



## 7.0 EFFECTS FOUND NOT TO BE SIGNIFICANT

The County of Orange prepared a Notice of Preparation (NOP) in October 29, 2003, indicating commencement of the EIR preparation process. In the course of the EIR process (including NOP comments, public meetings, a scoping meeting, technical studies, and related EIR research), certain impacts of the Project were found to be less than significant due to the inability of a Project of this scope to create such impacts or the absence of Project characteristics producing such effects. These effects determined not to be significant are not required to be included in primary analysis sections of the Draft EIR. In accordance with *CEQA Guidelines* Section 15128, the following section provides a brief description of potential impacts found to be less than significant. A copy of the NOP is in Appendix A.

### 7.1 AGRICULTURAL RESOURCES

***Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?***

**No Impact.** The Project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Furthermore, most of the Project site has been developed with the existing recreational and commercial uses for many years. Thus, Project implementation would not convert farmland to nonagricultural uses. No impacts are anticipated in this regard.

***Would the Project conflict with existing zoning for agricultural use or a Williamson Act contract?***

**No Impact.** The Land Use Element of the *City General Plan* designates the Project site as Visitor/Recreation Commercial, Community Facility, Recreation/Open Space, Transportation Corridor, Harbor Marine Water, and Harbor Marine Land. The recreational and commercial designations do not allow agricultural uses. In addition, the Project site is not in a Williamson Act Contract. Thus, implementation of the proposed Project would not conflict with existing zoning for agricultural use or with any Williamson Act contracts. No impacts are anticipated in this regard.

***Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use?***

**No Impact.** The proposed Project would not impact farmlands listed as “Prime” and “Unique,” based on farmland data provided by the California Department of Conservation, Division of Land Resource Protection (August 2001). There are no agricultural uses located within the City and therefore Project implementation would not convert Farmland to nonagricultural uses.



## 7.2 AIR QUALITY

***Would the Project create objectionable odors affecting a substantial number of people?***

**No Impact.** Future commercial uses within the Project area may have the potential for creating odors. These emissions would be comparable to those anticipated with any type of commercial activity (e.g., food service facilities). Some businesses, such as restaurants with exhaust vents, are considered “stationary point sources” for air pollutant emissions and may be subject to further regulatory requirement above and beyond any requisite CEQA mitigation. While the emissions from these activities are common and not identified as being particularly hazardous, they may be subject to permitting requirements that call for the use of “best available control technology” to eliminate or reduce the levels of emissions. Any potential nuisance related to odor that may occur with these activities would be mitigated under the SCAQMD’s permitting requirements. Air quality issues, including odor, are addressed in Section 4.5 (Air Quality) of the EIR.

## 7.3 BIOLOGICAL RESOURCES

***Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

**Less Than Significant Impact.** The *County General Plan* contains a Resources Element addressing the preservation of natural resources. Figure VI-5, *Open Space/Conservation Program Map*, indicates that the Project site is not located within a designated open space/conservation area. In addition, due to the developed nature of the Project site, Dana Point Harbor is not part of a Conservation Plan. Further review of the proposed Project by the City and compliance with the City and County’s *General Plan* would reduce impacts to a less than significant level. Biological Resources, including discussion of adopted plans, are addressed in Section 4.7 of the Draft EIR.

## 7.4 GEOLOGY AND SOILS

***Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?***

**No Impact.** The Project proposes to install on-site sewer lines. It would not be necessary to install septic tanks or other alternative types of wastewater disposal systems. No significant impacts are anticipated in this regard.



## 7.5 HAZARDS AND HAZARDOUS MATERIALS

***Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

**No Impact.** The Project site is not within one-quarter mile of an existing or proposed school. Therefore, no impacts are anticipated in this regard.

***For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?***

**No Impact.** The Project site is not located near or within an airport land use plan. Therefore, no impacts are anticipated in this regard.

***For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?***

**No Impact.** The Project site is not located near or within an airport. Therefore, no impacts are anticipated in this regard.

***Would the Project expose people or structures to a significant risk or loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?***

**Less Than Significant Impact.** The proposed Project would introduce ornamental landscaping, which is not anticipated to create hazardous conditions associated with brush fires. Individuals would not be subject to a high fire hazard, as the Project site is not in a high fire hazard area and the proposed structures would be constructed to meet or exceed current fire codes. Thus, no significant impacts are anticipated in this regard. Fire hazards are addressed in Section 4.10 (Public Services and Utilities) of the EIR.

## 7.6 DRAINAGE AND WATER QUALITY

***Would the Project 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?***

**No Impact.** The proposed Project does not involve the development of housing and therefore no impacts are anticipated in this regard.

***Would the Project 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?***



**Less Than Significant Impact.** There is no major dam or water-retaining structure located near the Project site. The potential of earthquake-induced flooding that would affect the Project site is considered to be low. Therefore, impacts in this regard are considered less than significant. Drainage and flood control issues are addressed in Section 4.4 (Drainage and Water Quality) of the EIR.

***Would the project 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)?***

**Less Than Significant Impact.** The San Juan Creek Basin underlies the Project site. This groundwater basin is a component of the Coastal Plain Basin in western Orange County. The Project site lies in the lower portion of the San Juan Creek Basin.<sup>1</sup> This area generally has a lower permeability and infiltration capacity than do the upper portions. Approximately 80,000 acre-feet of groundwater exists in the San Juan Creek Basin, 30,000 acre-feet of which is unusable due to poor water quality. In the vicinity of the Project site, substantial portions of the groundwater contain nitrate and salts due to seawater intrusion. Most of the Project site is underlain by beach sand, San Onofre Creccia, marine terrace deposits, slope wash, artificial fill, and landslide material. The varying levels of material and bedrock affect the groundwater levels and cause them to periodically fluctuate.

The entire Dana Point Harbor covers approximately 277 acres consisting of hardscape (parking lots, buildings, sidewalks, etc.), landscaping, open space (recreational grassy areas, natural areas) and open surface water. The Harbor is primarily built out and the entire site is approximately 95 percent impervious. Considering the entire site is built out and the proposed conditions will maintain or potentially enlarge the open space areas, the impervious condition will either remain the same or slightly decrease, thereby resulting in a similar or reduced amount of storm water runoff. The specific changes to the impervious area composition will be addressed in each of the subsequent Amendments to the *Dana Point Harbor Revitalization Plan Conceptual Harbor Water Quality Management Plan*.

## 7.7 LAND USE AND PLANNING

***Would the Project physically divide an established community?***

**No Impact.** The Project site is already developed with existing recreational and commercial uses. The Project proposes to renovate and expand existing infrastructure and commercial and recreational facilities. The Project site is not located in a neighborhood of special consideration based on income or ethnicity and is compatible with the surrounding recreation/open space and visitor/recreation commercial land uses. The Project would not displace any residential units. Thus, implementation of the proposed Project would not divide an established community.

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<sup>1</sup> City of Dana Point, *Final Environmental Impact Report for the City of Dana Point General Plan, Local Coastal Program and Zoning Ordinance*, June 12, 1991.



***Would the Project conflict with any applicable habitat conservation plan or natural community conservation plan?***

***Less Than Significant Impact.*** The *County General Plan* contains a Resources Element for the preservation of natural resources. Figure VI-5 (Open Space/Conservation Program Map) indicates that the Project site is not located within a designated open space/conservation area. In addition, due to the developed nature of the Project site, Dana Point Harbor is not part of a Conservation Plan. Further review of the proposed Project by the City and compliance with the *General Plan* would reduce impacts to less than significant.

## 7.8 MINERAL RESOURCES

***Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?***

***No Impact.*** According to the *County General Plan* (Figure VI-3, Orange County Mineral Resources) the Project site does not have significant existing or potential mineral or energy resources. The California Division of Mines and Geology (CDMG) is the State agency responsible for overseeing the management of mineral resources in California. The CDMG considers a site to be significant in regard to mineral commodities if the site can be mined commercially; there must be enough of the resource to be economically viable. There are no such resources known to be on site. There would be no significant impacts on mineral resources from the proposed Project.

***Would the Project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?***

***No Impact.*** According to the *County General Plan* (Figure VI-3, Orange County Mineral Resources), the Project site does not have significant existing and potential mineral or energy resources. The CDMG is the State agency responsible for overseeing the management of mineral resources in California. The CDMG considers a site to be significant in regard to mineral commodities if the site can be mined commercially; there must be enough of the resource to be economically viable. There are no such resources known to exist on site. There would be no significant impacts on mineral resources from the proposed Project.

## 7.9 NOISE

***For a project located within an airport land use plan or, where such plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?***

***No Impact.*** The Project site is not located within an area subject to the requirements of an airport land use plan. Thus, no impacts would occur in this regard.



***For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?***

***No Impact.*** There are no private airstrips located on or within the vicinity of the Project site. Thus, no impacts would occur in this regard.

## **7.10 POPULATION AND HOUSING**

***Would the Project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***

***Less Than Significant Impact.*** The proposed Project does not propose the development of housing, which would increase the City's permanent population. However, the additional employment created by the proposed commercial uses could increase the City's population because future on-site employees (and their families) may choose to relocate to the City. For analysis purposes, if 25 percent of the proposed Project's new employees were to relocate to the City, the Project could create a demand for 19 housing units and increase population by approximately 47 persons.<sup>2</sup> This represents approximately 0.1 percent of the anticipated population growth of 40,437, persons by the year 2030. Thus, Project implementation is not expected to significantly impact population and housing. (Growth-inducing impacts are addressed in Section 5 of the EIR.)

***Would the Project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?***

***No Impact.*** The proposed Project includes infrastructure, access, and building improvements to Dana Point Harbor. There would be no displacement or loss of residential units as a result of this Project, and no replacement housing would be necessary.

***Would the Project displace existing housing affecting a substantial number of people?***

***No Impact.*** The proposed Project includes infrastructure, access, and building improvements to Dana Point Harbor. There would be no displacement or loss of residential units as a result of this Project, and no replacement housing would be necessary.

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<sup>2</sup> The Project's potential population increase was calculated based upon the Project's potential demand for 19 housing units and the City's estimate of 2.47 persons per household, based on Census 2003 projections (Table DP-1). Employment generation rate of 74 persons is based on 1 employee/450 square feet of commercial development.



## 7.11 TRANSPORTATION AND TRAFFIC

***Would the Project change air traffic patterns, including either increased traffic levels or change the location that results in substantial safety risks?***

***No Impact.*** The proposed Project is not located near any airports. No changes in air traffic patterns or associated increase in traffic levels that would result in safety risks are anticipated with implementation of the proposed Project.

***Would the Project substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

***Less Than Significant Impact.*** The proposed Project includes roadway improvements and project design features (PDFs) that would provide more efficient and safer traffic circulation. The intent is to create a more pedestrian friendly space that encourages walking and low traffic speeds.

Vehicular circulation within the Commercial Core of the Harbor would be via the existing Street of the Golden Lantern and its intersection with a new east-west street located on the northern side of the new Harborfront buildings. Street of the Golden Lantern would be a three-lane road with two travel lanes, a center turning lane, and a bike lane. The new east-west street would be two lanes with 10-foot parking bays provided at key locations. The new street, extending to the terminus of Dana Wharf, would function as a collector street and allow for several drop-off points for boaters and merchants. The proposed roadway would provide access to off-street service courts and permit street parking for service vehicles during off-peak hours. On large-event days, the roadway could be blocked to cars and used solely by pedestrians.

Other roadway improvements may include a minor reconfiguration to the roundabout near the Youth and Group Facility on Dana Point Harbor Drive. Compliance with County standards for roadway design would ensure safe design features, and reduce impacts to a less than significant level.

***Would the Project result in inadequate emergency access?***

***Less Than Significant Impact.*** The site is located in an area where adequate circulation and access are provided to address emergency responses. In addition, the proposed Project would improve emergency access by improving internal traffic circulation and access to the developed portions of the Project site. Compliance with County standards for roadway design and emergency access would reduce impacts to a less than significant level.

***Would the Project conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?***



***Less Than Significant Impact.*** Implementation of the proposed Project would not provide barriers to pedestrian or bicycle routes. The proposed Project includes additional walkways throughout the Harbor and supports the use of alternative transportation, and therefore does not conflict with any adopted alternative transportation policies. Finally, all design standards would comply with County standards, ensuring a safe interface between vehicles, pedestrians, and bicyclists.