

Section V

Resolution of the Planning Commission



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

RESOLUTION NO. 06-01

**RESOLUTION OF THE PLANNING COMMISSION OF
ORANGE COUNTY, CALIFORNIA**

January 10, 2006

On Motion of Commissioner Wooden, duly seconded and carried, the following Resolution was adopted:

WHEREAS, the County of Orange ("County") has prepared a Revitalization Plan for Dana Point Harbor ("Project") which will establish a Commercial Core and provide for the replacement and/or remodeling of all existing retail and restaurant buildings, and allow for the future expansion of other Harbor facilities and the ongoing maintenance and operation of the entire Harbor facility;

WHEREAS, the Board of Supervisors of Orange County adopted Resolution No. 88-316 approving the incorporation of the City of Dana Point on March 8, 1988; and

WHEREAS, Dana Point Harbor is entirely located within the City of Dana Point; and

WHEREAS, on October 29, 2003, the County is lead agency under the California Environmental Quality Act ("CEQA") issued a Notice of Preparation ("NOP") for the Dana Point Harbor Revitalization Plan Program Environmental Impact Report No. 591 and caused the NOP to be distributed to all responsible agencies, trustee agencies and interested parties for review and comment; and

WHEREAS, the County, in an effort to provide further opportunity for public review and commentary relative to the Dana Point Harbor Revitalization Plan and the Draft Program EIR No. 591, conducted a public open house on June 7, 2005; and

WHEREAS, pursuant to the NOP for the Dana Point Harbor Revitalization Plan Program Environmental Impact Report No. 591, and in recognition of the comments received in response to the NOP, the County determined that the Project may result in significant adverse effects and therefore prepared Draft Program Environmental Impact Report No. 591 (State Clearinghouse Number SCH No. 2003101142), dated September 27, 2005 (the "Draft Program EIR"); and

WHEREAS, a Notice of Completion for the Draft Program EIR 591 was filed on September 27, 2005 giving public notice of the availability of the Draft Program EIR for review and comment; and

WHEREAS, copies of the Draft Program EIR 591 were circulated and made available for public review and comment between September 27, 2005 and November 10, 2005 (the "Comment Period"); and

1 WHEREAS, in furtherance of CEQA's¹ goal of promoting public participation in the
2 environmental review process, the Orange County Planning Commission ("Planning
3 Commission") conducted a public workshop on December 7, 2005 to address the Revitalization
4 Plan and Draft Program EIR 591 and to solicit public comments thereon; and

4 WHEREAS, during the Comment Period, more than 17 comments were received relative
5 to the Draft Program EIR 591; and

6 WHEREAS, in accordance with the requirements of CEQA, responses to those comments
7 were prepared, and said comments and responses were provided to the Planning Commission in
8 a separate document entitled "Program Environmental Impact Report No. 591 Responses to
9 Comments" ("Responses to Comments"); and

9 WHEREAS, the proposed Final Program EIR 591 will be comprised of (i) the Draft
10 Program EIR 591 , (ii) a list of persons, organizations and public agencies commenting on the
11 Draft Program EIR, (iii) comments received from the public and interested agencies, (iv) the
12 Responses to Comments, (v) revisions to the text of the Draft Program EIR 591 reflecting
13 changes made in response to comments and other information, (vi) other changes to the text of
14 the Draft Program EIR 591 , and (vii) all attachments and documents incorporated by reference
15 into the Program EIR 591; and

14 WHEREAS, Section 9 in the Statement of Findings and Facts, lists the Statement of
15 Overriding Considerations and Section 9.2 of that section also lists the Unavoidable Adverse
16 Significant Impacts of the Project.

16 WHEREAS, the Planning Commission has reviewed the findings contained in the
17 "Statement of Findings and Facts in Support of Findings" with respect to significant impacts
18 identified in the Final Program EIR 591. The Statement of Findings is attached hereto as
19 Exhibit A and incorporated herein by this reference; and

20 WHEREAS, a Mitigation Monitoring and Reporting Program ("MMRP") has been drafted to
21 meet the requirements of CEQA Section 21081.6 as a mitigation measure monitoring program.
22 The MMRP is designed to ensure compliance with the mitigation measures imposed upon the
23 Project to avoid or substantially lessen the significant effects identified in the Final Program EIR
24 591 ; and

24 WHEREAS, a copy of the MMRP is attached hereto as Exhibit B and incorporated herein
25 by this reference; and

26 WHEREAS, The Planning Commission finds that the Final Program EIR 591 identifies all
significant environmental effects of the Project, and that there are no known potential
environmental impacts which are not specifically and adequately addressed in the Final EIR 591;
and

¹ Calif. Pub. Res. Code Sections 21000 *et seq.*

1 WHEREAS, The Planning Commission finds that although the Final Program EIR 591
2 identifies certain significant environmental effects that will result if the Project is approved, those
3 significant effects which can be feasibly mitigated or avoided have been reduced to an
4 acceptable level by the incorporation of project design features ("PDFs"), standard conditions of
5 approval ("SCAs") and requirements, and by the imposition of mitigation measures ("MMs") on
6 the approved Project. The individual PDFs, SCAs and mitigation measures identified for the
7 Project are incorporated into the Statement of Findings (see Exhibit A) as part of the MMRP
8 (see Exhibit B); and

9 WHEREAS, the Planning Commission reviewed all documentation and materials
10 comprising the Final Program EIR and found that the Final Program EIR 591 considers all
11 environmental effects of the Recommended Project and is complete and adequate and fully
12 complies with all requirements of CEQA and CEQA Guidelines; and

13 NOW, THEREFORE, BE IT RESOLVED, the Planning Commission hereby makes the
14 following recommendation:

15 The Planning Commission recommends certification of Final Program EIR 591 as
16 complete and adequate in that it addresses all environmental effects of the Project and fully
17 complies with the requirements of CEQA, the CEQA Guidelines and the County's environmental
18 analysis procedures. All of the information comprising the Final Program EIR 591 is on file with
19 the County of Orange -Dana Point Harbor Department, 24650 Dana Point Harbor Drive, Dana
20 Point, California.

21 NOW THEREFORE, BE IT FURTHER RESOLVED: that the Orange County Planning
22 Commission hereby adopts Planning Commission Resolution 06-01 recommending
23 certification of Final EIR 591.

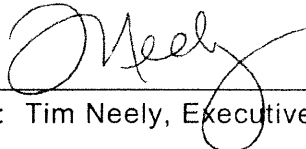
24 AYES: Commissioners Goacher, Wooden, Long, Zenger

25 NOS: None

26 ABSTAIN: Merriman

I HEREBY CERTIFY that the foregoing Resolution NO. 06-01 was adopted
January 10, 2006, by the Orange County Planning Commission.

ORANGE COUNTY PLANNING COMMISSION


By: Tim Neely, Executive Officer

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]