



## 11.2 Notice of Preparation/Initial Study Comment Letters

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# NATIVE AMERICAN HERITAGE COMMISSION

July 22, 2021

Governor's Office of Planning & Research

**July 23 2021**

## STATE CLEARINGHOUSE

Belinda Ann Deines  
City of Dana Point  
33282 Golden Lantern  
Dana Point, CA 92629

**Re: 2021070304, Victoria Boulevard Apartments Project, Orange County**

Dear Ms. Deines:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**



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[Vacant]

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[Vacant]

EXECUTIVE SECRETARY  
**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a.** A brief description of the project.
  - b.** The lead agency contact information.
  - c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
  
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).
  - a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
  
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a.** Alternatives to the project.
  - b.** Recommended mitigation measures.
  - c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).
  
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:
  - a.** Type of environmental review necessary.
  - b.** Significance of the tribal cultural resources.
  - c.** Significance of the project's impacts on tribal cultural resources.
  - d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
  
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
  
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:  
[Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,



Andrew Green  
Cultural Resources Analyst

cc: State Clearinghouse

**From:** Lego Pacific <[legopacific@gmail.com](mailto:legopacific@gmail.com)>

**Sent:** Wednesday, August 4, 2021 8:54 PM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

RE: Victoria Boulevard Apartments project

From: Aaron Simmons

Please add my comments and ensure that the following is distributed to those involved in deciding on this project:

This plan is a disaster: this hulking 75' tall housing project is completely out of place both in Doheny Village and Dana Point as a whole. If this 5.5 acre property is packed so densely with apartments that it requires a 7 story parking structure, then something is woefully, tragically wrong. They're crowding too many people into too small a space. 365 apartments?!? Are you kidding?!? This isn't New York City.

Just to put this in perspective, according to the Dana Point General Plan

- "Medium Density Residential" is 8-14 dwelling units per acre.
- "High Density Residential" is 18-30 dwelling units per acre.
- At more than double what's considered "High Density", there isn't even a label for just how densely packed the proposed Victoria Boulevard Apartments Ghetto is going to be: 66.2 dwelling units per acre!

Yes, Dana Point needs more affordable housing but Doheny Village is not the place where the city of Dana Point can dump its toxic waste.



**From:** Jamoralin, Joseph@DOT <[Joseph.Jamoralin@dot.ca.gov](mailto:Joseph.Jamoralin@dot.ca.gov)>  
**Sent:** Tuesday, August 17, 2021 3:02 PM  
**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
**Cc:** [state.clearinghouse@OPR.ca.gov](mailto:state.clearinghouse@OPR.ca.gov); Shelley, Scott@DOT <[scott.shelley@dot.ca.gov](mailto:scott.shelley@dot.ca.gov)>  
**Subject:** Comment Letter for Victoria Boulevard Apartments

Good Afternoon Belinda,

Please review the attached comment letter from Caltrans for the Victoria Boulevard Apartments Notice of Preparation for the City of Dana Point. Feel free to contact me if you have any questions regarding these comments.

Please confirm receipt of this email by responding.

Thank you,

**Joseph Jamoralin**  
*Transportation Planner*  
*Caltrans District 12 | Regional-IGR-Transit Planning*  
**1750 East 4<sup>th</sup> Street Suite 100**  
**Santa Ana, CA 92705**  
*Office: (657) 328-6276*

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 12

1750 EAST FOURTH STREET, SUITE 100

SANTA ANA, CA 92705

PHONE (657) 328-6000

FAX (657) 328-6522

TTY 711

[www.dot.ca.gov/caltrans-near-me/district12](http://www.dot.ca.gov/caltrans-near-me/district12)*Making Conservation  
a California Way of Life.*

August 17, 2021

Ms. Belinda Deines  
Principal Planner  
City of Dana Point  
33282 Golden Lantern  
Dana Point, CA 92629

File: IGR/CEQA  
SCH#: 2021070304  
12-ORA-2021-01726  
SR 1, PM 0.527  
I-5, PM 6.894

Dear Ms. Deines,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Preparation for the Victoria Boulevard Apartments in the City of Dana Point. The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment.

The project involves the demolition of the existing Capistrano Unified School District (CUSD) bus yard and development of a 365-unit apartment complex with an attached six-story parking structure and associated amenities. Regional access to the project area is provided by State Route 1 (SR 1) and Interstate 5 (I-5). Caltrans is a responsible agency for this project and upon review, we have the following comments:

**Traffic Operations**

1. The implementation of this project would result in an increase of traffic demands on the local roads as well as nearby State Highway System (SHS) – (SR 1 and I-5). Therefore, Traffic Operations Southwest recommends a Traffic Impact Study to be prepared in the Environmental Impact Report (EIR) to analyze the potential impact on the operation and safety for all nearby SHS to include but not be limited to the on/off-ramps, intersections on I-5 and PCH be evaluated and recommended for mitigation if necessary.
2. As part of the complete street, Class II and sidewalk improvements for pedestrian shall be implemented for the upcoming future project along Doheny Parkway aka (Doheny Village Connectivity Project). Please confirm if there is a proposed implementation for the connectivity to this facility from the proposed project.

**Transportation Planning**

3. The project is to increase housing and infill development, which may increase traffic congestion and the number of Single Occupancy Vehicle (SOV) trips. As Caltrans seeks to promote safe, accessible multimodal transportation (i.e. walking, biking, and transit) options, please encourage the use of transit among future residents, visitors, and workers of the development. Providing improved

*"Provide a safe and reliable transportation network that serves all people and respects the environment"*

multimodal transportation to housing can encourage residents to utilize alternative transportation options, thus improving public health by reducing Greenhouse Gas (GHG) emissions, reduction to congestion, and Vehicle Miles Traveled (VMT).

4. Please ensure that the Environmental Impact Report (EIR) includes a discussion related to the City's multimodal mobility strategies regarding transit connectivity and opportunities for services with the seasonal Dana Point Trolley along with the regional rail connectivity served by Metrolink and Amtrak Pacific Surfliner in the nearby train stations in San Juan Capistrano and San Clemente.
5. Please consider including a discussion on general transportation safety improvements, especially for vulnerable road users such as bicyclists and pedestrians.
6. Caltrans encourages the City to continue coordination with the Orange County Transportation Authority (OCTA) for opportunities to enhance multimodal transit strategies.
7. Caltrans supports projects which provide a diversity of housing choices near destinations accessible to Active Transportation (i.e. bicycle and pedestrian) and transit users. Please consider opportunities to increase Active Transportation and transit use by clear directional signage and Active Transportation infrastructure to/from the project. There are several opportunities for bicycle facilities and/or signage, including connections to the existing Class II bike lane along Doheny Park Rd and potential street design changes along Camino Capistrano which can provide greater bicyclist accessibility to nearby commercial centers, schools, and beach access.
8. Please consider the inclusion of long-term bicycle storage facilities for residents, which may include secure ground floor indoor bicycle storage. Additionally, with the growing popularity of electric bikes and cargo/utility bikes (which tend to be bigger and heavier), Caltrans recommends that the storage area be designed to accommodate a range of bicycle styles, sizes and weights.
9. Access to vehicle charging stations can be particularly difficult for those living in multi-family dwellings without personal garages. Within the attached six-story parking structure, consider installing electric vehicle charging stations to promote use of EV and Hybrid vehicles which can reduce GHG emissions.
10. On Exhibit 2-2 of the Initial Study document, the I-5 label is misplaced on the alleyway north of Victoria Blvd.
11. Caltrans supports the city's evaluation of the Victoria Boulevard Apartments in Doheny Village as a potential opportunity site for affordable housing. The state mandates that cities must plan for housing needs of future residents of all incomes. This analysis would assist in accommodating the Regional Housing

Needs Assessment (RHNA) allocation per the California Department of Housing & Community Development (HCD).

12. A VMT based Traffic Impact Study should be prepared for this project. Please refer to Caltrans' updated VMT-focused Transportation Impact Study Guide (TISG), dated May 2020 and released on Caltrans' website in July 2020.  
<https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>

### **Freight**

13. Please consider including a discussion on incorporating designated areas/parking for freight delivery, package, and transportation network company's pickup and drop-off.

### **Encroachment Permit**

14. Any project work proposed in the vicinity of the State Right-of-Way (ROW) would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet Caltrans's requirements for work done within State ROW, additional documentation would be required before approval of the encroachment permit. Please coordinate with Caltrans to meet requirements for any work within or near State ROW. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual at:  
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please continue to keep us informed of this project and any future developments that could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Joseph Jamoralin at (657) 328-6276 or [Joseph.Jamoralin@dot.ca.gov](mailto:Joseph.Jamoralin@dot.ca.gov)

Sincerely,



SCOTT SHELLEY  
Branch Chief, Regional-IGR-Transit Planning  
District 12

From: Deb Johnson <[debj11@icloud.com](mailto:debj11@icloud.com)>  
Sent: Wednesday, August 4, 2021 9:16 PM  
To: Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
Subject: Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Can you meet with me and help me understand this tomorrow?  
I want to understand it, and it is overwhelming.

Thanks,  
Deb

> On Aug 4, 2021, at 6:01 PM, Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)> wrote:  
>  
> <Victoria Blvd\_NOP\_07-19-21.pdf>

**From:** Deb Johnson <[debj11@icloud.com](mailto:debj11@icloud.com)>

**Sent:** Wednesday, August 4, 2021 6:03 PM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Belinda,

Why so little notice on this?

One day isn't enough time. It is 6 o'clock at night, and most folks are eating dinner then work tomorrow.

Deb

**From:** Melinda M <[melindawm1@gmail.com](mailto:melindawm1@gmail.com)>

**Sent:** Saturday, August 7, 2021 6:58 PM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Please add us to the interest list:

Douglas and Melinda Matranga

50 Westgate, Laguna Niguel, CA 92677

[DougM49@cox.net](mailto:DougM49@cox.net)

[Melindawm1@gmail.com](mailto:Melindawm1@gmail.com)

**From:** Edward Tharp <[etharp40@gmail.com](mailto:etharp40@gmail.com)>

**Sent:** Saturday, August 14, 2021 2:10:33 PM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>; Michael Villar <[MVillar@DanaPoint.org](mailto:MVillar@DanaPoint.org)>

**Cc:** [hello@capocares.com](mailto:hello@capocares.com) <[hello@capocares.com](mailto:hello@capocares.com)>

**Subject:** Doheny Village Plan

As requested I have reviewed the substance of the beginning attempts to establish a working plan for the Doheny Village Area of Dana Point.

I am stuck by the plan having a opening target point of 401 living spaces which after consideration was reduced to 365 living spaces. Even though current zoning would allow for 264 living units. How does one plan for such different spaces when confronted with confined surroundings. How would one hope to entertain the traffic in such a Confined area which houses a fire station in it's immediate area. Has anyone looked at Camino Capistrano which leads out to I-5 freeway? It is lined on both sides with cars. The road is not a heavy use road. Again constrained. If one looks at Doheny Park Road, even now, it takes very little vehicle traffic to slow to a crawl. What happens when you add in the traffic from the upscale amount of living spaces? I do hope someone has some answers that will address these traffic based questions because I don't see it. Ink Thank you, Edward Tharp. (949)422-4603



**From:** GaryGmail <[garymacrides@gmail.com](mailto:garymacrides@gmail.com)>

**Sent:** Thursday, August 5, 2021 7:01 AM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Good morning Belinda,

Thanks for the notification, will the meeting also be broadcast on your YouTube channel?

Regards

Gary

Gary Macrides  
Realtor, SRES, Green  
#01267654

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- REALTOR of the Year, 2011
- President 2010, Orange County Assoc. of Realtors (OCR)
- Advanced Team Member, Dana Point CERT



# NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

**Date:** July 19, 2021

**To:** Reviewing Agencies and Other Interested Parties

**Subject:** Notice of Preparation of a Draft Environmental Impact Report

**Project Title:** Victoria Boulevard Apartments

**Project Applicant:** City of Dana Point

**Scoping Meeting:** Thursday, August 5, 2021 at 6:00 p.m. at the City Council Chambers

The purpose of this Notice of Preparation (NOP) is to notify potential Responsible Agencies (Agencies) that the Lead Agency, the City of Dana Point, plans to prepare a project-level Environmental Impact Report (EIR) for the proposed Victoria Boulevard Apartments (project) and to solicit comments and suggestions regarding (1) the scope and content of the EIR and (2) the environmental issues and alternatives to be addressed in the EIR per the California Environmental Quality Act (CEQA) Guidelines Section 15082. This NOP also provides notice to interested parties, organizations, and individuals of the preparation of the EIR and requests comments on the scope and contents of the environmental document. The project description, location, and the potential environmental effects are contained in the attached Initial Study.

The City of Dana Point (City) requests your careful review and consideration of this notice and invites any and all input and comments from interested Agencies, parties, organizations, and individuals regarding the preparation of the EIR. Pursuant to CEQA Guidelines Section 21080.4, Agencies must submit any comments in response to this notice no later than 30 days beginning **July 19, 2021** and ends on **August 17, 2021 at 5:00 p.m.** This NOP and attached Initial Study are available for view at the City of Dana Point Community Development Department, located at 33282 Golden Lantern, Dana Point, California 92629, and can also be accessed online at:

<http://www.danapoint.org/index.aspx?page=281>

All comments or other responses to this notice should be submitted in writing to:

Ms. Belinda Ann Deines, Principal Planner  
City of Dana Point  
Planning Division  
33282 Golden Lantern  
Dana Point, California 92629  
[bdeines@danapoint.org](mailto:bdeines@danapoint.org)  
949.248.3570

The City will conduct a public scoping meeting in conjunction with this NOP and Initial Study in order to present the project and the EIR process and to receive public comments and suggestions regarding the scope and content of the environmental document. The meeting will be held on Thursday, August 5, 2021 at 6:00 p.m. in the City Council Chambers located at 33282 Golden Lantern, Dana Point, CA 92629.

**From:** 2irene <[2irene@cox.net](mailto:2irene@cox.net)>

**Sent:** Wednesday, August 4, 2021 7:45 PM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** RE: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Irene Fascher  
33411 Cockleshell Dr.  
Dana Point, CA. 92629  
email: [2irene@cox.net](mailto:2irene@cox.net)

Sent from my Verizon, Samsung Galaxy smartphone

**From:** JS <[socalwash@gmail.com](mailto:socalwash@gmail.com)>

**Sent:** Thursday, August 5, 2021 4:49 PM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** Victoria Boulevard Apartments project (CUSD Bus Yard Site, 26126 Victoria Blvd)

RE: Victoria Boulevard Apartments project (CUSD Bus Yard Site, 26126 Victoria Blvd)

Belinda,

The Victoria Boulevard Apartments project is exactly the type of catalyst that Doheny Village needs to get some redevelopment and investment started.

Toll Brothers is a nationally recognized company with projects all over Southern California. They have been receptive and accommodating to concerns of the community throughout the initial planning phase of the project.

I've met with Toll Brothers representatives and been present for the community input meetings. The project for the bus yard is well thought out and is visually pleasing.

The City of Dana Point would be very well served with the approval of the Victoria Boulevard Apartments project (CUSD Bus Yard Site, 26126 Victoria Blvd).

Sincerely,

James Surber  
Doheny Village Car Wash, Inc.  
Member, Doheny Village Merchants Association.

**From:** [Jensc@capochurch.com](mailto:Jensc@capochurch.com) <[Jensc@capochurch.com](mailto:Jensc@capochurch.com)>

**Sent:** Monday, August 9, 2021 10:18 PM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Jens Christy  
25975 Domingo  
Capo Beach 92624  
[Jensc@capochurch.com](mailto:Jensc@capochurch.com)

Thank you.

Sent from my iPhone

From: Jill Richardson <[Jilllivinglarge@cox.net](mailto:Jilllivinglarge@cox.net)>

Sent: Wednesday, August 4, 2021 6:36 PM

To: Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

Subject: Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Hello,

Here's my questions.

1. How much more traffic will be impacted by this development?
2. What steps is happening to manage the HUGE amount of traffic that this area will produce?
3. How many trees will be planted in this area?
4. What are the plans to increase bus and train riding for this area?
5. How many cars per unit will be allowed?
6. What is the city doing for making this New building ECO friendly?
7. What supplies will be used that are recycled, reused, or repurposed to build this site?
8. How many recycle bins will be provided per unit?

Thank you for answering these.

Best Regards,

Jill Richardson

**From:** Jorge Alvarez <[alvarez2005@yahoo.com](mailto:alvarez2005@yahoo.com)>

**Sent:** Wednesday, August 4, 2021 10:13 PM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Hello Belinda , please send me a copy of all environmental notifications for this project to:

Jorge Alvarez  
230 Avenida Granada , San Clemente , CA , 92672  
[alvarez2005@yahoo.com](mailto:alvarez2005@yahoo.com)

Thank you  
Jorge Alvarez

**From:** [kjcarpenter@flash.net](mailto:kjcarpenter@flash.net) <[kjcarpenter@flash.net](mailto:kjcarpenter@flash.net)>  
**Sent:** Thursday, August 12, 2021 1:12:26 PM  
**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
**Cc:** 'Kathy Carpenter' <[KJCarpenter@flash.net](mailto:KJCarpenter@flash.net)>  
**Subject:** RE: VICTORIA BOULEVARD APARTMENTS / CUSD "Bus Yard"

RE: VICTORIA BOULEVARD APARTMENTS / DOHENY VILLAGE

Dear Ms. Belinda A. Deines / Principal Planner  
c/o City of Dana Point Planning Division;

Please see attached letter regarding the proposed "Victoria Boulevard Apartments" project for the CUSD "Bus Yard" in Doheny Village.

Thank you for your time and consideration!

Very truly yours,

Kathryn J. Carpenter  
P.O. Box 2546  
Capistrano Beach, CA 92624-0546  
Tel: (949) 496-5905  
Email: [kjcarpenter@flash.net](mailto:kjcarpenter@flash.net)

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This email has been checked for viruses by AVG.  
<https://www.avg.com>



August 11, 2021

Kathryn J. Carpenter  
P.O. Box 2546  
Capistrano Beach, CA 92624-0546  
Email: [kjcarpenter@flash.net](mailto:kjcarpenter@flash.net)  
Tel: (949) 496-5905

ATTN:

Ms. Belinda Ann Deines, Principal Planner  
City of Dana Point / Planning Division  
33282 Golden Lantern  
Dana Point, CA 92629  
Email: [bdeines@danapoint.org](mailto:bdeines@danapoint.org)  
Tel: (949) 248-3570

**RE: VICTORIA BOULEVARD APARTMENTS / Notice of Preparation of a Draft Environmental Impact Report**

Dear Ms. Deines / City of Dana Point,

As a longtime resident of Capistrano Beach (specifically Doheny Village, 34212 Sepulveda Avenue); I would like to address a few topics regarding the City of Dana Point's revitalization plans for our Village. I attended the first Revitalization meeting held on November 5, 2011 and addressed the following questions to the CUSD & to the City of DP Planning Manager at the time.

Residents of this community have always heard the original "Serra Elementary School" (currently the CUSD BUS YARD) property was donated to the CUSD by private landowner's and by the "Doheny Family". Serra Elementary School was dedicated to the community for the sole purpose of being dedicated to the children of this Village. I attended the CUSD meeting around 2009; the time they were considering selling this property. I addressed the School Board & inquired about the private land donations & "Doheny Family" and asked about the very specific land uses for this property. During the board meeting, CUSD stated they did not know about it, and would look into this matter and get back to me. To date, I have never received any communication from the CUSD Property Manager, whom I personally spoke with after the meeting, and never received an answer to any of these questions as being "dedicated for a SCHOOL and for the children" of the community!

My main question is, if the CUSD are the current "property owner's", how can they sell, lease, or even allow anything other than what was strictly stated in the Property Grant Deeds (Donated Land)? Please have the CUSD find ALL the original "GRANT DEEDS" from all landowner's who donated land to construct the "Serra Elementary" CUSD during this time. One record we have found (Book 396 / 37093) Mable McGee; December 10<sup>th</sup>, 1926; between the party of the first part, and "Serra School District of Orange County, the party of the second part. This deed has restrictions which remains with the land: "The property shall be used by the party of the second part...for public school purpose only but not for a reform school" and other conditions. "Upon breach of the foregoing conditions, or any of them, the whole of the land hereby conveyed shall revert to the party of the first part..."

I noticed the CUSD Bus Yard is considering a 365 Apartment Complex "Victoria Boulevard Apartments" project for the "BUS YARD" site. To date, I do not see ANY PUBLIC, Community Use or Parks being reinstated and reallocated back into the Doheny Village community. I hope the City of Dana Point and the CUSD Bus Yard plans to restore our little village back into a Children friendly community.

There are MORE CHILDREN living in the Doheny Village area today, then when I grew up in this neighborhood; and now there is ABSOLUTLEY NO PLACE for the children to play. I attended Kindergarten / 1<sup>st</sup> Grade at Serra Elementary School. When the School District demolished the beautiful auditorium & grounds; the district took away all the wonderful playgrounds, 4 baseball fields, summer recreation, sports & art programs we had in the area. This once lovely PUBLIC facility is now used as a "BUS YARD" and DUMP SITE which imports landscape waste from the surrounding schools in the district. Our family improved our property with the addition of a new balcony back in 2007. Our views encompass the "unsightly trucks unloading and moving landscape waste, dirt & debris". This is not how the residents of Capistrano Beach would like our entrance way to be viewed or the way to welcome visitors into our beautiful City of Dana Point.

We hope the City of Dana Point will have the CUSD restore the PUBLIC USE and community friendly property back to its ORIGINAL land use, from and donated to the "Serra School District of Orange County" by all the generous previous private landowners of the Doheny Village community.

PLEASE have a heart not only for the children of "Doheny Village" but for all citizens residing within our community! Our village is and has been the forgotten "Stepchild" of the City of Dana Point. To date, "Doheny" has no Public Parks, Playgrounds, Boys & Girl's Club, Community Center, Senior Center, Summer Programs, Community Swimming Pool, Community Theater, Museum or Art Center!

I am happy to see the City of Dana Point is adapting our SURF ICONS / Cultures into the community. DOHENY VILLAGE / CAPISTRANO BEACH is where Hobie Alter, John Severson, Whitey Harrison, Ronald Drummond, Mickey Munoz, Tom Morey; Surf Icons & Innovator's in the industry who lived & worked in the Doheny Village. Many of these talented men lived and created their visions right here on "Sepulveda Avenue", and in the industrial area behind the US Post Office. I hope the Revitalization Planning Committee will seriously consider including Public USE, recreational areas for our Village, which are ONLY currently located in the City of Dana Point neighboring areas.

Thank you for your time and consideration. PLEASE make our beautiful, eclectic, and quaint "Doheny Village Community" a TOP priority, especially in regard to whether CUSD LAND USE / Original Grant Deeds are even legal for any massive "Victoria Boulevard Apartment" project! We hope the City of Dana Point and CUSD will take our town into consideration for making it an even greater "Family, Tourist and Business Friendly" passageway for our tiny seashore village community of "DOHENY VILLAGE" ...only three- and one-half blocks long!

With kindest regards,

Kathryn J. Carpenter

P.s. FYI: Steven Carpenter emailed a copy of the "Grant Deed" mentioned in my letter to Belinda Ann Deines, on August 5, 2021.

**From:** OC Seller <[ocseller321@gmail.com](mailto:ocseller321@gmail.com)>

**Sent:** Wednesday, August 4, 2021 8:54 PM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Thank you!

I would like to be included on all further updates

Kelsey Laroche

34264 Camino Capistrano #217 Dana point CA 92624

[Ocdeller321@gmail.com](mailto:Ocdeller321@gmail.com)

**From:** Larry Robinson <[larryr@barrettrobinson.com](mailto:larryr@barrettrobinson.com)>

**Sent:** Wednesday, August 4, 2021 7:30 PM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** RE: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Hello Belinda –

Thanks for reaching out to me and yes I would like to be included on your distribution list of those interested in the environmental notifications for the project.

Best regards,

Larry Robinson  
Barrett-Robinson Inc.  
P.O. Box 2999  
Capistrano Beach, CA 92624  
714 984-4142 cell



**From:** Les Gillies <[lesgillies@aol.com](mailto:lesgillies@aol.com)>

**Sent:** Thursday, August 5, 2021 8:18 AM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Please add me to the list of people in the area interested in the Victoria Apartments Project.

Thank you

Les Gillies

34191 Camino Capistrano  
Capistrano Beach CA 34191

[lesgillies@aol.com](mailto:lesgillies@aol.com)

Sent from my iPhone



T 510.836.4200  
F 510.836.4205

1939 Harrison Street, Ste. 150  
Oakland, CA 94612

www.lozeaudrury.com  
richard@lozeaudrury.com

*Via Email*

July 19, 2021

Belinda Ann Deines, Principal Planner  
Department of Community Development  
City of Dana Point  
33282 Golden Lantern  
Dana Point, CA 92629  
[bdeines@danapoint.org](mailto:bdeines@danapoint.org)

Brenda Wisneski, Director  
Department of Community Development  
City of Dana Point  
33282 Golden Lantern  
Dana Point, CA 92629  
[bwisneski@danapoint.org](mailto:bwisneski@danapoint.org)

Kathy Ward, City Clerk  
City of Dana Point  
33282 Golden Lantern  
Dana Point, CA 92629  
[kward@danapoint.org](mailto:kward@danapoint.org)

**Re: CEQA and Land Use Notice Request for Victoria Boulevard Apartments (SCH 2021070304)**

Dear Ms. Deines, Ms. Wisneski, and Ms. Ward:

I am writing on behalf of Supporters Alliance for Environmental Responsibility (“SAFER”) regarding the Victoria Boulevard Apartments Project (SCH 2021070304), including all actions related or referring to the proposed demolition of the existing CUSD bus yard and development of a three- to five-story, 365-unit apartment complex with an attached six-story (seven level) parking structure and associated amenities in accordance with the proposed Victoria Boulevard Specific Plan, located at 26126 Victoria Boulevard in the City of Dana Point (“Project”).

We hereby request that the City of Dana Point (“City”) send by electronic mail, if possible or U.S. mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act (“CEQA”), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report (“EIR”) is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.
  - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.

July 19, 2021

CEQA and Land Use Notice Request for Victoria Boulevard Apartments (SCH 2021070304)

Page 2 of 2

- Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which require local counties to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail or U.S. Mail to:

Richard Drury  
Stacey Osborne  
Molly Greene  
Lozeau Drury LLP  
1939 Harrison Street, Suite 150  
Oakland, CA 94612  
[richard@lozeaudrury.com](mailto:richard@lozeaudrury.com)  
[stacey@lozeaudrury.com](mailto:stacey@lozeaudrury.com)  
[molly@lozeaudrury.com](mailto:molly@lozeaudrury.com)

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,



Molly Greene  
Lozeau | Drury LLP

**From:** mickey munoz <[mickey@mickeymunoz.com](mailto:mickey@mickeymunoz.com)>  
**Sent:** Friday, August 6, 2021 7:41 AM  
**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
**Subject:** Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Thanks Belinda,

Not sure how you feel about this project, but its obvious we are not for it!

Basically it's an environmental disaster :-)

Thanks again,

Mickey and Peggy Munoz

On Aug 5, 2021, at 6:00 PM, Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)> wrote:

Hi Mickey and Peggy,

Thank you for your comment letter regarding the Victoria Blvd Apartments project EIR. I've forwarded your email to our environmental consultant to include in the EIR scoping process.

All the best,  
Belinda

**Belinda Ann Deines**

*Principal Planner*

City of Dana Point | Planning Division  
33282 Golden Lantern, Dana Point, CA 92629  
(949) 248-3570 | [bdeines@danapoint.org](mailto:bdeines@danapoint.org)

**From:** mickey munoz <[mickey@mickeymunoz.com](mailto:mickey@mickeymunoz.com)>  
**Sent:** Thursday, August 5, 2021 9:40 AM  
**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
**Subject:** Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Hello Belinda,

Unfortunately we can not be at the meeting, because we are presently out of the country. That said, I will try and be as concise as possible as this project will be a huge impact on us personally as well a the community. We live directly across the street from this potential monster!



I had a talk with the developer last year at about this time of year, I'm sure the #s might have changed from that time, but this is basically what was told to me by him.

He gave me his 15 minute speech why he felt it was a good thing. A couple of the highlights, "we've paired it down from 85' high to 65' high, from 800+ units to 780 units", and the very reinsuring, "we VET all our renters"!

My first question to him, "where is all the sewerage going to go, where are you getting the water, and I'm sure you'r going to have enough parking for 1000+ cars"? "What about the when the property was deeded to the city of Dana Point, part of it was to be recreational"? He told me that in mitigation, they would help beautify Capistrano Beach. That will keep us healthier than a park, which we need! Oh, and what about the traffic? What about, we who live here have to put-up with 2 to 3 years of construction, how will that be mitigated? Oh, "your property value will go up" not = to the quality of life lost! Why is a good thing to add more people more cars more pollution to our community? More \$\$?

In closing, we the developer and I were supposed to talk a few weeks before we did, but he was on vacation. I asked him where he went? He replied that they spent a week in Montana, then 3 weeks on Whitby Island. All this time talking about the vacation his voice had changed, they obviously had a great time. My question to him was, "why didn't you spend your vacation in Dana Point, the vacation jewel of the west"? "I bet I know where you are retiring to, Whitby Island"!

My point is obvious, do we want to sell out our little piece of paradise to the developers who will take and run?

Thanks for your ear, and you get where we are coming from as 40 year residents in Capo Beach.

Mickey and Peggy Munoz

**From:** mickey munoz <[mickey@mickeymunoz.com](mailto:mickey@mickeymunoz.com)>

**Sent:** Thursday, August 5, 2021 9:40 AM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Hello Belinda,

Unfortunately we can not be at the meeting, because we are presently out of the country. That said, I will try and be as concise as possible as this project will be a huge impact on us personally as well as the community. We live directly across the street from this potential monster!

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My first question to him, "where is all the sewerage going to go, where are you getting the water, and I'm sure you'r going to have enough parking for 1000+ cars"? "What about the when the property was deeded to the city of Dana Point, part of it was to be recreational"? He told me that in mitigation, they would help beautify Capistrano Beach. That will keep us healthier than a park, which we need!? Oh, and what about the traffic? What about, we who live here have to put-up with 2 to 3 years of construction, how will that be mitigated? Oh, "your property value will go up" not = to the quality of life lost! Why is a good thing to add more people more cars more pollution to our community? More \$\$?

In closing, we the developer and I were supposed to talk a few weeks before we did, but he was on vacation. I asked him where he went? He replied that they spent a week in Montana, then 3 weeks on Whitby Island. All this time talking about the vacation his voice had changed, they obviously had a great time. My question to him was, "why didn't you spend your vacation in Dana Point, the vacation jewel of the west"? "I bet I know where you are retiring to, Whitby Island"!

My point is obvious, do we want to sell out our little piece of paradise to the developers who will take and run?

Thanks for your ear, and you get where we are coming from as 40 year residents in Capo Beach.

Mickey and Peggy Munoz

**From:** mike lipscombe <[mike38@hotmail.com](mailto:mike38@hotmail.com)>

**Sent:** Thursday, August 5, 2021 4:06 PM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Mike Lipscombe

33372 Palo Alto St

Dana Point 92629

[mike38@hotmail.com](mailto:mike38@hotmail.com)

From: Natalie Hugins <[natnwoof@hotmail.com](mailto:natnwoof@hotmail.com)>

Sent: Thursday, August 5, 2021 12:44 AM

To: Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

Subject: Re: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Hello,

Please include me in any future communication regarding this project. Will a zoom mtg be available to attend tomorrow's meeting (Thurs)? I would like to attend but am a recent heart transplant recipient and with covid ramping up again probably not a good idea....

Natalie Hugins

[Natalie.Hugins@gmail.com](mailto:Natalie.Hugins@gmail.com)

25611 Quail Run #88

Dana Point Ca 92629

Many thanks (in advance),

Natalie

**From:** Distaso, Robert <[RobertDistaso@ocfa.org](mailto:RobertDistaso@ocfa.org)>  
**Sent:** Tuesday, August 10, 2021 3:26 PM  
**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
**Subject:** Victoria Apts

Hi Belinda,  
Our comments attached,  
Thx  
robert



**Robert J Distaso PE**  
Fire Safety Engineer  
Orange County Fire Authority  
Office Phone 714-573-6253  
Cell Phone 714-745-3422



# ORANGE COUNTY FIRE AUTHORITY

P. O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602-0125

Brian Fennessy, Fire Chief

(714) 573-6000

[www.ocfa.org](http://www.ocfa.org)

August 9, 2021

Ms. Belinda Ann Deines, Principal Planner  
City of Dana Point, Planning Division  
33282 Golden Lantern, Dana Point, CA 92629  
Email: [bdeines@danapoint.org](mailto:bdeines@danapoint.org)

Subject: Initial Study Report – Victoria Boulevard Apartments

Dear Belinda Ann Deines:

Thank you for the opportunity to review the subject document. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services response to 23 cities in Orange County and all unincorporated areas. The OCFA operates 77 fire stations throughout Orange County, one (1) within Dana Point, which includes the project area. Services include: structural fire protection, emergency medical and rescue services, education and hazardous material response. OCFA also participates in disaster planning as it relates to emergency operations, which includes high occupant areas and school sites and may participate in community disaster drills planned by others. Resources are deployed based upon a regional service delivery system, assigning personnel and equipment to emergency incidents without regard to jurisdictional boundaries. The equipment used by the department has the versatility to respond to both urban and wildland emergency conditions. The following are our comments:

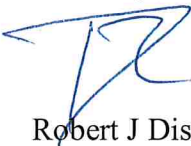
We believe this project will have Less Than Significant Impact with the following Measures:

- The project is subject to review by the City and the OCFA for various construction document plan checks for the applicable fire life safety codes and regulations. The project will be subject to the current editions of the California Building Code (CBC), California Fire Code (CFC), and related codes.
- Structures of this size and occupancy are required to have automatic fire sprinkler systems designed per NFPA 13 as required in the current CBC, CFC. Attic spaces shall be fully sprinklered.
- A water supply system to supply fire hydrants and automatic fire sprinkler systems is required. Fire flow and hydrant spacing shall meet the minimums identified in the codes. Please refer to the CFC Appendix section. These tables are also located in OCFA Guideline B09, Attachment 23.

- Fire department access shall be provided all around the new buildings.
- It is unlawful to occupy any portions of this building until City building department and OCFA have conducted final inspection and sign off.
- As a condition of approval, the site developer shall be enter into a Secured Fire Protection Agreement with the Orange County Fire Authority. This Agreement shall specify the developer's pro-rata fair share funding of capital improvements necessary to establish adequate fire protection facilities and equipment, and/or personnel.
- If this project is in a fuel modification zone, it is subject to review by OCFA, and Guide C-05.
- If the project scope includes or requires the installation of traffic signals on public access ways, these improvements shall include the installation of optical preemption devices.
- It is unlawful to occupy any portions of this apartment building until City building department and OCFA have conducted final inspections.
- Amenity roof decks will be treated as Assembly occupancies
- CBC High Rise provisions will be applicable if the building is over 75'

In addition, we would like to point out that all standard conditions with regard to development, including water supply, built in fire protection systems, road grades and width, access, building materials, and the like will be applied to this project at the time of plan submittal. Thank you for providing us with this information. Please contact me at 714-573-6253 if you have any questions.

Sincerely,



Robert J Distaso PE  
Fire Safety Engineer  
Planning and Development  
[robertdistaso@ocfa.org](mailto:robertdistaso@ocfa.org)  
[www.ocfa.org](http://www.ocfa.org)

**From:** Lauren Sato <[lsato@octa.net](mailto:lsato@octa.net)>

**Sent:** Thursday, August 12, 2021 10:57 AM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Cc:** Dan Phu <[DPhu@octa.net](mailto:DPhu@octa.net)>; Angel Lin <[alin@octa.net](mailto:alin@octa.net)>

**Subject:** OCTA Comments: Dana Point - Victoria Boulevard Apartments Notice of Preparation (NOP) and Initial Study (IS)

Dear Ms. Deines-

Thank you for providing the Orange County Transportation Authority (OCTA) with the opportunity to review the NOP and IS for the Victoria Boulevard Apartments Project (Project). Attached are the comments from OCTA in regards to the Project.

If you have any questions, feel free to contact me.

Thank you,

Lauren Sato (she/her/hers)  
Transportation Analyst  
Orange County Transportation Authority  
[lsato@octa.net](mailto:lsato@octa.net) | 714.560.5756

The information in this e-mail and any attachments are for the sole use of the intended recipient and may contain privileged and confidential information. If you are not the intended recipient, any use, disclosure, copying or distribution of this message or attachment is strictly prohibited. If you believe that you have received this e-mail in error, please contact the sender immediately and delete the e-mail and all of its attachments.





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Chief Executive Officer

August 12, 2021

Ms. Belinda Ann Deines, Principal Planner  
City of Dana Point – Planning Division  
33282 Golden Lantern  
Dana Point, CA 92629

Subject: **Victoria Boulevard Apartments Notice of Preparation (NOP) and Initial Study (IS)**

Dear Ms. Deines:

Thank you for providing the Orange County Transportation Authority (OCTA) with the NOP and IS for the Victoria Boulevard Apartments Project. The following comments are provided for your consideration.

- While CEQA now uses vehicle miles traveled to identify transportation impacts, OCTA still requires level of service analysis to monitor Congestion Management Program (CMP) Highway System (HS) performance, per the CMP Traffic Impact Analysis Requirements. Such analysis may be submitted to OCTA separately from any CEQA documents. For more information, please refer to the 2019 CMP Report available here: <http://www.octa.net/Projects-and-Programs/Plans-and-Studies/Congestion-Management-Program/Overview/>
- Please note that Pacific Coast Highway and Street of the Golden Lantern are part of the CMPHS. Additionally, the intersection of Street of the Golden Lantern and PCH, as well as the intersection of Street of the Golden Lantern and Del Prado Avenue, are designated as CMP intersections. These roadways and intersections should be analyzed as such for any potential traffic impacts consistent with the Orange County CMP.

Throughout the development of this project, we encourage communication with OCTA on any matters discussed herein. If you have any questions or comments, please contact me at (714) 560-5907 or at [dphu@octa.net](mailto:dphu@octa.net).

Sincerely,

Dan Phu  
Manager, Environmental Programs

**From:** Richard Law <[rlaw1@mac.com](mailto:rlaw1@mac.com)>  
**Sent:** Monday, August 9, 2021 5:50 PM  
**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
**Subject:** Fwd: Victoria Blvd Apartments - Environmental Review - Initial Study - July 2021

hi Belinda,

This email dated 8/9/2021 that I am forwarding here is the correct one and complete. The email dated 8/8/2021 that I sent out yesterday is cut off and incomplete. You should forward this one to those who may need to see it. Sorry for the confusion.

Richard

Begin forwarded message:

**From:** Richard Law <[rlaw1@mac.com](mailto:rlaw1@mac.com)>  
**Date:** 8/9/2021  
**To:** Deines Belinda <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
**Cc:** Robinson Larry <[larryr@barrettrobinson.com](mailto:larryr@barrettrobinson.com)>, Theresa Bovee <[TheresaBovee@hotmail.com](mailto:TheresaBovee@hotmail.com)>, Bob Chade <[bchade@aol.com](mailto:bchade@aol.com)>, steve.carpenter@flash.net, Clark Thomas <[tomclarkstudio@me.com](mailto:tomclarkstudio@me.com)>, Michael McCann <[mmccann@tollbrothers.com](mailto:mmccann@tollbrothers.com)>  
**Subject:** Fwd: Victoria Blvd Apartments - Environmental Review - Initial Study - July 2021

Begin forwarded message:

**Subject: Re: Victoria Blvd Apartments - Environmental Review - Initial Study - July 2021**

Hi Belinda,

Here are some observations and comments I have on the Initial Study. I know there will be several more steps in the process and opportunities for input before the EIR is finalized.

I reference the section they apply to in the Initial Study:

PAGE 2-5

#### 2.4 PROJECT CHARACTERISTICS

Says: .....minimum of 1.1 acres of public open space. Should say: ..... usable public open space.

#### VICTORIA BOULEVARD SPECIFIC PLAN

Says: ....including land use regulations, circulation pattern, public facilities/infrastructure, and development standards, Should say: ,,,,design guidelines, and development standards.

PAGE 2-7

#### CIRCULATION PLAN

Should add: An enhanced sidewalk will be provided along Victoria Boulevard with amenities. A multi-use trail will be provided along La Playa Avenue with amenities. Both will accommodate village as well as project circulation. TBAL has committed to these sidewalk and trail improvements.

PAGE 4.1-2

#### 4.1 AESTHETICS

c) In non-urbanized areas....If the project is in an urbanized area would the project conflict with applicable zoning and other regulations governing scenic quality.

Potentially Significant Impact. Should add: From within Doheny Village the proposed project has the potential to appear massive and out of scale if buildings along Victoria Boulevard and Sepulveda Avenue are of uniform height, form, massing, and color. Note: This issue has been discussed with TBAL. They have prepared design studies varying the height, form, massing, and color of buildings along Victoria Boulevard with lower buildings of varied form, massing, and lighter color closest to the street and taller buildings of varied height, form, massing, and color set back farther from the street. This treatment shows promising results in reducing the visual impact of the project. An updated study may be needed that includes the Sepulveda Avenue frontage. The proposed Specific Plan should include design guidelines addressing building height, form, massing, and color.

PAGE 4.16-1

#### 4.1 RECREATION

a) Would the project increase the use of existing neighborhoods and regional parks or other recreational facilities?

Potential Significant Impact. The project proposes to provide significant private recreational amenities to serve the residents. The project proposes to provide 1.1 acres of usable (but privately owned) open space on site or possibly some of it off site if it all cannot be accommodated on site. There is no usable public open space in Doheny Village now,

This would seem to be a mitigation measure for the increased demand for recreation facilities created by the project.

PAGE 14.17-1

#### 4.17 TRANSPORTATION

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facility?

Potential Significant Impact. Improved pedestrian and bicycle connectivity is very important for Doheny Village. The project proposes to provide two important segments of the Doheny Village trail system. The enhanced sidewalk on Victoria Boulevard is part of the proposed Victoria Boulevard Trail that extends across the entire village. The La Playa Avenue Trail is part of a proposed trail that connects to the Victoria Boulevard Trail and potentially goes along the freeway edge to Doheny Park Road and on to the beach.

This would seem to be a mitigation measure for increased demand for pedestrian and bicycle trails caused by the project. It would also potentially reduce the need for driving,

I hope these observations and comments are useful.

Richard Law  
34192 Sepulveda Avenue,  
Capistrano Beach, CA 92624

[rlaw1@mac.com](mailto:rlaw1@mac.com)

On July 20, 2021 at 7:04 PM, Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)> wrote:

DV Working Group:

As stakeholders in Doheny Village, I wanted to provide you all with an update on the Victoria Boulevard Apartments project at the CUSD Bus Yard. Preparation of the project's Environmental Impact Report, which was initiated by City Council in February 2021, is currently underway.

A Notice of Preparation has been posted as of yesterday:  
<https://www.danapoint.org/home/showpublisheddocument/32934>

The Initial Study is available hard copy at the planning counter or online at this link:  
<https://www.danapoint.org/home/showpublisheddocument/32932>

Written comments regarding the scope and content of the EIR, environmental issues, and alternatives to be discussed in the EIR are **due to me by Tuesday, August 17 at 5:00 PM**. Please address any letters or emails directly to me.

If you would like to be included on the project **EIR's Distribution List** for all required notifications, please email me back with the following information:

- Name
- Mailing Address
- Email Address

Please note that a **Scoping Meeting is scheduled for Thursday, August 5 at 6:00 PM in the City Council Chambers**. This meeting will provide an overview of the project and the environmental review process.

If you have questions, please do not hesitate to contact me directly.

p.s. I have my fingers crossed for Doheny Village Zoning Code Update tonight at City Council! If you are attending for DV Plan, Districting, and/or Serra Siding, it may be a late night!

All the best,

Belinda

**Belinda Ann Deines**

*Principal Planner*

City of Dana Point | Planning Division

33282 Golden Lantern, Dana Point, CA 92629

(949) 248-3570 | [bdeines@danapoint.org](mailto:bdeines@danapoint.org)



**[Click here for updates on the Housing & Public Safety Elements](#)**

**From:** Richard Law <[rlaw1@mac.com](mailto:rlaw1@mac.com)>  
**Sent:** Sunday, August 8, 2021 7:25 PM  
**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
**Cc:** [socalwash@gmail.com](mailto:socalwash@gmail.com); [bchade@aol.com](mailto:bchade@aol.com); 'Theresa Bovee ([TheresaBovee@hotmail.com](mailto:TheresaBovee@hotmail.com))'  
<[TheresaBovee@hotmail.com](mailto:TheresaBovee@hotmail.com)>; [larryr@barrettrobinson.com](mailto:larryr@barrettrobinson.com); [emjackdad@gmail.com](mailto:emjackdad@gmail.com);  
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[jhyde@tollbrothers.com](mailto:jhyde@tollbrothers.com); [CDHAMPTON@capousd.org](mailto:CDHAMPTON@capousd.org)  
**Subject:** Re: Victoria Blvd Apartments - Environmental Review - Initial Study - July 2021

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p.s. I have my fingers crossed for Doheny Village Zoning Code Update tonight at City Council! If you are attending for DV Plan, Districting, and/or Serra Siding, it may be a late night!

All the best,

Belinda



**Belinda Ann Deines**

*Principal Planner*

City of Dana Point | Planning Division

33282 Golden Lantern, Dana Point, CA 92629

(949) 248-3570 | [bdeines@danapoint.org](mailto:bdeines@danapoint.org)



**[Click here for updates on the Housing & Public Safety Elements](#)**

**From:** Lijin Sun <[LSun@aqmd.gov](mailto:LSun@aqmd.gov)>

**Sent:** Tuesday, August 10, 2021 9:50 AM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** South Coast AQMD Staff NOP Comments for the Victoria Boulevard Apartments

Dear Ms. Deines,

Attached are South Coast AQMD staff's comments on the Notice of Preparation of a Draft Environmental Impact Report for the Victoria Boulevard Apartments ([South Coast AQMD Control Number: ORC210720-03](#)). Please contact me if you have any questions regarding these comments.

Thank you,

Lijin Sun

Program Supervisor, CEQA IGR

South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765

Direct: (909) 396-3308

Fax: (909) 396-3324

*\*Please note that the building is closed to the public.*



# South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4178  
(909) 396-2000 • [www.aqmd.gov](http://www.aqmd.gov)

SENT VIA E-MAIL:

[bdeines@danapoint.org](mailto:bdeines@danapoint.org)

Belinda Ann Deines, Principal Planner  
City of Dana Point, Planning Division  
33282 Golden Lantern  
Dana Point, California 92629

August 10, 2021

## **Notice of Preparation of a Draft Environmental Impact Report for the Victoria Boulevard Apartments**

South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to comment on the above-mentioned document. Our comments are recommendations on the analysis of potential air quality impacts from the Proposed Project that should be included in the Draft Environmental Impact Report (EIR). Please send a copy of the Draft EIR upon its completion and public release directly to South Coast AQMD as copies of the Draft EIR submitted to the State Clearinghouse are not forwarded. **In addition, please send all appendices and technical documents related to the air quality, health risk, and greenhouse gas analyses and electronic versions of all emission calculation spreadsheets, and air quality modeling and health risk assessment input and output files (not PDF files). Any delays in providing all supporting documentation for our review will require additional review time beyond the end of the comment period.**

### **CEQA Air Quality Analysis**

Staff recommends that the Lead Agency use South Coast AQMD's CEQA Air Quality Handbook and website<sup>1</sup> as guidance when preparing the air quality and greenhouse gas analyses. It is also recommended that the Lead Agency use the CalEEMod<sup>2</sup> land use emissions software, which can estimate pollutant emissions from typical land use development and is the only software model maintained by the California Air Pollution Control Officers Association.

South Coast AQMD has developed both regional and localized significance thresholds. South Coast AQMD staff recommends that the Lead Agency quantify criteria pollutant emissions and compare the emissions to South Coast AQMD's CEQA regional pollutant emissions significance thresholds<sup>3</sup> and localized significance thresholds (LSTs)<sup>4</sup> to determine the Proposed Project's air quality impacts. The localized analysis can be conducted by either using the LST screening tables or performing dispersion modeling.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the Proposed Project and all air pollutant sources related to the Proposed Project. Air quality impacts from both construction (including demolition, if any) and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road

---

<sup>1</sup> South Coast AQMD's CEQA Handbook and other resources for preparing air quality analyses can be found at: <http://www.aqmd.gov/home/rules-compliance/ceqa/air-quality-analysis-handbook>.

<sup>2</sup> CalEEMod is available free of charge at: [www.caleemod.com](http://www.caleemod.com).

<sup>3</sup> South Coast AQMD's CEQA regional pollutant emissions significance thresholds can be found at: <http://www.aqmd.gov/docs/default-source/ceqa/handbook/scaqmd-air-quality-significance-thresholds.pdf>.

<sup>4</sup> South Coast AQMD's guidance for performing a localized air quality analysis can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/localized-significance-thresholds>.

mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips, and hauling trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers and air pollution control devices), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). Air quality impacts from indirect sources, such as sources that generate or attract vehicular trips, should be included in the analysis. Furthermore, emissions from the overlapping construction and operational activities should be combined and compared to South Coast AQMD's regional air quality CEQA *operational* thresholds to determine the level of significance.

If the Proposed Project generates diesel emissions from long-term construction or attracts diesel-fueled vehicular trips, especially heavy-duty diesel-fueled vehicles, it is recommended that the Lead Agency perform a mobile source health risk assessment<sup>5</sup>.

In the event that implementation of the Proposed Project requires a permit from South Coast AQMD, South Coast AQMD should be identified as a Responsible Agency for the Proposed Project in the Draft EIR. The assumptions in the air quality analysis in the EIR will be the basis for evaluating the permit under CEQA and imposing permit conditions and limits. Questions on permits should be directed to South Coast AQMD's Engineering and Permitting staff at (909) 396-3385.

### **Mitigation Measures**

In the event that the Proposed Project results in significant adverse air quality impacts, CEQA requires that all feasible mitigation measures that go beyond what is required by law be utilized to minimize these impacts. Any impacts resulting from mitigation measures must also be analyzed. Several resources to assist the Lead Agency with identifying potential mitigation measures for the Proposed Project include South Coast AQMD's CEQA Air Quality Handbook<sup>1</sup>, South Coast AQMD's Mitigation Monitoring and Reporting Plan for the 2016 Air Quality Management Plan<sup>6</sup>, and Southern California Association of Government's Mitigation Monitoring and Reporting Plan for the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy<sup>7</sup>.

South Coast AQMD staff is available to work with the Lead Agency to ensure that air quality, greenhouse gas, and health risk impacts from the Proposed Project are accurately evaluated and mitigated where feasible. If you have any questions regarding this letter, please contact me at [lsun@aqmd.gov](mailto:lsun@aqmd.gov).

Sincerely,

*Lijin Sun*

Lijin Sun

Program Supervisor, CEQA IGR

Planning, Rule Development & Area Sources

LS  
ORC210720-03  
Control Number

---

<sup>5</sup> South Coast AQMD's guidance for performing a mobile source health risk assessment can be found at: <http://www.aqmd.gov/home/regulations/ceqa/air-quality-analysis-handbook/mobile-source-toxics-analysis>.

<sup>6</sup> South Coast AQMD's 2016 Air Quality Management Plan can be found at: <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2017/2017-mar3-035.pdf> (starting on page 86).

<sup>7</sup> Southern California Association of Governments' 2020-2045 RTP/SCS can be found at: [https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A\\_ConnectSoCal\\_PEIR.pdf](https://www.connectsocial.org/Documents/PEIR/certified/Exhibit-A_ConnectSoCal_PEIR.pdf).

*on any more left.*

*50*  
Judith Sparre  
25551 Leeward Dr  
Dana Point CA 92629

*50*  
EYE ON DP

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# NEWS BITES

COMPILED BY DANA POINT TIMES

## DP | Local Teens Organize Pop-Up Medical Clinic

Students in South Orange County have helped put together a medical clinic on Saturday, Aug. 7, at Dana Hills High School from 10 a.m.-3 p.m., intended to help members of the disadvantaged community. Doctors and health care workers will be on-site.

The teens behind the project are Dana Hills High junior Edgar Omar Arteaga and St. Margaret's Episcopal School freshman Dania Alexa Arteaga. Project partners include Mission Heritage Medical Group, City of Dana Point, Dr. Karen Fu, Dr. Pejman Fani, Dr. Alexa Gozali and Latino Health Access. The event is being facilitated through the Dragon Kim Foundation.

"In his free time, Edgar loves jamming with piano, guitar, and the violin. Edgar hopes to become a cardiologist stationed in low-income communities, inspiring youth in similar circumstances to work and play hard," a news release said. "Outside of school, Dania is a Mexican folklorico dancer, a singer, and a writer. Dania is very passionate about social justice issues, striving to create a safe, positive community."

Carl Cosue of Premier Ambulance and Kervin Wang, a systems engineer with the Department of Defense, are serving as project mentors.

## DP | Public Comments Accepted for Environmental Impact Study of Victoria Blvd. Apartments

Earlier this year, Toll Brothers, a housing construction company, was given the green light to study the environmental impacts of a proposed apartment complex on Victoria Boulevard in Capistrano Beach, at its own expense.

Toll Brothers applied for Dana Point City Council approval to pursue an environmental impact report (EIR) in July 2020, but the request was voted down. At the time, councilmembers expressed concern with the need for public outreach and inconsistencies with the city's General Plan. While the same issues resurfaced at the Tuesday, Feb. 2 council meeting, the action items narrowly passed.

Major differences in the second proposal include fewer units, height reduction, the addition of affordable housing and open space.

Unit count decreased from 401 to 365, with 15% affordable units proposed and with 1.1 acres dedicated to recreation

## COMMUNITY MEETINGS

**TUESDAY, AUGUST 3**  
**Dana Point Planning Commission**  
6 p.m. The Dana Point Planning Commission will hold a regularly scheduled meeting in the Dana Point Public Works Conference Room, 33282 Golden Lantern, Suite 212, Dana Point.

**TUESDAY, AUGUST 10**  
**Because I Love You (BILY)**  
6:30-8:30 p.m. The organization Because I Love You (BILY), which helps parents navigate through whatever parenting challenges they may be facing (e.g., failure to launch, drug abuse, disrespect), will continue conducting its weekly meetings on Tuesdays via Zoom video conference. For detailed instructions on how to participate, email bilyсанclemente@gmail.com.

and open space. Based on current zoning rules, there would be a maximum allowance for 224 units, including a percentage of affordable housing.

Building height would be limited to 50 feet along Victoria Boulevard, and 65 feet beyond, along La Playa Avenue, along the off-ramp from Interstate 5. The additional 10 feet for rooftop equipment and 10 feet for recreational amenities drew concerns during public comments. But city officials emphasized that approval of the action items was not an approval of the project.

Michael Baker International, the consultant currently finalizing the EIR for the Doheny Village Plan, handled the study.

In a 3-2 vote, city council approved the recommended action to adopt a resolution to initiate a General Plan Amendment and Specific Plan District for the Victoria Boulevard Apartments and to authorize for the city to execute an agreement on an environmental impact report, costing up to \$207,000, which will be billed to Toll Brothers.

A scoping meeting held on Thursday, August 6, introduced the project scope and the environmental review process. The public had the opportunity to provide comments on environmental topics and issues of concern. For those who were unable to attend, written comments must be sent to Belinda Deines, the city's principal planner, via email at bdeines@danapoint.org or mailed to 33282 Golden Lantern, Dana Point, CA 92629.

The environmental impact report can be viewed at danapoint.org or within the online version of this article. The public comment period closes on August 17 at 5 p.m.

*Dana Point News in Time we are looking at a (6/11/21)*

*Vote Belinda Poque #5*

*NOTE - 8-6-2021 - There are two meetings left*

**From:** [steve.carpenter@flash.net](mailto:steve.carpenter@flash.net) <[steve.carpenter@flash.net](mailto:steve.carpenter@flash.net)>  
**Sent:** Monday, August 9, 2021 5:18 PM  
**To:** 'Richard Law' <[rlaw1@mac.com](mailto:rlaw1@mac.com)>; Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
**Cc:** 'Robinson Larry' <[larryr@barrettrobinson.com](mailto:larryr@barrettrobinson.com)>; 'Theresa Bovee' <[TheresaBovee@hotmail.com](mailto:TheresaBovee@hotmail.com)>; 'Bob Chade' <[bchade@aol.com](mailto:bchade@aol.com)>; Jim Surber <[socalwash@gmail.com](mailto:socalwash@gmail.com)>; [steve.carpenter@flash.net](mailto:steve.carpenter@flash.net)  
**Subject:** RE: Victoria Blvd Apartments - Environmental Review - Initial Study - July 2021  
**Importance:** High

Hello Richard,

THANK YOU! I received your email on Sunday and today. You've covered some essential clarifications of these items exceptionally well.

I have been so busy at work. I've only had the time to skim these documents. I could make the Scoping Meeting and was disappointed it was NOT shown on YouTube and Television.

I sent Belinda a quick email regarding the terms of use for the school district property, part of the Grant Deed.

We have several concerns regarding the School District Property.

I have attached a document having to do with this property. First and foremost, the Grant Deed 1926-686-396 #37096 states the following.

"The above-described property is conveyed subject to the following express conditions and restrictions remaining with the land:

(Bottom of Page #1) That said property shall be used by the party of the second part herein and its an ??? (an aoss-eors) or assigns for public school purposes only but not for a reform school."

We have several more documents having to do with your property. We want to meet with you and your team to discuss this very important instrument.

Thank You,  
Steven Carpenter

Steven Carpenter,  
[steve.carpenter@flash.net](mailto:steve.carpenter@flash.net)  
Mobile: (714) 715-8784  
Direct Fax: (949) 240-3439

=====

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**From:** Richard Law <[rlaw1@mac.com](mailto:rlaw1@mac.com)>  
**Sent:** Monday, August 9, 2021 4:50 PM  
**To:** Deines Belinda <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
**Cc:** Robinson Larry <[larryr@barrettrobinson.com](mailto:larryr@barrettrobinson.com)>; Theresa Bovee <[TheresaBovee@hotmail.com](mailto:TheresaBovee@hotmail.com)>; Bob Chade <[bchade@aol.com](mailto:bchade@aol.com)>; [steve.carpenter@flash.net](mailto:steve.carpenter@flash.net); Clark Thomas <[tomclarkstudio@me.com](mailto:tomclarkstudio@me.com)>; Michael McCann <[mmccann@tollbrothers.com](mailto:mmccann@tollbrothers.com)>  
**Subject:** Fwd: Victoria Blvd Apartments - Environmental Review - Initial Study - July 2021

Begin forwarded message:

**Subject: Re: Victoria Blvd Apartments - Environmental Review - Initial Study - July 2021**

Hi Belinda,

Here are some observations and comments I have on the Initial Study. I know there will be several more steps in the process and opportunities for input before the EIR is finalized.

I reference the section they apply to in the Initial Study:

PAGE 2-5

2.4 PROJECT CHARACTERISTICS

Says: .....minimum of 1.1 acres of public open space. Should say: ..... usable public open space.

VICTORIA BOULEVARD SPECIFIC PLAN

Says: ....including land use regulations, circulation pattern, public facilities/infrastructure, and development standards, Should say: ,,,,design guidelines, and development standards.

PAGE 2-7

CIRCULATION PLAN

Should add: An enhanced sidewalk will be provided along Victoria Boulevard with amenities. A multi-use trail will be provided along La Playa Avenue with amenities. Both will accommodate village as well as project circulation. TBAL has committed to these sidewalk and trail improvements.

PAGE 4.1-2

4.1 AESTHETICS

c) In non-urbanized areas....If the project is in an urbanized area would the project conflict with applicable zoning and other regulations governing scenic quality.

Potentially Significant Impact. Should add: From within Doheny Village the proposed project has the potential to appear massive and out of scale if buildings along Victoria Boulevard and Sepulveda Avenue are of uniform height, form, massing, and color. Note: This issue has been discussed with TBAL. They have prepared design studies varying the height, form, massing, and color of buildings along Victoria Boulevard with lower buildings of varied form, massing, and lighter color closest to the street and taller buildings of varied height, form, massing, and color set back farther from the street. This treatment shows promising results in reducing the visual impact of the project. An updated study may be needed

that includes the Sepulveda Avenue frontage. The proposed Specific Plan should include design guidelines addressing building height, form, massing, and color.

PAGE 4.16-1

#### 4.1 RECREATION

a) Would the project increase the use of existing neighborhoods and regional parks or other recreational facilities?

Potential Significant Impact. The project proposes to provide significant private recreational amenities to serve the residents. The project proposes to provide 1.1 acres of usable (but privately owned) open space on site or possibly some of it off site if it all cannot be accommodated on site. There is no usable public open space in Doheny Village now,

This would seem to be a mitigation measure for the increased demand for recreation facilities created by the project.

PAGE 14.17-1

#### 4.17 TRANSPORTATION

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facility?

Potential Significant Impact. Improved pedestrian and bicycle connectivity is very important for Doheny Village. The project proposes to provide two important segments of the Doheny Village trail system. The enhanced sidewalk on Victoria Boulevard is part of the proposed Victoria Boulevard Trail that extends across the entire village. The La Playa Avenue Trail is part of a proposed trail that connects to the Victoria Boulevard Trail and potentially goes along the freeway edge to Doheny Park Road and on to the beach.

This would seem to be a mitigation measure for increased demand for pedestrian and bicycle trails caused by the project. It would also potentially reduce the need for driving,

I hope these observations and comments are useful.

Richard Law  
34192 Sepulveda Avenue,  
Capistrano Beach, CA 92624

[rlaw1@mac.com](mailto:rlaw1@mac.com)



Virus-free. [www.avg.com](http://www.avg.com)



**From:** [steve.carpenter@flash.net](mailto:steve.carpenter@flash.net) <[steve.carpenter@flash.net](mailto:steve.carpenter@flash.net)>  
**Sent:** Thursday, August 5, 2021 5:29 PM  
**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
**Cc:** [steve.carpenter@flash.net](mailto:steve.carpenter@flash.net)  
**Subject:** RE: Victoria Blvd Apartments: EIR Scoping Meeting - Thursday 8/5 @ 6 PM

Hello Belinda,

We have several concerns regarding the School District Property.

I have attached a document having to do with this property. First and foremost, the Grant Deed 1926-686-396 #37096 states the following.

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(Bottom of Page #1) That said property shall be used by the party of the second part herein and its an ??? (an aoss-eors) or assigns for public school purposes only but not for a reform school.”

We have several more documents having to do with your property. We want to meet with you and your team to discuss this very important instrument.

Thank You,  
Steven Carpenter

Steven Carpenter,  
[steve.carpenter@flash.net](mailto:steve.carpenter@flash.net)  
Mobile: (714) 715-8784  
Direct Fax: (949) 240-3439

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37095.

## G R A N T D E E D

IN CONSIDERATION, of Ten & no/100th Dollars (\$10.00) MABLE McGEE, a single woman, does hereby grant to D. O. STEGEMAN, a single man, all that Real property situate in the Rancho La Habra, County of Orange, State of California, described as follows:

The North 62½ feet of the South 432½ feet of the West 345 feet of the West one-half (½) of the Northeast Quarter (NE¼) of the Northwest quarter (NW¼) of Section Eight (8) Township Three (3) South, Range Ten (10) West, S. E. E. & M.

Subject to: Covenants, conditions, restrictions and reservations of record;

Subject to: Second installment of Taxes for 1926-1927;

TO HAVE AND TO HOLD, to the said grantee his heirs or assigns forever

WITNESS my hand this 10th day of December, 1926

Mable McGee

State of California, )

County of Orange ) ss

On this 18th day of December, A.D. 1926, before me, Charles C.

Kinsler, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared Mable McGee, a single woman, known to me to be the person described in, and whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

((SEAL))

Charles C. Kinsler Notary Public

in and for said County and State

My commission Expires March 25, 1928

Filed for record at the request of Grantee Dec 15, 1926, at 9 o'clock A.M. and recorded in Volume 686 of Deeds, page 396 Orange County Records, Justine Whitney Recorder By Edith Schmiel Deputy Recorder

Ruby Cameron COMPARED Vera Trumble

--- o o ---

37096.

## D E E D

THIS INSTRUMENT, Made the 7th day of September, 1926

Between THE FIRST NATIONAL BANK OF SANTA ANA, a Corporation, having its principal place of business at Santa Ana, California, the party of the first part, and SERRA SCHOOL DISTRICT OF ORANGE COUNTY, the party of the second part;

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) lawful money of the United States of America, to it in hand paid, by the said party of the second part, the receipt whereof is hereby acknowledged, does by these presents, grant, bargain, sell, convey and confirm unto the said party of the second part, all those certain lots, pieces or parcels of land situated, lying and being in the County of Orange State of California, bounded and particularly described as follows, to wit:

Lots One (1) to Twelve (12) both inclusive in Block Five (5) of Tract No. 735, Capistrano Beach, as shown on a Map recorded in Book 22, pages 21 et seq of Miscellaneous Maps, Records of Orange County, California.

The above described property is conveyed subject to the following express conditions and restrictions running with the land;

That said property shall be used by the party of the second part herein and its successors or assigns for public school purposes only but not for a reform school.

That all buildings erected upon said land shall cost and be fairly worth for labor and materials not less than \$40.00 per front foot, or a minimum of \$1000.00 for each building.

That no outside toilet or temporary buildings shall be constructed or maintained on said land or any part thereof.

That all structures erected on any part of said land in whole or in part shall be of new materials and be of brick, stone, concrete, imitation stone, concrete blocks, terra cotta, or frame with plaster or stucco exterior.

That all roofs, shall be of the flat roof type, tar and gravel composition, or covered asphalt or asbestos shingles, with hip roof, not to exceed four-to-one pitch, or slate or tile.

That no part of any of said lots shall ever at any time be leased or rented to any person other than the White or Caucasian Race.

Upon breach of the foregoing conditions, or any of them, the whole of the land hereby conveyed shall revert to the party of the first part, its successors or assigns, each of them respectively shall have the right of immediate re-entry upon said land, in the event of any such breach.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances unto the said party of the second part, upon the conditions and restrictions above set out.

IN WITNESS WHEREOF, The First National Bank of Santa Ana, has hereunto caused its Corporate name to be signed and its Corporate seal to be affixed by its Cashier and Trust Officer, thereunto duly authorized by resolution of its Board of Directors, the day and year first above written.

((CORPORATE SEAL))

THE FIRST NATIONAL BANK OF SANTA ANA

By W. B. Williams Cashier

By C. L. Pritchard Trust Officer

State of California, }  
County of Orange } ss

On this 14th day of December, 1926, before me, E. Virginia Craig a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared W. B. Williams, known to me to be the Cashier, and C. L. Pritchard, known to me to be the Trust Officer, of the corporation described in and that executed the annexed instrument, and known to me to be the persons who executed the annexed instrument, on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

((SEAL))

E. Virginia Craig Notary Public

in and for said County and State

Recorded at request of R. P. Mitchell, Dec 15, 1926, at 5 min past 9 A.M. in Book 686 page 396 of Deeds, Orange County Records, Justice Whitney County Recorder

Ruby Cameron COMPANED Vera Trumble

--- o o ---

**From:** Tom Cowperthwait <[tcowperthwait@gmail.com](mailto:tcowperthwait@gmail.com)>

**Sent:** Tuesday, August 10, 2021 9:40 PM

**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>

**Subject:** Victoria Blvd apartments

Why only 15% affordable housing?

--

Tom Cowperthwait

[tcowperthwait@gmail.com](mailto:tcowperthwait@gmail.com)

513-703-3633

24702 Cordova Dr. Dana Point

**From:** Capo Cares <[capocares@gmail.com](mailto:capocares@gmail.com)>  
**Sent:** Tuesday, July 20, 2021 7:21 PM  
**To:** Belinda Deines <[BDeines@DanaPoint.org](mailto:BDeines@DanaPoint.org)>  
**Subject:** Re: Victoria Blvd Apartments - Environmental Review

Hi Belinda. Please include me on the list for the EIR.

Toni Nelson  
[Capocares@gmail.com](mailto:Capocares@gmail.com)  
34605 Camino Capistrano, Capistrano Beach, CA 92624