

**CITY OF DANA POINT  
PLANNING COMMISSION  
AGENDA REPORT**

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**DATE:** SEPTEMBER 23, 2019

**TO:** DANA POINT PLANNING COMMISSION

**FROM:** COMMUNITY DEVELOPMENT DEPARTMENT  
MATT SCHNEIDER, DIRECTOR  
SEAN NICHOLAS, SENIOR PLANNER

**SUBJECT:** COASTAL DEVELOPMENT PERMIT CDP19-0011 FOR CONSTRUCTION OF A TRAIL EXTENSION, OUTLOOK, AND PARKING AT HARBOR POINT PARK

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**RECOMMENDATION:** That the Planning Commission adopt:

- 1) The attached draft Resolution approving a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (Action Document 1).
- 2) The attached draft Resolution approving Coastal Development Permit CDP19-0011 (Action Document 2).

**APPLICANT:** City of Dana Point

**REQUEST:** A request to construct a trail extension, public viewing outlook, and parking at Harbor Point Park.

**LOCATION:** The project site includes a portion of Harbor Point Park at 34801 Scenic Drive (APN 672-591-12).

**NOTICE:** Public Hearing notices were mailed to property owners within 500 feet, and to occupants within 100 feet of the site on September 13, 2019. The same notice was published in the Dana Point News on September 13, 2019, and notices were posted on September 13, 2019, at Dana Point City Hall, the Dana Point post office, the Capistrano Beach post office, and the Dana Point Library.

**ENVIRONMENTAL:** Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration was completed and circulated for public comment and responses have been provided. Supporting Document 4 is the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for review.

**ISSUES:**

1. Is the proposal consistent with the City's adopted General Plan/Local Coastal Program?

2. Is the proposal compatible with and an enhancement to the park and City?
3. Does the project satisfy all the findings required pursuant to the City's Zoning Code for approving a Coastal Development Permit?

**BACKGROUND:**

On March 25, 2016 the City of Dana Point and the California Coastal Commission entered into a settlement agreement to resolve the matters of litigation concerning modifications to City property on the Dana Point Headlands. The City and the Coastal Commission worked together to determine beneficial improvements to the Headlands area, two of the amenities determined was the connection of the Harbor Point Park trail back to Green Lantern and a scenic overlook from the Street of Green Lantern/Scenic Drive.

The project requires a Coastal Development Permit because the proposed project is for the trail extension and coastal overlook on a Coastal Bluff parcel and located in the Coastal Commission appeal area.

**DISCUSSION:**

Trail:

The goal of the proposed trail extension is to provide improved public access consistent with the Coastal Commission settlement agreement. An informal trail has been created leading from the terminus of the Harbor Point Park trail back to Scenic Drive as a result of trail users leaving the path. To improve trail circulation, and prevent impacts to ESHA, staff is proposing to extend the trail along the informal path that has been created. The use of fencing, signs, and decomposed granite (DG) will match the existing trail. Figure 1 shows where the trail will connect to Scenic Drive.

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**Figure 1: Location of Harbor Point Trail Extension to Scenic Drive**

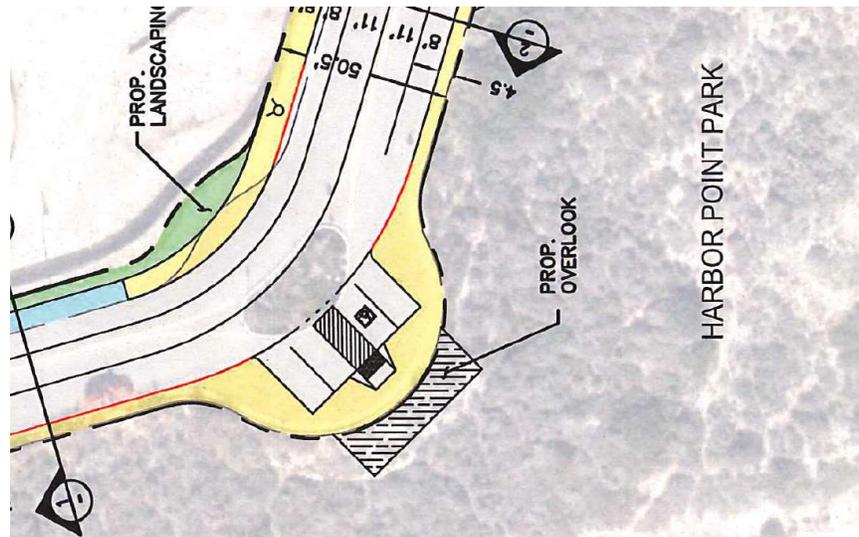


**Overlook:**

Consistent with people leaving the trail to get back to Scenic Drive, people are also leaving the trail to get closer to the bluff edge. To allow for people to get closer to the bluff edge in a safe manner an overlook is proposed. The overlook will extend out from Scenic Drive and a new parking area will be created, including a new ADA parking space. Figure two (2) shows the proposed overlook and parking layout.

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**Figure 2: Proposed Overlook and Parking**



COASTAL DEVELOPMENT PERMIT:

This CDP proposes the extension of the Harbor Point Park trail and new overlook. The proposed amenities will be available consistent with the approved hours of operation of Harbor Point Park, and will utilize matching fencing and materials throughout the various Headland preserves to be consistent with past CDP approvals.

CEQA

The proposed project required by the Coastal Commission will also protect existing native habitat located in Harbor Point Park. To evaluate the habitat, a biological study was completed and used to complete a Mitigated Negative Declaration (MND). It was determined through the CEQA process that with the mitigations included in the MND, Mitigation Monitoring and Reporting Program (MMRP), and included as a condition of approval and exhibit to Action Document two (2), there will be no significant impacts to the native habitat as a result of the proposed project.

Section 9.69.070 of the DPZC stipulates a minimum of seven (7) findings to approve a Coastal Development Permit, requiring that the project:

1. *Be in conformity with the certified Local Coastal Program as defined in Chapter 9.75 of this Zoning Code. (Coastal Act/30333, 30604(b); 14 CA Code of Regulations/13096).*
2. *If located between the nearest public roadway and the sea or shoreline of any body of water, be in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act. (Coastal Act/30333, 30604(c); 14 CA Code of Regulations/13096).*

3. *Conform with Public Resources Code Section 21000 and following, and there are no feasible mitigation measures or feasible alternatives available which would substantially lessen any significant adverse impact that the activity may have on the environment. (Coastal Act/30333; 14 CA Code of Regulations/13096).*
4. *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.*
5. *Minimize the alterations of natural landforms and not result in undue risks from geologic and erosional forces and/or flood and fire hazards.*
6. *Be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas.*
7. *Conform to the General Plan, Zoning Code, applicable Specific Plan, Local Coastal Program, or any other applicable adopted plans and programs.*

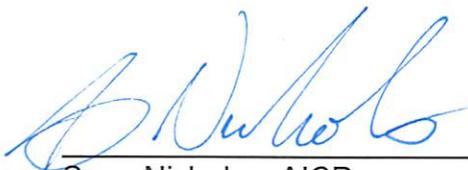
The required findings are articulated in the attached draft Resolution identified as Action Document 2.

CORRESPONDENCE:

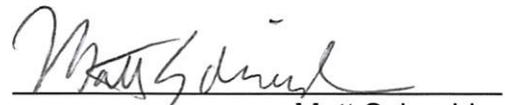
Staff has not received correspondence associated with the project. All correspondence and responses associated with the MND is attached as Supporting Document 4.

CONCLUSION:

Staff Recommends approval of CDP19-0011. The trail extension and overlook will enhance public coastal access consistent with Coastal Commission requirements.



Sean Nicholas, AICP  
Senior Planner



Matt Schneider  
Director of Community Development

**ACTION DOCUMENT:**

1. Draft Resolution for the approval of a MND and MMRP
2. Draft Planning Commission Resolution 19-09-23-XX  
Exhibit A: MMRP

**SUPPORTING DOCUMENTS:**

3. Vicinity Map
4. MND and MMRP
5. Conceptual Plans

**Action Document 1:           Draft Resolution for the approval of a MND and MMRP**

**RESOLUTION NO. 19-09-23-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR COASTAL DEVELOPMENT PERMIT CDP19-0011.**

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

WHEREAS, the City of Dana Point (the "City"), maintains the real property commonly referred to as Harbor Point Park located at 34801 Scenic Drive within the Headlands Development and Conservation Plan (HDCP) area (APN: 672-591-12) (the "Property"); and

WHEREAS, the City initiated a verified application for a Coastal Development Permit constituting a request as provided by Title 9 of the Dana Point Municipal Code; and

WHEREAS, the Planning Commission did, on the 23<sup>rd</sup> day of September, 2019, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) for Coastal Development Permit CDP19-0011.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Dana Point as follows;

- A) That the above recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the Planning Commission hereby adopts a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Coastal Development Permit CDP19-0011.

Findings:

- 1) That a Notice of Intent to adopt a Mitigated Negative Declaration was circulated for a thirty (30) day review period effective June 19, 2019, to the County Clerk and the State Clearinghouse. Additionally, a copy of the MND/NOI was made available at the Community Development Department at Dana Point City Hall.
- 2) The comments that were received from that review, which ended July 19, 2019, including the response to comments, has been

**RESOLUTION NO 19-09-23-XX**  
**Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program**  
**CDP19-0011**  
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- included in the final MND as Section 3.0.
- 3) That the attached MND shows that the project will not have a significant impact on the environment with the mitigation measures implemented pursuant to the MMRP.
  - 4) That there was no evidence before the City that the proposed project would have any potential adverse effect on wildlife with the mitigation measures applied. Though the project has been determined not to be exempt for the Department of Fish and Game environmental fees, thus the necessary fees shall be paid if CDP19-0011 is approved.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 23<sup>rd</sup> day of September, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Roy Dohner, Chair  
Planning Commission

ATTEST:

\_\_\_\_\_  
Matt Schneider, Director  
Community Development Department

Action Document 2: Draft Planning Commission Resolution 19-09-23-XX

RESOLUTION NO. 19-09-23-XX

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF DANA POINT, CALIFORNIA, APPROVING COASTAL DEVELOPMENT PERMIT CDP19-0011 FOR A TRAIL EXTENSION, OUTLOOK, AND PARKING AT HARBOR POINT PARK AT 34801 SCENIC DRIVE WITHIN THE HEADLANDS DEVELOPMENT AND CONSERVATION PLAN**

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

WHEREAS, the City of Dana Point (the "City"), maintains the real property commonly referred to as Harbor Point Park located at 34801 Scenic Drive within the Headlands Development and Conservation Plan (HDCCP) area (APN: 672-591-12) (the "Property"); and

WHEREAS, the City initiated an application for a Coastal Development Permit constituting a request as provided by Title 9 of the Dana Point Municipal Code; and

WHEREAS, the Planning Commission did, on the 23<sup>rd</sup> day of September, 2019, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (MND) was completed and circulated for public comment and responses have been provided and incorporated into the final MND. A separate Resolution approving the MND and Mitigation Monitoring and Reporting Program (MMRP) has been provided to Planning Commission for their review and approval associated with CDP19-0011; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to Coastal Development Permit CDP19-0011.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Dana Point as follows;

- A) That the above recitations are true and correct and incorporated herein by reference;

Findings:

- B) Based on the evidence presented at the public hearing, the Planning Commission adopts the following findings and approves a Coastal Development Permit CDP19-0011, subject to conditions:
  - 1) That the proposed project is consistent with the Dana Point General Plan and Local Coastal Program, **in that the project is consistent with the General Plan and Local Coastal**

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**Program policies associated with coastal access by extending the existing trail back to Scenic Drive and create a public viewing outlook for improved access to coastal resources without impacting sensitive habitat.**

- 2) That the proposed development is not located between the nearest public roadway and the sea or shoreline of any body of water, and is in conformity with the public access and public recreation policies of Chapter Three of the Coastal Act, **in that the project is associated with existing coastal access in Harbor Point Park located above the harbor past the nearest public road. The installation of the trail extension and public view outlook will further the Park's consistency with Chapter Three of the Coastal Act by enhancing public access to coastal resources while reducing impacts on sensitive habitat due to illegal trespassing.**
- 3) That the proposed development conforms to Public Resources Code Section 21000 (the California Environmental Quality Act), **in that a MND was completed and circulated for review consistent with the requirements of the California Environmental Quality Act. All comments were addressed and included in the final MND. A separate Resolution approving the MND and MMRP has been provided for Planning Commission review and approval associated with CDP19-0011, and the MMRP has been incorporated into the attached conditions of approval.**
- 4) 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 an MND and MMRP have been completed and mitigation measures have been incorporated into the conditions of approval to prevent impact on the sensitive habitat.**
- 5) 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 a geological study was completed and identified the trail extension outside of the 50 year erosion line and meets applicable coastal bluff setbacks.**

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- 6) That the proposed development will be visually compatible with the character of surrounding areas, and, where feasible, will restore and enhance visual quality in visually degraded areas, **in that the same fencing as the existing trail will be utilized for the extension and guardrail of the proposed public view outlook to visually continue the improvements installed with the development of the HDCP.**
- 7) That the proposed development will conform with the General Plan, Zoning Code, Local Coastal Program, or other applicable adopted plans and programs, **in that the Coastal Commission has required the City to complete these improvements, and analysis and planning has been completed to avoid impacts to sensitive habitat while improving public access to coastal resources.**

A. General:

1. Approval of this application is to allow the Harbor Point Park trail extension, coastal overlook, and new parking area accessed from Green Lantern/Scenic Drive during Coastal Commission approved hours of operation. Subsequent submittals for this project shall be in substantial compliance with the concept plans presented to the Planning Commission, MND and MMRP, and in compliance with the applicable provisions of the Dana Point General Plan/Local Coastal Program, and the Dana Point Zoning Code.
2. This discretionary permit(s) will become void two (2) years following the effective date of the approval if the privileges authorized are not implemented or utilized or, if construction work is involved, such work is not commenced within such two (2) year time period or; the Director of Community Development or the Planning Commission, as applicable grants an extension of time. Such time extensions shall be requested in writing by the applicant or authorized agent prior to the expiration of the initial two-year approval period, or any subsequently approved time extensions.
3. The application is approved for the location and concepts of the uses, structures, features, and materials, shown on the conceptual documents. Any relocation, alteration, or addition to any use, structure, feature, or material, not specifically approved by this application, will be reviewed for consistency with the conceptual drawings. If any changes are proposed regarding the location or alteration to the appearance or use of any structure, an amendment to this permit shall be submitted for approval by

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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 approval action, and that the action would have been the same for the amendment as for the approved plans, they may approve the amendment without requiring a new public hearing.

4. Failure to abide by and faithfully comply with any and all conditions attached to the granting of this permit shall constitute grounds for revocation of said permit.
5. All mitigation measures included in this Resolution as Exhibit A, shall be incorporated and enforced as required conditions of approval.
6. The project shall meet all water quality requirements including Low Impact Development (LID) implementation.
7. The applicant shall be responsible for coordination with water district, sewer district, SDG&E, AT&T California and Cox Communication Services for the provision of water, sewer, electric, telephone and cable television services.
8. The applicant shall exercise special care during the construction phase of this project to prevent any off-site siltation. The applicant shall provide erosion control measures of a type, size and location as approved by the Director of Public Works. The erosion control measures shall be specified and shall be constructed to the satisfaction of the Director of Public Works prior to the start of any other grading operations. The applicant shall maintain the erosion control devices until the final approval of all permits.
9. The applicant, property owner or successor in interest shall prepare a Waste Management Plan to the City's C&D official per the Dana Point Municipal Code. As needed, a deposit will be required upon approval of the Waste Management Plan to ensure compliance. The Waste Management Plan shall indicate the estimated quantities of material to be recycled and the locations where the material is to be taken for recycling.
10. Per Municipal Code Section 9.27.030, no new structure foundations or improvements requiring a building permit will be allowed within the bluff edge setback.

**B. Prior to Issuance of a Building Permit**

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11. The applicant shall submit a geotechnical report in compliance with all the City of Dana Point standards for review and approval.

12. All plans submitted shall reflect the determined Edge of Bluff and all associated setbacks, as shown on the approved geotechnical report, prepared by Hetherington Engineering Inc.

**C. Prior to Building Permit Final**

13. A Final Geotechnical Report shall be prepared by the project geotechnical consultant in accordance with the City of Dana Point Grading Manual.

14. A written approval by the Geotechnical Engineer of Record approving the grading as being in conformance with the approved grading plan from a geotechnical standpoint.

15. An As-Built Plan shall be prepared by the consultant.

16. The final condition of the bluff edge setback shall be in accordance with Municipal Code Section 9.27.030, with no new structure foundations or improvements requiring a building permit within the bluff edge setback.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Dana Point, California, held on this 23<sup>rd</sup> day of September, 2019, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Roy Dohner, Chair  
Planning Commission

ATTEST:

\_\_\_\_\_  
Matt Schneider, Director  
Director of Community Development

Action Document 2 Exhibit A

**MITIGATION MONITORING AND REPORTING PROGRAM**

**HARBOR POINT PARK TRAIL EXTENSION  
AND OVERLOOK PROJECT  
DANA POINT, CALIFORNIA**

*Prepared for:*

**CITY OF DANA POINT**  
33282 Golden Lantern  
Dana Point, CA 92629

*Prepared by:*



5 Hutton Centre Drive, Suite 750  
Santa Ana, California 92707

**September 2019**

#### **MITIGATION MONITORING AND REPORTING PROGRAM**

Public Resources Code, Section 21081.6 (Assembly Bill 3180) requires that mitigation measures identified in environmental review documents prepared in accordance with California Environmental Quality Act (CEQA) are implemented after a project is approved. Therefore, this Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance with the adopted mitigation measures during the construction phase of the Harbor Point Park Trail Extension and Overlook Project (Project).

The City of Dana Point (City) is the agency responsible for implementation of the mitigation measures identified in the MND. This MMRP provides the City with a convenient mechanism for quickly reviewing all the mitigation measures including the ability to focus on select information such as timing. The MMRP includes the following information for each mitigation measure:

- The phase of the Project during which the required mitigation measure must be implemented;
- The phase of the Project during which the required mitigation measure must be monitored; and
- The enforcement agency.

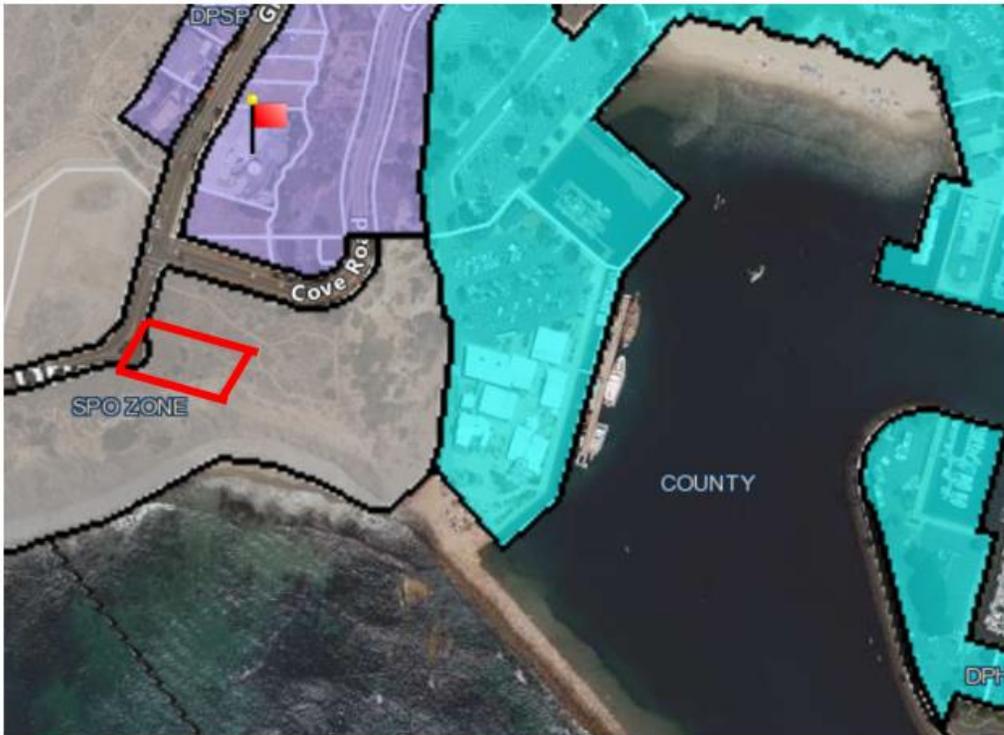
The MMRP includes a checklist to be used during the mitigation monitoring period. The checklist will verify the name of the monitor, the date of the monitoring activity, and any related remarks for each mitigation measure.

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MITIGATION MONITORING AND REPORTING PROGRAM Harbor Point Park Trail Extension and Overlook Project							
Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
<b>MM BIO-1:</b> To avoid potential impacts to the California gnatcatcher, construction activities will take place outside of nesting season (February 15 to September 1). If construction activities are proposed within the breeding season, coordination with the agencies is recommended to determine the appropriate mitigation pathway.	Construction	Construction	City of Dana Point	Less than significant			
<b>MM BIO-2:</b> If construction activities occur during nesting season, preconstruction nesting bird surveys, in compliance with the Migratory Bird Treaty Act, and biological monitoring to avoid sensitive resources is recommended. If the above species are identified, measures to avoid or minimize impacts to the species should be submitted to resource agencies for approval prior to construction.	Construction	Construction	City of Dana Point	Less than significant			
<b>MM BIO-3:</b> The Proposed Project will utilize posts and piles to limit impacts to the CSS, limit ground disturbance and maintain hydrologic permeability.	Construction	Construction	City of Dana Point	Less than significant			
<b>MM BIO-4:</b> Vegetation trimming will be conducted in some areas rather than vegetation removal to minimize impacts. Long-term impacts to the loss of genetic diversity can be mitigated through the collection of seeds or scraping the top layer of soil for seeds that may be within the seed bank and revegetating areas using salvaged seeds.	Construction	Construction	City of Dana Point	Less than significant			
<b>MM BIO-5:</b> Focused surveys will be conducted during the blooming period of the Coulter's saltbush to flag this species for avoidance prior to construction. The California boxthorn and any individual of cliff spurge will be flagged for avoidance prior to construction activities.	Construction	Construction	City of Dana Point	Less than significant			
<b>MM CUL-1:</b> The City will require that the construction contractor, in the event a cultural resource (i.e., historic or prehistoric artifact, fossilized shell, or bone) is discovered during ground-disturbing activities, stop all work within the immediate area and notify the City and that the find be evaluated by a qualified archaeologist. If the find is determined to be potentially significant, the archaeologist, in consultation with the City, will develop a treatment plan. All work in the immediate vicinity of the unanticipated discovery will cease until the qualified archaeologist has evaluated the discovery or the treatment plan has been implemented.	Construction	Construction	City of Dana Point	Less than significant			

Supporting Document 3: Vicinity Map

Vicinity Map



**Supporting Document 4: MND and MMRP**

**HARBOR POINT PARK TRAIL EXTENSION  
AND OVERLOOK PROJECT  
FINAL INITIAL STUDY/MITIGATED  
NEGATIVE DECLARATION**

**CITY OF DANA POINT  
CALIFORNIA**

*Prepared for:*

**CITY OF DANA POINT**  
33282 Golden Lantern  
Dana Point, CA 92629

*Prepared by:*

**CHAMBERS GROUP, INC.**  
5 Hutton Centre Drive, Suite 750  
Santa Ana, California 92707  
(949) 261-5414

**September 2019**

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*Harbor Point Park Trail Extension and Overlook Project  
Dana Point, California*

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*Dana Point, California*

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## **SECTION 1.0 – PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING**

### **1.1 PROJECT BACKGROUND**

The City of Dana Point is proposing to build an overlook and a trail extension from the current trail to the newly built overlook area (Proposed Project) in the existing Harbor Point Conservation Park (see Figure 1). The addition of the elevated overlook is proposed as an effort to preserve native habitat by reducing illegal trespassing into the current preserved open space area and also increase overall public safety.

#### Headlands Development and Conservation Plan

The Headlands is an approximately 121-acre area in the City of Dana Point. The Headlands offers opportunities for development as well as potential for open space corridors to provide the public access to the ocean, coastline, and views. In 2004, the City adopted the Headlands Development and Conservation Plan (Plan).

Figure UD-2 of the Plan provides a map of the existing and proposed open space walkway, bike, trail, and overlook opportunities. The Project site is located within these opportunity areas and meets the following guidelines for Coastal Access and Public Trails (Section 4-Development Guidelines):

- Provide clear, visible identification and directional signage for coastal access paths along Selva Road, PCH, Street of the Green Lantern, and the public trail system
- Incorporate pedestrian amenities and street furniture, such as benches and lighting, where appropriate, along the public trail system and coastal access paths
- Construct trails and pathways within, or adjacent to, conservation open space of natural materials such as decomposed granite trimmed by redwood headers
- Utilize safety view fencing near the bluff top edges, where feasible, allowing for constraints of the topography and sensitive resources (City 2004)

### **1.2 PURPOSE AND NEED**

Trespassing in attempts to gain access to the view near the cliff edge has become a large issue throughout the preserved open space at Harbor Point. As a result, the area is littered with trash and the vegetation is becoming highly fragmented due to the increase in off trail foot traffic. In addition, the unauthorized access to the cliff edge is a public safety hazard, as there is no railing or fencing present. The proposed overlook location will allow enhanced public access to coastal resources, as well as reduce the overall disturbance and fragmentation of the surrounding habitat. Both the overlook and the trail extension will be placed in areas that are currently mostly disturbed and will cause the lowest amount of impact to native vegetation as possible. The trail extension path is discussed in Section 1.4 and shown in Figure 2.

### **1.3 PROJECT LOCATION AND SITE CHARACTERISTICS**

The Project site is located within the Harbor Point Conservation Park near the intersection of Cove Road and Street of the Green Lantern in the City of Dana Point, in Orange County, California (see Figure 1). The Project is located within the U.S. Geological Survey (USGS) *Dana Point*, California 7.5-minute topographic quadrangle. The Project site is currently used as a preserved open space in the City of Dana Point. The Project site is surrounded by the Pacific Ocean, vegetated hillsides, major roads, and residential homes. The Pacific Ocean is located to the south, the vegetated hillsides are located to the north, west, and east

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*Dana Point*

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of the Project site, and residential homes border the vegetated hillsides. Street of the Green Lantern/Scenic Road runs west to northeast and is located just along the northern border of the Project site. The elevation at the Project site is approximately 165 feet above mean sea level (amsl).

**1.4 PROJECT DESCRIPTION**

The Proposed Project will include the construction of an overlook deck south of the pullout on Scenic Drive measured at 21 x 14 feet and an approximately 3.5-foot-high railing to protect visitors from falling into the restricted areas. The deck will include installation of concrete pylons to be buried 3 feet 8 inches deep to be set as a stand for the deck, a mixture of redwood and steel cabling for the deck flooring and perimeter, and concrete for the walkways and entrance to the deck.

A trail extension will be constructed to connect to the existing trails in the Harbor Point Conservation area. The trail extension will be cleared of any existing vegetation, graded, and be lined with wooden posts and fencing to prevent pedestrian access to other open areas. The trail extension will be smoothed and removed of any large rocks to allow safe passage. The trail will begin north of the outlook deck and will follow south, parallel to the existing trails located north, and connect at the southern terminus. The trail is approximately 4.5 feet in width, and 847 feet in length. The trail will include interpretive signs, benches, and a trash can. The interpretive signs will encourage visitors to remain on the trails and will provide details on why this is important for the habitat. A designated landscape contractor will empty the trash can, and the surrounding area will be cleaned and maintained by the Public Works Department to remove trash and debris.

Project Equipment

Equipment that is anticipated to be used during construction ranges from typical hand tools to larger equipment such as trucks, forklifts, a backhoe, compactors, and cement trucks. Staging areas for construction and worker vehicles will be located in the parking along Scenic Drive, and in the City-owned parking lot at the Nature Interpretive Center.

Project Schedule

Construction of the Proposed Project is anticipated to begin Fall of 2019 and be operational by Winter 2020, with the deck to be built first, followed by the completion of the trail. The duration of the construction activities is expected to be approximately 5 months. Construction activities will occur outside of the nesting season (February 15 to September 1) to the greatest extent possible. Permitted hours of construction per the City of Dana Point Municipal Code are 7:00 AM to 8:00 PM Monday through Saturday with no construction activities to be held on Sundays and Federal Holidays.

Applicant Proposed Measures and Best Management Practices

The following applicant proposed measures (APMs) and best management practices (BMPs) for construction sites from the City will be implemented for the Proposed Project to reduce soil erosion, runoff, noise, and fire.

**City of Dana Point BMPs for Construction Sites**

- Provide effective perimeter sediment control measures.

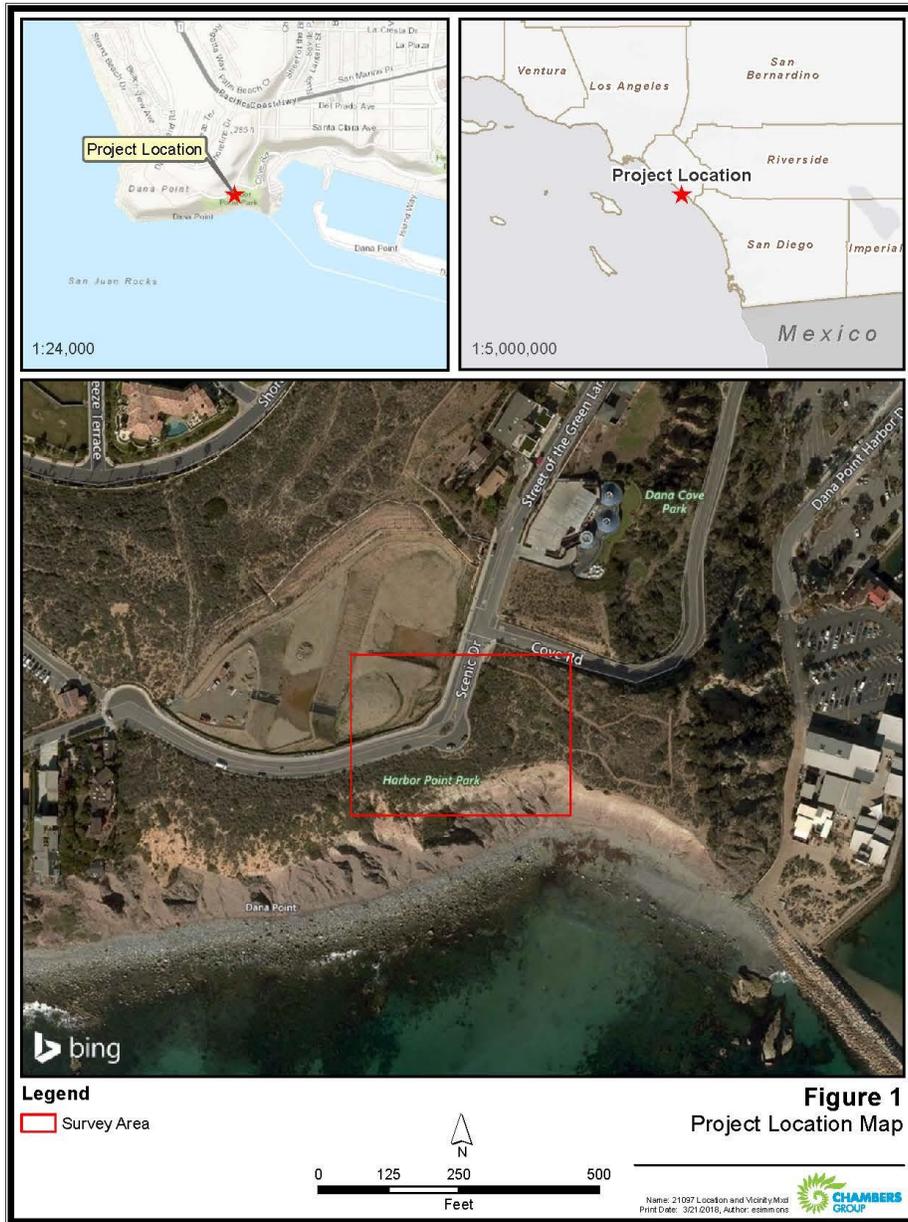
- Provide a water repellent cover (plastic sheeting) for stockpiles.
- Provide effective inlet protection for the downstream storm drain.
- Provide effective tracking controls (shaker plate and/or gravel) at job site entrance to prevent tracking mud and debris into the street.
- No street wash-down is allowed. Construction materials shall not be washed down or swept into street. Sweep the street when required.
- Provide construction debris dumpster. Job site must be kept clean.
- Provide a contained/waterproof construction wash-out area (Wash out area for concrete and mortar mixer clean up. Do not wash out any materials into street.).
- Obtain an encroachment permit from city public works dept (949-248-3509).
- Do not store construction materials in public right of way.
- Prevent landscape over-watering runoff.
- Locate portable toilet on private property.

**Applicant Proposed Measures**

- Provide site planning and design to minimize noise as directed by the General Plan Noise Element.
- Prohibit smoking, or use of vaping or e-cigarettes within construction and open space areas.
- Combustible materials will be stored away from ignition sources.
- During red flag warnings and high wind advisories, a fire watch personnel will be available on-site for fire prevention.
- Conduct inspections of equipment. Any faulty equipment will be tagged and removed from use until a replacement is found, or the equipment has been repaired.

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 Dana Point

Figure 1 - Project Vicinity Map



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Figure 2 - Project Location Map



**1.5 REQUIRED PERMITS AND APPROVALS**

A public agency, other than the Lead Agency, that has discretionary approval power over a project is referred to under the *CEQA Guidelines* as a “Responsible Agency.” The City of Dana Point will act as the Lead Agency under CEQA for the Project. The Responsible Agencies and their corresponding approvals for the Project include:

California Coastal Commission – Coastal Development Permit de minimus project waiver

California Department of Fish and Wildlife – informal consultation

City of Dana Point, Public Works – Excavation Permit and Traffic Permit

**SECTION 2.0 – CIRCULATION**

On June 19, 2019, the City of Dana Point circulated a Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study to responsible agencies, trustee agencies, interest groups, and the general public. In accordance with the California Environmental Quality Act (CEQA) Section 21091 and State CEQA Guidelines Section 15073, a 30-day public review period for the Draft IS/MND was provided from June 19, 2019 to July 19, 2019. Copies of the Initial Study, Mitigated Negative Declaration and supporting materials were made available for review at the City of Dana Point Community Services Department, 33282 Golden Lantern, Dana Point, and online at <http://www.danapoint.org/department/community-development/planning/environmental-documents>.

During the 30-day comment period, the following comment was received from the following agency.

Comment Letter No.	Commenting Agency	Date of Comment
1	California Department of Fish and Wildlife	July 19, 2019

**SECTION 3.0 – RESPONSE TO COMMENTS**

CEQA Guidelines Section 15204 (b) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of negative declarations should be, “on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should: (1) Identify the specific effect; (2) Explain why they believe the effect would occur, and; (3) Explain why they believe the effect would be significant.”

CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”

In accordance with Public Resources Code 21092.5 (b) of the CEQA Guidelines, the lead agency shall notify any public agency which comments on a negative declaration of the public hearing or hearings, if any, on the project for which the negative declaration was prepared. If notice to the commenting public agency is provided pursuant to Section 21092, the notice shall satisfy the requirement of this subdivision.

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**Comment Letter #1 – California Department of Fish and Wildlife**



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 487-4201  
www.wildlife.ca.gov

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



July 19, 2019

Jeff Rosaler, Parks Manager  
City of Dana Point  
33282 Golden Lantern  
Dana Point, CA 92629

**Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Harbor Point Trail Extension and Overlook Project (SCH #2019069074)**

Dear Mr. Rosaler:

The Department of Fish and Wildlife (Department) has reviewed the above-referenced Notice of Intent to adopt a Mitigated Negative Declaration (MND) for the Harbor Point Trail Extension and Overlook Project (Project) dated June 19, 2019. The City of Dana Point is a Participating Jurisdiction under the County of Orange Central and Coastal Subregion Natural Community Conservation Plan/ Habitat Conservation Plan (NCCP/HCP, Plan) and is signatory to the Plan Implementation Agreement (IA). The MND for the proposed project must ensure and verify that all requirements and conditions of the NCCP/HCP and IA are met. The MND should also address biological issues that are not addressed in the NCCP/HCP, such as specific impacts to and mitigation requirements for sensitive species and habitats that are not covered NCCP/HCP.

Comment  
1-1

The proposed Project is located within the Harbor Point Conservation Park (Park) near the intersection of Cove Road and Street of the Green Lantern in the City of Dana Point, California. The Project proposes to construct an overlook deck south of the existing pullout on Scenic Drive and to connect an existing trail to the street, just north of the proposed overlook. The trail would be approximately 4.5 feet wide and 847 feet long and would include interpretive signs, benches, and a trash can. The overlook deck would be 21 feet by 14 feet and include a 3.5-foot high railing. Construction is expected to begin in the fall of 2019 and is anticipated to take approximately five months to complete. The installation of the overlook deck would impact 223 square feet of bare ground, 308 square feet of coastal sage scrub (CSS) habitat, and 2 square feet of developed areas. The trail extension would impact 370 square feet of CSS and 480 square feet of bare ground.

Comment  
1-2

The federally threatened coastal California gnatcatcher (*Poliopitila californica californica*, gnatcatcher) is a known resident of scrub habitat within the conserved open space at the Dana Point Headlands, and individuals were observed foraging and nesting within 150 feet east and west of the project impact area during a survey conducted on July 19, 2018 (Chambers Group Inc. 2018). Thus, implementation of this project is expected to remove vegetation within a portion of a gnatcatcher territory and, if implemented during the bird breeding season, could disrupt gnatcatcher breeding activities. In addition, four sensitive plant species are present within the survey area and the Project has the potential to directly impact two of these species, Coulter's saltbush (*Atriplex coulteri*) and California boxthorn (*Lycium californicum*).

*Conserving California's Wildlife Since 1870*

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City of Dana Point  
July 19, 2019  
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The Department offers the following specific comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating Project-related impacts to biological resources, and to ensure that the Project is consistent with all applicable requirements of the NCCP/HCP.

Comment  
1-3

1. The MND anticipates that the trail extension and overlook installation will benefit the CSS and Environmentally Sensitive Habitat Area (ESHA) onsite by decreasing the disturbance to the habitat that is occurring through unauthorized off-trail usage. While the Department agrees that the Project has the potential to alleviate the unauthorized trail use and help prevent further degradation of habitat, the Project will still directly impact CSS habitat and potentially impact the gnatcatcher and other NCCP/HCP identified species. In addition, the historical unauthorized trail use that has occurred in the Park has led to extensive habitat degradation in the form of linear features of bare ground and crushed vegetation in areas that were previously restored or enhanced as part of the Habitat Management and Monitoring Plan for Dana Point Headlands Biological Open Space (HMMP) and associated Onsite Mitigation and Revegetation Plan (Revegetation Plan). In order to appropriately avoid impacts to the gnatcatcher, compensate for Project impacts, and address past encroachments and habitat disturbance from unauthorized trail use, the Department recommends that the City conduct any habitat removal outside of the bird breeding season and restore vegetation in areas within the Park that have been damaged or degraded from unauthorized use following Project completion. A restoration plan should be prepared by persons with expertise in southern California ecosystems and native plant revegetation techniques and include specific success criteria (e.g., percent cover of native and non-native species, species richness) and a detailed monitoring program for evaluating restoration success. Monitoring results should be included in the City's annual reporting to the Natural Communities Coalition and should include information on ongoing management issues and any proposed remedial actions. Finally, the restoration plan should incorporate sensitive plant species that were originally included in the Revegetation Plan, including California boxthorn and cliff spurge (*Euphorbia misera*).

Comment  
1-4

2. Based on email correspondence received by the Department on July 18, 2019, the Harbor Point Park is not currently protected by a Conservation Easement as was committed to under the HMMP. Because the property is not included in the NCCP/HCP Habitat Reserve, a Conservation Easement is the preferred mechanism for ensuring that the conservation values of the property are preserved in perpetuity for the benefit of NCCP/HCP covered species, including the gnatcatcher. We recommend the City work to record a Conservation Easement over the property following completion of the proposed Project, or work with the Department and the U.S. Fish and Wildlife Service to develop an agreeable alternative, such as adding the property to the NCCP/HCP Habitat Reserve, for ensuring the long-term protection of the property. Discussions on an alternative solution may also need to be coordinated with the California Coastal Commission, if appropriate.

Comment  
1-5

3. Prior to adoption, we recommend the City update Mitigation Measure BIO-5 in the MND to include flagging any individual of cliff spurge in addition to California boxthorn, as this species was previously seeded within the Project area and has the potential to be impacted.

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Comment  
1-5 cont.

The Department appreciates the opportunity to review and comment on the MND and assisting the City in identifying Project impacts on biological resources. Please contact Kyle Rice at (858) 467-4250 if you have any questions or comments regarding this letter.

Sincerely,



Gail M. Sevrens  
Environmental Program Manager  
South Coast Region

ec: State Clearinghouse  
U.S. Fish and Wildlife Service (William Miller)

**RESPONSE TO COMMENT LETTER 1 – CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

**Response to Comment 1-1:**

This comment summarizes the Proposed Project details in addition to stating that the Project must comply with the NCCP/HCP for which the City is a Participating Jurisdiction. The MND outlines the Project's compliance with the NCCP/HCP as well as analyzing biological impacts to species or habitats not covered by the NCCP/HCP. Mitigation measures are provided in the MND to reduce potential impacts to less than significant.

**Response to Comment 1-2:**

The CDFW outlines the potential impacts to biological resources that the City has outlined in the MND. Mitigation measures have been provided to reduce potential impacts to California gnatcatcher and sensitive plant species to less than significant.

**Response to Comment 1-3:**

The City agrees that a habitat restoration, mitigation, and monitoring program should be prepared for the Project's impacts to native vegetation. The Project consists of the construction of an overlook and trail extension along one of two primary unauthorized trails in the area, composed of bare ground and crushed vegetation. Mitigation must be commensurate with the level of impact, so requirements should be based on potential project related impacts, relegated to the location of vegetation disturbances within the overlook and along the fringes of the trail extension areas where CSS exists. Mitigation acreage requirements should be based on the Proposed Project impacts to native vegetation and ratios derived from the quality of habitat impacted by the Proposed Project. To our understanding, this Project was intended to provide public access, as required by the agencies, and we designed the overlook and trail to be located in areas that were already in unauthorized use, with relatively heavy traffic.

The City agrees that the timing of vegetation removal should occur outside of the bird breeding season to avoid impacts to gnatcatcher, as outlined in mitigation measure BIO-1.

As part of a separate effort, the City is in the process of updating the Habitat Management and Monitoring Plan for Dana Point Headlands Biological Open Space (HMMP) to address ongoing impacts caused by unauthorized use by the public. The HMMP will include the restoration requirements as outlined in Comment 1-3, to compensate for past encroachments and habitat disturbance from unauthorized trail use. The HMMP will also include an associated Onsite Mitigation and Revegetation Plan (Revegetation Plan). The City agrees with the recommendation for monitoring Revegetation Plan results and incorporating species identified in the original Revegetation Plan. Since the HMMP and Revegetation Plan is being prepared as part of a separate effort, this information is not included in the mitigation measures outlined in the MND.

**Response to Comment 1-4:**

The two potential recommendations regarding the Conservation Easement will be considered by the City once construction is complete.

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**Response to Comment 1-5:**

Comment noted. Mitigation measure BIO-5 has been updated to include this suggested language.

**SECTION 4.0 – REVISIONS TO THE DRAFT MITIGATED NEGATIVE DECLARATION**

This errata section identifies changes made to the Draft MND to correct or clarify the information contained in the document. Changes made to the Draft MND are identified here in ~~strikeout~~ text to indicate deletions and ***bold italics*** to signify additions.

**Section 5.5.2, Biological Resources, Impact Assessment**

**MM BIO-5:** Focused surveys will be conducted during the blooming period of the Coulter’s saltbush to flag this species for avoidance prior to construction. The California boxthorn and ***any individual of cliff spurge*** will be flagged for avoidance prior to construction activities.

**SECTION 5.0 – DRAFT INITIAL STUDY/MITIGATED NEGATIVE DELCARATION**

**5.1 EVALUATION OF ENVIRONMENTAL IMPACTS**

1. A brief explanation is required for all answers except “No Impact” answers tht are adequately supported by the information sources a lead agency cites. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if substantial evidence exists that an effect may be significant. If one or more “Potentially Significant Impact” entries are marked when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level (mitigation measures from earlier analyses may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
  - a. the significance criteria or threshold, if any, used to evaluate each question; and
  - b. the mitigation measure identified, if any, to reduce the impact to less than significant.

\*Note: Instructions may be omitted from final document.

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**5.2 AESTHETICS**

1.	AESTHETICS. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5.2.1 Impact Analysis**

a) *Would the project have a substantial adverse effect on a scenic vista?*

**Less than Significant Impact.** The Proposed Project is located within the open space area of the Headlands Conservation and Development Plan, within Harbor Point Park, which is part of the Harbor Park Conservation area (City of Dana Point 2004). According to the Headlands Development and Conservation Plan, Scenic Drive that borders the northern end of Harbor Point Park has been identified as having unobstructed coastal view conditions allowing residents and visitors a clear view of the Pacific Ocean. The Proposed Project consists of the construction of an overlook deck and trail extension extending southeast to connect to the existing trails in the Harbor Point Conservation area. The Proposed Project's construction activities will temporarily obstruct the coastal views of the area; however, visitors will still be able to access all current trails, sidewalks, and parking. Staging areas, vehicles, and equipment will be removed once the overlook deck and trail extension have been completed. Obstructed views will be due to the transport and parking of equipment and vehicles. The construction of the overlook deck will not significantly affect the views of the Pacific Ocean as the deck will be constructed at a specific area of Harbor Point Park, and be approximately 294 square feet, and approximately 3.5 feet in height to protect visitors from accessing restricted areas. The construction of the overlook deck will not substantially create an adverse effect on a scenic vista as the construction of the deck will only be built on a portion of Scenic Drive. The construction of the trail extension will not substantially affect any scenic vistas as the trail signages and fencing will be 42 inches in height. The fencing will be the same height as what currently exists for other trails in the vicinity. Additionally, the trail extension will be constructed in similar design to the existing trails within the Harbor Point Conservation area. Impacts would be less than significant.

b) *Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

**Less than Significant Impact.** According to the City's Circulation Element, the scenic highway plan designates Pacific Coast Highway as a designated "type three" urban landscape corridor which is defined as, "... one that traverses an urban area with a defined visual corridor which offers a view of attractive and existing urban scenes, and which has recreational value for its visual relief as a result of nature or the designed efforts of man (City of Dana Point 1995). According to the Department of Transportation California Scenic Highway Mapping System, Pacific Coast Highway is listed as an eligible state scenic highway, but not officially designated. The Proposed Project is approximately 0.3 miles south from Pacific Coast Highway.

The Proposed Project area provides residents and visitors an unobstructed coastal view and is located within the Harbor Point Conservation Park. While the Proposed Project would consist of construction that would temporarily obstruct viewing access, and impact native vegetation, the Proposed Project is not within a state scenic highway. Impacts would be less than significant.

- c) *Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?*

**Less than Significant Impact.** The Proposed Project is the development of an overlook deck and extension trails within the Headlands Development and Conservation Plan (Plan) area within the existing Harbor Point Conservation Park. The Plan provides development guidelines for coastal access and public trails such as:

- Provide clear, visible identification and directional signage for coastal access paths along Selva road, PCH, Street of the Green Lantern, and the public trail system
- Incorporate pedestrian amenities and street furniture, such as benches and lighting, where appropriate, along the public trail system and coastal access paths
- Construct trails and pathways within, or adjacent to, conservation open space of natural materials such as decomposed granite trimmed by redwood headers
- Utilize safety view fencing near the bluff top edges, where feasible, allowing for constraints of the topography and sensitive resources (City 2004)

The Proposed Project is located within the identified opportunity areas and meets the access and trails guidelines. While the construction of the overlook deck and trails would result in temporary impacts to the existing visual character and obstruct the public views of the site and surroundings during construction, these impacts will be temporary and short-term in nature. The construction of the overlook deck and extension trails would allow its users proper and safe access to the trails within the conservation area. Impacts would be less than significant.

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

**Less than Significant Impact.** The Proposed Project would create temporary light or glare during construction. The Proposed Project construction would occur within the permitted hours of construction per the City of Dana Point Municipal Code of 7:00 AM to 8:00 PM, Monday through Saturday, with no construction activities to be held on Sundays and Federal Holidays. During these hours, there would be temporary sources of lighting or glare with the presence of construction equipment, and the addition of construction vehicles traveling to, and from the site during the day

and evening. While the Proposed Project would generate light and glare, these impacts will only occur during the permitted hours, and will be temporary. Additionally, there are no buildings located across the street from the deck location that would significantly be impacted by temporary light and glare during construction. There are single family residences and a business property, located approximately 0.05 mile north/northeast from the Proposed Project. These receptors will be temporarily impacted by light and glare. However, these will be temporary as the construction equipment will be removed once the Project is operational. There would be no change to existing street lights in the area; and the only additional lighting would potentially be solar lights on the stairs leading to the lookout deck. Impacts would be less than significant.

**5.3 AGRICULTURE & FORESTRY RESOURCES**

2.	<p style="text-align: center;"><b>AGRICULTURE &amp; FOREST RESOURCES.</b>  (In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.) In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.)  <b>Would the project:</b></p>	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c)	Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e)	Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or the conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**5.3.1 Impact Analysis**

- a) *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 Proposed Project would not convert farmland to nonagricultural use. The Proposed Project's land type is identified as "Other Land" according to the Department of Conservation (DOC 2016). The Proposed Project consists of the addition of an overlook deck and trail extension within Harbor Conservation Point Park. No impact would occur.

- b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

**No Impact.** According to the City's Zoning Map, the Proposed Project is within the Specific Plan Overlay Zone, Headlands Conservation Plan (HDCP). The Proposed Project area is not designated or zoned for agricultural uses or within a Williamson Act contract. No impact would occur.

- c) *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

**No Impact.** The Proposed Project area does not contain any forest lands or timberland. The Proposed Project consists of the addition of an overlook deck and a trail extension within Harbor Point Park. The Proposed Project does not include any rezoning plans, or activities that would involve the addition or removal of forest or timber resources. No impact would occur.

- d) *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

**No Impact.** As stated in the previous impact (4.2.1 c), the Proposed Project does not contain any forested lands, and will not involve land conversion from forest to non-forest use. No impact would occur.

- e) *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 or the conversion of forest land to non-forest use?*

**No Impact.** The Proposed Project consists of the construction of an overlook deck and a trail extension. There are no extensively planned changes that would result in conversion of farmland or forest land to nonagricultural or non-forest use, as no such lands are present at the Project site. In addition, the Proposed Project area is not designated as a forest land or farmland. No impact would occur.

**5.4 AIR QUALITY**

3.	AIR QUALITY. (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Violate any air quality standard or result in a cumulatively considerable net increase in an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Result in substantial emissions (such as odors or dust) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5.4.1 Environmental Setting**

The Proposed Project is located within the South Coast Air Basin, which includes the City of Dana Point located in Orange County. The South Coast Air Basin also includes portions of Los Angeles County, western portion of Riverside County, and southwestern areas of San Bernardino County. The South Coast Air Quality Management District (SCAQMD) is responsible for clean air for areas within the South Coast Air Basin area. A 2016 Air Quality Management Plan (AQMP) was prepared as a blueprint to achieve federal air quality standards. The AQMP analyzes emissions, meteorology, atmosphere chemistry, regional growth projections, and impacts of existing control measures (SCAQMD 2016). The Proposed Project will be subject to air quality thresholds established by SCAQMD and the goals and objectives listed to achieve both federal and State air quality standards.

**5.4.2 Impact Analysis**

a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

**Less than Significant Impact.** The Proposed Project area is zoned to be within the HDCP Specific Plan. The construction of the overlook deck and trail extension meets the goals and objectives identified in the General Plan and HDCP Specific Plan. The South Coast Air Quality Management District (SCAQMD) prepared the 2016 Air Quality Management Plan (AQMP). The AQMP assesses the strategies and measures to meet the National Ambient Air Quality Standards (NAAQS). The NAAQS are federal standards used to implement strategies to reduce emissions which is a requirement under the federal Clean Air Act (CAA). The State of California also requires that practical measures be implemented for the state to meet its state ambient air quality standards (CAAQS). The Proposed Project does not include significant construction activities or operational activities that would obstruct implementation of the 2016 AQMP. The Proposed Project construction activities will generate temporary construction emissions for the construction of the overlook deck and for smoothing the walkways for the extension trail. Once operational, the Proposed Project will not cause additional emissions because the enhancements of the deck and trail do not require daily maintenance that use equipment that would

produce additional emissions beyond those currently occurring. Impacts would be less than significant.

- b) *Would the project violate any air quality standard or result in a cumulatively considerable net increase in an existing or projected air quality violation?*

**Less than Significant Impact.** The South Coast Air Basin exceeds federal public health standards for ozone and particulate matter (PM) (SCAQMD 2016). The Proposed Project will produce emissions from various construction activities such as site preparation, grading, trenching, and vehicle transport of equipment and staff. Based on the construction schedule, the length of time that the emissions will be present within the Proposed Project area will be temporary. Fugitive dust will be present during any land clearing activities during the construction of the deck and clearing of the trail extension. The level of dust generated during the proposed construction will be dependent on the level of activity, and the wind conditions during construction. To control fugitive dust, the Proposed Project will comply with SCAQMD Rule 403 which requires the implementation of dust control measures during active construction operations.

Once operational, the Proposed Project will not cause any additional emissions from the existing conditions. Vehicles that will be present on site will be from residents and visitors, including those who have actively visited the Proposed Project, and the City for conducting general maintenance along Scenic Drive, Harbor Point Park, and its trails.

Due to the Proposed Project's components and timeline of construction, impacts of the Proposed Project would be less than significant.

- c) *Would the project expose sensitive receptors to substantial pollutant concentrations?*

**Less than Significant Impact.** The nearest receptors, which consist of single family residences and a business property, are located approximately 0.05 mile north/northeast from the Proposed Project. During the construction of the overlook deck and extension trails, equipment and vehicles will produce stationary and mobile pollutants. The receptors will be temporarily exposed to the emitted pollutants. However, the Proposed Project will comply with SCAQMD Rule 403 which includes reducing short term air pollutant emissions. Impacts would be less than significant.

- d) *Would the project result in substantial emissions (such as odors or dust) affecting a substantial number of people?*

**Less than Significant Impact.** The Proposed Project is located in proximity to residences, and a commercial property. The Proposed Project's construction activities will produce emissions during the construction of the overlook deck and extension trails. The Proposed Project will comply with SCAQMD guidelines in reducing short-term air pollutant emissions with the best-available control measures to minimize any odors or dust that may affect the nearby areas. However, the length of the construction period will be temporary, lasting approximately five months. Once operational, any construction equipment and vehicles will be removed from the Proposed Project area. As a result, the

Proposed Project's construction and operational activities will not result in substantial emissions. Impacts would be less than significant.

**5.5 BIOLOGICAL RESOURCES**

4.	BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	Have a substantial adverse effect on state or federally protected wetlands as (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e)	Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**5.5.1 Environmental Setting**

A Biological Technical Report (BTR) was prepared for the Proposed Project in August 2018, by Chambers Group. The BTR included a literature review and reconnaissance-level survey which identified vegetation communities, potential for the occurrence of sensitive species, or habitats that could support sensitive wildlife species. (Appendix A).

**5.5.2 Impact Analysis**

*(a) Would the project have a substantial adverse effect, either directly or through habitat modification, on any species identified as 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?*

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**Less than Significant with Mitigation.** The Proposed Project is located within the designated boundaries of the Orange County Natural Community Conservation Plan & Habitat Conservation Plan (NCCP/HCP). The NCCP/HCP outlines avoidance and minimization measures as well as standard operational procedures and mitigation measures for work occurring within participating landowners and preserves (County of Orange 1996).

The NCCP/HCP program is intended to protect Coastal Sage Scrub (CSS) and other habitats to address the conservation of sensitive species found within the Central and Coastal Subregion. Target species that the NCCP/HCP is intended to protect include coastal California gnatcatcher, coastal cactus wren, and orange-throated whiptail lizard. Specifically for the Dana Point Headlands, the NCCP/HCP addresses the conservation of coastal California gnatcatcher, Pacific pocket mouse, other Identified Species and five designated plant species. The NCCP/HCP program focuses on conserving communities rather than individual species, while also protecting listed species and allowing for compatible land uses.

Based on the results of the site survey, Burrowing owl, coastal cactus wren, coast horned lizard, red-diamond rattlesnake, and Pacific pocket mouse were determined have low potential to occur within the survey area. Low quality habitat for Pacific pocket mouse is present and no occurrences have been documented within the survey area. Therefore, no impacts to this species are anticipated as a result of Proposed Project activities. Coastal whiptail and San Diego desert woodrat are considered to have a moderate potential to occur within the survey area. The California gnatcatcher was present within the survey area. However, no nests were observed within the Project impact areas during surveys conducted during the 2018 breeding season. The Proposed Project was designed in such a way to enhance the CSS and Environmentally Sensitive Habitat Area (ESHA) onsite by decreasing the disturbance to the habitat that is occurring through unauthorized off-trail usage. Overall, the trail will enhance the habitat by substantially decreasing pedestrian traffic through the ESHA, and thus would not constitute a "take" from the ESHA. Due to the Proposed Project area being occupied by the California gnatcatcher the following mitigation measures are recommended to reduce impacts to the CSS habitat to less than significant.

**MM BIO-1:** To avoid potential impacts to the California gnatcatcher, construction activities will take place outside of nesting season (February 15 to September 1). If construction activities are proposed within the breeding season, coordination with the agencies is recommended to determine the appropriate mitigation pathway.

**MM BIO-2:** If construction activities occur during nesting season, preconstruction nesting bird surveys, in compliance with the Migratory Bird Treaty Act, and biological monitoring to avoid sensitive resources is recommended. If the above species are identified, measures to avoid or minimize impacts to the species should be submitted to resource agencies for approval prior to construction.

*(b) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

**Less than Significant with Mitigation.** The Proposed Project is located within the NCCP/HCP. Four vegetation communities, bare ground, and developed areas were observed within and adjacent to the Proposed Project site: CSS, Coast Prickly Pear Stand, Russian Thistle-Filaree Fields, Ornamental Landscape, Bare Ground, and Developed. There are riparian habitats within the Proposed Project.

The installation of the overlook deck will impact a total of approximately 223 square feet of bare ground, 308 square feet of CSS, and 2 square feet of developed areas. The CSS that will be impacted is highly fragmented and along the fringe of the larger natural area. A high degree of fragmentation can allow invasive species to penetrate further into the core of the habitat area and result in low-quality or poorly-functioning portions of the overall system. Overall, installation of the viewing platform will impact highly-fragmented portions of CSS. Impacts can be partially mitigated by the use of posts and piles to limit ground disturbance and maintain hydrologic permeability. Viewpoint installation may impact, directly or due to shading, the CSS habitat.

The installation of the trail extension will impact a total of 370 square feet of CSS and 480 square feet of bare ground. However, the Proposed Project will benefit the CSS habitat communities by confining foot traffic to the designated trail, therefore reducing habitat fragmentation and allowing the habitat to improve over time.

The cause of the habitat fragmentation in the overall area appears to be primarily anthropogenic in origin. The majority of disturbance is in the form of linear features of bare ground or crushed vegetation; this was supported by drone imagery gathered during the 2018 vegetation survey and through ground truthing. The majority of the disturbance connects the existing developed infrastructure of Scenic Drive with the southern edge of the CSS (bluff edge) and to the terminus of the existing authorized trail network.

The impacts identified in the BTR assume removal/trimming of all plants within the final trail footprint. The Proposed Project impacts may be minimized through the use of vegetation trimming in some areas rather than vegetation removal.

After the literature review, the assessment of the various habitat types in the survey area, and the reconnaissance survey, it was determined that of the known rare plant species to occur within the area: 25 species are considered to be absent, two are considered to have low potential for occurrence, one is considered to have a moderate potential for occurrence, four are considered to have a high potential for occurrence, and four are considered present within the survey area.

Of the four rare plant species known to be present, two are located within areas that may be directly impacted due to trail extension or viewpoint construction. Of these two species to be impacted, Coulter's saltbush is a low-growing annual herb while California boxthorn is a perennial shrub species. Coulter's saltbush has an extensive blooming period, March to October, and therefore would be minimally affected if construction activities occur after the species has gone to seed. It is recommended that focused surveys be done during the blooming period to flag this species for avoidance prior to construction. The California boxthorn is a perennial shrub and can be flagged for avoidance prior to construction activities.

While the development of the viewpoint will affect approximately 308 square feet of natural habitat, avoidance of species through flagging, and limiting construction work outside of the nesting season would lessen the current impacts of the habitats. Restricting human movement to specific areas would reduce habitat fragmentation and improve the value of the habitat for both botanical and wildlife species. Limiting foot traffic to confined areas will minimize plant loss, reduce damage to the seedbed, and minimize soil compaction. The Proposed Project will have a net benefit to native habitats and species over time, as natural recruitment can help reestablish the damaged native

habitats. The implementation of the following mitigation measures (MM BIO-3, MM BIO-4 and MM BIO-5), would reduce impacts to sensitive natural communities to less than significant.

**MM BIO-3:** The Proposed Project will utilize posts and piles to limit impacts to the CSS, limit ground disturbance and maintain hydrologic permeability.

**MM BIO-4:** Vegetation trimming will be conducted in some areas rather than vegetation removal to minimize impacts. Long-term impacts to the loss of genetic diversity can be mitigated through the collection of seeds or scraping the top layer of soil for seeds that may be within the seed bank and revegetating areas using salvaged seeds.

**MM BIO-5:** Focused surveys will be conducted during the blooming period of the Coulter's saltbush to flag this species for avoidance prior to construction. The California boxthorn will be flagged for avoidance prior to construction activities.

- (c) *Would the project have a substantial adverse effect on state or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**No Impact.** There were no identifiable wetlands within the Proposed Project. No impact would occur.

- (d) *Would the project Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

**Less than Significant.** See previous response to 4.2.2 impact (a). The Proposed Project site is occupied by the California gnatcatcher and coastal whiptail and San Diego desert woodrat have moderate potential to occur onsite. Therefore, mitigation is required for any impacts to CSS due to the Proposed Project activities. Impacts will be less than significant with mitigation incorporated.

- (e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**Less than Significant Impact.** The Conservation/Open Space Element of the General Plan outlines the conservation of biological resources within the City. Goal 3 of the Conservation/Open Space Element is to conserve significant natural plant and animal communities. Policies relating to the Proposed Project are outlined below:

**Policy 3.1:** Environmentally sensitive habitat areas, including important plant communities, wildlife habitats, marine refuge areas, riparian areas, wildlife movement corridors, wetlands, and significant tree stands, such as those generally depicted on Figure COS-1 of the element, shall be preserved. Development in areas adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade those areas through such methods as, the practice of creative site planning, revegetation, and open space easement/dedications, and shall be compatible with the continuance of those habitat areas. A definitive determination of the existence of environmentally sensitive habitat areas on a specific site shall be made through the coastal development permitting process.

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**Policy 3.3:** Encourage retention of natural vegetation and require revegetation of graded areas. **Policy 3.4:** Ensure urban use of open space lands that have conservation or open space easements is limited to only those uses expressly allowed by the easements. Document those easements to increase knowledge of their existence.

**Policy 3.5:** Ensure that public access to the shore of the marine life refuge is not detrimental to the resources of the refuge.

**Policy 3.8:** Development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas through, among other methods, creative site planning and minimizing visual impacts, and shall be compatible with the continuance of those parks and recreation areas (City of Dana Point 1991).

The Proposed Project area had been previously disturbed by hikers walking off trail to gain access to the cliff edge. Off trail trespassing issues have been a significant problem throughout the preserved open space area. The result of the illegal access resulted in fragmentation of the surrounding habitat, habitat disturbance, littering, and a safety hazard to the public. The Proposed Project would provide an additional trail route to prevent habitat disturbance within the Harbor Point Park. The Proposed Project would ensure safe public access to the open space and viewpoints while protecting the existing habitat and reducing the impacts to the existing vegetation. The Proposed Project would comply with the goals and policies outlined in the Conservation/Open Space Element. Impacts would be less than significant.

(f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservancy Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

**Less than Significant with Mitigation.** As previously discussed in section 5.4 (a), the Proposed Project is located within the designated boundaries of the Orange County NCCP/HCP (County of Orange 1996). The Proposed Project was designed in such a way to enhance the CSS and Environmentally Sensitive Habitat Area (ESHA) onsite by decreasing the disturbance to the habitat that is occurring through unauthorized off-trail usage. Overall, the trail will enhance the habitat by substantially decreasing pedestrian traffic through the EHSA, and thus would not constitute a “take” from the ESHA. In addition, further mitigation measures are provided for CSS and other target species that will reduce impacts to a less than significant level.

**5.6 CULTURAL RESOURCES**

5.	CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a) *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?*

**Less than Significant Impact.** The Dana Point Historic Inventory and Designated Structures document identified three potential structures along Scenic Drive which are located at 34555, 34567, and 34545 Scenic Drive. A Report prepared by the Architectural Resources Group conducted an updated inventory of the City's historic resources and identified that the 34567 Scenic Drive property has been demolished (Architectural Resources Group 2016). Of the three addresses provided by the previous historic inventory, only one is identified as a registered property and a Mills Act participant. This property is located at 34545 Scenic Drive, approximately 0.15 mile southwest from the Proposed Project site (City of Dana Point 2016). The Proposed Project site does not contain any other historic resources. The Proposed Project will remain within the Harbor Point Park area and will not impact the other listed historic properties. Impacts would be less than significant.

- b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?*

**Less than Significant with Mitigation.** The Proposed Project consists of the construction of an overlook deck and trail extension. The proposed trail extension area will not require deep excavation activities that would potentially impact an archaeological resource. Additionally, the proposed trail area has been previously disturbed by visitors and hikers. The construction of the overlook trail will require ground disturbing activities to construct the pylons. The depth of concrete cast in drilled hole pylons is expected to be approximately 3 feet 8 inches deep. Since ground disturbance will occur into potentially native soils, mitigation measure MM CUL-1 is proposed to reduce any potential impacts to less than significant.

**MM CUL-1:** The City will require that the construction contractor, in the event a cultural resource (i.e., historic or prehistoric artifact, fossilized shell, or bone) is discovered during ground-disturbing activities, stop all work within the immediate area and notify the City and that the find be evaluated by a qualified archaeologist. If the find is determined to be potentially significant, the archaeologist, in consultation with the City, will develop a treatment plan. All work in the immediate vicinity of the unanticipated discovery will cease until the qualified archaeologist has evaluated the discovery or the treatment plan has been implemented.

- c) *Would the project disturb any human remains, including those interred outside of dedicated cemeteries?*

**Less than Significant with Mitigation.** The Proposed Project's trail extension will occur within previously disturbed trail routes and will not require excavation of the trail areas. The construction of the deck will involve concrete cast in drilled hole pylons which will be approximately 3 feet, 8 inches deep, and will not require excavation. While the Proposed Project is not anticipated to disturb any unknown cultural resources, including human remains, if human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of

the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Impacts would be less than significant.

**5.7 ENERGY**

6.	ENERGY Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?*

**Less than Significant Impact.** The Proposed Project will require various energy resources for the use of the construction equipment and the use of vehicles during the construction. The use of fuel and other energy resources for the construction of the overlook deck and extension will be short-term and only occur during the construction period. Once operational, the Proposed Project area will be maintained by the City on a daily basis, up to 2-3 times per day. The construction and operation of the Proposed Project will not result in potentially significant environmental impact due to wasteful and unnecessary consumption of energy. Impacts would be less than significant.

b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

**Less than Significant Impact.** The Proposed Project will not conflict with or obstruct any local renewable energy plan because the Proposed Project does not consist of any development or need for continuous or significant consumption of energy or fuel. The Proposed Project's construction activities will be temporary and the energy resources for the operation and maintenance of the Proposed Project site will be minimal. Impacts would be less than significant.

**5.8 GEOLOGY AND SOILS**

7.	GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				

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7.	GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
	i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*a)i) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*

**Less than Significant Impact.** Southern California is a seismically active area. According to the City's Public Safety Element, there are no known active faults that cross the City. The nearest significant active fault is the Newport-Inglewood Zone located approximately four miles southwest of the coastline (City of Dana Point 1995b). The Proposed Project will not cause substantial adverse effects including the rupture of an earthquake fault due to the Proposed Project's location from the nearest fault. Impacts would be less than significant.

*a)ii) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*

**Less than Significant Impact.** Although there are no known faults that cross the City, there is still potential for seismic ground shaking, although surface rupture is limited. There is potential for seismic ground shaking to impact areas Dana Point based on the it's vicinity to the Newport-Inglewood Fault.

The City's Public Safety Element requires increased design standards for protection from seismic hazards when developing buildings that would contain large concentrations of people (City of Dana Point 1995b). However, the Proposed Project will not indirectly, or directly cause potential substantial adverse effects involving strong seismic ground shaking because it will not include activities that would exacerbate nearby fault lines. Impacts would be less than significant.

*a)iii) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

**Less than Significant Impact.** There are five areas that have been identified as potential liquefaction areas which are the floodplains of San Juan Creek, Doheny Village commercial area, Beach Road beach sands area in Doheny State Beach, portions of Palisades Drive, Coast Highway commercial areas, and the Dana Point Harbor area. The Proposed Project is not located within any of these potential liquefaction areas (City of Dana Point 1995b). Additionally, the Proposed Project will not involve construction of large facilities or significant alterations of the Proposed Project area that would exacerbate seismic-related ground failures. Impacts would be less than significant.

*a)iv) Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*

**Less than Significant Impact.** Ground shaking, liquefaction, landslides, and rockfalls along the coastal bluffs are potential hazards that may occur during an earthquake in the City (City of Dana Point 1995b). The proposed overlook deck is located approximately 65 feet from a coastal bluff. The Proposed Project will not directly or indirectly cause substantial adverse effects involving landslides. The Proposed Project consists of the construction of an overlook deck that would not require extensive sloping and excavation that would lead to slope instability. The addition of a trail extension will involve minimal ground disturbance such as smoothing the terrain to allow safe access, and the addition of wooden posts and fencing.

The Proposed Project area had been previously disturbed by hikers walking off trail to gain access to the cliff edge. The trespassing attempts have been an issue through the preserved open space. The result of the illegal access resulted in fragmentation of the surrounding habitat, habitat disturbance, littering, and a safety hazard to the public. The addition of the overlook deck, modified trail, and fencing would prevent visitors from entering restricted, and unsafe areas, including the coastal edge. Impacts would be less than significant.

*b) Would the project result in substantial soil erosion or the loss of topsoil?*

**Less than Significant Impact.** The City prepared a Coastal Erosion Technical Report to provide detailed recommendations of potential mitigation measures for projects in areas prone to erosion. The two main coastal erosions within the City are the retreat of coastal bluffs and the loss of beach sands. Concerns from erosion stem from the urbanization of the City which has accelerated the erosion process (City of Dana Point 1995b). The Proposed Project does not involve urbanization of Harbor Point Park and does not include extensive construction activities within the area that would accelerate soil erosion or loss of topsoil. The Proposed Project consists of the construction of an overlook deck which would not require extensive work that would increase soil erosion such as re-sloping the land or increasing water runoff. The trail extension will be developed on previously disturbed areas left by previous visitors and will only be modified by adding wooden posts and fencing and smoothing the

terrain. Due to the nature of the Proposed Project, and compliance with the Orange County Grading and Excavation Code, and erosion and sediment controls identified in the Headlands Development and Conservation Plan, impacts would be less than significant.

- c) *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?*

**Less than Significant Impact.** Landslides and liquefaction are the potential hazards identified that may occur along the coastal bluffs (City of Dana Point 1995b). The Proposed Project will not consist of deep excavation or extreme construction activities that would induce a landslide, lateral spreading, subsidence, liquefaction, or collapse. The Proposed Project consists of the construction of an overlook deck and a trail extension within Harbor Point Park. The overlook deck will not require extensive ground disturbing activity that would result in unstable soils, and the trail extension will involve minimal ground disturbance. The Proposed Project would be considered as a minor construction effort that would not result on exacerbating the soils in the Proposed Project area. Therefore, impacts would be less than significant.

- d) *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

**Less than Significant Impact.** As previously stated, the Proposed Project will not include significant development that would require intensive construction activities that would create or exacerbate impacts associated with the soils in the open space area. In addition, the Proposed Project is not located on land designated as expansive soil (California Geological Survey 2001). Expansive soils can cause cracked foundations, floors, basements, and other building damages. They occur when exposed to large amounts of water causing expansion and shrink when they dry. The Proposed Project will not involve deep excavations that would be required to construct foundations for any buildings, nor would it create risks to life or property. The Proposed Project does not include the addition of irrigation lines that would create expansive soils. Impacts would be less than significant.

- e) *Would the project 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?*

**Less than Significant Impact.** The Proposed Project does not involve the addition of septic tanks or water disposal systems. Any non-hazardous wastewater, such as those collected from cleaning and cooling equipment during construction, will be disposed through existing sewers. All other wastes will be disposed of properly to the appropriate treatment facilities. Impacts would be less than significant.

- f) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

**Less than Significant Impact.** The Proposed Project consists of the construction of an overlook deck and trail extension. The proposed trail extension area will not require deep excavation activities that would potentially impact a paleontological resource. Additionally, the proposed trail area has been previously disturbed by visitors and hikers. The construction of the overlook trail will require ground disturbing activities to install the concrete pylons. The depth of the pylons is expected to be

approximately 3 feet 8 inches deep. Since excavation will occur into potentially native soils, mitigation measure MM CUL-1, discussed above will reduce any potential impacts to less than significant.

**5.9 GREENHOUSE GAS EMISSIONS**

8.	GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5.9.1 Impact Analysis**

a) *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

**Less than Significant Impact.** Greenhouse gases, primarily composed of carbon dioxide, methane, nitrous oxide, ozone and water vapor, trap heat in the atmosphere. Primary sources of greenhouse gas emissions in the United States are derived from electricity production, transportation, industry, commercial and residential, agriculture, and land use and forestry. The Proposed Project will generate greenhouse gas emissions from construction equipment and project vehicles. The Proposed Project will comply with existing federal and state regulations such as imposing limits on idling, replacement of older engines CARB’s In-Use Off-Road Diesel Rule on imposing limits on idling, and compliance with U.S. EPA’s Non-Road diesel new engine and fuel standards, and large and small spark ignition engine standards which are provided by SCAQMD. The Proposed Project’s construction schedule will be expected to last no more than 6 months and therefore, would not generate significant amounts of greenhouse gases that would significantly impact the environment. Impacts would be less than significant.

b) *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

**Less than Significant Impact.** The Proposed Project will not conflict with a plan or regulation for the purpose of reducing greenhouse gas emissions. The Proposed Project construction activities will result in the release of greenhouse gases. However, the construction schedule will be short term and the release of emissions will be temporary. Additionally, the Proposed Project will comply with SCAQMD guidelines for mobile emission resources. Impacts would be less than significant.

**5.10 HAZARDS AND HAZARDOUS MATERIALS**

9.	HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e)	For a project located within an airport land use plan or, where such a plan had not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g)	Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5.10.1 Impact Analysis**

a) *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

**Less than Significant Impact.** The Proposed Project will utilize potentially hazardous materials from the use of construction equipment and vehicles during the construction phase such as fuels and lubricants. The use of these materials will be temporary and be limited to the construction phase. Once the Proposed Project is completed, the equipment will be removed from the site. The Proposed Project will not create a significant hazard to the public because the it will not involve long term routine transport, use, and disposal of hazardous materials. Any accidental release of hazardous materials will be appropriately cleaned up and disposed of to the appropriate facilities. Impacts would be less than significant.

b) *Would the project 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?*

**Less than Significant Impact.** The Proposed Project will utilize potentially hazardous materials from the use of construction equipment and vehicles during the construction phase such as fuels and lubricants. The Proposed Project will comply with the City's best management practices for construction sites (City of Dana Point 2010) and County of Orange Construction Runoff Guidance (Orange County Stormwater Program 2012) Manual for proper storage and cleanup procedures in the event of an accidental release. Impacts would be less than significant.

- c) *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?*

**Less than Significant Impact.** There are no schools located within one-quarter mile from the Proposed Project. The nearest school is located approximately 0.5 miles north from the Proposed Project. No impact would occur.

- d) *Would the project 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?*

**No Impact.** The Proposed Project is not located on a site that is listed as a hazardous materials site. The nearest hazardous materials site is located approximately 0.33 miles northeast from the Proposed Project. The site is a leaking underground storage tank where cleanup was completed as of 1989 (SWRCB 2018). No impact would occur.

- e) *For a project located within an airport land use plan or, where such a plan had not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

**No Impact.** The Proposed Project is not located within 2 miles of a public or private use airport. The nearest airport is John Wayne Airport located approximately 18 miles northwest from the Proposed Project site. No impact would occur.

- f) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**Less than Significant Impact.** The Proposed Project does not include any modifications of main roads that could be designated as emergency evacuation routes, nor does the Proposed Project include construction of facilities that would interfere with an emergency response or evacuation plan. Additionally, the Proposed Project is not identified to be an evacuation route in the event of a tsunami. Impacts would be less than significant.

- g) *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?*

**Less than Significant Impact.** According to the City of Dana Point Community Development, Building and Safety, a Very High Fire Hazard Severity Zone report was prepared to identify areas within the City that would be considered as a fire hazard zone. Each zone includes special construction considerations to protect properties from flames and embers. The Proposed Project area is located within ember zone 1 and is in a non-very high fire hazard severity (CalFire 2011). Ember zones 1

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contain specific construction operations to protect both public and properties. These include roofing materials, ventilation, exterior walls and underfloor, windows, doors, and attached or detached decks. The Proposed Project consists of the construction of an outdoor overlook deck and trail extension. The Proposed Project does not include construction of buildings that would require specific adherence to the City's building codes. The Proposed Project area is a continued location for visitors and therefore, the Proposed Project would not create a significant increase in the area's use that would result in a significant impact involving wildlands fires. Impacts would be less than significant.

**5.11 HYDROLOGY AND WATER QUALITY**

10.	HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
	i) Result in a substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flood on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5.11.1 Impact Analysis**

a) *Would the project violate any water quality standards or waste discharge requirements, or otherwise substantially degrade surface or ground water quality?*

**Less than Significant Impact.** Potential pollutants that may be present during construction of the Proposed Project can include sediments, trash, fuel products, chemicals, and excavated soils. During the installation of the overlook deck, there is potential for the excavated soil areas to be at risk for soil erosion for a temporary period. Any chemicals that would be used on-site may be spilled or leaked and have the potential of being transported as runoff along Scenic Drive, or towards the open space

area. The Proposed Project will comply with the construction BMPs to minimize the dispersant of pollutants and soil erosion that would violate any water quality standards or discharge requirements. Impacts would be less than significant.

- b) *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

**Less than Significant.** The Proposed Project will not include construction of impervious surfaces such as roadways, sidewalks, or parking lots that would interfere with groundwater recharge. The construction of the overlook deck will be elevated and represents a small area that will be impervious, but above-ground so as not to impede groundwater recharge. The construction of the trail extension will only consist of smoothing the passages, and will not include installation of asphalted walkways. Impacts would be less than significant.

- c) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

- i) *result in substantial erosion or siltation on- or off-site;*

**Less than Significant.** The Proposed Project is not located near a stream or river and would not alter the existing drainage pattern of the area. The proposed activities of the construction of the overlook deck and trail extension will remain within the Harbor Point Park area, and within disturbed footpaths made by visitors. Additionally, the Proposed Project will comply with City construction BMPs and erosion and sediment control plans identified in the Headlands Development and Conservation Plan. Impacts would be less than significant.

- ii) *substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;*

**Less than Significant Impact.** The Proposed Project does not include the construction of large impervious surfaces such as roadways or walkways that would result in increased surface runoff. The trail extension will be constructed within previously disturbed footpaths and will not include installation of asphalted walkways that would increase site runoff. Impacts would be less than significant.

- iii) *create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources or polluted runoff; or*

**Less than Significant Impact.** The Proposed Project does not include development of residential, commercial, or industrial facilities that would require additional stormwater drainage capacities. Impacts would be less than significant.

- iv) *impede or redirect flood flows?*

**Less than Significant Impact.** The Proposed Project consists of the construction of an overlook deck at approximately 294 square feet along Scenic Drive. The trail extension will be constructed along

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previously disturbed footpaths, with the ground to be smoothed out, and will not include asphalted walkways. The Proposed Project does not include development of buildings, or impervious walkways within the area that could redirect or impede flood flows. Impacts would be less than significant.

- d) *Would the project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?*

**Less than Significant Impact.** According to the California Department of Conservation Orange County Tsunami Inundation Map, the Proposed Project is not located within a tsunami zone (DOC 2009). No pollutants will be present onsite during operation of the Proposed Project. The Federal Emergency Management Agency (FEMA) flood hazard maps designate the Proposed Project to be within Zone X, which is an area of minimal flood hazard (FEMA 2017). With the lack of major lakes or open water impoundments in the City, there is a low hazard for seiches. Because of the Proposed Project's location on the bluff and the nature of the project, impacts would be less than significant.

- e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

**Less than Significant Impact.** The Proposed Project consists of the construction of an overlook deck and trail extension which are provided to enhance the existing uses of the area. The Proposed Project does not include any large development that would require the modification of any existing water quality control plan or sustainable groundwater management plan. Additionally, the Proposed Project does not include the addition of substantial impervious surfaces that could interfere with groundwater recharge. Therefore, impacts would be less than significant.

**5.12 LAND USE AND PLANNING**

11.	LAND USE/PLANNING Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**5.12.1 Impact Analysis**

- a) *Would the project physically divide an established community?*

**No Impact.** The Proposed Project consists of the construction of an overlook deck and trail extension within the existing Harbor Point Park. There are no actions that would physically divide a community. No impact would occur.

- b) *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

**No Impact.** The Proposed Project is located within the Headlands Development and Conservation Plan which offers opportunities for development as well as open space corridors. The Proposed Project is consistent with the Plan’s development guidelines for providing public access to ocean, coastline and views by constructing trails and pathways. The Proposed Project will not conflict with any land use plans. No impact would occur.

**5.13 MINERAL RESOURCES**

12.	MINERAL RESOURCES Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**5.13.1 Impact Analysis**

a) *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.** The Proposed Project does not include extraction activities that would deplete mineral resources of value. Based on the Generalized Mineral Land Classification by the Department of Conservation, the Proposed Project’s Mineral Resource Zone (MRZ) boundary is MRZ-1, which are areas that indicate no significant mineral deposits present (DOC 1994). No impact could occur.

b) *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.** As stated above, the Proposed Project does not include extraction activities and is not a mineral resource area. No impact would occur.

**5.14 NOISE**

13.	NOISE Would the project result in:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5.14.1 Impact Analysis**

- a) *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

**Less than Significant Impact.** The Proposed Project would generate temporary ambient noise levels during the construction of the Proposed Project. The Proposed Project construction will comply with the City's permitted hours for construction which are from 7:00 AM to 8:00 PM Monday through Saturday with no construction to occur on Sundays and federal holidays. The Proposed Project will include site planning and design to minimize noise such as the addition of construction barriers as advised in the City's Noise Element (City of Dana Point 1991). By complying with the permitted hours of construction, and the addition of noise barriers, the impacts would be less than significant.

- b) *Would the project result in generation of excessive groundborne vibration or groundborne noise levels?*

**Less than Significant Impact.** During the Proposed Project's construction phase, there may be temporary groundborne vibration and noise with the use of certain construction equipment and vehicles. The groundborne vibration and noise will be limited to the City's permitted hours of construction and will be temporary, with the construction schedule lasting no more than 5 months.

The Federal Transit Administration prepared a Transit Noise and Vibration Impact Assessment Manual on September 2018 as a technical guidance for conduction noise and vibration impact analyses for transit projects, and other environmental documents. The average vibration levels of common construction equipment are provided in Table 7-4 of the manual and is shown in Table 1 below.

**Table 1: Vibration Source Levels for Construction Equipment**

<b>Equipment</b>		<b>Peak Particle Velocity (inches/second)</b>	<b>Approximate Vibration Level (L)at 25 feet</b>
Pile driver (impact)	Upper range	1.518	112
	typical	0.644	104
Pile driver (sonic)	Upper range	0.734	105
	typical	0.170	93
Clam shovel drop (slurry wall)		0.202	94
Vibratory Roller		0.210	94
Hoe Ram		0.089	87
Large bulldozer		0.089	87
Caisson drill		0.089	87
Loaded trucks		0.076	86
Jackhammer		0.035	79
Small bulldozer		0.003	58

Source: Federal Transit Administration, September 2018.

The peak particle velocity (PPV) is the vibration amplitude and it is the maximum instantaneous peak of the vibration signal and issued to gauge potential building damage. The root-mean-square (RMS) velocity describes vibration amplitudes and is used for gauging the human responses to vibration, which is measured in inches per second or vibration decibels (VdB). The approximate threshold of perception for humans is approximately 65 VdB and is of a low frequency and usually inaudible. At noise levels of approximately 40 dBA, the human response would be excessive for quiet sleeping areas. At 75 VdB, most people will find this level annoying, while at 85 VdB, these levels can range from tolerable if infrequent, of excessive even for infrequent events based on the noise level. The nearest sensitive receptors are residents located approximately 200 feet north/northeast from the Proposed Project. The manual provides an equation to calculate the annoyance assessment by estimating the vibration level (Equation 7-3). The VdB estimation of a large bulldozer located approximately 200 feet from the nearest resident is approximately 59 VdB which is lower than the vibration velocity level threshold of perception of many humans. Additionally, the source reference vibration level used approximate the distances to the equipment at 25 feet and the residents are located much further than 25 feet (FTA 2018). As a result, impacts would be less than significant.

**5.15 POPULATION AND HOUSING**

14.	POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b)	Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**5.15.1 Impact Analysis**

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

**No Impact.** The Proposed Project is to construct an overlook deck and trail extension. The proposed activities would not induce substantial unplanned population growth. The addition of the deck and trail would enhance the existing uses of the site by visitors and residents. No extension of roads or development of infrastructure are included with the Proposed Project. No impact would occur.

- b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?*

**No Impact.** The Proposed Project does not include any significant new development that would displace existing users and construct replacement housing. The Proposed Project would enhance the existing uses of the site with the overlook deck and trail within Harbor Point Park. The Proposed Project area is a vacant, open space property with no housing developments. No impact would occur.

**5.16 PUBLIC SERVICES**

PUBLIC SERVICES.					
15.	Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5.16.1 Impact Analysis**

- a) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection?*

**Less than Significant Impact.** The Proposed Project will not interfere with the performance objectives for fire protection nor would it require new facilities. The Proposed Project is the construction of an overlook deck and trail which would enhance existing uses within the Harbor Point Conservation Park. The Proposed Project will not bring in new uses that would require additional fire protection services or facilities. During the construction of the Proposed Project, there would be an increased risk for fire hazards due to the presence of construction equipment and activities. The Proposed Project will comply with City BMPs for construction, and construction safety measures to reduce the risk of fire including but not limited to prohibition of smoking, combustible material and removal of debris from the work site and away from ignitable sources, providing fire watch personnel, and inspecting equipment of faulty rewiring. Impacts would be less than significant.

- b) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection?*

**Less than Significant Impact.** The Proposed Project will not interfere with the performance objectives for police protection nor would it require new police facilities. The Proposed Project will enhance the uses within the existing Harbor Point Conservation Park and will not bring in new uses that would require additional police protection such as new commercial or residential properties. Impacts would be less than significant.

- c) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities,*

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*the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools?*

**No Impact.** The Proposed Project will not interfere with the performance objectives for schools. The Proposed Project consists of the construction of an overlook deck and trail extension and does not include development activities such as new housing that would need new construction of schools within the area. No impact would occur.

- d) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks?*

**Less than Significant Impact.** The Proposed Project would enhance the existing uses in Harbor Point Park by providing an overlook deck and trail extension. The proposed additions are to provide authorized trails to the area and prevent unauthorized access to the cliff edge which is a public safety hazard as there is no railing or fencing present. The Proposed Project would not require the need for new or altered park facilities as the Project will add facilities to the existing Harbor Point Conservation Park, and the improvements would not result in an influx of additional users to the Proposed Project. Impacts would be less than significant.

- e) *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities?*

**Less than Significant Impact.** The Proposed Project will not result in significant impacts to other public facilities. The Proposed Project will enhance the existing site uses and provide designated trails for visitors. The Proposed Project will not include construction of any residential or commercial facilities that would require convenient access to other public facilities such as hospitals, clinics, or libraries. Impacts would be less than significant.

**5.17 RECREATION**

16.	RECREATION. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**5.17.1 Environmental Setting**

The Proposed Project site is located within the Dana Point Headlands area of the City, within the existing Harbor Point Conservation Park. The Harbor Point Conservation Park currently includes a short J-shaped trail that leads to views of the Dana Point Harbor. The amenities provided at the park include trash cans, benches, scenic views, and a dirt trail. No dogs are allowed on the trail, and the park is open from 7:00 a.m. to sunset (Parks and Recreation 2018). In addition, the Headlands Development and Conservation Plan (City 2004) provides guidelines for establishing a unified design for the parks, open space, and development within the Headlands area.

**5.17.2 Impact Analysis**

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?*

**Less than Significant Impact.** The Proposed Project would construct an overlook deck and a trail extension at the existing Harbor Point Conservation Park. The purpose of the Proposed Project is to restrict trespassing and unauthorized access to the cliff's edge. The proposed overlook location will allow enhanced public access to coastal resources, as well as reduce the overall disturbance and fragmentation of the surrounding habitat. Both the overlook and the trail extension will be placed in areas that are currently mostly disturbed and will cause the lowest amount of impact to native vegetation as possible. Although the Proposed Project might increase the number of visitors to the Harbor Point Conservation Park, the construction of the overlook and trail extension will ensure that the visitors will only access areas designated for recreational use. The Proposed Project would not result in deterioration of the existing Harbor Point Conservation Park and its facilities, as it would increase amenities provided to visitors at the park. A less than significant impact would result.

- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

**Less than Significant Impact with Mitigation.** The Proposed Project includes the construction of an overlook deck and a trail extension. This construction would be an expansion of recreational facilities beyond what currently exists at the Harbor Point Conservation Park. Mitigation measures identified in Section 5.4 will be required to reduce impacts to less than significant. With these biological mitigation measures that reduce impacts to sensitive species, a less than significant impact would occur from the expansion of recreational facilities.

**5.18 TRANSPORTATION**

17.	TRANSPORTATION. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	For a land use project, would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(1)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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17.	TRANSPORTATION. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	For a transportation project, would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(2)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d)	Substantially increase hazards due to a geometric design feature (e. g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e)	Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5.18.1 Environmental Setting**

The Proposed Project site is located at the Harbor Point Conservation Park, which is located along Scenic Drive and Street of the Green Lantern, southwest of Cove Road. No bus stops are located in the immediate vicinity of the Project site, the closest bus stop is at the intersection of Golden Lantern and Dana Point Harbor Drive (OCTA 2018).

**5.18.2 Impact Analysis**

- a) *Would the project conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian paths?*

**Less than Significant Impact.** The Proposed Project would construct an overlook deck and trail extension within the existing Harbor Point Conservation Park. The Proposed Project would not result in any changes to the circulation system including transit, roadways, and bicycle lanes. Pedestrian paths associated with trails in the Harbor Point Conservation Park would be expanded to connect to the existing trail. The Proposed Project would not conflict with an existing plan, policy, or ordinance. Although construction may temporarily restrict access to the Harbor Point Conservation Park, these impacts will be temporary. A less than significant impact would result.

- b) *For a land use project, would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(1)?*

**Less than Significant Impact.** The Proposed Project does not involve the revisions of land use designation or zoning amendments. The Proposed Project would include a trail expansion and overlook deck. The Proposed Project will not have a measurable impact on vehicle miles traveled (VMT) since the Proposed Project involves improvements to the Harbor Point Conservation Park that will serve the existing community. A less than significant impact would occur.

- c) *For a transportation project, would the project conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(2)?*

**No Impact.** The Proposed Project is not a transportation project, as it would involve expanding amenities at an existing park. The City of Dana Point does not currently have established thresholds

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for VMT; however, the Proposed Project would not have a measurable impact on VMT as it would provide park amenities to the existing Harbor Point Conservation Park. No impact would occur.

- d) *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?*

**No Impact.** The Proposed Project would result in the construction of an overlook deck and trail expansion; therefore, the Proposed Project would not result in an increase in hazards or incompatible uses. Although construction vehicles would need to access the site during construction of the Proposed Project, this would be temporary and controlled. No impact would result.

- e) *Would the project result in inadequate emergency access?*

**Less than Significant Impact.** The Proposed Project would result in construction of an overlook deck and trail expansion at the Harbor Point Conservation Park. Construction activities would occur over a five-month period and would include construction equipment being present onsite; however emergency access would be provided at all times. Once construction is complete, access along the existing roadways would remain unchanged. A less than significant impact would result.

**5.19 TRIBAL CULTURAL RESOURCES**

18.	TRIBAL CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
	i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**5.19.1 Impact Analysis**

- i) *Would the project cause a substantial adverse change in a listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?*

The Dana Point Historic Inventory and Designated Structures document identified three potential structures along Scenic Drive which are located at 34555, 34567, and 34545 Scenic Drive. A Report Prepared by the Architectural Resources Group conducted an updated inventory of the City's historic resources and identified that the 34567 Scenic Drive property has been demolished (Architectural Resources Group 2016). Of the three addresses provided by the previous historic inventory, only one is identified as a registered property and a Mills Act participant. This property is located at 34545 Scenic Drive, approximately 0.15 mile southwest from the Proposed Project site (City of Dana Point 2016).

Assembly Bill (AB) 52 requires that California lead agencies consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of a project, if so requested by the tribe. AB 52 also specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource (TCR) is a project that may have a significant effect on the environment.

Defined in Section 21074(a) of the Public Resources Code, a TCR is a site, feature, place, cultural landscape, sacred place, or object, which is of cultural value, and is either listed in or eligible for listing in the California Register of Historical Resources, a local historic register, or the lead agency, at its discretion, chooses to treat the resource as a TCR. A TCR can include non-unique archaeological resources that may not be considered to have scientific value, but can be significant because of the cultural tribal value of that resource.

Pursuant to Public Resources Code Section 21080.3.1 (AB 52), California Native American tribes traditionally and culturally affiliated with the project area can request notification of projects in their traditional cultural territory. To date, the City has not received any requests for consultation from tribes. To verify this, the City contacted the State Native American Heritage Commission (NAHC) for guidance, and did not receive any feedback. Based on this, and the fact that no tribes have previously requested consultation, AB 52 requirements have been met. With implementation of mitigation measure CUL-1, impacts would be less than significant.

- ii) *Would the project cause a substantial adverse change in a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

See response to 4.18 a) i), no tribes have requested formal consultation from the City, and the NAHC did not respond to requests to verify this information. With implementation of mitigation measure CUL-1, impacts would be less than significant.

**5.20 UTILITIES AND SERVICE SYSTEMS**

19.	UTILITIES/SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c)	Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e)	Negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f)	Comply with federal, state, and local management and reduction statutes and regulations related to solid wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5.20.1 Impact Analysis**

a) *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or expansion of which could cause significant environmental effects?*

**Less than Significant Impact.** The Proposed Project will not require relocation or construction of new utilities and treatment facilities. The Proposed Project will consist of an overlook deck and trail extension. Once completed, the Proposed Project will not need facilities that would require new drainages, electric power, or other facilities. Impacts would be less than significant.

b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal dry and multiple dry years?*

**Less than Significant Impact.** The Proposed Project will not require significant water supplies to serve the construction of the Proposed Project. Any water required to mitigate dust will be imported via water trucks from outside sources. The Proposed Project does not include any significant development that would require new water supplies to be made available long term. Impacts would be less than significant.

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- c) *Would the project 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?*

**Less than Significant Impact.** The Proposed Project consists of the construction of an overlook deck and trail extension. It does not include development of residential, commercial, or industrial facilities that would increase wastewater generation and require the wastewater treatment provider to determine its capacity to the serve. Impacts would be less than significant.

- d) *Would the project generate solid waste in excess of State or local standards or in excess of the capacity of local infrastructure?*

**Less than Significant Impact.** According to the Dana Point Municipal Code 6.12.040 for Minimum Construction and Demolition Diversion Requirements, applicants shall divert from landfills or disposal sites a minimum of 75% of all construction nor demolition debris. Under the Waste Reduction and Recycling Plan 6.12.050, the applicant shall be required to submit a Waste Reduction and Recycling Plan prior to being issued a permit for any covered project (City of Dana Point 2003). The Proposed Project will generate waste during the construction of the overlook deck and trail extension. However, the amount of waste generated will be minimal and will not exceed the capacities of local infrastructures. Any waste eligible for recycling will be transported to the appropriate facilities. Impacts would be less than significant.

- e) *Would the project negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?*

**Less than Significant Impact.** As previously discussed, the Proposed Project will generate minimal solid wastes based on the proposed activities and size of construction. Any wastes eligible for recycling will be transported. Compliance with the City's municipal code for waste diversion and recycling would result in impacts to be less than significant.

- f) *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

**Less than Significant Impact.** The Proposed Project will comply with the City's municipal code for waste diversion and recycling. Impacts would be less than significant.

**5.21 WILDFIRE**

20.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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20.	WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d)	Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5.21.1 Impact Analysis**

- a) *Would the project impair an adopted emergency response plan or emergency evacuation plan?*

**Less than Significant Impact.** The Proposed Project will not impair an adopted emergency response plan or evacuation plan. The Proposed Project will remain within the Harbor Point Conservation Park area. The Proposed Project does not include any modifications of main roads that could be designated as emergency evacuation routes, nor does the Proposed Project include construction of facilities that would interfere with an emergency response or evacuation plan. Impacts would be less than significant.

- b) *Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?*

**Less than Significant Impact.** The Proposed Project is not located within a very high fire hazard severity zone and therefore will not exacerbate wildfire risks (CalFire 2011). Impacts would be less than significant.

- c) *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?*

**Less than Significant Impact.** The Proposed Project does not include installation of any maintenance associated infrastructures that would exacerbate a fire risk. In addition, the Proposed Project is not located within a very high fire hazard severity zone. Impacts would be less than significant.

- d) *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability or drainage changes?*

**Less than Significant Impact.** The Proposed Project area is frequented by visitors to access the Harbor Point Conservation Park and it's hiking trail. The Proposed Project area does not include

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structures that would be exposed to downstream flooding or landslides. The Proposed Project would not expose people to significant risks associated with flooding or landslides associated with drainage changes because the Proposed Project does not include activities that would significantly change the slope or drainage of the Proposed Project area. Impacts would be less than significant.

**5.22 MANDATORY FINDINGS OF SIGNIFICANCE**

21.	MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
(a)	Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5.22.1 Impact Analysis**

a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

**Less than Significant with Mitigation.** The Proposed Project has the potential to impact a plant or animal community as it will impact the native CSS, California boxthorn, Coulter's saltbush, and the California gnatcatcher with the removal and trimming of plants on a portion of the Proposed Project area for the construction of the overlook deck. The implementation of the following mitigation measures would minimize impacts to these species through methods of surveying, flagging, avoidance, seed salvaging and mitigation fees.

**MM BIO-1:** To avoid potential impacts to the California gnatcatcher, construction activities will take place outside of nesting season (February 15 to September 1). If construction activities are proposed within the breeding season, coordination with the agencies is recommended to determine the appropriate mitigation pathway.

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**MM BIO-2:** If construction activities occur during nesting season, preconstruction nesting bird surveys in compliance with the Migratory Bird Treaty Act and biological monitoring to avoid sensitive resources is recommended. If the above species are identified, measures to avoid or minimize impacts to the species should be submitted to resource agencies for approval prior to construction.

**MM BIO-3:** The Proposed Project will utilize posts and piles to limit impacts to the CSS, limit ground disturbance and maintain hydrologic permeability.

**MM BIO-4:** Vegetation trimming will be conducted in some areas rather than vegetation removal to minimize impacts. Long-term impacts to the loss of genetic diversity can be mitigated through the collection of seeds or scraping the top layer of soil for seeds that may be within the seed bank and revegetating areas using salvaged seeds.

**MM BIO-5:** Focused surveys will be conducted during the blooming period of the Coulter's saltbush to flag this species for avoidance prior to construction. The California boxthorn will be flagged for avoidance prior to construction activities.

The Dana Point Historic Inventory and Designated Structures document identified three potential structures along Scenic Drive which are located at 34555, 34567, and 34545 Scenic Drive. A Report Prepared by the Architectural Resources Group conducted an updated inventory of the City's historic resources and identified that the 34567 Scenic Drive property has been demolished (Architectural Resources Group 2016). Of the three addresses provided by the previous historic inventory, only one is identified as a registered property and a Mills Act participant. This property is located at 34545 Scenic Drive, approximately 0.15 mile southwest from the Proposed Project site (City of Dana Point 2016). The Proposed Project site does not contain any other historic resources. The Proposed Project will remain within the Harbor Point Park area and will not impact the other listed historic properties. Impacts to historic resources would be less than significant.

- b) *Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)*

**Less than Significant Impact.** A future hotel development project is projected to be built approximately 300 feet northeast from the Proposed Project site at 34482 Green Lantern, which currently consists of vacant parcels. This project is directly across from the Proposed Project site, where the trail would be placed; however, this project is in preliminary design and construction is expected to start after the Proposed Project is completed. In addition, a boutique hotel (The Wave) is planned for the corner of Pacific Coast Highway and Green Lantern, approximately 0.5 mile north of the Proposed Project site. This project may occur concurrently with the Proposed Project. In addition, a sidewalk will be added on the Street of the Green Lantern in 2019 within the public right of way. The Proposed Project will take place within the Harbor Point Park and is not anticipated to impede future development projects nearby. The Proposed Project construction would be temporary and limited, and is not expected to contribute to cumulative impacts in the area. Additionally, the proposed actions of the Proposed Project consist of enhancing the existing uses and do not include activities that would be cumulatively considerable. Impacts would be less than significant.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

**Less than Significant Impact.** The Proposed Project will provide a designated access point to trails through the trail extension, which will also include additional fencing and signage to prevent unauthorized access to the open space areas and cliff edge. The proposed overlook location will allow enhanced public access as well as reduce disturbance of the surrounding habitat. The Proposed Project will not have environmental effects that would cause adverse effect on humans, rather, the Proposed Project would improve user safety to the Proposed Project area. Impacts will be less than significant.

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**SECTION 6.0 – MITIGATED NEGATIVE DECLARATION**

This document, along with the Draft Initial Study/Mitigated Negative Declaration; Mitigation Monitoring and Reporting Program; and the Notice of Determination, constitute the Final Mitigated Negative Declaration for the Rincon Development Project in the City of Chino Hills.

Pursuant to Section 21082.1 of the California Environmental Quality Act, the City has independently reviewed and analyzed the Initial Study and Mitigated Negative Declaration for the Proposed Project and finds that these documents reflect the independent judgment of the City. The City of Chino Hills, as lead agency, also confirms that the project mitigation measures detailed in these documents are feasible and will be implemented as stated in the MND and MMRP.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

**SECTION 7.0 – REFERENCES**

The following is a list of references used in the preparation of this document.

Architectural Resources Group

- 2016 City of Dana Point Historic Resources Inventory Update Survey Report – Draft. Available Online at: <http://www.danapoint.org/home/showdocument?id=24064>

California Department of Forestry and Fire Protection (CalFire)

- 2011 Fire Hazard Severity Zones In Local Responsibility Areas (LRA). Available Online at: [http://frap.fire.ca.gov/webdata/maps/orange/fhszl\\_map.30.jpg](http://frap.fire.ca.gov/webdata/maps/orange/fhszl_map.30.jpg)

California Geological Survey

- 2001 Earthquake Zones of Required Investigation. Dana Point Quadrangle Seismic Hazard Zones.

City of Dana Point

- 2017 Very High Fire Hazard Severity. Community Development, Building and Safety. Available Online: <http://www.danapoint.org/department/community-development/building-safety/fire-hazard-severity-zones>
- 2016 List of Designated Historic Resources and Mills Act Participants.
- 2010 Best Management Practices (BMPs) For Construction Sites
- 2004 Headlands Development and Conservation Plan, The. Available Online at: <http://www.danapoint.org/home/showdocument?id=12072>
- 2003 Municipal Code. Available Online: <https://qcode.us/codes/danapoint/>
- 1995a Circulation Element.
- 1995b Public Safety Element
- 1991a Conservation/Open Space Element
- 1991b Noise Element

Department of Conservation

- 2016 California important Farmland Mapping. Available Online at: <https://maps.conservation.ca.gov/DLRP/CIFF/>
- 1994 Generalized Mineral Land Classification. Available Online: <https://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=mlc>

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Department of Transportation

2018 California Scenic Highway Mapping System. Available Online at:  
[http://www.dot.ca.gov/hq/LandArch/16\\_livability/scenic\\_highways/](http://www.dot.ca.gov/hq/LandArch/16_livability/scenic_highways/)

Federal Transit Administration (FTA)

2018 Transit Noise and Vibration Impact Assessment Manual. Available Online at:  
[https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123\\_0.pdf](https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf)

Orange County Stormwater Program

2012 Construction Runoff Guidance Manual. Available Online at:  
<http://www.danapoint.org/home/showdocument?id=12142>

South Coast Air Quality Management District (SCAQMD)

2016 Final Air Quality Management Plan. Available Online at:  
<http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf>

State Water Resources Control Board (SWRCB)

2018 Geotracker Management System. Available Online at:  
<http://geotracker.waterboards.ca.gov/>

**APPENDIX A – BIOLOGICAL TECHNICAL REPORT**



**BIOLOGICAL TECHNICAL REPORT FOR THE  
GREEN LANTERN PUBLIC IMPROVEMENTS  
PROJECT  
ORANGE COUNTY, CALIFORNIA**

*Prepared for:*

**CITY OF DANA POINT**  
33282 Golden Lantern  
Dana Point, California 92629

*Prepared by:*

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## **SECTION 1.0 – INTRODUCTION**

Chambers Group was retained by the City of Dana Point to conduct a literature review and reconnaissance-level survey for improvement activities including the placement of a public coastal overlook and a trail extension for the Green Lantern Public Improvements Project (Project). The survey identified vegetation communities, potential for the occurrence of sensitive species, or habitats that could support sensitive wildlife species. Information contained in this Biological Technical Report is in accordance with accepted scientific and technical standards that are consistent with the requirements of United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW).

### **1.1 PROJECT BACKGROUND**

The City of Dana Point is proposing to build an overlook and extend the trail from the current lookout to the newly built overlook. The addition of the overlook is proposed as an effort to restore native habitat by reducing illegal trespassing into the current preserved open space and increasing overall public safety. Trespassing in attempts to gain access to the view near the cliff edge has become a large issue throughout the preserved open space at Harbor Point. As a result, the area is littered with trash and the vegetation is becoming highly fragmented due to the increase in off trail foot traffic. In addition, the unauthorized access to the cliff edge is a public safety hazard, as there is no railing or fencing present.

The proposed overlook will be approximately 21 x 14 feet and will be located just south of the pullout on Scenic Drive (Figure 1). The location will allow enhanced public access to coastal resources, as well as reduce the overall disturbance and fragmentation of the surrounding habitat. Both the overlook and the trail extension will be placed in areas that are currently mostly disturbed and will cause the lowest amount of impact to native vegetation as possible. Two suggested paths for the trail extension are outlined in the Figure 2.

### **1.2 PROJECT LOCATION**

The Project site is located within the Dana Point Headlands near the intersection of Cove Road and Green Lantern in the City of Dana Point, in Orange County, California. The Project is located within the U.S. Geological Survey (USGS) *Dana Point, California 7.5-minute topographic quadrangle*. The Project site is currently used as a preserved open space in the City of Dana Point. The Project site is surrounded by the Pacific Ocean, vegetated hillsides, major roads, and residential homes. The Pacific Ocean is located to the south, the vegetated hillsides are located to the north, west, and east of the Project site, and residential homes border the vegetated hillsides. Green Lantern/Scenic Road runs west to northeast and is located just along the northern border of the Project site. The elevation at the Project site is approximately 165 feet above mean sea level (amsl). Maps of the Project Location and Project Vicinity are provided in Figure 1.



## **SECTION 2.0 – METHODOLOGY**

### **2.1 LITERATURE REVIEW**

Prior to performing the field survey, existing documentation relevant to the Project site was reviewed. The most recent records of the California Natural Diversity Database (CNDDDB) managed by CDFW (CDFW 2018), the USFWS Critical Habitat Mapper (USFWS 2018) and the California Native Plant Society's Electronic Inventory (CNPSEI) of Rare and Endangered Vascular Plants of California (CNPS 2018) were reviewed for the following quadrangles containing and surrounding the Project site: *Dana Point*, *San Clemente*, *San Juan Capistrano*, and *Canada Gobernadora*, California USGS 7.5 minute quadrangles. These databases contain records of reported occurrences of federal- or state-listed endangered or threatened species, California Species of Concern (SSC), or otherwise sensitive species or habitats that may occur within or in the immediate vicinity of the Project site.

### **2.2 SOILS**

Before conducting the survey, soil maps for Orange County were referenced online (<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>) to determine the soil types found within the Project site. Soils were determined in accordance with categories set forth by the U.S. Department of Agriculture (USDA) Soil Conservation Service and by referencing the USDA Natural Resources Conservation Service (NRCS) Web Soil Survey (USDA 2018).

### **2.3 JURISDICTIONAL WATERS**

A general assessment of jurisdictional waters regulated by the United States Army Corps of Engineers (USACE), California Regional Water Quality Control Board (RWQCB), and CDFW was conducted for the Project area. Pursuant to Section 404 of the Clean Water Act, USACE regulates the discharge of dredged and/or fill material into waters of the United States. The State of California (State) regulates discharge of material into waters of the State pursuant to Section 401 of the Clean Water Act and the California Porter-Cologne Water Quality Control Act (California Water Code, Division 7, §13000 et seq.). Pursuant to Division 2, Chapter 6, Sections 1600-1602 of the California Fish and Game Code, CDFW regulates all diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake, which supports fish or wildlife. The assessment was conducted by a desktop survey through the USGS National Hydrography Dataset for hydrological connectivity.

### **2.4 BIOLOGICAL RECONNAISSANCE-LEVEL SURVEY**

Chambers Group biologists, Heather Franklin and Clark Austin, conducted the general reconnaissance survey within the Project site and surrounding area (survey area) to identify the potential for occurrence of sensitive species, vegetation communities, or habitats that could support sensitive wildlife species. The survey was conducted on foot, as well as with the aid of a drone, throughout the Project site between 0800 and 1200 hours on July 19, 2018. The drone portion of the survey was conducted with prior approval from the City of Dana Point with a DJI Phantom 4 Pro. The use of the drone allowed for accurate, real-time, high-resolution basemap imagery to be used for vegetation mapping, ecological interpretation, and planning purposes. Weather conditions during the survey included temperatures ranging from 74 to 79 degrees Fahrenheit, with zero percent cloud cover, and no precipitation. Photographs of the Project site were recorded to document existing conditions (Appendix A).

**2.4.1 Vegetation**

All plant species observed within the Project site were recorded. Vegetation communities within the Project site were identified, qualitatively described, and mapped onto a high-resolution drone based imagery aerial photograph. Plant communities were determined in accordance with the *Manual of California Vegetation, Second Edition* (2009). Plant nomenclature follows that of *The Jepson Manual* (2012). A comprehensive list of the plant species observed during the survey is provided in Appendix B.

**2.4.2 Wildlife**

All wildlife and wildlife signs observed and detected, including tracks, scat, carcasses, burrows, excavations, and vocalizations, were recorded. Additional survey time was spent in those habitats most likely to be utilized by wildlife (native vegetation, wildlife trails, etc.) or in habitats with the potential to support state- and/or federal-listed or otherwise sensitive species. Notes were made on the general habitat types, species observed, and the conditions of the Project site. A comprehensive list of the wildlife species observed during the survey is provided in Appendix C.

## **SECTION 3.0 – RESULTS**

### **3.1 NATURAL COMMUNITY CONSERVATION PLAN & HABITAT CONSERVATION PLAN**

The Project is located within the designated boundaries of the Orange County Natural Community Conservation Plan & Habitat Conservation Plan (NCCP/HCP). The NCCP/HCP outlines avoidance and minimization measures as well as standard operational procedures and mitigation measures for work occurring within participating landowners and preserves. According to the CNDDDB, six NCCP/HCP-covered wildlife species have been documented with a potential to occur within the Project site. One NCCP/HCP covered wildlife species and two covered plant species were present within the Project site. These species are discussed in Section 3.5 of this report.

### **3.2 SOILS**

After review of USDA Soil Conservation Service and by referencing the USDA NRCS Web Soil Survey (USDA 2018), it was determined that the Project site is located within the Orange County (CA678). Based on the results of the database search, no soil data exists for this area. However, during the survey soils appeared to consist primarily of sandy soils, with sandy loam soils near the cliff edges.

### **3.3 JURISDICTIONAL WATERS**

No jurisdictional features such as drainages or swales were observed within the Project site. The Pacific Ocean is located to the south of the Project site; however, no impacts near the Pacific Ocean are anticipated. No impacts to waters of the United States and waters of the state are anticipated to occur as a result of this Project.

### **3.4 VEGETATION COMMUNITIES**

Four vegetation communities, bare ground, and developed areas were observed within and adjacent to the Project site: California Sagebrush Scrub, Coast Prickly Pear Stand, Russian Thistle-Filaree Fields, Ornamental Landscape, Bare Ground, and Developed. A map showing the vegetation communities observed and other areas within the Project site is provided in Figure 2, and the communities are described in the following subsections.

#### **3.4.1 California Sagebrush Scrub**

California Sagebrush Scrub (CSS) areas is dominated by California sagebrush (*Artemisia californica*), coastal deerweed (*Acmispon glaber* var. *glaber*), black sage (*Salvia mellifera*), spreading goldenbush (*Isocoma menziesii* var. *menziesii*), California bush sunflower (*Encelia californica*), lemonadeberry (*Rhus integrifolia*), coast cholla (*Cylindropuntia prolifera*), tocalote (*Centaurea melitensis*), and coastal California buckwheat (*Eriogonum fasciculatum* var. *fasciculatum*). Small areas within the CSS are composed of coast prickly pear (*Opuntia littoralis*), due to the density and monotypic species quality these areas were considered a separate habitat which is detailed below. The overall habitat is characterized by a large amount of fragmentation that could be the result of several anthropogenic and biotic factors (e.g., unauthorized and off-trail hiking, game trails, or natural breaks in the vegetation). This habitat is often associated with coastal bluffs and mesas and can be found in a variety of soil types. Approximately 0.85 acre of CSS is present south and west of Scenic Drive within the survey area.

**3.4.2**      Coast Prickly Pear Stand

Coast Prickly Pear Stands (CPPS) are dominated by coast prickly pear and are found as isolated patches within the larger CSS. Due to their monotypic nature and extent, these areas were considered a separate habitat type. This species is often found in sand or sandstone soils within coastal areas of southern California and can occasionally create dense monotypic stands that provide habitat for a number of rare or threatened wildlife species. Approximately 0.02 acre of CPPS is present in a number of small patches south and west of Scenic Drive within the survey area.

**3.4.3**      Russian Thistle – Filaree Fields

Russian Thistle–Filaree Field (DRTF) habitat is dominated by non-native Russian thistle (*Salsola tragus*) and various non-native filaree species (*Erodium* spp.) with lesser amounts of non-native tree tobacco (*Nicotiana glauca*), crystalline iceplant (*Mesembryanthemum crystallinum*), tocalote, foxtail chess (*Bromus madritensis* subsp. *madritensis*), short-pod mustard (*Hirschfeldia incana*), peppergrass (*Lepidium* sp.), and Mediterranean schismus (*Schismus barbatus*) also occurring. Occasional native shrubs were also observed, but with low frequencies, including spreading goldenbush, telegraph weed (*Heterotheca grandiflora*), and coastal deerweed. This area is typified by a high level of anthropogenic disturbance from earth-moving equipment and grading activities. The area is generally separated from native habitat by a chain-link fence and a paved road (Scenic Drive). Approximately 0.14 acre of DRTF are present within the survey area, primarily north of Scenic Drive.

**3.4.4**      Ornamental Landscape

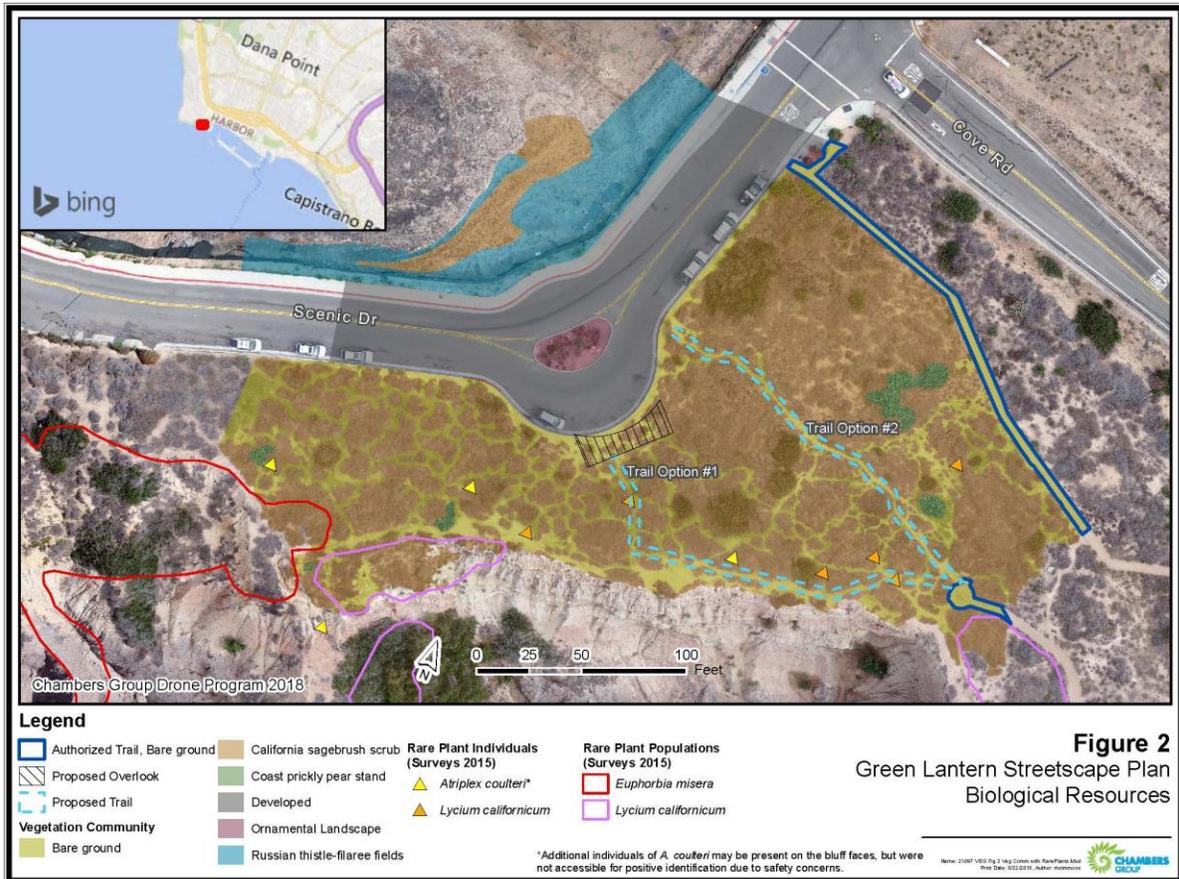
Ornamental Landscape (OL) is dominated by agave (*Agave attenuata*), aloe (*Aloe* sp.) and lemonadeberry. These areas are comprised of native and non-native species that are primarily used for decoration and are actively irrigated or maintained in a way that distinguishes the area from surrounding natural areas. Approximately 0.02 acre of OL is present in a small island in the middle of Scenic Drive within the survey area.

**3.4.5**      Bare Ground

Bare Ground (BG) areas are generally devoid of vegetation, but do not contain any form of pavement. These areas are typically associated with the formal trail network, but are also found in areas between patches of CSS, presumably as unauthorized hiking trails through the open space area. Compared to Developed areas, BG has higher water permeability and higher fossorial rodent habitat potential. Approximately 0.27 acre of BG is present in the survey area, primarily within a narrow band along the bluffs, within authorized and unauthorized trails throughout the CSS.

**3.4.6**      Developed

Developed (DV) areas are those where various forms of pavement cover the soil surface. This surface is recorded as separate from bare ground due to the erosional, use, and hydric features associated with the feature. Due to the lack of permeability, these areas channel water run-off and can result in unique erosional management considerations. Approximately 0.29 acre of DV area is present in the survey area, primarily consisting of Scenic Drive and its associated sidewalk and curb areas.



### **3.5 SENSITIVE SPECIES**

The following information is a list of abbreviations used to help determine the significance of biological sensitive resources potentially occurring on the Project site.

#### **Rare Plant Rank (RPR)**

- List 1A = Plants presumed extinct in California.
- List 1B = Plants rare and endangered in California and throughout their range.
- List 2 = Plants rare, threatened or endangered in California but more common elsewhere in their range.
- List 3 = Plants about which we need more information; a review list.
- List 4 = Plants of limited distribution; a watch list.

#### **RPR Extensions**

- 0.1 = Seriously endangered in California (greater than 80 percent of occurrences threatened/high degree and immediacy of threat).
- 0.2 = Fairly endangered in California (20-80 percent occurrences threatened).
- 0.3 = Not very endangered in California (less than 20 percent of occurrences threatened).

#### **Federal**

- FE = Federally listed; Endangered
- FT = Federally listed; Threatened

#### **State**

- ST = State listed; Threatened
- SE = State listed; Endangered
- RARE = State-listed; Rare (Listed "Rare" animals have been re-designated as Threatened, but Rare plants have retained the Rare designation.)
- SSC = State Species of Special Concern

The following information was used to determine the significance of biological resources potentially occurring within the Project site. The criteria used to evaluate the potential for sensitive species to occur on the Project site are outlined in Table 1.

**Table 1: Criteria for Evaluating Sensitive Species Potential for Occurrence (PFO)**

PFO	CRITERIA
<b>Absent:</b>	Species is restricted to habitats or environmental conditions that do not occur within the Project site. Additionally, if the survey was conducted within the blooming period of the species and appropriate habitat was observed in the surrounding area but the species was not observed within the Project impact area it was considered absent.
<b>Low:</b>	Historical records for this species do not exist within the immediate vicinity (approximately 5 miles) of the Project site, and/or habitats or environmental conditions needed to support the species are of poor quality.
<b>Moderate:</b>	Either a historical record exists of the species within the immediate vicinity of the Project site (approximately 3 miles) and marginal habitat exists on the Project site, or the habitat requirements or environmental conditions associated with the species occur within the Project site, but no historical records exist within 5 miles of the Project site.
<b>High:</b>	Both a historical record exists of the species within the Project site or its immediate vicinity (approximately 1 mile), and the habitat requirements and environmental conditions associated with the species occur within the Project site.
<b>Present:</b>	Species was detected within the Project site at the time of the survey.

\* PFO: Potential for Occurrence

### 3.5.1 Sensitive Plants

Factors used to determine the potential for occurrence included the quality of habitat, elevation, and the results of the reconnaissance survey. In addition, the location of prior CNDDDB records of occurrence were used as additional data, but since the CNDDDB is a positive-sighting database, this data was used only in support of the analysis from the previously identified factors.

Current database searches (CDFW 2018 and CNPSEI 2018) resulted in a list of 29 federal- and/or state-listed threatened and endangered or rare sensitive plant species documented to occur within five miles of the Project site (Figure 3). After the literature review and the reconnaissance-level survey, it was determined that 18 of the 29 species are considered absent from the Project site based on the assessment of the various habitat types observed. Two species are considered to have a low potential to occur at the Project site due to low quality and/or disturbed suitable habitat and CNDDDB records within 5-miles. One species has a moderate chance for occurrence due to appropriate habitat and CNDDDB records within 3-miles of the Project site. Four species are considered to have a high potential to occur due to appropriate habitat and CNDDDB records within 1-mile of the Project site. In addition, Chambers Group completed a focused plant survey in 2015 (Unpublished Data, Chambers Group April 2015) and four sensitive plants were identified and are considered present within the survey area.

The following 18 plant species are considered **Absent** from the survey area due to lack of suitable habitat and/or the species is found outside the elevation range:

- southern tarplant (*Centromadia parryi* ssp. *australis*) – CRPR List 1B.1

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- long-spined spineflower (*Chorizanthe polygonoides* var. *longispina*) – CRPR List 1B.2
- San Miguel savory (*Clinopodium chandleri*) – CRPR List 1B.2
- summer holly (*Comarostaphylis diversifolia* ssp. *diversifolia*) – CRPR List 1B.2
- sticky dudleya (*Dudleya viscida*) – CRPR List 1B.2
- Pendleton button-celery (*Eryngium pendletonense*) – CRPR List 1B.1
- mesa horkelia (*Horkelia cuneata* var. *puberula*) – CRPR List 1B.1
- California satintail (*Imperata brevifolia*) – CRPR List 2B.1
- decumbent goldenbush (*Isocoma menziesii* var. *decumbens*) – CRPR List 1B.2
- Coulter’s goldfields (*Lasthenia glabrata* ssp. *coulteri*) – CRPR List 1B.1
- intermediate monardella (*Monardella hypoleuca* ssp. *intermedia*) – CRPR List 1B.3
- little mousetail (*Myosurus minimus* ssp. *apus*) – CRPR List 3.1
- mud nama (*Nama stenocarpa*) – CRPR List 2B.2
- prostrate vernal pool navarretia (*Navarretia prostrata*) – CRPR List 1B.1
- chaparral nolina (*Nolina cismontana*) – CRPR List 1B.2
- white rabbit-tobacco (*Pseudognaphalium leucocephalum*) – CRPR List 2B.2
- salt spring checkerbloom (*Sidalcea neomexicana*) – CRPR List 2B.2
- estuary seablite (*Suaeda esteroa*) – CRPR List 1B.2

The analysis of the CNDDDB search and field survey resulted in two species with a **low** potential to occur within the survey area. A combination of low-quality habitat, historic records within 3 to 5 miles, and previous Chambers Group surveys in the surrounding area (Unpublished data, Chambers Group Inc., April 2015) support the determinations below:

- thread-leaved brodiaea (*Brodiaea filifolia*) - FT, SE, CRPR List 1B.1
- Palmer’s grapplinghook (*Harpognella palmeri*) – CRPR List 4.2

The analysis of the CNDDDB search and field survey resulted in one species, many-stemmed dudleya (*Dudleya multicaulis*), with a **moderate** potential to occur within the survey area and is described below:

**many-stemmed dudleya** – CRPR List 1B.2

This species is a perennial herb in the Crassulaceae family that blooms from April to June. This species occurs in chaparral, grassland, and coastal sage scrub habitats below 1,968 ft. elevation. The survey was conducted outside the blooming season; however, appropriate coastal sage scrub habitat occurs throughout the survey area and CNDDDB records indicate this species within 5-miles of the survey area. Therefore, there is a moderate potential for this species occur within the survey area.

The analysis of the CNDDDB search and field survey resulted in four species with a **high** potential to occur within the survey area and are described below: aphanisma (*Aphanisma blitoides*), south coast saltscall (*Atriplex pacifica*), Orcutt’s pincushion (*Chaenactis glabriuscula* var. *orcuttiana*), and Allen’s pentachaeta (*Pentachaeta aurea* ssp. *allenii*):

**aphanisma** – CRPR List 1B.2

This species is an annual herb in the Chenopodiaceae family that blooms from March to June. This species occurs in coastal bluffs and coastal sage scrub habitats below 656 feet in elevation. The

survey was conducted outside the blooming period of this species; however, this species was not observed within the Project impact areas in 2018 or in the surrounding area in 2015 (Unpublished data, Chambers Group Inc., April 2015). Appropriate coastal bluff habitat occurs within the survey area and CNDDDB records indicate a historic population within 1-mile. Due to the high quality habitat surrounding the Project site, there is a high potential for this species to occur within the survey area.

**south coast saltscale** – CRPR List 1B.2

This species is an annual herb in the Chenopodiaceae family that blooms from March to October. This species occurs in coastal bluff scrub and sand dunes below 984 feet in elevation. The survey was conducted during the blooming period of this species; however, this species was not observed within the Project impact areas in 2018 or in the surrounding area in 2015 (Unpublished data, Chambers Group Inc., April 2015). Although this species was not observed in 2015 and 2018, inter-annual variability can decrease the potential for detection, and high quality habitat is located within the Project impact area as well as surrounding areas; therefore, this species has a high potential for being located within the Project impact area and within the surrounding habitat.

**Orcutt's pincushion** – CRPR List 1B.1

This species is an annual herb in the Asteraceae family that blooms from January to August. This species occurs in coastal dunes and bluffs below 328 feet in elevation. The survey was conducted during the blooming period of this species; however, this species was not observed within the Project impact areas in 2018 or in the surrounding area in 2015 (Unpublished data, Chambers Group Inc., April 2015). There is appropriate coastal bluff habitat and CNDDDB records indicate a historic population within 1-mile of the Project site in 2010. Although this species was not observed in 2015 and 2018, inter-annual variability can decrease the potential for detection, high quality habitat is located within the Project impact area as well as surrounding areas, and historic records indicate an observation within the survey area from 2010; therefore, this species has a high potential for being located within the Project impact area and within the surrounding habitat.

**Allen's pentachaeta** – CRPR List 1B.1

This species is an annual herb in the Asteraceae family that blooms from March to June. This species occurs in grassy areas below 1,640 feet in elevation. The survey was conducted outside the blooming period of this species; however, isolated pockets of grass dominated openings within the California sagebrush scrub provide potential habitat for this species within the surrounding area. This species was not observed within the Project impact areas in 2018 or in the surrounding area in 2015 (Unpublished data, Chambers Group Inc., April 2015). In addition, a CNDDDB record search indicated a historic population within 1-mile of the Project site. Therefore, there is a high potential for this species to occur within the areas surrounding the Project site.

The following four species, Coulter's saltbush (*Atriplex coulteri*), Blochman's dudleya (*Dudleya blochmaniaea* ssp. *blochmaniae*), cliff spurge (*Euphorbia misera*), and California boxthorn (*Lycium californicum*) are considered **Present** within the survey area based on positive survey results from Chambers Group surveys in 2015 (Unpublished data, Chambers Group Inc., April 2015):

**Coulter's saltbush** – CRPR List 1B.2

This species is an annual herb in the Chenopodiaceae family that blooms from March to October. This species occurs in open sites within coastal bluff scrub habitats and areas with alkaline soils below 1,640 ft. elevation. The survey was conducted during the blooming period of this species; however, it was not observed in the 2018 survey. This species was observed along the edge of the bluff, immediately south of Proposed Trail Option #1, in 2015 (Unpublished data, Chambers Group Inc., April 2015). Even though this species was not observed in 2018, inter-annual variability can decrease the potential for detection of herbaceous species and therefore this species should be considered to have a high potential to occur immediately adjacent to the Project impact area of Trail Option 1, and present within the survey area.

**Blochman's dudleya** – CRPR List 1B.1

This species is a perennial herb in the Crassulaceae family that blooms from April to June. This species occurs in open areas within coastal sage scrub habitats along the coast below 1,476 ft. elevation. The survey was conducted outside the blooming period of this species and was not observed during the 2018 survey within the Project impact area. This species was recorded during the 2015 survey (Unpublished data, Chambers Group Inc., April 2015) north of the Project impact area but within the larger surrounding survey area. Due to the presence of this species in 2015, this species should be considered present within the survey area outside of the Project impact areas. This species is covered under the NCCP/HCP.

**cliff spurge** – CRPR List 2B.2

This species is a shrub in the Euphorbiaceae family that blooms from December to August. This species occurs in coastal sage scrub and maritime succulent scrub habitats associated with coastal bluffs below 1,640 ft. elevation. The survey was conducted outside the blooming period of this species and it was not observed within the Project impact area. This species was recorded during the 2015 survey (Unpublished data, Chambers Group Inc., April 2015) outside the Project impact area but within the surrounding survey area to the west of the proposed viewpoint. Due to the presence of this species in 2015 in the surrounding area this species should be considered present within the survey area outside of the Project impact areas. This species is covered under the NCCP/HCP.

**California box thorn** – CRPR List 4.2

This species is a shrub in the Solanaceae family that blooms from March to August. This species occurs in coastal sage scrub habitats associated with coastal bluffs below 492 ft. elevation. The survey was conducted during the blooming period of this species, however, it was not observed within the Project impact area. This species was recorded during the 2015 survey (Unpublished data, Chambers Group Inc., April 2015) within the survey area south of the official trail network and between the termination of the existing trail network and the proposed viewpoint. This species is summer deciduous and is often leafless and may appear dead at the time the 2018 survey was conducted. Due to the presence of this species in 2015 immediately adjacent to the impact area and within the surrounding area, this species should be considered present within the survey area.

### 3.5.2 Sensitive Wildlife

A current database search (CNDDDB 2016) resulted in a list of 33 federal- and/or state-listed endangered or threatened, Species of Concern, or otherwise sensitive wildlife species that may potentially occur within the survey area (Figure 3). After a literature review and the assessment of the various habitat types within the survey area, it was determined that 25 sensitive wildlife species were considered absent, five species had a low potential to occur, two species had a moderate potential to occur, one species had a high potential to occur, and one species was present within the survey area. Factors used to determine potential for occurrence included the quality of habitat and the location of prior CNDDDB records of occurrence.

The following 25 wildlife species are considered **absent** from the survey area due to lack of suitable habitat present on the Project site:

- American badger (*Taxidea taxus*)- SSC
- arroyo chub (*Gila orcuttii*)- SSC
- arroyo toad (*Anaxyrus californicus*)- FE, SSC
- California glossy snake (*Arizona elegans occidentalis*)- SSC
- coast range newt (*Taricha torosa*) - SSC
- Dulzura pocket mouse (*Chaetodipus californicus femoralis*)- SSC
- grasshopper sparrow (*Ammodramus savannarum*)- SSC
- least Bell's vireo (*Vireo bellii pusillus*)- FE, SE
- long-eared owl (*Asio otus*)- SSC
- Mexican long-tongued bat (*Choeronycteris mexicana*)- SSC
- northwestern San Diego pocket mouse (*Chaetodipus fallax fallax*)- SSC
- pallid bat (*Antrozous pallidus*)- SSC
- pocketed free-tailed bat (*Nyctinomops femorosaccus*)- SSC
- Riverside fairy shrimp (*Streptocephalus woottoni*)- FE
- San Diego fairy shrimp (*Branchinecta sandiegonensis*)- FE
- steelhead (*Oncorhynchus mykiss irideus* pop. 10)- FE
- Stephens' kangaroo rat (*Dipodomys stephensi*)- FE, ST
- southwestern willow flycatcher (*Empidonax traillii extimus*)- FE, SE
- tidewater goby (*Eucyclogobius newberryi*)- FE, SSC
- tricolored blackbird (*Agelaius tricolor*)- SSC
- two-striped garter snake (*Thamnophis hammondi*) – SSC
- western mastiff bat (*Eumops perotis californicus*) - SSC
- western pond turtle (*Emys marmorata*) – SSC
- western red bat (*Lasiurus blossevillii*)- SSC
- western spadefoot (*Spea hammondi*)- SSC

The analysis of the CNDDDB search and field survey resulted in five species with a **low** potential to occur on within the survey area due to low quality habitat and are described below:

- burrowing owl (*Athene cunicularia*)- SSC
- coastal cactus wren (*Campylorhynchus brunneicapillus sandiegonensis*)- SSC, NCCP/HCP
- coast horned lizard (*Phrynosoma blainvillii*)- SSC, NCCP/HCP

- red-diamond rattlesnake (*Crotalus ruber*)- SSC, NCCP/HCP
- Pacific pocket mouse (*Perognathus longimembris pacificus*) - FE, SSC, NCCP/HCP

The Pacific pocket mouse is federally endangered and is a SSC. This species historically occurs from the Mexican border north to El Segundo in Los Angeles County within 2.5 miles of the coast. As of 2010, only four populations were known to exist; one on the Dana Point Headlands and three within Camp Pendleton. This subspecies occurs within coastal strand, coastal dune, river alluvial sand, and coastal sage scrub communities (USFWS 2010). This species has been recorded within the vicinity of the survey area, and individuals have been observed within the last year in the upper portion of Hilltop Park located across Cove Road approximately 0.11 mile northwest of the site (Figure 4). However, there is no connectivity from Hilltop Park to the survey area and individuals would have to cross a large lot void of vegetation and cover as well as Cove Road. In addition, track tube surveys conducted throughout the Project site during 2016 and 2017 did not find any occurrences of this species (City of Dana Point 2016 and 2017). Therefore, this species has a low potential to occur within the survey area. This species is covered under the NCCP/HCP.

The analysis of the CNDDDB search and field survey resulted in two species with a **moderate** potential to occur within the survey area. Coastal whiptail (*Aspidoscelis tigris stejnegeri*) and San Diego desert woodrat (*Neotoma lepida intermedia*) have a moderate potential to occur and are described below:

#### coastal whiptail - SSC

The coastal whiptail is an active species found in arid and semi-arid habitats, including coastal sage scrub, broken chaparral, and sparse streamside vegetation. It is found in deserts and semi-arid areas with sparse vegetation and open areas. It can also be found in woodland and riparian areas with firm, sandy, or rocky soils. Suitable habitat for this species occurs within the survey area; however, this species has not been recorded within 4 miles of the site and no individuals were observed during the survey. Therefore, the coastal whiptail has a moderate potential to occur within the Project site. This species is covered under the NCCP/HCP.

#### San Diego desert woodrat - SSC

The San Diego desert woodrat inhabits moderate to dense canopies in a variety of sagebrush scrub, chaparral and desert habitats, especially in rock outcrops, rocky cliffs, and slopes (Natureserve 2013). This species is often associated with large cactus patches within coastal sage scrub communities and it almost is invariably associated with prickly pear (*Opuntia* spp.). This species has been recorded within one mile of the survey area. However, no habitat is present within the Project impact area and only marginal quality habitat is present within the survey area. Therefore, the San Diego desert woodrat is considered absent within the Project impact area and has a moderate potential to occur within the survey area. This species is covered under the NCCP/HCP.

One species, the coastal California gnatcatcher (*Poliioptila californica californica*; FT, SSC), was **present** within the survey area during the survey. In addition, this species has been recorded to nest within and surrounding the Project site.

**coastal California gnatcatcher- FT, SSC**

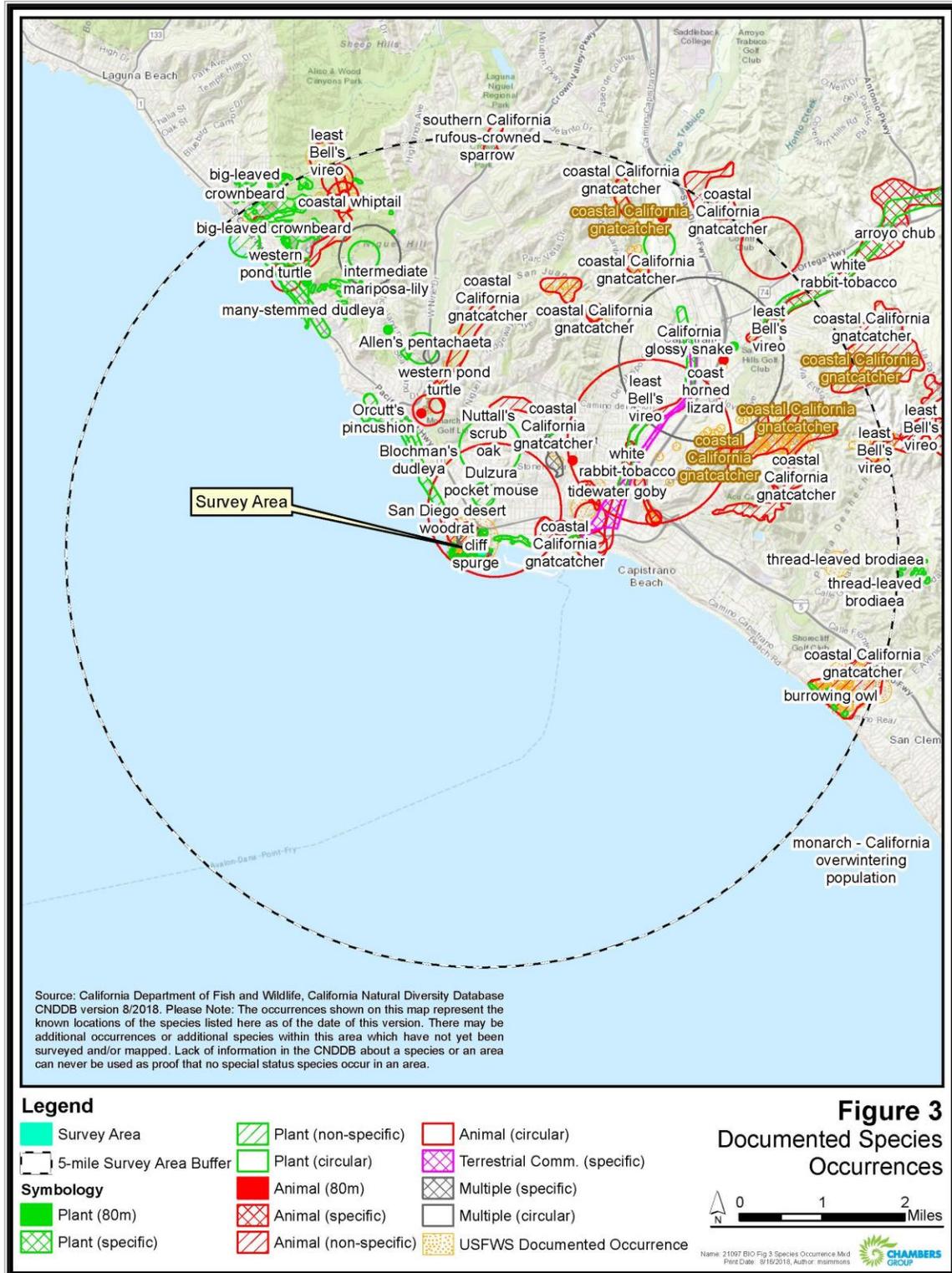
The coastal California gnatcatcher is a federally threatened species and a California SSC. It is a permanent resident of Diegan, Riversidian, and Venturan sage scrub sub-associations found from sea level to 2,500 feet in elevation. The species lives and breeds within California sagebrush dominant habitats and also occurs in mixed scrub habitats with lesser percentages of this favored shrub (Atwood and Bontrager 2001). During surveys conducted in the 2018 breeding season, individuals were observed foraging and nesting in CSS within 150 feet east and west of the Project impact area (Unpublished data, Chambers Group Inc., 2018; Figure 4). However, no nests were observed within the Project impact area. This species is covered under the NCCP/HCP.

**3.6 GENERAL PLANTS**

A total of 18 plant species were observed during the survey. Plant species observed or detected during the site survey were representative of the existing Project site conditions. No sensitive species were observed during the survey effort. A complete list of plants observed is provided in Appendix B.

**3.7 GENERAL WILDLIFE**

A total of 18 wildlife species were observed during the survey. Wildlife species observed or detected during the site survey were characteristic of the existing Project site conditions. A complete list of wildlife observed is provided in Appendix C.





## **SECTION 4.0 – CONCLUSIONS AND RECOMMENDATIONS**

### **4.1 VEGETATION**

The installation of the viewpoint will impact a total of approximately 223 sq. ft. of bare ground, 308 sq. ft. of California sagebrush scrub, and 2 sq. ft. of developed areas. The California sagebrush scrub that will be impacted is highly fragmented and along the fringe of the larger natural area. A high degree of fragmentation can allow invasive species to penetrate further into the core of the habitat area and result in low-quality or poorly-functioning portions of the overall system. Overall, installation of the viewing platform will impact highly-fragmented portions of California sagebrush scrub. Impacts can be partially mitigated by the use of posts and piles to limit ground disturbance and maintain hydrologic permeability. Impacts from viewpoint installation cannot be wholly mitigated with this method due to shading effects on CSS below the platform.

The cause of the habitat fragmentation in the overall area appears to be primarily anthropogenic in origin. The majority of disturbance is in the form of linear features of bare ground or crushed vegetation; this was supported by drone imagery gathered during the 2018 vegetation survey and through ground truthing. The majority of the disturbance connects the existing developed infrastructure of Scenic Drive with the southern edge of the California sagebrush scrub (bluff edge) and to the terminus of the existing authorized trail network.

To further limit habitat fragmentation, it is proposed that the authorized trail network be extended from the current terminus back to Scenic Drive. Two trail options are proposed within this report that follow existing breaks within the vegetation identified from the 2018 drone survey. These trails are intended to lessen the amount of unsanctioned, off-trail impacts that may result in the future, and ultimately restore the native CSS habitat. To determine the recommended trail routes a number of factors were used: habitat fragmentation, bare ground areas, and trail width (proxy for frequency of use). The two trail options are detailed as following:

Trail Option #1 is the option for minimizing impacts to less-disturbed core habitat areas north and east of the proposed platform and follows an existing bare ground path. Trail Option #1 does follow close to an active bluff system and could be more geotechnically challenging. Trail Option #1 is 4.5 ft. in width and approximately 204 ft. in length; resulting in impacts to a total of 443 sq. ft. of California sagebrush scrub and 476 sq. ft. of bare ground (919 sq. ft. total).

Trail Option #2 extends to the northwest from the existing terminus of the authorized trail network and follows an existing bare ground path. During the survey this path was observed to be used by people to go between the end of the authorized trail network and their car. This trail extends between two areas of largely unfragmented habitat, resulting in more potential impacts to the ecological function of the larger area. Trail Option #2 is a more direct option and impacts less habitat per sq. ft. than Train Option #1. Again, Trail Option #2 is 4.5 ft. wide and extends just over 847 ft; resulting in impacts to a total of 370 sq. ft. of California sagebrush scrub and 480 sq. ft. of bare ground (850 sq. ft. in total).

Impacts listed above assume removal/trimming of all plants within the final trail footprint. Impacts from the installation of either Trail Option #1 or #2 may be minimized through the use of vegetation trimming in some areas rather than vegetation removal. Coulter's saltbush and California boxthorn were both identified along Trail Option #2 in 2015; however, these species can be flagged and avoided if Trail Option

#1 is selected. Long-term impacts to the loss of genetic diversity can be mitigated through the collection of seeds or scraping the top layer of soil for seeds that may be within the seed bank and revegetating areas using salvaged seeds.

#### **4.2 SENSITIVE PLANTS**

After the literature review, the assessment of the various habitat types in the survey area, and the reconnaissance survey, it was determined that of the known rare plant species to occur within the area: 25 species are considered to be absent, two are considered to have low potential for occurrence, one is considered to have a moderate potential for occurrence, four are considered to have a high potential for occurrence, and four are considered present within the survey area.

Of the four rare plant species known to be present, two are located within areas that may be directly impacted due to trail extension or viewpoint construction. Of these two species to be impacted, Coulter's saltbush is a low-growing annual herb while California boxthorn is a perennial shrub species. Coulter's saltbush has an extensive blooming period, March to October, and therefore would be minimally affected if construction activities occur after the species has gone to seed. We recommend focused surveys during the blooming period to flag this species for avoidance prior to construction. The California boxthorn is a perennial shrub and can be flagged for avoidance prior to construction activities.

While the development of the viewpoint will affect approximately 308 sq. ft. of natural habitat, through the implementation of the trail extension and flagging and work date restrictions overall impacts to the habitat may in fact be lessened overall than they are now. However, by restricting human movement to specific areas habitat fragmentation should lessen and become higher value habitat for both botanical and wildlife species.

#### **4.3 SENSITIVE WILDLIFE**

Of the 33 sensitive wildlife species identified in the literature review, it was determined that 25 sensitive wildlife species were considered absent, five had a low potential to occur, two had a moderate potential to occur, and one was present within the survey area.

Burrowing owl, coastal cactus wren, coast horned lizard, red-diamond rattlesnake, and Pacific pocket mouse have low potential to occur within the survey area. Low quality habitat for Pacific pocket mouse is present and no occurrences have been documented within the survey area. Therefore, no impacts to this species are anticipated as a result of Project activities.

Coastal whiptail and San Diego desert woodrat are considered to have a moderate potential to occur within the survey area.

The California gnatcatcher was present within the survey area. However, no nests were observed within the Project impact areas during surveys conducted during the 2018 breeding season (Unpublished data, Chambers Group Inc., 2018).

The Project site is located within the Dana Point Headlands, which is considered a non-participating landowner covered under the NCCP/HCP. The NCCP/HCP states that all impacts to occupied CSS habitat by non-participating landowners must either be avoided or fully mitigated for. The Project site is currently occupied by the California gnatcatcher; therefore, mitigation is required for any impacts to CSS due to

Project activities. Under the NCCP/HCP, mitigation can be addressed either through obtaining a Section 10 permit from USFWS or by opting to pay the Mitigation Fee under the NCCP/HCP. The Mitigation Fee will be paid to the reserve non-profit organization and will be calculated based on the number of acreage of occupied CSS that will be impacted.

To minimize potential impacts to the California gnatcatcher, construction activities should take place outside of nesting season (February 15 to September 1) to the greatest extent possible. If construction activities are proposed within the breeding season, coordination with the agencies is recommended to determine the appropriate mitigation pathway (Section 10 permit or Mitigation Fee under the NCCP/HCP).

If construction activities occur during nesting season, preconstruction nesting bird surveys in compliance with the Migratory Bird Treaty Act and biological monitoring to avoid sensitive resources is recommended. If the above species are identified, measures to avoid or minimize impacts to the species should be submitted to resource agencies for approval prior to construction.

#### **4.4 JURISDICTIONAL WATERS**

No jurisdictional features were observed within the Project site. No impacts to waters are anticipated; therefore, a USACE 404 permit, State 401 certification, or State Streambed Alteration Agreement will not be required for Project authorization.

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**APPENDIX A – SITE PHOTOGRAPHS**



**APPENDIX A – SITE PHOTOGRAPHS**



**Photo 1.**

Photo showing the proposed site for the new overlook (see biologist standing at the approximate area). The Project impact area is composed primarily of fragmented coastal sage scrub. Photo is facing north.



**Photo 2.**

Photo showing approximate area where shading may occur for the new overlook. Photo is facing south.

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**Photo 3.**

Photo showing area of proposed trail extension. In this photo is the general location of Trail Option #2. The trail will follow the previously disturbed areas to reduce impacts to vegetation. Photo is facing west.



**Photo 4.**

The existing trail located near the eastern edge of Harbor Point. The trail extension will be designed to connect to the existing trail. Due to the small width of the trail, minimal impacts to vegetation are anticipated. Photo facing south.

**APPENDIX B – PLANT SPECIES LIST**



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**APPENDIX B:  
 PLANT SPECIES OBSERVED AT THE PROJECT SITE**

Scientific Name	Common Name
<b>ANGIOSPERMS (EUDICOTS)</b>	
<b>AIZOACEAE</b>	<b>FIG-MARIGOLD FAMILY</b>
<i>Mesembryanthemum crystallinum*</i>	crystalline iceplant
<b>ANACARDIACEAE</b>	<b>SUMAC OR CASHEW FAMILY</b>
<i>Rhus integrifolia</i>	lemonadeberry
<b>ASTERACEAE</b>	<b>SUNFLOWER FAMILY</b>
<i>Artemisia californica</i>	California sagebrush
<i>Centaurea melitensis*</i>	toçalote
<i>Encelia californica</i>	California bush sunflower
<i>Isocoma menziesii</i> var. <i>menziesii</i>	spreading goldenbush
<b>BRASSICACEAE</b>	<b>MUSTARD FAMILY</b>
<i>Hirschfeldia incana*</i>	shortpod mustard
<i>Lepidium</i> sp.	peppergrass
<b>CACTACEAE</b>	<b>CACTUS FAMILY</b>
<i>Cylindropuntia prolifera</i>	coast cholla
<i>Opuntia littoralis</i>	coastal prickly pear
<b>CHENOPODIACEAE</b>	<b>GOOSEFOOT FAMILY</b>
<i>Salsola tragus*</i>	Russian thistle
<b>FABACEAE</b>	<b>LEGUME FAMILY</b>
<i>Acmispon glaber</i> var. <i>glaber</i>	coastal deerweed
<b>LAMIACEAE</b>	<b>MINT FAMILY</b>
<i>Salvia mellifera</i>	black sage
<b>POLYGONACEAE</b>	<b>BUCKWHEAT FAMILY</b>
<i>Eriogonum fasciculatum</i> var. <i>fasciculatum</i>	coastal California buckwheat
<b>ANGIOSPERMS (MONOCOTS)</b>	
<b>AGAVACEAE</b>	<b>AGAVE FAMILY</b>
<i>Agave attenuata*</i>	agave
<b>ASPHODELACEAE</b>	<b>ASPHODEL FAMILY</b>
<i>Aloe</i> sp. *	aloe
<b>POACEAE</b>	<b>GRASS FAMILY</b>
<i>Bromus madritensis</i> subsp. <i>madritensis*</i>	foxtail chess
<i>Schismus barbatus*</i>	Mediterranean schismus
*Non-Native Species	

**APPENDIX C – WILDLIFE SPECIES LIST**



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**APPENDIX C:**  
**WILDLIFE SPECIES DETECTED AT THE PROJECT SITE**

Scientific Name	Common Name
<b>CLASS REPTILIA</b>	<b>REPTILES</b>
<b>PHRYNOSOMATIDAE</b>	<b>ZEBRA-TAILED, EARLESS, FRINGE-TOED, SPINY, TREE, SIDE-BLOTCHED, AND HORNED LIZARDS</b>
<i>Sceloporus occidentalis</i>	western fence lizard
<b>CLASS AVES</b>	<b>BIRDS</b>
<b>ACCIPITRIDAE</b>	<b>HAWKS, KITES, EAGLES</b>
<i>Buteo jamaicensis</i>	red-tailed hawk
<b>COLUMBIDAE</b>	<b>PIGEONS &amp; DOVES</b>
<i>Zenaidura macroura</i>	mourning dove
<b>TROCHILIDAE</b>	<b>HUMMINGBIRDS</b>
<i>Calypte anna</i>	Anna's hummingbird
<i>Selasphorus sasin</i>	Allen's hummingbird
<b>TYRANNIDAE</b>	<b>TYRANT FLYCATCHERS</b>
<i>Sayornis nigricans</i>	black phoebe
<b>CORVIDAE</b>	<b>JAYS &amp; CROWS</b>
<i>Aphelocoma californica</i>	Western scrub-jay
<i>Corvus brachyrhynchos</i>	American crow
<i>Corvus corax</i>	common raven
<b>AEGITHALIDAE</b>	<b>BUSHTITS</b>
<i>Psaltriparus minimus</i>	bushtit
<b>TROGLODYTIDAE</b>	<b>WRENS</b>
<i>Thryomanes bewickii</i>	Bewick's wren
<b>POLIOPTILIDAE</b>	<b>GNATCATCHERS</b>
<i>Polioptila californica</i>	California gnatcatcher
<b>MIMIDAE</b>	<b>MOCKINGBIRDS, THRASHERS</b>
<i>Mimus polyglottos</i>	northern mockingbird
<b>EMBERIZIDAE</b>	<b>EMBERIZIDS</b>
<i>Melospiza crissalis</i>	California towhee
<i>Pipilo maculatus</i>	spotted towhee
<b>FRINGILLIDAE</b>	<b>FINCHES</b>
<i>Spinus psaltria</i>	lesser goldfinch
<i>Carpodacus mexicanus</i>	house finch
<b>CLASS MAMMALIA</b>	<b>MAMMALS</b>
<b>LEPORIDAE</b>	<b>HARES &amp; RABBITS</b>
<i>Sylvilagus audubonii</i>	desert cottontail

**MITIGATION MONITORING AND REPORTING PROGRAM**

**HARBOR POINT PARK TRAIL EXTENSION  
AND OVERLOOK PROJECT  
DANA POINT, CALIFORNIA**

*Prepared for:*

**CITY OF DANA POINT**  
33282 Golden Lantern  
Dana Point, CA 92629

*Prepared by:*



5 Hutton Centre Drive, Suite 750  
Santa Ana, California 92707

**September 2019**

#### **MITIGATION MONITORING AND REPORTING PROGRAM**

Public Resources Code, Section 21081.6 (Assembly Bill 3180) requires that mitigation measures identified in environmental review documents prepared in accordance with California Environmental Quality Act (CEQA) are implemented after a project is approved. Therefore, this Mitigation Monitoring and Reporting Program (MMRP) has been prepared to ensure compliance with the adopted mitigation measures during the construction phase of the Harbor Point Park Trail Extension and Overlook Project (Project).

The City of Dana Point (City) is the agency responsible for implementation of the mitigation measures identified in the MND. This MMRP provides the City with a convenient mechanism for quickly reviewing all the mitigation measures including the ability to focus on select information such as timing. The MMRP includes the following information for each mitigation measure:

- The phase of the Project during which the required mitigation measure must be implemented;
- The phase of the Project during which the required mitigation measure must be monitored; and
- The enforcement agency.

The MMRP includes a checklist to be used during the mitigation monitoring period. The checklist will verify the name of the monitor, the date of the monitoring activity, and any related remarks for each mitigation measure.

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MITIGATION MONITORING AND REPORTING PROGRAM Hester Point Park Trail Extension and Overlook Project							
Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification of Compliance		
					Initial	Date	Remarks
<b>MM BIO-1:</b> To avoid potential impacts to the California gnatcatcher, construction activities will take place outside of nesting season (February 15 to September 1). If construction activities are proposed within the breeding season, coordination with the agencies is recommended to determine the appropriate mitigation pathway.	Construction	Construction	City of Dana Point	Less than significant			
<b>MM BIO-2:</b> If construction activities occur during nesting season, preconstruction nesting bird surveys, in compliance with the Migratory Bird Treaty Act, and biological monitoring to avoid sensitive resources is recommended. If the above species are identified, measures to avoid or minimize impacts to the species should be submitted to resource agencies for approval prior to construction.	Construction	Construction	City of Dana Point	Less than significant			
<b>MM BIO-3:</b> The Proposed Project will utilize posts and piles to limit impacts to the CSS, limit ground disturbance and maintain hydrologic permeability.	Construction	Construction	City of Dana Point	Less than significant			
<b>MM BIO-4:</b> Vegetation trimming will be conducted in some areas rather than vegetation removal to minimize impacts. Long term impacts to the loss of genetic diversity can be mitigated through the collection of seeds or scraping the top layer of soil for seeds that may be within the seed bank and revegetating areas using salvaged seeds.	Construction	Construction	City of Dana Point	Less than significant			
<b>MM BIO-5:</b> Focused surveys will be conducted during the blooming period of the Coulter's saltbush to flag this species for avoidance prior to construction. The California boxhorn and any individual of cliff spurge will be flagged for avoidance prior to construction activities.	Construction	Construction	City of Dana Point	Less than significant			
<b>MM CUL-1:</b> The City will require that the construction contractor, in the event a cultural resource (i.e., historic or prehistoric artifact, fossilized shell, or bone) is discovered during ground-disturbing activities, stop all work within the immediate area and notify the City and that the find be evaluated by a qualified archaeologist. If the find is determined to be potentially significant, the archaeologist, in consultation with the City, will develop a treatment plan. All work in the immediate vicinity of the unanticipated discovery will cease until the qualified archaeologist has evaluated the discovery or the treatment plan has been implemented.	Construction	Construction	City of Dana Point	Less than significant			

**Supporting Document 5:**            Conceptual Plans

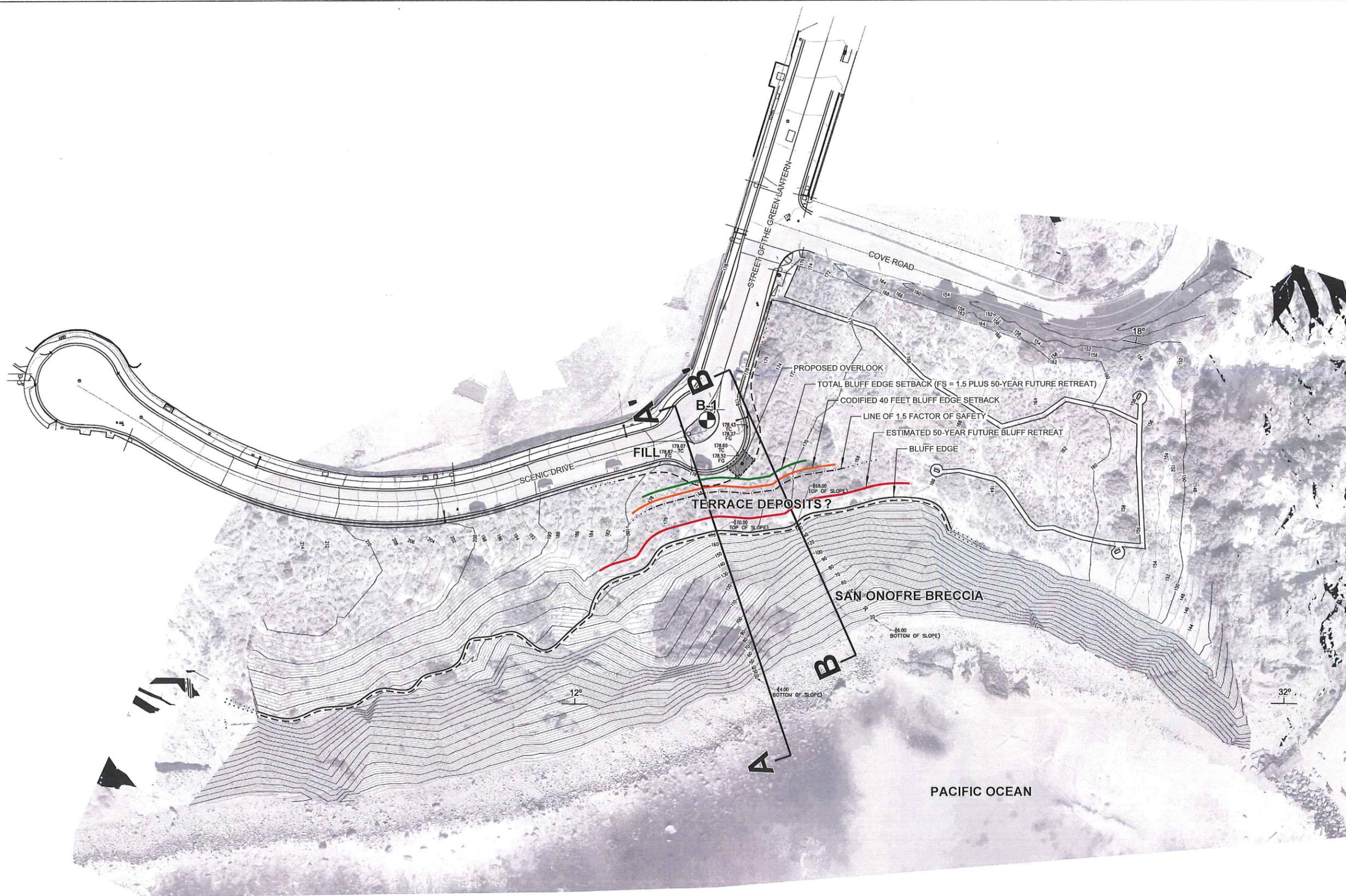
ATTACHMENT



**Legend**

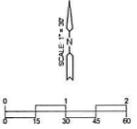
-  Authorized Trail, Bare ground
-  Proposed Trail
-  Proposed Overlook

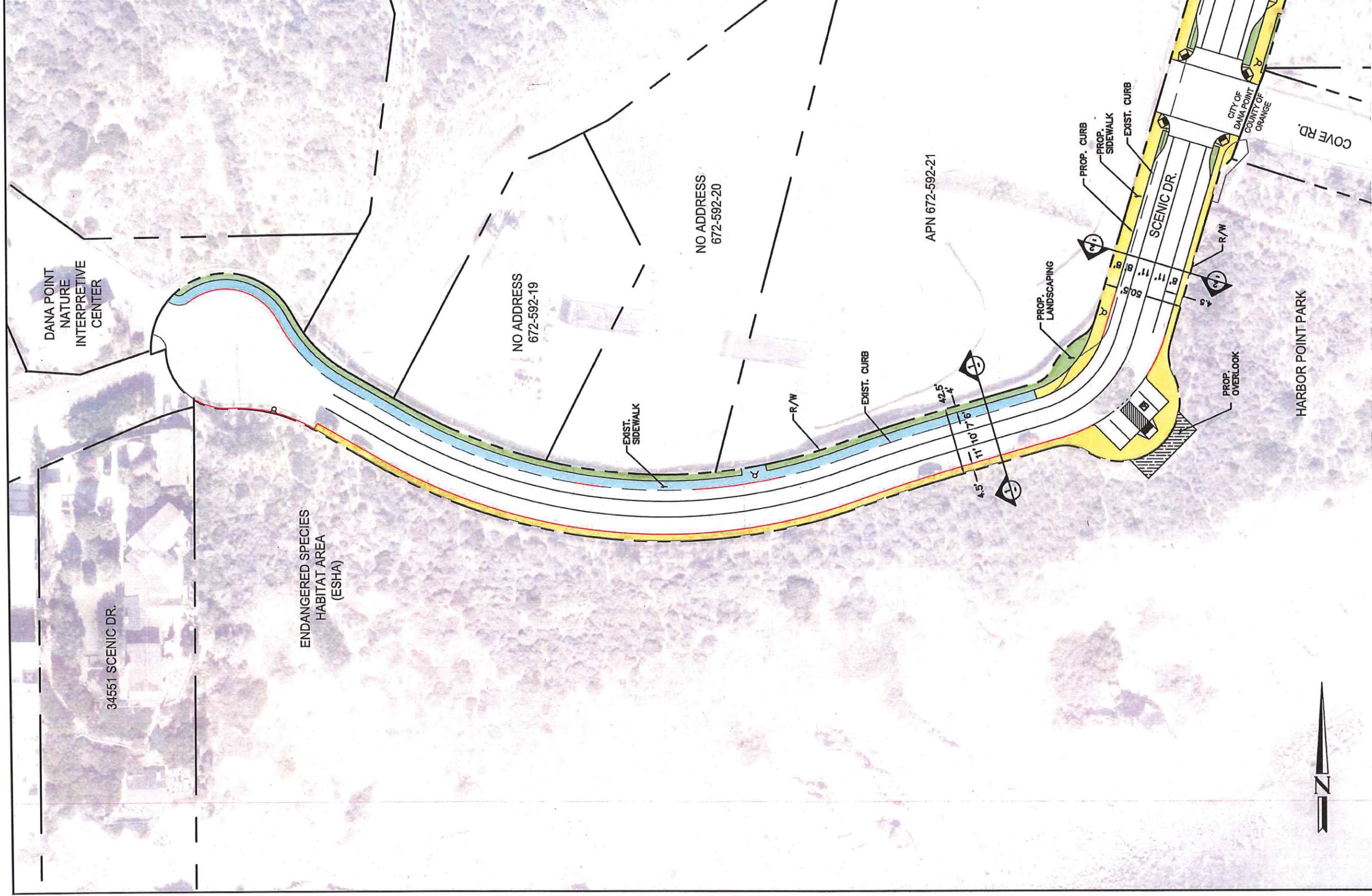




LEGEND

- B-1 ○ APPROXIMATE LOCATION OF BORING BY COASTAL GEOTECHNICAL
- B B' APPROXIMATE LOCATION OF GEOLOGIC CROSS SECTION
- 20° - 30° STRIKE & DIP OF REPORTED BEDDING
- - - - - GEOLOGIC CONTACT





**LEGEND**

- RIGHT OF WAY (R/W)
- PROP. CURB
- EXIST. LOT LINE
- EXIST. CURB
- PROP. RED CURB
- FLOWLINE
- PROP. SIDEWALK
- PROP. LANDSCAPING
- EXIST. SIDEWALK
- PROP. OVERLOOK
- EXIST. FIRE HYDRANT

