

## 5.0 ALTERNATIVES

### 5.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that an Environmental Impact Report/ Subsequent Environmental Impact Report (EIR/SEIR) describe a reasonable range of alternatives to the proposed project or to its location that could feasibly attain most of the basic project objectives but avoid or substantially lessen any of the significant effects and that it evaluate the comparative merits of each of the alternatives. This section sets forth the potential alternatives to the proposed project and evaluates them as required by CEQA and the CEQA Guidelines.

Key provisions in the CEQA Guidelines regarding alternatives (Section 15126.6) are summarized below to explain the foundation of the alternatives analysis herein.

- The SEIR will describe and analyze a range of reasonable alternatives to the project or the project's location that would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant impacts of the project. The EIR/SEIR will also evaluate the comparative merits of the alternatives.
- The No Project/No Development Alternative shall be evaluated along with its impact. The No Project/No Development Alternative analysis shall discuss the existing conditions as well as what could be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.
- The range of alternatives required in an SEIR is governed by the "rule of reason," which requires the EIR/SEIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project.
- Factors that may be taken into account when addressing the feasibility of alternatives are site suitability; economic viability; availability of infrastructure; General Plan consistency; other plans or regulatory limitations; jurisdictional boundaries; and whether the proponent can reasonably acquire, control, or otherwise have access to the alternative site(s).
- Only alternative locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the SEIR.
- An SEIR need not consider an alternative under which the effect cannot be reasonably ascertained and implementation is remote and speculative.

In identifying alternatives for this SEIR, alternatives were selected by Orange County (County or OC) Dana Point Harbor (Harbor) that comply with CEQA requirements, would be reasonable and feasible for the project site, consider the existing uses of the project area, and are based upon public comments

received on both of the Notice of Preparations (NOPs)<sup>1</sup> and/or at the public scoping meeting for this SEIR, which was held on December 8, 2007.

In addition to the alternatives selected for evaluation, several possible alternatives are considered but rejected because they failed to meet the project objectives and/or were not deemed feasible. These considered but rejected alternatives are described in Section 5.5.

## 5.2 SELECTION OF ALTERNATIVES

Section 21100 of the Public Resources Code (PRC) and Section 15126 of the CEQA Guidelines require an EIR/SEIR to identify and discuss a No Project/No Development Alternative as well as a reasonable range of alternatives to the proposed project that would feasibly attain most of the basic objectives of the project and would avoid or substantially lessen any of the significant environmental impacts.

Alternatives to the proposed Harbor Marina Improvement Project considered for analysis in this SEIR are described below. These project alternatives should not be confused with several design alternatives considered by the County that presented differing mixes of boat slip sizes and layouts for the East and West Basins. These design alternatives were publicly represented as Alternatives 1 through 5; further, up to 15 variations of the designs were presented to and considered by a Boater Focus Group. It should be noted that these design alternatives are different from Alternatives 1 through 3 analyzed in this SEIR as CEQA identified alternatives to the proposed project. The previously considered design alternatives are further discussed in Section 5.5.

- **Alternative 1: No Project/No Development.** Consistent with Section 15126.6(e) of the CEQA Guidelines, the No Project/No Development Alternative is the existing condition of the project site at the time the NOP was published, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved. This alternative evaluates circumstances under which the project does not proceed. Alternative 1 does not include any improvements or changes to the dock and slip facilities within the Harbor. Although the Marina Improvement Project is not included in this alternative, it is assumed that the overall Harbor Revitalization Project (“Revitalization Plan”) would continue to proceed through to implementation. Therefore, because some docks would be required to service the Dry Boat Storage building proposed as part of the overall Revitalization Plan, the Embarcadero/Dry Boat Storage Staging docks are presumed to be implemented with the landside projects, and the Marine Services dock will need to be modified (northern portion removed) in order to construct the Dry Boat Storage Staging docks and Dry Boat Storage building structure. Under the No Project Alternative it is assumed that the Embarcadero/Dry Boat Storage Staging docks would proceed through a separate environmental review and approval process.
- **Alternative 2: Reduced Project Alternative.** This alternative is a result of the input received during the public scoping process and was developed as a version of an alternative layout design (Design Alternative 1) intended to reduce the number of slips lost at project completion while updating the Marinas to be in compliance with Americans with Disabilities Act (ADA) and

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<sup>1</sup> The NOP was distributed on November 27, 2007; due to the length of time that passed prior to release of this SEIR, the NOP was reissued on December 21, 2009.

California Department of Boating and Waterways (DBW) standards. Alternative 2 includes an average slip size of 29.51 feet (ft) and would result in 2,254 slips (a net loss of 155 slips) when compared to the existing layout. Alternative 2 replaces the docks in their current configuration and does not include channel narrowing or a realignment of the West Basin. This design alternative was originally rejected because it did not meet the demand for slips larger than 30 ft and because it did not help resolve the issue of placing boats in the appropriately sized slips. However, in light of the California Coastal Commission's (CCC) suggested modifications to the Land Use policies that the project result in a loss of no more than 155 slips with an average slip length not to exceed 32 ft, this design alternative has been included as a CEQA alternative for discussion in this SEIR. This alternative includes the construction of six ADA gangways (including two within each Marina). Alternative 2 would include the Embarcadero/Dry Boat Storage Staging docks, guest docks, dinghy docks, Harbor Patrol docks, sport fishing docks, and commercial fishing docks but would not include renovations to the Marine Services docks or OC Sailing and Events Center docks. However, the Marine Services dock will need to be modified (northern portion removed) in order to construct the Dry Boat Storage Staging docks and the Dry Boat Storage building structure (the landside building is part of the overall Revitalization Plan). In addition, this alternative would not include any temporary/yacht broker docks.

- **Alternative 3: Reduced Project Alternative - Americans with Disability Act Improvements.** Alternative 3 includes only improvements in the East and West Basins to meet ADA standards (four ADA gangways) and does not include any renovations to the existing dock and slip facilities in those basins. There may be a few locations in the East and West Basins where portions of the existing 3 ft and 4 ft wide fingers would need to be upgraded to the ADA 5 ft width requirement, and there may be a loss of a few slips in order to accommodate the installation of the ADA gangways, which are 80 ft long. However, the layout, configuration, and number of slips in the two Basins would remain essentially the same. Alternative 3 would also include construction of the Embarcadero/Dry Boat Storage Staging docks and sport fishing docks (including ADA gangways for each of those two dock areas), the guest docks, and the dinghy docks, but would not include renovations to the Marine Services docks, OC Sailing and Events Center docks, Harbor Patrol docks, or commercial fishing docks. Similar to Alternative 1, the Marine Services dock will need to be modified (northern portion removed) in order to construct the Dry Boat Storage Staging docks. In addition, this alternative would not include any temporary/yacht broker docks.

A complete discussion of each alternative is provided below. For each alternative, the analysis provides the following:

- A description of the alternative.
- An overview of the potential impacts of the alternative and the significance of those impacts (per CEQA Guidelines, the significant effects of an alternative shall be discussed but in less detail than those of the proposed project).
- A summary comparison of the alternative relative to the proposed project, specifically addressing whether the alternative would meet the project objectives and reduce impacts in comparison with the proposed project.

## 5.3 PROPOSED PROJECT

As previously noted, alternatives must be evaluated as to their ability to reduce or eliminate significant unavoidable adverse environmental impacts associated with the proposed project, including an alternate location, and to attain the basic objectives of the project. The comparative merits of the different alternatives are evaluated in accordance with CEQA.

The project addressed in this SEIR includes replacement of waterside facilities in the West and East Marinas in the Harbor, connection of dock gangways with the quay wall and bulkheads within those basins, realignment of the West Marina, inner channel narrowing, upgrading of pumpout stations, and replacement of gangways and security gates to both Marina areas (including ADA-compliant gangways and dock facilities). Additionally, new Embarcadero/Dry Boat Storage Staging docks and dinghy docks, along with renovations to the marine services docks, OC Sailing and Events Center docks, guest docks, Harbor Patrol docks, commercial fishing docks, and sport fishing docks are included in the proposed project. In order to accommodate displaced boats during project implementation, a temporary dock near the eastern breakwater is included in the project. The plan for this set of docks includes an option to retain all or a portion of the temporary docks as permanent yacht broker docks (any permanent use of these docks would require approval by the United States Army Corps of Engineers[Corps] and the CCC.)

### 5.3.1 Significant Unavoidable Environmental Impacts of the Proposed Project

The potential impacts of the proposed project are described in Section 4.0, along with feasible mitigation measures to reduce significant impacts. Many of the project impacts are below established thresholds of significance or can be reduced to below thresholds of significance with implementation of mitigation measures. Some impacts cannot be reduced to below a level of significance, even with mitigation, and are considered unavoidable adverse impacts. The unavoidable adverse impacts for the proposed project are discussed below.

**Air Quality Construction Impacts.** Implementation of the Marina Improvement Project would result in significant adverse impacts related to emissions of nitrogen oxide (NO<sub>x</sub>) and reactive organic compounds (ROC) during construction. While the adherence to South Coast Air Quality Management District (SCAQMD) rules and regulations and compliance with standard construction conditions would reduce impacts from construction activity, construction equipment/vehicle emissions would still exceed the SCAQMD-established daily emissions thresholds for NO<sub>x</sub> and ROC emissions. Therefore, impacts would remain significant and adverse. No feasible mitigation measures beyond compliance with SCAQMD rules and regulations and standard construction conditions are available to offset this significant impact. However, emissions from the proposed project's construction activities would not exceed SCAQMD's localized significance thresholds (LSTs), and significant adverse air quality impacts related to LSTs would not occur.

Construction activities for the Marina Improvement Project would also contribute to construction-related adverse cumulative air quality impacts because the South Coast Air Basin (Basin) is presently in nonattainment for ozone (O<sub>3</sub>), and the project, in conjunction with other planned projects, would contribute to the existing nonattainment status for O<sub>3</sub>. Therefore, the cumulative construction impacts of the proposed project would remain adverse and significant.

Although construction and operation of the project would result in greenhouse gas (GHG) emissions, implementation of the project would not result in GHG emission levels that would materially conflict with implementation of the GHG reduction goals under Assembly Bill (AB) 32 or other State regulations. Therefore, project-related impacts related to global climate change are considered less than cumulatively significant.

**Noise – Cumulative Construction Impacts.** Construction of the proposed project improvements would result in a temporary periodic increase in existing ambient noise levels in the project area. Pile driving will be the noisiest activity on site, generating up to 93 A-weighted decibels (dBA) maximum instantaneous level ( $L_{max}$ ) at a distance of 50 ft. Other construction equipment used on site, such as loaders and backhoes, would generate up to 86 dBA  $L_{max}$  at a distance of 50 ft.

The nearest sensitive receptors are the Dana Point Marina Inn, located approximately 200 ft from the closest project construction area, and the live-aboards who are in various locations throughout the Marina. These sensitive receptors would be subjected to short-term noise reaching 87 dBA  $L_{max}$  generated by project construction activities. Construction-related noise impacts from the proposed project would be potentially adverse. Implementation of Mitigation Measures 4.6.1 and 4.6.2 as proposed would reduce, but not entirely mitigate, the construction-related noise impacts. Although adhering to local restrictions related to hours of construction would normally reduce construction-related noise impacts to a less than significant level, the length of construction for the proposed project is anticipated to be up to eight years; therefore, project-related construction noise impacts are deemed to be significant and unavoidable due to the duration of construction activities. In addition, if the Commercial Core Project is under construction at the same time as the Marina Improvement Project, cumulative construction-related noise and vibration impacts would be considered significant and adverse. All other potential project impacts related to long-term operational noise are considered less than significant.

**Biological Resource Shading Impacts.** Shading impacts to marine biological resources due to new and additional dock coverage of water surfaces are considered significant and adverse for the temporary/yacht broker docks. Because the temporary docks will be present for the duration of construction activities (up to 8 years) and could possibly become permanent as yacht broker docks, and because there is no feasible mitigation to reduce shading impacts with the current project design, shading impacts in the temporary/yacht broker dock area are considered a significant and unavoidable adverse impact for both construction (short-term) and operational (long-term) conditions.

### 5.3.2 Existing Significant Environmental Conditions

**Geology and Soils Potential Liquefaction Impacts.** The mitigation measures described in Section 4.2, Geology and Soils, will reduce the project's potential geologic, seismic, and soils-related impacts and contribution to cumulative geology, seismic, and soils impacts to below a level of significance. However, liquefaction, which is an existing condition on site, will continue to have the potential to impact the seawall and gangway platforms in select locations in the event of an earthquake capable of producing liquefied conditions. Although the proposed project neither contributes to nor lessens the impacts associated with liquefaction, in the event of an earthquake that is capable of producing

liquefied conditions, the potential for liquefaction to impact the seawall, gangways, and platforms is considered potentially significant. Although this impact is not a direct project impact, but rather an existing condition, impacts associated with liquefaction are considered significant unavoidable adverse impacts.

## 5.4 PROJECT OBJECTIVES

Pursuant to Section 15124 of the CEQA Guidelines, the description of the proposed project contains a statement of the objectives sought for development of the proposed project. As described in Section 3.0, Project Description, the primary goals of the project are to revitalize the Harbor as a popular destination for boaters, local residents, and tourists while maintaining the unique character of the Harbor.

The Harbor Revitalization Plan was developed with the intent to enhance public access opportunities, provide updated visitor-serving commercial and marine recreational amenities, and promote coastal resource preservation throughout the Harbor. To this end, the Harbor Marina Improvement Project is intended to renovate and replace the dock and slip facilities, which are more than 35 years old. Specifically, the proposed project objectives are to:

- Maintain the Harbor's overall current character and family atmosphere
- Renovate and replace the deteriorating docks and slips
- Satisfy ADA requirements for dock areas of the Harbor
- Maintain a full-service Harbor
- Enhance the level of services for boaters
- Update commercial fishing facilities
- Maximize the number of slips available in the East and West Marinas for public rental by relocating many of the yacht broker slips to another area of the Harbor.
- Relocate guest dock facilities and provide new dinghy docks convenient to Day-Use Commercial uses
- Upgrade utility infrastructure to all areas of the Marinas
- Maintain a safe environment for the boating community, Harbor users, and merchants
- Provide improvements in accordance with DBW standards, including placing boats in appropriately sized slips
- Update sport fishing dock.

The project objectives listed above are intended to implement the 12 Plan Priorities developed in 1997 by the Task Force comprising merchants, boaters, residents, and representatives from the City of Dana Point (City) and the County. The 12 Plan Priorities have been, and will continue to be, the guiding principles for the Harbor Revitalization Plan and include the following:

1. Keep the Harbor's character and family atmosphere.
2. Harbor structures need a facelift/renovation.
3. Maintain a full-service Harbor.
4. Do not commercialize the Island.
5. Ensure future of Yacht Clubs.
6. Improve water quality.
7. Better utilization of existing parking.
8. Address overall mix of land uses.
9. Need more parking in commercial area.
10. Keep existing parkland, beach and landscape.
11. Balance of revenue and nonrevenue land uses.
12. Need restroom/showers near docks.

## **5.5 ALTERNATIVES CONSIDERED BUT REJECTED**

Section 15126.6(c) of the CEQA Guidelines requires EIRs to identify any alternatives that were considered by the Lead Agency but were rejected during the scoping process and briefly explain the reasons underlying the Lead Agency's determination. In evaluating an appropriate range of alternatives to the proposed project, a number of alternatives were considered and rejected for differing reasons by OC DPHD.

The alternatives considered and rejected for the proposed project are listed below.

### **5.5.1 Alternative Locations**

CEQA Guidelines Section 15126.6(f)(2)(A) states, "The key question [with regard to alternative locations] and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR." Further, CEQA Guidelines Section 15126.6(f)(1) states that alternative locations only need be considered if the project proponent can reasonably acquire or already owns the identified alternative site. The proposed project is location-specific, as the project is to upgrade and replace the Harbor docks and slip facilities that are more than 35 years old. Because the project is specific to the Harbor, there are no alternative locations; therefore, the SEIR will not include analysis regarding alternative locations. This alternative was also rejected in the Program FEIR.

### **5.5.2 Design Alternatives**

In addition to the alternatives considered but rejected, as described above, the County considered several design alternatives that presented differing mixes of boat slip sizes and layouts for the East

and West Basins. These design alternatives were publicly represented as Alternatives 1 through 5; further, up to 15 variations of the designs were presented to and considered by a Boater Focus Group. It should be noted that these design alternatives are different from Alternatives 1 through 3 analyzed in this SEIR as alternatives to the proposed project. The design alternatives included four slip size categories: 30 ft and under; 31–38 ft; 39–49 ft; and over 50 ft. All five design alternatives and variations thereof were configured to meet ADA and DBW standards. These design alternatives were presented to the public and available for review on the County's Web site.<sup>1</sup> Public input was solicited and considered when developing the preferred project and project alternatives to be considered in this SEIR. The design alternatives for the project include the following:

- **Design Alternative 1.** This design alternative included an average slip size of 29.51 ft and resulted in a net loss of 155 slips when compared to the existing layout. Design Alternative 1 replaced the docks in their current configuration and did not include a realignment of the West Basin or channel narrowing. The percentages of slips in all four size categories remained the same as the existing percentages and resulted in a loss of slips in all size categories. Seventy-five percent of the slips under this alternative would remain 30 ft or less, resulting in a large percentage of smaller slips, which would not meet the demand for slips 30 ft and larger as indicated by the waitlist (approximately 92 percent of the waitlist was for slips 30 ft and larger at the time the first NOP was prepared for this SEIR).<sup>2</sup> Under Design Alternative 1, many hundreds of boats remain larger than their slips and hundreds more exceed the 3 ft overhang rule. This design alternative was originally rejected because it did not meet the demand for slips larger than 30 ft and because it did not help resolve the issue of placing boats in the appropriately sized slips. However, in light of the CCC's mandated goal of 'no net loss' of slips in the Harbor (or maximum loss of 155 slips), with an average slip length not to exceed 32 ft, a variation of this design alternative has been included as CEQA Alternative 2 for discussion in this SEIR.
- **Design Alternative 2.** This design alternative included an average slip size of 30.03 ft and resulted in a net increase of 30 slips when compared to the existing layout. Design Alternative 2 included a realignment of the West Basin to a north–south orientation and narrowing of the inner channels by 20 ft on each side and 40 ft on each side near the bridge. Under Design Alternative 2, 33 percent of the 30 ft and under category of slips were designed as doublewides. Seventy-four percent of the slips under this alternative would remain 30 ft or less, resulting in a large percentage of smaller slips, which would not meet the demand for slips larger than 30 ft as indicated by the waitlist (approximately 92 percent of the waitlist was for slips 30 ft and larger at the time the first NOP was prepared for this SEIR). This alternative resulted in a slight increase in the number of slips in all size categories. However, similar to Design Alternative 1, under Design Alternative 2 many hundreds of boats remain larger than their slips and hundreds more exceed the 3 ft overhang rule. This design alternative was rejected because it did not meet the demand for larger slips and because it did not help resolve the issue of placing boats in the appropriately sized slips.
- **Design Alternative 3.** This design alternative resulted in an average slip size of 33.97 ft with a net loss of 477 slips. This design alternative did include realigning the West Basin to a north–south orientation, but did not include inner channel narrowing. Under Design Alternative 3, 33 percent of the 30 ft and under category of slips were designed as doublewides. Forty-eight percent of the slips under this design alternative would remain 30 ft or less, resulting in the

<sup>1</sup> <http://www.dphplan.com/marinas.html>.

<sup>2</sup> November 2007.

greatest slip loss in the smallest category (in the existing Harbor layout, 75 percent of the slips are 30 ft or less). Although Design Alternative 3 partially addressed the need to place larger boats in appropriately sized slips and provided additional slips in the larger slip size categories (31–38 ft and 39–49 ft) to meet the current demand, it resulted in too many lost slips, particularly in the 30 ft and under category. Further, as a result of the CCC’s review of the Harbor-wide Revitalization Plan and mandated goal that the Marina Improvement Project result in the loss of no more than 155 slips, this alternative design is no longer viable and has been rejected from consideration.

- **Design Alternative 4.** This design alternative included an average slip size of 33.99 ft and resulted in a net loss of 374 slips. This design alternative was identical to Design Alternative 3, but included inner channel narrowing (20 ft on each side and 40 ft on each side near the bridge). Under Design Alternative 4, 33 percent of the 30 ft and under category of slips were designed as doublewides. Forty-eight percent of the slips under this design alternative would remain 30 ft or less, resulting in the greatest slip loss in the smallest category (in the existing Harbor layout, 75 percent of the slips are 30 ft or less). Although Design Alternative 4 partially addressed the need to place larger boats in appropriately sized slips and provided additional slips in the larger slip size categories (31–38 ft and 39–49 ft) to meet the current demand, it resulted in too many lost slips, particularly in the 30 ft and under category. Further, as a result of the CCC’s review of the Harbor-wide Revitalization Plan and mandated goal that the Marina Improvement Project result in the loss of no more than 155 slips, this alternative design is no longer viable and has been rejected from consideration.
- **Design Alternative 5.** This design alternative included an average slip size of 32.48 ft and resulted in a net loss of 251 slips. Design Alternative 5 included realigning the West Basin to a north-south orientation and inner channel narrowing (20 ft on each side and 40 ft on each side near the bridge). Design Alternative 5 resulted in 33 percent of the 30 ft and under category of slips designed as doublewides. This design alternative resulted in an increase of slips in the 31–38 ft and the 39–49 ft categories while still retaining 60 percent of slips in the 30 ft and under category. Because Design Alternative 5 helped address the need to place larger boats in appropriately sized slips by providing additional slips in the larger slip size categories (31–38 ft and 39–49 ft) to meet the current demand, had a net loss of fewer slips than the project as proposed at that time, and retained the largest percentage of slips in the 30 ft and under category (60 percent), it was the preferred design alternative. However, as a result of the CCC’s review of the Harbor-wide Revitalization Plan and mandated goal that the Marina Improvement Project result in the loss of no more than 155 slips, this alternative design is no longer viable and has been rejected from consideration.

## 5.6 ALTERNATIVE 1: NO PROJECT/NO DEVELOPMENT ALTERNATIVE

### 5.6.1 Description

Consistent with Section 15126.6(e) of the CEQA Guidelines, the No Project/No Development Alternative is the existing condition of the project site at the time the Notice of Preparation (NOP) was published, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved. The setting of the site at the time of the NOP is described throughout Section 4.0 of this EIR with respect to individual environmental issues and the baseline of the impact assessment of the proposed project. This alternative will evaluate circumstances under which the

project does not proceed. This alternative assumes that the Harbor Revitalization Project, including the Local Coastal Program Amendment (LCPA) previously approved by the City and certified with suggested modifications by the CCC, would continue to proceed toward implementation. However, this alternative assumes that planned improvements to the waterside Marina facilities (Planning Areas 8–12), which require a separate, independent process for environmental clearance and approval, would not be implemented. In addition, because some docks would be required to service the Dry Boat Storage Staging building proposed as part of the overall Revitalization Plan, the Embarcadero/Dry Boat Storage Staging docks are presumed to be necessary; however, the Marine Services dock will need to be modified (northern portion removed) in order to construct the Dry Boat Storage Staging docks. Under the No Project Alternative it is assumed that the Embarcadero/Dry Boat Storage Staging docks would also proceed through a separate environmental review and approval process.

### **5.6.2 Environmental Analysis**

The No Project/No Development Alternative assumes that the existing on-site conditions would remain unchanged except for reasonably foreseeable maintenance and localized dock repairs as necessary and as is currently the case. Alternative 1 would be consistent with the LCPA for the Harbor Revitalization Plan. Therefore, impacts for this alternative related to consistency with the Harbor Revitalization Plan and District Regulations are considered less than significant, similar to the proposed project. Alternative 1 would not require a Coastal Development Permit (CDP) for the waterside improvements because no construction would take place. The planning effects (plan consistency) would therefore be fewer than the proposed project because this alternative would not require approval of a CDP. The Embarcadero/Dry Boat Storage Staging docks are presumed to be necessary for the development of the Dry Boat Storage building and therefore would be required to proceed through a separate environmental review and approval process.

In leaving the project area in its current condition, none of the physical impacts associated with construction of the proposed project would occur. There would be no construction traffic related to dock and slip replacement, and no construction air emissions or noise would be generated. Alternative 1 would result in no disturbance to marine habitat or species, would not cause impacts related to over-water shading, and would not reduce the number of slips in the Harbor. Current liquefaction concerns and the potential for impacts related to such concerns would continue to exist with this alternative, similar to the proposed project. Because this alternative eliminates the proposed construction activities, implementation of Alternative 1 would result in reduced environmental impacts as compared to the proposed project. Specifically, the No Project/No Development Alternative would avoid the significant unavoidable impacts related to construction air quality, cumulative construction noise, and marine habitat shading impacts associated with the proposed project. This alternative would not result in any significant long-term operational impacts.

However, under the No Project/No Development Alternative, dock and slip facilities that have reached the end of their useful life would not be replaced or brought up to current DBW standards. The slips would not provide Marina access for disabled persons, as no ADA-compliant facilities would be installed. Additionally, although dock repairs would continue to be conducted on an as-needed basis, repair expenditures and needed replacements would continue to increase over the years. As deterioration of the recreational facilities continued to occur, public access to coastal recreational resources could be impacted. The California Coastal Act of 1976 (Coastal Act) was created, in part, to maximize public access to and along the coast and maximize public recreational opportunities in the

Coastal Zone. Therefore, because this alternative would not provide ADA-compliant facilities and because the docks would continue to deteriorate, this alternative would have greater impacts related to consistency with CCC public access policies.

### **5.6.3 Attainment of Project Objectives**

The No Project/No Development Alternative would not achieve the project objectives. As described above, the deteriorating dock and slip facilities would not be replaced or renovated, ADA access would not be provided, and facilities would not be brought up to DBW standards. The Marina facilities would not be enhanced for boaters and overall serviceability would not be improved. The utility infrastructure provided to the docks would not be upgraded. In addition, the guest docks, now located in the West Marina, would not be relocated to a more convenient and central location near the commercial core. Finally, Alternative 1 would not meet the Harbor Task Force Plan Priority to implement a facelift/renovation to Harbor structures.

### **5.6.4 Conclusion**

This alternative would not result in any substantial physical environmental effects and would avoid significant project-related impacts to construction and cumulative air quality effects, cumulative construction noise in the project vicinity, and significant biological resource impacts due to shading. Geology and soils impacts related to the existing liquefaction conditions would continue to exist, similar to the proposed project. However, the project objectives would not be achieved with Alternative 1.

## **5.7 ALTERNATIVE 2: REDUCED PROJECT ALTERNATIVE - EAST AND WEST BASINS**

### **5.7.1 Description**

This alternative includes the East and West Marinas dock renovations, including the construction of seven ADA gangways (including two within each Marina). Alternative 2 replaces the docks in their current configuration and does not include channel narrowing or a realignment of the West Basin. This alternative would result in 2,254 slips, a loss of 155 slips as compared to the existing Marina layout. Alternative 2 would include the Embarcadero/Dry Boat Storage Staging docks, guest docks, dinghy docks, sport fishing docks, Harbor Patrol docks, and commercial fishing docks, but would not include renovations to the Marine Services docks or OC Sailing and Events Center docks. However, the Marine Services dock will need to be modified (northern portion removed) in order to construct the Dry Boat Storage Staging docks and the Dry Boat Storage building structure (the landside building is part of the overall Revitalization Plan). In addition, this alternative would not include any temporary docks or permanent yacht broker docks.

## 5.7.2 Environmental Analysis

### Land Use

Alternative 2 includes all renovations in the East and West Basins, the sport fishing docks, and the Embarcadero/Dry Boat Storage Staging docks, but does not include the improvements at other areas throughout the Harbor or construction of the temporary dock. Alternative 2 would continue to provide Marina-related recreation uses on the project site and would therefore be consistent with the existing marine and water-related recreational uses at the site. Alternative 2 would also be consistent with the Revitalization Plan LCPA. Therefore, impacts for this alternative related to consistency with the Harbor Revitalization Plan and District Regulations are considered less than significant, similar to the proposed project. As discussed in this SEIR, all waterside improvements must be approved as part of a CDP by the CCC prior to project construction. This alternative would still require approval of a CDP by the CCC due to the improvements being proposed within the waterside areas. Therefore, the planning effects (plan consistency) would be the same as under the proposed project because this alternative would require a CDP approval, similar to the proposed project.

Although Alternative 2 would provide ADA-compliant facilities at the East and West Marinas, guest docks, sport fishing docks, and the Embarcadero/Dry Boat Storage Staging docks, ADA-compliant facilities would not be provided for the OC Sailing and Events Center. The lack of ADA access improvements in this area would potentially reduce the public's access to the recreational opportunities provided at this location, thereby reducing this alternative's consistency with the Coastal Act, which is intended to maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone. Therefore, land use impacts compared to the proposed project are slightly greater due to the lack of ADA access at a portion of the Harbor areas as compared to the proposed project.

### Geology and Soils

Alternative 2 would not include as many structural improvements as the proposed project because it includes all renovations in the East and West Basins, the sport fishing docks, and the Embarcadero/Dry Boat Storage Staging docks, but does not include dock replacement in the additional Harbor areas or construction of the temporary dock. Impacts related to geology and soils focus primarily on soil disturbance related to the construction of the ADA gangway platforms and potential impacts related to liquefaction. Alternative 2 reduces the amount of dock construction within the Harbor and reduces the number of ADA gangways by two; a total of four ADA gangways with landside platforms would be installed in the East and West Basins, as well as one ADA gangway for the guest/dinghy docks, one ADA gangway for the sport fishing docks, and one ADA gangway for the Embarcadero/Dry Boat Storage Staging docks. Therefore, Alternative 2 would result in less soil disturbance and fewer potential geology-related impacts as compared to the proposed project.

Similar to the proposed project, Alternative 2 neither contributes to nor lessens the impacts associated with liquefaction. In the event of an earthquake that is capable of producing liquefied conditions, the potential for liquefaction to impact the seawall, gangways, and platforms is considered potentially significant. This impact is not a direct project impact, but rather an existing condition because the project area is subject to liquefaction in the event of an earthquake. Therefore, although Alternative 2 disturbs less soil than the proposed project, potential liquefaction impacts are still deemed to be similar to the proposed project. The direct project-related geology and soils impacts can be mitigated

to a less than significant level for both the proposed project and Alternative 2, but cumulative impacts due to existing liquefaction conditions remain significant and adverse, as they do for the proposed project.

There are no identified operational impacts for the proposed project related to geology and soils; Alternative 2 would have operational impacts related to geology and soils similar to the proposed project.

### **Hydrology and Water Quality**

Alternative 2 includes construction of dock facilities in the two basins and the sport fishing and Embarcadero/Dry Boat Storage Staging docks, but does not include dock replacement in the additional Harbor areas or the construction of the temporary dock. Similar to the proposed project, Alternative 2 would not increase the capacity of the Marina or add a new use and therefore, operational impacts related to the drainage pattern, runoff volumes, and pollutants from on and off site would remain essentially the same as in the existing condition. Therefore, operational drainage impacts for Alternative 2 related to hydrology and water quality are considered to be similar to the proposed project.

Similar to the proposed project, the potential water quality construction impacts associated with Alternative 2 can be mitigated to a less than significant level. However, under this alternative, potential hydrology and water quality impacts would be fewer than those under the proposed project because construction activities would occur in fewer areas of the Harbor.

### **Transportation and Circulation**

Similar to the proposed project, Alternative 2 would result in a reduction in the overall number of slips in the East and West Basins. Although dock area would increase for the Embarcadero/Dry Boat Storage Staging docks, the linear footage for the sport fishing docks would remain the same, and this alternative would eliminate the dock replacements at the other Harbor areas. Neither the proposed Marina Improvement Project nor this alternative increases the capacity of the Harbor, and neither would have impacts on the surrounding circulation system. In addition, operational impacts associated with this alternative, similar to the proposed project, are considered to be less than significant, as there is adequate parking for operation of the Marinas.

Similar to the proposed project, the construction staging area in the West Cove parking lot (referred to as Zone C in the Program FEIR) would result in the loss of approximately 150 parking spaces for the duration of construction. The additional staging areas would be utilized as necessary, and impacts to these areas would be similar to the proposed project. Similar to the project, the loss of these spaces is considered less than significant for this alternative based on the Program EIR, which concluded that there was an excess of 168 parking spaces in Zone C under existing conditions and an excess of 209 parking spaces in Zone C with implementation of the Revitalization Plan. Based on revisions during the City and Coastal Commission review process, the current Revitalization Plan indicates that there will be an excess of 172 parking spaces in Zone C (now referred to as Zone III). Although this is fewer excess spaces than identified in the Program EIR, there is still an excess of parking spaces. This alternative will relocate some ADA parking spaces so that they are located next to the proposed ADA

gangways, but no other permanent changes to surface parking lots is planned. This alternative, therefore, is considered to have construction parking impacts similar to the proposed project.

Alternative 2 includes improvements within the East and West Basins, the sport fishing docks, and the Embarcadero/Dry Boat Storage Staging docks and would not include any renovations to the other Harbor areas. This alternative would result in fewer linear feet of dock space as compared to the proposed project. Therefore, this alternative's operational impacts would be potentially less than the proposed project's circulation and traffic impacts, although the proposed project's impacts are less than significant.

Under this alternative, potential construction-related circulation impacts would be fewer than those under the proposed project because no construction activities would occur within the areas associated with the Marine Services docks, OC Sailing and Events Center docks, or temporary docks. Because up to six phases/subphases would be eliminated from the construction schedule (see Preliminary Phasing Plan, Figure 3.14 in Chapter 3.0, Project Description), the duration of project construction would be significantly reduced, as well as the potential to impact on site circulation during construction activities. Therefore, although a Construction Management Plan would still be required as mitigation to ensure that there are no conflicts, potential construction-related circulation impacts would be fewer with Alternative 2 as compared to the proposed project.

The results of the Dana Point Harbor Boat Traffic Study (Moffatt and Nichol, November 2007) indicated that the proposed project's implementation would result in a slight decrease in the boating level of service for both basins, based on the capacity of the channel (maximum number of boats that can pass through a given segment of channel during a given time period) as a function of its navigable width (volume to capacity). However, the study concluded that the magnitude of these changes is considered to be so minimal that the net result would be considered to have no change from existing conditions. Alternative 2 would result in a loss of 155 slips in the East and West Basins, but fewer linear feet of dock space in the other areas of the Harbor; Therefore, due to the loss of more slips (resulting in fewer boats in the Marinas) than under the proposed project design, boat traffic impacts (which were determined to be less than significant for the project) would be reduced, and less than significant, for Alternative 2.

## **Air Quality**

Alternative 2 would include all improvements in the East and West Basins, the sport fishing docks, as well as construction of the Embarcadero/Dry Boat Storage Staging docks, but would not include renovations to the Marine Services docks, OC Sailing and Events Center docks. However, the Marine Services dock will need to be modified (northern portion removed) in order to construct the Dry Boat Storage Staging docks and the Dry Boat Storage building structure (the landside building is part of the overall Revitalization Plan). No temporary docks would be included under this alternative. Because construction for these additional areas would be eliminated, the duration of the project construction emissions would likewise be reduced. The peak construction emissions generated during slip and pile removal and installation periods during construction for the proposed project would result in NO<sub>x</sub> and ROC emissions that would exceed the SCAQMD-established daily emissions threshold for those pollutants. This alternative would similarly exceed these thresholds because similar construction activities would take place in similar phases for construction of the improvements in the East and West Basins. Although overall emissions and the duration of emissions

being generated by construction would be reduced compared to the proposed project, due to the elimination of several construction phases/subphases, air quality construction impacts would remain significant and adverse, which is the same as the proposed project.

As with the proposed project, this alternative would not result in any substantive changes in long-term on-site stationary sources or result in changes to off-site vehicle trips and therefore would not have any significant long-term operational air quality impacts; however, construction-related impacts would remain significant and unavoidable.

Similar to the proposed project, construction and operation of Alternative 2 would result in GHG emissions; however, implementation of this Alternative would not result in GHG emission levels that would substantially conflict with implementation of the GHG reduction goals under AB 32 Governor's Executive Order S-3-05, or other strategies to help reduce GHGs to the levels proposed by the Governor. Therefore, Alternative 2 impacts related to global climate change are considered less than cumulatively significant, similar to the proposed project.

## **Noise**

Alternative 2 would include improvements in the East and West Basin, the sport fishing docks, and the construction of the Embarcadero/Dry Boat Storage Staging docks, but would not include renovations to the other dock and slip areas or construction of the temporary dock. This alternative would reduce the duration of the construction operations and would eliminate the pile driving required for the construction of Marine Services docks and the OC Sailing and Events Center docks.. Therefore, the length of the construction-related noise impacts is reduced compared to those of the proposed project. However, implementation of this alternative is still expected to result in significant construction noise impacts due to the number of phases of construction still required and the duration of construction activities, including pile driving, similar to the proposed project. As with the proposed project, this alternative would not result in any significant long-term operational noise impacts.

## **Biological Resources**

Alternative 2 does not include renovations to the Marine Services docks or OC Sailing and Events Center docks. In addition, this alternative would not include any temporary docks. However, the Marine Services dock will need to be modified (northern portion removed) in order to construct the Dry Boat Storage Staging docks and the Dry Boat Storage building structure (the landside building is part of the overall Revitalization Plan). Because the amount of construction is reduced under this alternative, potential impacts to marine resources resulting from turbidity and accidental spills during construction activities, construction impacts to endangered species, and potential impacts related to the presence of eelgrass or *Caulerpa* would also be reduced from the proposed project, which is less than significant with incorporated mitigation measures. However, the potential for impacts to sensitive or protected birds and potential long-term water quality-related impacts to marine life would be similar to the proposed project. Impacts to the marine biological community within the Harbor would not be significantly reduced with this alternative.

Shading impacts to marine biological resources due to new and additional dock coverage of water surfaces under the proposed project are considered significant and adverse for the temporary/yacht

broker docks. Under Alternative 2, the potentially significant impacts to this area would not occur. Therefore, the significant and adverse impacts due to shading would be avoided as compared to the proposed project.

Impacts to the other marine biological communities within the Harbor would be reduced with this alternative, as implementation of mitigation measures would reduce impacts to a less than significant level for both the proposed project and this alternative. However, this alternative would have no significant and adverse shading impacts as compared to the proposed project and would avoid potential impacts to eelgrass habitat in the vicinity of the OC Sailing and Events Center docks; therefore, biological impacts are considered fewer for Alternative 2.

### **Aesthetics**

Alternative 2 does not include renovations to the Marine Services docks OC Sailing and Events Center docks or construction of the temporary dock. However, the Marine Services dock will need to be modified (northern portion removed) in order to construct the Dry Boat Storage Staging docks and the Dry Boat Storage building structure (the landside building is part of the overall Revitalization Plan). In addition, this alternative would not include any temporary docks. This alternative includes the renovations to the East and West Basins, similar to the proposed project (but with no realignment of the West Basin and no channel narrowing). As a result, views throughout the Basins would be similar to the proposed project, which were considered less than significant.

Under this alternative, potential aesthetic impacts related to construction would be somewhat reduced compared to impacts under the proposed project because no construction activities would occur within the Marine Services docks or OC Sailing and Events Center docks. In addition, no visual impacts would occur related to the temporary docks. Overall, Alternative 2 would result in less than significant impacts related to aesthetic resources, as does the proposed project.

### **Recreational Resources**

Alternative 2 does not include renovations to the Marine Services docks, OC Sailing and Events Center docks, or temporary dock. However, the Marine Services dock will need to be modified (northern portion removed) in order to construct the Dry Boat Storage Staging docks and the Dry Boat Storage building structure (the landside building is part of the overall Revitalization Plan). Similar to the proposed project, this alternative would replace the dock facilities in the East and West Basins, enhancing the existing recreational facilities. Neither this alternative nor the proposed project removes the Harbor's recreational facilities, and no potentially significant impacts are identified for either scenario. However, because this Alternative results in the loss of more slips than the proposed project (155 verses 116), there would be fewer recreational opportunities for boat owners and recreational boaters. Long-term recreational impacts would therefore be considered greater than the proposed project.

Although construction operations would be lessened with this alternative, replacement of the dock facilities in the East and West Basins would have construction-related impacts on recreational facilities similar to the proposed project, which were considered less than significant.

Alternative 2, similar to the proposed project, would not cumulatively, along with other projects in the vicinity, result in increased demand for recreational facilities or require development or expansion of additional recreational facilities. However, due to the loss of more recreational boat slips, impacts to recreational resources for Alternative 2 are considered greater than the proposed project.

### **Hazards and Hazardous Materials**

Alternative 2 does not include renovations to the Marine Services docks, OC Sailing and Events Center docks or construction of the temporary dock. However, the Marine Services dock will need to be modified (northern portion removed) in order to construct the Dry Boat Storage Staging docks and the Dry Boat Storage building structure (the landside building is part of the overall Revitalization Plan). Similar to the proposed project, this alternative would replace the dock facilities in the East and West Basins. Construction activities would be limited to the East and West Basins, the sport fishing docks, and a small portion of the Marine Services dock area, and the potential to encounter hazardous materials during construction of this alternative would therefore be reduced. Therefore, hazards and hazardous waste effects under this alternative would be incrementally less than the proposed project because Alternative 2 would require the disturbance of fewer areas. Alternative 2 would result in less than significant impacts with mitigation incorporated related to hazards and hazardous wastes, similar to the proposed project.

Long-term operational impacts related to hazards and hazardous materials for Alternative 2 would be similar to the proposed project because the uses would continue to be recreational marine uses. Due to the existing Harbor regulations and best management practices (BMPs) related to water quality and boat maintenance activities, impacts related to the use of hazardous materials during operations within any Harbor area are considered less than significant for Alternative 2, similar to the proposed project.

### **5.7.3 Attainment of Project Objectives**

Alternative 2 would achieve most of the project objectives, but not to the same extent as the proposed project because this alternative would not improve the level of boater services at the Marine Services docks or provide ADA access at the OC Sailing and Events Center docks. In addition, under Alternative 2, the temporary dock would not be constructed, and therefore, the yacht broker slips would not be relocated to another area of the Harbor. Further, utility infrastructure would not be upgraded in all areas of the Marinas. The goals of the Dana Point Task Force would be furthered, but not to the degree that would occur under the proposed project since this alternative does not include improvements, including ADA access, to all of the areas included in the proposed project.

### **5.7.4 Conclusion**

Compared to the proposed project, land use impacts are slightly greater for this alternative due to the lack of ADA access at a portion of the Harbor areas as compared to the proposed project. Construction-related geology, hazardous materials, hydrology/water quality, noise, and aesthetic impacts would be fewer than those under the proposed project because construction activities would occur in fewer areas of the Harbor. However, operational impacts for these same topics would be similar to the proposed project.

Operational circulation and boat traffic impacts would be reduced as compared to the proposed project, due to the reduction in the number of slips as compared to the proposed project. However, with mitigation these impacts were less than significant for the proposed project. Operational impacts related to land use and recreational resources would be greater as compared the proposed project for this alternative.

This alternative would not avoid significant and adverse project-related impacts to construction and cumulative air quality effects or avoid significant and adverse cumulative construction noise in the project vicinity. Geology and soils impacts related to the existing liquefaction conditions would continue to exist, similar to the proposed project. However, this alternative would avoid the significant and adverse biological shading impacts as compared to the proposed project.

## **5.8 ALTERNATIVE 3: REDUCED PROJECT ALTERNATIVE – ADA IMPROVEMENTS**

### **5.8.1 Description**

Alternative 3 includes only improvements in the East and West Basins to meet ADA standards (four ADA gangways) and does not include any renovations to the existing dock and slip facilities in those basins. There may be a few locations within the East and West Basins where portions of the existing 3 ft and 4 ft wide fingers would need to be upgraded to the ADA 5 ft width requirement, and there may be a loss of a few slips in order to accommodate the installation of the ADA gangways, which are 80 ft long. However, the layout, configuration, and number of slips in the two Basins would remain essentially the same. Alternative 3 would also include construction of the Embarcadero/Dry Boat Storage Staging docks and sport fishing docks (including ADA gangways for each of those two dock areas), the guest docks, and the dinghy docks, but would not include renovations to the Marine Services docks, OC Sailing and Events Center docks, Harbor Patrol docks, or commercial fishing docks. Similar to Alternative 1, the Marine Services dock will need to be modified (northern portion removed) in order to construct the Dry Boat Storage Staging docks. In addition, this alternative would not include any temporary/yacht broker docks.

### **5.8.2 Environmental Analysis**

#### **Land Use**

Alternative 3 does not include any dock/slip replacements in either the East or West Basins, but does include the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, guest docks, and dinghy docks. No other dock replacements would occur with this alternative. Alternative 3 would continue to provide Marina-related recreation uses on the project site and would therefore be consistent with the existing marine and water-related recreational uses at the site. Alternative 3 would also be consistent with the Revitalization Plan LCPA. Therefore, impacts for this alternative related to consistency with the Harbor Revitalization Plan and District Regulations are considered less than significant, similar to the proposed project. As discussed in this SEIR, all waterside improvements must be approved as part of a CDP by the CCC prior to project construction. This alternative would still require approval of a CDP by the CCC due to the improvements being proposed within the

waterside areas. The planning effects (plan consistency) would be the same as under the proposed project because this alternative would require a CDP approval, similar to the proposed project.

Although Alternative 3 would provide ADA-compliant facilities at the East and West Basins, the Embarcadero/Dry Boat Storage Staging docks, the sport fishing docks, and guest docks, ADA facilities would not be provided for the OC Sailing and Events Center docks. The lack of ADA access improvements in this area would potentially reduce the public's access to the recreational opportunities provided at this location, thereby reducing this alternative's consistency with the Coastal Act, which is intended to maximize public access to and along the coast and maximize public recreational opportunities in the Coastal Zone. Therefore, land use impacts compared to the proposed project are slightly greater due to the lack of ADA access at a portion of the Harbor as compared to the proposed project.

### **Geology and Soils**

Alternative 3 would not include the dock and slip replacements in the East and West Basins associated with the proposed project. This alternative would include the installation of four ADA gangways in the East and West Basins, one ADA gangway at each of the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks (for a total of seven ADA gangways). This would result in two fewer ADA gangways than with the proposed project. Impacts related to geology and soils focus primarily on soil disturbance related to construction of the ADA gangway platforms and potential impacts related to liquefaction. There are no identified operational impacts related to geology and soils for either the proposed project or this alternative.

Similar to the proposed project, Alternative 3 neither contributes to nor lessens the impacts associated with liquefaction. In the event of an earthquake that is capable of producing liquefied conditions, the potential for liquefaction to impact the seawall, gangways, and platforms is considered potentially significant. This impact is not a direct project impact, but rather an existing condition, because the project area is subject to liquefaction in the event of an earthquake. Therefore, because Alternative 3 disturbs less soil than the proposed project (seven ADA gangways constructed instead of nine), construction impacts are considered to be less than compared to the proposed project. The direct project-related geology and soils impacts can be mitigated to a less than significant level for both the proposed project and Alternative 3, but cumulative impacts due to existing liquefaction conditions remain significant and adverse.

### **Hydrology and Water Quality**

Alternative 3 would not include all of the dock and slip replacements associated with the proposed project. This alternative would include the installation of four ADA gangways in the East and West Basins and construction of one ADA gangway at each of the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, resulting in two fewer ADA gangways than with the proposed project. No other dock facilities would be replaced or upgraded, and no temporary docks would be constructed. Similar to the proposed project, Alternative 3 would not increase the capacity of the Marina or add a new use and therefore, operational impacts related to the drainage patterns, runoff volumes, and pollutants from on and off site would remain essentially the same as in the

existing condition. Therefore, operational drainage impacts for Alternative 3 related to hydrology and water quality are considered similar to the proposed project.

Similar to the proposed project, the potential water quality construction impacts associated with Alternative 3 can be mitigated to a less than significant level. However, under this alternative, potential hydrology and water quality impacts would be significantly fewer than those under the proposed project because construction activities would be limited to seven ADA gangways, the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, and would not involve Harbor-wide dock replacement.

### **Transportation and Circulation**

Alternative 3 would implement the improvements necessary for ADA compliance within the East and West Basins as well as constructing the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, each with one ADA gangway. This Reduced Project Alternative would not include the extensive dock and slip replacements associated with the proposed project. Neither the proposed Marina Improvement Project nor this alternative increases the capacity of the Marina, and neither would have impacts on the surrounding circulation system. It is possible that a few slips would be lost due to the construction and configuration required to implement the ADA gangways. Although operational impacts would remain similar to existing conditions, operational traffic impacts may be greater with Alternative 3 than with the proposed project because this alternative would result in more boat slips in the West and East Basins (2,409 existing slips would remain versus the proposed project's 2,293 slips). However, similar to the proposed project, operational traffic impacts associated with this alternative are considered less than significant because the capacity of the Marina is not increased, and because there is adequate parking for operation of the Marina.

The construction staging area in the West Cove parking lot would be reduced in size compared to the proposed project due to the reduced construction associated with this Alternative. Similar to the project, the loss of parking spaces due to construction is considered less than significant for this Alternative based on the Program EIR, which concluded that there was an excess of parking spaces Harbor-wide under both existing conditions and with implementation of the Revitalization Plan. The additional staging areas would be utilized as necessary, but to a lesser extent than under the proposed project since the areas and amount of construction is reduced under this alternative. This alternative will relocate some ADA parking spaces so that they are located next to the proposed ADA gangways, but no other permanent changes to surface parking lots is planned. This alternative is considered to have fewer construction parking impacts than the proposed project.

Under this alternative, potential construction-related circulation impacts would be fewer than those under the proposed project because no construction activities would occur within the areas associated with the Marine Services docks, OC Sailing and Events Center docks, Harbor Patrol docks, commercial fishing docks, or temporary docks. In addition, construction activity in the East and West Basins would be limited to ADA improvements and not complete dock replacement. Because the majority of phases would be eliminated from the construction schedule, the duration of project construction would be significantly reduced, as well as the potential to impact on site circulation during construction activities. Therefore, although a Construction Management Plan would still be required as mitigation to ensure there are no conflicts, potential construction-related circulation

impacts would be fewer with Alternative 3 as compared to the proposed project due to its significantly reduced construction activity.

The results of the Dana Point Harbor Boat Traffic Study (Moffatt and Nichol, November 2007) indicated that the proposed project's implementation would result in a slight decrease in the boating level of service for both basins, based on the capacity of the channel (maximum number of boats that can pass through a given segment of channel during a given time period) as a function of its navigable width (volume to capacity). However, the study concluded that the magnitude of these changes is considered to be so minimal that the net result would be considered to have no change from existing conditions. Because Alternative 3 involves only the ADA improvements to the East and West Basins (no dock replacement) and construction of the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, each with one ADA gangway, this alternative would result in more boat slips than the proposed project (2,409 existing slips versus the proposed project's 2,293 slips), but approximately the same number as the existing condition. Further, there would be no channel narrowing or construction of temporary docks under this alternative. Therefore, impacts related to boating operations under Alternative 3 would be similar to the existing condition, which was determined to operate at a very high level of service, and essentially similar to the proposed project. Project-related boat traffic impacts were determined to be less than significant for the proposed project.

## **Air Quality**

Alternative 3 would include four ADA improvements in the East and West Basins and construction of the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, each with one ADA gangway, but would not include renovations to the Marine Services docks or OC Sailing and Events Center docks. No temporary docks would be included under this alternative. Because construction for these additional areas would be eliminated, the duration of project construction would be reduced. Therefore, construction-related emissions from all sources would likewise be reduced. In addition, because this alternative would not require removal and installation of piles and slips in the East and West Basins and because the renovations to the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks are a significantly smaller construction phase, construction air quality impacts would be substantially reduced.

This alternative requires removal and installation of significantly fewer piles and square feet (sf) of dock space as compared to the project's removal of 1,306 piles and 492,530 sf of dock space and installation of 969 piles and 459,540 sf of dock space. This alternative would not exceed the SCAQMD-established daily emissions threshold for NO<sub>x</sub> and ROC during construction and would therefore avoid the significant and adverse air quality impacts associated with the proposed project's construction impacts.

Although this alternative would result in more slips than the proposed project, neither the proposed project nor this alternative would result in any substantive changes in long-term on-site stationary sources or result in changes to off-site vehicle trips. Therefore, Alternative 3, similar to the proposed project, would not have any significant long-term operational air quality impacts.

Similar to the proposed project, construction and operation of Alternative 3 would result in GHG emissions; construction emissions would be less than the proposed project due to the reduction in

construction activities and duration. Implementation of this Alternative would not result in GHG emission levels that would substantially conflict with implementation of the GHG reduction goals under AB 32 or other State regulations. Therefore, Alternative 3 impacts related to global climate change are considered less than cumulatively significant, similar to the proposed project.

## Noise

Alternative 3 would include four ADA improvements in the East and West Basins and construction of the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, each with one ADA gangway, but would not include renovations to the other dock and slip areas. This alternative would reduce the duration of the construction operations and would eliminate the pile driving required for all other dock improvements associated with the proposed project. Therefore, the length of the construction-related noise impacts is substantially reduced compared to those of the proposed project. Implementation of this alternative is expected to result in significant construction noise impacts due to the construction equipment and activities required, similar to the proposed project. However, because construction activities would be substantially reduced<sup>1</sup> and would be considered short-term, this alternative would not result in project-specific significant and adverse construction-related noise impacts. This alternative would therefore have fewer noise impacts than the proposed project. All other potential impacts related to long-term operational noise for either the proposed project or this alternative are similar and considered less than significant.

Even though the length of construction is significantly reduced, if the Commercial Core Project is under construction at the same time as this alternative, cumulative construction-related noise and vibration impacts would be considered significant and adverse, similar to the proposed project. However, because this alternative could be constructed in approximately 4 to 5 months, this is considered a very short-term cumulative impact.

## Biological Resources

Alternative 3 does not include dock renovations to the East and West Basin docks, Marine Services docks, or OC Sailing and Events Center docks. In addition, this alternative would not include any temporary docks. Because the amount of construction is significantly reduced under this alternative, potential impacts to marine resources resulting from turbidity and accidental spills during construction activities, construction impacts to endangered species, and potential impacts related to the presence of eelgrass or *Caulerpa* would also be reduced compared to the proposed project, which is less than significant with incorporated mitigation measures. However, the potential for impacts to sensitive or protected birds and potential long-term water quality-related impacts to marine life would be similar to the proposed project.

Shading impacts to marine biological resources due to new and additional dock coverage of water surfaces under the proposed project are considered significant and adverse for the temporary/yacht broker docks. Under Alternative 3, the potentially significant impacts to this area would not occur.

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<sup>1</sup> Approximately 4–5 months of construction would be required under this alternative, per communication with URS Associates, June 2010.

Therefore, the significant and adverse impacts due to shading would be fewer (none) compared to the proposed project.

Implementation of mitigation measures would reduce other biological impacts to a less than significant level for both the proposed project and this alternative. However, impacts to the marine biological community within the Harbor would be significantly reduced with this alternative. In addition, this alternative would have no significant and adverse shading impacts compared to the proposed project; therefore, impacts are considered less for Alternative 3.

### **Aesthetics**

Alternative 3 would include four ADA improvements in the East and West Basins and construction of the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, each with one ADA gangway, but would not include renovations to the other dock and slip areas or temporary docks. This alternative would significantly reduce the duration of construction operations. Therefore, potential aesthetic impacts related to construction would be significantly fewer than the proposed project because no construction activities would occur for the East and West Basins, the Marine Services docks, or the OC Sailing and Events Center docks. In addition, no construction or visual impacts would occur related to the temporary docks.

Long-term views throughout the Basins would be similar to the proposed project, which is considered to be less than significant. However, because Alternative 3 involves significantly less construction than the proposed project, overall aesthetic impacts for this alternative are considered to be less than the proposed project.

### **Recreational Resources**

Alternative 3 includes ADA improvements, but does not include improvements to the dock facilities in the East and West Basins. Although the existing recreational facilities would not be replaced or enhanced, new ADA access would be provided. In addition, this alternative includes the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, each with one ADA gangway which, similar to the proposed project, would improve access to and enhance these dock areas. Neither this alternative nor the proposed project removes the Harbor's recreational facilities, and no potentially significant impacts are identified for either scenario.

Although construction operations would be significantly reduced with this alternative, construction-related impacts on recreational facilities under the proposed project were considered less than significant.

Alternative 3, similar to the proposed project, would not cumulatively, along with other projects in the vicinity, result in increased demand for recreational facilities or require development or expansion of additional recreational facilities. Although there are more slips provided for recreational boating as compared to the proposed project, this alternative does not improve or increase the useful life of the recreational facilities at the Harbor. Overall, the impacts to recreational resources for Alternative 3 are considered similar to the proposed project.

## **Hazards and Hazardous Materials**

Alternative 3 would include four ADA improvements in the East and West Basins and construction of the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, each with one ADA gangway, but would not include renovations to the other dock and slip areas or temporary docks. Construction activities would be limited to the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, and the areas associated with the ADA platforms. The potential to encounter hazardous materials during construction of this alternative would be reduced as compared to the proposed project. Therefore, hazards and hazardous waste effects under this alternative would be slightly fewer than the proposed project because Alternative 3 would require the disturbance of fewer areas. Alternative 3 would result in less than significant impacts with mitigation incorporated related to hazards and hazardous wastes, similar to the proposed project.

Long-term operational impacts related to hazards and hazardous materials for Alternative 3 would be similar to the proposed project because the uses would continue to be recreational marine. Due to the existing Harbor regulations and BMPs related to water quality and boat maintenance activities, impacts related to the use of hazardous materials during operations within any Harbor area are considered less than significant for Alternative 3, similar to the proposed project.

### **5.8.3 Attainment of Project Objectives**

Alternative 3 would not achieve the project objectives, except to provide ADA access in the East and West Basins, and new Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, each with an ADA gangway. As described above, the deteriorating dock and slip facilities throughout the Harbor would not be replaced or renovated, and facilities would not be brought up to DBW standards. Commercial fishing facilities would not be updated, and the yacht broker slips would not be relocated to other areas of the Harbor. The Marina facilities would not be enhanced for boaters, and overall serviceability would not be improved. In addition, Alternative 3 would not upgrade the utility infrastructure. Lastly, boats would not be placed in appropriately sized slips. The goals of the Dana Point Task Force would not be furthered since this alternative does not include improvements to all of the areas included in the proposed project.

### **5.8.4 Conclusion**

Compared to the proposed project, land use impacts are slightly greater for Alternative 3 due to the lack of ADA access at a portion of the Harbor as compared to the proposed project. Construction-related hydrology and water quality impacts would be fewer than those under the proposed project because construction activities would occur in fewer areas of the Harbor. However, operational water quality impacts would be similar to the proposed project. Because Alternative 3 does not include any renovations to the existing dock and slip facilities in the East and West Marinas, the number of slips would remain similar to existing conditions (2,409 slips), resulting in approximately 116 more slips than under the proposed project. Operational circulation impacts would therefore be greater than the proposed project, because the number of slips would be greater, although with mitigation these impacts were less than significant for the proposed project. Construction-related traffic impacts would be reduced when compared to the proposed project. Aesthetic impacts related to construction would be less than the proposed project because construction would not occur in as many areas of the

Harbor; long-term views would be similar to the proposed project. Impacts related to recreational resources both during construction and for long-term recreational opportunities would be fewer than under the proposed project. Impacts related to hazardous materials would be similar to the proposed project for this alternative.

This alternative would avoid significant and adverse project-related impacts to construction and cumulative air quality effects and cumulative construction noise in the project vicinity. Geology and soils impacts related to the existing liquefaction conditions would continue to exist, similar to the proposed project. However, this alternative would avoid the significant and adverse biological shading impacts as compared to the proposed project.

## **5.9 IDENTIFICATION OF ENVIRONMENTALLY SUPERIOR ALTERNATIVE**

The No Project/No Development Alternative would be environmentally superior to the proposed project on the basis of the physical impacts that would not occur with Alternative 1. If there were no changes to the existing conditions on site, there would not be physical environmental effects and the significant project-related impacts to construction and cumulative air quality effects, cumulative construction noise in the project vicinity, and significant biological resource impacts due to shading would be avoided. Geology and soils impacts related to the existing liquefaction conditions would continue to exist, similar to the proposed project. However, none of the identified project objectives would be achieved with Alternative 1.

The CEQA Guidelines require that if the environmentally superior alternative is the No Project Alternative, “the EIR also identify an environmentally superior alternative among the other alternatives” (CEQA Guidelines Section 15126.6(e)(2)). The environmental effects for both short-term (construction) and long-term (operational) impacts were evaluated for each alternative and are summarized numerically in Tables 5.A and 5.B.

The Environmentally Superior Alternative, in terms of avoiding, reducing, or minimizing direct physical effects on the environment under short-term conditions, is Alternative 3, the Reduced Project with ADA Improvements. Besides construction of the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks, Alternative 3 does not include any renovations to the existing dock and slip facilities in the Harbor. By eliminating the replacement of docks throughout the Harbor, construction impacts under Alternative 3 would be significantly reduced in both scope and duration.

Alternative 3 meets only a few of the project objectives, such as satisfying ADA requirements for some dock areas. Other project objectives attained to a lesser extent include enhancing the level of services for boaters and maintaining a safe environment for the boating community. Although several ADA gangways would be installed with this alternative, the benefits of renovating the dock facilities and bringing the Harbor into compliance with all DBW standards would not be achieved with Alternative 3.

**Table 5.A: Short-term (Construction) Alternatives Impact Comparison**

<b>Issue Topic</b>	<b>Proposed Project (Level of Impact after Mitigation)</b>	<b>Alternative 1: No Project/ No Development</b>	<b>Alternative 2: Reduced Project – Design Alternative 1</b>	<b>Alternative 3: Reduced Project – ADA Improvements Only</b>
<b>Attainment of Project Objectives</b>	Meets all of the project objectives	No, meets none of the project objectives	Meets most project objectives	Meets only a few of the project objectives
<b>Land Use</b>	Less than Significant	1	2	2
<b>Geology and Soils</b>	Less than Significant	1	1	1
<b>Hydrology/ Water Quality</b>	Less than Significant	1	1	1
<b>Traffic and Circulation</b>	Vehicles: Less than Significant Boats: Less than Significant	Vehicles: 1  Boats: 1	Vehicles: 2  Boats: 2	Vehicles: 1  Boats: 2
<b>Air Quality/GHG</b>	<b>Significant and Adverse</b>	Air Quality: 1 GHG: 1	Air Quality: 1 GHG: 1	Air Quality: 1 GHG: 1
<b>Noise</b>	<b>Significant and Adverse</b>	1	1	1
<b>Biological Resources</b>	Less than Significant	1	1	1
<b>Aesthetics</b>	Less than Significant	1	1	1
<b>Recreation</b>	Less than Significant	1	2	1
<b>Hazards and Hazardous Materials</b>	Less than Significant	1	1	1
<b>Environmentally Superior Alternative (Short-Term Construction Impacts)</b>		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>

1 = Impacts are less than the Proposed Project  
 2 = Impacts are similar to the Proposed Project  
 3 = Impacts are greater than the Proposed Project  
 GHG = greenhouse gases

**Table 5.B: Long-term (Operational) Alternatives Impact Comparison**

<b>Issue Topic</b>	<b>Proposed Project (Level of Impact after Mitigation)</b>	<b>Alternative 1: No Project/ No Development</b>	<b>Alternative 2: Reduced Project – Design Alternative 1</b>	<b>Alternative 3: Reduced Project – ADA Improvements Only</b>
<b>Attainment of Project Objectives</b>	Meets all of the project objectives	No, meets none of the project objectives	Meets most project objectives	Meets only a few of the project objectives
<b>Land Use</b>	Less than Significant	1	3	3
<b>Geology and Soils</b>	<b>Significant and Adverse</b>	2	2	2
<b>Hydrology/ Water Quality</b>	Less than Significant	2	2	2
<b>Traffic and Circulation</b>	Vehicles: Less than Significant Boats: Less than Significant	Vehicles: 2 Boats: 2	Vehicles: 1 Boats: 1	Vehicles: 3 Boats: 2
<b>Air Quality/GHG</b>	Less than Significant	Air Quality: 2 GHG: 2	Air Quality: 2 GHG: 2	Air Quality: 2 GHG: 1
<b>Noise</b>	Less than Significant	2	2	2
<b>Biological Resources</b>	<b>Significant and Adverse</b>	1	1	1
<b>Aesthetics</b>	Less than Significant	2	1	1
<b>Recreation</b>	Less than Significant	2	3	2
<b>Hazards and Hazardous Materials</b>	Less than Significant	2	2	2
<b>Environmentally Superior Alternative (Operational Impacts)</b>		<b>Yes</b>	<b>No</b>	<b>Yes</b>

1 = Impacts are less than the Proposed Project  
 2 = Impacts are similar to the Proposed Project  
 3 = Impacts are greater than the Proposed Project  
 GHG = greenhouse gases

Alternative 3 would avoid the significant and adverse impacts to biological resources due to shading effects, and project-related impacts to construction and cumulative air quality effects. However, Alternative 3 would not eliminate cumulative construction noise in the project vicinity if the Commercial Core Project is under construction at the same time as this alternative. Alternative 3 would also result in reduced overall construction impacts for traffic, water quality, hazardous materials, aesthetics, and recreation compared with the proposed project because improvements and construction activities would be limited to a much smaller area. However, impacts related to these topics would still result in less than significant impacts, as would the proposed project.

Identifying the Environmentally Superior Alternative, in terms of avoiding, reducing, or minimizing direct physical effects on the environment under long-term conditions, is difficult due to the varying degrees to which each alternative impacts the environment. Similar to the proposed project, none of the alternatives would reduce the significant and unavoidable geology and soils impacts related to the existing liquefaction conditions. However, because Alternative 3 physically disturbs a significantly reduced area, resulting in significantly reduced scope and duration of construction activities, and because this alternative eliminates the significant and unavoidable impacts to marine resources due to shading and the construction and cumulative air quality impacts associated with the project, Alternative 3 is considered the Environmentally Superior Alternative.

However, as noted above, Alternative 3 would not achieve the project objectives except to provide ADA access in the East and West Basins and at the Embarcadero/Dry Boat Storage Staging docks, sport fishing docks, and guest docks.