally adopt the plan.

Recognizing the emphasis placed on the Commercial Core area (comprising the northeastern portion of the Harbor, generally between Puerto Place and Island Way) by the City and Task Force members, the County Board of Supervisors commissioned a team of design professionals and engineers to address the needs of this area. Refining the information contained in the Harbor Draft Concept Plan with input from governmental agency representatives and stakeholder groups, the Commercial Core Concept Plan was completed in April 2003. This plan made specific recommendations on site planning principles, building architecture, parking, landscaping, signage, bulkhead, grading, utilities, and roadways. *The Commercial Core Concept Plan* was also received and filed by the Board of Supervisors, but not formally adopted.

The proposed Revitalization Plan project elements for the Commercial Core (Planning Areas 1 and 2) will provide for the replacement and/or remodeling/seismic retrofitting of all 80,000 square feet of existing retail and restaurant buildings in the eastern portion of the Harbor and the construction of over 30,000 square feet of additional day-use commercial facilities. The proposed plan includes the reconfiguration of all existing surface parking areas to provide additional parking (including construction of a single two-level 610-space parking deck), new boater loading and drop-off areas, an initial 400 space dry stack boat storage building and improvements to boater service and public restroom buildings. Additionally, the proposed Harbor Revitalization Plan provides for the relocation of yacht brokerage firms Boater Service Buildings 1 and 2 and other Harbor-related offices uses to the Commercial

Core area. As a program element, the potential construction of a new lighthouse facility at the terminus of Puerto Place and a second dry stack boat storage building are also proposed for the future.

Outside the Commercial Core area, the Revitalization Plan provides for a number of future improvements (Planning Areas 3 through 12). In the Planning Area 4, plans include the renovation and/or expansion of the Dana Point and Dana West Yacht Clubs, dinner house restaurant renovations and modifications to the Harbor Patrol Offices to provide additional meeting rooms or staff office space. In the future, detailed design studies and engineering will also include specifications for any refinements to the existing parking lot and roadway configurations to facilitate improved vehicular/pedestrian circulation and increase parking opportunities. Work will also to be performed to reconfigure and/or reconstruct the marina docks and portions of the seawall, to relocate guest boater slips closer to the Commercial Core and to construct a dinghy dock area adjacent to Dana Wharf.

The Project also includes various conceptual design elements (referred to as “Phase II”, addressed at a programmatic level in the EIR), these potential future improvements will require separate environmental review, and may be modified from the conceptual descriptions noted in this Program EIR. An example of these programmatic elements are the lighthouse and the second dry stack boat storage building. In addition, through the normal course of final engineering and construction, certain Project improvements, even for the more detailed Phase I (Commercial Core) area may be refined from the description contained in this Program EIR. In addition, a key approval needed by the Project is the Local Coastal Plan Amendment, which requires approvals from the City of Dana Point and the California Coastal Commission.

DISCUSSION OF DRAFT PROGRAM EIR 591 (STATE CLEARINGHOUSE NO. 2003101142)

Draft Program EIR 591 was prepared in accordance with the California Environmental Quality Act (CEQA), as amended (Public Resources Resources Code Section 21000, et seq.), the CEQA Guidelines (California Code of Regulations Section 15000, et. seq.) and the County of Orange Environmental Procedures. In accordance with the CEQA requirements, a Notice of Preparation (NOP) of a Draft EIR (Draft EIR) was filed with the State Clearinghouse (SCH) Office of Planning and Research (OPR) on October 29, 2003. The SCH OPR assigned SCH Number 2003101142 to the environmental documentation for the proposed Project.

The NOP was distributed to public agencies, interested parties, libraries, and service providers. The 30-day public review period for the NOP started on October 29, 2003 and concluded on December 1, 2003. A total of 15 written comments were received on the Notice of Preparation. A public scoping meeting was held on November 6, 2003, at the Dana Point Harbor Youth and Group Facility.

BACKGROUND ON DRAFT PROGRAM EIR 591 PUBLIC REVIEW PERIOD & ACTIONS SUBSEQUENT TO DISTRIBUTION OF THE DRAFT PROGRAM EIR

The Revitalization Plan Draft Program EIR No. 591 was distributed on September 27, 2005, to responsible and trustee agencies, other affected agencies, surrounding jurisdictions, and interested parties, as well as other parties requesting a copy. In accordance with the CEQA requirements, a Notice of Completion of the Draft EIR was filed with the SCH OPR on September 27, 2005. A 45-day public review period for the Draft EIR pursuant to CEQA commenced on September 27, 2005 and ended on November 10, 2005. The Draft EIR 591 was distributed to public agencies, interested parties, libraries, and service providers by the County of Orange. The distribution list is included in the FEIR.

During the public review period, the Draft Program EIR 591 was also available for review at the Dana Point Harbor Department offices, Board of Supervisor – Fifth District offices, the City of Dana Point –Community Development Department and four libraries in the County. Copies of the Draft Program EIR were also available for purchase. A complete set of the DEIR was also sent to each of the Orange County Planning Commissioners.

The public review period was set for 45 days and ended on November 10, 2005. During the public review period a meeting with the local merchants and marina operators was held to discuss the parking issues. Meetings were also held with State Parks representatives, Yacht clubs and other groups in the Harbor. At the end of the public review period the County had received 17 comment letters from public agencies and individuals on the Draft EIR 591.

RESPONSES TO COMMENTS ON DRAFT PROGRAM EIR 591

Upon completion of the public review period on November 10, 2005, written Responses to Comments were prepared. At the December 7, 2005 meeting, the Planning Commission received a copy of the 17 comment letters and on January 5, 2006 the Planning Commissioners received copies of the Revitalization Plan Program EIR Responses to Comments with written responses to all letters received. These comments and their responses will be included as part of the administrative record for consideration by the County Planning Commission and the Orange County Board of Supervisors along with all comments and materials received at this hearing.

Of the 17 comment letters received, the various issues that were commented on were: parking management concerns associated with the project, views of the dry stack boat storage buildings from two specific locations outside the Harbor, water quality improvements associated with the project, reconfiguration of the boat slips, protection of cultural resources, maintenance yard relocation, sewer infrastructure, the proposed lighthouse construction, traffic at the Golden Lantern/Dana Point Harbor Drive intersection, parking deck operations, bulkhead repairs, trail connectivity between Doheny Beach and the harbor, emergency access issues during construction, protection of Baby Beach as a swim area, noise impacts to sea mammals from pile driving and the provision for a jib crane for sailboats in Planning Area 2.

Responses to the above questions are detailed in the Responses to Comments reports and can be summarized as follows:

Parking: The Revitalization Plan provides for parking that meets the County's Parking Code requirements. Although adequate parking is provided for in the overall plan via primarily by the 610-parking space deck, parking is not necessarily all located immediately adjacent to merchants as it was in the past. The reconfiguration of the Commercial Core to create a Festival Plaza as a gathering place, the need to provide emergency access turning radius's in the Dana Wharf area and other constraints necessitates that parking spaces be located slightly further away. The Dana Wharf area will continue to have a convenient drop-off location adjacent to restaurants and other locations and well as required ADA parking spaces. A Parking Management Plan is required as part of the Revitalization Plan project and the County has and will continue to involve merchants, city staff, marina operators and other interested parties in this effort.

Dry Stack Boat Storage Buildings: The visual impacts of the dry stack boat storage buildings will be mitigated in part by design features such as the incorporation of architectural elements, including skylights, dormers, and articulated building walls and roofline to soften the building's appearance. Other design elements include varied building and roof heights, sloping roofs that are broken into smaller segments with varied roof forms and directions, and cupolas.

Traffic: The City and the County have reached a mutual agreement on the incorporation of mitigation measures that meet the traffic management requirements of City. Those mitigation measures include additional traffic studies to be completed after the parking deck is constructed and other elements of the Commercial Core are built.

Water Quality: Both a program level and project level water quality management plan (WQMP) has been prepared to address near term and long-term project impacts. Grease interceptors are planned for all new and remodeled restaurants. Routine cleaning of the sewer laterals, street sweeping, and prohibition of certain activities associated with boat repairs, etc. Merchants, restaurants, marina operators and the Harbor Department will continue to implement best management practices as identified in the WQMP.

Pile Driving: the potential noise impacts to the marine mammals (which are not endangered or considered to be species of concern) will be short term and less than significant. Mitigation measures are included to reduce noise impacts from the machinery used.

SUMMARY OF ENVIRONMENTAL ANALYSIS

CEQA requires that areas of controversy or unresolved issues be identified as part of the EIR. The Revitalization Plan EIR is both a project and program level EIR that addresses a broad range of proposed changes at the harbor for which final design has not yet commenced for certain future programmatic elements additional environmental analysis is required. For example, when the Commercial Core or project elements undergo final design the sizing of the water quality design features (roof drainage, pervious parking elements) will be finalized as well as any bulkhead improvements that will be needed in the commercial core. The components in the Commercial Core have been designed at a conceptual level for purpose of analysis in this Project/Program EIR. Final details will be provided and evaluated when grading and building permits are processed. The Project Level Water Quality Management Plan will also be updated when submitting the grading and building permits to the County's Planning Division.

For the programmatic elements such as the waterside improvements and proposed Lighthouse in Planning Area 1, preliminary engineering and additional environmental analysis will be needed prior to coastal development permit applications and building and grading permits being submitted.

AREAS OF CONTROVERSY

Significant irreversible environmental changes that would result from the proposed Project, should it be implemented, are described in Sections 4.1 through 4.12 of the EIR, and are summarized as follows:

- Construction-related (temporary) air quality impacts due to building demolition, asphalt, grading, and related construction activities. This would be a temporary impact, substantially mitigated by Standard Conditions of Approval;
- Construction-related (temporary) noise impacts due to building demolition and related construction activities. This would be a temporary impact, substantially mitigated by SCAs;
- Cumulative off-site traffic noise impacts would exceed the 65 dBA CNEL level. As the cost of mitigation would be too great to be borne by this Project, given the lack of a reasonable relationship between the small magnitude of this Project's contribution to the impact and the high costs, this cumulative impact would remain significant;
- Construction-related (temporary) impacts on parking and circulation within the Harbor area. Although substantially mitigated through careful Project construction phasing, signage/detours and off-site staging and parking areas, the major construction activity may have an unavoidable temporary impact on parking and circulation within the Harbor;
- Aesthetic impacts on views at certain locations. While most Harbor improvements will enhance the Harbor views and overall quality and architectural style of the buildings, construction of the dry stack boat storage facilities may have a significant unavoidable impact from off-site locations such as public streets, public parks and beach areas.

PROJECT ALTERNATIVES

Detailed environmental analysis for each of the alternatives considered can be found in Section 6.0 of the Draft EIR. A brief summary of each alternative is presented here.

No Project Alternative Analyzed

The No Project and No Development Alternative assume the Revitalization Plan will not be implemented and that land uses and other improvements such as water, wastewater, drainage and circulation facilities will not be constructed. The No Project and No Development Alternative will not fulfill the Project objectives.

Development Alternatives Analyzed

Reduced Density - The Reduced Density Alternative will include limited expansion of existing uses, but will not develop any additional retail or commercial space, nor will it demolish and reconstruct existing Commercial Core buildings. No parking deck or dry stacked-boat storage buildings or a hotel expansion are in this plan. This Alternative will not fulfill the Project objectives to the full extent of the proposed Project.

Commercial Core Only - This alternative consists of a phased demolition of the existing facilities; construction of the Commercial Core retail area and parking deck; construction of a dry-stacked boat storage building; remodel of existing commercial/restaurant buildings; construction of new boater service facilities; modification of the boat slips to be in conformance with ADA requirements, and street and infrastructure improvements. This alternative will achieve some of the Project objectives while generating slightly less air quality and noise impacts, it is considered Environmentally Superior and may be considered by the decision-makers.

Infrastructure Only - This alternative consists of projects that are contemplated either by the County or other utility and service agencies as part of ongoing maintenance operations throughout the Harbor, and excludes all proposed commercial renovation and new building construction.

Alternative Site - The purpose and goal of the proposed Project is to enhance the specific existing facilities and services provided at Dana Point Harbor. Therefore, any alternative sites proposed will not fulfill the objectives of the Project.

MITIGATION MEASURES

CEQA Section 1526.14 outlines the use of feasible mitigation measure that can be used to minimize the significant adverse impacts of a project. Mitigation measures must be fully enforceable through conditions of approval, agreement and other legally-binding instruments. CEQA also states that mitigation measures can be incorporated into the plan or project design.

Attachment 1 to this report is the full text of the mitigation monitoring and reporting program. The mitigation measures identify who is responsible, where the action would be implemented and who would be the approving authority, if applicable. The mitigation program developed for the Revitalization Plan and as articulated in DEIR 591 consists of project design features (PDFs), standard conditions of approval (SCAs) and mitigation measures which will all serve to reduce potential environmental impacts. The more detailed evaluation of these issues is described in Section 4 of DEIR 591. The level of significance each impact is reduced to can be found in Sections 4.1- 4.12 of the Draft EIR.

UNAVOIDABLE ADVERSE IMPACTS

Aesthetics, Visual and Glare - Implementation of the proposed Project would result in significant unavoidable long-term off-site aesthetic impacts due to the development of the dry stack boat storage. This impact cannot be mitigated to below a level of significance, and

therefore, is considered to be unavoidable significant adverse impact of the proposed Project.

Air Quality - The proposed Project will result in significant and unavoidable impacts regarding construction emissions (NO_x emissions. This impact cannot be mitigated to below a level of significance, and therefore, are considered to be unavoidable significant adverse impacts of the proposed Project.

Noise - The proposed Project would result in significant and unavoidable impacts regarding exposure to construction noise and cumulative noise. This impact cannot be mitigated to below a level of significance, and therefore, is considered to be unavoidable significant adverse impact of the proposed Project.

RECOMMENDED ACTION:

For January 10, 2006, Dana Point Harbor Department recommends the Planning Commission:

1. Receive staff report/presentation/public testimony.
2. Approve Planning Commission Resolution 06-01 Recommending Certification of Dana Point Revitalization Project Draft Program Environmental Impact Report (DEIR) No. 591 by the Board of Supervisors.

Respectfully submitted,

George Carvalho, Director
Dana Point Harbor Department

Attachment

1. Planning Commission Resolution 06-01
Exhibit A – Statement of Findings and Facts
Exhibit B – Mitigation Monitoring and Reporting Program