

Draft Environmental Impact Report
Volume II - Appendices A - D
South Shores Church Master Plan
City of Dana Point

SCH No. 2009041129



Prepared by

LSA

LSA ASSOCIATES, INC.

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APPENDIX A

**INITIAL STUDY/NOTICE OF PREPARATION AND COMMENT
LETTERS**

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**NOTICE OF PREPARATION
DRAFT ENVIRONMENTAL IMPACT REPORT AND PUBLIC SCOPING MEETING**

Date: February 4, 2010
Subject: Notice of Intent to Prepare a Draft Environmental Impact Report
Project Title: South Shores Church Proposed Master Plan, SCH No. 2009041129
Applicant: South Shores Church

This Notice of Preparation (NOP) is being issued by the City of Dana Point (City) for the proposed South Shores Church Master Plan Project located in the City of Dana Point. The City is the Lead Agency for the project and will prepare an Environmental Impact Report (EIR) in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA implementing guidelines (Guidelines). This NOP is being circulated pursuant to California Resources Code Section 21153(a) and CEQA Guidelines Section 15082.

The project site is located at 32712 Crown Valley Parkway and is adjacent to the intersection of Crown Valley Parkway and Sea Island Drive within the City of Dana Point. The project site is bordered on the west by Crown Valley Parkway and residential uses beyond; on the north and south by residential uses; and on the east by an undeveloped slope and the Monarch Beach Golf Links beyond. The project site is semi-rectangular in shape and comprises approximately 6 acres of land developed with South Shores Church facilities, all within the City's Coastal Zone. Existing conditions on site include 42,545 square feet (sf) of building space including a Sanctuary, Chapel, Administration and Fellowship Hall, Preschool, and associated parking. The proposed project includes demolition of approximately 23,467 sf of building area, including the existing Chapel, Administration and Fellowship Hall, and Preschool, and construction of approximately 70,284 sf of new building area, including a new Preschool and Administration Building, two Christian Education Buildings, and a Community Life Center, for a total of 89,362 sf of building area at the completion of the Master Plan. Additionally, the proposed project includes a two-level partially subterranean parking structure. All construction would occur within the existing property boundaries and in several phases over a 10-year timeframe.

The City previously prepared a Mitigated Negative Declaration (MND) that was circulated for a 30-day public review period in April/May 2009. Comments on the MND were received, responses to comments completed, and public hearings took place on June 15, 2009, and July 20, 2009. However, subsequent to these public hearings, the City determined that, due to an abundance of caution, the level of CEQA review should be elevated to an EIR. Therefore, the City is proceeding with the preparation of an EIR. The City is the Lead Agency responsible for preparing an EIR addressing potential impacts associated with the proposed South Shores Church Master Plan Project pursuant to Public Resources Code Section 21165. In order for your concerns or the concerns of your agency to be incorporated into the Draft EIR, the City will need to know your views or the views of your agency as to the scope and content of the environmental information relevant to your agency's statutory responsibilities in connection with the proposed project. Responsible and Trustee Agencies must consider the EIR prepared by the City when considering a permit or approval for the project.

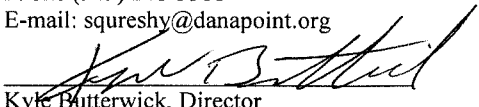
Based on the analysis contained in the project's Initial Study, the probable environmental effects of the project to be analyzed in the Draft EIR include but are not necessarily limited to the following: aesthetics, air quality, biological resources, cultural/paleontological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services and utilities, and transportation and circulation. Responses received to this NOP may modify or add to the preliminary assessment of potential issues addressed in the EIR. The Initial Study is available for public review at the City's website, the Community Development Department's public information counter, and the Dana Point Library.

This NOP will be submitted to the State Clearinghouse, any Responsible and Trustee Agencies, and other interested parties that have specifically requested a copy of the NOP. Public agencies and the public are invited to comment on the proposed scope and content of the environmental information to be included in the Draft EIR. Due to the time limits mandated by State law, your comments must be received by the close of business on March 22, 2010.

SCOPING MEETING: A public scoping meeting will be held on Thursday, March 4, 2010, from 6:00 p.m. to 9:00 p.m. in the Dana Point Community Center Gymnasium, located at 34052 Del Obispo Street, Dana Point. The intent of the meeting is to obtain information and solicit comments from the public about the issues and content of the EIR. The description of the project will also be presented at the meeting.

All comments to this notice must be submitted in writing to the following address or by email, as indicated below, by March 22, 2010:

City of Dana Point
Attention: Saima Qureshy, AICP, Senior Planner
33282 Golden Lantern
Dana Point, CA 92629-1805
Phone (949) 248-3568
E-mail: squireshy@danapoint.org

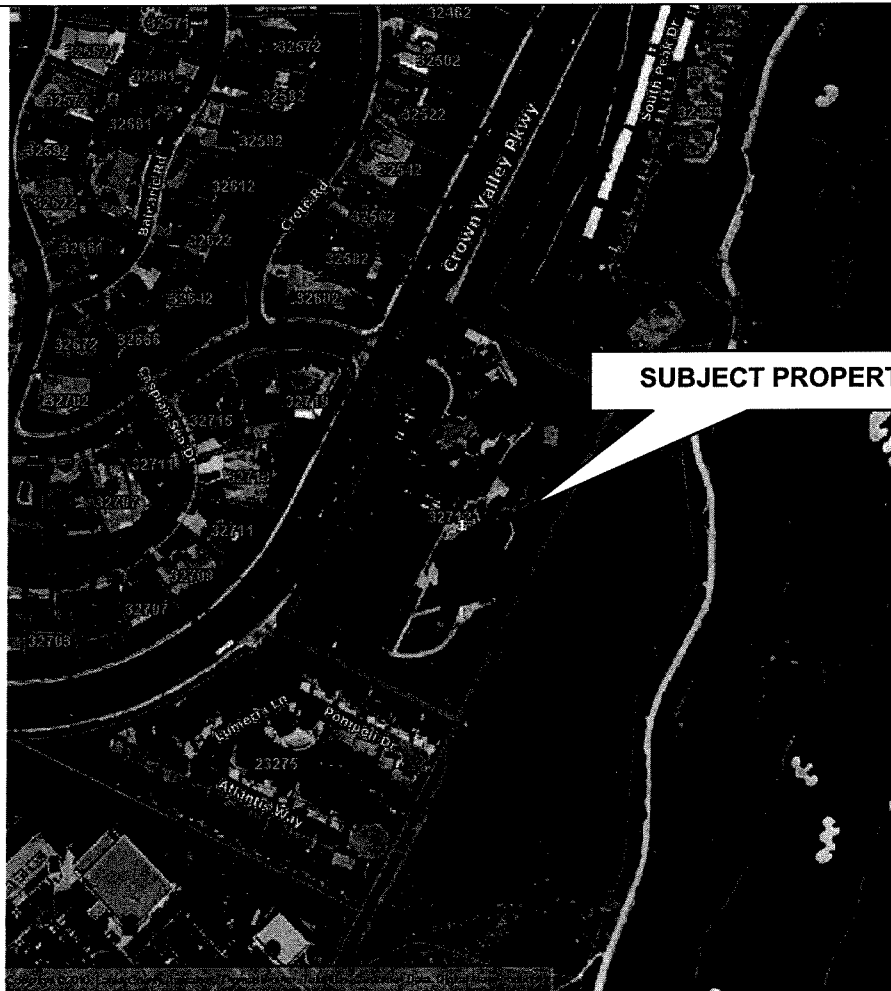

Kyle Butterwick, Director
Community Development Department


Date

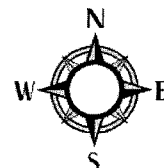


City of Dana Point
Saima Qureshy – NOP and Scoping Meeting for Draft EIR
CDP04-11/CUP04-21/SDP04-31
Community Development Department
33282 Golden Lantern
Dana Point, CA 92629-1805

VICINITY MAP



Project: CDP04-11/CUP04-21/SDP04-31
Applicant: South Shores Baptist Church
Location: 32712 Crown Valley Parkway





MAR 25 2010

RECEIVED
IRVINE

LETTER OF TRANSMITTAL

To: Ashley Davis, LSA Associates Inc. **Date:** March 24, 2010

Project: South Shores Church Proposed Expansion Project - Transmission of Public Comments pursuant to the Notice of Preparation for the South Shores Church EIR, dated February 4, 2010.

Attn: Ashley Davis

WE ARE FORWARDING: By Messenger By Mail Your Pickup

# of Copies:	Description:
1	A list of all the commenters
1	Letters/e-mails/comment cards

COMMENTS: The public comment period to provide comments on the scope and content of the environmental information to be included in the Draft EIR concluded on March 22, 2010, pursuant to the Notice of Preparation dated February 4, 2010. The City has received a total of 42 letters/e-mails/comment cards during the 45 day public comment period.

Attached to this transmittal is a list of all the commenters and copies of all the comments received. Please send us a confirmation that you have received all the above noted correspondence.

THIS MATERIAL IS FORWARDED FOR:

- | | | |
|---|--|-----------------------------------|
| <input checked="" type="checkbox"/> Your Files | <input type="checkbox"/> Per Your Request | <input type="checkbox"/> Approval |
| <input checked="" type="checkbox"/> Your Review | <input type="checkbox"/> At the request of Kyle Butterwick, Director | |
| <input type="checkbox"/> Checking | <input type="checkbox"/> Other | |
-

BY: Kyle Butterwick, Director
Community Development Department

 3/24/10

South Shores Church Proposed Expansion Project

Comments were received from the following commenters during the public comment period of Notice of Preparation for the Draft Environmental Impact Report from February 4, 2010 to March 22, 2010

1. Frank Alvarez – 26 San Raphael, Dana Point, CA 92629
2. Roger Herbert – 17 Cassis, Ritz Pointe, Dana Point, CA 92629
3. Todd Lipscomb – 38 San Raphael, Dana Point, CA 92629
4. Dulcie Pate – Monarch Bay Villas, Dana Point, CA 92629
5. Carl Verheyen – Monarch Terrace, Dana Point, CA 92629
6. Todd Glen – 23285 Pompeii Drive, Dana Point, CA 92629
7. Paul Melby – 34401 Via Espinoza, Dana Point, CA 92629
8. Roxanne Willinger – 23286 Pompeii Drive, Dana Point, CA 92629
9. VOMB – 23286 Pompeii Drive, Dana Point, CA 92629
10. Celine Capose – Monarch Bay Villas, Dana Point, CA 92629
11. Shannon & David Demas – 1 Vista Cielo, Dana Point, CA 92629
12. Kerry Krisher and John Foley – 39 Costa Del Sol, Bill and Lisa Pine – 41 Costa Del Sol, Dana Point, CA 92629
13. Josette and Rodney R. Hatter – 23297 Pompeii Drive, Dana Point, CA 92629
14. Bob Enochs – 49 Cassis, Dana Point, CA 92629
15. Linda Enochs – 49 Cassis, Dana Point, CA 92629
16. Lisa Minner – 32460 Crown Valley Parkway, Dana Point, CA 92629
17. Patricia McCarroll – 23285 Atlantis Way, Dana Point, CA 92629
18. Gary Frye – 23281 Pompeii Drive, Dana Point, CA 92629
19. Charles Wagner – 23271 Pompeii Drive, Dana Point, CA 92629
20. Mark and Luann Stander – 32781 Lumeria Lane, Dana Point, CA 92629
21. Patricia Hunt – 223291 Pompeii Drive, Dana Point, CA 92629
22. James Mullen – 23242 Tasmania Circle, Dana Point, CA 92629
23. Noel Schachner – 23254 Atlantis Way, Dana Point, CA 92629
24. Robert and Sally Thatcher – 32562 CRE 3 RD., Dana Point, CA 92629
25. Abby & Ron Feiner – 31 Santa Lucia, Dana Point, CA 92629
26. Cynthia A. Whitworth – 23284 Pompeii Drive, Dana Point, CA 92629
27. Gordon G. Montgomery – 23284 Pompeii Drive, Dana Point, CA 92629
28. Tom Kundson – 23269 Atlantis Way, Dana Point, CA 92629
29. Brian and Lisa Manning – 32717 Sea Island Drive, Dana Point, CA 92629
30. Roberta Margolis – 23296 Pompeii Drive, Dana Point, CA 92629
31. Edward and Karen Jantzen – 51 Cassis, Dana Point, CA 92629
32. Dianna and Joseph Barich, 19 Cortina, Dana Point, CA 92629
33. Michael Hazzard, 31902 Via Fiero, San Juan Capistrano, CA 92675
34. Jerry and Virginia Woods, 23262 Atlantis way, Dana Point, CA 92629
35. Sergio and Mara Landau - 23293 Pompeii Drive, Dana Point, CA 92629

36. Peggy Kay and Linda Comstek – 32602 Crete Road, 32161 Sea Island Drive, DP, CA 92629
37. Marsorie Anderson – 23287 Pompeii Drive, Dana Point, CA 92629
38. Clean Water Now Coalition/Roger von Butow – P.O. Box 4711, Laguna Beach, CA 92652
39. Deanna and Robert Saint-Aubin – 53 Cassis, Monarch Beach, CA 92629

Comments from Public Agencies

1. Department of Toxic Substances Control
2. Native American Heritage Commission
3. South Coast Air Quality Management District

SAIMA QURESHY

From: Frank Alvarez [socalfrank@me.com]
Sent: Saturday, February 20, 2010 7:13 PM
To: SAIMA QURESHY
Subject: South Shores Church Proposed Master Plan SCH No. 2009041129

Please include my comments below for use in public comments concerning the EIR.

As a property owner in Monarch Beach since 1991 and former member of the City of Dana Point Traffic Commission, I have deep concerns regarding the application for expansion presented to the City by the South Shores Church.

The property is located along one of the most dangerous stretches of roadway in the City of Dana Point. Past studies while I was on the Traffic Commission showed that the roadway was improperly graded and water runs across the roadway frequently due to landscaping and during rainfall. This along with traffic volumes and high rates of speeding in this section have contributed to countless accidents in the nearby stretch of roadway. The City has been aware of this problem since it was incorporated.

Any significant expansion by the Church will lead to an increase in traffic volume especially when services, meetings, and other gatherings are congregating or disbursing. This will increase the accidents tally at this location, resulting in increased injuries and death to motorists on this stretch of Crown Valley Parkway.

Unless the Church is willing to shoulder the costs to redesign and reconfigure Crown Valley Parkway from Seven Seas to Pacific Coast Highway, the City should deny their application on traffic and safety concerns alone.

I am also concerned that this site is along the same side of Salt Creek where landslides were experienced at the Monarch Coast Apartment complex, requiring demolition of 2 large apartment buildings, along with damage done to the trail below. It is well known that an aquifer travels below this site and the danger of a landslide will increase with the additional weight of the proposed expansion. The City should not contribute to its potential future liability by approving this expansion.

The fact of the matter is South Shores Church is a valued member of the community. It has been successful and has prospered; however, their desired growth is too dense and not appropriate for their current site.

South Shores Church should either locate some of their uses to a more appropriate site, or consider relocating their entire operation to a location that will accommodate their current demands and future growth.

Sincerely,

Frank Alvarez
Owner of property at:
26 San Raphael
Dana Point, CA 92629

City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629-1805

RECEIVED

FEB 18 2010

Attention: Siama Quershy

Gentlemen:

CITY OF DANA POINT
COMMUNITY DEVELOPMENT

Following the receipt of the notice that the city of Dana Point is scoping an Environmental Impact Report (EIR) for the proposed South Shores Church Master Plan and Project, I am requesting that all potential impacts listed by city staff that were earlier judged to be less than significant in the initial study, be included in the Draft EIR. I firmly believe that many of these impacts are serious enough to be treated in considerable detail and subjected to full disclosure and evaluation as specified in the requirements of the California Environmental Quality Act. At a minimum the following potential impacts need to be presented in detail in the report:

Aesthetic Considerations and Visual Impacts

The project will substantially and permanently alter the alluring scenic resources of the area. Visitors and residents have been drawn to, and invested considerable sums in, this area mainly due to its scenic attributes with little to no overt commercial structures within sight. With the construction of the project many vistas will be negatively impacted and in some cases obscured or changed for the worse forever. Additionally, the intrusion of more artificial light at night, creating an annoying glare, is just one of the serious consequences of the project detracting from the tranquil near beach living environment most residents invested in. As such, I am requesting a detailed day and night visual impact analysis by a qualified landscape architect be included in the Draft EIR as well as a survey of all residences who would have a direct line of sight of this facility as to the perceived impact on their investments.

Air Quality

As an additional traffic generator with a significant increase in motor vehicle traffic pollutants will enter the ambient air in the area once the project is built out and tend to sink in the canyon and golf course causing a continuous health hazard on calm days. The Draft EIR should include an identification, in quantitative terms, of the amounts of pollutants that will be added to the air shed that result from additional trips to and from the facility, the dispersal patterns around the facility and baseline NOX levels with predicted increases.

Biological Resources

A detailed analysis must be performed on the potential for impacts on the local ecosystems close to the project area. A qualified biologist needs to assess any impacts on those systems with particular focus on any potential impacts on the nesting and resting patterns of migratory and resident birds that frequent the area.

Cultural Resources

A qualified archaeologist must be consulted to determine the possibilities of existing archeological and/or paleontologist remains on the site. The results of this investigation must be included in the EIR.

Geology and Soils

A geotechnical engineering analysis must be performed and reported in the EIR. The potential for landslides and the creation of additional hazards by land removal must be addressed.

Hazard Analysis

The potential for the introduction of hazardous materials into the local environment during the construction and operation phases of the facility must be addressed.

Hydrology and Water Quality.

The impacts related to storm water runoff during and post construction must be covered in the EIR. The analysis should consider impacts related to increases in storm water runoff due to the creation of more impervious surfaces and thus a greater potential for increases in the flow of more pollutants into local water resources. Also to be considered is the increase in water use due to the massive size of the project and re-landscaping and the associated runoff.

Noise

Quantified estimates must be made for any increases in noise decibel levels during the construction and operation of the proposed facility. The potential for exceeding noise standards must be identified.

Public Services

The EIR should include an identification of added costs in providing public services to the facility including police and fire protection.

Traffic Study

The EIR must include a detailed a traffic impact analysis for all major roadways in the area. Crown Valley boulevard is considered to be a high traffic byway by many local residents with densities that can be hazardous enough without the additional traffic generated by this facility made even more dangerous by the number of slow pull out and merge and left turn operations that will be attempted.

Infrastructure and other fiscal impacts

The EIR must outline the impacts on the existing infrastructure in the area and define all costs that will be borne by the city to accommodate the project fiscal or otherwise.

I want to thank you for the opportunity to comment on the upcoming EIR investigation and trust that the items I have identified will be properly addressed and presented in the draft EIR

Roger P Herbert

Roger P. Herbert
Ritz Pointe
17 Cassis
Dana Point, CA 92629



Roger Herbert
8603 Tranquil Park Dr.
Spring, TX 77379

HOUSTON TX 77001

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



2010 FEB 18 A 9:45
Siama Quershy
City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629-1805

32629-1805



February 25th, 2010

Attn.: Saima Qureshy, AIC, Senior Planner

33282 Golden Latern

Dana Point, CA 92629

RECEIVED

FEB 25 2010

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Mr. Qureshy & City of Dana Point Officials,

We are writing in opposition to the South Shores Proposed Master Plan, SCH No. 2009041129

Thank you for notifying us in regards to this massive construction and usage plan. As nearby neighbors, we have reviewed the city's documentation and observed the location multiple times.

My wife and I strongly oppose this plan.

There are significant pollution, environmental impact, noise, and quality of life issues with the proposed location. Ironically, this facility already attracts significant weekend traffic and makes a lot of noise now, even without this massive expansion.

The proposed huge increase significantly raises not just the burden on the residents of the city, but also increases the traffic and pollution dangers to our citizens significantly.

We would approve of their efforts if they moved the plan to any of the many available locations inland that have less all around impact. Indeed, many locations already have empty facilities near appropriate highways.

The city has a duty to protect its citizens and stop this plan from proceeding.

Sincerely,

Todd Lipscomb

Todd Lipscomb
38 San Raphael
Dana Point, CA 92629

*Todd Lipscomb
38 San Raphael
Dana Point, CA
92629*

SANTA ANA CA 927
25 FEB 2010 PM 9 T



*City of Dana Point
Attn: Saima Qureshy
33282 Golden Latern
Dana Point, CA
92629*



SAIMA QURESHY

From: Dulcie Pate [dulciepate@cox.net]
Sent: Wednesday, March 03, 2010 11:18 AM
To: SAIMA QURESHY
Subject: Church Project

I was planning to be at the meeting on March 4th, but I'm coming down with a cold.

However, my concerns with this project first of all its too-too large, and second the traffic will be a a nightmare. As it is trying to get out of our driveway, its like a train of traffic coming from P.C.H , then on C/Valley going toward PCH. you just have to sit there and wait, or get killed.

No one has any idea what we'll go through for ten years, if we last that long, I will be willing exchange my house with anyone of you who will be making these decisions for them to have the experience of going through this nighmare.

Dulcie Pate
Manarch Bay Villas.

SAIMA QURESHY

From: CWVerheyen01@earthlink.net
Sent: Wednesday, March 03, 2010 12:18 PM
To: SAIMA QURESHY
Subject: Chuch Expansion

I live directly above the church on Crown Valley. I have lived in Monarch Terrace for 31 years. Although I appreciate the church's need for expansion, the idea of a two story parking structure on Crown Valley Parkway is beyond comprehension. This is a residential community and that structure violates the integrity and ambiance of our neighborhood. Do not let that structure be built. Put their parking underground or below the church in some way. If they just increased the number of services, they would have ample parking.

Generally speaking, doubling their footprint is an offense to the community at large and smacks of a business enterprise rather than a house of worship. Let them move to a more appropriate location and leave our bedroom community as it is.

Carl Verheyen

Name: Todd Glen
Address: 23285 Pompeii Drive, Dana Point, CA 92629

RECEIVED

2010 MAR 22 A 10:45

CITY OF DANA POINT

March 22, 2010

City of Dana Point
Attention: Saima Qureshy, AICP, Senior Planner
Kyle Butterwick, Director, Community Development Department
33282 Golden Lantern
Dana Point, CA 92629-1805

Subject: My comments for LSA Associates' Scoping for EIR re:
South Shores Church Proposed Development Plan - SCH#2009041129

To City of Dana Point Staff:

At the March 4, 2010 Scoping Session on the Project referenced above, Kyle Butterwick agreed to arrange for receipts directly from LSA Associates to people who submit comments and request such receipts:

I request that LSA Associates acknowledge their receipt of my comments by their sending confirmation directly to me at the address above.

Thank you for your assistance.

 3-22-2010

March 4th 2010 – Scoping Session SSBC

From: Todd V. Glen
23285 Pompeii Drive
Monarch Beach, CA 92629

The City of Dana Point Planning Commission and the South Shore Baptist Church, who both stated that not one item in the Environmental Checklist Form had a “Potentially Significant Impact”, regarding any of the categories listed in the form, is an insult and a direct affront to the homeowners, residents and tax payers of Dana Point. This recycled and highly flawed document was taken from the original Mitigated Negative Declaration that has been proven to be inaccurate and completely biased. How can this flawed Environmental Checklist Form be used as the basis for the development of the current Draft EIR and not be tainted with the horrible sins of the past MND?

We are talking about a unique promontory overlooking the Salt Creek Scenic Corridor with a view to the Pacific Ocean. With the staking of the South Shore Baptist Church (SSBC) proposed building site by the Dana Point Planning Commission it has clearly shown that the proposed construction will affect all of Dana Point environment including quality of air, visual open space, noise, natural habitat, water seepage and subterranean water flows just to name a few.

The local residents, as well as all the citizens of this City and surrounding communities who use the Salt Creek Scenic Corridor pathway to access Salt Creek Beach and/or the coastal access of Crown Valley Parkway, will suffer with the adverse effects of this project. Over an unbelievable ten-year period there will be a visual and environmental blight to the City of Dana Point with chain link security fences, staging areas with construction vehicles and contractor’s signage blocking the access to and from the coastal panorama above Salt Creek Scenic Corridor. Thousands of local residents will be affected daily with this construction chaos – commuters, residents and tourists will not be spared as they attempt to navigate the Crown Valley Parkway access to the freeway. Today, there is a current

Todd V. Glen – 23285 Pompeii Drive, Dana Point, CA 92629
714-819-4685 Cell – tvglen@cox.net

March 4th 2010 – Scoping Session SSBC

construction project blocking Crown Valley and Alicia Parkway intersection, which foreshadows the horror that this project will cause for the next ten years.

The last open area of a most picturesque, tranquil and unstable promontory within Dana Point will be replaced with a 30-foot high castle wall blockage composed of an 84,000 square foot gymnasium, two multi-story classroom buildings, a two-story office/administration building housing a day school, a double decker underground parking lot for 450 cars, in addition to the existing church structures.

Below please find a more detailed evaluation of the Environmental Checklist presenting questions that have not been answered, addressing flawed statements and pointing out errors in the MND, requests for missing records and refuted assumptions made in this document. Each and all of these items must be addressed, explained, examined and updated by LSA in their development of the Draft EIR.

Aesthetics – Would the project:

a) Have a substantial adverse effect on a scenic vista?

The vistas from the public sidewalk along Crown Valley and the arterial access of Crown Valley Parkway to the ocean and the views of the “Salt Creek Scenic Corridor” will be completely blocked by the proposed two story Administration Building, the two story Classroom buildings, and the commercial gymnasium structure. The current feeling of open space from the promontory with an unlimited vista will be limited to a peaking between the aesthetically questioned designs of blocks of building attempting to make a “pseudo hacienda” local. The initial study currently posted has failed to address these concerns.

March 4th 2010 – Scoping Session SSBC

The views from the homeowner's of Corniche Sur Mer looking from the "east to the west" will be greatly altered. The proposed two story buildings with reflective glass, white color, and metal gutters completely alter the current feeling of "quaint little church on the promontory" to that of a big box high school type look. The initial study failed to consider this.

b) The proposed building substantially damages the scenic resources:

The history of the church has demonstrated it will not maintain the vegetation and plantings for which they currently are responsible. Their pledge to do so was used in the past as a way to mitigate their previous parking lot expansion. The church's commitment to plant and maintain the crib wall and area immediately east required for this expansion has not been honored. It is interesting to note that today (February 26, 2010) as we move toward the scoping session, for the first time in seven years the SSBC has employed a tree cutting crew to trim their trees along this crib wall. The results is not a upgrade in aesthetics but a bad one-side chopping of the trees. The initial study failed to examine this issue.

There is no reason to assume SSBC will with their proposed expansion change their maintenance policies. The degradation of the promontory by the proposed removal of trees, vegetation currently on the site to make space for the gymnasium is a negative proposal. Persons looking for quiet and serene location currently use this location. This is a location to relieve stress and come to grips with their life by enjoying the vista, the natural habitant, rocks, Salt Creek and the ocean. The removal of large existing trees and clear cutting the lower vegetation to clear the land area for two-story administration, the classrooms buildings and the gymnasium decreases substantially the current natural resources. The initial study failed to examine this issue.

March 4th 2010 – Scoping Session SSBC

The neighbor hood views for the Fourth of July fireworks celebrations from San Clemente to Laguna Beach use this open location. The initial study failed to examine this fact.

c) Substantially degrade the existing visual character or quality of the site and its surrounding?

31' to 35' high buildings as proposed will surround the current open vista site forming a "massive castle wall" blocking the view into and across the Salt Creek Corridor, as well as the view to the ocean. Currently the citizens enjoy the vista while walking in the area with loved ones, family and or their pets. There are no currently proposed walkways or access to the Salt Creek Corridor side of the proposed over built "castle walls". The initial study has failed to consider alternative plans of providing access for this view that will be in compliance with America Civil Liberty requirements. SSBC has not allowed any foot access or wheel chair access from their promontory site to the existing Salt Creek Corridor walkway and bike path.

These "castle walls" limit the vista of the natural habitat for the endangered California gnatcatcher and wildlife rehabilitation project directly below the building site. See VoMB website Photos. The initial MND application failed to examine these issues. The initial MND failed to examine the long-term effects (10 years) of building affecting the habitat and the impact on the Wildlife Project.

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

The preparation of the foundations for the proposed two floor classroom buildings will require, according to the documents submitted with the MND, retaining walls of more than 200 feet in length to "possibly" stabilize the 30 percent grade of the site. The ten year work period, suggests that all neighbors and visitors to the Salt Creek Scenic Corridor foot/ bike path, the local golf course, and

March 4th 2010 – Scoping Session SSBC

hotel complex will suffer from the blight of bent and damaged chain link fencing with torn and faded, flapping green plastic visual barriers securing this promontory. This surely is an aesthetic blight on the landscape for all persons looking across the golf course towards the promontory and walking along the Salt Creek Scenic Corridor. This has not been addressed in the initial study.

As a local homeowner I personally stated that a church has been nonresponsive regarding the nighttime security lighting in their current parking lot and the fact that it shines light into my bedroom each and every night. The security lighting of the church of their existing parking lot has not been maintained for the past five years and has not been addressed in the initial study.

There were not any statements in the initial MND that evaluated the lighting of the newly proposed two-story administration building that over looks and invades the residents of Monarch Bay Villas (MBVs). The idea that this expansion would have “less than significant impact” points out the lack of consideration by SSBC for their existing neighbors. This needs to be examined and has not been address in the initial study.

The scale of the building which was recently “stacked” (See VoMB website for photos) also demonstrates that it will block the morning sunlight, which is enjoyed by the Monarch Bay Villa residences. As the sun track north in the winter season window causing more reflections as well a security illumination was not addressed in the initial studies. This building invades the privacy of the MBV, by looking into our bedrooms and backyard patios. This item is not addressed or examined with any detail in the current MND and must be in the Draft EIR.

The current market value of the residence of MBV will not be improved by this project. The exact opposite is more likely to happen for at least ten years. The idea of selling of our homes has been discussed by many of the seniors living in the area. This proposal is a major change in the local

March 4th 2010 – Scoping Session SSBC

aesthetics and land. This will totally change the environment area for all the surrounding neighborhoods. Is it morally, legally, or aesthetically correct for one land parcel SSBC to negatively affect all surrounding land parcels? These questions need to be addressed on all three levels, morally, legally, and aesthetically.

Page 65 MND III. Air Quality – would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

The opening paragraph of alphabet soup in the MND has no significances except to show who is most significant in the chain of command; with the SCAQMD winning out because of it's published guidelines. A statement printed in the MND does not make a fact true. This has not been examined fully in the initial study.

The air quality modeling analysis contained in the MND appendix, which was prepared for the SSBC project, and based on both the short-term construction and long-term operation, states that it is unlikely that short-term construction activities will increase the frequency or severity of existing air quality violations due to required compliance with SCAQMD Rules and Regulations.

The proposed initial study does not examine the requested time line of **10 years**. This is not a short period of time and the MND has based the assessment air quality modeling analysis of the SCAQMD requirements on “**short term**” construction. Ten years is not a short-term construction time line and has never before been considered in any building permit issued by Dana Point. Why is this timeline being considered? This should be addressed in the D-EIR form all points of view and what are the benefits of the opponents and proponents?

The number of trips to move off site the massive excavation (over 100,000 yards of dirt) has not been examined fully in the initial study. The impact on traffic of hundreds of dump trucks driving

up and down coast highway through the city of Dana Point or up and down Crown Valley can not in anyway have a labeled of “No Impact”. How many dump trucks are required to move this volume of cut earth? What is the path that will be used for their exit and entrance to the site?

The impact on normal daily traffic on these major arteries is not examined fully in the initial study. The study only refers to handbook reference sections, which the initial study did not include in their entirety. The MND did not provide the specific code section identification. If this is important to be presented what are the code sections and how do they currently relate to the SSBC project?

b) Violate any air quality standard or contribute to existing or projected air quality violation?

This area is a concern due to the fact that the project has requested ten-year building time limit using 2010 as a guideline. What about changes in the codes, or new discoveries in construction in 2012, 2015, 2020 or even later when the project is to be completed? Why should we believe this timeline? Every construction project requires timeline extensions. Is there a penalty for this project not completed on time or in a timely manner? Is there an insurance indemnity for lack of completion and the endangerment of the adjacent residences during the ten years? This indemnity will need to extend for at least 10-years afterward completion, particularly for all residence of Monarch Bay Villas, who will be most affected due their closeness to the site.

This project is proposed in phases, which in itself seems a violation of CEQA in an attempt to minimize the environmental impact of the entire project. Is the ten-year project is for the convenience of the SSBC? I would assume this is case allowing for the continued operation and the payment of the church's bills for the duration of the project. What about the neighbors? They have not been given

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any consideration for their inconvenience of the dirt and dust generated by the scale and magnitude of the required excavation and stabilization of the current hillside for an incredible ten years time period. These issues are not address in the initial study.

The proposed phase 1B grading at the north end of the site to prepare building pads, and explorations of the site with core borings to see if it is feasible to build is not clearly address. With major excavation where is the dirt to be stockpiled? If as proposed "on site" is not possible where is the dirt trucked? How many dusty loading of trucks will be needed to move this dirt? How will this compromise the air quality due to the lead paint and or asbestos form the demolition? If it is stockpiled on site how long will there be a 26' (more than 2 story building) of dirt? With rain where will it be washed to south down the parking lot over the curb and into MBV like the last large rain?

In doubling the size of the parking area as proposed, the MND has failed to evaluate this increase of size and design and the close proximity (with in 15 feet) of residences. The changing of the roadway slope or pitch required to access the two-story parking structure will cause acceleration and/or breaking of the cars. Automobiles are less efficient during acceleration and braking and will emit more pollutants during this period than in normal driving. The ware on brake linings and the tire pollutants generated by the up and down hill slope of the access/exiting the two story parking lot have not been address. The water run-off from car washes and rain will run directly to the ocean carrying these pollutants. The initial study has failed to evaluate these issues.

Wind direction, which changes in this area twice daily from on-shore to offshore, has not been considered in any o the air quality issues. Because of the closeness to the ocean this wind effect is much stronger at coast than inland, this variable has not been considered and should be.

The statement that there will be no "generate increased traffic beyond that anticipated in the

build-out of the City's General Plan" has no reference code or section number and once again is an arbitrary statement by the study. The LST mass rate look-up tables provided by the SCAQMD allow one to determine if the daily emissions are based on normal driving, not parking, idling or acceleration or braking on a up hill slope. This needs to be address not at a distance of 50' or 150' but in the actual site-specific location and the impact on the health of the aged and/or retired residents of MBV who will be most affected. The initial study has not address these issues.

c) Result in a cumulatively considerable net increase of any critical pollutant for which the project region in nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The long-term statements from table 3-7 for the SC Air Basin are too general to be reasonably used as a basis for local impact of air quality. The initial study or MND have not examined the affects of the local residences within 15' of the two-story parking structure for 450 cars.

Long- Term air quality is a major concern for the local residences. The statements that natural gas for space heating and consumer products is not realistic since the parking structure is the major on-going generation source of pollutants. See above for additional long-term concerns.

d) Expose sensitive receptors to substantial pollutant concentrations?

As indicated in the preceding analysis, implementation of the proposed project will result in an increase in pollutants as a result of the short-term activities (i.e., site preparation and construction) and long-term operation (i.e. stationary and mobile-source emissions). The acknowledgement of this increase in pollutants and using watering of the site during construction as a mitigation device, without an on-site enforcement being a requirement in the document are only pretty promises on a

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page. How is the SSBC proposing to comply with the AQMD table and its requirements? This is not indicated in the initial study. Also the on-shore and offshore wind direction depending on the time of day will affect the surrounding neighbor hoods which needs to be included in the study.

e) Create objectionable odors affecting a substantial number of people?

By doubling the parking with a two story structure for 450 cars will create objectionable exhaust orders. By developing a “Campus” facility with a huge gymnasium, two new classroom building filled with elementary students and a two-story administration will create daily odors of exhaust emissions two times a day, not just a Sunday weekly occurrence which is the current situation. The pickup and drop off of children, the idling of cars and trucks the increase in Crown Valley traffic making it more difficult to get in and out of local business (Gelson’s food Market, Salt Creek Grill, and the Shop center, Montessori School, etc.) due to increased traffic circulation on Crown Valley Parkway. This has not been addressed.

MND page 75 — Biological Resources: Would the project:

The site location has been “developed” by a rancher sensitive to the environment, which means no paved parking lots or roadways. The original open areas for horses, cattle, and agriculture was used the foundation for the early development of the site. Since the mid 1950 the land usage has been changed from a single family to a community usage. No change of usage permit has been located in my research. I demand that this information be found and included in the Draft EIR. I do not believe there ever has been a change of usage and the church is non-compliance on this parcel of land with the original land use permit for a single family. The arrangement between the church and

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the country, of granting land use to the country to widen Crown Valley before the second church expansion permits would be issued, decreases the “six acres” site claimed by the SSBC available for development. The effort to “cram” or over build the site is further exasperated by this decrease in acreage.

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CITY OF DANA POINT

The noise factor for driving piling or the possible blasting of hard rock as well as the timeline of the construction will change the environmentally sensitive coastal habitat for migratory and resident animal and bird populations. This noise factor next to these sensitive area has not been examined and must be in this Draft EIR.

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Less Than Significant Impact with Mitigation Incorporated)

The SSBC and surrounding properties are close to sensitive coastal areas with clean air and salt breezes. The Wildlife habitat and the Rehabilitation projects are two locations where citizens of Dana Point walking along the Salt Creek Corridor can enjoy the rehabilitation projects below the building site. Why has the idea to plant indigenous vegetation to expand the adjacent areas for the endangered species has not been included or examined by the initial study?

It is a fact that many migratory birds are observed and enjoyed while using the open indigenous and/or landscaped areas of the Salt Creek Scenic Corridor. This current bird population will be distress for ten years of construction noises may well cause man made changes in migratory practices of the visiting wildlife. Why is this is not investigated and presented in the initial study?

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Providing a green visual barrier as a mitigation to protect endangered pair(s) of breeding gnatcatchers flies in the face of reason, and does nothing to protect and encourage permanent bird residents and existing migratory population.

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POINT OF DATA POINT

The access and boring done for the SSBC, to prove that the hillside slopes maybe safe to build on, has finally returned to a more natural state. The lack of protection given to the Gnatcatchers that are breeding during this process demonstrates the lack of sensitive to the environmentally sensitive areas below the building site. The lack of maintenance by the church of their current hillside areas and their resistance the neighbors requests to care of their (SSBC) properties has resulted in a bare and erosive hillside behind the MBV residences. The Coastal California gnatcatcher is strongly associated with sage scrub in it various stages. It also uses chaparral, grassland and riparian plant communities where they occur adjacent to or intermixed with sage scrub. This has not been addressed in the initial study or the MND.

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

The proposed building site is above and looks down into Salt Creek Corridor and Salt Creek. This water way is listed on the Federal list of endangered waterway. Because of the lack maintenance of the hillside there was a major blockage of the wastewater system with large volume of topsoil washed toward Salt Creek from the habitat of the endangered gnatcatcher. The erosion of this area will impact the indigenous planting and natural habitat used by the gnatcatchers. The fact

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that the SSBC site is above this location of wildlife rehabilitation was never examined or presented as a concern in the initial study.

With the breeding season of the gnatcatcher for about February 15 through August 30, with the peak of nesting activity occurring from mid-March through mid-May no project construction should occur during this time. How to evaluate the local gnatcatcher and their habitat cannot be done without the permit from the U.S. Fish and Wildlife Service under the Endangered Species Act of 1973. This has not be presented in the MND or in the initial study or examined.

c) Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

During the recent rains the run off from the parking lot current maintained and use by the SSBC over flowed the wastewater system and cascaded over the "crib wall" on the south boundary of the parking lot and created waterfalls that cascaded into the back yards of MBV and overwhelmed the catch basin to the east of the properties. This demonstrates the undersized wastewater design for the early expanded parking lot. This was not disclosed or examined in the initial study and the study failed to examine fully this issue.

Perhaps due to these torrents of water cascading down the hillside is part of the reason the erosion and slippage of land occurred that buried the lower wastewater system in four feet of topsoil from the gnatcatcher's habitat. See photos at VoMB website. This under sizing of the current wastewater plan was not addressed in the MND or in the initial study.

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

This project requires major grade and excavation to stabilize the hillsides for the proposed expansion. The site is directly above and adjacent the gnatcatcher's habitat and the rehabilitation project of the indigenous plant life sponsored by the California Wildlife Agency and supervised by the City of Dana Point. Excavation of the large volumes of dirt and rock, the blasting of hard rock formations for excavation, and the heavy equipment and its access to the excavation areas will surely affect the migratory wildlife and any established native residents. Building a 200 foot retaining wall is a major excavation site requiring large dump trucks to carry off-site the dirt from a very difficult hillside to access. The native and migratory visitors will feel vibrations and shocks. Why will they stay in the area? There is an added difficulty because only one side of the site maybe accessed for construction and excavation. This is due to the closeness of proposed retaining walls to the Wildlife Rehabilitation and the gnatcatcher habitat. The initial study failed to identify and address these issues. How will this be accomplished?

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

The local HOA have worked together to maintain the open vistas to the ocean. The initial study has ignored this cooperative policy of the neighbor hood to select and maintain trees that will not block these vistas. The initial study has not examined or responded to this preservation policy. The lack of SSBC hillside maintenance has limited and not encouraged any biological resources planning.

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

The SSBC has already negated any habitat conservation effort by over expanding the current site and lack of maintenance. With a disregard of wastewater control, undersized gutters, too small catch basins, culverts and V-ditches the over all development of the SSBC site is endangering all natural habitat and conservation effort by the California Wildlife Agency, Audubon Society, and City supervised efforts. This has not been evaluated or addressed in the initial study.

MND page 79 Cultural Resources: would the project:

The history of this promontory has not been adequate evaluated by the proponent and/or the City Planning. This statement is based on two reasonable assumptions, first only the single-family ranch is being considered not the indigenous peoples that came to the location for trading and summer/winter ceremonies. Second the city has not been able to produce a change of land usage permit from the county from a single family to community facility as claimed. The possibility that no permit exists would make the church's claim of a Community Facility use permit, false. The MND has attempted to blur this issue by stating that there was an existing church while a single-family ranch. The initial study does not address or examine this issue and is incomplete. If the new City of Dana Point did "house cleaning" of county zoning records, when was the public informed or included in staff level changes of existing zoning codes? What was the date of the meeting allowing public comment and or input?

a) Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

The fact that the project continues to use the phase of recent existing "since 1950" shows a complete lack of sensitivity to the idea of the **historical** resource in Section 15064.5. The indigenous peoples of the area must be considered. We, the white men, have graded over a "likely meeting promontory used for years" before a "single-family ranch was developed. Once again the initial study has failed to evaluate all details associated with this location and project. A quick research of the local library shows that the indigenes peoples of more inland areas came to this area for trading and stockpile food, such as fish, abalone, mussels etc. This was a place to escape the more extreme temperatures inland. This has not been examined and must be as this promontory is an ideal meeting and trading location.

b) Would the project cause a substantial adverse change in the significance of an archeological resource pursuant to Section 15064.5?

During all of the proposed five phases of construction an archaeologist and paleontologist must be on the site. The fact the site has been maimed by earlier construction activities by the over development in no way should shade or minimize the possibility of significant finds or discoveries that could and should stop the project. The scale and depth of excavation required by this project over shadows all previous grading abuses. All items and objects, artifacts must be identified and inventoried and made available to the public for viewing and evaluation in a museum facility preferable located on the site.

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

The entire profile of the promontory will be completely modified and changed by thirty to thirty five foot high glass, concrete, and steel buildings. The excavations required will affect the natural subterranean water flow which will affect the downhill lands MBV residences on Pompeii Drive. The unique geological features of the water flow, a long-standing conflict between the proponent and MBV, have not been addressed fully in the initial study. The initial study does not include or examine the option of the indemnification for MBV from any change in water flow or vibration damage due to the expansion.

d) Would the project disturb any human remains, including those interred outside formal cemeteries?

There is no reason to suppose because of previous development, which was much less invasive, has not found human remains; that this massive excavation will not find remains. Much of the previous development appears to have been “fill” and not excavation as is required by this project. The initial study has not fully evaluated this issue and suggests would not be impacted the site. Digging down thirty plus feet surely will increase these possibilities, and have a major impact the area.

MND page 81 Geology and Soils: would the project:

This issue is a major point of concern for the residents of MBV as they are the downhill and form the southern boundary of the building location. MBV has watched for several years, as other developers wanting to build on this location because of the vista, discover that it is not practical to build on this slope. Those developers were hoping to build below and to the south of MBV, found from

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their studies that the hillside is too unstable to build commercial apartments or condos. MBV is fearful of the major expansion proposed above our residences due to the history of unstable land and landslides/slippage. Because of the conflicting opinions about the geology and soil testing that have been presented during earlier presentations, no direct or a precise statement has been presented stating that building on this hillside is safe. Only after major excavation has been started will it be possible to state that the land is or is not safe to excavate and build on or not. How can you excavate to see if it is safe to excavate? If a landslide should result from the expansion plan of major excavation of the site and destroy/damage existing structure who will pay the replacement/repair bills? Has an insurance policy been considered by the proponent and if not why not? The initial study has not proposed any safe guards for MBV or other adjacent neighbors.

With the development of this area, is there a need for blasting to secure the buildings to foundation rock? What is the vibration factor needed to cause a new landslide? How will this weaken the existing north south fault within the property? How will this impact any and all the surrounding fissures, faults, or other geographical elements that can or might cause or effect damage of neighboring structures? If there is not the need of blasting, how will the proposed securing of the building to the foundation rock affect the concerns above?

a) Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i. The rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?

The earliest study listed 1987 for “tentative tract 12590 identified a north-south trending fault which dips about 70 degrees east and crosses the northeast corner of the property”. This is the area Todd V. Glen – 23285 Pompeii Drive, Dana Point, CA 92629
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of the site selected to build the gymnasium. When G.A. Nicoll & Associates, Inc. did not encounter the fault, which report can be believed? In the area just Northeast of the site two apartment building slide down the hillside and have not or cannot be rebuilt. This is a fact I can see and know to be a actual and not a guess. In foot note 2 and 3 on page 3-37 of the MND a series of seven different reviews and investigation were completed until “someone” said to SSBC “OK, go ahead and build”. Living in close proximity to the building site I feel threatened by the SSBC expansion, and want the proponent to provide an indemnity bond to protect all MBV homeowners’ residences during the construction and after completion of construction for ten years from the damage done by the SSBC construction. With a ten-year building permit, I want a ten-year post construction insurance policy protecting my home from any and all damage that is associated with the proposed project. If this cannot be done, because no one will insure this project, then there is an interested third party that says that “is not a reasonable or feasible scaled project”. This has not been examined in the MND or the initial study.

ii. Strong seismic ground shaking? (Less Than Significant Impact With Mitigation Incorporated)

We all live within a potentially active fault system, and have come to accept the need for safety in our housing construction. That is not my concern. The excavation of the promontory to accommodate the new requirements to retain .8 inches of water on site for all impervious square foot surfaces requires huge cistern type excavation Perhaps twenty full size swimming pool will be needed. The retention of this water weight has not been considered in the MND or in the initial study.

The weight of the addition of a two-story parking structure (build in two phases) filled with 450 automobiles with a huge concrete cistern system underneath filled with water, plus the weight of the administration building, the two cantilevered classroom buildings over hanging the hillside slope and the 24,000 square foot gymnasium above a possible fault is a prime example of over building a site of

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about 4.5 actual usable acres. All of this weight is above a 25 foot man made retaining wall 15 feet from my bedroom. With normal shaking, the buildings should be able to survive, however the foundation of the "campus" that has huge additional weight, is the promontory able to support the weight and slide down hill onto MBVs? This has not been addressed in the MND or the initial study. This following paragraph does not alleviate my concerns since it was the city also approve the two apartment buildings that slid down the hill east of SSBC.

MM 3.6-1 Final project design plans for each phase of the South Shores Master Plan construction shall be subject to review and approval by the City of Dana Point. Final design plans for each phase shall comply with the current regulations including seismic design requirements.

iii. Seismic-related ground failure, including liquefaction? (Less than Significant Impact)

The history of this location includes a movie theatre that was located in the Gelson's parking lot area. It was forced to close because of the water that rain steadily downhill and into the auditorium. The movie theatre is no more. To me this history indicates the presents of water that has found a way towards the ocean. Other homeowners of MBVs have had to fight this water flow over the past years. After the resent heavy rains we have seen slippage and erosion on the eastern hillside. The subsurface condition of the SSBC site on the south side of the property may or may not be conventional- type aquifer. There were very few test drill sites done by G.A. Nicoll and Associates, Inc. and they were done on the east side of the site not the south side. Why has this not been fully examined? What was the creation date of this compiled data? Was it created only for the MND and the initial study to be successful?

iv. Landslides? (Less Than Significant Impact With Mitigation Incorporated)

The statement that the existing topography is flat is the same as saying the world is flat. Only a center portion of the site is sort of flat more humped. Every edge to the site except Crown Valley drops off steeply. The 25 feet of engineered fill deposit is only on the south west portion of the property or the Todd V. Glen – 23285 Pompeii Drive, Dana Point, CA 92629
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south edge of the parking lot next to MBVs and not the entire site as stated. The north, east, and south east edges of the site are the locations planned for the new buildings. All these sloping edges of the site will need retaining wall to maintain the slope and piling to secure the buildings. The company doing the fieldwork was not named only the evaluator of the data G.A. Nicoli. The wet ground of the southeast corner is the low side and the location of the onsite catch basin. With the acknowledgement of the on site and off site landslides it is impossible to accept the statements of "less than significant Impact" of the MND and the Initial study. Only with the initial cutting of earth can a more accurate estimate be created. However this is after demolition if several buildings and permits have been issued. What happen if it cannot be mitigated to "less than significant impact"? Is the project stopped? This is not addressed in the MND or initial study. Who cleans up the eye sore of the demolition area?

b) Result in substantial soil erosion or the loss of topsoil? (Less Than Significant Impact With Mitigation Incorporated)

MM 3.6-6 Each project phase design shall include an approved landscape plan and approved Water Quality Management Plan (WQMP) to ensure permanent erosion control.

This is a case of will the SSBC follow through and maintain the approved landscape plan? This is not what their history with landscape maintenance has shown. With the recent rains and overflowing of the wastewater system currently in place, land erosion has occurred and overloaded the too small waste water system, which reaches the ocean via the impaired waterway Salt Creek. This has not been fully addressed in the MND or what the lack of compliance penalties will be?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Less Than Significant Impact With Mitigation Incorporated)

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The response to this question refers the reader to section 3.6.a)iv) in the MND. Here it states the efforts used to try and guess what might happen to the new buildings. The comments about test borings of Monterey Formation underlying the site covered by fill requires additional studies as there was one landslide on site and three adjacent off site. This is an unstable steep hillside area and needs additional evaluation for the D-EIR

d) Would the project Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Less Than Significant Impact)

Once again this area needs to be examined with current local site evaluations and additional testing of new borings on all down-slope edges of the site including the south side of the parking area of man made fill. The idea of expansive soil and flocculation above MBVs is a real possibility that has not been examined by the initial study.

e) Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (No Impact)

There is no evaluation of the size and scale required in the MND for the idea of cistern. The newly activated wastewater laws are not addressed. “No Impact” is not the current experience of MBV with waterfall cascading into their back yards, from inadequate disposal wastewater systems.

Page 89 3.7 Hazards and Hazardous Materials

The demolition, dumping, scraping and excavation for addition geology and soil testing of the existing buildings sites will have impact by producing particles of dust, asbestos, and unknown PCB that have been used on the site. With any change of wind direction this aspect of the project will cover

the adjacent residences with a cloud of unknown pollutants. This has not been addressed in the initial studies completely.

How is the lower level of the parking structure to be kept clean? What time of night is this to occur? How often will a giant vacuum truck “suck” the area clean of pollutants? How will this affect the neighbors trying to sleep? What will be their safeguard from this ongoing process? How is the air to be filtered? These concerns should be consider in the air quality, hydrology sessions as well as this section of the environmental checklist.

a) Would the project create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials? (No Impact)

This possibility will occurred each phase of the project. The routine removal of more than 100,000 cubic yards of excavated cut land has not been evaluated or address fully in the proposal.

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Less than Significant Impact with Mitigation Incorporated)

This issue does not make comment on the required test boring of Geology and Soil in this site. This has not been addressed in the demolition permit MM3.7-1 and needs to consider the possibilities of asbestos, lead-based paints and PCB used and/or dumped during original construction. With the require test borings there will be particulates released into the air.

c) Would the project Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Less Than Significant Impact With Mitigation Incorporated)

The concept that a ten-year period of phased construction is **short term** is without merit. Each phase of this project requires excavation and cutting of more land. This in itself will generate dust and particulate matter during every phase. This issue has not been addressed; only the normal

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components of construction are discussed in the MM3.7-2 section. With three fourth of the site on a hillside, there is only a smaller area is 45 meters from drainage slopes. This has not addressed fully and only given minimum “boiler plate” cut and paste concern. The Draft EIR must address this issue of duration of a permit and its length of life. Does the proponent resubmit an application and fees for the same permit every two years?

page 83 3.8 Hydrology and Water Quality:

The introductory paragraph in the MND was proven inaccurate, as the recent rains have shown. Without any detailed information shown regarding the proposed project water management system, it becomes impossible to respond intelligently or completely. The storm water riser, which is located in the southeast corner of the property was overwhelmed by the past rainstorm and was not able to collect the storm water draining from the site, which resulted in off-site erosion. see photos VoMB website.

The idea that all on-site surface water will be conveyed to a drainage system that includes treatment Best Management Practices (BMPs) is highly questioned. The compliance with applicable measures of the Drainage Area Management Plan (DAMP) has not been presented in the initial study. What is the proposed type of water treatment plan or process?

What is the water retention system proposed to comply with increased impervious square foot area? If this is a cistern type of system how big must it be? How many gallons of wastewater must it hold to in the “worst case scenario”? What amount of weight will this add to the building site? How deep and large will this excavation need to be? Is this a passive or active system? What are the ongoing noise implications?

a) Would the project violate any water quality standards or waste discharge requirements? (Less Than Significant With Mitigation Incorporated)

The statement that “no known toxic materials” sounds like a Standard Oil saying we do not know of an “oil spill”. The “short-term” 10 years construction activities is not short, and the result is doubling the parking facilities which will produce oil, gas, brake and tire rubber pollutants that need to be addressed on a long term basis. The statement presented in the MND of clearing the site of existing vegetation, stockpiling, grading, excavation, and building will cause more pollutants is a confession of fact and conflicts with their evaluation of this issue. This statement flies in the face of the Biological environmental concerns above and have not been address by the MND or initial study. Due to the soil disturbances during construction the transporting from the construction site into off-site storm drains or receiving waters such as rivers and streams is a reality. Pollutants associated with this type of project include sediment (soil disturbance), nutrients (fertilizers, eroded soils), metals (vehicles), organic compounds (pesticides, solvents, cleaning compounds), trash and debris, oxygen-demanding substances (leaves and lawn clippings), oil and grease (vehicles). These issues have not been explored and addressed fully. The idea of enforcement of the permits required with on site monitors is also not discussed in the initial study. The idea of an on site-monitor for all hydrology and water quality needs to be include in the Draft EIR. This seems appropriate for a 10-year construction cycle as the Best Management Plans will need to be upgraded to stay current with the changes of the Water Quality Management Plan.

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b) Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (No Impact)

Changing the percentage of impervious surface from 54% to an est. 74% (or higher 94% is possible) area will affect the recharge of the aquifer. The amount or degree of change has not been addressed in the MND and should be in the Draft EIR.

c) Would the project substantially alter existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site? (Less Than Significant Impact)

The existing drainage pattern of the parking lot currently flows south toward MBV homeowners. The drain opening, underground piping and catch basin were overwhelmed during the current storms. Waterfalls cascaded into the back yards of the MBVs. This discharge continued east in the open V-ditch and overflowed into the nesting area of the Gnatcatcher, eroding the surface, washing down the topsoil of the habitat and clogging the lower Salt Creek Corridor wastewater system. That system was buried by 4 feet or more topsoil and silt. This has not been addressed in the initial study or MND.

d) Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on or off-site? (*Less Than Significant Impact*)

This issue of on site water flow has major concern for the residents of MBV. The expansion of the existing parking lot has resulted in a change of subterranean water flow. The repair of and replacement of the gas meters on the east end of Pompeii is one current example. With the excavation for underground storage cisterns not detail until construction drawing are prepared, there is no actual design to which I can respond. The statement of “attenuation will be achieved via on-site detention design means” leaves the question unanswered as to what will be used for water detention. This must be fully examined and shown in the draft EIR.

e) Would the project create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (*Less Than Significant with Mitigation Incorporated*)

The information that City of Dana Point is built-out and contains an existing storm water drainage system is not related to the wastewater run off from the SSBC parking lot, which currently drains via catch basin and open V-ditches. With the failure of this system in the current rain, it seems that we need a new plan and it is not included original MND and must be present in detail in the Draft EIR.

March 4th 2010 – Scoping Session SSBC

i) Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (No Impact)

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This item cannot be answered do to the lack of detail regarding the onsite retention of water and the manner in which it will be contained. The weight, size, location, and elevation of these cisterns will determine the answer. Tons of water in a levee, dam, or cistern above MBVs exposes residences to a significant risk or loss. This has not been addressed and must be full disclosed in the Draft EIR.

k) Would the project result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)? (Less Than Significant Impact with Mitigation Incorporated)

See comments above in a),b),c).

For my response and question for the following items I through U refer to the information and comments made above a) through i). The MND has no now information and refers to Section 3.8 a through e.

page 105 **3.9 Land Use and Planning**

The city of Dana Point has not been able to produce a record of the use permit making this site a community facilities, only the original single family use permit has been located. This leads me to question the legality of a church facility without a use permit. The Draft EIR must address this issue. A commercial facility development of this size and scale with rentable spaces of a gymnasium, and classrooms is possibly illegal on this site. This must be addressed in the Draft EIR. Alternate locations might better service the community and the SSBC itself. Remodeling existing building space such as the Home Expo site or Car sales facilities not would be a less expensive and better location for this expansion. This must concept must be explored and addressed in the Draft EIR as it will maintain the existing promontory as is. The timeline will be shortened for the use of new facilities at an alternate location and at much less cost. Recycling a site like Home Expo would also be of benefit to the city.

What is the actual area of the building site? With the widening of Crown Valley was not a 1.5 acre allocate to the country for the parkway? The current effort to squeeze into a usable 4.5 acre building site four new structures, water treatment and retention, and a two story parking structure is not reasonable. The current plan will form a wall building blocking the current open vista.

b) Would the project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? *(No Impact)*

Yes this would be in conflict with the City's General Plan if a Community Facilities Use Permit cannot be located.

page 109 3.11 Noise

The evaluation of the project from 2006 and up dated, attempts to address the noise generated by the current traffic using tables of past measured sound levels from the area and guesses as to what the future traffic congestion will be during the ten years of construction as well as future year of operation. It attempts to touches on the operation of the facilities after build out which is no more than speculation. The report is a series of evaluation of noise limitation as set forth in various table and charts as to how they might possible relate to the proposed project. The concerns of the adjacent homeowners have not be address by these efforts. And must be addressed fully in the draft EIR.

Both homeowner's issues stem for the lack of supervision of SSBC during the current use of their facilities. The noise is directly generated by outdoor exercise classes, social activities, meeting for field trips during arrival and departure times, and car washes to name a few. These activities often use radios and speaker amplification systems that start very early in the morning 5:00 AM and extend well beyond the 10:00 PM. The second issue is that any noise is additional amplified by the shape of the Salt Creek Corridor which effects the Corniche Sur Mer residents. MBV experience a similar effect to a less extent for the outdoor activities of St. Regis Hotel. The neighbors are able to hear the music and comments of the attendants at a wedding celebration or dinner party dance as if being part of the celebration even thought we are at a distance. This phenomenon, much like sound carrying across a body of water, is not address at all in the initial study and must be examined in the Draft EIR. This amplification will affect all of the measurements in each of the tables presented in this report, as well as the information regarding the noise generated during the 10-year construction period. The will echo loudly across the golfers on the golf course and force all windows to be closed

to dampen this amplification phenomenon. Why was this not included in the initial study? Was this not a complete evaluation of the noise issue that will affect the area?

The tables used for evaluation are based on a default distance of 100 feet, with additional contour lines evaluating 70, 65, and 60 feet distance. The residences of MBV located on Pompeii are closer and in some cases only 15 feet from the proposed ramps of the two-story parking structure. This fact alone brings into question the completeness and accuracy of the noise section on the initial study. Car door slams, starting-up of engines, car alarm activation etc. will be louder than the 50 feet distance shown in the table.

On going ventilation of the parking structure, and the cooling apparatus to be placed in the parking structure will generate on going 24/7 noise and vibrations and will be turning on and off automatically which will call audio attention to its operation. This equipment requires venting to the outside where the noise will hopefully dissipate. The initial study does not state where this venting will be located, or the direction these open-vent will face, which will affect these close residents both inside and outside their homes.

The analysis of the phased building project states that some homes are as close as 10 feet from the construction area with noise levels reaching as high as 110dBA for very short periods of time. In evaluating the tables much of the noise is in the 80 to 90dBA range, which as stated affects communication. With a ten-year building requested what is a "very short period of time"? The only mitigation presented is the starting and stopping time of this construction on a daily basis 7:00AM to 5:00PM except Sundays and legal holidays. What are the compensations and/or protections of such an invasion of the local environment? This project as presented with a 10 year timeline will change the current environment for the bird population. How will the gnatcatchers habitat be affected? How will the migratory bird population be affected by this 80 to 90dBA during the construction and with

“**very short periods of time**” reaching noise levels of 110dBA? The pile drivers required for the pylons to secure the structure to the landslide prone hillsides will drive even the church members crazy. What about the possibility of blasting required pass through hard-rock foundations substrata that is stated to exist? These questions must be answered with a completely new evaluation for both the human and bird concerns in the Draft EIR which have not been addressed in the MND or initial study.

page 125 **3.14 Recreation**

The project will include a “Community Life Center” some 84,000 square feet. This facility will include a gymnasium with interior sport courts for basketball, volleyball, and racquetball uses. The name suggests the community will access to this facility. I believe this will be a commercial enterprise and will become a rental facility. This facility becomes a for profit facility which should change the current non-profit tax status for the entire site. Why does a preschool need a racquetball court? This is clearly a commercial enterprise and needs to have full disclosure including the proposed operational processes. Who will be able to rent this facility and who can use the “community” facility for free or minimal rent? Perhaps the boy scouts, girl scouts, church teams, as stated by the church, if so; how do you pay to keep the lights on and the air or heat operating?

page 127 **3.15 Transportation/Circulation**

Once again the company developing the evaluation in this part of the MND is using the expression **short-term** as a basis or foundation for their study. 10 years is not a short-term project; even in Dana Point no 10 building permit has ever been issued. With the increase of daily vehicle trips the level of service at Crown Valley Parkway/Sea Island Drive will become more congested, the

March 4th 2010 – Scoping Session SSBC

current statement of free flow traffic is questionable to any person attempting to enter onto Crown Valley from an unprotected access such as from MBVs. The complete focus of this study is at the traffic signal controlled intersection of Crown Valley Parkway/Sea Island. The information presented in the MND is based on old data with a hypothetical increase to define current traffic flow. This needs to be readdressed completely based on current measurements of the annual increase of growth and uses of this major exist from the coast. In the case of another natural disaster, fire, earthquake, or tsunami this is the only exit for south Laguna and northern Dana Point residents.

The uncontrolled MBV access needs to be changed before construction permits are issued. The original southbound “turn-pocket” proposed by the county needs to be constructed. Both north and southbound turn-pockets have been constructed recently, numerous times on the northern section of Crown Valley. A traffic signal installed to make MBVs a controlled intersection is another option. This concern needs to be solved before construction begins. The city has evaluated this current safety issue proposing the solution to turn north and make a U turn at the controlled intersection of Sea Island and Crown Valley. This solution will add additional use and confusion to the intersection that is also targeted the increase of construction vehicles and church traffic. Due of the increase of construction traffic all MBVs residents will only be able to turn north for Lamiria. What is the impact of lane closure? What are the time limitations to be imposed on the lane closure? How will this impact commuter traffic?

It is interesting to note that the parking study, does not comment on the church patrons that choose to park on Crown Valley rather than struggle to exit via the “free flowing” intersection after a Sunday service. The document submitted to the City, regarding the “fixing of parking tickets” by the city manager for the congregation that parked on Crown Valley has never been explained, and should

March 4th 2010 – Scoping Session SSBC

be examined in the Draft EIR. The proposed parking management plan, requiring off-site parking and a shuttle bus, will be even more frustrating to the congregation than the current parking lot facilities that many chose not to use to make a “quick get away” from the church. The concept of a shuttle bus transportation system as suggested in the mitigation measures is ill conceived.

The current blockage of Crown Valley Parkway and Alicia, during Laguna Niguel building project is only a foreshadowing of the 10 year parking or blockage problems that will be imposed on the drivers who daily use Crown Valley commuting to interstate freeway 5. The original study was completed in 2006 with the dates changed to show an update of the currency of the study to 2008, with the statement that the parking and traffic reported have not changed. What is the current city growth for the past two years? Not present in the initial Study/ MND.

The parking plan detailed the allocation of 100 parking spaces at the Selva parking lot for Sunday church use. This may not be possible legally. All spaces of this facility have been previously allocated as required by the issuing of the county’s original building permit. Now with the opening of the funicular, there is an increased usage of this parking facility and it is free to park there. Salt Creek parking charges a hourly fee this gives Selva even a greater appeal. The age of this report, the change in beach access, the parking on Crown Valley, the questionable parking management plan, and the volume of 100,000 cubic yards of excavation being truck off site have not been addressed in the initial study, the MND or the Appendix B that is so often mentioned in the MND. This must be addressed in the Draft EIR.

COMMENT CARD

**CITY OF DANA POINT
PUBLIC SCOPING MEETING
SOUTH SHORES CHURCH PROPOSED DEVELOPMENT PROJECT**

Thursday, March 4, 2010

NAME: Todd Olsen

ADDRESS: _____ CITY: _____ ZIP: _____

EMAIL ADDRESS: T.Olsen@cox.net

REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or mail/ e-mail them by March 22, 2010 to:

City of Dana Point
Saima Qureshy, AICP, Senior Planner
Community Development Department
33282 Golden Lantern
Dana Point CA 92629-1805

Phone: (949) 248-3568
Fax: (949) 248-7372
Email: squireshy@danapoint.org

The purpose of this comment card is to solicit input regarding the scope and content of the Environmental Impact Report (EIR). Please submit comments for the record that pertain to the *environmental issues* to be addressed in the EIR (please print).

- * Underse a waste water system from parking lot
- * Expose ground water flow under parking lot of temperature

Please comment by March 22, 2010

COMMENT CARD

**CITY OF DANA POINT
PUBLIC SCOPING MEETING
SOUTH SHORES CHURCH PROPOSED DEVELOPMENT PROJECT
Thursday, March 4, 2010**

NAME: Toss V. Glen
ADDRESS: _____ CITY: _____ ZIP: _____
EMAIL ADDRESS: TVGlen@cox.net
REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or mail/ e-mail them by March 22, 2010 to:

City of Dana Point
Saima Qureshy, AICP, Senior Planner
Community Development Department
33282 Golden Lantern
Dana Point CA 92629-1805

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*Is the Selva policy let able to lease
rent - parking spaces the original
conditional use permit?*

*Are all the spaces in Selva already
allocated by the coastal commission?*

Please comment by March 22, 2010

COMMENT CARD

CITY OF DANA POINT
PUBLIC SCOPING MEETING
SOUTH SHORES CHURCH PROPOSED DEVELOPMENT PROJECT

Thursday, March 4, 2010

NAME: Todd V Glen

ADDRESS: _____ CITY: _____ ZIP: _____

EMAIL ADDRESS: TVGlen@Cay.net

REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or mail/ e-mail them by March 22, 2010 to:

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Saima Qureshy, AICP, Senior Planner
Community Development Department
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Dana Point CA 92629-1805

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Address the topograph which amplifies sound across the site corridor - ?

Increased noise w/ homes only 35 to 15' from ~~Source~~ source of sound -

Direction of ventilation of new cooling tower in parking area -

File noise from ~~conductor~~ building

Turn back going south from MBUs is required

Please comment by March 22, 2010

COMMENT CARD

CITY OF DANA POINT
PUBLIC SCOPING MEETING
SOUTH SHORES CHURCH PROPOSED DEVELOPMENT PROJECT
Thursday, March 4, 2010

NAME: Todd GLEN
ADDRESS: _____ CITY: _____ ZIP: _____
EMAIL ADDRESS: TVGlen@Cox.net
REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or mail/ e-mail them by March 22, 2010 to:

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Saima Qureshy, AICP, Senior Planner
Community Development Department
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Grand use - actual size of property available for development - 1.5 acres of ~~site~~ was allocated for widening of Crown Valley - What is the real acreage available?

Change of zoning from R-1 to OF was done ~~without~~ public comment in 1993 - ~~93~~ by new city staff.

What is the no. of truckloads required for moving 100,000 cubic feet of dirt?
How will this impact the traffic circulation?

Circulation data is old -
Please comment by March 22, 2010

COMMENT CARD

**CITY OF DANA POINT
PUBLIC SCOPING MEETING
SOUTH SHORES CHURCH PROPOSED DEVELOPMENT PROJECT**

Thursday, March 4, 2010

NAME: John Glen

ADDRESS: _____ CITY: _____ ZIP: _____

EMAIL ADDRESS: John@cox.net

REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or mail/ e-mail them by March 22, 2010 to:

City of Dana Point
Saima Qureshy, AICP, Senior Planner
Community Development Department
33282 Golden Lantern
Dana Point CA 92629-1805

Phone: (949) 248-3568
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The purpose of this comment card is to solicit input regarding the scope and content of the Environmental Impact Report (EIR). Please submit comments for the record that pertain to the *environmental issues* to be addressed in the EIR (please print).

Cultural aspect: The location was a gather
location of native american & taken from
historical Ref. of Indians of Salt Creek -

Please comment by March 22, 2010

COMMENT CARD

CITY OF DANA POINT
PUBLIC SCOPING MEETING
SOUTH SHORES CHURCH PROPOSED DEVELOPMENT PROJECT
Thursday, March 4, 2010

NAME: _____

ADDRESS: _____ CITY: _____ ZIP: _____

EMAIL ADDRESS: _____

REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or mail/ e-mail them by March 22, 2010 to:

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Saima Qureshy, AICP, Senior Planner
Community Development Department
33282 Golden Lantern
Dana Point CA 92629-1805

Phone: (949) 248-3568
Fax: (949) 248-7372
Email: squareshy@danapoint.org

The purpose of this comment card is to solicit input regarding the scope and content of the Environmental Impact Report (EIR). Please submit comments for the record that pertain to the *environmental issues* to be addressed in the EIR (please print).

① ADD TIMING TO YOUR ENVIRONMENTAL TOPIC AREAS TO BE ANALYZED.

WITHOUT A DOUBT, FROM THE BEGINNING OF THE PLANNED PROJECT ANNOUNCEMENT, THE PUBLIC (SURROUNDING COMMUNITIES) HAVE MADE IT CLEAR THAT 10 YEARS OF CONSTRUCTION (PAUSED OR NOT) IS UNEXCEPTABLE. 10 YEARS COULD VERY WELL BE THE EXTENT OF MANY OF OUR LIFETIMES. UNREASONABLE.

② ADD CF. ZONING ANALYSIS. CF ZONING DOES NOT ALLOW FOR MANY OF THE NOISE PRODUCING USES THAT ARE PROJECTED. (i.e. THEIR COMMUNITY LIFE CENTER).

Please comment by March 22, 2010

COMMENT CARD

CITY OF DANA POINT
PUBLIC SCOPING MEETING
SOUTH SHORES CHURCH PROPOSED DEVELOPMENT PROJECT

Thursday, March 4, 2010

NAME: Paul Melby
ADDRESS: 3401 Via Esquivel CITY: Cypress ZIP: 92621
EMAIL ADDRESS: p-melby@cox.net
REPRESENTING: _____

Do you wish to be added to the project mailing list? YES NO

Please drop comments in the Comment Box or mail/ e-mail them by March 22, 2010 to:

City of Dana Point
Saima Qureshy, AICP, Senior Planner
Community Development Department
33282 Golden Lantern
Dana Point CA 92629-1805

Phone: (949) 248-3568
Fax: (949) 248-7372
Email: squireshy@danapoint.org

The purpose of this comment card is to solicit input regarding the scope and content of the Environmental Impact Report (EIR). Please submit comments for the record that pertain to the *environmental issues* to be addressed in the EIR (please print).

Community life center doesn't provide
Arch. Relief.

The Bldg. adjacent a Crown Valley
should be architecturally interesting.

Regards,

Paul

Please comment by March 22, 2010

Roxanne Willinger
23286 Pompeii Drive
Dana Point, CA 92629

March 19, 2010

City of Dana Point
Attention: Saima Qureshy, AICP, Senior Planner
Kyle Butterwick, Director, Community Development Department
33282 Golden Lantern
Dana Point, CA 92629-1805

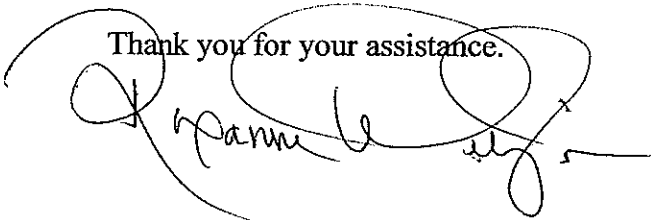
Subject: My comments for LSA Associates' Scoping for EIR re:
South Shores Church Proposed Development Plan - SCH#2009041129

To City of Dana Point Staff:

At the March 4, 2010 Scoping Session on the Project referenced above, Kyle Butterwick agreed to arrange for receipts directly from LSA Associates to people who submit comments and request such receipts:

I request that LSA Associates acknowledge their receipt of my comments by their sending confirmation directly to me at the address above.

Thank you for your assistance.



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MAR 19 2010

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

RECEIVED

MAR 19 2010

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Roxanne Willinger
23286 Pompeii Drive
Dana Point, CA 92629
March 18, 2010

City of Dana Point
Community Development Department
Attention: Saima Qureshy, AICP, Senior Planner, Kyle Butterwick,
Director of Community Development
33282 Golden Lantern
Dana Point CA, 92629

Subject: Transportation/Circulation section of the South Shores Church MND

As a resident of 23286 Pompeii Drive in Monarch Bay Villas (MBV), I read the Mitigated Negative Declaration several times with significant interest as the study relates to Transportation/Circulation, Traffic and Parking and disagree with the Environmental Checklist conclusion of No Impact or Less than Significant Impact With Mitigation Incorporated, with regard to items XV. d), e), and f) for the following reasons:

- Circulation Element
The EIR must include a detailed traffic impact analysis for all major roadways in the area i.e., PCH, Hwy 5.
 - These studies which were done most recently in 2005 contain no mention of traffic and on street (Crown Valley Parkway) parking immediately south the project site, leading one to assume that access to Monarch Bay Villas has not been considered in this MND:
 - The on street parking circumstances surrounding these estimates have changed substantially in the 3.75 years since a parking survey, limited in scope as it was, was performed.
 - On street Crown Valley parking south of the church entrances has been growing over the years and, despite the fact that the church does have uniformed traffic directors in the parking lots for the 9:30 and 11:00 AM Sunday services, these people do not patrol Crown Valley Parkway south of the church area;
 - Crown Valley is a high traffic byway use by many local residents with densities that can be hazardous enough without the additional traffic generated by the expansion of South Shores Church, i.e., Community Life Center operated 7 days a week from 8am to 10pm.
 - Provide a system of streets that meets the needs of current and future

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MAR 19 2010

residents and facilitates the **safe** and efficient movement of people and goods throughout the City (Coastal Act/30252).

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

• Ingress/Egress Point

- There are a number of references to traffic analyses that refer to the Crown Valley Parkway/Sea Island intersecting which is controlled by a traffic signal (page 3-84).
- There is only one ingress/egress point, and it is located on a major arterial. The project will continue to utilize Crown Valley Parkway to access the site at two driveways.
- The northerly project access at the intersection of Crown Valley and Sea Island Drive is signalized and provides full access, while the southerly project access is restricted to right turns in/out only. (page 3-85)
- The parking study by RK Engineering Group shows several maps which show the streets of Monarch Bay Villas, but in over 100 pages of the report the study does not address Lumeria Lane intersection or the impact to traffic flow, safety, visibility, etc. "a single time".

The report is out of date, and even more so the update did not update any material information relevant to traffic flow at Lumeria Lane intersection.

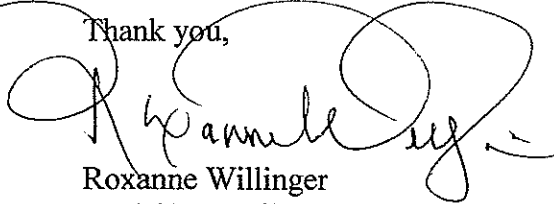
• Strands Beach

- All of the parking spaces in that County-operated lot are dedicated/designated as public beach access spaces as ratified by the California Coastal Commission. Now that the "funicular" is in operation this beach area is going to be very busy and will need those 100 spaces that were given temporary use to South Shores Baptist Church.
- It allows for a 6 month, Sunday 7:30 am -- 1 pm ONLY use, whereas the SSBC Master Plan verbiage and off-site parking logistics are vague and ambiguous, the period of use could be much longer than 6 months and involve usage during other days of the week. The SSBC Master Plan is a 10 year construction project.

In closing I am requesting that all potential impacts listed by city staff that was earlier judged to be less than significant in the initial study, be included in the Draft EIR.

Also requesting that LSA confirm receipt of my comments directly to the address below.

Thank you,



3-19-10

Roxanne Willinger
23286 Pompeii Drive
Dana Point, CA 92629

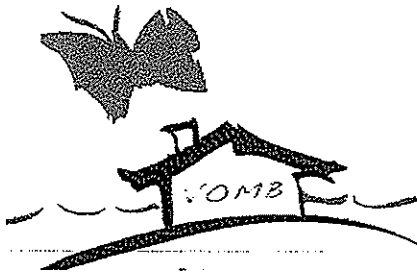
Parking Management Plan

A variety of parking techniques are available to accommodate any excess parking demand not contained by the on-site parking spaces. The church has obtained a letter of intent dated December 27, 2007 from the County of Orange (Resources & Development Management Department) to allow off-site parking in the vicinity of the church. The off-site parking area would provide temporary use of 100 parking spaces during construction phases of the proposed project. Shuttles would then transport church attendees between the off-site parking location and the church. Trained parking directors are currently provided at the church and these services would be helpful in the future in directing vehicles from the southerly access point to the northerly access point and handling the on-site circulation of traffic. The scheduling of church services and concurrent activities would additionally decrease the demand for parking at any one point in time. The parking study recommended that Sunday services be scheduled approximately 30 minutes between services in order to allow adequate time for visitors to enter and exit the parking lot and to reduce parking demand. Sunday services are currently held at 8:15 a.m., 9:30 a.m., 11:30 a.m., and 6:00 p.m. The time period between the second and third services allows for at least 30 minutes, since these are the services with greater attendance. There are no parking demand issues during the 8:15 a.m. and 6:00 p.m. services, which might otherwise require additional time for visitors to enter and exit the parking lot.

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MAR 19 2010

CITY OF DANA POINT



Voices of Monarch Beach
www.voicesofmonarchbeach.org

Roxanne Willinger
23286 Pompeii Drive
Dana Point, CA 92629
March 1, 2010

City of Dan Point
Community Development Department
Attention: Saima Qureshy, AICP, Senior Planner
33282 Golden Lantern
Dana Point CA, 92629

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 - Crown Valley is a high traffic byway use by many local residents with densities that can be hazardous enough without the additional traffic

generated by the expansion of South Shores Church, i.e., Community Life Center operated 7 days a week from 8am to 10pm.

- Provide a system of streets that meets the needs of current and future residents and facilitates the **safe** and efficient movement of people and goods throughout the City (Coastal Act/30252).
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 - There is only one ingress/egress point, and it is located on a major arterial. The project will continue to utilize Crown Valley Parkway to access the site at two driveways.
 - The northerly project access at the intersection of Crown Valley and Sea Island Drive is signalized and provides full access, while the southerly project access is restricted to right turns in/out only. (page 3-85)
 - The parking study by RK Engineering Group shows several maps which show the streets of Monarch Bay Villas, but in over 100 pages of the report the study does not address Lumeria Lane intersection or the impact to traffic flow, safety, visibility, etc. “a single time”.

The report is out of date, and even more so the update did not update any material information relevant to traffic flow at Lumeria Lane intersection.

- Strands Beach
 - All of the parking spaces in that County-operated lot are dedicated/designated as public beach access spaces as ratified by the California Coastal Commission. Now that the “funicular” is in operation this beach area is going to be very busy and will need those 100 spaces that were given temporary use to SCBC.
 - It allows for a 6 month, Sunday 7:30 am -- 1 pm ONLY use, whereas the SSBC Master Plan verbiage and off-site parking logistics are vague and ambiguous, the period of use could be much longer than 6 months and involve usage during other days of the week. The SSBC Master Plan is a 10 year construction project.

In closing I am requesting that all potential impacts listed by city staff that was earlier judged to be less than significant in the initial study, be included in the Draft EIR.

Parking Management Plan

A variety of parking techniques are available to accommodate any excess parking demand not contained by the on-site parking spaces. The church has obtained a letter of intent dated December 27, 2007 from the County of Orange (Resources & Development Management Department) to allow off-site parking in the vicinity of the church. The off-site parking area would provide temporary use of 100 parking spaces during construction phases of the proposed project. Shuttles would then transport church attendees between the off-site parking location and the church. Trained parking directors are currently provided at the church and these services would be helpful in the future in directing vehicles from the southerly access point to the northerly access point and handling the on-site circulation of traffic. The scheduling of church services and concurrent activities would additionally decrease the demand for parking at any one point in time. The parking study recommended that Sunday services be scheduled approximately 30 minutes between services in order to allow adequate time for visitors to enter and exit the parking lot and to reduce parking demand. Sunday services are currently held at 8:15 a.m., 9:30 a.m., 11:00 a.m., and 6:00 p.m. The time period between the second and third services allows for at least 30 minutes, since these are the services with greater attendance. There are no parking demand issues during the 8:15 a.m. and 6:00 p.m. services, which might otherwise require additional time for visitors to enter and exit the parking lot.

CAPONE SANTA ANA CA 927
23266 ATLANTIS WAY
DANA POINT, CA 92629

05 MAR 2010 PM 3 T



2010 MAR - 6 City of Dana Point
Att: Saima Duresky Aick
Senior Planner
33282 Golden Lantern
Point, Ca
92629-3568

Thank you for the opportunity
to express concerns.

Sincerely
Celise Capone
Monarch Bay Villas
home owner.

Dear Saima,

Re: Proposal expansion of So.
Shores Church.

My concerns: 10yr. construction
project, noise and earth moving
and stability of hill itself -
we lost all those apartments -
that are below the Church.

This is taxed on existence
of open spaces this beautiful
community - this will be
destroyed along with the values of
the home.

March 9, 2010

Saima Qureshy
City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629

2010 MAR 12 P 3:35

Dear Saima Qureshy:

SUBJECT: SOUTH SHORES CHURCH EXPANSION PROJECT

As a neighbor in the Dana Point/Monarch Beach community that will be directly affected by the Church's Expansion Proposal we wanted to express our concerns relating to this proposed project. It is important to note that the view from the back of our house faces the Monarch Beach Golf Course and the South Shores Church property. We have reviewed the Environmental Impact Report (EIR) and the Environmental Checklists and have the following specific concerns based upon these documents.

- Underestimates the impact to Aesthetics (Section I)
 - Items a) and c) specifically – As noted previously, all houses on this side of the golf course with views down the canyon will have their views substantially affected by the proposed expansion and would degrade the existing quality of the visual character, both over the 10 years as the project goes on and once the proposed expansion is complete.
- Underestimates the impact to Noise (Section XI)
 - Items a) and d) specifically – We have noted in the past when the church has conducted larger gatherings (weddings, church events and holidays) we have been able to hear the noise from the event from our house. With the increased capacity this will only become more prevalent. Additionally the noise over the construction period should also be further considered in a residential area.
- Underestimates the impact to Transportation/Traffic (Section XV)
 - Items a) and f) specifically – As the church stands today on typical church patterns (Sunday mornings and afternoons, and holidays) the overflow parking extends as far as possible on Crown Valley. With the building expansion of 54% growth (42,545 sq ft to 89,362 sq ft) and a parking capacity of 46% growth (228 parking spaces to 421 parking spaces, this problem is only going to become worse.

We trust you and the Dana Point Planning Committee will consider our concerns along with all the other concerns of the current tax paying residents of Dana Point when making your decision on the South Shores Expansion Project. We ask that you take our concerns under consideration and significantly curtail the South Shores Church Expansion Project. Please feel free to contact us directly at our home address or home phone (949-481-8627).

Sincerely,



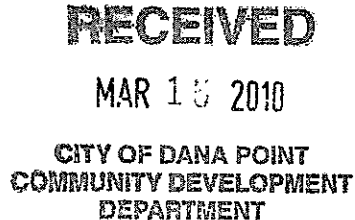
Shannon & David Demas

Kerry Krisher and John Foley
39 Costa del Sol
Dana Point, CA 92629

Bill and Lisa Pine
41 Costa del Sol
Dana Point, CA 92629

March 15, 2010

City of Dana Point
Attention: Saima Quershy, AICP, Senior Planner
33282 Golden Lantern
Dana Point, CA 92629-1805



To the City of Dana Point:

As a resident homeowners in the City of Dana Point since 1992 (Kerry Krisher) and 1999 (Bill and Lisa Pine), we appreciate the opportunity to submit our comments with regard to the Notice of Preparation (NOP) issued by the City of Dana Point for the Environmental Impact Report (EIR) being prepared for the proposed South Shores Church Master Plan Project.

The NOP we received from the City of Dana Point, dated February 4, 2010, states as follows: "Based on the analysis contained in the project's Initial Study, the probable environmental effects of the project to be analyzed in the Draft EIR include but are not necessarily limited to the following: aesthetics, air quality, biological resources, cultural/paleontological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services and utilities, and transportation and circulation."

As stated in the NOP, the Draft EIR will be prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) and the CEQA implementing guidelines (Guidelines). It is our expectation, and the expectation of our neighbors and other impacted parties, that the Draft EIR will, indeed, be prepared not just in accordance with CEQA and the Guidelines, but also in accordance with the City of Dana Point General Plan, and, at a minimum, take into consideration the following environmental impacts of the proposed South Shores Church Master Plan Project (the "Project"):

1. Aesthetics: As proposed, the Project is aesthetically incompatible with all existing structures in the surrounding area. The size and nature of the proposed structures are inconsistent with the neighborhood and physical site. The Project design will significantly cut into the existing hillside and will cause the removal of dozens of mature trees that most likely pre-date the original property improvements. The Project will also permanently alter the views enjoyed by hundreds of homeowners and visitors to the nearby resorts and golf course. Currently, these views include green hillsides that gracefully slope downward towards Monarch Bay and the Pacific Ocean. The Project proposes to replace the natural vegetation with a massive retaining wall that by design and materials will be incapable of growing replacement vegetation. The Draft EIR must consider the impact the project will have on the existing vegetation, views, and aesthetics currently enjoyed by the impacted parties. The Draft EIR must also assess the impact of

increased lighting from the Project, taking into account the proposed hours of operation and the actual, not just contemplated, uses of the new facilities.

2. **Air Quality:** As proposed, the Project will introduce a number of new factors that will negatively impact air quality in the surrounding area. The Project proponents are requesting permission to construct the project in phases over a ten year period. The Project, as proposed, will require the movement of 100,000 cubic yards of dirt. Disrupting this quantity of earth will disburse vast amounts of dust and other particles into the surrounding atmosphere over the extensive project timeline, resulting in a prolonged negative impact on the quality of the air in the region surrounding the project. Additionally, the earth moving equipment employed in the project will disburse effluents into the surrounding atmosphere. The onshore winds will distribute this dust and other pollutants into environs of the golf course, the canyon, and the homes surrounding the project. This impact will affect humans, domestic animals, and wildlife alike. The project will also increase traffic to the area. First, when construction commences from construction vehicles. Then, as the project phases are completed, traffic in and around the project will increase in proportion to the use of the facility. The Draft EIR must consider the impact of the construction and post construction activities on the surrounding air quality.
3. **Biological Resources:** The area surrounding the project is home to numerous species of wildlife. I have personally seen deer, raccoon, skunk, possum, dove, heron, lizards, squirrels, chipmunks, wood duck, red-tailed hawk and other species of birds, butterflies, rabbit, and other wildlife in the area near and around the Project site. I am certain dozens of other animal species also inhabit the areas around the Project. The Draft EIR must take into account the impact this project will have on native and migratory species that inhabit and frequent this area.
4. **Cultural/Paleontological Resources:** All residents of Dana Point appreciate the history that encompasses our beautiful community, in particular the stories recounted by our city's namesake, Richard Henry Dana, when he first arrived in Capistrano Bay in 1835. Historic artifacts have been unearthed in South Orange County coastal communities from Laguna Beach to San Clemente. The Draft EIR must investigate the possibility that the Project site includes cultural and/or paleontological remains that are of historical significance to our community.
5. **Geology and Soils:** The Project site is contiguous to the area where landslides have already occurred, destroying two large apartment buildings in the Monarch Coast Apartment complex and damaging the public trail that runs through the Salt Creek Corridor. Even before the landslides, an aquifer which runs under the Project site continually flooded the theater that was located in Monarch Bay Plaza, just below the Project site. The theater was closed, then the lobby was converted to a florist, then eventually the structure was razed when the building became unsuitable for any use. The proposed construction most certainly will exacerbate pre-existing problems and most likely cause additional significant damage to the Salt Creek Corridor. The Draft EIR must address the landslide potential of the proposed Project, including the impact on the Monarch Bay Villas, the Salt Creek Corridor, and all other potentially impacted areas, including any liability that may accrue to the City of Dana Point should the project be approved and a subsequent landslide occur.
6. **Hazards and Hazardous Materials:** The Project site may contain quantities of hazardous materials and chemicals pre-dating the site's current use. Further, the Project itself may

introduce hazards and hazardous materials during the grading, excavation, and construction process. The Draft EIR must address the potential that this Project introduces hazards and hazardous materials into the surrounding environment.

7. **Hydrology and Water Quality:** The recent storms of February 2010 caused erosion to the slope below the Project and damaged the trail along the Salt Creek Corridor. The Project, as proposed, will materially alter the topography of the Project site and the storm runoff patterns, potentially causing more damage to the areas around the project, including the Salt Creek Corridor, the public trails, and the adjacent residential communities, than would occur if no changes were made to the Project site. These topographical changes may also impact water quality in Salt Creek, which flows to the Pacific Ocean. Once completed, the Project will use considerably more water than is consumed by the current facility for such uses as irrigation, sewer, and consumption. The Draft EIR needs to take into account the impact the Project will have on water runoff, water quality, and water consumption in the region surrounding the Project.
8. **Land Use and Planning:** The City of Dana Point General Plan provides very specific criteria for land development in the City of Dana Point, including development of open space, preservation of bluffs, preservation of natural resources, and density standards, to name a few. As proposed, the Project appears to be in direct conflict with numerous provisions of the City of Dana Point General Plan. The Draft EIR must address the Project's compliance with the City of Dana Point General Plan and the guidelines and requirements of any other governing agencies. Additionally, the Draft EIR must consider the property zoning and assess the size of the Project in relationship to the true buildable acreage of the Project site. Further, the Draft EIR should take into consideration the cost of the Project as proposed and the ability of the project proponents to provide assurance of financial performance for each and every phase of the project, or lacking such assurance, the impact a partially completed Project would have on all affected parties.
9. **Noise:** At times the current facility creates a level of noise that is disruptive to the surrounding neighbors and community. The canyon between the existing facility and homes in all directions around the facility acts as an amphitheater, amplifying the noise across the golf course and into the existing homes. The ten year Project construction timetable will subject the surrounding neighbors and visitors to prolonged increases in noise directly resulting from the construction equipment and personnel. Once completed, the Project proponents anticipate operating the facility from 7 am to 10 pm, 7 days a week. This operating schedule will also increase the noise from the facility. The Draft EIR needs to address the noise impact of the construction and operating phases of the Project on all surrounding residents, visitors, and businesses, and determine the potential the Project will exceed the noise standards not just permitted by the City of Dana Point but also within the character of the surrounding residential and resort communities.
10. **Public Services and Utilities:** The Draft EIR needs to address the impact the size and scope of the Project will have on public services, including increased costs of maintaining public roadways, increased use of public utilities and public lands, and the costs related to increased demand on local law enforcement and fire services. The Draft EIR must also address the costs which will be

Krisher and Pine
March 15, 2010

incurred by the City of Dana Point to oversee and police the Project during the proposed ten year construction phase.

11. Transportation and Circulation: The Project site can only be accessed from Crown Valley Parkway, one of South Orange County's most highly traveled, and arguably dangerous, roadways. The Draft EIR must incorporate a detailed and thorough traffic study which assesses the impact of increased traffic seven days a week, both during the construction period and for each phase of operations. This traffic study must also take into consideration the exacerbated danger posed by Crown Valley Parkway during and after rain storms caused by poor grading which allows storm water to improperly accumulate on the roadway. Additionally, the Draft EIR must assess the traffic and circulation impact of specific facility uses, including an expanded pre-school, elementary, and secondary education facility, as well as a social center which will presumably host events such as wedding receptions and other festive celebratory events.

Again, we appreciate the opportunity to present our comments and participate in this process. It is our wish and hope that the Draft EIR is prepared in an objective manner that addresses all the concerns raised by us and our impacted neighbors.

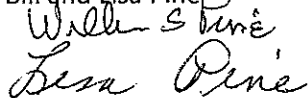
As agreed to by Mr. Kyle Butterwick, Director of Community Development, at the March 4, 2010 scoping session, please provide each of us with proof of receipt directly from LSA attesting that LSA has received these comments in their entirety.

Very truly yours,



Kerry Krisher and John Foley

Bill and Lisa Pine



March 17, 2010

Joseette & Rodney R. Hatter
23297 Pompeii Drive
Dana Point, CA 92629
jshatter@uci.edu

11:57:51

2010 MAR 18 AM 10:31

CITY OF DANA POINT

City of Dana Point
Attention: Saima Qureshy, AICP, Senior Planner,
Kyle Butterwick,
33282 Golden Lantern
Dana Point, CA 92629-3568

Re: Comments regarding the Mitigated Negative Declaration and the Draft EIR for the South Shores Church proposed Master Plan, SCH No. 2009041129, as requested by the City of Dana Point at the March 4, 2010, Scoping "Meeting."

Sent via email to: squreshy@danapoint.org, kbutterwick@danapoint.org

RESPONDER REQUESTS CONFIRMATION OF DELIVERY FROM THE CITY OF DANA POINT AND FROM LSA. CONFIRMATION SHOULD BE SENT TO: jshatter@uci.edu

General comments relating to the MND and the Draft EIR

The initial study of the proposal to increase institutional development by South Shores Church failed to fully assess the impact of growth and development of institutional buildings on the environment and on neighbors.

As residents of Dana Point, with property that is immediately adjacent to the South Shores Church property, we are dismayed by the City's handling of the South Shores Church request to increase the size of its institutional presence at the current location (atop a coastal bluff and adjoining quiet neighborhoods.) Most significantly to us, it completely failed to properly consider the impact of a ten-year project on the individuals who are the most immediate neighbors to South Shores Church and the impact of any project on the surrounding environment.

We reject the findings of the Mitigated Negative Declaration related to this project. As several city employees confirmed at the March 4, 2010, Scoping "Meeting," the report failed to take account of streets and intersections beyond Sea Island Drive and the entrance into South Shores Church. It further failed to give appropriate, thorough consideration to the fragile coastal area on which it has proposed to build; nor does it adequately consider the land immediately

adjacent to the church property. It failed to reflect considerations of water drainage onto adjacent properties. It failed to represent the impact the construction project will have on adjoining properties.

We live in Monarch Bay Villas, a community of only 53 homes. All residents of Monarch Bay Villas will share in the negative impact of the development, but we can best testify to the effects on our street. The seventeen homes on our street, Pompeii Drive, sit directly below the church. Residents and owners will be adversely affected for the duration of the project and beyond its completion.

By way of statistics, at least seven of the seventeen households on our street have one or more residents over the age of 65. Of these, at least four households have one or more residents who are over the age of 70. Of these seven households, three owners are widows and one is a widower.

Seven other households have residents that are at least 55 years of age, and probably older. Of these, two are single persons. We know that at least four of the seventeen households have one or two residents with significant medical problems that require daily management. Sixteen of the seventeen households are owned or occupied by individuals of retirement age who did not expect to have to fight City Hall and their largest neighbor in order to maintain the quality of their lifestyle and to preserve the value of their homes.

Because of the length of the project, the demographics will "worsen" before it is completed. Residents will be older, sicker and have less discretionary income to fight for quality of life concerns. These residents are entitled to protection from careless management by the City and their long-term quality of life must be considered in the planning of the project. At this point in time, trust in the City has been severely compromised.

How do the City and South Shores Church plan to mitigate medical, emotional and financial damages that residents have incurred as they struggled to protect their homes and quality of life from the invasive construction of the proposed institutional facilities?

What plans are there to mitigate future lifestyle destruction from the operation of the proposed institutional facilities, including, but not limited to, the financial, aesthetic, medical and emotional damage, which will be inflicted upon the residents of Monarch Bay Villas?

Specific Comments on Environmental Topic Areas to be Analyzed in the EIR

Aesthetics

The initial study failed to properly evaluate the Aesthetic concerns associated with the project.

2010 MAR 18 AM 10:31

CITY OF DANA POINT

Project Size

South Shores Church is located on a coastal bluff and a scenic area of Dana Point. Although the church owns approximately six acres, some of it is un-useable. What is the exact size of the buildable area?

The current project, designed to expand the presence of an institution in this neighborhood, is too large for the apparent buildable area. We are requesting a thorough review of the proposed buildings and parking lot, with a request to reduce, in number and size, the buildings to be placed on the lot. We are requesting increased setback of any structure or parking facility above Pompeii Drive.

If the project is not reduced, what is proposed to mitigate crowding of the site, blocking of view, increased pollution and loss of light along Crown Valley Parkway and above Pompeii Drive?

Fencing

If a fence is installed, what are the plans to mitigate unsightliness? What are the plans for removal between active phases of the project? What are the plans to keep the fence clean and in excellent condition and to regularly clean around it?

What alternate, suitable and aesthetically more appropriate sites and plans for the development of its institutional mission have been provided by South Shores Church?

Property Management

For the length of our 15-year residency on Pompeii Drive we have been dismayed by the South Shores Church approach to property management. We are certain that South Shores Church would report, and believes, that it is responsive to neighbors and responsible in the maintenance of its grounds and facilities.

However, we have had to write, telephone and repeatedly ask our property manager to telephone, in order to get the church slope that abuts our property trimmed and maintained. Two years ago we spent \$500.00 of our own money to cut back dead and flammable brush. Finally, last spring, fearful of fire and unwilling to once again finance the church's slope maintenance, we resorted to a phone call to Bill Bailey, of code enforcement for the City, requesting an

inspection of the slope. He requested inspection by the Fire Marshall and subsequently the slope was cleared of dead brush by order of the Fire Marshall.

One would think that this would have made South Shores Church more vigilant, but at the date of this writing, the slope area behind our home has seven large broken tree branches. They were broken six weeks ago in the late January 2010 storm. Someone cut back a tree whose branches had broken, fallen to rest across the drainage ditch and against our back gate, but no one has picked up the trimmed branches, finished trimming the damaged tree or cleared the other six large broken branches that are very visible from my home, but invisible from the church parking lot. What steps are being taken to mitigate South Shores Church's habit of viewing things only from its own perspective?

In a casual conversation several months ago, with a man who represented himself as a member of the gardening service hired by the church, we were told that the gardening service was limited in its activities on the slope by church budget considerations. Is South Shores Church required to disclose its financial status and demonstrate its ability to pay for the upkeep of what it currently owns?

How can the church be trusted to manage the maintenance of a larger institutional facility when it doesn't even take care of what it currently owns? What is being proposed in this project to mitigate against lack of slope, site and facility maintenance?



Air Quality

The initial study failed to fully assess Air Quality Issues associated with the proposed institutional project.

Pollution

The proposal to move immense amounts of soil and to manage dust with water spray is of significant concern.

As residents of Monarch Bay Villas, we enjoy (and pay the mortgages to insure)

the privilege of open doors and windows and fresh air. Our location immediately below the building site means that pollutants from demolition, site-preparation and building will fall and be blown upon us. Heavy equipment and idling traffic on Crown Valley Parkway, as well as heavy equipment on site, will increase motor vehicle pollutants and increase the likelihood of health-related problems. What is proposed to mitigate for this pollution, which is known to increase asthma and other respiratory infections?

What is the plan to mitigate against the loss of access to fresh air and the showering of dust and pollutants upon my home, street and community?

What is the plan to mitigate against increased humidity in an already damp area?

Chronic Respiratory Illness

Management of a chronic respiratory condition, Bronchiectasis, requires that this household manage allergens and pollutants, such as dust. The long duration of the proposed project means that this household will have to incur the expenses of installing additional double-paned windows and an air-conditioning system. Also, gardening and housekeeping costs will increase in order to maintain a clean and low-dust environment. What are the plans to mitigate the costs to this homeowner and to others on Pompeii drive who will incur similar adverse loss of air quality?

If a fence is installed, what other steps besides watering and the fence will be taken to mitigate loss of air quality?

Biological Resources

The initial study failed to fully assess Biological Resources affected by the proposed institutional project.

Coastal Bluff and Drainage

The proposed project calls for placement of large institutional structures and a parking structure on a coastal bluff. The building of such will affect coastal bluff areas immediately below the project site.

Fifteen years ago the City mandated that the church build a drainage basin at the end of Pompeii Drive, on what is now a gnatcatcher/wildlife preserve. Despite assurances that the drainage basin would be both camouflaged and maintained, it remains an over-grown fenced area with runoff that has damaged the coastal bluff on which it was built. Further more, when the drainage basin was installed, it was erroneously installed over the area of legal easement Monarch Bay Villas enjoys over the adjoining property.



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CITY OF SANTA FE

What are the plans to properly restore the bluff area, to mitigate against damage to date and restore the soils of the gnatcatcher/wildlife preserve?

What are the plans to mitigate against continued damage to the bluff and the gnatcatcher/wildlife preserve or new damage resulting from the proposed project?

Cultural Resources (Archaeology and Paleontology)

No Comments

Geology/Soils Hazards and Hazardous Materials

The initial study failed to thoroughly assess Geology/Soils Hazards and Hazardous Materials.

As homeowners unskilled in the discussion of soil hazards and hazardous materials, we are nonetheless concerned about these problems.

Areas of Dana Point are prone to slippage; one has only to look at the empty slopes between South Shores Church and the apartment complex on Crown Valley parkway to see evidence of unstable earth. What seismic studies have been completed or are proposed to address these concerns?

Have the seismic studies done for the area adjacent to Pompeii Drive (that is now gnatcatcher/wildlife preserve) been obtained and studied? These studies were completed in approximately 1999-2000 and demonstrated unstable ground adjacent to Pompeii Drive. What efforts have been made to study and mitigate against soil slippage or other problems which we do not have the experience to anticipate but that may very well exist?

What destabilization of the area has occurred as a result of the poor management of the church's drainage basin located next to Pompeii Drive? What is proposed to understand and to mitigate against further damage of coastal bluffs and destabilization of the land next to Pompeii Drive?

If it is the case that South Shores Church is built upon bedrock, what kind of digging and blasting will need to be done in the course of construction? How will such digging and blasting affect unstable surrounding areas? What is proposed to mitigate construction-caused shifting of slopes?

There is a catch basin above 23297 Pompeii Drive. Obviously, it is porous or it would overflow in times of heavy rain. How will it be affected by earth removal, blasting or other construction-related activity?

How can we, as homeowners below church property, be assured that there will be no earth sliding into our home?

Hydrology and Water Quality

The initial study failed to properly assess the issues of Hydrology and Water Quality.

Standing Water

In previous years we have had to call Orange County Vector Control for assessment of standing water in the drainage basin next to Pompeii Drive. Upon

investigation, Vector Control has treated for eradication of mosquitoes to reduce West Nile Virus and other illnesses. This drainage basin is right next to our house. None of the possible responsible parties (the City, the church or any other agency responsible for management of the gnatcatcher/wildlife preserve) have properly supervised this drainage area. What steps are being taken to properly manage the area? What steps are being taken to mitigate against current and future problems?

Underground Water

Pompeii Drive has considerable runoff due to underground water. This water runs on the street and through garages when it is present. The surfacing of underground water has historically also been a problem at Monarch Shopping Center.

What studies have been made of the local hydrology? What are the plans to mitigate against increased ground water or other water problems caused by new construction?

Drainage

What are the plans to correct damaging overflow drainage from the current South Shores Church site drainage ditches? What are the plans to correct drainage out of the existing drainage basin next to Pompeii Drive? What are the plans to manage the basin above Pompeii Drive?

What are the plans to mitigate drainage of water proposed as a method of dust control?

What are the plans to mitigate against other water problems that a professional could identify?

Land Use and Planning

The initial study failed to properly evaluate issues of Land Use and Planning.

The proposed project places a large institutional facility in the middle of a quiet neighborhood. What happens to our property values during 10 years of construction? What will be done to mitigate against loss of value?

Post-construction, what happens to our property values when the buildings and activities of the institutional facility reduce the privacy, sunlight, air quality and serenity of our neighborhood? What steps are proposed to mitigate against significant deterioration of the area due to the character-changing influences that naturally stem from institutional development within a quiet neighborhood?

How does such an institutional development fit into State, County and City guidelines for use of Coastal Bluff lands?

Noise

The initial study failed to thoroughly assess noise related to the project.

Noise is a significant irritant when it stems from a disturbance that the hearer cannot control. The proposed project will create tremendous amounts of noise that the neighbors around South Coast Church cannot eliminate or reduce. What are the plans to mitigate against this damage?

Heavy Equipment and Construction Noise

Earthmovers, large trucks and other heavy equipment will create hours and hours of noise that will be disturbing to the residents of Pompeii Drive. What are the plans to mitigate against the noise of construction?

Blasting, digging and pounding will create hours and hours of noise that will be highly disturbing to the residents of Pompeii Drive and Monarch Bay Villas. What are the plans to mitigate against this high level disturbance?

What are the plans to mitigate against other known sources of construction noise?

Post-construction Noise

The proposed project will create a significant increase in "normal" noise, due to the increased presence of people and vehicles. Daytime-use noise and traffic noise will destroy the current ambience of the neighborhood. Birds will be driven away and the pleasurable experience of sitting in a quiet backyard or back room, seeing and hearing nature, will be eliminated. Is it possible to mitigate against something so precious that has been destroyed? What is being offered to compensate neighbors for the loss of lifestyle?

Noise from the ramp of the proposed parking structure will be a significant source of noise. We request that the ramp be moved to the side of the structure close to the existing new sanctuary and away from the slope above Pompeii Drive. We further request addition 40 feet of offset space from the down slope abutting the back of properties along Pompeii Drive. We request input about these requests for noise mitigation/abatement.

What happens to property values when the precious aspects of quiet and serenity no longer exist?

Nighttime use of the facility will drastically alter the quiet of the residences of Monarch Bay Villas. We currently have irregular disturbance from the nearby hotels and this can be so irritating as to force closure of doors and windows in order to read, think or sleep. Noises from South Shores Church nighttime usage will be more regular and equally, if not more, disturbing, due to proximity. What

is being done to mitigate against this disturbance?

Public Services & Utilities

The initial study failed to thoroughly assess the effects of the proposed projects on Public Services and Utilities.

Bus service and emergency vehicle services will be negatively impacted along Crown Valley Parkway and perhaps Pacific Coast Highway. What plans are there to mitigate against such loss of service?

There will be times when utilities such as water, gas and electricity, will be turned off to facilitate construction of the South Shores Church institutional development. What plans are proposed to mitigate negative impact on the surrounding neighborhoods? What recourse will neighbors have to protest timing of loss of service? How much advance warning will be provided? If a neighbor suffers damage due to loss of service, how will that neighbor contact the City and the Church and recover damages?

Traffic and Circulation

The initial study failed to accurately assess traffic and circulation problems.

City employees at the March 4, 2010, Scoping "Meeting" were frank in their acknowledgment that the Mitigated Negative Declaration submitted for this institutional project did not include assessment of impact on Lumeria Lane, Crown Valley Parkway and Pacific Coast Highway. Therefore, the results of that declaration must be rejected in favor of a study that actually focuses on all areas that will be affected by construction and post-construction traffic.

Lumeria Lane

Lumeria Lane is the only exit out of Monarch Bay Villas; there are no other streets that flow onto Crown Valley Parkway or other city streets. Currently, Lumeria Lane is highly impacted by fast moving traffic on Crown Valley Parkway. Often a left turn is difficult to make. Impatient drivers in both directions impair access from Lumeria onto Crown Valley Parkway and also pass erratically, thus endangering slower moving vehicles that are not in immediate sight, but that are in line to be hit by the passing vehicles (who seem not to anticipate traffic moving onto Crown Valley Parkway from Lumeria Lane.)

Construction traffic will slow and impair smooth motion along and onto Crown Valley Parkway. Left turns from Lumeria Lane or from other streets between Lumeria Lane and PCH will be dangerous and next-to-impossible.

The residents of Monarch Bay Villas will encounter significant disruption in their

normal driving patterns and incur significant and unpredictable delays in their ability to go to the store, the doctor and other necessary and regular trips. Those who are the most elderly, but still safely licensed to drive, will be most endangered by erratic drivers and unsafe conditions and will suffer significant loss in quality of life. Furthermore, accidents will increase in frequency and severity.

200 MAR 19 AM 10:32

What are the plans to mitigate against the above-mentioned traffic problems on Lumeria Lane? What are the plans to keep the residents of Monarch Bay Villas safe and able to meet their needs for access to the larger community?

Crown Valley Parkway

Heavy equipment and trucks along Crown Valley Parkway will reduce and sometimes preclude timely travel along Crown Valley Parkway. Traffic entering and leaving Crown Valley Parkway from PCH will be slowed and heavy, creating traffic jams and impaired traffic flow for other citizens of Dana Point and surrounding communities. What is being done to mitigate against these traffic flow problems?

Heavy vehicles will damage Crown Valley Parkway as they move on and off the construction site. What is proposed to mitigate against such damage?

Traffic along Crown Valley Parkway will slow in both directions due to increased construction traffic. What will be done to mitigate against slowing in the direction of Del Avion, El Niguel Golf Course and Alicia Parkway?

Pacific Coast Highway

Traffic on northbound and southbound lanes of Pacific Coast Highway will be slowed and impaired by the presence of construction vehicles and/or traffic backflow from the entrance to the South Shores Church Construction site. What is proposed to mitigate against these traffic problems?

If heavy equipment moves along PCH, the road will be damaged. What is proposed to mitigate against such damage?

Project Alternatives

The initial study did not appropriately discuss project alternatives.

South Shores Church would like to increase its institutional presence in the community of Dana Point. However, it is planning to increase institutional presence in a neighborhood community; its closest neighbors are worried by and rejecting of the intrusive institutional development. What alternative locations has the Church explored for its institutional development?

The City appears to be making an attempt to resolve its increased need for infrastructure (to meet the needs of a growing population) through approval of the current institutional project proposed by South Shores Church.

What alternate sites and proposals has the City investigated to provide youth and adult services for the citizens of Dana Point? If none, why not?

Growth Inducing

The initial study failed to properly consider the growth-inducing effects of the proposed institutional project.

The development of institutional services at South Shores Church will grow traffic problems and increase usage of roads and public utilities. What is being done to increase revenues for the management of these problems? What steps are taken to mitigate against other problems, which a professional or an experienced person could identify as related to increased institutional services at South Shores Church?

Josette S. Hatter
Josette. S. Hatter

March 18, 2010

Rodney R. Hatter

3-18-10

RODNEY R. HATTER

Josette S. Hatter jshatter@uci.edu
 23297 Pompeii Drive
 Dana Point, CA 92629

Mayor Steven H. Weinberg, Kyle Butterworth, Director of Dana Point City Planning, Liz Anderson-Fitzgerald, Chairwoman, Dana Point Planning Commission, Members of the Dana Point City Council, Members of Dana Point Planning Commission, Douglas C. Chotkevys, Dana Point City Manager, and Patrick Munoz, Dana Point City Attorney
 33282 Golden Lantern
 Dana Point, CA 92629-1805

2010 MAR 18 AM 10:32

City of Dana Point

sweinberg@danapoint.org, kbutterwick@danapoint.org, landerson@danapoint.org,
djacob@danapoint.org, sschoeffel@danapoint.org, lbartlett@danapoint.org, jbishop@danapoint.org,
jlittler@DanaPoint.org

By email March 5, 2010

RE: March 4, 2010 Public Scoping Meeting, South Shores Church Master Plan

Dear City Representatives,

I am writing to protest the structure of the public scoping meeting for the Draft EIR for the South Shores Church proposed Master Plan, SCH No. 2009041129. In no way was it actually a meeting, in the common sense of the word. It wasn't even a presentation! Members of the community were not informed that they would be required to move individually from station to station to look at the project. They were deprived of opportunity to hear shared concerns from community members and to hear responses from the City, South Shores Church and from LSA. The structure of the "meeting" appeared to have been designed to reduce opportunity for verbal interaction and placed community members at a disadvantage. It was outrageous and I wonder if it was legal.

As a resident of Monarch Bay Villas, on Pompeii Drive, I am one of the residents who will be most impacted by the proposed project, as my property adjoins South Shores Church property. Many residents of this neighborhood are "seniors." All but one of the owners on my street is over the age of 55; at age 57 I am one of the younger residents. I definitely believe that the city has behaved in a discriminating fashion against me and the other residents of my street and neighborhood.

I am also protesting the continued role of Ms. Saima Qureshy, AICP, as the Senior Planner on this project. She was nice enough to me, but was unable to handle direct and confrontational comments from others. Anyone could understand the stress that she is under, but the Senior Planner needs to be able to handle a wide range of personalities and discussions and she was not able to do so.

Sincerely,

Josette S. Hatter

Cc: rodhatter@earthlink.net, roxannewillinger@cox.net, tvglen@cox.net

Josette S. Hatter
 Josette S. Hatter

March 18, 2010

SOUTH SHORES CHURCH EXPANSION
Environmental Topic Areas to be Analyzed in the EIR

10/11/11

Aesthetics

2010 MAR 22 P 3:51

This project as proposed will be a massive eye sore view for our community. We will be looking at a wall of 20 to 30 feet built on the side of the hill. Massive fill for massive playgrounds will bring all the noise of the school's operation to the quiet side of the project – the golf course and Ritz Pointe Communities.

Air Quality

There will be pollution from:

- a) The prolonged construction for a ten year period;
- b) The traffic jams created on Crown Valley Parkway during construction for a prolonged ten year period.

Biological Resources

Plant and animal life will be adversely affected from prolonged construction pollution over a ten year period.

Cultural Resources

Indian artifacts will be desecrated. Human culture will suffer. The bird and animal culture will suffer. There are several five star hotels that will be negatively impacted by an entertainment venue. We will not be able to enjoy the peace and natural tranquility of our yards and decks.

Geology/Soils

They will be building on an area prone to land slides. An apartment building built adjacent to the church on the east side was torn down and not replaced after the land shifted making it uninhabitable.

The condominiums adjacent to the church on the west side may sustain damage to their foundations during the excavation for the parking structure and the movement of large construction vehicles.

Hazards and Hazardous Materials

There will be traffic hazards on Crown Valley Parkway due to prolonged construction. Since this was farmland, there is a risk of hazardous toxins from now illegal fertilizers.

Page 1 of 3
John E. Enoch

If blasting is required during the construction of the parking structure, there will be damage to the foundations of the neighbors immediately adjacent to the church.

Hydrology and Water Quality

2003 JUN 22 P 3:52

Construction waste over a prolonged ten year period would have an adverse effect on the water below the earth's surface in addition to any run-off on the hillside which is a protected ecological environment.

Land Use and Planning

They would be over-building for the land area. The facilities proposed will require substantially more parking and ingress egress. Parking on Crown Valley should already be illegal.

Noise

The noise is a huge factor both during construction and when the buildings are finally utilized. The pollution and inconvenience created by construction over a ten year period would be cruel and unusual punishment to surrounding neighbors. For some of the neighbors, it may represent the last ten years of their life. It is immoral to subject the current surrounding **residents** of Dana Point to such punishment and abuse. The golf course and Ritz Pointe Communities experience an acoustical effect which magnifies the sound and echos it several times. That is unacceptable.

Public Services & Utilities

The plan would add:

- a) Christian Education Building 1 ----- 15,399 sf;
- b) Christian Education Building 2 ----- 15,456 sf;
- c) Preschool Administration Building ----- 15,115 sf
- TOTAL 45,970 sf

The plan would demolish the existing preschool --- 6,717 sf.

This means that they would be increasing the size of their school by 39,253 sf. When a school becomes six times larger, it will have a need for a dramatic increase in public services (police, fire, emergency care, etc.), not to mention better parking.

Traffic and Circulation

The traffic flow on Crown Valley Parkway will be adversely affected during the prolonged ten years of construction. It is a major street from PCH to the 5 Freeway. Parking on the street at Crown Valley is very dangerous.

Page 2 of 3
Robert E. Sparks

Project Alternatives

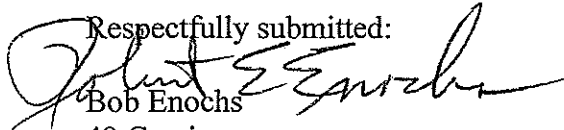
2013 10 12 3:52

Scale down the plan and only issue a building permit for the portion of the project that can be completed in a two year period. After that the church may apply for a building permit for the next phase.

Growth Inducing

Increasing the size of their educational facilities by 39,253 sf would exacerbate the problems of traffic flow, air quality and noise pollution to the current residents of Dana Point. It would be reducing the quality of life for the current residents of Dana Point.

Respectfully submitted:



Bob Enochs

49 Cassis

Dana Point, CA 92629

Page 3 of 3

South Shores Church Proposed Master Plan
Scoping Comments for EIR

2010 MAR 22 P 3:51

I am writing this to strongly oppose the proposed expansion, the time allotted for that expansion, and the scope of the project in general.

I am also writing these comments to question the validity of prior reports concerning this project as well as the scale of the plan model which has been shown at every meeting I have attended on this subject.

AESTHETICS:

- This plan is enormous and oversized for the plot of land used.
- The solid retailing walls are unsightly and too high
- The proportion to surrounding residential homes is jarring and out of sync with existing
- Lighting can be as invasive as noise—restrict to dark sky lighting

AIR QUALITY:

- Pollution is unavoidable
- Air particulates will aggravate those with allergies & asthma
- Any DDT or toxins in the former farm will be unearthed
- Dust and particulates will harm the plants and animals
- Dust and particulates will affect ALL surrounding residences

BIOLOGICAL RESOURCES

- Plant, human, and animal life will definitely be negatively impacted by this project, especially if it continues for ten plus years.

Linda M Enochs

CULTURAL RESOURCES

- Any archeological objects will be destroyed, especially while excavating for the underground garage
- Any paleontological objects will also be destroyed
- The calm quiet region of Monarch Beach will be replaced with constant activity, noise and pollution

GEOLOGY/SOILS

- The expert from the church stated at the last open meeting that blasting would be necessary because the ground below the church is extremely hard.
- NO BLASTING SHOULD BE ALLOWED
- Soils will probably bring toxic particulates into the air
- The fill area is near a prior slide and extends the noisiest area of the project towards a golf course and existing quiet neighborhoods.

HAZARDOUS MATERIALS & HAZARDS

- Toxins in the former farming site released into the air
- Construction traffic on Crown Valley Pkwy is a hazard
- After built traffic ingress and egress is inadequate and causes a hazard
- Blasting and excavating can cause existing residential slab and structure damages

HYDROLOGY AND WATER QUALITY

- Ground water will be adversely affected
- Any pollution of water toward Salt Creek directly affects the Ocean
- Underground springs percolate into Monarch Bay Shopping Center

LAND USE AND PLANNING

- The project is far too large for the parcel of land
- The project is far too large to integrate into the surrounding community

- The schools planned for the rear fill area of the property are not feasible for use with existing or proposed ingress egress
- The Master Plan process is not appropriate in this instance
- The proposed community center will compete for rental with the surrounding hotels. The hotels pay the city tax for use, the Church will not. The City loses revenue
- A ten year project is not acceptable, and represents cruel and unusual punishment for the surrounding residential citizens of our community.
- The rear slope of the project is being encroached upon, and will probably sustain damage.
- Any slide or damage would impact a public walking pathway as well as a protected wildlife habitat.
- The existing pathway has already sustained damage from a slide directly adjacent to this proposed project.

NOISE

- Noise will be at unacceptable levels throughout the construction project
- Noise will be Monday through Sunday—seven days a week
- Noise from the proposed school and playground will be at unacceptable levels for established residential areas.
- Original preschool was on Crown Valley, and playground was also located there. Noise was placed against noise.
- The Salt Creek Corridor and Canyon acts as an amphitheater between the proposed project and surrounding residential communities, making the noise extremely invasive.
- The noise echoes and reverberates throughout the corridor.
- Noise affects all of God's creatures adversely: Humans, birds, and animals.

PUBLIC SERVICES AND UTILITIES

- City Hall will be flooded with complaints regarding noise and pollution
- Roads will be adversely impacted with construction weight and usage over an extremely drawn out time
- Roads will need more capacity for traffic load

TRAFFIC AND CIRCULATION

- Crown Valley Parkway will be negatively impacted forever
- Ingress and Egress in inadequate now, and will be worse with more usage and proposed school usage and community center usage. Traffic will back up both directions at the summit of the hill—very dangerous
- Street parking should be illegal near the church on Crown Valley
- Parking is inadequate as proposed
- Parishioners and students will avoid the lot and try to park on adjoining streets causing chaos
- The flow of traffic at this project is horrible

PROJECT ALTERNATIVES

- DO NOT APPROVE MASTER PLAN
- GIVE PERMIT FOR WORK THAT CAN BE COMPLETED IN TWO YEARS TIME
- IF SCHOOL IS ALLOWED, A SOUND WALL MUST BE ADDED TO KEEP NOISE LEVELS FROM BEING INTRUSIVE TO ESTABLISHED RESIDENCES
- ONLY USE DARK SKY LIGHTING—NO LIGHTING CAN BE AIMED AT SURROUNDING RESIDENTIAL NEIGHBORS
- DO NOT ALLOW ANY BLASTING FOR EXCAVATION
- PROVIDE A REALISTIC SCALE DRAWING THAT SHOWS THE ACTUAL SLOPE ANGLE AND SIZES OF BLDGS AND HEIGHTS OF WALLS AND RETAINING WALLS
- HAVE SCALE MODEL, PLOT PLAN AND DRAWINGS AUTHENTICATED BY OUTSIDE IMPARTIAL SURVEYOR
- LIMIT PROJECT SCOPE OR BUILD ELSEWHERE

4

Linda M Enochs
HQ Cassis

GROWTH INDUCING

- This project would grow the traffic, congestion, noise and pollution from Crown Valley Parkway.
- If a school is proposed as shown, the entire surrounding community should be involved in the approval or disapproval of the plan. Notices were not sent out even to the nearest communities.

CONCLUSION

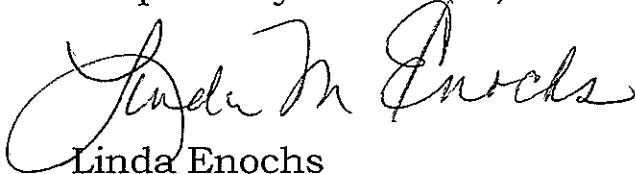
In conclusion, this project seems on a fast track to a long, slow and drawn out ordeal.

This project is simply too big, too noisy, too polluting, too invasive, too impacting in all of the environmental topic areas.

This project is surrounded on all four sides by quiet residential areas and a serene golf course. If this project is approved as planned, there will be no peace for the residents of Monarch Beach for ten or more years. For many of us it will be for the rest of our lives.

This is cruel and unusual punishment for the kind citizens of our community, and it rises to a level of elder abuse for some housebound neighbors. Please do not approve or move forward with this project as proposed.

Respectfully submitted,



Linda Enochs

49 Cassis

Monarch Beach, CA 92629

SAIMA QURESHY

From: Eric Fischer [ericfischer123@hotmail.com]

Sent: Monday, March 15, 2010 1:45 PM

To: SAIMA QURESHY

Subject: DENY SOUTH SHORES CHURCH EXPANSION

To Senior City Planner, Saima Qureshy, The South Shores Church proposed expansion is detrimental to the environment. The South Shores Church shares borders of Federally Protected Park Land. I am a registered voter. My name is Lisa Minner. I live at 32460 Crown Valley Parkway, Dana Point, CA 92629. Please deny South Shores Church Expansion. Thank you. Lisa Minner

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. [Sign up now.](#)

Patricia McCarroll
23285 Atlantis Way
Dana Point, CA 92629
949-388-8508

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MAR 19 2010

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

March 17, 2010

City of Dana Point
Attention: Saima Qureshy, AICP, Senior Planner
Kyle Butterwick, Director, Community Development Department
33282 Golden Lantern
Dana Point, CA 92629-1805

Subject: My comments for LSA Associates' Scoping for EIR re:
South Shores Church Proposed Development Plan - SCH#2009041129

To City of Dana Point Staff:

Following up on my conversation with Kyle Butterwick at the March 4, 2010 Scoping Session, and his undertaking to arrange for receipts directly from LSA Associates to people who submit comments and request such receipts:

I request that LSA Associates acknowledge their receipt of my comments on the project referenced above by their sending confirmation directly to me at the address above.

Thank you for your assistance.



**Patricia McCarroll
23285 Atlantis Way
Dana Point, CA 92629
(949) 388-8508**

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CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

March 17, 2010

City of Dana Point

Re: Public Comments on South Shores Church Proposed Development
Plan [the "Project"] -- SCH#2009041129

I am a homeowner and resident of Monarch Bay Villas ["MBV"] in Dana Point ["the City"]. I request that the Draft Environmental Impact Report ["EIR"] to be prepared by LSA Associates on the Project referenced above specifically address each of my comments (attached to this cover page) on these three issues:

Issue I: Necessity of Requiring Meaningful Surety/Indemnification for Neighboring Homeowners and for Completion of the Project

Issue II: CEQA Prohibits Using Any Components of the Tainted Initial Study in Preparing the Draft EIR

Issue III: The Initial Study Failed to Measure the Effects of the Project's Dirt, Noise, and Other Aspects at the Adjacent MBV Development

**Issue I: City's Zoning Provisions Support Providing Meaningful
Surety/Indemnification for Neighboring Homeowners**

The Initial Study, and the conditions related to it, do not adequately address the special surety needs required to protect neighbors potentially affected by the clearly foreseeable geology, hydrology, and other physical hazards posed during construction and post-construction phases by this massive Project of unprecedented length (10 years).

A. The City's Municipal Code Zoning provisions [section 9.65.100] provide authority for appropriate bonds to be conditions of approval, for those bonds to travel with the property, and for requiring those bonds to be procured before the Project begins.

Contrary to prior comments of the City Attorney at a meeting of the Dana Point Planning Commission ["DPPC"], the Zoning laws since 1993 do not limit the applicability of bonds to the grading phase. Whenever a Conditional Use Permit is subject to conditions, the Planning Commission may require a bond to guarantee the faithful performance of the conditions:

"Whenever a major Conditional Use Permit . . . is granted or modified and is subject to one (1) or more conditions, the Planning Commission may require that the applicant to whom the permit was granted file with the City a surety bond . . . in an amount prescribed for the purpose of guaranteeing the faithful performance of the conditions(s)."

DP Municipal Code, Chap. 9.65, "Conditional Use Permits." See section 1.D, below, for an example of the City's imposing an insurance condition not related to a grading phase.

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B. The Initial Study should have considered this alternative approach to safeguarding its residents' properties: two different kinds of bonds should be required.

The DPPC took a minimalist approach that is inadequate to protect the neighbors of this massive Project on a sensitive site. Because this Project poses hazards over a 10-year building period and beyond, special conditions are required.

While the Initial Study was alternatively designated a Mitigated Negative Declaration ["MND"], the DPPC staff had at one point recommended that the MND be approved by the DPPC with 435 conditions attached. Seven of those 435 conditions related to minimal grading surety bonds, but only as conditions for the CDP issuing grading permits at the outset of each of the seven stages of the Project's proposed 10-year span.¹ This approach fails to deal with the unprecedented length and extensive nature of this Project that is proposed based on the Applicant's mere hope that the required funding will be materialize as the Project goes along.

Requiring the Applicant to provide the following two kinds of bonds could

¹ All seven conditions requiring surety bonds [## 56, 117, 151, 210, 269, 328, and 387] were identical, with one minor difference:

"Surety to guarantee completion [of the respective phase] of the project grading and drainage improvements, including erosion control, up to 100% of the approved Engineer's cost estimate shall be posted to the satisfaction of the City Engineer and the City Attorney."

Condition # 117, a prerequisite to issuance of the grading permit for Phase 1B of the Project, specified the satisfaction of the Director of Public Works [rather than the City Engineer] and the City Attorney.

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accomplish the requisite protection for Dana Point homeowners:

(i) an INDEMNIFICATION Bond for the potential damage to not only the adjacent homes at Monarch Bay Villas, but also for surrounding slope failure and ecological damage. This bond must be required prior to breaking ground for this Project and travel with the property once the property is altered. The value of this bond should be at least \$50 million, given the value of the homes adjacent to this hilltop Project;

(ii) a PERFORMANCE BOND for the mitigations required for this project. No number of other "conditions" can fill the role that indemnification must play for the Applicant's potentially hazardous plan.

This bond must also travel with the property, and must be procured before the Project begins.

This bond must be adequate for the entire Project and the City must require that the bond remain in place for the 10-year proposed length of the Project and beyond -- to protect the neighboring homeowners in MBV. As provided in the Municipal Code Zoning provisions discussed in section I, A., above,² the Performance Bond must cover both the construction and post-construction phases of the Project and must travel with the ownership of the property, regardless of who owns the property. That is, it must be part of the CUP for the parcel. The Performance Bond must guarantee specific, measurable performance standards that also travel with the CUP, regardless of who owns the property. This bond should also be in the range of \$50-100

² Section 9.65.100.

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OFFICE OF DANA POINT

million.

C. The Initial Study failed to consider that the Applicant's ability to complete the multiple phases of the Project, and to indemnify neighbors whose property is damaged by the Project, cannot be presumed.

The Applicant's 10-year plans are founded on the expectation that pledges of money will be fulfilled. In the currently prevailing extreme economic uncertainty, such expectations constitute a precarious financial model. We have multiple examples in our own part of the country that such plans cannot be counted on. Just this January, the Crystal Cathedral megachurch of Garden Grove began laying off employees, selling its property in south Orange County, cut its "Hour of Power" broadcasts and cancelled its "Glory of Easter" pageant to make up for an unprecedented 27% decline in revenue in 2009.³

In another close-to-home example, the same issue of the Dana Point News that reported on the Scoping Session for this Project also contained this news: the City's widely publicized plans to host an Italian Opera Festival in September 2010 fell through, at least for now, despite "the nearly yearlong cooperative effort of planning and research."⁴ The reason? "[I]t became clear that adequate private funding is not sufficiently available at this time"⁵

D. Example of the City's Imposing on an Applicant a Condition of

³ *Orange County Register*, 1/30/10, at p. 1.

⁴ *Orange County Register's Dana Point News* insert, 3/4/10, at p. 3.

⁵ *Id.*

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OFF DANA POINT
PLANNING
DEPARTMENT

Insurance for Construction and Maintenance

The City website contains documents on the

“conditions of approval associated with the Headlands Reserve LLC Development, including a requirement that the developer must construct and maintain a funicular to provide public access from outside of the Headlands gated residential development and directly from the County Park at the end of Dana Strand Road to the beach.”⁶

The Revetment and Funicular Maintenance Agreement between the City and the Headlands Reserve LLC required the developer to

“procure and maintain at all times during the terms of the Agreement comprehensive general liability insurance on a per occurrence basis naming the City and its agents, officials, officers, representatives and employees as additional insureds. . . . This agreement also indemnifies, defends and holds the City and its officials harmless from and against any and all claims, liabilities, losses, damages, costs and expenses, including legal fees sing [sic] from or in any way connected with the Developer’s non-performance of the agreement (the construction and maintenance of the funicular.”⁷

So clearly the City is not limited to the grading phases of a Project in its ability to require surety for potential damage.

E. Application of this lesson to the proposed Project:

Dana Point homeowners and others will enter into the record extensive specific evidence of the potential hazards of the Applicant’s plan. What is needed is a bond adequate to indemnify the residents of MBV in case of damage caused by this project.

The Initial Study’s inadequate concept of mitigation denies the reality of the significant geologic and water dangers to MBV posed by this specific Project.

⁶ See “Public Funicular FAQs/ Frequently Asked Questions: The Headlands Development Public Funicular (Inclined Elevator at Strands Beach)”

⁷ Id. at pp. 1-2.

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MAR 19 2010

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

The current MND's "IOU" approach would permit the applicant to deal with possibly disastrous effects on MBV only after they occur. Such an approach is unacceptable for failing to put the responsibility where it belongs, so that MBV homes and residents will not bear the risk in the first place.

If the City were to approve the Project without requiring such a bond, and the foreseeable soil, water and mud disasters were to occur, MBV homeowners would rely on the fact that the City had been put on notice of the clearly foreseeable hazards of this specific Project and knew, or should have known, of the need to provide indemnification for homeowners.

Because the City knows of the potential for slope failure in this enormous Project, neighboring residents who would be affected by any failure could find FEMA refusing to provide funding or low interest loans for re-building. We know that neighboring Laguna Beach encountered resistance from FEMA on that basis, and FEMA never did agree to all the claimed costs, even after costly efforts and expenditures of that city's attorney and staff's time.

Because the City is aware of the Project's proximity to a known and active slide area, and its plans to export so much soil that cannot be compacted to professional standards, failure of the City to demand an indemnification package up front would result in a huge pile of complaints and cross-complaint filings after a catastrophic slope failure, as the residents of MBV would look to the Project owner and the City, and the City would be pitted against the Project owner. We urge up-front indemnification to avoid leaving residences uninhabitable for an indeterminate time while the court filings move slowly through the system.

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MAR 19 2010

Everyone involved in this process is likely well aware of the enormous cost of mudslides to cities in Southern California. For example, as a result of the 2005 Bluebird Canyon mudslides, neighboring Laguna Beach had to institute a special sales tax to raise funds for the city's expenses.⁸

The Initial Study should have provided for the indemnification bonds, as described above, to ensure that the Applicant, rather than our City, bears the burden of damage caused by this Project. Neighboring homeowners wonder why our City would fail to ensure our indemnification through adequate surety conditions imposed on the Applicant, rather than leaving the taxpayers of Dana Point vulnerable for the City's omission.

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MAR 19 2010

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

⁸ See *Orange County Register*, "Laguna Beach sales tax rises Saturday," by L. Connelly, 6/29/06.

**Issue II: CEQA Prohibits Using Any Components
of the Flagrantly Tainted Initial Study in Preparing the Draft EIR**

The spirit of CEQA is not compatible with use of an Initial Study as a foundation upon which a legitimate draft EIR can be built when that Initial Study has an elemental flaw: failure to disclose a flagrant conflict of interest in its preparation.

A. The Initial Study failed to disclose that its analyses and conclusions were prepared by person with a flagrant conflict of interest – a person on the Building Committee of the Applicant for the same project that the Initial Study was supposed to be studying.

This clear conflict was not disclosed by the Applicant or by the Lead Agency. The fact of the conflict was unearthed by a Dana Point homeowner. The Initial Study further failed to provide information on the selection and direction of the companies that did the component studies that were incorporated into the analyses and conclusions of the Initial Study, thereby adding to the appearance of impropriety.

The partisan affiliation of its creator made the Initial Study a tainted document. When confronted with evidence of the conflict of interest, the City argued that the taint was removed by the Initial Study being “reviewed” for the City by an “independent person” before the Initial Study/MND was promulgated. That argument is not persuasive because that reviewer was working with the document he was given and his function was to review – there was no suggestion that the City’s reviewer started investigating from scratch [*de novo*].

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So if some aspect were missing from, or misstated in, the tainted document, that aspect was not there to be reviewed by the reviewer.

B. The tainted Initial Study was a poisonous tree – and what came after it and is based on it is fruit of that poisonous tree: potential consultants were told to begin with the tainted Initial Study.

Although the City announced in July 2009 that an EIR would be done after all, the Request for Proposal ["RFP"] to do an EIR sent out by City staff seemed determined to harvest as much of the poison fruit as possible: The RFP directed the consultant to review the tainted MND.⁹ Of course an aspect missing from, or misstated in, the tainted MND, would not be there to be reviewed. The RFP subsequently directed the consultant to evaluate the MND objectively, but it was an elemental error to taint a consultant's initial inquiry, instead of seeking an untainted evaluation by a person who begins independently, from scratch.

The entirely foreseeable results of this tainted approach were visible in Proposals sent in response to the City staff's RFP. Some applicants manifested a tendency to regurgitate the incomplete information and erroneous perspective of the tainted MND promulgated by the City.

So the EIR process, which should have been used to purge the taint of the MND's poisonous tree, got off to a bad start. Next, the Notice of Preparation ["NOP"] for the Scoping Session on this Project recycled the flawed contents of the Initial Study/MND. It accepted the tainted Initial Study, which had been

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⁹ RFP, point 2.

discredited for corruption and errors, as the basis of the EIR. Among other things, the NOP continued to ignore the residences directly to the east of the Project; misstated/understated the Project size; and overstated the site size. It was precisely fruit of that poisonous Initial Study/MND tree.

We note that the City never explained why an EIR had to be undertaken after having insisted for so long that an MND was appropriate. In arguing for using the Initial Study as a foundation of the EIR process, the City cited CEQA section 15063.¹⁰ But these CEQA provisions are not relevant in this case: they refer to “adequate” earlier analyses” – effects adequately analyzed; impacts adequately addressed [emphasis added]. And the manifest failing of the discredited Initial Study/MND – in addition to its corrupt origin -- was that its analyses were demonstrably inadequate and erroneous, as specifically and copiously documented in submission from Dana Point homeowners and others both in written comments for this Scoping stage and in oral and written comments at earlier stages in this process. The attempts to bootstrap the discredited Initial Study/MND to make it the basis for any part of the EIR defies the clear meaning of CEQA. And that makes DP residents wonder why our City is willing to distort the processes and content that CEQA so clearly requires.

C. The irreparably tainted Initial Study undercuts any draft EIR that relies upon it or even utilizes it.

If this were only a case of an Initial Study/MND replete with errors and omissions,

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¹⁰ Initial Study, “Earlier Analyses,” at p. 13.

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convenience and cost could weigh for recycling parts of the Initial Study. But this is not that case. This is an Initial Study that was the product of a flagrant conflict of interest; the taint of corruption that it carries precludes any use of it in the CEQA process.

I urge LSA Consultants to bear in mind that tainted origin of the Initial Study when considering its conclusions that, for example, “no significant impact” would result from the Project, while it reflected no testing from the location of the adjacent MBV residences. You are already aware of the ample material, written and photographic, and information provided by experts who spoke at the July 20, 2009 public hearing to give evidence of the hazards presented by the Project as proposed. You will receive much more material as part of the Scoping process.

Then consider how much of this evidence the Initial Study/MND had to ignore or minimize to reach its unvarying conclusions of “no significant impact” on all 100 out of 100 elements in the Environmental Checklist, all clearly not supported by tests from the location of the adjacent MBV development.

It is difficult to see how a reasonable person could not conclude that the tainted origin of the Initial Study might have something to do with these odd results. And that is why this particular Initial Study should have no place in the production of a draft EIR prepared in accordance with the goals of CEQA.

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**Issue III: The Initial Study Failed to Measure the Effects of the Project's
Dirt, Noise, and Other Aspects at the Adjacent MBV Development**

The Initial Study ignored or erroneously minimized negative environmental consequences to MBV's quality of life.

Monarch Bay Villas is a quiet community that is immediately adjacent to South Shores Church. The average age of our residents is about 65, and most are home during the day as well as at night.

I am concerned that the Initial Study failed to accurately test the effects on air quality in the adjacent MBV development from the dust generated by moving so much dirt for such a long period. I have recently been treated for reactive airway disease. I know many neighbors also have compromised respiratory systems.

I understand that the Project expects to mitigate 50% of the dust problem by spraying water on the dirt, but the materials provided are not persuasive that this measure will sufficiently solve the problem for me or for my neighbors, given the health issues of our population. For people who will spend 24 hours a day adjacent to this Project, the effect on air quality, and therefore on our health, cannot fairly be described as less than significant, contrary to the boxes checked on the Environmental Checklist Form in Appendix A, section III of the MND.

In addition, reliance for abatement on spraying the amount of water required for the enormous magnitude of dirt in the Project as planned, and for so many years, seems counter to the reality of the water scarcity that Orange County already faces.

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I am also concerned that the Initial Study failed to accurately test the effects on the adjacent MBV development of the noise that would accompany this huge Project that is planned to continue for many years. I believe that MBV residents will not experience that noise as less than significant. I have not read of any noise abatement measures for this Project as it is currently described that would satisfactorily mitigate the noise that would be inflicted on the Monarch Bay Villas community under the current Plan. All of this is contrary to the boxes checked in section XI of Appendix A to the MND.

Finally, I join my neighbors in the concerns regarding geology, soil, intensification of land use, traffic, hydrology and water quality that they have addressed in other documents in connection with this Scoping stage and throughout earlier stages of this process. As Dana Point residents, taxpayers and voters, we need our City to protect our interests vigorously on the many aspects that would impact us in significantly negative ways as the Project is currently described.

Thank you.

Patricia McCarroll
Patricia McCarroll

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MAR 19 2010 Dated March 18, 2010

I REQUEST CONFIRMATION OF DELIVERY FROM THE CITY OF DANA POINT "AND" FROM LSA. CONFIRMATION SHOULD BE SENT TO: **danapointkids@mac.com**

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South Shores Church MND comments for inclusion in LSA's preparation of the EIR

Several area of the South Shores Church Expansion (referred to subsequently as SSC) are of grave concern to the residents of Monarch Bay Villas as well as myself. The comments below address some of those concerns specifically and others more generally. I will rely on the expertise of LSA to further develop the answers and impacts to each and every one of these concerns, subsequently including those conclusions in the Draft EIR. I have reviewed the MND document and found many errors in the assumptions of previous contractors involved in this study. LSA has the opportunity and legal and moral obligation to the City of Dana Point and it's residents to eliminate those oversights and incorrect evaluations presented in the original MND.

My property (specifically bedrooms) are on the South side of the SSC and only 15 feet from the property line. Other nearby neighbors are only 8-10 feet from this same property line. The nearest major element of the SSC project will be the garage whose ramp will only be 28-35 feet away from nearest bedrooms. Additionally a HVAC Cooling Tower in the southwest corner of the Garage is slated to be only 18 feet from the nearest residence.

I. Aesthetics

a) Have a substantial adverse effect on scenic vista?-Less than Significant Impact in MND. The addition of a ramp wall for the parking garage of 6-8 feet above existing grade level behind my residence and the garage wall itself of an additional 6 feet (a total wall of 12 feet) will totally cut out a 1/3 of the morning light now reaching my property. The current wall is planned to be 30 feet from the residences bedrooms. The garage setback needs to be increased to minimize this impact which will be significant. There is no mention or consideration given to this in the MND. *It is requested that LSA quantify the reduction of light and impact on quality of life that residents will be subjected to on a daily basis.*

c) Substantially degrade the existing visual character or quality of the site and its surroundings -Less than Significant Impact in MND. The addition of the Parking Garage and associated tall Eucalyptus trees planted on the South property line (as defined in Landscape plans) are within a few feet of the residences and will enclose the area as if we are next to a large Urban Structure and Tall Forest. That is not the intent of the General Plan pertaining to residential property in Dana Point. The Eucalyptus trees are extremely dirty and the church does not clean up the mess from

much smaller trees, now, as it is. The area between the Project property line and the looming retaining wall is littered with old dying vines and mounds of leaves (blocking the drainage ditch) that are not removed by the maintenance group of the SSC. The addition of the Large Eucalyptus trees will result in treetops that extend over 60 feet or higher above the Bedrooms and block even more light and close in the backyards. There is no mention or consideration given to these two items in the MND, which results in a significant impact to the Southerly residences. *It is requested that LSA quantify this impact of the loss of light and what the residents will be subjected to on a daily basis. Alternative suggestions for landscaping and defined maintenance procedures are also requested.*

III. Air Quality

d) **Expose sensitive receptors to substantial pollutant concentrations?- No Impact.** The high density of traffic (up to 40% of the 421 cars projected for the garage and parking area) utilizing a ramp at peak periods of from 20 to 30 minutes of each event (Pre-School, Sunday services, special events, as well as Community Center activities) will increase substantially the amount of pollutants emitted from the exhaust of automobiles proceeding up the ramp, much like the studies done on on-ramps of freeways. This is a very inefficient period of vehicle operation and as such more pollutants are emitted. It is requested that actual data be obtained and extrapolated for the close proximity of this activity to the above residences. An alternate solution to increased pollutants would be to relocate the ramp further to the west to provide a larger buffer for both Air Quality and Noise. *It is requested that LSA quantify the types of emissions and concentrations that residents will be subjected to on a daily basis, both during construction and with on-going activities.*

e) **Create objectionable odors affecting a substantial number of people?-No Impact.** The same high density of traffic operating at this inefficient time will also produce objectionable odors. *It is requested that LSA quantify these odors and concentrations that residents will be subjected to both during construction and with on-going activities.*

V. Geology and Soils

There is extreme nervousness and concern for life and property values relevant to this Project by the community in total due to previous and current stability issues occurring in other areas of the project and in the local Laguna Niguel and Dana Point Area. *It is requested that LSA thoroughly evaluate the impact of the Project Construction and usage on the Southerly Residences that are only a few feet away from the Project. Construction Vibration and Grading and contouring, planned for this project for both the Administration Building and the Parking Garage should be examined in detail. It is requested that a very detailed analysis of ground shift and stability as well as underground water routing be undertaken*

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and the results evaluated with regard to the potential impact on nearby residences.

XI. Noise

Background: This Project area has many unique acoustical characteristics due to “the canyon effect” resulting from both topography and nearby buildings hard surfaces, and as such requires a unique study of actual noise transmission and reflection. Additionally many errors were made relevant to distance from source to receptors in the MND, that must be corrected to obtain realistic projections of noise at various locations around the project.

The following is submitted for insight into the local acoustic/topography problems:

Actual Acoustics vs Theoretical:

The train at Doheny Beach can be clearly heard at the Project site over 7000 feet away

Talking on Monarch Beach Golf Course heard at Project site over 500 feet away

St Regis Hotel events easily heard on Project site over 1500 feet away

SSC Event Noise and yelling at Project site easily heard across 1000 feet of canyon

Many of these are akin to “Dropping a pin on Mormon Tabernacle stage and it is heard at other end of venue ” due to the acoustics of the building.

(None of these examples exhibit standard Acoustic “rule of thumb” characteristics)

These are examples of “actual unique Acoustic characteristics” relevant to the Proposed Project that were not considered in the previous Noise Study. As such, the SSC Project requires a specialized Acoustic Engineering study with Actual on-site measurements before drawing any conclusions. This requirement applies to both Periodic Construction as well as increased Ambient noise levels from ongoing site utilization after initiation of the project. South Boundary of the Project is 8-15 feet from the closest Residence’s Bedrooms.

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies? – Less than significant with mitigation incorporated. The Mitigation measures that decrease the Potentially Significant Impacts to Less Than Significant Impact with Mitigation are not clearly delineated in the MND.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? – Less than significant impact.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? – Less than significant impact

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d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? – Less than significant with mitigation Incorporated. The Mitigation measures that decrease the Potentially Significant Impacts to Less Than Significant Impact with Mitigation are not clearly delineated in the MND.

Rather than address each Noise Impact Condition above repeatedly, I have included noise comments that pertain to the 4 above conditions in varying degrees, but in fact to all four (XI a,b,c and d) in one way or another.

The existing Noise and Air Quality Analysis was flawed from the beginning as evidenced by the following three quotes from MND Noise Analysis:

1-“Mestre Greve Associates dated May 6, 2008

“The project is located in SRA 21. The nearest existing land uses are the adjacent homes across Crown Valley Parkway, as well as homes to the north, south and east. The nearest homes across Crown Valley Parkway are located approximately 173 feet (53 meters) from the nearest potential grading/excavation area. The nearest residential areas to the north and south are located at similar distances, approximately 447 feet (136 meters) away, while the homes to the east are located at a distance of approximately 1,008 feet (307 meters).”

Note the Distance to South homes is indicated to be 447 feet away when in reality it is only 8-15 feet to the nearest property lines.

2-“3.0 NOISE ANALYSIS

Short Term Construction Noise

Construction noise represents a short term impact on ambient noise levels. Noise generated by construction equipment, including trucks, excavators, bulldozers can reach high levels.

The nearest homes are located across Crown Valley Parkway to the west of the project site. These homes are estimated to be located approximately 173 feet from the nearest potential construction equipment associated with the grading/excavation operations. Based on this distance, the homes would experience a peak noise level of approximately 84 dBA for very short periods. However, most of the project site is located more than 173 feet from these homes. Short-term average noise levels would be in the 50 to 60 dBA range during the grading/excavation. It should be noted that the existing traffic along Crown Valley Parkway could be louder. “

Note incorrect statement about nearest home is 173 Feet from nearest construction equipment. Also the study states that noise levels during construction of 80-90 dBA are typical and 110 dBA max are possible. Not clear at what distance that is true, the 8-15 feet noise level must be analyzed.

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3-Quote

Table A-1
Localized Significance Thresholds at the Nearest Homes

Description	Distance to Nearest Receptors (feet)	Localized Si	CO	I
Construction activities				
-Home adjacent to Crown Valley Pkwy.	173	1,811	3	3
-Homes to the north and south	447	3,879	3	3
-Homes to the east	1,008	6,427	4	4

Note that South distance is incorrectly over stated by a magnitude of >50.

The above quotes are incorrect assumptions leading to incorrect conclusions in the original MND. The following are items and corrections that must be included for a thorough analysis of Noise and Air Quality on this project prior to completing the MND. It is requested that LSA accurately quantify the total noise spectrum, amplitude and period that residents in all direction will be subjected to on a daily basis.

1-A Majority of Data tables and Conclusions are based on theoretical or computed data, with minimum or no measurement of actual "on site project variables" mentioned above. Reflected noise was not accounted for in the previous Noise Analysis by Mestre and Greve. *It is requested that LSA quantify the actual noise levels that residents will be subjected to on a daily basis by utilizing accurate distances and acoustic analysis. Specific attention should be given to reflected noise from the garage walls, the canyon effect of noise from the subterranean garage wall reflecting off the new buildings and the sanctuary. Additionally the reflected noise from the South residences rear surfaces. All canyon reflected noise directed to the east side should also be considered.*

2-Incorrect Distances were repeatedly utilized in the Noise Analysis. Noise Introduction states nearest adjacent residence is 173 feet and 447 feet to the

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South, not the 8-15 feet "actual" distance to Monarch Bay Villas from Project the SSC property Line.

It is requested that LSA quantify the actual noise levels that residents will be subjected to on a daily basis by utilizing accurate distances and acoustic analysis.

3-No consideration was given for the acoustics of the canyon (topography) on east, solid wall of homes (structures) on south side, nor acoustical properties of subterranean garage solid wall structure. *It is requested that LSA quantify the actual noise levels that residents will be subjected to on a daily basis by utilizing accurate distances and acoustic analysis which include Project and Canyon topography for all phases and elements of the Project.*

4-The parking Traffic noise and Construction noise were analyzed at 50-100 feet when actually they are only 18-25 feet away from bedrooms. Periodic noise for extended periods and increased ambient noise, dust, and pollutants will require remediation by dual pane windows and/or air conditioning, which the majority of residences do not currently have. *It is requested that LSA quantify the actual noise levels during both construction phases and on-going activities that residents will be subjected to on a daily basis by utilizing accurate distances and acoustic analysis. It is also requested that alternatives be investigated to minimize the noise within residences, including providing Dual Pane Windows and Air Conditioning for nearby Residences.*

5-The Garage and Parking noise study utilizes the City of Dana Point maximum noise level of (Lmax) of 75 dBA. Parking noise limit period, in reality should be 30 minutes (L50%) for many automobiles traversing a rough surface garage ramp, not instantaneous (Lmax). The number of vehicles (up to 200 per the study) traversing the ramp before and after Services and activities is not instantaneous. Acceleration of vehicles up the ramp causes increased noise levels as well. The rough surface is to be added to decrease the potential of an attractive nuisance for Skateboarders, will increase the noise level. Additionally no recognition or plan for late night unauthorized utilization of subterranean garage or ramp to upper deck. Currently there is noise generated by Early Morning Gymnastics (5:30AM) or late night (12:00 Midnight) cars with squealing tires and skateboarders. How will the Project control this facility? Residents were told before the church "cannot control this situation", at a meeting about project when this subject was brought up. No attempt was made in the study to address these issues. Alternatives as locking or closing up the garage lower level, during off hours were not addressed in MND. *It is requested that LSA quantify the actual noise levels that residents will be subjected by utilizing realistic surface noise projections, noise limits, distances, times and acoustic analysis, including reflections off garage wall. Additionally, LSA is requested to address mitigation to eliminate the unauthorized usage of garage.*

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6- Study states "Most of project noise data not pertinent to homes". Study also states that noise levels will be high during construction with projected noise to

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80-90 dBa (motorcycle at 25 feet) with max at 110 dBa (equivalent to Rock Concert), but actually will be higher due to incorrect distance used in calculation and estimates. *It is requested that LSA quantify the actual construction noise levels and durations that residents will be subjected to on a daily basis during construction phases by utilizing accurate distances and acoustic analysis.*

7- The study does not consider that residents are generally home during the day and do not have Air Conditioning nor Dual Pane Sound Isolating Windows. These both may be required for mitigation of Noise, Dust, and Emissions. *It is requested that LSA quantify the isolation required to mitigate Construction and on-going Noise, and Emissions affecting air quality and quality of life. Alternative solutions are requested to minimize impact to nearby residences.*

8- The study provides no analysis or recognition of the extended noise outside of the defined 7AM to 10 PM. Each event starting at 7AM or ending at 10 PM produces significantly more noise as the participants set up for, or leave the event. Many times taking up to an hour to setup and clear the property. Study does not make any reference to mitigation of these extended timeframe and noise elements. *It is requested that LSA quantify the actual noise levels that residents will be subjected to during actual usage times of 6AM through 11PM and by utilizing accurate acoustic analysis for these activities. Inclusion of the lower maximum noise limits during these extended times in the study is also requested. Additional usage of the property during all hours must be studied, as there has been authorized usage in the past before 6AM.*

9- Relevant to ground borne vibration and noise levels, the MND did not address the impact of the roughened (to discourage skateboarding) garage ramp surface and the actual nearest distance to homes on the south side. *It is requested that LSA quantify the actual Ground Borne Noise and Vibration levels generated by the ramp rough surface that residents will be subjected to by utilizing accurate distances and measured vibration and durations for equivalent sources, for the acoustic analysis.*

10-HVAC equipment noise and vibration damping measures at the southwest corner of Parking Garage are not adequately defined (to evaluate continuous noise levels) to allow project approval nor equipment location. Incorrect distances to residences were also used in the MND. *It is requested that LSA define the actual HVAC equipment vibration and noise profile and review distances to residences to predict the actual noise and ground borne vibration that residences will be subjected to on a daily basis.*

In addition specific noise items that must be adequately considered prior to completion of the SSC EIR are:

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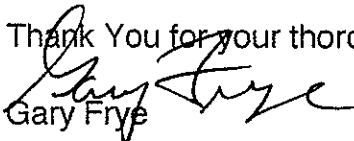
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1-Pre-school play yard relocation to south end of property will result in significant noise increase to neighbors, which could be mitigated with another location. Study did not address any alternatives. The conclusion that there is "no impact" or increase in the noise level by adding a Pre-School play yard within a few feet of bedrooms needs evaluation by LSA. *It is requested that LSA evaluate and determine actual noise levels of play yard relocation and suggest and study alternate locations.*

XV. Transportation/Traffic Control

The MND study performed in 2005 is woefully inaccurate in that it does not address the conditions that exist currently at the Project. Significantly more vehicles enter and exit the property today than in the study of 2005. Additionally with over 100 pages of study, there is no mention or consideration of the Lumeria entrance (less than 100 feet from the proposed Project) and exit to the South on Crown Valley Avenue. The entrance is shown on the maps in the study, but no consideration to ingress or egress requirements for Lumeria were addressed. The volume of traffic currently on Crown Valley at the same time as the SSC events and services makes it dangerous to both egress and ingress to Crown Valley due to the slope of the street. Additionally when all the cars are parked on or backing up on Crown Valley there is a very dangerous situation with bikers required to come into the street as the Vehicles are parked in the "Bike Lanes". The Mitigation measure of offsite parking and trams does not seem realistic and should be reevaluated as to actual projected usage in other similar situations. This will require lengthy times to arrive and leave the Project. Further study is necessary to completely evaluate the Construction traffic planned for the 5 phases, as this will aggravate an already unsafe situation. *It is requested that LSA complete a thorough an up to date traffic study and analyze the impact on both traffic flow at the Lumeria intersection and the safety aspects of forcing bikers to enter fast moving traffic on a hill (Crown Valley Parkway) with limited site. It is also requested that a thorough evaluation of offsite parking be reevaluated as many of the church visitors/members do not park in the lot when it is empty (wanting to arrive late and leave early to avoid the traffic of the current lot), causing the study to be flawed. Forward projections of this behavior for 10 years of the Project during Construction phases is also requested with accurate realistic projections for where visitors/members will park and the associated impact on traffic flow in and around the immediate area of Lumeria.*

Thank You for your thorough evaluation of this Project , in advance.


Gary Frye 3/18/10

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SAIMA QURESHY

From: Chuck Wagner [chuckawagner@hotmail.com]
Sent: Thursday, March 18, 2010 11:11 AM
To: SAIMA QURESHY; KYLE BUTTERWICK
Subject: Comments: South Shores Church proposed Master Plan, SCH No. 2009041129
Attachments: MND-EIR3-18-100001.pdf

RESPONDER REQUESTS CONFIRMATION OF DELIVERY FROM THE CITY OF DANA POINT AND FROM LSA. CONFIRMATION SHOULD BE SENT TO:
chuckawagner@hotmail.com

City of Dana Point
Attention: Saima Qureshy, AICP, Senior Planner,
Kyle Butterwick,
33282 Golden Lantern
Dana Point, CA 92629-3568

Attached are my comments regarding the South Shores Church Proposed Development Project, SCH 200941129. They are being submitted for comment by LSA during its preparation of the Environmental Impact Report (EIR)

Charles (Chuck) Wagner
Phone: 949 422 2715
Fax: 949 481 9496
Email: chuckawagner@hotmail.com

March 18.2010

Charles Wagner
23271 Pompeii Dr
Dana Point, CA 92629

City of Dana Point
Attention: Saima Qureshy, AICP, Senior Planner,
Kyle Butterwick,
33282 Golden Lantern
Dana Point, CA 92629-3568

Re: Comments regarding the Mitigated Negative Declaration and preparation of the Draft EIR for the South Shores Church proposed Master Plan, SCH No. 2009041129,

Sent via email to: squireshy@danapoint.org, kbutterwick@danapoint.org

RESPONDER REQUESTS CONFIRMATION OF DELIVERY FROM THE CITY OF DANA POINT AND FROM LSA. CONFIRMATION SHOULD BE SENT TO: chuckawagner@hotmail.com

I live at 23271 Pompeii Dr. Dana Point, which is approximately 25 ft from the South Shores Church's current parking lot. Therefore, I am concerned about the SSC Project, its size, duration of construction 10+years, noise etc. and want to let you know that at a minimum I expect that the EIR be prepared using current information and current analysis that is accurate, complete, and presented in an unbiased manner

The Initial Study failed to prepare and provide a current land survey, even though the project will more that double the total building area; current 42,545 sf to a proposed 89,362 sf.. Without a current and accurate survey how is the usable land, the buildable land and the legally buildable square footage for the site/project determined?

The Mestre Greve Associates reports/assessments and memos' are flawed and therefore places their findings and conclusions in question: Examples
Memorandum, Dtd 5/6/08 To; Cheryle Hodge From Tanya Moon, Mestre Greve, Subject: Noise & Air Quality, page 13 of 15 Section 3.0 Noise Analysis Short Term Construction Noise**"The nearest homes are located across Crown Valley to the west of the project site. These homes are estimated to be located approximately 173 feet from the nearest potential construction equipment associated with grading/excavation operations"**

Point of fact I and my neighbors live approximately 25 to 35 feet to the south of South Shores Church and Phase 1A will be right in our back yards.

AW 3/18/10

Noise Assessment For: South Shores Church, City of Dana Point: Submitted By: Mestre Greve Associates, dated August 10, 2006. page 11, 2.1 Noise Impact Criteria.....**”Off-site impacts from on-site activities, temporary and long-term, are measured against the City of Newport Noise Ordinance presented previously”**

The noise ordinance presented previously on Page 9, Table 3 is City of Dana Point Noise Ordinances Standards.

Conclusion: If Mestre Greve Associates don't know the layout of the site and the location of surrounding residences that will be impacted by the project and who do sloppy work/reporting by not knowing the difference between City of Newport and the City of Dana Point, who/what is to say that there aren't significant, damaging, and potentially dangerous errors in their findings.

To simply say that the Analysis/Reports will be updated by Mestre Greve is totally unacceptable because as anyone who has been in business knows, but may not be willing to admit, that if you are asked to review or update your companies analysis of a project you are **not** going to change or alter the conclusions.

The Initial Studies failed to adequately analysis or discuss how to mitigate the noise impact on the communities of a construction project planned to last 10+ years, and I am not just referring to grading/excavation but to 10+years of automatic nail guns, saws, trucks, safety beepers etc. If South Shores Church wants or feels it needs a mega complex/institutional facility what alternative locations has the church explored?

The Noise Analysis is also flawed when it indicated that the machinery in the parking structure will meet code for the surrounding residences because of the incorrect distances utilized in the noise analysis.

The report failed to take in to consideration the acoustical properties of subterranean garage solid wall structures or the Salt Creek valley.

It does not appear that the project has had an adequate detailed analysis of Noise as required for Zone B & C properties.

Pager 2 of 2

Charles A. Wagon

March 18, 2010

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City of Dana Point

Att: Saima Qureshy, AICP, Senior Planner

Kyle Butterwick, Director, Community Development Department

33282 Golden Lantern

Dana Point, CA 92629-1805

Subject: My comments for LSA Associates' Scoping for EIR re:
South Shores Church Proposed Development Plan -
SCH#2009041129

To City of Dana Point Staff:

At the March 4, 2010 Scoping Session on the Project referenced above, Kyle Butterwick agreed to arrange for receipts directly from LSA Associates to people who submit comments and request such receipts:

I request that LSA Associates acknowledge their receipt of my comments by their sending confirmation directly to me at the address below.

Thank you for your assistance.

Mark and Luann Stander

32781 Lumeria Lane

Dana Point, CA 92629

Mark & Luann Stander
32781 Lumeria Lane
Dana Point, CA 92629

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March 18, 2010

Mr. Siama Quershy
Mr. Kyle Butterwick
City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629

Gentlemen:

In regard to the notice that the City of Dana Point is scoping an Environmental Impact Report (EIR) for the proposed South Shores Church Master Plan and Project, we request that all potential impacts listed by City staff that were earlier judged to be less than significant in the initial study, be included in the Draft EIR. We firmly believe that many of these impacts are serious and should be dealt with in considerable detail and subjected to full disclosure and evaluation as specified in the requirements of the California Environmental Quality Act.

At an absolute minimum, the following potential impacts should be presented in detail in the report:

Hydrology and Water Quality - The impacts related to storm water runoff during and post construction must be covered in the EIR. The analysis should consider impacts related to increases in storm water runoff due to the creation of more impervious surfaces and thus a greater potential for increases in the flow of more pollutants into local water resources. Also to be considered is the increase in water use due to the massive size of the project and re-landscaping and the associated runoff.

Geology and Soils - A geotechnical engineering analysis must be performed and reported in the EIR. The potential for landslides and the creation of additional hazards by land removal must be addressed.

Traffic Study - The EIR must include a detailed a traffic impact analysis for all major roadways in the area. Crown Valley is considered to be a high traffic thoroughway with densities that are hazardous enough without the additional traffic generated by this facility -- made even more dangerous by the number of slow pull out, merge and left turn operations that will be attempted.

Aesthetic Considerations and Visual Impacts - The project will substantially and permanently alter the alluring scenic resources of the area. Visitors and residents have been drawn to, and invested considerable sums in, this area mainly due to its scenic attributes with little to no overt commercial structures within sight. With the construction of the project many vistas will be negatively impacted and in some cases obscured or changed for the worse forever. Additionally, the intrusion of more artificial light at night, creating an annoying glare, is just one of the serious consequences of the project detracting from the tranquil near beach living environment most residents invested in. As such, we request that a detailed day and night visual impact analysis

by a qualified landscape architect be included in the Draft EIR as well as a survey of all residences that would have a direct line of sight of this facility as to the perceived impact on their investments.

Noise - Quantified estimates must be made for any increases in noise decibel levels during the construction and (most importantly) by the operation of the proposed facility. The potential for exceeding noise standards must be identified.

Air Quality - As an additional traffic generator with a significant increase in motor vehicle traffic, pollutants will enter the ambient air in the area once the project is built out and tend to sink in the canyon and golf course causing a continuous health hazard on calm days. The Draft EIR should include identification, in quantitative terms, of the amount of pollutants that will be added to the air shed that result from additional trips to and from the facility, the dispersal patterns around the facility and baseline NOX levels with predicted increases.

Biological Resources - A detailed analysis must be performed on the potential for impacts on the local ecosystems close to the project area. A qualified biologist needs to assess any impacts on those systems with particular focus on any potential impacts on the nesting and resting patterns of migratory and resident birds that frequent the area.

Public Services - The EIR should include an identification of added costs in providing public services to the facility including police and fire protection.

Cultural Resources - A qualified archaeologist must be consulted to determine the possibilities of existing archeological and/or paleontologist remains on the site. The results of this investigation must be included in the EIR.

Hazard Analysis - The potential for the introduction of hazardous materials into the local environment during the construction and operation phases of the facility must be addressed.

Infrastructure and Other Fiscal Impacts - The EIR must outline the impacts on the existing infrastructure in the area and define all costs that will be borne by the city to accommodate the project fiscal or otherwise.

We thank you for the opportunity to comment on the upcoming EIR investigation and trust that the items we have identified above will be properly addressed and presented in the draft EIR.

Sincerely,



Mark Stander



Luann Stander

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MAR 19 2010

CITY OF DANA POINT
COMMUNITY DEVELOPMENT

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2010 MAR 19 AM 10:32
CITY OF DANAPoint

March 19, 2010

To the staff:

I am requesting a date and time stamp for all copies of this letter.

I am also requesting a date and time stamp from LSA on their copy of this letter.

Sincerely,

Patricia Hunt

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2010 MAR 19 AM 10:33
CITY OF DANAPoint

March 19, 2010

My husband Jim and I have lived at 223291 Pompeii Drive, Dana Point for the past 12 years. Due to the close proximity to the South Shores Church building project I have some serious concerns. They are:

1. THE SIZE AND SCOPE OF THE PROJECT: When finished, it will total 90,000 square feet and will be too large for the small space, not all of which is buildable. This should be investigated by LSA.
2. GEOLOGICAL CONCERNS: Will ground disturbances from the digging result in cracking of our property and/or landslides since landslides have occurred on the site of the apartments on Crown Valley directly below South Shores Church. This resulted in the loss of two structures, I would like to have an unbiased report on the geological area.
3. THE CISTERN: The extensive proposed cistern required to hold excess water on the campus could malfunction, due to a tremor, or become overloaded. Our location right behind the campus makes the possibility of flooding frightening and very real.
4. PRIVACY CONCERNS: Will the people in the proposed building be able to look into our bedrooms, family room and kitchen at any time of the day or night. Installation of draperies that would keep out all light is a poor alternative.
5. BIAS: The mitigated negative declaration we received did not include potentially significant impact in any category. This MMD was prepared by a firm and person who is a member of South Shores Church. I am assuming that the firm of LSA will give an unbiased and honest environmental impact report to be compiled and put on the city website for all to see.
6. NEWSPAPER ARTICLE: In the *Register* it mentioned that the vice president of the water commission is a member of South Shores Church. This too is a flagrant conflict of interest.

Thank you for considering my concerns.

Sincerely,
Patricia Hunt

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2010 MAR 19 11 A 10: 33
CITY OF DANA POINT

Mayor Steven Keimberg

Lara Anderson

Lisa Bartlett

Joel Bishop

Scott Schoeffel

The LSA firm

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MAR 19 2010

CITY OF DANA POINT
COMMUNITY DEVELOPMENT

23242 Tasmania Circle
Dana Point, CA 92629
14 March 2010

Saima Qureshy, Sr. City Planner
33282 Golden Lantern
Dana Point, CA 92629

Re: Expansion South Shores Church

Dear Mr. Qureshy:

I'm writing in favor of the expansion plans cited above. Although not church members, our family has been 35 year residents of Dana Point.

During that time, South Shores Church has always been a good community member and asset. Please note that the church has opened its doors to citizens at each election, acting as a voting location. Many community meetings have been held in its assembly rooms. The lighted cross has been symbol of our nation "under God", reminding us all of our heritage. (Any other religious symbol, be it menorah, the angel Moroni etc. would convey the same blessings on our nation.)

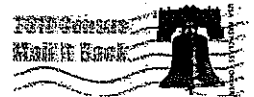
We currently live within 1/2 mile of the church. The expansion plans will not be detrimental to Dana Point. I urge the planning commission and the city council to approve the church's expansion plans.

Best regards,
cc: South Shores Church

Mr. James Mullen
23242 Tasmania Cir.
Dana Point, CA 92629

James E Mullen MD
James E Mullen MD

SANTA ANA, CA 92685
15 MAR 2010 PM 2 T



*Saima Qureshy, Sr. City Planner
33282 Golden Lantern
Dana Point, CA 92629*

RECEIVED
MAR 19 2010
CITY OF DANA POINT
COMMUNITY DEVELOPMENT

23254 Atlantis Way
Dana Point CA 92629
jns4aero@cox.net

2010 MAR 19 P 2: 24

March 19, 2010

CITY OF DANA POINT

City of Dana Point
Attention: Saima Qureshy, AICP, Senior Planner
Kyle Butterwick, Director of Community Development
33282 Golden Lantern
Dana Point CA, 92629-1805

Subject: Thoughts and comments with regard to the Mitigated Negative Declaration (MND) and the Draft EIR for the South Shores Church proposed Master Plan, SCH no. 2009041129, as requested by the City of Dana Point at the March 4, 2010 Scoping "Meeting"

Sent by email to squireshy@danapoint.org, kbutterwick@danapoint.org

I request confirmation of delivery from the City of Dana Point and LSA, which should be sent to jns4aero@cox.net

Traffic and Circulation Element

As a resident of 23254 Atlantis Way in Monarch Bay Villas (MBV), I read the Mitigated Negative Declaration several times with significant interest as the study relates to Transportation and Circulation, Traffic and Parking and believe that the Environmental Checklist which concluded "No Impact or Less than Significant Impact With Mitigation Incorporated", with regard to items XV. d), e), and f) was deficient in the following areas:

Goal 1: Provide a system of streets that meets the needs of current and future residents and facilitates the **safe** and efficient movement of people and goods throughout the City (Coastal Act/30252)

- There are a number of references to traffic analyses that refer to the Crown Valley Parkway/Sea Island intersection which is controlled by a traffic signal (page 3-84):
 - The project will continue to utilize Crown Valley Parkway to access the site at two driveways. The northerly project access at the intersection of Crown Valley and Sea Island Drive is signalized and provides full access, while the southerly project access is restricted to right turns in/out only. (page 3-85)

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OFFICE OF PUBLIC AFFAIRS

- o Parking surveys were not conducted along Crown Valley north of Sea Island, since only a few cars park in that area. Three additional on-street parking surveys were conducted for parking on Crown Valley Parkway in October and November 2005, after the original parking surveys were conducted, October 31, 2004. The report said that none of the results of the three additional on street parking surveys which included the area of Crown Valley Parkway north of project access point at Sea Island Drive, exceeded the original amount of on-street parking. (page 3-86). However, more recent observations indicate there were fourteen cars parked along Crown Valley Parkway, north of Sea Island Drive at 11:30 AM on Sunday July 12, 2009:

- o Despite empirical observations indicating a significant usage of on street parking and although the MND indicates that the Master Plan and Traffic Study prepared by RK Engineering on May 9, 2006 was updated May 12, 2008, the only items that were updated are the cover letter dates and the project start dates, none of the demand or required parking information has been updated (page 3-87 and 3-91). This analysis is obviously too old to recognize more recent conditions. **Since the initial study is inaccurate with regard to on street parking on Crown Valley Parkway north of the Sea Island Drive intersection, I request assurance that all studies and data included in the EIR with regard to parking demand along Crown Valley Parkway north of Sea Island, be based upon current, observed conditions.**

- All discussion of traffic estimates contained in the MND completely ignore the intersection of Lumeria Lane and Crown Valley Parkway, immediately south of the church property. This the only vehicular access to the residents to the 52 units of Monarch Bay Villas, where we reside, and the outside world. In fact, the Vicinity Map, on page 2-5, of the MND contains no label or reference to Monarch Bay Villas whatsoever, or that Lumeria Lane, the only access to our community, is via Crown Valley Parkway. Since these studies which were done most recently in 2005, contain no mention of traffic and on street (Crown Valley Parkway) parking immediately south the project site, one must assume that access to Monarch Bay Villas has not been considered in this MND: **Since the initial study failed to recognize or examine the intersection of Lumeria Lane and Crown Valley Parkway, I request that the impact of the South Shores project on Lumeria Lane traffic flow including Monarch Bay Villas entry and exit impact, be specifically addressed in the EIR report.**

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- **The on street parking circumstances surrounding these estimates have changed substantially in the 4-5 odd years since a parking survey, limited in scope as it was, was performed.**
 - On street Crown Valley parking south of the church entrances has been growing over the years and, despite the fact that the church has uniformed traffic directors in the parking lots for the 9:30 and 11:00 AM Sunday services, these people do not patrol Crown Valley Parkway south of the church area;
 - **In fact, there is already a large and growing on-street parking usage both to the north and south of the Church, which amounted to 50 cars, all in bicycle lanes, along both sides of Crown Valley Parkway at 11:30 on Sunday, July 12, 2009, when the parking lot was completely full;**
 - **Fourteen of these vehicles, parked on either side of the Lumeria Lane entrance to MBV already have had a negative impact on the line of sight for the residents looking up the curving hill to the north and around the curve to the south along Crown Valley Parkway, when trying to exit our community, made more difficult because we have no traffic control mechanism at all.**
- The parking mitigation plan which includes a table of peak period parking capacity shortfall during various stages of the project is already understated by virtue of these developments, unrecognized since the last studies were completed in 2005 and which did not address on street parking south of the project (pages 3-86 through 3-89)

Policy 6.2: Maintain public access to the coast by providing better transit and parking opportunities (Coastal Act/30252)

The plan describes an overflow parking facility, to mitigate the overflow parking problem, at Strands Beach parking lot, off Selva Road , (page 2-2), however, the plan only indicates that the off site parking area would provide temporary use of 100 parking spaces during the first phase of construction, while parking deficits have been estimated, without consideration of the already dated parking estimates of 50 cars during peak periods, of between 50 (Phase 1A) and 306 spaces (Phase 4), (pages 3-87 through 3-90). A new beach tram system has been completed at Strand's Beach that vastly increases the attractiveness and parking usage at the Selva parking facility, raising serious questions as to how many, when and if these overflow parking spots may be available.

Since this “overflow parking mitigation solution” is potentially impacted by the Strand’s Beach tram development, which changes the circumstances from the initial MND report, it should be fully explored and answers to these uncertainties must be addressed. No other or future alternatives to this overflow facility were presented and should be included.

Policy 1.11: Require that proposals for major new developments include a future traffic impact analysis which identifies measures to mitigate any identified project impacts (Coastal Act/30250)

11/13/09

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- Although the plan identifies the need for and plan for mitigating the peak parking situation, and states that the church will not utilize any on street parking on Crown Valley Parkway (3-90), it ignores the actual parking behavior of many church attendees, who currently prefer to park along Crown Valley, even when the parking lot is not a problem. More than 10 cars were parked along Crown Valley south of the Church, at 8:40 AM on Sunday July 12, 2009, probably to avoid even minimal traffic in the Church parking lot. **The study fails to address the following questions: “How will these people be precluded from parking along Crown Valley Parkway” and “How will they be induced to use the shuttle service”?** Since the alternative parking solutions will significantly increase the travel time to attend morning services or to conduct other business during these peak periods, the answers to these questions are critical in deciding whether these issues have been adequately addressed.

- Many of us have experienced the added time required to drive along PCH into Laguna Beach during the recent road construction project in 2009. In fact, the approximate five minute drive to South Coast Hospital, from our community often became a 20 minute trip:
 - Crown Valley is **one of only three access routes to Laguna Beach** from the rest of the county and the only one for south Laguna Beach. Therefore, it would need to be clearly accessible to high volumes of traffic in emergency situations such as medical (the average age of residents in MBV is 60-65 years, with at least 6 units owned by folks over 80), fire, tsunami, earthquake etc;

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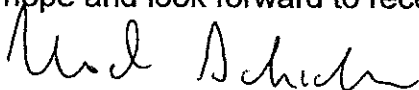
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- o Construction equipment or workers parking along Crown Valley Parkway, especially during weekday rush hour would significantly limit the ability for traffic to flow smoothly or to enter and leave Monarch Bay Villas. If Crown Valley were backed up from the light at Sea Island south past the entrance to MBV at Lumeria Lane, it would be virtually impossible to exit MBV heading south and it would be very difficult to enter the northbound traffic pattern along Crown Valley, effectively making us traffic hostages in our own homes. **How does the South Shores Church plan mitigate these potential serious disruptions during construction phases? Does the Plan include adding a police officer to direct traffic during construction peak periods at the Lumeria intersection?**

Similarly, although there is a left turn lane from southbound Crown Valley Parkway into Lumeria Lane, and plans to construct a **Left Turn Out Median Shelter** from Lumeria Lane into the southbound direction of Crown Valley Parkway have existed for more than 20 years, (provided elsewhere), nothing has been done with regard to this construction in the intervening years. **Please explain how the South Shores Church plan will address this deficiency, sure to be exacerbated by this extensive project.**

- To the extent that the **inclusion of a gymnasium** building in the project which otherwise contains buildings dedicated to learning centers: a preschool and a nursery school, administration as well as the sanctuary, **foreshadows a larger school** role, perhaps K-8, the traffic problems created by parents lining up to drop off children in the morning and pick them up around 2:30 in the afternoon, will be much more disruptive to traffic flow along Crown Valley, than anything addressed by these plans. **Since it was not previously addressed, how does the inclusion of the gymnasium in the plans impact the expected daily traffic flow and queuing along Crown Valley to enter this facility and how this is to be remedied?**

As detailed above, since this Traffic and Circulation portion of the MND is deficient in a number of ways that fail to recognize current circumstances with respect to this project and which will have a significant negative impact on the residents of Monarch Bay Villas, the impacts of which have so far been ignored, I hope and look forward to receiving the response to these various issues



Noel Schachner
23254 Atlantis Way
Dana Point CA, 92629

ROBERT L. AND SALLY S. THATCHER
32562 CRE 3 RD.
DANA POINT, CA 92629
(949) 493-3577
Facsimile (949) 248-8218

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2009 MAR 19 AM 8:24

CITY OF DANA POINT

March 15, 2009

The undersigned resident of **MONARCH BAY TERRACE** hereby objects to the **SOUTH COAST MASTER PLAN**, SCH No. 200941129, ("the Church") and/or any structural or operational expansion thereof. The Undersigned's objections are based in part on the following:

1) Geological Integrity. The Church property is geologically strategic to the Terrace in that it supplies the primary structural footing for the adjacent Terrace hill sides. The continuing slippage and subsidence of the properties immediately adjacent to and North of The Church is demonstrative of the existing instability of the angle of repose of the underlying property. This condition is characteristic of much of the property along Crown Valley. The aluvial fill along Salt Creek and immediately below The Church lends little or no structural support to the steep up-slopes. Ascerbating the concerns of the Undersigns is the fact that the Terrace slopes are composed primarily of rubble with little or no strata formations and laced with numerous underground water flows. A cursory review of the geological facts compel a conclusion that any material grading may trigger damaging earth movement. Accordingly, an express agreement of indemnification running in favor of the Terrace residents is mandated under the circumstances.

2) A Decade of Constructiion. It is patently unreasonable and unconscionable to burden this community with a construction process spanning over a period of 10 years. The prospect of living with the roar of heavy equipment and other disconcerting constructiion noises echoing throughout the community for at least a decade and concomitantly fighting off the dust, noxious fumes and other pollutants that would inevitably sift through the doors and windows of the adjacent residents is simply intolerable and unacceptable.

3) Egress/Ingress. Egress and ingress to the Church premises is limited to the single driveway at Sea Island Drive and Crown Valley. The multiple daily operations contemplated by The Church along with a decade of construction would overload an already jammed parkway. For example, there are three uncontrolled left turn lanes between Pacific Coast highway and the entrance to The Church premises, a distance less than a tenth of a mile. Traversing through such turn lanes will become greater challenges as well as greater safety hazards for all vehicular traffic.

4) Salt Creek Corridor. Salt Creek is a designated view corridor. The height and size of the structures as depicted in the General Plan would materially impair and/or interfere with the existing views.

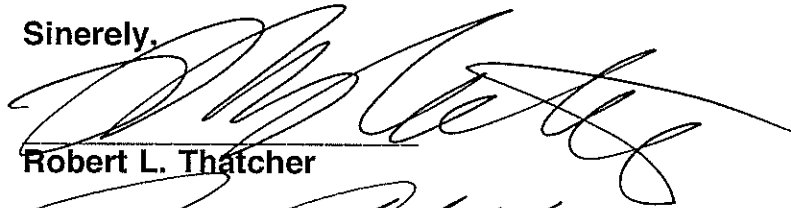
5) Wild Life. Salt Creek harbors many species of wild life, including certain endangered bird species.. The activities, noise and pollutants emanating from the Church

properties during and after construction will adversely and materially impact such wildlife as well as much of the natural vegetation.

6) Transformational General Plan. Many of the current residents of Monarch Terrace were ardent supporters and activists in the formation of the City of Dana Point. The impetus for their support was the vision of a governing body made up of next-door neighbors who would in normal course be sensitive to their views and inherently assume as an obligation the duty to preserve and protect their interest. Commercialization of The Church would be grossly invasive and transformational in a multitude of ways. It would dramatically and irrevocably alter the character of the area and adversely and materially impact and impair the ambience and quality of life historically enjoyed by its residents. The colossal nature of such transformation and the magnitude of detriment to the community resulting therefrom should render the issue of balancing of the equities a non sequitur.

The undersigned strenuously objects to said General Plan or to any expansion of the existing Church operations or structures and urge the Planning Commission as well as the City council to reject the aforesaid General Plan.

Sincerely,



Robert L. Thatcher



Sally S. Thatcher

TO: DANA POINT PLANNING AGENCY 1 of 4
RE: SOUTH COAST CHURCH EIR 3/21/2010
FR: ABBY & RON FEINER - 31 SANTA LUCIA
949.443.1336 FAX 949-248-2866

NOTE: WE WISH WRITTEN OR FAXED CONFIRMATION
OF RECEIPT OF OUR INPUTS. ALSO, WE WANT
ALL OF OUR INPUTS TO BE PART OF THE
PUBLIC RECORD. IF YOU HAVE ANY QUESTIONS
OR CLARIFICATIONS PLEASE CALL US.

SOUTH COAST CHURCH'S

1. MASTER PLAN PROJECT IS IN CONFLICT WITH
THE DANA POINT CITY'S MASTER PLAN FOR THE
DOWNTOWN BEACH AREA, THE MASTER PLAN FOR
THE CITY DESIGNATES THE AREA TO BE FOR COMMUNITY
USE NOT COMMERCIAL USE. "CHRISTIAN EDUCATION
BLDGS #1 & #2 SHOULD NOT BE USED AS A
RECEPTION, BANQUET NOR RECEPTION HALLS WHERE
ANY FEE, GIFT, DONATION OR ANY COMPENSATION
IS REC'D BY THE CHURCH. ALSO, THE CHURCH
SHOULD NOT BE ALLOWED TO PARTICIPATE
IN ACTIVITIES WHICH ARE IN CONFLICT OR
COMPETITION WITH TAX PAYING HOTELS, REST-
AURANTS NOR ^{ANY} TAX PAYING BUSINESSES.

IN SUMMARY - THIS PROJECT IN ANY WAY OR FORM
^{BE} SHOULD NOT BE USED AS A CONFERENCE CENTER. THE EIR MUST
SPECIFY HOW THIS WILL BE DONE & HOW THE CITY WILL
MONITOR THE USAGE OF THIS PROJECT.

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MAR 22 2010

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

FEBRUARY 2/4

2. THE PROPOSED PROJECT IS TOO LARGE & SHOULD BE CONFINED TO THE CURRENT SPACE AVAILABLE TO THE CHURCH - I.E. DO NOT EXCLUDE THE "CURRENT FOOTPRINT." THE CHURCH NEEDS TO DEFEND THIS EXPANSION PROPOSAL WITH HARD NUMBERS, EVERYONE KNOWS, AS WAS PRESENTED IN THE LA TIMES ARTICLE ON ORANGE COUNTY THE "NEW BIBLE BELT," THAT IF THE CHURCH DOESN'T EXPAND IT WILL BE CANIBALIZED BY THE OTHER CHURCHS. I.E. DEFENDED THEIR EXPANSION PLANS WITH HARD FACTS NOT DREAMS.
3. THE CHURCH NEEDS TO PROVE IT CAN AFFORD TO FINANCE THIS PROJECT IN A TIMELY MANNER & NOT OVER TEN YEARS. ITS PAST 10 YEAR TAX RETURNS MUST BE PUBLISHED AS PART OF THIS FILE TO PROVE THEY HAVE THE FINANCIAL STRENGTH TO PULL THIS PROJECT OFF. WE OWN PROPERTY IN BEVERLY HILLS & CAN TELL YOU THAT THERE ARE NUMEROUS PROJECTS WHICH HAVE GROUND TO A HALT BECAUSE THEY COULD NOT BE FINANCED. I.E. PROVE FISCAL RESPONSIBILITY & ABILITY TO GO FORWARD!

3 of 4
Fowler

4. THE CHURCH HAS A RESPONSIBILITY TO ITS NEIGHBORS TO DO THE RIGHT THING! IT MUST NOT FORCE THE RESIDENTS INTO LONG & EXPENSIVE LEGAL BATTLES THAT DISRUPT THE QUALITY OF LIFE FOR ITS NEIGHBORS DURING

CONSTRUCTION & BEYOND (SEE RECENT LA TIMES ARTICLE ON THE EXPANSION DEFEAT OF THE WEISENTHAL CENTER IN WEST L.A.)

THIS PROJECT NEEDS HARD FACTS & MEASURING POINTS TO CONTROL

WIND BORNE DIRT FROM THE MOVING OF 3000+ EQUIVALENT DUMP TRUCKS OF SOIL. (AIR FLOW STUDIES MUST BE CONDUCTED

EG - IF THE WIND EXCEEDS 10 MPH WORK MUST STOP!

EG - COMPRESSORS IN PROPOSED PARKING STRUCTURE

FOR AIR CONDITIONERS MUST NOT BE ALLOWED. THE ^{SOUND} DECIBELS WOULD BE TOO LOUD. IF YOU HAVE ANY DOUBTS OF NOISE LEVELS VISIT THE PARKING OF KAISER'S FACILITY NEAR THE TOLL ROAD IN ALISO VIEJO. PROVIDE FACTS NOT OPINIONS IN ALL ASPECTS OF PROPOSED ACTIVITY.

EG - HOW IS CROWN VALLEY PARKWAY GOING TO EFFECTIVELY & EFFICIENTLY ABSORB THE INCREASE TO THE 16,000 CARS / DAY IT CURRENTLY HANDLES. (NEW TRAFFIC STUDIES MUST BE CONDUCTED WITH ACCURATE NOT GUESS AT OF FUTURE TRAFFIC VOLUMES.)

4 of 4
FEMER

5. DURING CONSTRUCTION THERE MUST BE AN ON SITE OBSERVER/INSPECTOR, TYPICAL PRACTICE, WHO OBSERVES THE PROJECT IN ALL PHASES. THIS WAS DONE IN BEVERLY HILLS WHEN THE BEVERLY HILLS HOTEL WAS RENOVATED.

6. MY FINAL POINT IS THIS PROJECT IS NECESSARY IN ITS EXPANDED FORMAT. WE DO NOT SEE HOW IT MEETS THE COMMUNITY'S MASTER PLAN & MAINTAINS/IMPROVES THE QUALITY OF LIFE!

7. WHEN THERE IS A VIOLATION DURING & AFTER CONSTRUCTION HOW DOES THE COMMUNITY ENFORCE ITS RIGHTS. AT THE SCOPING SESSION ONE CITY OFFICIAL ^{IN RESPONSE TO THIS QUESTION} SAID TO ME, "OH YOU JUST TAKE PICTURES & CALL CITY HALL." ACTION REQUIRED - IS TO HAVE ^{PREPARED} HAND & FAST WRITTEN PARAMETERS & A SOLID ENFORCEMENT PROCEDURES WHICH ARE ACTED UPON IMMEDIATELY WHEN THERE IS A VIOLATION.

THANK YOU A lot of Ron Feimer 3/21/10

C.S. PLEASE CALL ME
THAT YOU REC'D FAX
949-443-1336
T

SAIMA QURESHY

From: Gordon Montgomery [ggmontgomery@cox.net]
Sent: Monday, March 22, 2010 3:55 PM
To: SAIMA QURESHY
Subject: You have been sent 2 photo(s)
Attachments: ScannedImage-21.jpg; ScannedImage-22.jpg

HP Photosmart Essential - Smart. Simple. Fast!
Unleash the Photo Power of your Printer.
Download your copy in as little as one minute at:
<http://www.hp.com/go/pse/email>

**Cynthia A. Whitworth
24091 Atun
Dana Point, CA 92629-4161
(949) 487-1246**

March 22, 2010

CITY OF DANA POINT

**Attention: Saima Qureshy, AICP, Senior Planner;
Kyle Butterwick, Director, Community Development Department
33282 Golden Lantern
Dana Point, CA 92629-3568**

**Re: My comments for LSA Associates on South Shores Church Proposed
Development Plan (the "Project") -SCH#2009041129**

**I own the property with my Mother and Father at 23284 Pompeii Drive Dana Point
("the City") in the community of Monarch Bay Villas
("MBV"). I request that the Draft Environmental Impact Report ("EIR) to be
prepared by LSA Associates on the project referenced above specifically address my
comments attached to this cover page)**

**I request that LSA Associates acknowledge their receipt of my comments by their
sending confirmation directly to the address above.**

New issues to be addressed in the EIR should include the growth-inducing impacts of the proposed project and significant irreversible effects, 1. Relocation of Existing building Uses that encroaches on the privacy of the Monarch Bay Villas. 2. Visual Quality Impacts on neighboring communities and their added concerns. 3. Soil stabilization and higher standards of retention. 4. Safety and Security 5 Health Issues, 6. Air Quality, Noise and Vibration, during construction. Address proposed construction staging site placement. Peoples Right to privacy. And it's Health and safety risks upon neighbors. 7. Traffic and safety Circulation, Our community could already stand having a traffic light installed insuring safety when leaving the community due to the increase of traffic over the years. Our left turn is very dangerous. I would like you to address the Traffic Congestion Impacts on Crown Valley Parkway during construction. Impacts to neighboring communities, of projected 10 year construction approval. 7. Aesthetics. 8 Liabilities, 9. A more practical development than Doubling Size of existing foot print. 10. Storm run off and the water seepage and its possible hazardous effects it would impose on the lower lying communities. Confirm storm Drains are adequate

Land Use and Development for a school campus. Administration/Pre school building size. Study Location of new added population and its direct affects on the privacy that affects the rights of the neighboring community residences. I would like to ask that LSA review the past grading plans for this site that gained approval. Evaluate the original plans approved by the city when the sanctuary was built along with the increase of their parking lot size. Our community of Monarch Bay Villas worked with the church in a cohesive manner putting a lot of time and effort aiding approvals for the sanctuary and at that time they increased the size. Also I would like to comment that land topography really did not allow for such a large Sanctuary building to be pushed out so far on the South corner point. Please consider the adverse affects of water being experienced at this time from the past approvals. Revisit and survey that the past approval of a newly graded small shelf and cement walk certainly is not a pad for placement of a larger structure to be added. I am very concerned that the churches large development plans may cause irreversible harm to our community. I am petitioning to the city that they add to the LSA study the soils and grading that includes. 1. The Lands original topography that has been changed so drastically. 2 The grades and topography as it stands now. 3 Plus what further development and grading would affect our community. Consider how the geography and geological changes approved, already have had negative impacts on our community.

Parking Structure Impact Assessment Methodology of site. To include Liabilities, Size, Encroachments of privacy, Security and Risk. When the church gained approval for added parking to be allowed and increased the size they took the maximum parking spaces to the allowable limit for the site. Thank You for allowing comment. C Whitworth Monarch Bay Villas.

Cynthia Whitworth 3/22/2010

Gordon G. Montgomery
General Engineering Contractor A
General Building Contractor B
California License #212503

2010 MAR 22 A 11:20

24091 Atun
Dana Point, CA 92629-4161
(949) 489-8299

March 22, 2010

CITY OF DANA POINT

Attention: Saima Qureshy, AICP, Senior Planner:

Kyle Butterwick, Director, Community Development Department
33282 Golden Lantern
Dana Point, CA 92629-3568

Re: My comments for LSA Associates on South Shores Church Proposed
Development Plan (the "Project") –SCH#2009041129

My wife, daughter and I own the property at 23284 Pompeii Drive Dana Point ("the City") in the community of Monarch Bay Villas ("MBV"). I request that the Draft Environmental Impact Report ("EIR") to be prepared by LSA Associates on the project referenced above specifically address my comments attached to this cover page)

Retaining walls: Sight, Height and Extent

The retaining wall shown on the grading plan under a (separate permit?) should be the first structure built.

The set back from retaining wall property line is 20 feet. A proposed drain with a top of grate elevation of 258 ft. and the existing land contour shows 225 ft. a difference of 33 feet. If the retaining wall is placed on a 4 ft. grade beam and caissons it would have a maximum height of 29 feet of open exposure.

The plan shows the retaining wall being built to the beginning side of the existing Sanctuary that is only half of the rear property line. Because of the total loads to be applied to these areas in question then retaining walls should encompass the north, north east, and south property lines of the entire rear perimeter of the project.

To Grade and build the retaining wall system, a bench of at least 20 to 30 feet wide at the bottom and outside of the proposed retaining wall site will have to be established to allow for equipment such as a drill rig to set and drill Caissons, Tie backs or Soil nails. This bench that needs to be built will have to have I beams about 30 feet in length placed about 7 feet apart and 2 inch by 12 inch planks to hold the fill in the area to establish the bench.

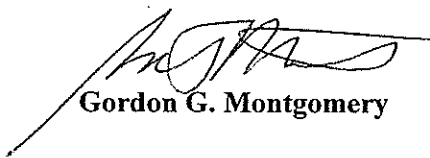
1. **The retaining wall system does not address the instability of the adjacent property: Bearing capacities should be re-evaluated when loads have been obtained and footings sized during preliminary design. Foundations located adjacent to slopes, within a distance of 20 feet, should be placed on a grade beam and supported on drilled piers founded into the bedrock. Minimum embedment into bedrock should be 6 feet Alternately, the continuous wall footings may be lowered and placed into the Breccia Bedrock. (Note) The soils report of Ganico, Geotechnical, Inc. for William Lyons Property Management Co., Inc. regarding the loss of buildings due to a slide. Their recommendation was to Buttress the area. This was not done.**
2. **Additional subsurface exploration, testing and slope stability analyses will be required prior to the final foundation design and construction of the Christian Education Buildings 1 and 2. Some deep borings will be needed when access is available to provide additional subsurface data to determine the subsurface structure of the shears and to determine the location and structure of the mapped fault.**
3. **Only when the grading gets to a certain depth determined by the Soils Engineer will they then require more analysis to determine the depth of the caissons. The soils report also show extremely wet conditions at a lower depth.**
4. **A slough fence that will be able to hold back considerable debris must be built along the construction line. This fence is going to extend into the existing wilderness areas and tear it up.**
5. **The fill material needed must be approved by the soils engineer. The existing Breccia Bedrock ("Mother Natures Concrete") that is found through out the property will have to be drilled and split because blasting is not allowed.**
6. **The elevations shown on the grading plan at the south west corner and continuing along the property line adjacent to the "MBV" decrease as they go downhill. The two level parking structure will remain relatively level. The depth of the concrete structure from the top of the wall to the sub floor at the south west corner will go down vertical approx 12 feet. The existing slope along the backyards of the MBV units decrease in elevation as the wall remains level. How is the contractor going to excavate within a 20 foot set back that is actually the property line of the MBV condos and maintain a proper slope and how is he going to compact a diminishing slope properly. The concrete wall for the parking structure is going to be starting anywhere from 10 feet tall to 6 feet tall and will totally eliminate any landscaped sight.**
7. **A wall at the properly line of the "MBV" units should be considered because of any possible wash out and damage due to flooding.**

8. To comply with the "California Clean Water Act" there will have to be a cistern under the parking structure and it will be an inherent danger if any leaking occurs to the "MBV" units.
Seismic damage is generally less intense in consolidated formations, i.e. bedrock than in unconsolidated materials such as alluvium which underlies the project site.
All building pads should be graded to assure all of the geological problems are solved, before any building construction starts.
9. The construction staging area that is proposed to be adjacent to "MBV" is only 30 feet from the units and would generate constant noise.
10. This project as it is presented with a ten year build out will create traffic problems.
There will be a minimum of 8 "Move ins and Outs" for the contractors especially grading.
Due to the small area and the inability to stockpile it will create the need for trucking, taking out bad material and bringing in acceptable material.

I have included in this letter three photographs taken at a site in Dana Point that repaired a slope and stabilized retaining walls. The pictures show the bench built to accommodate the machinery.

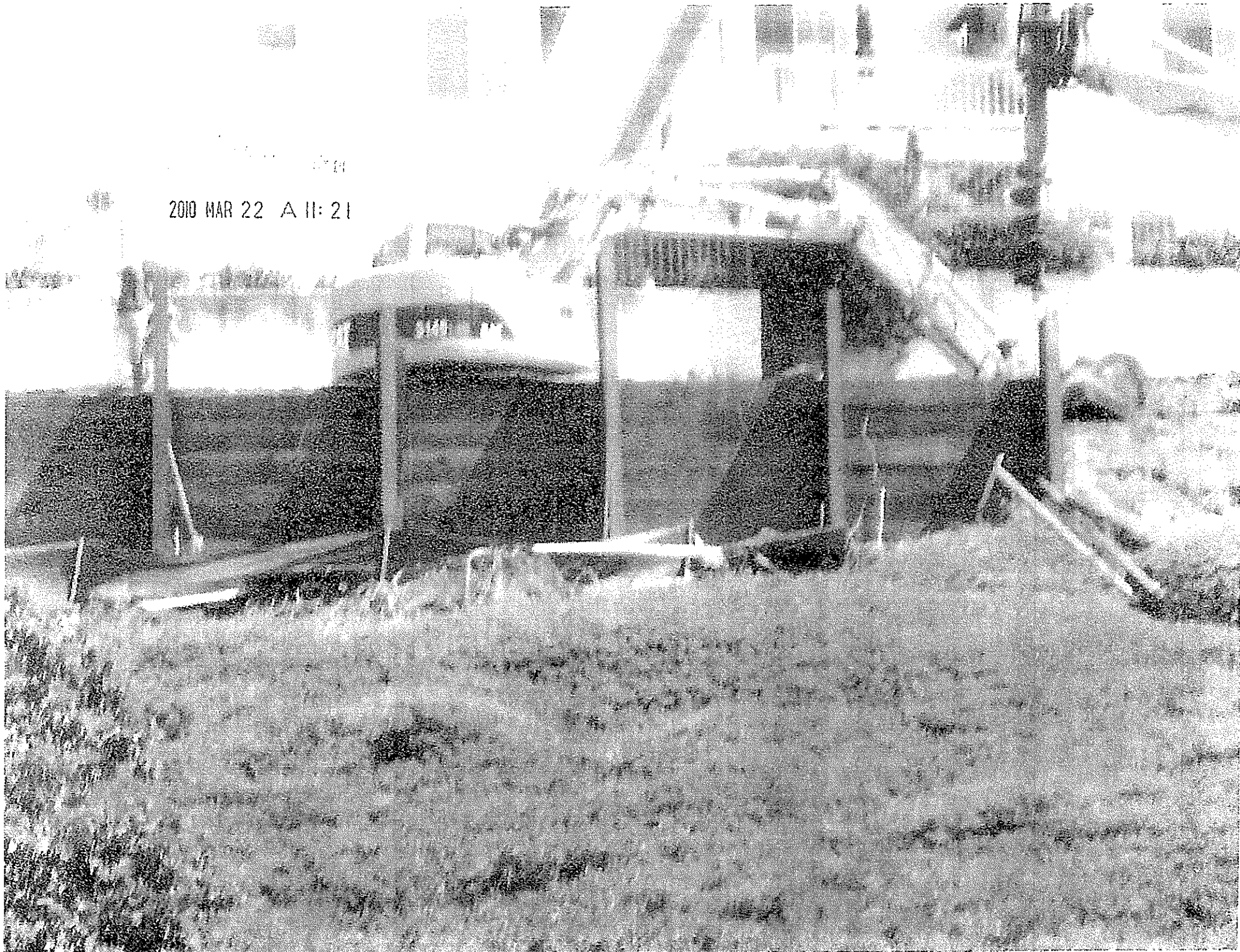
I request that LSA Associates acknowledge their receipt of my comments by their sending confirmation directly to the address above.

Thank you,

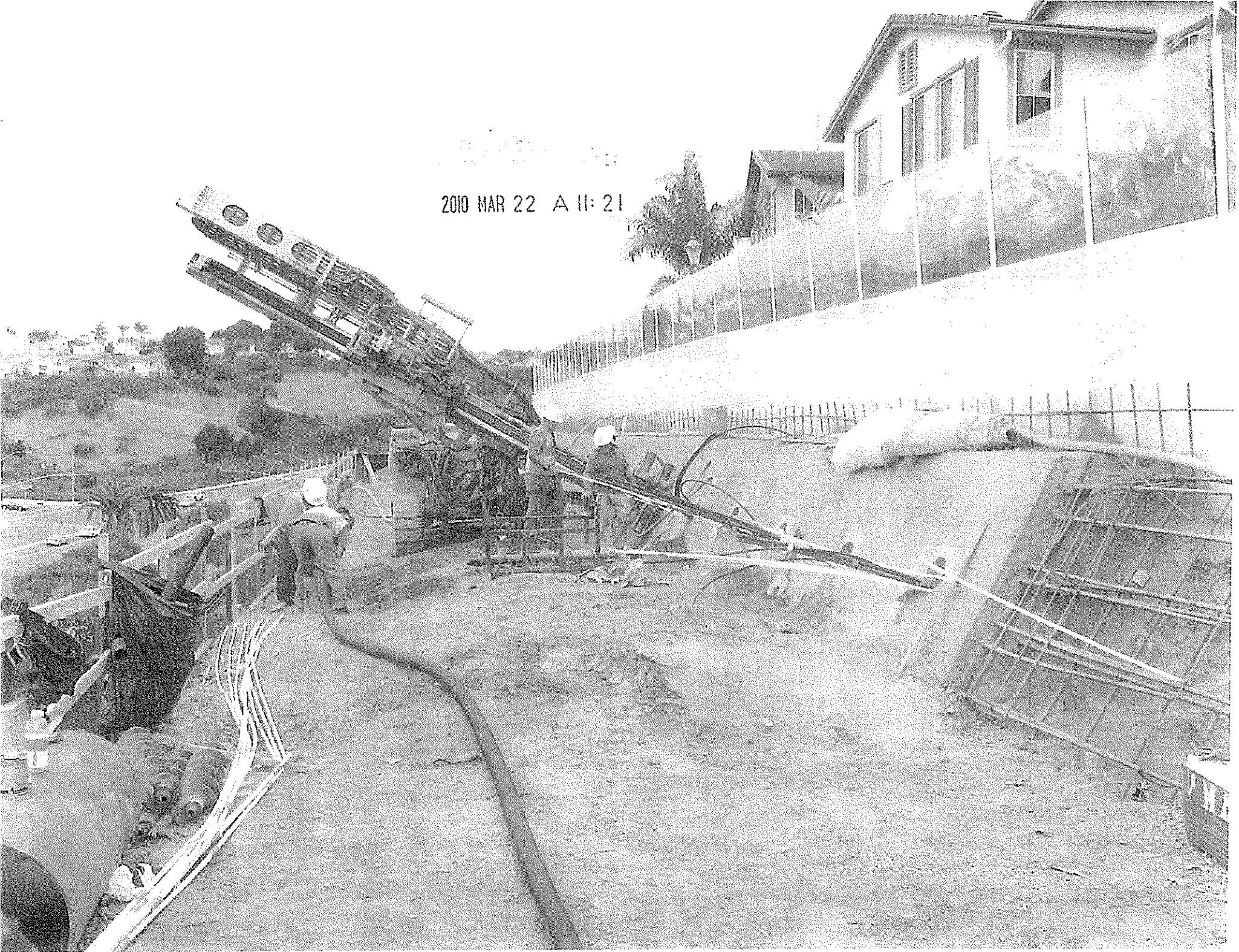


Gordon G. Montgomery

2010 MAR 22 A 11: 21



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SAIMA QURESHY

From: Tom Knudson [TKnudson@iusd.org]

Sent: Monday, March 22, 2010 4:37 PM

To: SAIMA QURESHY

Subject: Church construction

My name is tom knudson I live in Monarch Bay Villa at 23269 Atlantis way Dana Point Cal 92629 Ph 489-2945. I have major concerns over the construction of the church about us.

Concerns. Underground waters: Years ago building in the shopping center below us they were flooded with water from underground waters. For years a theater and flower shop were closed because of flooding. Last year on one of our streets in our complex we had to move a gas meter because there was water bubbling up under the ground and neither the gas company or water company could find where the water was coming from? Nothing in the first report discusses these problems. The Churches specialist even said they didn't know what they would get until they started digging. How could anyone think the underground parking and other construction would change or worsen the water way.

Concern: We already have ground movement were we live in Monarch bay villa. We have at least a dozen condos who have had to redo their stairs because of soil movement and some cracking of walls and water line breakage do most likely to soil movement. How could someone not think ten years of pounding construction on rock and underground waters. Cutting away of soil, all the construction of buildings and two level parking lots, and throw in the major earthquake that is supposed to occur in the next decade. We are not just talking about empty homes that might slide away but peoples lives. Most people that live in Monarch are senior citizens. I can't image an evacuation at night?

Concern. Noise we already get large amounts of noise from traffic on Crown Valley! Just ask people who have tried to sell their condos that back up to crown valley. Add the extra traffic for the adding building and construction for ten years? We already also get a lot of noise from below our complex from the Monta Sorie day care and then add the other day care the church is going to put in. That I am sure will also be loved by the golf course and hotel next door?

Concerns. Crown valley is already one of the busiest street in Orange County. They are doing construction at Crown Valley and Alciia and the Register said they average over 25,000 cars on that intersection. Consider they are adding a New City Hall and Courthouses there can you image the traffic? With trucks moving dirt and constructions materials there is only a few ways to get up to and from the coast. Can we really afford more of a log jam?

There are many other concerns. Of traffic , noise , late night functions, There must be a better piece of property that could handle all of these problems. In Dana Point! Thank you for your time Tom Knudson

City of Dana Point, CA. 92629

Attn. Saima Qureshy, AICP, Senior Planner

Kyle Butterwick, Director Community Development Dept.

Dana Point City Council Members

2010 MAR 21 P 10:11 March 18, 2010

LSA ASSOCIATES, INC.

20 Executive Park, suite 200

Irvine, CA. 92614

Re: South Shores Church Proposed Master Plan, SCH No. 2009041129

In evaluating this proposed project, numerous clear **Violations** have been identified. **Violations** of the City of Dana Point's GENERAL PLAN, CEQA, and the adjacent Federally protected Wildlife Enhancement Project. Those **Violations** would include but are not limited to:

- 1). Overbuilding of the site
 - 2). Proposed massive grading on an unstable coastal bluff top.
 - 3). Blocking a City protected Scenic View Corridor .
 - 4). Proposed post construction building uses.
- (and of course a complete obliteration of the Golden Rule).

In our written submission, we will focus on the **Violation** that concerns all surrounding residents, which is **Noise**.

In our previous statements of concern regarding "**Noise**", (dated 6/22/09 and 7/20/09) and submitted to the City, which LSA (EIR consultant) is required to review, we stated *personal experiences* with *significant noise* disturbances over the years from the proposed redevelopment site existing at its *current* size, capacity and use. We have since learned that due to the location, topography and acoustics of this Coastal Bluff residents completely circumferential to the site have experienced like, and even more significant noise disturbances with accompanying frustrations. Our obvious concern is the planned intensification of use, as well as the uses planned that are not compatible with the Zoning designation that will inherently cause an increase in noise.

The NOISE ELEMENT section of the City's GENERAL PLAN clearly states, "*The control of noise is an essential part of preserving the quality of a community*". and further, "*The most predominant and noise sensitive land use in Dana Point is residential.*" and ("*Additionally, the City of Dana Point has a number of public and private educational facilities, churches etc. that are considered noise sensitive*"). "*This land use is considered especially noise sensitive because (1) considerable time is spent by individuals at home, (2) significant activities occur outdoors, and (3) sleep disturbance is most likely to occur in a residential area*".

In the D.P. GENERAL PLAN under Community Noise Contours within the NOISE ELEMENT; "*The 60 dB CNEL contour... is the noise level for which any proposed noise sensitive land use (i.e., residential, hospitals, schools and churches)... should be evaluated on a project specific basis*".

The current Senior Planner for the City of Dana Point's Planning Commission has been unable to find relevant information regarding the Zone change classification of the proposed project from its original R-1 (Residential) classification (which allows for a church in the City of Dana Point) to its current claim of CF (Community Facility; church). Confirming the Zone change by LSA and Assoc. will be necessary in deciding the allowable land uses for this project.

In the D.P. GENERAL PLAN under Noise Sensitive Receptors within the NOISE ELEMENT;
Community Facility (CF) zoning classification is defined as "noise sensitive" and is further considered "compatible with the most predominant 'noise sensitive' zoning category" which is Residential (R).

Construction is inherently polluting in all ways imaginable. Noise is arguably one of its most offensive pollutants. Construction is generally expected and compelled to be completed in as short a timeframe as possible in an effort to limit its inherently damaging stressors. Yet, the project proponent proposes to inflict these potentially deadly stressors over an inordinate amount of time (10 years !?) on not only its immediate circumferential neighbors (who can not escape), but also any passing visitors (along Dana Point's major thoroughfare, Crown Valley Parkway) as well as any guests at the St Regis hotel and Monarch Links golf course

(major contributors to the City's tax base), the heavily visited Salt Creek Trail, the flora and fauna within the adjacent Protected Wildlife Enhancement Project as well as all church members, staff and toddlers attending the existing preschool. It is unreasonable, unneighborly, cruel and *not allowed* under the City's General Plan, policies and programs. Various aspects of the proposed project as planned also violate CEQA and endanger the Federally protected Wildlife Enhancement Project.

Fortunately the residents of Dana Point have protection via a safety net in the city's GENERAL PLAN, LOCAL COASTAL PLAN, MONARCH BEACH PLAN and ZONING ORDINANCES.

Under ISSUE IDENTIFICATION within the NOISE ELEMENT section of the GENERAL PLAN under Community Noise Control for Non-Transportation Noise Sources it states, "*Residential land uses and areas identified as 'noise sensitive' must be protected from excessive noise from non-transportation sources*". and further, "*These impacts are best controlled through effective land use planning and the application of a City Noise Ordinance*".

Within the NOISE ELEMENT under NOISE AND LAND USE PLANNING INTEGRATION Policy 2.2 "*Ensure acceptable noise levels near schools,... and other 'noise sensitive' areas in accordance with Table N-1*".

In the GENERAL PLAN within the NOISE ELEMENT section TABLE N-1 NOISE/LAND USE COMPATIBILITY MATRIX under COMMUNITY FACILITY designation specifically for churches, the matrix clearly shows the acceptable CNEL levels. If the noise level will reach 65-70 CNEL, the existing Zone (CF: churches, schools) is listed as "***NORMALLY INCOMPATIBLE***" and further states, "*new construction or development should be discouraged*". If the noise level will reach 75 CNEL and beyond (which would occur during the decade long construction period) the existing Zone (CF: churches, schools) is listed as "***CLEARLY INCOMPATIBLE***" and further states, "*new construction or development should... not be undertaken*".

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Noise is defined as "**unwanted sound**" and further as "**pollution**".

**Noise pollution** is a type of energy pollution in which distracting, irritating, or damaging sounds are freely audible. As with other forms of energy pollution (such as heat and light pollution), noise pollution contaminants are not physical particles, but rather waves that interfere with naturally-occurring waves of a similar type in the same environment. Thus, the definition of noise pollution is open to debate, and there is no clear border as to which sounds may constitute noise pollution. In the most narrow sense, sounds are considered noise pollution if they adversely affect wildlife, human activity, or are capable of damaging physical structures on a regular, repeating basis. In the broadest sense of the term, a sound may be considered noise pollution if it disturbs any natural process or causes human harm, even if the sound does not occur on a regular basis.

In rural areas, train and airplane noise can disturb wildlife habits, thereby affecting the manner in which animals in areas around train tracks and airports hunt and mate. In urban areas, automobile, motorcycle, and even entertainment noise can cause sleep disruption in humans and animals, hearing loss, heart disease (as a result of stress), and in severe cases even mental instability. (\*).

Study after study has found that community noise is interrupting our sleep, interfering with our children's learning, suppressing our immune systems and even increasing -- albeit just a little -- our chances of having a heart attack. It is also tarnishing the Golden Rule, reducing people's inclination to help one another.

"Everyday noise is under the radar, yet it affects everyone's life," said Louis Hagler, a retired physician in Oakland, Calif., and an advocate for quiet, who published in the Southern Medical Journal a review of studies linking noise exposures to health problems. "We don't say to people, 'You just have to learn to live with sewage in your water,' " Hagler said in an interview. "Why should we tolerate sewage coming into our ears?"

The fundamental purposes of hearing are to alert and to warn. As a result sound directly evokes emotions and actions. The processing of sound by the brain provides a biological and psychological basis for understanding the way in which sound can become a human stressor. The auditory orienting response, startle reflex and defensive response translate sound stimuli into action and sometimes into stress induced bodily changes through "fight or



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flight" neural mechanisms. Research upon, and efforts to prevent or minimize the harmful effects of noise have suffered from the lack of a full appreciation of the ways in which humans process and react to sound. (\*)

[[The damaging effects of noise usually are regarded as limited to the structures of the ear through impairing one's ability to hear sounds such as speech and music. Often unappreciated is the fact that noise has more pervasive physiological effects (1, 2).]]

The direct effects of certain sounds on emotions and attitudes is illustrated by the fact that chalk scraping on a blackboard can cause chill sensations in a listener. The further influence of higher cerebral cortical centers on the emotional reaction to sound stimuli is illustrated by a study of sound in hospitals in which one source of annoyance was staff conversations in the halls, not because of undue loudness but because of the discussion of patients (10).

Sound stimuli also influence the other sensory systems. For example, sound input overload can induce visual changes in color perception, cause nystagmus and vertigo and even act as an analgesic (11).

Sound stimuli play a vital role in maintaining arousal of the brain and thereby influence the basic physiological functioning of the body. Sound may influence the body after cessation of the stimulus through reverberating neural circuits within lower and higher brain centers. In this way sound can produce physiological reactions that develop a momentum of their own independent of the original stimulus.

The defensive response can become the stress that leads to the General Adaptation Syndrome with its alarm, resistance, and exhaustion stages if the sound stressor is of sufficient duration, quantity, and quality (18). When this takes place the hypothalamic-pituitary-adrenal axis is mobilized with resulting increase in adrenal cortisol and epinephrine

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output. During prolonged exposure to intense sounds, these endocrine effects may produce gastroduodenal ulcers and renal changes in laboratory animals (1).

There are critical variables that determine whether or not sound stimuli become stressors that produce human stress.

## Sound as a Stressor

Modern urbanization, crowding, the mass media, information technology, conditions of work and noise are overloading the human sensory environment (19). Of these stimuli our interest is in sound, particularly noise, although sound with meaning, such as speech, also can contribute to overloading an individual's processing capabilities. The progressive increase in noise from industrial, traffic and home sources, both machine and human generated, has reached offensive proportions in the United States (20, 21).

**Noise essentially is unwanted sound.** As such, subjectively experienced noise is any sound that produces annoyance or communication or task performance interference. The same sound stimulus may be perceived subjectively as noise by some and not by others. For this reason it is useful to define objectively experienced noise as sound that produces harmful bodily effects, which may or may not be subjectively perceived. This point is important because noise can be subjectively or objectively stressful, or both. In information processing terms, noise is sound that overloads the central nervous system. This state can be detected by changes in the electroencephalogram(27). During the stage of early sleep, for example, sound can produce orienting and defensive responses and alter the quality of sleep without causing awakening.

A sound's predictability is an important determinant of response. In one study, unpredictable noise resulted in lower tolerance for frustration and greater impairment of performance efficiency than

predictable noise (32). Furthermore, those investigators found that an individual's ability to control the noise source, and even the belief that one could, reduced the adverse impact of unpredictable noise (8).

**Noise is a commonly used standardized stressor in laboratory testing designed to evaluate human responses to stress (5, 22).**

Another illustration of the use of sound is in stress studies such as the one by Cantrell, who exposed healthy young male volunteers to intermittent noise for several weeks (24). He found significant increases in plasma cortisol and blood cholesterol levels in addition to associated annoyance and sleep disturbance effects during prolonged exposure. In one study, unpredictable noise resulted in lower tolerance for frustration and greater impairment of performance efficiency than predictable noise (32).

### Psychophysiological Responses

Genetic and constitutional individual differences may increase the likelihood that a particular organ system will respond to stressors more than others and over time lead to disease.

Sleep. Chronic sleep disorders detrimentally affect health and well-being. A major portion of complaints about noise arise from disturbance of rest and sleep (31). The Environmental Protection Agency Urban Noise survey found that 28% of the sampled population experienced sleep disturbance which also was rated as the most annoying effect of noise (20).

**Noise is a stressor and an important, largely unrecognized, pollutant of our environment. Our quality of life generally is eroded by annoyance from noise, and substantial segments of the population are vulnerable to its adverse health effects.**

More specifically, sleep is disrupted, productivity is reduced and the education and development of children is affected by noisy environments.

The prevention and reduction of noise pollution need not await further knowledge. The technology for reducing noise emission, acoustically conditioning environments and protecting hearing now exists.

According to the NOISE ELEMENT section of the City of Dana Point's GENERAL PLAN, **Goal 2: Incorporate noise considerations into land use planning decisions.**

**Policy 2.1: Establish acceptable limits of noise for various land uses throughout the community, in accordance with Table N-2.**

In **TABLE N-2 INTERIOR AND EXTERIOR NOISE STANDARDS**, the land use designation of **COMMUNITY FACILITY** allows for the following CNEL: Schools: 45CNEL interior and 65CNEL exterior (limited to the playground) and Churches: 45CNEL interior and 0-CNEL exterior.

COMMUNITY FACILITY land use designation is classified as a "noise sensitive" zoning category and does not allow for a gymnasium, sports club, concert hall auditorium, or indoor amphitheater (all of which comprise the planned "Community Life Center" of the project proponent).

According to the City's GENERAL PLAN NOISE ELEMENT TABLE N-2, those uses indicated above, and comprising the stated intended uses of the proposed "Community Life Center", are allowed only in the following land use categories: NEIGHBORHOOD COMMERCIAL, COMMUNITY COMMERCIAL, VISITOR/RECREATION COMMERCIAL, COMMERCIAL/RESIDENTIAL, PROFESSIONAL/ADMINISTRATIVE, INDUSTRIAL/BUSINESS PARK, RECREATION OPEN SPACE, HARBOR MARINE LAND.

In summary, The proposed "Community Life Center" can not be built on the same site as the current South Shores Church. The only "recreational" activities allowed on the site (if zoned CF), according to the LAND USE ELEMENT of the city's GENERAL PLAN, under LAND USE DESIGNATIONS **Community Facilities** for churches are: libraries, museums, art galleries, community theaters and cultural activities. These "recreational activities" are quiet or "low noise" activities allowed in "*noise sensitive*" zoning classifications.

In addition, not only will the unstable bluff top not **safely** allow for the significant grading necessary for an underground parking structure, ( the Dana Point GENERAL PLAN is very clear in the PUBLIC SAFETY ELEMENT under GEOLOGIC HAZARDS Policy 1.6: *“Prevent future development ... of bluff top properties that may pose a hazard to owners, occupants, property and the general public”*. And further, Policy 1.8: *“Encourage development which utilizes the desirable existing features of land such as ... geological features and other features which preserve the site’s significant identity”*, and Policy 1.9: *“ New bluff top development should be designed and located so as to ensure geological stability and to eliminate erosion, or destruction of the site or surrounding area”*.) but also, the site as we have proven in this submission, is NOT ZONED for the noise intensity that an echoing parking structure inherently produces. The surrounding residents are aware that the noise intensity of a parking structure exceeds the allowable noise levels acceptable in the *“noise sensitive”* area, and the City’s GENERAL PLAN Zoning classification for CF (churches and schools) prohibits the building of a facility that creates noise levels beyond its Zoning classification.

Note to City of Dana Point and LSA and Assoc.:

In consideration of significant testimony relative to currently existing **noise** complaints over the last twelve years or so, (specifically: *amplified music into the night, skateboard park creation and usage (even at 2am), 6am weekend power-washings, 5am weekly screaming work-out routines in the parking lot with bull horns, booming concert events, unsupervised children screaming in the parking lot, the invariable car alarm that seems to go off every Sunday and most recently weekend car washes hosted by a local Marine regimen where members encourage passers-by to honk their horns in support (all day long) and those living closest to the parking lot report enduring amplified music coming from parked cars*) AND keeping in mind that these noise producing activities are coming from a *“noise sensitive” Zone* that is situated on a **natural coastal bluff amphitheater**, one can not in good conscience allow this un-neighborly activity to continue with its current use of **illegal** noise producing activities and certainly not allow any new and undeniably more intense noise producing activities. Even more evident is that this CF Zoning category for a church, as a *“noise sensitive”* area (which needs to be verified for this site with evidence of the appropriate Public Notice request for Zone change from R-1 to CF and its

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*accompanying Public Hearing(s) with final approval and acceptance*) will NOT allow it.

**The site is not Zoned for the Community Life Center and its stated uses.  
The site is not Zoned to allow for an echoing parking structure.**

(\* )Environmental Health Perspective Oct. 1981  
Jack C. Westman, Dept. of Psychiatry, University of Wisconsin.  
James R. Walters, office of noise abatement, EPA, Washington, DC

#### REFERENCES

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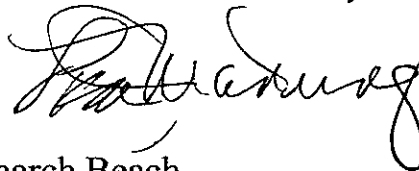
***~ Additionally, if this project as planned is allowed the surrounding Monarch Beach community will unquestionably suffer a significant and permanent loss in value of our properties.***

Respectfully submitted,

  
Brian and Lisa Manning

32717 Sea Island Drive, Monarch Beach

ManningMrB@aol.com



***Confirmation requested directly from City of Dana Point and separately from LSA Assoc, Inc. attesting to the fact all parties have received our submission in its entirety.***

Roberta Margolis  
23296 Pompeii Drive  
Dana Point, Ca 92629

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March 21, 2010

City of Dana Point  
Att'n: Saima Qureshy, AICP, Senior Planner  
Kyle Butterwick, Director, Community Development Dept.  
33282 Golden Lantern  
Dana Point, CA 92629

Subject: My comments for LSA Associates' Scoping for EIR re:  
South Shores Church Proposed Development Plan-SCH#2009041129

Concerning: Traffic egress & exit from Lumeria Drive onto Crown Valley Parkway

I have lived in my condominium at Monarch Bay Villas since January 1, 1980. The residents at Monarch Bay Villas were always made aware and considered by the various owners of the proposed site plan for Monarch Bay Resort, inc that lies east of our property.

In July of 1986, Stephen M. Hogan, County of Orange Traffic Engineer, proposed that Monarch Bay Villas would need a median shelter with turn pockets to be constructed on Crown Valley Parkway (enclosed is a copy of Mr. Hogan's proposed Median Shelter Plan) due to the building sites and traffic that the Stein-Brief's project would cause. However, once Nippon-Shinpan took over as owners, their revised plan with approvals from the City of Dana Point, was greatly scaled back, which did negate our concern over the traffic problem.

The traffic studies that South Shore Church submitted in their Mitigated Negative Declaration did not include any reference to the impact on the 52 units in Monarch Bay Villas. The entire focus of their report has been on the two access routes to the church parking, primarily the northern most, controlled access intersection at Crown Valley Parkway and Sea Island Drive.

The traffic, once South Coast Church starts moving dirt and building out, will be a constant congestion of regular traffic narrowing to use of one lane going up CVP from the Pacific Coast Hwy. Then, of course, the huge trucks to move the dirt, buildings, etc. and then the construction trucks for the proposed new buildings will be insurmountable on CVP and Pacific Coast Hwy. This will all be happening in front of Monarch Bay Villa's one and only gate to egress or exit onto Crown Valley Parkway.

This is my fear---I will be a prisoner in my home of 30 years. In light of the above circumstances, I would request that the City of Dana Point specifically include the requirement that a left turn out median shelter from Lumeria Lane to southbound Crown Valley Parkway be constructed along the Crown Valley median, as part of this project. Yes, there is definitely room



CITY OF ORANGE  
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to do the median shelter---the planted divider gets a narrower re-do as so many on CVP now have. The County of Orange Traffic Engineer's proposal of 1986 must now come to fruition.

I request that LSA Associates acknowledge their receipt of my comment by sending confirmation to my home address listed on the first page.

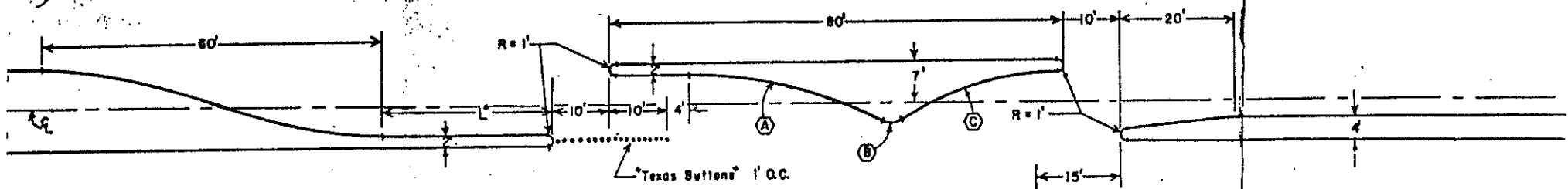
Thank you for your time and assistance on this very crucial matter to me.

*Roberta Margolis*

Roberta Margolis  
Encl: Left Turn Out Median Shelter Plan

page 2 of 2 plus enclosed median plan

# Left Turn Out Median Shelter



Parabolic Transition Data

| Base Line Distance | 0'    | 10'   | 20'   | 30'   | 40'   | 50'    | 60'    |
|--------------------|-------|-------|-------|-------|-------|--------|--------|
| Base Line Offset   | 0.00' | 0.74' | 3.00' | 6.00' | 9.00' | 11.26' | 12.00' |

L to be determined by Asst. Director EMA/Development (30' Minimum)

CURVE DATA

|     | R   | $\Delta$ | L      | T      |
|-----|-----|----------|--------|--------|
| (A) | 75' | 26° 56'  | 35.26' | 17.98' |
| (B) | 4'  | 59° 41'  | 4.17'  | 2.29'  |
| (C) | 50' | 32° 44'  | 28.57' | 14.69' |

2010 MAR 22 A 10:51

2010 MAR 22 P 1:01

2010 MAR 22 P 1:00

**EDWARD R. & KAREN A. JANTZEN**  
**51 Cassis**  
**Monarch Beach, CA 92629**

March 20, 2010

**HAND DELIVERED**

City of Dana Point  
Attn: Saima Quershy, AICP, Senior Planner  
33282 Golden Lantern  
Dana Point, CA 92629-1805

Re: South Shores Church Proposed Development Project

To the City of Dana Point:

This letter submits our comments with regard to the Notice of Preparation (NOP) issued by the City of Dana Point (City) for the Environmental Impact Report (EIR) being prepared for the proposed South Shores Church Master Plan Project (the Project).

The NOP dated February 4, 2010 lists *some* of the probable environmental effects of the Project to be analyzed in the Draft EIR: aesthetics, air quality, biological resources, cultural/paleontological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services and utilities, and transportation and circulation.

In addition, the Draft EIR is to be prepared in accordance with the following requirements: California Environmental Quality Act (CEQA) and the CEQA implementing guidelines (Guidelines), and it certainly should take into account the City of Dana Point General Plan. In this context, we submit the following comments:

**Aesthetics**—The size and nature of the proposed structures are substantially inconsistent with the physical site and surrounding neighborhood: the cuts into the hillside will destroy and eliminate dozens of mature trees; views will be altered and substantially reduced and replaced by a massive retaining wall that cannot be disguised to replace the natural beauty; given the great expansion of the facilities and hours of operation, the increased lighting will destroy the existing views.

**Air Quality**—The proposed movement of 100,000 cubic yards of dirt will disburse vast amounts of dust, particles, debris, effluents and other pollutants over the proposed ten-year period. The constant flow of onshore winds will carry these harmful and irritating substances to the golf course, the canyon and the homes and neighborhoods surrounding the proposed Project. Not only will this pollution be harmful to humans, it will also be harmful to domestic animals and wildlife. The enormous amount of earthmoving equipment required to accomplish this massive earth movement will constantly emit pollutants. The proposed expansion will also greatly increase air traffic pollution with the use of the proposed facilities.

**Biological Resources**—Dozens--and possibly more—native and migratory species inhabit and frequent the area surrounding the proposed Project. The Draft EIR must include an analysis of the impact on this wildlife.

**Cultural/Paleontological Resources:** It is well document that historic artifacts have been unearthed in nearby South Orange County coastal communities. This aspect must be investigated in the Draft EIR.

**Geology and Soils**—It is also well documented that the site adjoins areas where landslides have occurred, such as destruction of two large apartment buildings in the Monarch coast Apartment complex. The Draft EIR must analyze the landslide potential of the proposed Project, the impact on the adjoining Monarch Bay Villas, the Salt Creek Corridor, and the surrounding areas. Historically (pre-incorporation of the City?), we recall the long-standing building problems in the Monarch Bay Plaza as a result of building over the aquifer, which runs under the proposed building site.

After closing the movie theatre and then the florist that occupied that section of Monarch Bay Plaza, the structure was razed, and the site has been unsuitable for any building.

Consideration needs to be given to the City's potential liability if this proposed Project is approved, given full knowledge of the landslide/aquifer realities surrounding this property.

**Hazards and Hazardous Materials**—It is well documented that the present use does not reflect the historical use. Oftentimes large quantities of hazardous waste and chemicals unrelated to present uses have been deposited on the site. In addition, the proposed Project may introduce hazards and hazardous materials during the grading, excavation, and construction process.

**Hydrology and Water Quality**—As recently as last month, the storms caused erosion to the slope of the Project and damaged the trail along the Salt Creek Corridor. As proposed, the Project will materially alter the topography of the Project site and storm runoff patterns, which may impact water quality in Salt Creek, which flows to the ocean. If completed as proposed, there will be a substantial increase in water consumption—during these times of drought and water use restrictions.

**Land Use and Planning**—As proposed, the Project is in direct conflict with numerous provisions of the City's General Plan, which provides very specific criteria for land development in the City. Zoning and size of building on the footprint—over a ten-year period—are critical issues to be addressed. In considering approval of a ten-year Project (especially during these economic times) the analysis must include assurance of financial resources and the potential inability to complete the Project as proposed. There is no question that many unforeseen circumstances will occur during this extended time proposal, which should preclude approval of such an extensive plan.

**Noise**—The canyon between the existing facility and homes in all directions surrounding the facility acts as an amphitheater, amplifying the noise across the golf course and into existing homes.

The construction noise will travel the same route over ten years, substantially interfering with the use and enjoyment of many properties. If completed as proposed, the facilities are intended to be used from 7 a.m. to 10 p.m., seven days a week. This is inconsistent with the City's noise standards and the character of the surrounding residential and resort communities—one of the City's major attractions and sources of income.

**Public Services and Utilities**—The proposed substantial increase in the size and scope of this facility, will place increased demands on maintenance of public roadways, public utilities, public lands, law enforcement and fire services, which translate into increased costs to these entities and the City.

**Transportation and Circulation**—The Draft EIR must address the fact that the only access to the site is from Crown Valley Parkway (CVP). This road is highly traveled and the site of many serious accidents. The proposed Project will result in a huge increase of CVP traffic during construction, heavy equipment traffic, and other vehicular traffic if the new and expanded buildings are constructed and used from 7 a.m. to 10 p.m.

Thank you for considering our grave concerns regarding the proposed Project.

Sincerely,



Edward R. Jantzen



Karen A. Jantzen

DIANNA & JOSEPH BARICH  
19 CORTINA  
DANA POINT, CA 92629  
dianna@baha.com

2010 MAR 22 P 4:11

**FACSIMILE COVER SHEET**

DATE: March 22, 2010

TO: CITY OF DANA POINT

ATTN: Saima Qureshy, Sr. Planner  
Kyle Butterwick, Director of Community Development

FROM: Dianna & Joseph Barich

RE: South Shores Church Proposed Master Plan, SCH No. 2009041129  
("Project")

FAX NO.: 949.248.9920

PAGES: 5 (including Cover)

DIANNA & JOSEPH BARICH  
19 CORTINA  
DANA POINT, CA 92629  
[dianna@bahan.com](mailto:dianna@bahan.com)

2010 MAR 22 P 4:11

March 22, 2010  
*Sent Via Facsimile and E-Mail Only*

CITY OF DANA POINT

Attn: Saima Qureshy, Sr. Planner

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

Kyle Butterwick, Director of Community Development

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

33282 Golden Lantern  
Dana Point, CA 92629

Re: South Shores Church Proposed Master Plan, SCH No. 2009041129  
("Project")

Dear Ms. Qureshy and Mr. Butterwick:

Thank you for the opportunity to submit our comments regarding the above-referenced matter, in particular, the recent NOP for the EIR which is being prepared for this Project.

We have resided in Dana Point since 1990 and have experienced the positives and negatives related to the growth of our City. While many projects have been beneficial to the City and its residents, the within Project is not in that there is no question that it negatively impacts the residents of the surrounding communities as well as the City. Moreover, based on the NOP, the numerous issues of concern raised during this process have been overlooked or inappropriately analyzed.

As stated in the NOP, the EIR will be prepared in accordance with the requirements set forth by CEQA and the CEQA implementing guidelines. We also believe that the City has an obligation to assure that the EIR is in full compliance with the City of Dana Point's "General Plan". To that end, we submit the following list of our concerns which must be addressed by the EIR:

➤ **AESTHETICS:**

- Incompatibility with all existing surrounding structures;



- 2010 MAR 22 P 11:11
- Oversize in relation to the physical site and surrounding communities;
  - Destruction of existing hillside and foliage including mature trees;
  - View impact enjoyed by hundreds of residents and visitors to the City's resorts, including the Monarch Beach Golf Course;
  - Unsightly massive retaining wall which replaces natural vegetation;
  - Lighting issues for surrounding communities; and
  - Unsightly massive parking structure

➤ **AIR QUALITY:**

- 10 years of construction activity;
- Removal of 100,000 cubic yards of dirt resulting in immeasurable amounts of dust and other pollutants disbursed in a wind tunnel; and
- Increase in vehicle traffic (both construction vehicles and thereafter by patrons of the facilities) with accompanying emissions

➤ **BIOLOGICAL RESOURCES:**

- Impact on wildlife in the Project area, including migratory species that inhabit and frequent the surrounding regions

➤ **GEOLOGICAL AND SOILS:**

- Prior landslides in contiguous areas destroying prior structures (two large apartment buildings) and public trail through the Salt Creek Corridor which is still ongoing;
- Prior flooding of lower level properties;
- Abandonment of prior building plans below the Project by Makar / CPH believed to be as a result of geological instability; and
- Prior landslides on other properties on Crown Valley Parkway resulting in a multitude of lawsuits which the City of Dana Point must assure is addressed in assessing its potential exposure / liability should the inevitable occur with this Project

➤ **HYDROLOGY AND WATER QUALITY:**

- Recent slope erosion which will be further impacted by the Project;
- Drastic topography change which will without question impact storm runoff;

- Water quality in the Salt Creek which directly flows into the Pacific Ocean; and
- Water usage in Dana Point which is already dramatically impacted before the project has even begun

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➤ **LAND USE AND PLANNING:**

- Compliance with the City of Dana Point's General Plan, including open space; preservation of natural state of property, including bluffs and natural resources; and restriction on density;
- Compliance with CEQA;
- Compliance with other governing agencies, including zoning ordinances;
- South Shore's Ability to financially complete the Project; and
- Topographical survey that establishes the true buildable space/ acreage

➤ **NOISE:**

- Impact on surrounding communities subjected to 10 years of construction;
- Impact on surrounding communities with expanded facility, including the education center which is in reality most likely a school, resulting in an enormous increase in attendees all of which is exacerbated by the canyon's amphitheater effect; and
- Expanded hours of operation (7 days per week / 7:00 a.m. – 10:00 pm)

➤ **PUBLIC SERVICES AND UTILITIES:**

- Drain on public services and utilities, including increased costs of maintaining public roadways, public utilities and public lands;
- Increased costs associated with law enforcement; and
- Increased costs associated with fire and other services

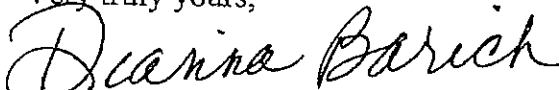
➤ **TRANSPORTATION AND CIRCULATION:**

- Negative impact to Crown Valley Parkway during construction phases over a 10 year period; and
- Negative impact to Crown Valley Parkway by virtue of the enormous expansion of the facilities resulting in a significant increase in patrons with accompanying street congestion which is already a problem

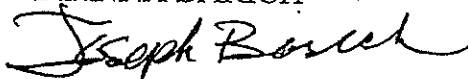
Thank you in advance for considering and addressing our concerns prior to completing the Draft EIR.

Lastly, please confirm to [dianna@bahan.com](mailto:dianna@bahan.com) that you and LSA have received all 4 pages of this correspondence.

Very truly yours,



DIANNA BARICH



JOSEPH BARICH

2010 MAR 22 P 4: 11

Mr. Michael Hazzard  
31902 Via Fiero  
San Juan Capistrano, Ca 92675  
(949) 690-2510

2010 MAR 22 P 1:45

Scoping Session Comments

South Shores Church Master Project Plan

March 22, 2010

City of Dana Point, Ca and Consultant LSA, Inc. Re: **SCH 2009041129**

This document addresses **Section VIII: Hydrology and Water Quality Impacts** and related issues that need to be addressed in the upcoming Draft Environmental Impact Report (DEIR).

**Section I** covers the Scoping Session (SS) and its innumerable shortcomings.

**Section II** addresses my field observations and physical evidence of neglect at the existing site.

**Section III** assigns preventive prescriptive remedies as mitigations. They are intended to assess and protect water quality and the aquatic creatures that inhabit the Salt Creek Scenic Corridor's (SCSC) Environmentally Sensitive Area (ESA).

**Section IV** contains my *Curriculum Vitae*, which is split into two distinctive and overlapping environmental specialties. The first is Water Quality Assessment, Monitoring and enforcement of California's Porter-Cologne Act and the federal Clean Water Act. The second is qualities of the waters and focuses on compliance with the federal Endangered Species Act and City of Dana Point Local Implementation Plan (LIP).

**Section I: Scoping Session Comments**

The SS was at best a dismal failure for the citizenry, an F, when it came to informing the general public about the probable impacts to the adjacent neighboring households, the Gnatcatcher, ESHA, the Salt Creek ESA and the overall welfare of our environment.

Sure there were plenty of pretty pictures to view at individual stations but there was no single formal presentation that tied them all together. Nor was there a group question and answer period to give the general public a chance to hear the tough questions and answers from professionals, to professionals, that the public would not know enough about to ask.

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To add insult to injury there was no Water Quality Management Plan (WQMP), no Storm Water Pollution Prevention Plan (SWPPP) nor was there a Low Impact Development plan (LID) to be reviewed and commented upon. Just pie in the sky answers to how water quality and the qualities of the waters might be protected. Once again direct questions about the absence of these plans that would have educated the general public were purposely and pompously avoided.

When the South Shores Church's (SSC) Mitigated Negative Declaration (MND) was rescinded it should have sent a clear picture to the SSC leadership that there are glaring short-comings and major problems associated with this grandiose project. The compartmentalized joke of a SS has shown the SSC leadership to be lacking in regard for their neighbors or their impact on the environment. After personally speaking with SSC neighbors, some of whom formerly attended South Shores Church, SSC leadership have exchanged God's Golden Rule for man's Rule of Gold with a side of vanity and blind ambition.

## **Section II: Observations and Physical Evidence of Environmental Neglect**

I've taken several trip to the South Shore Church and the surrounding properties to survey and assess the existing conditions as they pertain to hydrology and water quality Impacts. I walked the SCSC Trail, the creek bed itself, the hillside behind the church property (sans the ESHA), the slopes on both sides of the church property and the parking lots. I visited the existing sediment control basins, v-ditches and observed the above ground MS4 conveyance system that runs along the SCSC trail.

I conducted several site inspections starting with the sediment control basin at the south- eastern section of the SSC property. It was obvious that it had not been maintained for years, it was almost full of sediment, no Best Management Practices (BMP's) are being performed here, much less to Maximum Extent Practicable (MEP). Looking up from the SCSC I observed massive erosion patterns from the overflow of this device. It's my opinion that failure to properly maintain this device has created a series of crevasses through the Gnatcatcher ESHA and formed a fluvial fan that buried the MS4 system at the toe of the slope in several feet of sediment. When this area was fully engulfed the sediment careened over the beach SCSC trail eroding the slope below the trail carving out another set of crevasses that spewed mud and debris into the creek.

Next I walked the coastal bluff just to the south of the Gnatcatcher ESHA and tried to locate the v-ditches that were installed for erosion and sediment control purposes. Again I found that they were filled with sediment and had not been maintained. Water just flowed over the filled v-ditches carving out gullies and transporting sediment down

2013 MAR 02 P 1:57  
the hill and into the creek. It was impossible to locate all of the v-ditches due to the years of neglect and heavy coastal chaparral that has taken root in the system.

Next I walked north along the SCSC trail and inspected the above ground MS4 system and found that it has several breeches with low-flow urban runoff discharging out of it creating pooled areas. At the far northly end of the system a coupling connecting a MS4 subsystem was completely separated from the main. Once again no BMP's being employed.

While inspecting the above ground MS4 system I took a closer look at the pooled area of urban runoff and noticed that not all of the water was coming out of the system, some was flowing out of the coastal bluff. I later found a sinkhole on the creek side of the SCSC Trail leading me to conclude that there must be a subterranean flow of water from an unknown source(s). Just north of this location I found a suspicious sinkhole on the creek side of the SCSC Trail. It is difficult to determine if this is ground water/aquifer or over-use of Title 22 water discharged from the SSC property.

My next site inspection took place in the v-ditches that run along the northern slope of the SSC property that is common to the apartment complex parking lot. About half-way up the coastal bluff I discovered an unusual flow of water coming out of the coastal bluff into the v-ditch which flowed down into the creek. I observed this water flowing for approximately 30 minutes then stop. This leads me to believe that it was a subterranean breach in the sprinkler system that was spewing Title 22 water directly into MS4 and thence directly the creek, in violation of the NPDES permit.

What I observed pertaining to water quality, sediment transport and erosion control is professionally appalling. All water quality and sediment /erosion control devices had failed due to lack of the lack of the most basic maintenance implementation of BMP's.

**Section III: Recommended preventive prescriptive mitigative measures to assess and protect water quality. This includes the coastal bluff ESHA and the aquatic creatures that inhabit the Salt Creek Scenic Corridor's ESA.**

A database should be established **NOW** to provide data prior to any construction activity. Since water quality impairment in Salt Creek (SC) is already probable due to the past failure of SSC to implement required BMP's on its property, water quality testing should not only be limited to just below SSC property lines. A separate test area should be established above SSC's point of impact on the creek to assess any impairment caused by their neglect.

Water quality testing above and below all SSC related MS4 point of discharges into SC should also be established now, before any construction activity begins. It should be

continued during construction and post construction to assess any impairment that may occur.

My recommendations are as followed:

### **Water Quality Physical and Chemical Analysis**

I've selected the parameters for the monitoring of Salt Creek to include nutrients and bacteria, and the standard physical parameters including pH, conductivity, dissolved oxygen, temperature and a visual observation of flow. Additionally, I recommend that Total Recoverable Petroleum Hydrocarbons (TRPH), Polycyclic Aromatic Hydrocarbons (PAH) and dissolved metals be tested for, as well as establishing Benthic Macro-Invertebrate monitoring.

Testing for temperature, pH, dissolved oxygen and conductivity shall be done with lab certified, pre-calibrated BAT meters. Bacteria samples shall be done using the IDEXX method using coliert 18 reagent for Total Coliform and E.Coli and Enterolert reagent for Enterococci. Nutrient analysis shall be run with a Hach Colorimeter or similar BAT. Nitrate-Nitrogen samples shall be run through a .45um filter and then tested utilizing Standard Method 4500-NO3E. Ammonia-Nitrogen samples shall be tested using a salicylate method adapted from Clin.Chim. 14 403 (1966). The Orthophosphate test shall use a procedure equivalent to USEPA method 365.2 and Standard Model 4500-PE.

Testing for metals, hardness (asCaCo3), Total Suspended Solids, PAH and TRPH be done by an EPA certified lab using EPA method 6020 for metals, SM2340B for hardness, SM 2540D for TSS and EPA method 418.1 for TRPH.

Monitoring for Benthic Macro-Invertebrates shall use the Surface Water Ambient Monitoring Program (SWAMP) protocols.

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## **Section IV: CURRICULUM VITAE**

### **Water Quality Assessment, Monitoring and Enforcement**

2003 MAR 22 P 1:50

#### **Citizens Watershed Monitors of Orange County (CWMOC) Founding and Current Chairman (2002-2010)**

The CWMOC is the "Official Clean Water Team" for the California State Water Resources Control Board in Orange County and is a matrix of academia, state regulatory agencies, county and city governmental agencies and major environmental NGO's in Orange County.

Our member educational institutions include University of California Irvine, U.C. Riverside Extension, Golden West College and Saddleback College. Governmental agencies include the California Coastal Commission, State Water Resources Control Board, Regional Water Quality Control Boards (Regions 8 & 9 Cal/EPA), State Department of Water Resources, Orange County Public Works, O.C. Watershed and Ocean Resources Department and the O.C. Department of Environmental Health.

Non-Governmental Organizations (NGO's) environmental groups include the Clean Water Now! Coalition, Seal Beach/ Huntington Beach and South Coast Chapters of the Surfrider Foundation, Orange County CoastKeepers, the Saddleback Canyons Conservancy, Clean Aliso Creek Association, Help Blue Water, the Bolsa Chica Wetlands Conservancy, D.I.V.E.R.S., Friends of the Aliso Creek Steelhead and the Southern Steelhead Militia.

The Mission Goal of CWMOC is to establish, promote and sustain high quality water monitoring programs throughout Orange County's 13 watersheds. We provide training and equipment to organized groups who in turn conduct water quality monitoring. We instruct the interns so that they may go into their respective organizations and teach them to conduct water quality testing and benthic macro- invertebrate assessments. These programs are conducted in accordance with a Quality Assurance Program Plan (QAPP) developed through the SWRCB. The QAPP assures procedures and protocols are uniform and conducted with certified intra-calibration session tested equipment ensuring high quality intergraded data is achieved.

#### **Clean Aliso Creek Association**

##### **Executive Director Feb 1999 to present**

As Executive Director of the Clean Aliso Creek Association I've been immersed in direct and extensive exposure to many of the urban runoff and National Pollution Discharge Elimination System (NPDES) permit issues facing the cities and the county. I made



significant contributions to a team effort through my personal reconnaissance and site investigations covering the 11 cities in the 32 Sq. mile Aliso Creek and the 138 sq. mile San Juan Creek Watersheds.

The resulting investigations by the SDRWQCB Northern Watershed Task Force confirmed the extremely high pollution levels in the local creeks that resulted in the CWC 13225 Directive (See attached newspaper article) and heavily influenced the SDRWQCB NPDES Order 2002 – 01 plus future South Orange County NPDES permits.

### **Aliso Creek & San Juan Creek Watershed Management Survey**

#### **March 1998 - 2004**

These parallel study groups met monthly and were conducted between March 1998 and June 2004. The participating governmental agencies included the U.S. Army Corps of Engineers, Federal E.P.A., SWRCB, SDRWQCB, U.S. Fish and Wildlife Service, California Fish and Game, the County of Orange, 11 Watershed Stakeholder Cities, 4 Water Districts and 2 Sanitation Districts.

The main focus of the working groups included existing urban areas, planned urban development, proposed urban development and their independent and cumulative effects on water chemistry, water quality, and qualities of the waters, hydrology and hydraulics of the geographic hydrologic areas. This is where the NPDES, water supply and flood control issues intersect.

The Aliso Creek / San Juan Creek Watershed Studies particularly lay open the fact that the federal Clean Water Act and the Porter-Cologne Act had been largely ignored, not only in these watersheds but all of Southern California. I gleaned invaluable knowledge from the widely varied agencies and the industry experts who participated. It was at these meetings that the entire NPDES permit issues were first brought to my attention. I have gone from not knowing this document existed to being able to speak on its merits and shortcomings.

### **KriStar Enterprise's Drainage Protection Systems Division**

#### **Southern California Territory Manager**

KriStar Enterprises is the oldest continuous manufacturer of storm water control devices in America. These devices are compliance features to the NPDES requirements of the federal CWA. The filtration devices are required to be installed and maintained at all new business and residential development and redevelopment sites.

My duties as So Cal Territory Manager included several aspects of the storm water pollution control business. The territory ranged from San Luis Obispo, CA in the north

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to the southern borders of San Diego and Imperial Valley Counties, then east to Phoenix, Arizona. Over this vast area my crew was responsible for maintenance and service of approximately 4500 stormdrain filtration devices of various makes and models from basic inlet filters to multi-story vortex separator vaults

I was responsible for the recruitment and training of the maintenance and installation crew, and the establishment of an operations yard in Lake Forest, CA. I conducted site evaluations for new installations of KriStar products and maintenance contracts for both company products and a wide variety of storm drain filter systems in the market place and provided cost estimates for the same. I was responsible for the day-to-day management, scheduling of the crew, and coordinating with both public and private sector customers over the entire spectrum of the territory. I also insured that the work was completed according to the high standards of quality, and was responsible for the submittal of completed projects for billing and issuance of compliance certificates to the owners. I was also responsible for interfacing with local, state and federal storm water compliance authorities.

### Qualities of the Waters

#### Southern Steelhead Trout Critical Habitat Designation March 1999 to Jan. 2002

##### **Reconnaissance Team Leader -Trout Unlimited**

The Southern Steelhead Trout (*Oncorhynchus mykiss*) was thought to be extinct below Malibu Creek in Northern L.A. County until one was caught by my Saddleback College classmate Toby Shackelford on San Mateo Creek. DNA testing in Nov. 1999 confirmed the fish to be a Southern Steelhead Trout. As recon team leader for the South Coast Chapter of this 134,000-member international organization I logged 24 trips over 18 months into the 138 sq. mile San Mateo Wilderness collecting data on habitat and taking over 500 photographs. By the end of 2003 fifty-three (53) Southern Steelhead Trout had been spotted in the creek.

My work included extensive interactions with the Saddleback College Advance Habitat Restoration program, Trout Unlimited of California and fisheries biologists from the U.S. National Forest Service, National Marine Fisheries, U.S. Fish and Wildlife, California Fish and Game, California State Parks and the United States Marine Corps. (LA Times article May 27, 2001)

#### Southern Steelhead Trout Restoration Project San Mateo Creek

**Southern Steelhead Trout Habitat Restoration and Species Recovery Coalition (SSTHRSRC) Technical Advisory Committee (TAC) Stream Team Coordinator (STC)**

2008 MAR 22 P 1:56

The Southern Steelhead Trout Restoration Project is mainly focused on San Mateo Creek Watershed located in northern San Diego County. Its TAC is made up of members from the National Marine Fisheries/ National Oceanographic Atmospheric Administration, National Forrest Service, Fish & Wildlife Service, US Marine Corps, California Coastal Conservancy, Calif. State Parks, Calif. Fish & Game, Trout Unlimited of California, San Diego Trout and Cal Trout.

As (STC) for the (TAC) my duties included coordinating and leading professional and volunteer teams into this 138 sq. mile wilderness area. During the past 10 years I have led over 250 trips into the San Mateo Wilderness. I was selected for this position because I have personally logged more time on this project in SMC Wilderness than all the above-mentioned agencies personal and other NGO volunteers combined.

During the 16 month period between December 06'- April 07' I conducted single and multi-day operations encompassing the entire watershed. Field operations included locating and mapping all the existing water features in the San Mateo Creek Watershed from the upper reaches including the La Cresta housing development along Los Alamos Creek and Tenaja Falls on the main stem to the Trestles surf break, all of its tributaries and sub-watersheds, the estuary and near off shore ocean environment. Surveys were conducted in all types of weather from snow and freezing rain to scorching heat with temperatures ranging from 18°F to 118°F during this 16 month period.

I conducted over 75 days of biological, environmental and scientific assessments including native and invasive species presence/absence observations, GPS recorded locations and photographed stream segments and pools of water. These studies included but were not limited to water quality monitoring, stream bed mapping, spring location mapping, and identification of native and invasive aquatic species, trapping and removal of invasive species.

In the La Cresta housing development located above the SM Wilderness we accessed the USFS Remote Sensing Center in Salt Lake City, Utah to retask a satellite utilizing digital imagery in the geospatial range to detect and map ponds and waterways that might be contributing to the influx of invasive aquatic species of plants and animals into the SMC critical steelhead habitat. We also conducted Public Service Community Outreach Programs to both inform and include the community in our restoration efforts

My 2005/06-2007/08 work is particularly of historical note and content as it was conducted during the lowest and highest rainfall levels ever recorded in Southern California. This scientific data combined with environmental surveys and habitat observations encompassed the full range of stream flow and weather extremes in this watershed.

2007 11:32 AM 1:36  
I developed and delivered the year-end work project Power Point presentation titled "75 Days in the San Mateo Wilderness" to the SSTHRSRC TAC. In February 2008 I was also a featured speaker on this subject at that year's US Forrester Service Volunteer Day. There were over 250 people in attendance at the symposium.

**Southern Steelhead Trout Fish Passage Project Trabuco Creek**  
**Southern Steelhead Trout Restoration Task Force, Trout Unlimited**

In June 2004, I partnered with another Trout Unlimited volunteer, George Sutherland, to form the Trabuco Fish Passage Team. This is the largest and most complex single undertaking by Trout Unlimited of California and a flagship project of the Trout Unlimited National Organization. Trout Unlimited is the oldest and largest coldwater fisheries restoration organization in North America.

We chose this location as the first of five fish passage projects because it would be the most difficult to get permitted. The project location is directly under a major bridge structure on Interstate-5. It requires extensive redesign and retro fitting of the existing 600' long concrete footing structure. I-5 is the primary North/South transportation corridor on the West Coast of the United States and is of national strategic importance.

This project permitted close, cooperative interactions with the U.S. Dept. Of Commerce, U.S. Department of Transportation, the U.S. Army Corps of Engineers, National Marine Fisheries, N.O.A.A., Cal Trans, California Dept. of Fish & Game and the C.D.M. Engineering Firm of Irvine, Ca.

We achieved all the necessary planning goals and received grant funding from the Wildlife Conservation Fund for the project on November 18, 2005. The first public Design Rollout event is on April 10, 2006. (See L.A. Times & O.C. Register articles dated **April 12, 2005**)

On Friday, August 12, 2005, N.O.A.A. slashed Salmon and Steelhead Critical Habitat Designation Areas and the associated project funding by 80% in the Western United States. (L.A. Times **August 13, 2005**).

On Monday, August 15, 2005, N.O.A.A. added Trabuco Creek as a Designated Critical Habitat for the Southern Steelhead Trout. (See Register article dated **August 16, 2005**).

Our collaboration with the California Department of Fish & Game and the Wildlife Conservation Board resulted in grant funding to construct a \$1.2 million fish passage ladder for the Southern Steelhead Trout on Trabuco Creek. This fish passage is the first of a series that will be built to allow this endangered species to return to spawning areas in the Cleveland National Forest. (See accompanying newspaper articles from **December 2004, January 2004, November 2005 and March 2008**).

2008 MAR 22 P 1:56

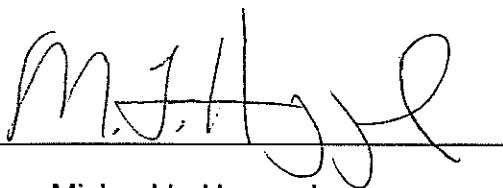
**Record Southern Steelhead Trout Capture & Release on San Juan Creek - March 15, 2008**

I, along with a team of experts from NOAA, NMFS, Cal Fish & Game, Trout Unlimited and Cal Trout captured and released the largest Southern Steelhead Trout ever taken in So Cal waters. It measured approximately 35" and was released back into the ocean at the mouth of San Juan Creek at Doheny State Beach. On March 22, 2008 the effort was the Orange County Register's center front page story. The article is titled "A Stairway for Steelhead" with a 4"x 6" color picture and a companion story "Big Fish, Bigger Plans" was the dedicated Focus/IN Depth page story taking up virtually all of page 3. **(See related newspaper article)**


**WATER QUALITY & QUALITIES OF THE WATERS CERTIFICATIONS & WORKSHOPS**

In addition to my formal studies, I have attended many of the workshops put on by the SWRCB'S Stream Team including but not limited to: SWAMP Benthic Macro-Invertebrate Assessment, Water Quality Testing, QAPP and Intra-Calibration Testing certifications.

I attended SDRWQCB & Santa Ana RWCB workshops on SUSMP, SWPPP, DAMP, CEQA, NEPA, TMDLs, NSC and various other R-8/9 96-03, R-8/9 2002-01, R8/9 2009-0002 N.P.D.E.S. related issues.



Michael L. Hazzard



March 22, 2010

Jerry & Virginia Woods  
23262 Atlantis Way  
Monarch Beach, Ca 92629

City Of Dana Point  
Attention Salma Quershy, AICP Senior Planner  
33282 Golden Lantern  
Dana Point, Ca 92629

RECEIVED  
2010 MAR 22 AM 11:22  
CITY OF DANA POINT

To the City of Dana Point:

As a homeowner in the City Of Dana Point Monarch Bay Villa since 1987 we would like to submit our comments with regard to the building proposed plan for South Shores Church..

The size building is inconsistent with the physical site.

Living with years of construction is unacceptable.

The studies that have shown this area to be unsafe to build on.  
The area adjacent to us on the southeast corner of our property that the city wouldn't allow the owners to build on because it was deemed to be unsafe. The apartment building just to the south of their property line was demolished because Of the slipping of the earth which caused damage to the building.  
This area is unsafe to build on.

The thought of a ten year major building project on this property is criminal. To turn our lives upside down and create this fear to some people who have their entire net worth in their homes seems inhumane if not worse. This is not to mention the dirt and other changes to our way of life including major traffic nightmares.

Concerned residents

Virginia Woods  
Jerry Woods

Sergio & Mara Landau  
Monarch Bay Villas  
23293 Pompeii Drive  
Dana Point, CA. 92629  
949-240-2294  
sergio@pardau.com

2010 MAR 22 P 4: 52

March 19<sup>th</sup>, 2010

City of Dana Point  
Attention: Saima Qureshy, AICP, Senior Planner,  
Kyle Butterwick, Director of Community Development  
33282 Golden Lantern  
Dana Point, CA 92629-3568

Re: South Shores Church ("the Proponent") of the Master Plan, SCH No. 2009041129  
("the Project").  
In response to the review of the MND and the Draft EIR of the Project ("Initial Study"), as  
requested by the City of Dana Point at the March 4, 2010, "Scoping Meeting."

**HAND DELIVERED TO THE CITY OF DANA POINT – PLEASE FORWARD COPY OF  
THIS RESPONSE TO LSA ASSOCIATES**

Our home at Pompeii Drive, in the Monarch Bay Villas Community is adjacent to the south side of the Proponent's lot. Considering the actual environmental impacts that a project of this magnitude, scope, and duration may cause on the vicinity communities, we found that the conclusions for the potential impacts listed on the Initial Study were biased and tainted, and presented in a very superficial manner. Not surprisingly, the Initial Study concluded that none of the dozens of potential impacts were considered "significant". We do not think that LSA Associates has yet studied this matter in the depth and detail required by the California Environmental Quality Act (CEQA) for projects of this magnitude in a coastal area. As residents of Dana Point and next door neighbors to SS Church, we request that the Proponent or LSA Associates fully disclose the method and analysis to be used for the EIR, before they reach their final conclusions for the potential impacts to the surrounding area. Particularly, we would like to see how the EIR will address the following specific impacts:

**1) Aesthetics and Visual:** The Proponent has done computer view simulations that show that the new structures cause little impact to passing by viewers from Crown Valley. But there's no explanation in the Initial Study to the conclusion that there will be "no significant visual impact" from the Salt Creek Canyon side (East) and from the Monarch Bay Villas side (South).

1.a) The South end of the Salt Creek Canyon comprises of a pleasant walking/bike trail, a well groomed golf course and a grassy slope with the church's sanctuary at the top.

We think that the 3 additional buildings and parking structure proposed by this Project will wipe away the harmony of this beautiful coastal bluff. Salt Creek Canyon will lose its current identity as a pleasant coastal area balancing nature, residences, a golf course and a church. Cramming this massive new construction in such a limited area is an insult to the aesthetic of Dana Point Coastal Community, and in particular to us living in the immediate neighborhood. We have worked all our lives to have the privilege to live along this beautiful Coastal Canyon. Now we are facing the treat of having functional/business buildings – not residences – that will bring traffic of vehicles and people during the days and the evenings, and artificial lighting during the nights. In our particular case, the new proposed administration/pre-school building will be permanently violating our privacy.

1.b) At Monarch Bay Villas, Pompeii Drive, we have a situation of a new functional/business building put right next to our homes. In our particular case, 2 of our 3 bedrooms and our entire kitchen area face the new proposed building directly. We are positioned at a lower elevation (about 10 feet lower than the ground floor of the new building), so that anyone looking from the windows of the new administration/pre-school building will have an unobstructed view to most of the inside private areas of our home. For this reason, we believe that the standard set back is not sufficient; the Proponent needs to present a solution that will reduce the impact of this close proximity and the difference in elevation between the new structure and our home. The way it's been proposed, it leaves us in a complete vulnerable position, where our privacy inside our home can be violated by anybody at any time of the day or night. Enclosed we are sending the simulated views of the new building from the inside of our own bedroom and kitchen area. This is not a passing by perspective; it is a perspective from where we live everyday.

The Initial Study has failed to address the issues above.

**2) Noise:** The Initial Study states that "there is less than significant noise impact in the vicinity above the existing levels without the project". We completely refute this conclusion for the following reasons:

2.a) We've been living here since 2006, and we know that the existing noise level measured at the windows of our rear bedrooms is much lower than the 50-55 decibels estimated by the project. Once the buildings become operational, we have no assurances that the actual noise will be limited to these estimation levels. What would be the remedies the Proponent will have in place if the levels of noise measured from our windows are greater than 55 decibels? We are particular concerned with noise coming from the administration/pre-school building. There are no provisions to limit the use of the building to only weekdays and daytime hours. We may be subject to the new noise levels from early morning to late night, including on the weekends.

2.b) The Community Facility that the Proponent plans to build is also a concern. The "CF" (Community Facility) zoning designation for a church is a "noise sensitive" zoning category, just like "R" (Residential). In the General Plan under Community Noise Contours, "used as a guide for planning", it clearly states the noise level allowed for "noise sensitive land uses ( i.e., residential, hospitals, schools and churches)", and it also states that "Table N-2" should be consulted for determination of noise compatibility



2013 MAR 22 P 4:52

with existing development. Table N-2 allows for recreation in a "CF" zoning designation, but "recreation" in a "CF" designation consists of galleries/ libraries/ museums; all these are "quiet recreations". "CF" noise sensitive designation does not apply if the Proponent plans to use their Community Facility as a gymnasium, sport court, or concert/performance arts hall; all these are considered "loud recreations" and are not allowed by a CF designation.

2.c) Besides the permanent noise impact caused by this project when completed, during the construction period, we will also suffer the consequences of all noise produced by the construction workers, their trucks, tools and machines; on and off for 10 years or more. We didn't see any reasonable explanation for the conclusion on the MND that "there is less than significant noise impact in the vicinity above the existing levels without the project". The noise impact will need to be re-evaluated by the EIR, and viable solutions would need to be presented to assure this project will not cause significant noise impact to the surrounding residents (as stated in the MND), and if there are such solutions they would need to be disclosed in detail in the EIR.

**3) Air Quality:** In the Initial Study all items regarding air quality were found to cause either "less than significant impact" or "no impact". We don't understand how the Initial Study could have reached these conclusions.

3.a) Over a period of at least 10 years, we will be collecting in our lungs all dust and possible other airborne pollutants from the excavation and movement of over 100,000 cubic yards of earth. How can the project conclude that someone living right next to these excavations, for at least the next 10 years, will suffer "no impact" or "less than significant impact" in the air quality? We, residents of Monarch Bay Villas, live here 24/7, less than 30 feet away from the construction site and the area where all of this dirt needs to be excavated and moved. Most of us living at Monarch Bay Villas are above the age of 65. This is not just a construction next door; it is a mega project, generator of huge amounts of dust and other airborne pollutants, expected to go on for 10 years. We think we deserve to preserve our quality of life, and our health and age may demand so.

3.b) In addition, we've learned from the Proponent that this project will be executed and completed only with funds received from future donations. Presently, the Proponent has just enough funds to get the phase 1 of the project going, and we understand that these funds may have been received from donations over the past several years. What is our assurance that the Church will in fact have enough funds to complete this project in 10 years? A simple estimation shows us that based on this projected cost of the project and rate of incoming donations, these constructions could start and remain uncompleted for many years, and go on intermittently for over a period of 30 years or more. We will probably not live this long, and regardless of the money the Proponent injects in the project, if it is executed as it is proposed, our remaining years of life would be pretty bleak. Why should we be subject to this? Is LSA Associates or the City of Dana Point able to show us any reliable study concluding that elderly people exposed to decades of dirt excavations at such a close range will have no major health adverse impact as, for instance, cancer?

**4) Geology and Hydrology:** Neither the Proponent or LSA Associates have done any detailed tests to confirm that the soil will allow the significant disturbances that will be

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required by the project, and that there will be no impact or risk to our community in case of a big storm.

This is the item of our greatest concern because it involves our physical safety. We are adjacent to, and at a lower elevation of the church's lot on the south side. Between us there's a slope of earth that will need to be severely disturbed to accommodate the new building structures of admin/pre-school building and parking garage. In the past, some of the residents of Pompeii Drive have had serious water damages in our garages, and the water couldn't come from anywhere else other than the slope on the south side of the Proponent's lot, right contiguous to the back of our garages. We are deeply concerned with what will happen in case of a big rain storm, once these significant soil disturbances take place on that slope. We have good reasons to be concerned because we are downhill from the excavations where the new building foundations will be. There's great concern for severe water damage and landslides. We know that the geology of that entire hilly area surrounding the church's lot is very sensitive to effects of storms and earthquakes. Fifteen years ago an earthquake took down an entire block of units of the apartment complex at the north side of the church. These apartments were never rebuilt. We believe that with such significant soil disturbance, there is a greater risk that something similar could happen to the homes located at the north side of Pompeii Drive. That could have catastrophic and tragic consequences. In the lack of absolute proof that there will be no significant added risk to our homes being flooded, the Proponent would need to consider being held liable for these possible consequences; an indemnification bond, which will probably in the tens of millions of dollars, to cover possible losses to the residents of Monarch Bay Villas would be required.

My wife and I are approaching retirement; we are now supposed to live the best and most tranquil remaining years of our lives. Instead we are now facing all these treats. We do not oppose to the Church expanding/renovating their facilities; we understand it is their right to build, remodel, and make use of their land in a more productive way. But it is clear to us that this project stretches way too far the physical capacity of the Proponent's lot. This is a massive overbuilding with lasting consequences in traffic, air quality, and quality of life in general. And it will disfigure a beautiful and sensitive area of coastal bluffs and canyons. Based on what we've seen, the impacts of this project on all of us living in this vicinity have yet to be considered and mitigated in detail. We hope that a fresh approach to the EIR, with a credible, thorough, and detailed impact analysis will address all the issues raised here (as well as other impacts not mentioned here such as "traffic" and "wildlife preservation"), From a comprehensive and professional EIR, we are pretty sure that LSA and the Proponent would be able to offer viable solutions and necessary modifications to the project that would make their neighbors more comfortable.

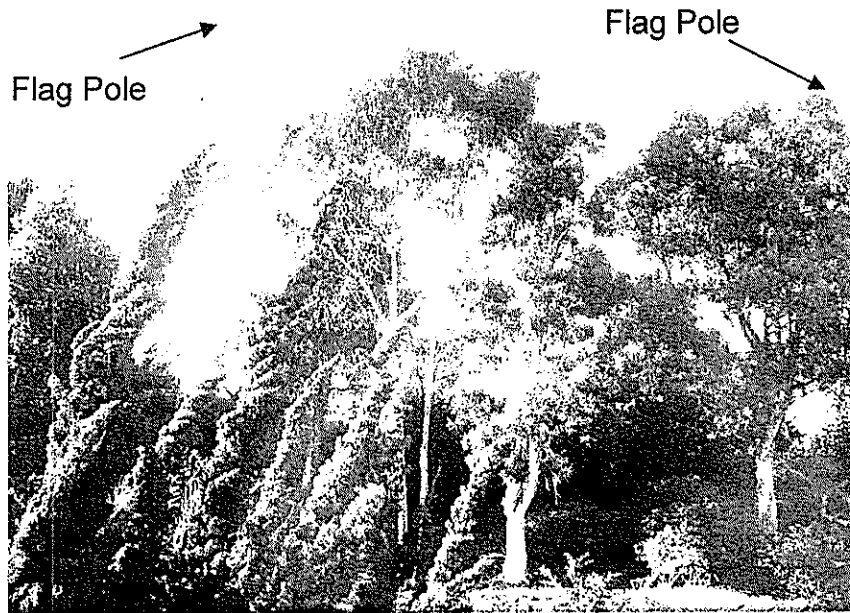
As a final suggestion, we ask that the consultants of LSA Associates, as they mitigate the impacts, they try to place themselves (or their own parents) in the situation of us living on Pompeii Drive at Monarch Bay Villas. This may be the most effective way to really understand the serious treats that we are facing now.

  
Sergio & Mara Landau

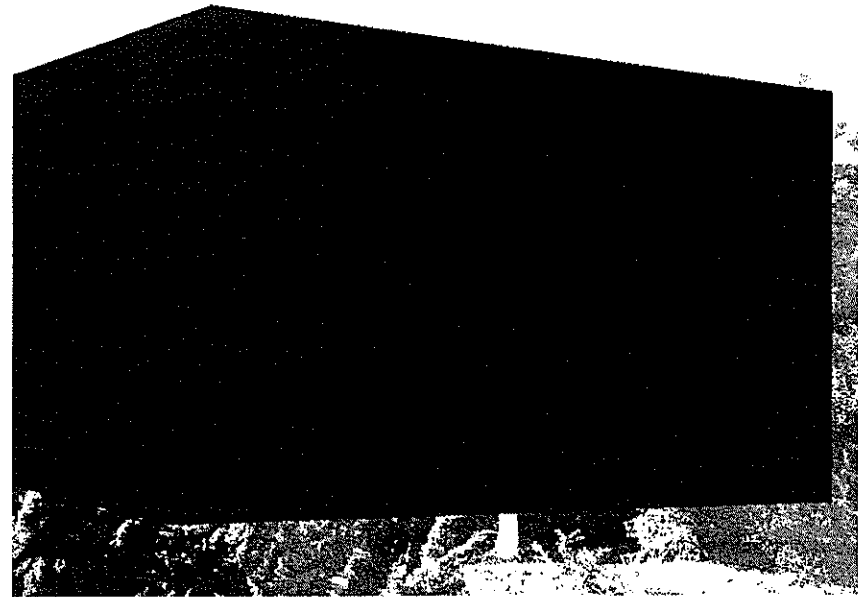


# 23293 Pompeii Drive - View from bedroom upstairs

## Current View



## View with proposed building



2010 MAR 22 PM 4:51

# 23293 Pompeii Drive - View from kitchen downstairs

2019 MAR 22 P 4:52

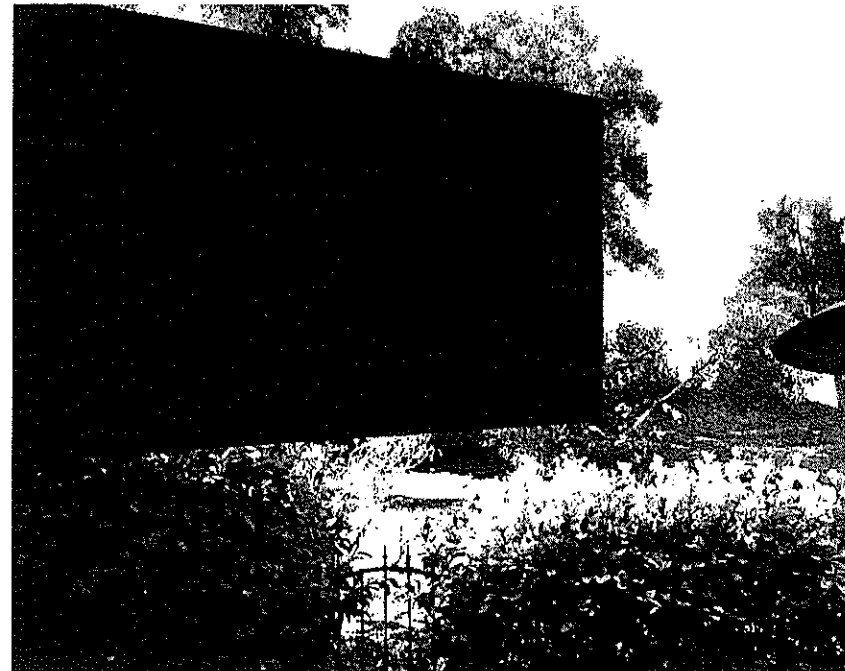
2019 MAR 22 P 4:52

## Current View



Flag Pole

## View with proposed building



2010 MAR 22 P 4: 47

**PETITION OF MONARCH BayTERRANCE RESIDENTS**

**In Opposition**

**TO**

**SOUTH SHORES CHURCH EXPANSION**

The undersigned residents of MONARCH BAY TERRACE hereby object to the SOUTH COAST MASTER PLAN, SCH No. 200941129, ("the Church") and/or any structural or operational expansion thereof. The Undersigned's objections are based in part on the following:

**1) Geological Integrity.** The Church property is geologically strategic to the Terrace in that it supplies the primary structural footing for the adjacent Terrace hill sides. The continuing slippage and subsidence of the properties immediately adjacent to and North of The Church is demonstrative of the existing instability of the angle of repose of the underlying property. This condition is characteristic of much of the property along Crown Valley. The aluvial fill along Salt Creek and immediately below The Church lends little or no structural support to the steep up-slopes. Ascerbating the concerns of the Undersigns is the fact that the Terrace slopes are composed primarily of rubble with little or no strata formations and laced with numerous underground water flows. A cursory review of the geological facts compel a conclusion that any material grading may trigger damaging earth movement. Accordingly, an express agreement of indemnification running in favor of the Terrace residents is mandated under the circumstances.

**2) A Decade of Constructiion.** It is patently unreasonable and unconscionable to burden this community with a construction process spanning over a period of 10 years. The prospect of living with the roar of heavy equipment and other disconcerting constructiion noises echoing throughout the community for at least a decade and concomitantly fighting off the dust, noxious fumes and other pollutants that would inevitably sift through the doors and windows of the adjacent residents is simply intolerable and unacceptable.

**3) Egress/Ingress.** Egress and ingress to the Church premises is limited to the single driveway at Sea Island Drive and Crown Valley. The multiple daily operations contemplated by The Church along with a decade of construction wuld overload an already jammed parkway. For example, there are three uncontrolled left turn lanes between Pacific Coast highway and the entrance to The Church premises, a distance less than a tenth of a mile. Traversing through such turn lanes will become greater challenges as well as greater safety hazards for all vehicular traffic.

**4) Salt Creek Corridor.** Salt Creek is a designated view corridor. The height and size of the structures as depicted in the General Plan would materially impair and/or interfere with the existing views.

5) **Wild Life.** Salt Creek harbors many species of wild life, including certain endangered bird species.. The activities, noise and pollutants emanating from the Church properties during and after construction will adversely and materially impact such wildlife as well as much of the natural vegetation.

6) **Transformational General Plan.** Many of the undersigneds were ardent supporters and activists in the formation of the City of Dana Point. The impetus for their support was the vision of a governing body made up of next-door neighbors who would in normal course be sensitive to their views and inherently assume as an obligation the duty to preserve and protect their interest. Commercialization of The Church would be grossly invasive and transformational in a multitude of ways. It would dramatically and irrevocably alter the character of the area and adversely and materially impact and impair the ambience and quality of life historically enjoyed by its residents. The colossal nature of such transformation and the magnitude of detriment to the community resulting therefrom should render the issue of balancing of the equities a non sequitur.

**The undersigneds strenuously object to said General Plan or to any expansion of the existing Church operations or structures and urge the Planning Commission as well as the City council to reject the aforesaid General Plan.**

NAME:

Date

Address:

Peggy Kay

3/20/10

32602 Crete Rd.  
Monarch Beach, Ca.  
92629

NAME:

ADDRESS:

Linda Comstock

32161 Sea Island Dr  
Dana Pt. Ca. 92629

NAME

ADDRESS

\_\_\_\_\_

\_\_\_\_\_

Name

Address

\_\_\_\_\_

\_\_\_\_\_

2010 MAR 22 PM 4:41

COMMENT CARD

RECEIVED

CITY OF DANA POINT  
PUBLIC SCOPING MEETING

MAR 19 2010

SOUTH SHORES CHURCH PROPOSED DEVELOPMENT PROJECT  
Thursday, March 4, 2010

CITY OF DANA POINT  
COMMUNITY DEVELOPMENT  
DEPARTMENT

NAME: Marjorie Anderson  
ADDRESS: 23287 Pompeii Dr. CITY: DANA POINT ZIP: 92629  
EMAIL ADDRESS: I don't have EMAIL  
REPRESENTING: Monarch Bay Villas

Do you wish to be added to the project mailing list?  YES  NO

rs. Marjorie Anderson  
287 Pompeii Dr.  
Dana Point, CA 92629-3549

RECEIVED

MAR 19 2010

CITY OF DANA POINT  
COMMUNITY DEVELOPMENT  
DEPARTMENT



e-mail them by March 22, 2010 to:

ner  
ent

Attention

City of Dana Point  
Salma Gureshy, AICP Senior Planner  
Community Development Department  
33282 Golden Lantern  
DANA POINT, CA 92629-1805

92629+1805



The purpose of this comment card is to solicit input regarding the scope and content of the Environmental Impact Report (EIR). Please submit comments for the record that pertain to the environmental issues to be addressed in the EIR (please print).

The El Niño storms are a reminder of how  
vulnerable those of us living below the church are to  
Severe erosion, flooding and sliding. "Water was  
and still is the strongest force that causes mud  
slides." the mudslides cause hillsides to give  
away. <sup>A run off pouring down the slope behind my home created</sup> three cascading water falls that was most disturbing.  
I've already had one very bad experience when  
living in Northern California and most defiantly,  
don't want a repeat occurrence. Damage to my  
custom built home was due to underlying expansive  
and plastic soil. There was damage to the foundation  
due to pressures from downhill creep of the plastic  
soil. Subsurface moisture migrated into the soil.

Please comment by March 22, 2010

what is to prevent this same problem from occurring  
with the soil on the church property behind our condos?  
Years ago several buildings slid down the hill near the church

COMMENT CARD

(Page Two Continued)

CITY OF DANA POINT  
PUBLIC SCOPING MEETING

SOUTH SHORES CHURCH PROPOSED DEVELOPMENT PROJECT

Thursday, March 4, 2010

NAME: Marjorie Anderson  
ADDRESS: 23287 Pompeii Dr. CITY: DANA POINT ZIP: 92629  
EMAIL ADDRESS: \_\_\_\_\_  
REPRESENTING: Monarch Bay Villas

Do you wish to be added to the project mailing list?  YES  NO

Mrs. Marjorie Anderson  
23287 Pompeii Dr.  
Dana Point, CA 92629-3549



e-mail them by March 22, 2010 to:

ATTN: City of DANA POINT  
Kyle Butterworth  
Community Development Department  
33282 Golden Lantern  
DANA POINT, CA 92629-1805

RECEIVED  
MAR 19 2010  
CITY OF DANA POINT  
COMMUNITY DEVELOPMENT  
DEPARTMENT

the purpose of this comment is to \_\_\_\_\_ ing the scope and content of the  
Environmental Impact Report (EIR). Please submit comments for the record that pertain to the  
environmental issues to be addressed in the EIR (please print).

The damage caused shifting of floors and  
cracking throughout my home. The subdrain  
system is critical to prevent water seeping  
beneath foundations. It required seven months to repair,  
I've put alot of money in to remodeling my present  
home and the air polution, noise (if and when)  
the demolition and grading work commences  
during each phase will have significant  
impact on property values and our health. Also,  
Major Frustration of disruption of flow of traffic  
and safety concerns - Delays and Complications  
on Crown Valley Parkway will have major consequences.  
Main concerns are as follows: mitigation of  
drainage - clay soils - slope stability - landslides  
soil stability all affecting adjacent condos - health + noise

Please comment by March 22, 2010

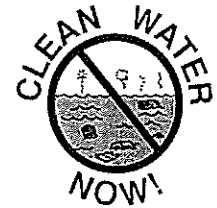
I would like a confirmation as proof of receipt from  
Thank you!  
LSA + Associates!



# CLEAN WATER NOW! COALITION

P.O. Box 4711, Laguna Beach, CA 92652 - 949.280.2225 - [www.cleanwaternow.com](http://www.cleanwaternow.com)

*"The Clean Water Now! Coalition is dedicated to the protection, restoration and preservation of aquatic and riparian ecologies worldwide."*



Scoping Session (SS) Comments

Date: March 22, 2011

Re: South Shores Church (SSC) Master Plan Project (SSCMPP)  
31712 Crown Valley Parkway, Dana Point CA 92629

City of Dana Point and EIR Consultant LSA, Inc. Re: SCH No. 2009041129

**Clean Water Now!** (CWN!) welcomes the opportunity to provide comments regarding the proposed 10-year duration, phased SSCMPP by the proponent.

As SSC refused to provide any middle ground, that is a true alternative to their SSCMPP as described in the initial **Mitigated Negative Declaration (MND)**, CWN! has no choice but to oppose the invasive re-development of this site: **NO PROJECT**.

CWN! wishes to first bring attention and focus to several facts we believe germane to LSA's responses to the comments herein and other submissions by RFP respondents and project critics.

- (1) Per LSA's own response to the City's RFP for the EIR, LSA vowed to assist in the organization, the egalitarian structure of the **Scoping Session** of (SS) March 4, 2010. That SS was to feature a PowerPoint presentation, followed by interactive dialogue. ALL parties were to be gathered as one body, one singular civil, interactive entity, *en masse*. Instead, the "divide and conquer" strategy revealed in advance by **Carol McDermott** of **Government Solutions Inc. (GSI)** in her email exchange with SSC attorney Mark McGuire, Project Manager G.G. Kohlhausen and Pastor Tyler Guy was implemented. This gives the appearance that the City continues to skirt the edge of failing to provide **Legal Defensibility** due to its pro-development tactics. In fact, most of the City's chosen six (6) RFP respondents promised a similar format with a PowerPoint or its equivalent, followed by the same, *en masse*, Q & A format.

The creation of multiple informational stations did NOT follow LSA's proposed contractual guidelines for the SS. NOTE: I personally transmitted CM email to LSA, addressing it to the party I was told by the LSA secretary at the Irvine offices was the point person, Nicole DuBois, and to the Irvine corporate address email for same. Therefore, LSA cannot contend that they do not have this ugly and revealing communication stream. To assure there is no more plausible deniability regarding this information I will attach here as **EXHIBIT A**. There wasn't any confidentiality disclaimer or warning, and as EVERYONE in the City now has a copy it is public domain status.

2010 MAR 22 P 1:44



2010 MAR 22 P 1:50

(cont.)

Page 2 of 44

- (1) Per LSA's same RFP, it cites **Section 15126.6 of CEQA**: A maximum of 3 project alternatives or alternative sites should have, by now, been presented. According to LSA's own verbiage, these 3 should NOT include the No build/No project alternative. In spite of SSC vow to negotiate, enter into dialogue with key opposition and consider such alternatives last fall in their Press Release, no such alternatives have ever been mentioned. When challenged at the SS, Project Manager G.G. Kohlhausen stated that it's this project or else. The SSC is pursuing a fatal, zero-sum endgame and ignoring CEQA guidelines regarding alternatives. Due to its failure to present, or even consider alternatives at the SS, SSC has in essence left concerned residents (and CWN!) no choice other than to take the position of **NO PROJECT**.

To wait, to force the public into creating the alternatives instead of proactively presenting at least one (1) middle-ground alternative carries both the SSC and public down a litigious, contentious cul-de-sac. If any alternatives are ever created, the public once again will be burdened, and become resentful, regarding the wasting of their personal time when at least one (1) such alternative **could** and **should** have been on display at the SS. The "My-Way-or-The Highway" attitude reflects an inflexible and non-negotiable mentality that is contrary to the SSC vows last year.

It is quite possible that SSC, by the time it gets any approval for **any** project, will have drained its congregation's coffers by trying to shove this project down the public's throats, thus leaving the church with zero funds to build. SSC may eventually acquire certain development rights but have permanently alienated itself from its neighbors. Considering the fact that it vowed to mend a fence and negotiate, listen to public concerns then reverse itself, ignore those concerns, is suicidal and reprehensible for a supposed Christian values church. This is obviously the "slippery slope" (literally) the SSC Building Committee refuses to acknowledge they are leading their flock like lemmings over.

CWN! was LSA's strongest, most openly vocal supporter and lobbyist in regards to the choice of consultants by the City for this project last Fall. Having interacted with their fine professional staff both here in Laguna Beach and in the South Orange County watersheds, we felt that they had the most professional resumé and track record of compliance. The SS confounded us, it revealed that even LSA can be manipulated into subverting the spirit of CEQA. We are personally distressed that LSA, for such a relatively small sum of money, would jeopardize the good will of their business by capitulating, by taking in part in the SS charade. It was a deceptive



2010 MAR 22 P 1:50

(cont.)

Page 3 of (44)

farce, the altered, previously promised format ignored, it robbed the citizens of due process.

As for the choice of Meg Waters, didn't anyone realize that her contract with the Transportation Corridor Agency regarding the Toll Road through San Onofre reflects her anti-environment advocacy, her pro-development impartiality? She is hated, she is distrusted and despised by the enviro-community, so by hiring her SSC once again has voluntarily self-inflicted a deep wound, damaged or sabotaged its own project at a delicate time. That the SSC leaders fail to comprehend the ramifications of such choices simply reflects their historical inability, their arrogance, their lapse of intelligent introspection, their ongoing incessant failure to grasp their inexorable potential for self-destruction.

Meg Waters hiring is not only an affront, but CWN! predicts that this will eventually trigger more opposition, more contention, not less. When other eco-NGOs begin coming out of the woodwork, SSC will only have itself to blame as it begins to profusely bleed precious funds that could have been used to tastefully rehab what CWN! feels the best alternative: Rehab what is there now, do not expand.

- (2) CWN! cannot stress strongly enough its opposition to LSA's suggestion that SSC contract independently with technical support preparers. Yes, it could lower SSC expenses but fiscal consideration for a project proponent is irrelevant to this discussion and the CEQA process. SSC, in the now infamous Carol McDermott email exchange, reflects SSC eagerness to control these vendors with the same strategy: Not to save money but to control these vendors ONLY in the SSC's best interest, to become "de facto" supporters via funding. This strategy leaves the fox in charge of the henhouse, it leaves far too much room for manipulation and mischief. Let LSA choose as they are responsible for the final CEQA product, the EIR. And do NOT allow SSC or the City any choice in these selections. Otherwise, the hovering auspice, the appearance of collusion will continue. CEQA is undermined and violated by such over and covert mechanisms.

We must also contest from the onset our strong opposition to some of the mis and dis-information provided in a handout generated by the City. There was information circulated in hard copy at the SS hosted by the City on March 4, 2010 which is, in our opinion, reprehensibly biased and more importantly, intentionally misleading and erroneous.



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**Examples:**

- (1) **This site must immediately, post haste, have a new survey and Title Search performed to determine ACTUAL, LEGALLY ENFORCEABLE property lines, formal and legally-compliant, agreed upon encroachments/mitigations that were divulged publicly at the appropriate venues. CWN! believes that the City and SSC have incorrectly and intentionally misidentified the boundaries leading to the 6.0 acre computation, and that SSC Sanctuary might in fact already be close to the actual coastal bluff (eastern) property line. We compute the existing buildable portion of this site at approximately 3.5 acres maximum, probably less. It is NOT a 6.0 acres site. Approximately 1.0 acre was granted/deeded over as an easement to the County to facilitate the widening of arterial **Crown Valley Parkway (CVP)** many years ago. Approximately 1.5+ acres is unbuildable on the coastal bluff/slope below the SSC facility.**

Intentionally portraying it as a 6.0 acres site provides erroneous information for public agency comments, and subsequent land use/zoning computations, hydrology analyses, onsite parking, mitigations, etc. If the actual size, position and configuration (site plan) are presently incorrect, then this project is being portrayed as different than its real state. This intentionally misleading calculation massages the density factors so critical to analysts. A review of the Title and Deed documents for the SSC property reveal that the SSC architects, possibly in collusion with the City, somehow claim that the approximate "**God's Little Acre**" given up on CVP magically morphed into its equivalent (1.0 acre) on the coastal bluff below the SSC property. In fact, some type of variance should have been granted, and if so where are the records of this variance?

Did the owners of the property at that time (eventually MAKAR) deed this 1.0 acre over, and if so when, and where is the transfer documentation and subsequent new deeds for BOTH parcels? Was that 1.0 acre part of the "**in perpetuity**" Open Space mitigation for MAKAR under its MBR SAP MND? Was there a Lot Line Adjustment adjudication by the City, and if so when? Were any supporting land use, zoning or CEQA documents generated, and if so where are they? What public hearings, if any, took place regarding this land ownership change, and were neighbors properly notified of the ramifications of this change? Regardless, it is unbuildable land due to the 2:1 slope angle of the coastal bluff, and the total acreage below the SSCMPP should NOT be allowed in **Site Development Permits (SDP)**, including any and all density and/or usage computations.



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- (2) We also wish to challenge the concept that the "**Community Life Center**" would qualify or fulfill the prescriptions regarding its status as a "**Community Facility (CF)**." As SSC is a Baptist, evangelical ministry, this proposed CF will never be open to the community at large per se. The SSC will have sole control of the leasing or renting, and can therefore regulate (read discriminate) as it wishes. There hasn't been any mechanism proposed by the City or the SSC to guarantee a "**first come, first serve,**" that is egalitarian potential vis-à-vis monitoring to ensure it is truly available to the community. The SSC may not only get first bite of the apple, but every bite. They may only allow "outsiders" usage at awkward, intentionally unacceptable and/or impossible times and dates. The SSC will rent it to whomever they please, probably members and supporters first. Whereas they are conservatives, anti-gay, anti-abortion, who in their right mind thinks that SSC will rent the facility to NOW, Planned Parenthood, Hare Krishnas, or Queer Nation? Who believes they'll allow gay marriages to be performed there or other liberal, perhaps anti-war gatherings?

And by what instrument(s), what mechanism(s) or monitoring schedule could such equivalent (equal) consideration and availability be confirmed? Usually, this is covered under **Mitigation Monitoring and Report Program (MMRP)** per CPR Cod. Section 21081.6, but in this case the CF designation/status should be challenged, answered legally, that is formally by LSA and the City in advance of EIR certification.

Claiming that it will provide a CF for the greater population's betterment is therefore also absurd. Good deeds may be performed there, but as the present congregation reflects, many of the congregation are from other communities, they are relatively small in numbers, and then too this is NOT a mainstream Christian church that would likely hold a bar or bat mitzvah in the CF, now is it?

We also have become aware that this facility's zoning designation is murky: Its history indicates that the transition, the re-designation of C-1 from R-1 is difficult to ascertain. When and where are the City Planning Commission and City Council documents/minutes that memorialize the change of zoning designation when incorporation occurred some 20+ years ago? Until this conundrum of zoning is addressed, CWN! does not believe that the designation of CF should be allowed to progress until such a time as the City Attorney declares it in FULL compliance with California Municipal Codes and those of the City.



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If the City and SSC cannot clarify the genesis of these zoning and true property line and size conundrums, then this project requires a variance or perhaps variances (plural). This should also be determined ASAP to preclude further EIR compliance progression in futility, all due to self-inflicted misrepresentation. A proper and thorough **Property Site Assessment (PSA)** is required, and CWN! does **not** feel that this has been done to the extent that professional analyses can be performed or the EIR progressed any further. This project was, under the MND, "Ready, Fire, Aim!" and it remains so today, immutably unchanged.

- (3) We also contest City Planner Erica Demkowicz email in response to inquiries regarding whether this project may be appealed to the **California Coastal Commission (CCC)**. It is our opinion that it was built-out, developed and improved upon via such ratification and review processes previously, and it should be scrutinized the same way now for uniformity. Though the property in question is outside of the Post-**Local Coastal Plan (LCP)** Certification boundary lines regarding **Coastal Zone Jurisdiction**, there are many PSI and other adverse ones we'll point out that directly or indirectly affect the **Salt Creek Scenic Corridor (SCSC)** natural resources and more specifically violate the MBR SAP that was ratified by the CCC decades ago.

It should be noted that many of the adverse impacts presently originate there and will become PSI when the SSCMPP is completed; many have by-product, cumulative causal factors that do and will affect the neighborhood. These too have been ignored and many of them have been low-balled, that is they are under-valued or appraised, downgraded in their respective categories on the **CEQA Environmental Checklist Forms (ECF)**. There is wording in the Post-LCP that contradicts Ms. Demkowicz statement: **"This plat may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the commission."** Source: City of Dana Point website.

Furthermore, it is obvious that the City has ignored incremental, hence cumulative impacts that should have triggered a more thorough EIR review when the SSC increased building facility space and the parking lot in the mid-90's. Once again, churches should not receive preferential treatment under CEQA. This project should not be viewed in isolation but in its projected, 100% completed state, its totality. Its failed history of full disclosure, inadequate environmental review and insufficient if not outright ignored mitigations reflects that same **"in solitudo"** denial.



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It should also be mentioned that several of the RFP respondents noted this project as being within the Coastal Zone and hence appealable to the California Coastal Commission. If the City or SSC claims it is not, then there is an irony here: The City's own chosen potential EIR candidates were wrong, the public will cast a jaundiced eye upon a wedge issue that will become contested litigiously.

Usually, the projects that are this contentious, this complex, that are protracted over such a lengthy period of time and will obviously invoke numerous neighborhood complaints, would provoke the proponent into suggesting an "Ombudsman" which neither the City or SSC has mentioned. This person, a professional agreed upon by a parties as an independent, disinterested 3<sup>rd</sup> arbitrator could act as a trusted intermediary between the SSC and VoMB (SCSC residents).

He/she would then represent a broad scope of interests, investigate and attempt to resolve complaints and/or make recommendations through mutually agreed upon binding mediation techniques. This is a key element in Adaptive Management, therefore a mechanism that results in expeditious conflict resolutions could also save the developer precious time due to the cessation of expensive development activities that could occur without such an ombudsman. Obviously, SSC should pay for this if it truly holds its proximate relationship with its neighbors as precious as it purports.

#### **GENERAL COMMENTS:**

CWN! believes that merely changing the cover page of the rescinded MND to reflect contact information regarding new City staff liaison does NOT remedy the deficiencies, biases, and fatal flaws of the original documents. Typifying the EIR process in this particular project as an "**Update of the MND**" is contestable, fatally flawed and should be dismissed as without merit. As a 39 year builder in South Orange County, I find it ironic that the City doesn't accept the fact that adding onto the existing MND is the equivalent of building a monstrous home upon an already weak, questionably-installed foundation that in turn rests upon a promontory with a significant history of destabilized lateral and vertical movement. It is obvious by the wide range, the gamut of deficiencies noted by the six (6) RFP respondents that the professional consensus is this: Start over from scratch, thus propagating *de novo* ECFs is in fact the only reasonable and equitable remedy.



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Moreover, the **ONLY** way to provide an independent, objective EIR per CEQA is to throw out the entire MND, including vendor studies and analyses. As professional consultants, CWN! clearly understands that the City and SSC have the right to integrate, to cannibalize the previous MND under CEQA. That said, this strategy will be easily challenged in subsequent litigation, public hearings and/or CEQA challenges, and using this tactic of recycling the MND will only slow down the process. Using the same ECFs, the **Initial Analysis (I/A)** and **Mandatory Findings of Significance (MFS)**, the same under-valued MND will only facilitate or invite legal challenges.

Recycling the ECF documents, especially the I/A, is **Legally Indefensible**. ALL of the original ECFs are toxic. In fact, of the six (6) consultant firms the City chose, at least half recommended an independent I/A review/redraft if not an outright "**de novo**" I/A, finding the one now being used as unacceptable.

EX: Michael Brandman Associates, a very prestigious firm, went on record as saying that the Air Quality, Climate Change, Cultural Resource, Parking/Traffic, Noise and Visual/Aesthetics studies provided by SSC previously were NOT acceptable, and demanded NEW STUDIES for these categories.

Surely there are vendors and consultants OTHER than those used in the MND that are available, and in tough economic times probably very competitively priced? What's needed is a **tabula rasa**, a clean slate and that can only happen via fresh eyes and ears. Re-treading an MND, basically crossing out MND and writing EIR over it is an unacceptable insult to the letter and spirit of CEQA, to City residents and local land use processes.

The City has justified using prior information (ECF) contained in the original assessment Invoking **CEQA Section 15063**, the City intentionally ignores "**adequacy**" guidelines, deeming a rescinded document adequate. This also points out the circular nature of the City's argument: The MND was withdrawn, yet is still intact, still being used as the measuring device **in toto**. The City is trying to serve two masters in conflict, in opposition. The City has claimed responsibility for the withdrawal of the MND, yet the SSC boasts the same. Both cannot take unilateral credit or responsibility.

It is apparent that the previous analyses and studies were inadequate, and even failed industry standards. One need only read the RFP responses by the very six (6) firms the City cherry-picked as CEQA EIR candidates. The only reasonable explanation is that City





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staff never read these RFPs. This isn't throwing the baby out with the bathwater: This is throwing out polluted water so as not to bathe the baby in tainted, biased substances.

The ridiculous ECF was incorrect at its inception: To propose that there's not one **"Potentially Significant Impact"** (PSI) was suicidal, and to include these findings remains so. Repeating this failed behavior and expecting a different conclusion is, as they say, insane, thus it preemptively sabotages or negates both CEQA and this SSCMPP. **Garbage in, garbage out**, this project was front-loaded poorly and therefore the eventual product, with what little real data has been provided, is relatively worthless.

It should be noted the illogical conundrum the City and SSC put residents in by embracing, by recycling the same tainted, inept, biased and deficient MND: If nothing has changed vis-à-vis the I/A, MFS and ECF the original MND then why pursue and draft an EIR at all? Using the MND *logos* only an MND review/process is required under CEQA an EIR is unnecessary. Resident's distress is NOT a recognized legal or administrative factor in triggering more a thorough review via an EIR.

CWN! profoundly believes that the City and SSC, by having embraced this earlier MND, have incorrectly analyzed and are suggesting easy solutions, remedies and murky mitigations. In fact, in an Alfred E. Neuman, **"What me worry?"** mode, neither entity really knows or appears to comprehend the inherent, insurmountable problems and PSI this SSCMPP proposes. This lends credence to the perception that City Hall is biased and pre-disposed, therefore unable to perform its independent fiduciary duties as local lead agency under CEQA.

Malcom Forbes said: **"It's so much easier to suggest solutions when you don't know too much about the problem."** After years of flawed analyses that led to the MND, that pretty much sums up this project so far. Nowhere was it more evident than at the SS of March 4, 2010.

At the SS, City staff seemed unable or unwilling to answer the simplest of inquiries. In particular, I listened as Saima Qureshy admitted to Robert Saint-Aubin that she knows little if anything about this project or for that matter City land use prescriptions, General Plan, SCSC elements, **Monarch Beach Resort Specific Area Plan (MBRSAP)**, etc. As she is the listed City liaison, has supposedly been involved with this project for the past year, this alone represents just cause for alarm by residents. After listening to Ms. Kerr Krisher and Mr. Robert Saint-Aubin ask her specific questions she should have been



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to answer, she inexplicably failed to provide answers to the most basic questions. Why have unknowledgeable, uncooperative and/or incompetent staff at such a gathering? How does this create an aura of trust within the community?

I asked some very specific questions at the HYDROLOGY/WATER QUALITY station. When I inquired as to where any onsite cistern or holding ponds would be placed, where any surface runoff, water quality treatment trains, etc. would be placed and what would be the standard for technologies used, I met blank stares and just **"I don't know, we'll figure that out later, etc."** Therefore, this SCCMPP, a 10 years or more Phased in Plan with so many unknowns, with so little data to analyze, that relies on a **"Reactive"** **"In Progress Revisions"** methodology implies the CEQA prohibited Piecemeal or Sequential Filings, CWN! must conclude that this plan is already in contradiction to and in potential violation of environmental prescriptions.

Having professionals in attendance that are unwilling or unable to answer questions about such methodologies, mechanisms and strategies from other objective professionals begs for redress and it further fanned the flames of existing suspicions by residents towards their own City. This too undermines the entire CEQA process.

My inquiries with City staff regarding the Hydrology and Water Quality strategies and mitigations, especially the **Water Quality Management Plan (WQMP)** for the SCCMPP, were met with the same shrug of the shoulders, the same **"We'll figure that out later,"** IOU type of mentality. In fact, that sums up the entire project: It will become 10+ years of **"As Built,"** that is an experiment. Start digging, then have the pre-ordained flexibility via the SDPs, **Coastal Development Permit (CDP)** and SCCMPP to alter the project as field information and difficulties arise. Where is the upfront transparency to ensure DEIR responses are reliable? If the proponent and the local lead agency haven't a clue, how can meaningful peer review or critique take place? How can professionals or other interested eco-NGOs peer review or analyze what isn't presented or divulged, what appears to be intentionally kept secret? This too reflects a violation of the transparency goals, the spirit of the CEQA process.

The reality, as pointed out by RFP respondent Ultra Systems, Inc. is that it might take longer than 10 years because the build-out is based upon **"As funds are available."** Translation: If the SSC cannot prove which phases will be funded and completed, and b dates certain, what is to keep this property from becoming a visual blight, a public and attractive nuisance if it sits fallow at one or more points while the SSC tries to gather funds? Could the SSC go into BK and abandon this SCCMPP, and if so, what then?



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It also begs a question: Shouldn't the Dana Point Board of Realtors brokerages, under the California Real Estate Disclosure Act of January, 1987, be required or ordered to disclose this proposed project NOW in the appropriate disclosure forms, not just to buyers but leasees and renters? It is in our estimation the buyers, leasees or renter's right to know in advance. It could have a potential adverse impact due to the protracted timeline, and if there is no "**cap**" upon that timeline due to "**As funds are available**", this should be answered NOW and disclosed NOW. To allow SSC to claim a 10-year build-out, then fail to meet that timeframe, then merely get an over-the-counter extension is absurd. Of course so is the fact that no other monolithic project, no matter how complex, in the City EVER required a 10-year Master Plan let alone be allowed an indeterminate one. LSA, SSC and the City should be required to provide any precedent beyond a 5-year phased-in EIR schedule. CWN! has not been able to find even one in the State of California for such a relatively small development parcel.

It should be stated candidly and up front that the general public cannot be very confident about the conclusions reached up to this point by SSC and the City---It was apparent that enviro-attorney and professional mediator Robert Saint-Aubin and I know more about the project dynamics/impacts, Dana Point land use guidelines and overall environmental impacts than either entity. When the public knows more than the proponents, the proponent is dangerously ignorant, stupid or both. This is probably stupidity, in the sense that they should know more, not less, than their opposition or citizenry. It would explain their inability and their outright refusal to answer specific questions.

This contradicts CEQA: The entire point of the more refined EIR as opposed to an MND is to place the ENTIRE project, *in toto*, before the stakeholders and public agencies. This project remains a "concept" as it lacks enough detail to avail itself of professional analysis, let alone the general public. Mr. Kyle Butterwick admitted that HE didn't know the project as well as Robert Saint Aubin and myself---After years of review within his Planning Department, this is abjectly pitiful.

Confounding and contradicting transparency AND civility, the LSA representatives informed SS attendees that they were told by Mr. Butterwick NOT to give attendees the business cards. Moreover, they wore generic badges that did not reveal their names or field(s) of expertise. I have attended many such meetings and NEVER seen this occur.

The dog and pony show atmosphere was exacerbated by a simple fact: SSC and the City are offering NO alternatives. Certainly they won't choose the NO PROJECT one, so we're



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still where we were 9 months ago: The same monolithic, zero sum game SSCMPP. No middle ground, no negotiated compromise as vowed by the SSC last summer. The minister, Pastor Tyler Guy promised that in his Press Release, and has broken that oath. The email forwarded by **Ms. Carol McDermott (GSI)** proves that categorically. The SS never had any intention of considering anything other than its original submission. Moreover, it is obvious they enjoy biased, pre-disposed, discriminatory status in the City Manager's office.

It is an insult to residents to expect them to create or progress this middle ground of alternatives or consideration thereof. This makes the public and public agencies burdened with, primarily responsible for, re-designing this proposal. The City and SSC should have brought a 3<sup>rd</sup> alternative to that SS on March 4. The fact that this is a church has absolutely no bearing in this matter. This project should be treated as any other development project implemented by a private corporation.

In a sense, the City is FORCING its own taxpayers to assist such a private corporation achieve land use and environmental compliance *gratis*. It's a known fact that the public agencies empowered with regulatory oversight and compliance are on limited budgets, thus they'll be restrained in the time they can dedicate to this analyzing the impacts and submitting criticism of this particular project.

It appears that the City and SSC are banking on that "*de minimis*" review and resident's ignorance to progress this project. This is also insulting, and it too flies in the face of CEQA's policies, goals, objectives and mission statement. The City should be the gauntlet, the litmus test as local lead agency. The City, by its complicity, has revealed that it hasn't done so for the past few years of the SSCMPP nor does it intend to do so now or ever for that matter. This City has disgraced itself yet appears "*Hell bent*" on continuing down the same fatally flawed path that the MND did previously.

It has become obvious that the reasons the CEQA ECF conclusions written by SSC member Cheryle L. Hodge were so readily, so categorically approved lies in both the ignorance of City staff and the back door lobbying by the SSC that led to preferential status. Even where noted "*Less Than Significant with Mitigation Incorporated*" (LTSMI) neither the proponent or City provided enough discrete information to allow professional analysis or peer review.

It should be noted here that the "*IOU, To Be Determined, To Be Announced*" strategy is a bankrupt one. It places an onerous, overwhelming and unjust burden upon



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a relatively ignorant public to track these alterations/changes over a 10-year period. One element that **SHOULD** be included in a Final EIR is this: To avoid mischief, over-the-counter, solely administrative approvals **MUST** be minimized.

The SSC has produced a kind of algorithmic formula, a loose recipe that expects to achieve compliance with land use, water quality and other regulatory requirements and prescriptions in some vague quasi-mathematical mumbo-jumbo way. All without specifics necessary for peer review to determine if together, or separately, as implemented will create a 100% compliant site.

The City and SCSC residents are left in the position of trusting such a myopic, change-it-as-it-progresses, multi-phased plan to achieve long-term objectives with these types of IOU/TBD/TBA elements: How can SSC achieve compliance with an NPDES Permit not yet even written, probably rolled out in rough draft form by the SDRWQCB staff by around 2015?

If the SSC fails to achieve compliance, what then? There are no benchmarks, no accountability standards other than this EIR. Once approved, SCSC residents will be left holding the proverbial IOU/TBD/TBA bag, suffering the singular or cumulative significant adverse impacts that the City failed to require.

As Mr. Butterwick and his staff have exposed not only pre-disposition but broadly-swathed ignorance about the project in general, the City should **NOT** be allowed to keep moving the target and endgame surreptitiously at City Hall or via City inspectors in the field. Due to the City's self-inflicted disruption of its fiduciary responsibilities, its massive failure to acknowledge accountability to its other distressed residents, then decisions should trigger hearings. The City hasn't acted responsible or responsive, it was caught red-handed in its complicity, so it has no excuse to continue to do so with more public oversight to remedy that distrust.

The punishment of a liar is that they are no longer believed even when speaking the truth. The City has lied to its own voters, homeowners and taxpayers, it has **NOT** provided independent or even a thoughtful professional review in the process. It is therefore up to the City to address these lapses maturely and **NOT** mushroom alterations that residents need to review independently so that they might be allowed the dignity of determining the significance of the changes.



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As for the CEQA ECF itself, a truly independent analyst has no other choice than to refute the entire corrupted original document item-by-item as the City and SSC leave no choice. Once again, forcing their own neighbors and taxpayers to spend the hundreds of hours necessitated by this snub to do so is objectionable in and of its self.

Attached, as **EXHIBIT B**, CWN! will as a courtesy provide our own ECF with what we deem the appropriate "values," assessments of impacts that we feel are more realistic. This should expeditiously assist reviewers of this submission in their appraisal.

CWN! will also attach as **EXHIBIT C** its original MND comments. CWN! was brought aboard only a few weeks prior to the closing of the MND comments date, it reflects the same point we find ourselves in spite of 9 subsequent months: This project remains a concept, there is such a dearth of specifics (especially hydrology/water quality), combined with poorly drafted, inept, biased, pre-disposed, incestuous, insufficient and outdated technical studies as to be difficult (if not impossible) to analyze per CEQA.

**NOTE:**

CWN! finds literally **DOZENS** of PSIs that have been intentionally under-valued or downgraded by the City-approved Cheryle Hodge ECF analysis, so these require individual mentions supplemented by our "**Adjusted Enviro-Checklist**" which I've attached as Exhibit A. Compare it to the original for glaring disparities. Cheryle L. Hodge used a checkmark----I've completely blackened in the squares that I feel reflect the true levels/values for readily comparative summations.

In fact, it might be easier to just shift the entire matrix over to the left one square/box as literally EVERY box is under-valued, downgraded incorrectly.

It should be noted that due to the dearth of specifics provided, the "**IOU, TBD, TBA**" mentality, CWN! contends that ANY independent, professional consultant would experience the same frustration vis-à-vis if requested to provide a thorough, 3<sup>rd</sup> party, independent analysis. This appears to be intentional on both the City and SSC's part. Little if any information equals few incisive public comments for CEQA processes. It's impossible to critique what the proponent, after years in the local lead agency system, has refused to provide.

A glaring omission by the City, SSC and LSA is **CEQA Section 15093** which CWN! demands be included ASAP as a separate attachment to the EIR verbiage:



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### **15093. Statement of Overriding Considerations**

***(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."***

***(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.***

***(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.***

**Discussion: This section is necessary to codify the requirement from case law that when an agency approves a project which will have an adverse environmental effect, the agency must make a statement of its views on the ultimate balancing of the merits of approving the project despite the environmental damage. This requirement was originally traced to case law interpreting NEPA. The San Francisco Ecology Center case clearly established this balancing statement as a requirement under CEQA. The City of Carmel-by-the-Sea decision showed that this balancing statement is required even though an agency makes findings as to the feasibility of mitigation measures under Section 21081 of the Statute.**

***Subsection (c) identifies the importance of preserving the statement in the record of project approval. Mentioning the statement in the Notice of Determination will help anyone concerned with the project to find the notice. The section also helps to show that the statement is not a part of***



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***the EIR. The statement is prepared, if at all, at the end of the process after the final EIR has been completed.***

***The court in Citizens For Quality Growth v. Mount Shasta (1988) 198 Cal. App. 3d 433, held that when an agency approves a project that will significantly affect the environment, CEQA places the burden on the approving agency to affirmatively show that it has considered the identified means (mitigation and/or alternatives) of lessening or avoiding the project's significant effects and to explain its decision allowing those adverse changes to occur. In other words, an agency may only get to overriding considerations after the agency has made the appropriate findings; then, and only then, may an agency go on to explain why a project may go forward notwithstanding its effects.***

***The requirement for a statement of overriding considerations was codified at Public Resources Code section 21081(b) by Chapter 1294 of the Statutes of 1994."***

Source: ***Title 14. California Code of Regulations***

***Chapter 3. Guidelines for Implementation of the California Environmental Quality Act. Article 7. EIR Process***

CWN! believes that, though advised as voluntary, a **Master Environmental Assessment (MEA)** per **CEQA Section 15169** should be created as encouraged by the State of California. In a sense, the MBR SAP was intended to fulfill that requisite but the actual evolved conditions, the cumulative impacts of SSC and adjacent buildouts in the SCSC, beg for this reassessment or reappraisal. It should be noted that the original MBR SAP triggered an incredibly pitiful CEQA mechanism: It used an MND. How and why this complex a phased development was allowed to use such a ***de minimis*** CEQA document is mind-boggling. How it got through California Coastal Commission and other public regulatory agencies also reflects minimal prior review processes that can be remedied in part, post facto, via such a MEA. The 20+ year old MND, its studies and mitigations attendant to the MBR SAP are for all intent and purposes dinosaur documents and plans.

The MBR SAP is now antiquated and obviously a more updated ***in situ*** inventory of the environmental characteristics, both physical and biological, of the SCSC is necessary. ***"Master Environmental Assessment is suggested solely as an***





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***approach to identify and organize environmental information for a region or area of the state."***

***Section 15169 (c) (1): "A Master Environmental Assessment or inventory may be prepared in many possible ways. For example, a Master Environmental Assessment may be prepared as a special, comprehensive study of the area involved, as part of the EIR on a general plan, or as a data base accumulated by indexing EIRs prepared for individual projects or programs in the area involved."***

It may come to pass that the SSCMPP will require subsequent EIR(s) due to numerous variables as the project progresses over such a lengthy period. Then too the adjacent properties, developed for quite some time, might go through significant rehabilitation(s) themselves during the next 10+ years of the SSCMPP. Rather than wait, it seems intelligent to instigate/initiate an accurate area-wide database that helps the City, other public agencies and its own SCSC residences and businesses.

***Section 15169 (b) "Contents. A Master Environmental Assessment may contain an inventory of the physical and biological characteristics of the area for which it is prepared and may contain such additional data and information as the public agency determines is useful or necessary to describe environmental characteristics of the area. It may include identification of existing levels of quality and supply of air and water, capacities and levels of use of existing services and facilities, and generalized incremental effects of different categories of development projects by type, scale, and location."***

The SSC has been allowed to intensify/alter use upon their site time and again via cursory amendments/addenda to existing CUPs, etc., and it has been allowed Categorical Exemptions per CEQA that CWN! finds questionable if not outright contemptible by their partisanship. In our opinion these have constituted denial of cumulative impacts forbidden per CEQA, and thus it is appropriate that as a formal mitigation the SSC should finally be required to create such an MEA:

#### **Section 15169**

**Discussion: "The Master Environmental Assessment was developed as a way of providing a data base for use with later EIRs. If an agency**



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***prepared a Master Environmental Assessment, the agency could reduce the amount of work necessary to prepare later EIRs. The environment setting would have been fully analyzed, and the likely environmental effects in the area could be anticipated. Thus, the Master Environmental Assessment could help focus initial studies as well as EIRs."***

CWN! finds the original CEQA ECFs deficient *in extremis* for the following categories: **Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Noise, Transportation/Traffic, Utilities & Service Systems**, and obviously the **Mandatory Findings of Significance**. A cursory perusal of the six (6) RFP respondents sustains CWN! contentions regarding the consummately flawed, insufficient and inadequate studies and under-valued ECF allegations embedded in the MND as well.

**I. Aesthetics:**

**Items a), b), c) and d)** will have PSI.

- (a)** The bluff top where the SSC intends to develop has scenic vista attributes. Regardless of the denial, it has been described in previously submitted and certified County, City and Cal Coastal Commission documents as a coastal bluff. The erection of the proposed Pre-School/Administration Building eliminates, actually obliterates a window to the Headlands Promontory and ocean. The CF building will reduce the view of the other bluffs viewed to the East all the way to Casper's Park and beyond. The deceitful allegation by the City and SSC, that this particular site is not a coastal bluff should cease. As for claiming this SSCMPP has "**Less than Significant Impact**" what part of the County's former designation "**Salt Creek View Corridor**" or the City's current "**Salt Creek Scenic Corridor**" don't they get? This project basically creates a wall, a permanent partition when observed from Crown Valley Parkway (CVP).
- (b)** It DOES have PSI, it does "**Substantially damage scenic resources.**" The massive size and invasive nature are obvious. The glaring omission of views, of perspective and vantage points/photos taken from the east side of the SCSC need revisioning---Literally revisioning as the City and SSC must be blind to not comprehend this angle of viewed perspective and its PSI. As one of the consultants responding to the RFP, the firm of **Environmental Science Associates** noted in their RFP response that a revisiting of the visual



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simulations is necessary: **"Existing do not accurately show the proposed expansion."**

- (c) This project will **"Substantially degrade the existing visual character and its surroundings."** The project is over-whelmingly monolithic, when completed it will dominate this bluff unfairly and to the diminishment of adjacent properties.
- (d) The intensification of use and build-out will **"Create a new source of light.....etc."** This is another "no-brainer." Increasing building sizes, doubling the parking lot, more vendors and larger congregation meetings with the attendant increased site visits, coupled with the SSC need to achieve profit to underwrite expenses or meet overhead costs will dramatically increase evening usage---Hence more lights on longer throughout the entire site for night security and safety.

The SSC has yet to provide a Lighting Trespass Analysis, to include the **"Potential To Exceed"** City standards (.20 horizontal foot?).

### III Air Quality:

**Items a), b), c) and d)** are all sections of the ECF with PSI by our analysis.

**a)** Three of the 6 RFP respondents, Michael Brandman Associates (MBA) , The Planning Center (TPC) and Environmental Science Associates (ESA) found the entire Air Quality section of the MND (Mestre Greve Associates) to have major flaws, deficiencies and held MGA in contempt. All three (3) cited the need for new, updated analyses of **Construction Emission Estimation (CEE), Health Risk Correlations/Assessments (HRC/A), Climate Change and Greenhouse Gas Emission (GGE)** in regards to standards as proposed by the Governor's Office of Planning and Research (OPR) Technical Advisory Committee (June 19, 2008 Report).

MGA used antiquated measuring matrices, their calculations of parameters for compliance are no longer applicable for CEE. They should have used metric tons as unit of measurement for Carbon Dioxide over a projected yearly span. MGA failed to submit Thresholds/Determinations of Significance for GGE.



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TPC notes that Emissions of Reactive Gases (ROG) were not fully explained, and goes on to say that there is a **"Major flaw in the Localized Significance Thresholds."**

What is the plan to mitigate the loss of access to fresh air due to closed doors and windows of SCSC residents? What about the carbon footprint, global climate change guidelines and expenses incurred by the high energy demands required for said SCSC residents to actuate their air conditioning units? As the peak months for grading, excavating, etc, are contemporaneous with the better weather months and consistent with the optimal April 15---October 15 non-rainy season the NPDES encourages, how does the SSC expect to mitigate this extensive intrusion? How will it compensate the SCSC residents regarding increased costs and lower quality of life? Forcing the entire SCSC into their homes as if bunkers, prisons or bomb shelters must be mitigated, but how will SSC do this in a guaranteed fashion?

The protracted, actually indeterminate duration of the proposed multi-phased project means that the SCSC residents will have to incur the expenses of installing upgraded, expensive double-paned windows and air-conditioning systems to attenuate both noise and dust particulates. Aggressive, proactive landscaping and housekeeping maintenance costs will increase in order to maintain a clean, healthy, and safe, low-particulate environs. There are no substantial mitigations discussed in the SSCMPP that addresses these costs and environmental impacts

**(b)** During construction substantial impairments will occur throughout the SCSC. Especially impacted will be the condos at Monarch Beach Villas, the sub-division at Corniche Sur Mer and the Ritz Pointe subdivision as they lie directly adjacent and downwind in the path of the aforementioned airflow patterns. What will be in the air borne particulates as they are broadcast? The proponent has not provided any proof that there are not hazardous substances in the soil, in fact due to its prior use it is counter-intuitive and disingenuous to assert that none will be found during the extensive, invasive geological and soil remediation "experimental excavation." As land, air and water rapist developer Robert Moses laughingly boasted: **"Hey, once the hole is dug there's no turning back."** This is the same imbecile who was the father of the ill-fated, bloated, astronomically over budget Big Dig in Boston. This is the same mindset of the developer: Once they achieve ratification of their SSCMPP, then there will be no way to stop whatever truncated, haphazard schedule they can afford **"as funds become available."**



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As noted by TPC, the technical study regarding particulate matter (PM10) clearly reflects that even AFTER mitigations were applied the readings will be in excess.

As this site was formerly agricultural, there is no way to ascertain with certitude the exact extent (either by volume and/or concentration) which California Toxic Rule constituents or banned Prop. 65 chemicals that were broadcast, then infiltrated into the soil by the former owners/occupants prior to the 1960's. The fact that the proponent intends to excavate more than 100,000 cubic yards, stockpile it onsite in different locations, then remove it leads any dummy to realize that it will be impossible to guarantee in a 100% manner that no contaminants will become airborne. Alleging that this impact is LTSMI is without merit. More about this hazardous waste potential and its ramifications in the appropriate **HAZARDS** section to follow.

Once again, the air quality analysis initially provided needs updating at minimum. There needs to be a determination of impact regarding Greenhouse Gas Emissions. The Governor's Office of Planning and Research (OPR) requires, due to GGE and climate change) a determination of significance contaminant levels.

(c) There will be cumulative increases in air pollution during construction and a minor amount of it un-mitigated subsequently. The increased air particulate migration, the fume from the heavy equipment, the fumes from the soil excavation and replenishment trucks, the material drop off and other construction-related vehicles, all must be staged and waiting on CVP. CWN! cannot see how there is any other staging mechanism/strategy possible than to have said large trucks parked facing the project on the uphill side of CVP (pointed North after turning from Coast Highway). This would place them outside the **Monarch Beach Villas (MBV)** on CVP, which due to the prevailing westerly air pattern and flow will convey their fumes and petrochemical contaminants immediately into the adjacent condo complex. Therefore, a staging plan that appropriately limits standing time with engines and generators running should be mandatory. More about this in the **TRANSPORTATION/TRAFFIC** comments section.

d) This project necessitates a **Health Risk Assessment (HRA)** due to the aforementioned fugitive dust probability and potentiality. Its proximity to sensitive receptors for long durations (elderly/retired residents, families and home office residents, etc.) should trigger **Dispersion Analyses** (plural) that include particulate matter concentrations and their impacts to downwind recipients. These analyses should begin their baseline database NOW (Before the project is initiated) and address project concentrations DURING construction to fully ascertain impacts.



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#### **IV. Biological Resources:**

The SSCMPP will have substantial adverse effects, will interfere and be in conflict with ALL four (4) of the seven (7) subsections listed in the ECF: **a), b), d) and f).**

The City lists only one, **(a)**, undervalued at LTSMI. In regards to the ESA gnatcatcher and the ESHA, we refer LSA to the **NOISE XI, GEOLOGY AND SOILS VI** and the **HYDROLOGY AND WATER QUALITY VIII**. All 3 Sections will have PSI that will not be mitigated as proposed, all 3 will affect not only the ESHA but gnatcatchers that reside within it.

#### **V. Cultural Resources:**

Items **c)** and **d)** will have PSI.

To paraphrase RFP respondent MBA: ***"Due to the depth of the excavation as proposed (deep trenches, footings, pilings, etc.) the ground will be disturbed to a depth not previously reached. The site is subject to California Coastal Commission review. A Historic Resource Assessment should be performed."***

The MND states:

***"The project site has been previously developed with a single-family residence and then utilized as an existing church. During the construction of prior improvements to the site, there was no discovery of human remains. Therefore, it is not anticipated that the proposed project will disturb any known human remains, including those interred outside formal cemeteries since there are no human remains known to exist within or near the property. No significant impacts to this topical area would occur as a result of the development of the project."***

A simple search using GOOGLE reflects the conditions that the Juaneños undoubtedly in the past availed themselves of strategic sites like this promontory presents. Perhaps SSC, the City and the consultants never heard of WIKIPEDIA?  
**[http://en.wikipedia.org/wiki/Salt\\_Creek\\_\(Orange\\_County\)](http://en.wikipedia.org/wiki/Salt_Creek_(Orange_County))**

***"Like other Orange County creeks south of Aliso Creek and north of San Mateo Creek, the Salt Creek watershed was once part of the territory of the nomadic Acjachemen Indian group, which was later renamed the Juaneño by Spanish missionaries when they founded Mission San Juan Capistrano at the confluence"***



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***of San Juan and Trabuco Creeks farther south, close to the main Juaneño population center. It is possible that Juaneño villages once were located along the lower channel of Salt Creek, as springs feeding the creek provided a small but stable year round flow."***

This lower reach, which is a perennial blue line stream, would have presented an excellent foraging area for game. The Acjachemen would have placed themselves upon elevated vantage points such as the SSC site, watching as small game and their larger predators came to drink. They would have also availed themselves of the bathing potential, washing of garments and utensils and the freshly replenished drinking water. Therefore, it is no stretch to believe that encampments, religious rituals and/or burials took place in the vicinity.

The MND suggests paleontological and archeological supervision for the site. CWN! feels that this person, or persons, should be onsite during ALL excavations to assure proper oversight. The appropriate parties with the contract(s) should be from the Juaneño group known as the Acjachemen Nation in San Juan Capistrano. Anthony Rivera, his brother Jim and Nathan Banda should be hired.

CWN! would refuse to endorse a development greenwasher like outcast David Belardes or his ilk, as the questionable use of such parties to ignore findings and simply get a paycheck is widely known.

#### **VI. Geology and Soils**

**Items a), a (iii), a (iv), b), c), and d)** will have PSI.

The following statement from the MND, the sheer audacity of it boggles the mind as we regarding its "**Less Than Significant**" conclusion

***"Seismic-related ground failure, including liquefaction?  
(Less than Significant Impact)***

***The geotechnical reports prepared for the project identified that based on a review of the Dana Point Quadrangle Map of the Seismic Hazard Zones, the site is not located within a potential liquefaction zone, and liquefaction at the site will not occur. The geotechnical report indicated that this conclusion is also based on subsurface conditions of the property. The project site is underlain by engineered fill deposits, to a maximum depth of 25 feet, at the southeast corner of the site, or by***



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**marine, Tertiary age sedimentary rocks of the San Onofre Breccia. Ground water beneath the site is limited to fractures in the bedrock and not to a conventional-type aquifer. The geotechnical reports prepared by G.A. Nicoll & Associates, Inc. noted that a review of moisture contents from samples tested in the laboratory indicated that the samples taken below seepage zones were not saturated. Based on the foregoing data, potential impacts relative to this topic are considered less than significant.**

**The geotechnical reports identified that based on the results of the subsurface testing, it appears that a possible deeper landslide underlies a portion of the northeast area of the site and the down-slope, off-site area to the east and northeast."**

This flies in the face of recent formal complaints made by CWN! to the SDRWQCB staff. CWN! has now proven that there are several instances of ground water daylighting on this coastal bluff below the SSC. The origins of these flows have not been determined as yet, but the two (2) CWN! tracked are several hundred meters apart, one on the most southerly east-facing slope, the other emerging from the northerly one. Once again, SS consultants claim that there is no substantial aquifer perched beneath the existing SSC site nor do they see any problem in excavating 45 feet down in one area, an additional 55 feet (totaling 100 feet) in another.

To disrupt an aquifer is serious business, and as the consulting engineers at GA Nicholli claims that this is NOT a "Conventional Type aquifer," well, what type is it? Can they diagram the perched depth, the seasonal flow volume regimes, etc. for the site? Considering the depths to which this project invades or incurs, where is the guarantee that this "unconventional aquifer" will be breached, diverted and/or altered, and just what proactive or preemptive logistical strategies are being considered in that regards? Once again, this project exhibits an unacceptable, extremely experimental and reactive methodology. What if major alterations will need to be implemented? Will that allow SS a longer buildout window for their SSCMPP? Will the SSC hide behind "The hole is already dug" logic?

Perhaps Fuscoe Engineering and SSC can put on their x-ray glasses to assist CWN! in source tracking the origins of these daylighting slope drainages and divulge how they intend to deal with them? What will they put on the table NOW regarding alternatives for the proposed site development BMP strategies and mitigations if the aquifer has any





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chance of being compromised? Disruption could result in lateral spreading, increased risk of liquefaction, off-site sliding (coastal bluff and/or adjacent MBV), subsidence or even monumentally catastrophic collapse.

There is a clear nexus between the geotechnical flaws and water quality and hydrology for this site. The MND declares that there's 25 feet of compacted topsoil over San Onofre Breccia, going as far to declare that the groundwater is limited to fractures in the bedrock. The depths noted in the SSCMPP handout at the SS reveals that there will be a 45 feet deep intrusion in some areas, an additional 55 feet in one other.

Has it occurred to any of these Pollyanna engineers that in order to stabilize these new or rehabbed structures it will require serious intrusion/disturbance and additional deep fractures to that same breccia? This could result in unpredictable alterations of subsurface drainage patterns. This could also destabilize the adjacent bedrock, perhaps not immediately but eventually. Should this be insurmountable, will this site be abandoned and left as blight? There appears to be no realistic assessment, no consideration of the ramifications of this potential. The SSCMPP might result in dangerously, and in a hazardous manner, breaking the breccia catastrophically, irrevocably.

Nowhere can CWN! find any mention of the tremendous amount of additional weight which will be placed upon this bluff, much of it near the SCSC edge. Of particular note is the projected weight of the two-level parking structure and nebulous catchment structure (cistern) mentioned obliquely. Combining the weight of the vehicles when fully parked, the monolithic concrete parking structure components and a concrete, reinforced steel subterranean cistern that will need to detain/hold approximately 100,000 gallons (nearly 1,000,000 pounds) where has the MND addressed this cumulative impact to ensure the safety of MBV?

A **Risk Benefit Analysis** should be provided in the DEIR for this project: A RBA that thoroughly analyzes and compares the substantial known/knowable risks of the SSCMPP development to its related benefits. For substantial re-development projects that involve more than minimal risk of harm to the subjects (SCSC residents), the proponent must assure that the amount of benefit clearly outweighs the amount of risk. Only if there is favorable risk benefit ratio should such a project be considered worthy regarding possible discrete and/or cumulative



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impacts AND ethical consequences.

CWN! concurs 1000% with the submission by Patricia McCarroll who lives in the MBV. We have viewed her submission thoroughly and her demands for the types of bonds that would provide partial remedies for catastrophic failure are appropriate. We would add that CWN! sees liability exposure for the City. Allegations of negligence if approved over legitimate distress, that is of foreseeable fiscal consequences and ultimate responsibilities seem obvious. It is impossible to declare in advance that a judge or jury would give 100% exoneration or shelter to the City. Thus even partial exposure could in this case equal payments in the millions of City taxpayer dollars, all avoidable. Heaven forbid, if a resident on Pompeii is buried in their sleep and dies I'm sure that Gloria Allred will let the City know how much a human life is ultimately worth.

We would add that because of the factors involved, we are concerned that SSC and its construction vendors may be unable to settle such gross sum amounts if the culpability is diffuse, so a thorough, updated check of insurance underwriting for every project vendor should be available to the public for verification and to assuage concerns. Both the public resources of the bluff and the private dwellings (plus residents) should receive this consideration of transparency. Having a major vendor, or SSC go BK due to legal filings would only protract what would be an already ugly human catastrophe if the project "pancaked" and/or slid laterally towards MBV.

CWN! would also like to point out a major flaw, a total failure on the MND's part to mention a key fault line that is very near the project, the **San Joaquin Hills Fault Line**, known to exist for over 15 years as a separate line on the verge of a major seismic event. Once again, how can anyone recycle these MND lapses if a simple GOOGLE search coughs up numerous hits to even laypersons?



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From the LA Times archives:

**"Fault Finding Mission**

**Research by UCI**

***scientists shows that San Joaquin Hills Fault is significant and could result in South County building code changes. But experts aren't sounding alarms.***

**November 01, 1999 | JENNIFER MENA, TIMES STAFF WRITER**

***"The newly discovered San Joaquin Hills Fault runs along the South County coast and is capable of producing a magnitude 7.3 temblor, UC Irvine researchers reveal today in a scientific journal.***

***The fault line, which stretches from Huntington Beach to Dana Point, could have been the source of California's first recorded earthquake in 1769 and might be one of several faults in the area, according to the researchers."***

From UCI Researchers:

**Seismic Hazard Assessment of the San Joaquin Hills Using GIS**

**By Daniel E. Raymond**

**Mentor: Dr. Lisa B. Grant**

**University of California, Irvine**

**Department of Environmental Analysis and Design**

***"The San Joaquin Hills region in southern Orange County is an area that is undergoing tremendous growth. Recent studies suggest that the anticlinal structure of the San Joaquin Hills is due to a combination of folding and faulting in the area. The tectonic and seismic hazard significance of the faults is not understood. Considering the rapid development of the region, it is imperative that the seismic hazard of these faults be assessed so regional planning can proceed in an informed manner."***



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Furthermore, the author, Daniel Raymond, acknowledges contributors:

***"I would like to acknowledge the generous help of Steve Martindale of the Orange County PFRD, Rosalind Munro of Leighton & Associates, Eldon Gath of Earth Consultants International, Eric Runnerstrom of the Environmental Geology lab at the University of California, Irvine and James Lawson of the University of California, Irvine in the completion of this project."***

Where was SSC and its cherry-picked consultants, asleep under a rock when a simple online search reveals that this critical, (intentionally?) overlooked information was known and made available over a decade ago to them? Doesn't the City know about this, and if they did why wasn't it revealed earlier when on the verge of ratifying the MND? These contributors, the author and his mentor are highly respected people in their field, yet somehow the MND NEVER mentions the proximate San Joaquin Hills fault line.

Several in-depth articles published around 2000 predicted a 7.3 earthquake along this fault line within 25 years. Now, in 2010, that would just about coincide with completion of the SSCMPP. What didn't the City and SSC know, and when didn't they know it?

## **VII. Hazards and Hazardous Materials**

**Items a) and b) have PSI**

As mentioned, the unprecedented invasive and aggressive multiple excavations accompanying each phase could reveal CTR substances and now banned Prop. 65 chemicals accreted in the soil---All due to the previous agricultural or subsequent ones. The site borings achieved thus far wouldn't have necessarily revealed this contamination. This might require removal as hazardous waste. This topic seems to have been ignored in the MND and ECF.

If unsafe soil, if asbestos and other carcinogenic substances from the numerous demolitions are found, then the removal requires keen oversight, the hauling trucks should take routes that represent the least hazardous to the public. Fugitive dust is a serious concern

Also low-balled is the acknowledged presence of the Montessori School, even the onsite school is given short shrift:



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***"Would the project Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Less Than Significant Impact With Mitigation Incorporated)***

***Although there are no public schools within one-quarter mile of the site, a private Montessori school is located within that radius. In addition, the existing church does operate a pre-school, which will continue to operate during construction of the proposed project. The construction of the project will include short-term use of construction equipment that will generate dust and particulate matter during grading and site preparation activities. These activities will not result in any hazardous emissions that would affect any school in the area."***

The contradictory conclusions embedded in this comment would be funny if not so tragic. If SSC wishes to subject its pre-school staff, children and parents is one thing, although one has to wonder if they'll be made aware of this negligent condition.

To assume that because the Montessori is private that it should have no legitimate rights, that its concerns are invalid because the cherry-picked, biased consultant declares it safe is another instance of blatant stupidity and/or bold-faced lies.

### **VIII. Hydrology and Water Quality**

**Items a), c), d), e), f), k)—u), will all have PSI.**

It is absolutely mandatory that LSA (Fusco Engineering?) provide the COMPLETE WQMP, stormwater permit compliance strategies and other information necessary for professional analysis in their DEIR. In 9 months time, since originally analyzing this project, SSC and the City, though asked, have failed to provide the details necessary to facilitate peer review. This portion is the largest IOU/TBD/TBA in the entire project package.

CWN!'s opinion is that the developmental elements, to include the positioning of eventual drainage patterns, the specific types of technologies to be installed, and general hydrologic regimes and supplementary, are critical infrastructure yet there is little specificity in the generic WQMP in the MND. **In Item III, Site Description, on Page 4, Section 3 of the WQMP** submitted by Mike Maloney and Randall Streeter of Adams-Streeter dated February 8, 2008 they



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described the **"Proposed Condition: The proposed parking structure and other portions of the site above plans will be conveyed via surface sheet flow or gutter flow to a storm drain system that will discharge into the existing outlet structure. Other portions will drain to the existing slope along the easterly side of the property."**

This wasn't even acceptable or consistent with the previous NPDES R9-2002-002, and is obviously not in compliance with the new R9-2009-0002 Permit. Moreover, though only 2 year old, this reveals Adams-Streeter's complete failure to acknowledge the emerging requirements already known in early 2008. There was in existence early drafts of the eventually ratified 2009 Permit, so why weren't the LID concepts already being integrated into the project? The SSCMPP will NOT be allowed to direct drainage to the slope as before, nor will the parking structure et al be allowed to discharge directly into the existing, under-valued basin and v-ditch conveyance system.

Without more specificity, it is impossible to provide comments upon Source Control BMPs that require a site plan for review. Where, when and how these SCBMPs are installed and integrated will be crucial.

**Item IV.3 Page 18, Table 4 Treatment Control BMP Options for Consideration:**

SSC checked **"NO"** and is refusing to consider **Constructed Wetlands, Detention Basins/Sand Filters, Infiltration Basins and Infiltration Trenches**. This is another example of their lack of commitment. All four (4), especially if used in tandem or sequentially, can perform in a natural function to reduce and remove pollutants. By building out the property to the 74% impervious projection, SSC has literally eliminated these potential TCBMPs because there's no open space onsite areas left to install them.

In regards to flow regimes and soil permeability/infiltration, the eventual soil respiration is tightly coupled to the hydrologic cycle (precipitation timing, magnitude and movement). A database should be initiated NOW to ascertain hillslope soil respiration across wet and dry seasons for this site. This facilitates a BEFORE, DURING and POST-Construction palette. Recent investigations by CWN! indicate that in spite of the SSC and City allegations, there are numerous points on this bluff that reflect significant subterranean flow(s) that daylight. To wait until excavated, then attempt to track the origins and determine if there are multiple non-point and/or point source contributions once again reflects an experimental attitude.



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Hydro-modification and Low Impact Development (LID) are integral for compliance with the most recent NPDES, the permit this project MUST comply with.

By infrastructure we mean any subterranean culverts or storage tanks (detention and/o retentive), holding ponds (bio-filtration), and wish to oppose using the soil onsite as a transfer medium. Two (2) of the MND respondents mentioned such a culvert, but CWN! to repeat itself was unable to corner City staff or the SSC Project Manager into divulging its actuality or imminence, its dynamics, its position, etc. Once again, this puts peer review in jeopardy: Who can analyze what the SSC fails to explain or provide specificity about? Will it receive, treat/reduce/remove, then drain into the existing v-ditch system? Will the water detained be partially-treated, reduction and/or elimination of pollutants included, then be diverted to the SCWD waste treatment infrastructure?

The MND by Cheryle Hodge also mentions such a subterranean holding tank, yet in another portion of the MND reverses (contradicts) itself and claims no such device is planned. This MND in fact contradicts itself in numerous sections, leading to yet more confusion.

LSA needs to provide, in the DEIR, the exact behavior of this culvert, including its detention/retention capacity, its placement, its projected maintenance schedule, and whether there is a dynamic that could lead to groundwater (subterranean) discharges. CWN! estimates that approximately 100,000 g/d could be directed, that is drained into such a subterranean concrete vault. This vault will of necessity be monolithic, and as such vulnerable to catastrophic failure, discharging into the groundwater table. In a known seismically active and historically slide-prone area, obviously the steep gradient topography would immediately accelerate its emergence downslope and discharge into Salt Creek. Thus a cistern would become a Type V well.

The PAHs, CTRs substances, Prop. 65 chemicals, Emerging Contaminants of Concern (ECC), etc. found in runoff from such a highly impervious site could migrate and transport pollutants to Salt Creek. Salt Creek is already a Federally Listed 303 (d) Impaired Waterbody at the Point of Discharge (POD) at Monarch Beach (Salt Creek mouth), the present impairments are listed as bacterial in nature. That said, it is also listed by Cal/EPA (SDRWQCB) as a candidate for a Total Maximum Daily Load (TMDL) program in the next 10 years--- Basically contemporaneous with the projected SSCMPP buildout.



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As the largest parcel presently proposed to undergo significant alteration (hydromodification) within the City and also the SSCSC, it is critical that any BMPs, BCTs, BETs and or BATs proposed by the SSCMPP be given close and careful scrutiny regarding their eventual level(s) of protection.

### **Transfers to Underground Injection Class I Wells**

***"Underground injection is the subsurface emplacement of fluids through wells. TRI chemicals associated with manufacturing, the petroleum industry, mining, commercial and service industries, and Federal and municipal government related activities may be injected into class I, II, III, IV, or V wells, if they do not endanger underground sources of drinking water (USDW), public health or the environment. Class I wells are industrial, municipal, and manufacturing related wells which inject fluids into deep, confined and isolated formations below potable water supplies. Class II wells are oil and gas related wells which re-inject produced fluids for disposal, enhanced recovery of oil, or hydrocarbon storage. Class III wells are those wells associated with the solution mining of minerals. Class IV wells are those wells which may inject hazardous or radioactive fluids directly or indirectly into USDW, only if injection is part of an authorized CERCLA/RCRA clean up operation. Class V wells, which include all types of injection wells which do not fall under I-IV, may inject only if they do not endanger USDW, public health or the environment. Class V wells are, generally, shallow drainage wells, such as floor drains connected to dry wells or drain fields. Data from Section 6.2, Code M81, on the TRI Form R. Prior to reporting year 2003, these amounts were included in Section 6.2, Code M71 (transfers to underground injection)."***

**Source:** [http://yosemite1.epa.gov/oiaa/explorers\\_fe.nsf/Doc1/Transfer+to+Disposal-Underground+Injection+Class+I+Wells?OpenDocument](http://yosemite1.epa.gov/oiaa/explorers_fe.nsf/Doc1/Transfer+to+Disposal-Underground+Injection+Class+I+Wells?OpenDocument)

CWN! is frustrated by the SSC outright refusal to put the details of these critical components and the other water quality impairment protection elements openly before other eco-NGOs and regulatory agencies. The proposed multi-phased buildout for this site should provide enough information up front, NOW, as to facilitate review and possible improvements/alterations to achieve compliance with the NPDES issued by the SDRWQCB (No. R9-2009-0002).





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Referencing recent complaints lodged by CWN! against SSC and the City, it is obvious that the site doesn't even meet the requirements of the 96-03 NPDES or D.A.M.P. The City has failed to monitor, to demand BMPs or enforce the ongoing violations by SSC. The present holding basin and its overflow mechanisms have resulted in a pond, a vector for West Nile and for rodents.

Will this project, if it isn't built out by the next NPDES Permit renewal ratification, be required to comply with that next, obviously more prescriptive stormwater permit? Or will the SSC plead economic hardship when it occurs? Will SSC claim that they cannot comply with any future NPDES because they, by their own approved EIR and site development, are unable to physically and technologically install/implement that future permit?

Generically promising to comply with the present NPDES Permit without any specificity other than referencing multiple, successive yet **"IOU/TBA/TBD"** Storm Water Pollution Protection Plans (SWPPP) and Water Quality Management Plans that will somehow miraculously (pun intended) result in NPDES compliance throughout the construction phases and beyond is unacceptable, if not outright mindboggling. This adds to CWN!'s view that the SSCMPP remains a concept, a series of experiments. With so little site design specificity, analyses and conclusions by anyone are questionable

The placement and dynamics, the specific technologies and the order in which they will be integrated or instituted is a type of algorithm, one which the developer apparently intends to implement. The infrastructural elements, inadequately described, are the key components in any analysis. The SSC failure to explain or provide exact placement of water quality protection components (LID) leaves CWN! unable to provide peer review.

The MND describes this IOU mentality, declaring that there will be "No Significant Impacts" in advance without knowing the true potential of its phased multiple SWPPPs and WQMPs. It's like a blank check, but the public and peer review specialists need to see the ENTIRE implementation program timeline and infrastructure proposed, not a piece-by-piece series that defies, obfuscates or makes unwieldy analyses NOW.

The project site is located in an area that is tributary to Salt Creek, which ultimately flows to the Pacific Ocean Shoreline, Dana Point HSA that is identified as an Environmentally Sensitive Area (ESA) per the City's Local Implementation Plan (LIP).



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An excerpt from the MND, viewed below, reflects how the SSCMPP is relying upon an expansion of the easement agreement for the off-site basin below MBV. By expansion, it is obvious that due to a 37% increase in impervious surface, the present basin will not achieve NPDES Numeric Sizing Criteria attenuation goals and objectives. By our calculation, this basin just below the terminus of Pompeii Street in the MBV subdivision is roughly 1,000 square feet maximum, or about 1/43<sup>rd</sup> of an acre.

SSC must provide up-to-date compliance parameters to justify this pitifully small pond as adequate even at present standards. CWN! believes that the SCCMPP would provoke a need, to be compliant with the current NPDES R9-2009-0002 after completion, for an area at minimum 4-5 times this present size to achieve mitigation and meet the newest water quality objectives.

Moreover, how can SSC exclaim they'll be compliant with prescriptions as yet unannounced, undeveloped or approved by the SDRWQCB, especially when by 2021 there will be a TMDL program for the **Dana Point HSA**? One must add that the City may change or update its LIP at least once in the next 10 years, which adds to our concern that compliance cannot be guaranteed as falsely alleged.

SSC cannot be allowed to boast of compliance with unknown future, possibly altered, amended and/or more prescriptive conditions and goals that have yet to be proposed. Nor should SSC be allowed to project compliance if its SSCMPP buildout involves integrating and possibly altering via its "**Lessons Learned**" for these evolving living documents, these multiple NPDES Permits, etc.

SSC is vowing to address in their vaguely-worded IOU/TBD/TBA mode that the pollutants associated with this type of project (a) sediment (soil disturbance), (b) nutrients (fertilizers, eroded soils), (c) metals (vehicles), (d) volatile organic compounds (pesticides, solvents, cleaning compounds), (e) trash and debris, (f) oxygen-demanding substances (leaves and lawn clippings), and (g) oil and grease (vehicles) will all be reduced and/or removed proactively. All will be accomplished via a promise of temporary (during construction) and ultimate compliance (post construction). They just can't tell us how they'll do it, and they expect the public to believe an already non-compliant site and City. How the acquisition of this holding pond basin expansion could be accomplished, the reconfiguring of the present system and the 10 year buildout installation logistics therefore becomes questionable, basically unknown. SSC has not provided ANY



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agreement for such a sizable expansion or increase of its easement rights. Nor has the SSC provided any proof positive documentation (evidence) that it could get a building permit from the appropriate regulatory agencies to allow such expansion in the WEP (ESHA) area.

***"The Proposed Conditions Hydrology Map by Adams-Streeter addresses surface run-off and properties of the proposed drainage system acknowledging attenuation to be achieved via on-site detention design means and methods and/or by evoking the rights granted in the easement agreement on record to do so off-site. The increase in surface run-off and any attenuation thereof will be addressed and final design provided during construction documentation and permitting, employing water quality management measures as required. Mitigation measures relative to hydrology/drainage are presented in Section 3.8(a). Therefore, no significant impacts to drainage are anticipated to occur as a result of the project."***

CWN! firmly believes that in lieu of this critical information, three (3) key studies and attendant water quality testing should be initiated NOW, be a required mitigation per the MMRP for the SSCMPP. Because Salt Creek is an ESA as determined by the LIP of the City, then it makes sense to perform the following:

- (1) A Macro-invertebrate Biotic Index assessment or survey. This would entail an inventory of the portion of Salt Creek that receives discharges from the SSC project area presently. A "bug assessment" should start NOW so that a pre-construction, during construction and post construction database can be created. This would enable SSC to prove that they have not degraded Salt Creek with their activities, thus confirming their mitigation strategies truly have merit. The assessment should include a total of about 5-600 meters of the Creek's mainstem: Begin just upstream of the upper discharge zone, include that 5-600 meters to just past the lower storm drain system discharge near the shopping center. Subsequent to the initial inventory/assessment, this should be performed once every 6 months should be adequate.



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### **Macroinvertebrates as Biological and Water Quality Indicators**

***"Aquatic invertebrates live in the bottom parts of our waters. They are also called benthic macroinvertebrates, or benthos, (benthic = bottom, macro = large, invertebrate = animal without a backbone) and make good indicators of watershed health because they: (a) Live in the water for all or most of their life (b) Stay in areas suitable for their survival (c) Are easy to collect (d) Differ in their tolerance to amount and types of pollution (e) Are easy to identify in a laboratory (f) Often live for more than one year (g) Have limited mobility (h) Are integrators of environmental condition."*** Source: USEPA

**<http://www.epa.gov/bioindicators/html/invertebrate.html>**

- (2) Water quality sampling. A minimum of 4 sites that drain the SSC and coastal bluff should be sampled:
  - (a) An instream location in the mixed zone just above the upper stormdrain discharge near the apartments,
  - (b) The actual Point of Discharge (POD) from the upper MS4,
  - (c) The actual POD of the lower MS4,
  - (d) An instream location in the mixed zone just below the lower POD.

This would require the same pre, during and post construction mentality as the MBI to fulfill MMRP requirements per CPR Codes. The Creek needs to be initiated, assessed and inventoried immediately so that a long-term study can accurately ascertain SSCMPP impacts. Without a pre-construction sampling regime, there is no way anyone can deduce the eventual efficacy of implemented LID strategies and BMPs for the SSCMPP.

Water quality sampling should include the usual gamut of microinvertebrates that are causal factors in the current 303 (d) Listing (bacteria) at the Salt Creek POD (Monarch Beach), but due to the sediment transport factor and attendant contaminants that could discharge from the site while construction is occurring, a wider range of analysis seems intuited.



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Without knowing the actual composition of the deeper soil level at the SSC, this should be important.

SSC seems to have no clue regarding NPDES R9-2009-0002 compliance, even though it has been going through review since 2007. A few minor amendments or alterations, and errata have occurred, but nonetheless when the MND was on the verge of approval by the City's Planning Commission last Spring it was basically 99% completed. Yet here again the SSCMPP did not reflect how it intends to achieve the LID goals and techniques for compliance the MND itself embraced:

***Item Technique:***

- 1. Minimizing impervious footprint***
- 2. Conservation of natural areas***
- 3. Use of permeable paving or other surfaces***
- 4. Design to minimize streets, sidewalks and parking aisle widths as necessary***
- 5. Incorporation of landscaped buffers***
- 6. Reduced street widths***
- 7. Maximize canopy interception***
- 8. Use of native or drought tolerant trees/shrubs***
- 9. Minimizing impervious surfaces in landscaping***
- 10. Use of natural drainage systems***
- 11. Low flow infiltration***
- 12. Onsite ponding areas or retention facilities***
- 13. Other site design features***

In contradiction to LID and therefore the NPDES Permit itself, SSC once again seems Hell-bent on increasing its impervious surface area alarmingly by the mentioned 37% increase, going from 54% impermeable to 74%, 75% being the allowable limit per City building codes and regulations. This is like promising to conserve gasoline or increase your mpg by driving your car 69 mph in a 70 mph zone!

As mentioned, the SSCMPP verbiage in the MND should alarm any progressive water quality protectionist:

***"The South Shores Church Master Plan project is proposed to be developed in phases over time and therefore site design, source control***



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**and treatment Control BMPs will be implemented in a phased approach. As such, it is anticipated that the technology and water quality priority concerns will change over time. Treatment Control BMPs will be selected and designed during final planning and design within each specific development phase to ensure that the treatment controls meet the requirements at the time and address the priority issues. The Water Quality Management Plan (WQMP) will be amended at each phase and will be subject to review and approval by the City. Other treatment control BMPs will also be considered with advancing technology, performance evaluations and water quality private priorities at the time of amendments.**

**Implementation of the WQMP, along with implementation of a Storm Water Pollution Prevention Plan (SWPPP), including recommended mitigation measures which outline requirements to prevent violations of water quality standards and waste discharge requirements will reduce potential impacts to less than significant levels.**

**MM 3.8-1 Prior to the commencement of any grading activities for each phase, a Storm Water Pollution Prevention Plan (SWPPP) addressing the phase will be prepared and a Notice of Intent (NOI) filed with the State Water Quality Control Board. The SWPPP shall identify Best Management Practices (BMPs) that will be utilized on-site to control pollution runoff during construction activities. The project applicant shall comply with and implement all the applicable requirements of the NPDES permit.**

**MM 3.8-2 The site design and maintenance shall be in accordance with the requirements of the approved WQMP and Hydrology/Drainage study. The WQMP and Hydrology/Drainage reports shall be subject to review and approval prior to each phase by the City of Dana Point."**

The onerous and unacceptable burden CWN! has pointed out is reflected in this MND excerpt. This literally forces locals to monitor and track an endless daisy chain or permits, and once again there could be cumulative impacts (impairments) that when submitted individually APPEAR to mitigate but collectively do not.

It must also be noted as the entire field of LID is an emerging, evolving one, therefore local residents would of necessity be required to pay for their own independent, trustworthy professional peer review consultant(s) to track these



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technologies and strategies regarding protection compliance. The City does not have the SCSC confidence, so once more a greater fiscal burden is placed upon residents.

Besides pursuing permeable instead of impervious surfaces, partial mitigation strategies for the SSCMPP would be the integration of green roofs throughout the site and as noted in **Exhibit C** an onsite urban runoff treatment plant.

Green roofs are more expensive, but you have to look at the whole site and its lifecycle. A simple green roof will pay for itself in five to seven years. A green roof, which consists of a roof covered with soil and plants, generally costs about \$10 per foot, but it lasts longer than a standard roof and provides insulation that cuts down energy costs. In addition, just three inches of plant growth can reduce runoff by about 50 percent. So there are carbon footprint implications as well as water quality protection.

## **IX. Land Use and Planning**

CWN! will defer to the SCSC residents, VoMB and especially Robert and Deanna Saint-Aubin. After reviewing their submissions, we believe that the ECF and MND review of this section too is fatally flawed and insufficiently addresses both singular and cumulative PSI. Not to mention gross violations and/or numerous variances required of the General Plan and MBR SAP. Ditto for **XII Population and Housing** Sections, which we believe **Item a)** is a PSI. .

## **XI. Noise**

**Items a), b), c) and d)** will have PSI.

The intensification of use, the increase in site visitation traffic therefore equals increase in noise and it will be a significant one . Doubling the building space and parking spaces obviously results in this increase.

Ignored are the USFWS guidelines regarding construction noise and the Endangered Species gnatcatcher. It is well known that a pair of breeding gnatcatchers reside in the ESHA immediately adjacent to the project. As the Wildlife Enhancement Project wherein they reside is also just below the site, any idiot acoustical engineer can explain the natural amphitheater qualities of this site and sound wave transmission effects/impacts USFWS: **"No construction activities within 300 feet of active nesting territories.**



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**Levels must be below 60 dBA along the habitat edge."** As the "edge" coincides with the proposed retaining wall installation space for masons and landscapers using power soil compactors/excavators, saws, etc., this will be interesting to mitigate, now won't it? The original MND blithely, ignorantly and callously states that the gnatcatcher will not be affected, yet ignores these critical analytical tools and USFWS guidelines.

It should be noted that CWN! has also read, and agrees with, the analysis, concerns and complaints provided by Brian and Lisa Manning of Monarch Terrace regarding the improperly named Community Facility. This site has benefitted by City Hall partisanship to the detriment of the entire SCSC neighborhood.

#### **XV. Transportation/Traffic**

**Items a), b), d) and f)** will have PSI.

The SSC must:

- (1) Confirm trip generators, trip distribution, and traffic assignments to adjacent roadway networks.
- (2) Determine project built-out for Levels of Service (LOS) both with and without project, before, during and after completion.
- (3) Determine why SSC is already using CVP as offsite parking when they were supposed to have 100% onsite capacity. This addresses inadequate parking capacity AFTER buildout. SSC members already refuse to use the existing onsite and park on the hazardous shoulders of CVP.
- (4) Determine why the City has failed to produce the records of the agreed Parking Management or Monitoring Program/Survey: SSC was supposed to turn over logs that the City would analyze, then charge SSC for staff time to analyze the database according to the 1995 parking lot expansion mitigation list per CEQA (MMRP).
- (5) Staging: The Strands Parking Lot agreement between SSC and OCRDMD (now defunct) cannot be submitted as is and **SHALL** be rescinded: **"The church has obtained a letter of intent dated December 27, 2007 from the County of Orange (Resources & Development Management Department-RDMD) to allow off-site parking in the vicinity of the church. "**

CWN! believes that the County abused and exceeded its discretionary authority and responsibilities to recreationalists by affixing its signature to such a proposal. This off-site parking plan is in violation of previously agreed upon, contractual obligations, those spaces are already spoken for as elements of Public Beach access under the CUP, LCP





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and CDP for the site. OCRDMD **SHALL** be required to get an amended CUP from the County Planning Commission **AFTER** a noticed hearing, and whether it's a TUP or CUP amendment is up to the County but a public hearing **MUST** take place. Secondly, this altered CUP or a TUP **MUST** have CCC approval. **ALL** presently engaged/interested parties in the SSCMPP **SHALL** be placed on said OCPC public hearing list.

The SSCMPP should not be allowed to progress beyond the DEIR until the SSC can provide these compliant CUP/LCP/CDP alterations for the Strands Parking Lot. SSC should not be allowed to progress any further, to delay this approval process is unacceptable as there will no guarantee until this off-site staging plan is confirmed.

The increased usage due to the funicular, coupled with the **FREE PARKING** the public will increasingly avail itself of in tough economic times, make this questionable. 100 spaces, taken by SSC contemporaneously with peak visitation months, is counter-intuitive. Where is a legitimate, independent monitoring program to ensure that only 100 spaces are being taken and when they are taken? What about indemnification of the shuttle service alluded to? Moreover, typifying this lot several miles away as **"in the vicinity of the church"** is hysterically funny but inaccurate.

The I/A and ECF failed to accurately assess traffic and circulation problems.

As observed by CWN!, the City employees when asked at the March 4, 2010, SS acknowledged that the MND submitted for this institutional project did not include a complete assessment of impacts upon Lumeria Lane, Crown Valley Parkway and Pacific Coast Highway. Therefore, the results of that declaration must be rejected in favor of a study that actually focuses on all areas that will be affected by construction and post-construction (SSCMPP completed buildout) traffic.

Lumeria Lane is the only entrance and exit out of MBV. There are no other streets that flow onto Crown Valley Parkway or other city streets. Currently, Lumeria Lane is already hazardous due to fast moving traffic accelerating from PCH up Crown Valley Parkway. The traffic moving towards PCH from inland has a limited line of sight as Sea Island Drive is at the crest of the hill in the southerly direction. Left turns are already difficult, sometimes impossible to make, right hand turns are subject to the accelerating vehicles traveling inland.



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Impatient motorists driving in both directions can presently be observed impairing access from Lumeria onto Crown Valley Parkway and also pass erratically. Slower moving or merging vehicles are endangered, especially those that are not in the immediate line of sight. Those in line to emerge from Lumeria become candidates to be hit by the anxious, impatient commuting drivers who seem unmotivated to anticipate traffic transitioning onto Crown Valley Parkway from Lumeria Lane.

Construction traffic will slow and impair smooth, continuous traffic circulation along and onto Crown Valley Parkway. Left turns from Lumeria Lane or from other streets between Lumeria Lane and PCH will be dangerous and next-to-impossible. If the larger trucks are staged (while awaiting access) on the right hand, uphill, north-facing shoulder then line of sight becomes even more difficult for Lumeria drivers. And where will guests or visitors to MBV park? Are the spaces on CVP already dedicated as off-site parking for MBV as originally included in the County permits, and if so where are the mitigation measures to assure MBV adequate guest parking? As the County has failed to provide the pre-incorporation land use records, CWN! cannot discern if these spaces are dedicated, that is already spoken for.

It doesn't take a rocket scientist to realize the "Chinese Fire Drill" that will be triggered at the Sea Island signal both during and after construction activities cease. This signal will be changing in increasingly chaotic, random patterns not presently occurring due to site visitations by vendors and visitors, more profoundly impacted by the larger excavation and grading vehicles accessing and egressing the site. The confusion during construction will be a PSI that appears to have no mitigation(s) possible to attenuate the debacle. Line of sight will be limited for emerging

The residents of MBV will encounter significant disruption in their normal driving patterns and incur significant and unpredictable delays in their ability to go to the store, the doctor and other necessary and regular trips. Those who are the most elderly, but still safely licensed to drive, will be most endangered by erratic drivers and unsafe conditions and will suffer significant loss in quality of life. Furthermore, accidents will increase in frequency and severity. If approved, the City will in essence have contributed to the creation of a hazardous, negligent condition. What are specific mitigations for the above-mentioned traffic problems for Lumeria Lane (MBV residents and visitors)? What are the plans to keep the residents of MBV safe and able to meet their needs for access to the larger community?



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## **XVI. Utilities & Service Systems**

**Items b) & c) will have PSI.**

It is unclear, once again due to the lack of information provided by the City and SSC, whether there will be an onsite urban runoff treatment train, where it will be located, where it will discharge, etc.. As noted in our previous critique (MND Comments EXHIBIT C) the necessity for such an advanced treatment system seems a no-brainer.

That said, will the treated and filtered storm water evacuate/discharge to the v-ditches on the undersized, difficult to maintain and inaccessible already poorly maintained coastal bluff, to SCWD municipal (common) wastewater system, or to both and in what volumes and state of cleansing to each?

If diverted to the municipal wastewater system, then new, upgraded and significantly altered infrastructure will be necessary. CWN! cannot discern the volumes to receive pre-treatment and/or polished (advanced) treatment. CWN! can only estimate volumes from rainy events to be diverted for treatment or pre-treatment because SSC has failed to provide enough specificity regarding exact total volumes eventual destinations (offsite and/or onsite).

Our best guess is approximately 100,000 gallons will be deposited onsite in a 24-hour period. SOCWA, the parent JPA for wastewater, may only allow diversions up to 50,000 g/d per diversion under the permitted element by the SDRWQCB regarding their NPDES

This is another example of poor planning. The upper limits placed on stormdrain to wastewater diversions was a direct result of CWN! complaints and petitioning to the SDRWQCB some 10 years ago. The Board agreed that due to the gamut of toxic constituents in urban runoff that SOCWA regional waste treatment plants are not designed to remove or reduce, a cap would have to be placed to avoid exceeding the NPDES requirements for the ocean outfall pipes where they discharge.

Nowhere in the MND or supporting documents are there more instances of the IOU/TBD/TBA type mentality. Merely waving a magic wand and declaring that a City already observed to be in violation of water quality regulations will miraculously comply is absurd. That the City will provide the proper oversight, the enforcement it has abjectly failed in regards to at this site previously, is also unsupported and refuted by the recent history of complaints filed by CWN! with the SDRWQCB.



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## **XVII. Mandatory Findings of Significance**

This summation is completely incorrect, **Items a), b), c) and d)** are erroneously found to be of either **No Impact** or **LTSIWM**. There will be an overwhelming number of mitigations required by the time LSA has digested, analyzed and created the DEIR.

CWN! believes that some of the singular or cumulative impacts cannot be mitigated as the SSCMPP is now configured and proposed. ALL of the conclusions reached in this section are due to the under-valued ECF items previously cited by CWN!.

There appear to be no impacts for **Section II (Agriculture Resources)**, none for **Section X (Mineral Resources)**, possibly none for **Section XIII (Public Services)**, and none for **Section XIV (Recreation)**.

There are a total of 87 checklist boxes in the sections CWN! feels applicable. Of those 87, CWN! finds 53 that may have PSI, obviously ALL 53 were not deemed so by the ECF generated by Cheryle Hodge. That means approximately 60% were undervalued significantly to some degree or level. This correlates, unfortunately, with the previously rescinded-yet-not-rescinded MND that required over 400+ mitigations to comply with CEQA. This present SSCMPP is also fatally flawed, the MND without merit.

This leads CWN! to conclude that the entire MND needs to be disposed of. NOW. It no longer bears any resemblance to a potentially compliant buildout. It no longer has any relevance and in fact has biased LSA in their analytical processes. Not to mention wasted yet more personal time and money of the City's own population. An entirely new ECF needs to be drafted if Legal Defensibility is actually desired.

*Roger von Bütow*

*March 22, 2010*

**Roger von Bütow Founder & Executive Director  
Clean Water Now! Coalition (Established 1998)  
P.O. Box 4711 Laguna Beach CA 92652  
Home Office: (949) 715.1912 (Voicemail AFTER 6 rings)**

**Beach Cleanup Information/Messages (949) 280.2225  
Website: [www.cleanwaternow.com](http://www.cleanwaternow.com)**

**"The Clean Water Now! Coalition is dedicated to the protection, restoration and preservation of aquatic and riparian ecologies worldwide."**

FSC  
CITY OF BOSTON  
2010 MAR 22 P 1:45

## **EXHIBIT A**

**Ms. Carol McDermott of GSI E-mail**

From: Carol McDermott <carol@govsol.com>  
Subject: **Meeting regarding South Shores Church**  
Date: November 20, 2009 9:57:26 AM PST  
To: "Robert F. Saint-Aubin" <rfs@coastmediator.com>, Roger Butow <rogerbutow@mac.com>  
Cc: Mark McGuire <mrmcguirelaw@cox.net>

Robert and Roger: I am sorry for the delay in our meeting, but as the church leadership has wrestled with the additional costs of preparing an EIR, there have been considerable meetings and discussions that have taken time. We are now ready to meet and I have listed the times below that Mark McGuire and I are available. I am hopeful one of them will work for both of you. (I will be gone Nov. 25 through Nov. 30). Please let us know of your availability and where you would like to meet. We look forward to meeting with you. Thank you, cmmc

- Monday, Nov. 23, 4:00 on
- Tuesday, Nov. 24, anytime prior to 4:00
- Wednesday, Dec. 2, anytime
- Thursday, Dec. 3, 11 to 3:00

"Turning Challenges into Victories"

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For scheduling, please contact Cookie Chrysler at (949) 717-7943 or [cookie@govsol.com](mailto:cookie@govsol.com)

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**From:** Carol McDermott

**Sent:** Wednesday, November 18, 2009 3:11 PM

2009 NOV 22 P 1:51

**To:** GG Kohlhagen

**Cc:** Vicki Fetterman

**Subject:** RE: SSC - RE: First Steps

GG: please see attached and see if it is more what you need to send forward. I am off to a 3:30 meeting that should be over by 4:30 and then I am available until a meeting at 6:45. cmmc

"Turning Challenges into Victories"

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**From:** GG Kohlhagen [mailto:[ggkohlhagen@cox.net](mailto:ggkohlhagen@cox.net)]

**Sent:** Wednesday, November 18, 2009 12:14 PM

**To:** Carol McDermott

**Subject:** SSC - RE: First Steps

Hey Carol –

Yes, my wife & I did enjoy ourselves in San Francisco – thank you. Glad your travels were rewarding also.

Per our conversation on Monday morning ~~2:11 am~~ I am still trying to get to the bottom of the "No Stopping Entire Block" posting north of the signalized intersection / north-bound lanes of Crown Valley. Kyle & Doug "had no knowledge" of posting – encouraging me to speak with Brad Fowler – as of finally connecting with Brad this morning – he could not cite the specifics either & is going to look into it... However, most disturbing were his initial comments acknowledging "staff recommendations" for doing so per everything brought up & otherwise regarding our project recently – which I immediately took issue with. He immediately backed-off, stating he may be wrong, & would look into it & get back with me... Just spoke with Doug – tickets will be "taken care of" (I can share this with church – this is good news) – signage requires further efforts to address – according to Doug this was strictly driven by OCTA / bus stop location... I am to hear from Matt or Brad as a follow-up & in turn will be able to share further with the church at that time on the signage, etc.

Regarding the status of the EIR & Building Committee – this too was among my efforts Monday & somewhat yesterday during my travels. A few on the committee remain vocal & are requesting further meetings to discuss moving forward with the EIR, etc. As you aptly pointed-out previously – yes – this is wearing me out...

Nonetheless, I intend to send out an update to the committee later today, inclusive of acknowledging your strategy – so – here are my comments from reviewing what you provided:

## **Initial Strategy for South Shores Church Entitlement and Community Issues**

**November 17, 2009**

In recognition of the concerns of some of the Church leadership with regard to the strategy for proceeding to retain/obtain city support for the Church Master Plan, Government Solutions, Inc. is outlining a first phase scope of work that is consistent with our scope of work in our contract but spells out specific actions as follows:

Generally, for each of the items listed, any date forecasting on these efforts would be most helpful – some want a schedule of sorts from you - ? – to have assurance that these items will be in the works...



Again, I have been given the task to “instruct you to meet with the neighbors – specifically Aubin & Butow” irrespective of whether or not we have sent any payments in on the EIR per “what business is this of theirs”... So, I yield to your expertise regarding the unfortunate issues management we are both dealing with on this matter...

- Meet with city staff to understand their perspective on our project, on our opponents and reconfirm their support –
- Meet or call key elected officials to give status update and assess their positions on the project
- Meet with project team, to review citizen complaints and summarize the issues
- Map the addresses of known supporters and opponents (per your message)
- Meet with key opponents (Roger Butow and Robert Saint-Aubin) to confirm their issues and assess their strategy to assist in refining our strategy
- Develop a list of select adjacent neighbors for one-on-one interviews to better understand the depth of their concerns/opposition
- Develop a summary of neighbor concerns and recommend a strategy for addressing their issues which may include small groups meetings, email blasts of project information, presentation of our side of the issues to the press, etc.

Subsequent actions will depend on the findings of the above and the ongoing direction of the client. Actions with the staff regarding the progress of the preparation of the EIR will be conducted separately by Mark McGuire but in coordination with our efforts.

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Regarding the EIR & your strategy list – here are the most recent comments I am battling to allay the final concerns & gain a consensus for sending in the first installment & otherwise following our BC meeting last Tuesday that I believe overlap somewhat with your strategy:

1) Urge our P.R. person to proceed to meet with our opponents. This is not dependent on our payment to the City for an EIR or anything else. It is to put to rest their claim that we won't meet. – acknowledged above

2) GG (and others) to meet with the City and tell them of our concern with the plan for LSA to only assemble/write the summary for the proposed EIR and for our church to contract for the various technical portions, such as traffic, drainage, critters, etc. We want LSA or whoever the consultant is to be to include the cost estimate for and to contract for all of the work– not just to oversee it and edit and assemble it into a report. Thus we decided not to submit the first \$50,000 until this is done. Here was my (personal response) to these two items with the idea my update today would include similar references: On Wednesday, Mark McGuire & I met with Cheryle & Bill to discuss the final concerns on the EIR with the city that you point out. I opted to go this route in lieu of going through the city as originally considered for two primary reasons: (1) I trust Mark & his assessment of our circumstances & feel we should be relying on him in lieu of the city (2) I did not want to incur the costs associated with having the city attorney & otherwise sit & discuss these matters since our attorney is telling us to move forward Without encumbering the process any further (Wednesday he spent over an hour / hour & half thoroughly explaining all of this to Cheryle & Bill from the legal perspective & his intimate knowledge of our circumstances with city).

Nonetheless, per the meeting Wednesday, Mark placed a courtesy call to the city attorney on our behalf per the concerns Cheryle & Bill have expressed in our meetings.

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Per their conversation, Mark's understanding has been confirmed further by their discussion & he advises us to proceed with the EIR "as is" at this point.

Mark has unequivocally stated that these final matters are of no legal merit & of no need for further delay of our engaging on the EIR. He is confident; that once we engage with LSA, any necessary updating of the tech. studies & the subsequent hiring of those consultants can be handled at that time - fully taking into account the churches best interests. Keep in mind that LSA still needs to review the original studies & that at that time they will be able to more credibly address what needs augmenting & what needs a more in depth effort. To reiterate, Mark is confident that at that time, the concept of having the contracts directly with LSA or otherwise can be properly addressed & finalized.

Lastly, Mark cautioned that to press on this at this juncture would work against us with the city, possibly the consultant (LSA) & in turn may actually give credence (perception of anyway) to VOMB's previous allegations, bringing into question any use of the current technical studies whatsoever - meaning, where do you draw the line on this type of thinking?

Based upon Mark's understanding of our circumstances & advisement that we should engage LSA, I am going to recommend per my return on Monday that we submit the first installment of the \$50,000.00 immediately to get this process underway.

Finally, I met with Carol McDermott Wednesday evening from approx. 5 - 6:15pm. I provided her additional information for the data base she seeks to establish & will be supplying her additional information as well. She will be getting back to me on scheduling with Aubin & Butow.

3) This is among the more recent correspondence: I believe some or all of my concerns are also concerns of others on our committee and our membership. Some on our committee believe there are problems with the suggested path of preparing an EIR, in that we are looking at spending

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several hundred thousand \$ and being subject to criticism by our opponents regarding the procedure of engaging the sub-consultants..Our attorney may be good but we have been burned several times on this and I think it is prudent to be very careful. Also in view of our discussions regarding next Nov. election, we should be in no hurry to get the EIR going within days or weeks. I think we need a political consultant more than a P.R. and legal consultant and that we need to get more members involved in our overall project and possible alternatives before starting the EIR.

My sharing of this is to assist us both in our efforts to move this forward. Anything you can offer me to share with committee to lay this to rest would be most helpful. The passage of time & correspondence & meetings is not necessarily helping & it is evident I am unable to explain this well enough for some... Perhaps in your strategy you could add something I could share with the committee speaking to the importance for moving forward on the EIR – specifically addressing these final hurdles: (1) I believe (per your advice, Mark's & city's & my understanding of our circumstances) time is actually of the essence & delaying the EIR by speculating on the future elections (& other) is more detrimental than proceeding at this juncture... - ? (2) We need to follow Mark's advice / your advice – how to convey better? (3) Moving forward on the alternatives – on our own – “before starting the EIR” – I have stated I am more than willing to assess our plans & move to consider alternatives – but to the delay of the EIR - ? – I disagree...

By the way, integral to this, Doug was very congenial this morning when I explained to him the difficulties the church is experiencing in grappling with all of this when he too asked if we are going move this forward with EIR, etc.

The update I am intending to send to the BC later today will likely include a “vote” option requesting the opportunity to proceed immediately – this, because it is obvious a consensus cannot be reached in a timely manner, or perhaps ever... My only other thought is the opportunity for a vote on scheduling another meeting to discuss further the concerns raised by the correspondence during my travels – etc. I have been urged by one committee member to allow for this in an effort to be most respectful & most inclusive of everyone...unfortunately, key individuals are already traveling for Thanksgiving & other delaying this option.

Lastly, I would greatly appreciate direction on what I can share with the committee & what is most sensitive & how to best handle the conveyance of

your strategy.

Thanks Carol – G.G.

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**Exhibit B**  
**Corrected Environmental Checklist Form**



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Appendix A -  
Environmental Checklist Form

**City of Dana Point  
Environmental Checklist**

|                                                                                                                                                                                                                                                                                             | Potentially Significant Impact      | Less Than Significant With Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| <b>I. AESTHETICS</b>                                                                                                                                                                                                                                                                        |                                     |                                                    |                                     |                                     |
| Would the project:                                                                                                                                                                                                                                                                          |                                     |                                                    |                                     |                                     |
| a) Have a substantial adverse effect on a scenic vista?                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?                                                                                                                                                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>II. AGRICULTURE RESOURCES</b>                                                                                                                                                                                                                                                            |                                     |                                                    |                                     |                                     |
| Would the project:                                                                                                                                                                                                                                                                          |                                     |                                                    |                                     |                                     |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?                                              | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?                                                                                                                                                                                                        | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?                                                                                                                               | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>III. AIR QUALITY</b>                                                                                                                                                                                                                                                                     |                                     |                                                    |                                     |                                     |
| Would the project:                                                                                                                                                                                                                                                                          |                                     |                                                    |                                     |                                     |
| a) Conflict with or obstruct implementation of the applicable air quality plan?                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute to an existing or projected air quality violation?                                                                                                                                                                                        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Expose sensitive receptors to substantial pollutant concentrations?                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create objectionable odors affecting a substantial number of people?                                                                                                                                                                                                                     | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |



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Environmental Checklist Form

|                                                                                                                                                                                                                                                                                                                 | Potentially Significant Impact      | Less Than Significant With Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| <b>IV. BIOLOGICAL RESOURCES</b>                                                                                                                                                                                                                                                                                 |                                     |                                                    |                                     |                                     |
| Would the project:                                                                                                                                                                                                                                                                                              |                                     |                                                    |                                     |                                     |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?                                            | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?                                                                                                                                                                             | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>V. CULTURAL RESOURCES</b>                                                                                                                                                                                                                                                                                    |                                     |                                                    |                                     |                                     |
| Would the project:                                                                                                                                                                                                                                                                                              |                                     |                                                    |                                     |                                     |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?                                                                                                                                                                                                      | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?                                                                                                                                                                                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>VI. GEOLOGY AND SOILS</b>                                                                                                                                                                                                                                                                                    |                                     |                                                    |                                     |                                     |
| Would the project:                                                                                                                                                                                                                                                                                              |                                     |                                                    |                                     |                                     |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:                                                                                                                                                                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input type="checkbox"/>            |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.                          | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii) Strong seismic ground shaking?                                                                                                                                                                                                                                                                              | <input type="checkbox"/>            | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| iii) Seismic-related ground failure, including liquefaction?                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) Landslides?                                                                                                                                                                                                                                                                                                 | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |





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|                                                                                                                                                                                                                                                          | Potentially Significant Impact      | Less Than Significant With Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| b) Result in substantial soil erosion or the loss of topsoil?                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?                        | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?                                                                        | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>VII. HAZARDS AND HAZARDOUS MATERIALS</b>                                                                                                                                                                                                              |                                     |                                                    |                                     |                                     |
| Would the project:                                                                                                                                                                                                                                       |                                     |                                                    |                                     |                                     |
| a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?                                                                                                                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?                                                          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?                                                                                          | <input type="checkbox"/>            | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| d) Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                     | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?                                                                                              | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?                                                                                                                                | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?                                     | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <b>VIII. HYDROLOGY AND WATER QUALITY</b>                                                                                                                                                                                                                 |                                     |                                                    |                                     |                                     |
| Would the project:                                                                                                                                                                                                                                       |                                     |                                                    |                                     |                                     |
| a) Violate any water quality standards or waste discharge requirements?                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |



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|                                                                                                                                                                                                                                                                                                                                                                                                | Potentially Significant Impact      | Less Than Significant With Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
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| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground-water table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?                                                                                                                                                             | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?                                                                                                                        | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| f) Otherwise substantially degrade water quality?                                                                                                                                                                                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?                                                                                                                                                                                                                           | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?                                                                                                                                                                                                                                                                                            | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?                                                                                                                                                                                                                             | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| j) Inundation by seiche, tsunami, or mudflow?                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| k) Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash.                                                       | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| l) Result in significant alteration of receiving water quality during or following construction?                                                                                                                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| m) Could the proposed project result in increased erosion downstream?                                                                                                                                                                                                                                                                                                                          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| n) Result in increased impervious surfaces and associated increased runoff?                                                                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| o) Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?                                                                                                                                                                                                                                                                      | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| p) Tributary to an already impaired water body, as listed on Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| q) Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions?                                                                                                                                                                                                                                                                         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| r) Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters?                                                                                                                                                                                                                                                                    | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |



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|                                                                                                                                                                                                                                                                                                             | Potentially Significant Impact      | Less Than Significant With Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| s) Have a potentially significant adverse impact on groundwater quality?                                                                                                                                                                                                                                    | <input type="checkbox"/>            | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| t) Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?                                                                                                                                                          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| u) Impact aquatic, wetland, or riparian habitat?                                                                                                                                                                                                                                                            | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| <b>IX. LAND USE AND PLANNING</b>                                                                                                                                                                                                                                                                            |                                     |                                                    |                                     |                                     |
| Would the proposal:                                                                                                                                                                                                                                                                                         |                                     |                                                    |                                     |                                     |
| a) Physically divide an established community?                                                                                                                                                                                                                                                              | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?                                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>X. MINERAL RESOURCES</b>                                                                                                                                                                                                                                                                                 |                                     |                                                    |                                     |                                     |
| Would the project:                                                                                                                                                                                                                                                                                          |                                     |                                                    |                                     |                                     |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                                                                                                                                                      | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?                                                                                                                                      | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>XI. NOISE</b>                                                                                                                                                                                                                                                                                            |                                     |                                                    |                                     |                                     |
| Would the project result in:                                                                                                                                                                                                                                                                                |                                     |                                                    |                                     |                                     |
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?                                                                                                                         | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                                                                              | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| e) For a project located within an airport land use land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?                                | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?                                                                                                                                              | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |



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Appendix A -  
Environmental Checklist Form

|                                                                                                                                                                                                                                                                                                                                                                                                                         | Potentially Significant Impact      | Less Than Significant With Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| <b>XII. POPULATION AND HOUSING</b>                                                                                                                                                                                                                                                                                                                                                                                      |                                     |                                                    |                                     |                                     |
| Would the project:                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |                                                    |                                     |                                     |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?                                                                                                                                                                                                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>XIII. PUBLIC SERVICES</b>                                                                                                                                                                                                                                                                                                                                                                                            |                                     |                                                    |                                     |                                     |
| a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| i. Fire protection?                                                                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| ii. Police protection?                                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iii. Schools?                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| iv. Parks?                                                                                                                                                                                                                                                                                                                                                                                                              | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| v. Other public facilities?                                                                                                                                                                                                                                                                                                                                                                                             | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>XIV. RECREATION</b>                                                                                                                                                                                                                                                                                                                                                                                                  |                                     |                                                    |                                     |                                     |
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?                                                                                                                                                                                                          | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?                                                                                                                                                                                                                              | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>XV. TRANSPORTATION/TRAFFIC</b>                                                                                                                                                                                                                                                                                                                                                                                       |                                     |                                                    |                                     |                                     |
| Would the project:                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |                                                    |                                     |                                     |
| a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Exceed either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?                                                                                                                                                                                                                                                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?                                                                                                                                                                                                                                                         | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?                                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access?                                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Potentially Significant Impact      | Less Than Significant With Mitigation Incorporated | Less than Significant Impact        | No Impact                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----------------------------------------------------|-------------------------------------|-------------------------------------|
| f) Result in inadequate parking capacity?                                                                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?                                                                                                                                                                                                                                                                                                                        | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>XVI. UTILITIES &amp; SERVICE SYSTEMS</b>                                                                                                                                                                                                                                                                                                                                                                                                             |                                     |                                                    |                                     |                                     |
| Would the project:                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |                                                    |                                     |                                     |
| a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?                                                                                                                                                                                                                                                                                                                                                     | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                                                                                                                                                                                                                                                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?                                                                                                                                                                                                                      | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?                                                                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/>            | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>                                                                                                                                                                                                                                                                                                                                                                                                        |                                     |                                                    |                                     |                                     |
| A) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory? | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |
| b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?                                                                                                                                                                                                                                                                                                                  | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)                                                                                                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>                           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?                                                                                                                                                                                                                                                                                                             | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>                | <input type="checkbox"/>            | <input type="checkbox"/>            |



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Appendix A -  
Environmental Checklist Form

### Source List

The following enumerated documents are available at the offices of the City of Dana Point, Community Development Department, 33282 Golden Lantern, Suite 212, Dana Point, CA 92629.

1. California Environmental Quality Act as amended January 1, 2008. §§21000-21178 of the *Public Resources Code*, State of California.
2. Guidelines for California Environmental Quality Act as amended July 27, 2007. §15000-15387 of the California Code of Regulations, Title 14, Chapter 3, State of California.
3. South Shores Church Master Plan, Project Plans prepared by Matlock Associates, Inc., dated May 2008.
4. City of Dana Point General Plan, approved July 9, 1991.
5. South Shores Church Master Plan, Conceptual Water Quality Management Plan, prepared by Adams-Streeter Civil Engineers, Inc. dated January 25, 2008.
6. South Shores Church Master Plan, Hydrology/Drainage Analysis prepared by Adams-Streeter Civil Engineers, Inc. dated September 2008.
7. South Shores Church Master Plan, Geotechnical Study prepared by G.A. Nicoll and Associates, Inc. dated February 20, 2008 and April 6, 2006.
8. South Shores Church Master Plan, Report of Supplemental Geotechnical Investigation for the Proposed Christian Education Buildings 1 and 2, prepared by G.A. Nicoll and Associates, Inc., dated May 21, 2007.
9. South Shores Church Master Plan, Response to Geotechnical Review prepared by G.A. Nicoll and Associates, Inc., dated November 28, 2007, October 31, 2007, and July 26, 2007.

The following enumerated documents are available in "Appendix B" of this document:

1. South Shores Church Master Plan, Air Quality Study prepared by Mestre Greve Associates, Inc. dated April 2006 and updated May 2008 and November 2008.
2. South Shores Church Master Plan, Parking and Traffic Study, prepared by RK Engineering Group, Inc. dated May 9, 2006 and updated May 12, 2008.
3. South Shores Church Master Plan, Biological Resources Assessment, prepared by Califauna (Jeffrey B. Froke, Ph.D.), dated October 30, 2007, April 25, 2008, and January 8, 2009.
4. South Shores Church Master Plan, Noise Study prepared by Mestre Greve Associates, Inc. dated April 2006 and updated May 2008 and November 2008.

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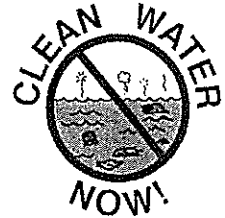
2010 MAR 22 P 1:45

## **Exhibit C**

### **Previously Submitted MND Comments**

# CLEAN WATER NOW! COALITION

P.O. Box 4711, Laguna Beach, CA 92652 - 949.280.2225 - www.cleanwaternow.com



*"The Clean Water Now! Coalition is dedicated to the protection, restoration and preservation of aquatic and riparian ecologies worldwide.."*

2009 MAR 22 PM 4:51

To: City of Dana Point (CDP)

Date: July 16, 2009

Re: Mitigated Negative Declaration (MND) for South Shores Church (SSC) Master Plan (MP)

Address: 31712 Crown Valley Parkway (Monarch Beach) Dana Point CA 92629

City of Dana Point:

The proposed SSC project purports to require a Conditional Use Permit (CUP), a Coastal Development Permit (CDP) and a Site Development Permit (SDP) for the SSC project. This is patently false. It is in reality a series of CUP's, CDPs and SDPs that should be denied outright by the CDP Planning Commission.

Moreover, it violates or fails to comply with one of the basic prohibitions specifically noted in CEQA: Sequential (aka piecemeal) filings. Sequential filings, exemplified in this particular project by the absurd succession of Water Quality Management Plans (WQMP), this project is more akin to a haphazard, truncated, loosely cobbled together algorithmic SERIES of experiments, a daisy-chain which lacks cohesive, coherent land use development planning.

A MND is the wrong mechanism for this project and should be rejected outright by the CDP. The entire 10-year MP approach seems conveniently predicated upon internal financial restraints by the SSC, yet economics and the proponents budget have no bearing, are to have no influence in lead agency deliberations.

Funding is the problem of the proponent and as this appears to be a project in the range of \$40-50 million total in my estimation it is absurd to allow them to even break ground if their professed funds at present are only 10% of that needed sum. They shouldn't be allowed to proceed if they cannot provide proof of 100% funding capability.

Although the SSC purportedly held a series of small, individual meetings with the neighbors and HOAs, what should have occurred is what CEQA strongly encourages: **A Community Scoping Session (SS)**. A SS would have proactively uncovered innumerable disparities and/or issues of concern.

A SS would have allowed for ALL interested parties to conveniently attend communally, to initiate or instigate





(cont.)

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negotiable issues in a civil format, to informally arbitrate "*en masse*," thus allowing for more transparency and information sharing in a shared venue. It also gathers and helps coherently configure concerns by the use of a professional facilitator, thus potentially driving a consensual set of guidelines. Non-binding legally, it would have in my opinion concurred that an EIR was necessary.

The CDP, as a *de facto* referee, should be faulted for not strongly encouraging the SSC to do so as this now has become a vibrantly polarized adversarial endeavor, distastefully pitting residents who are religious themselves against a family-oriented religious facility.

The multi-phased, MP approach (5 or more phases) is a thinly-veiled attempt to circumvent CEQA. The MP is in fact boldly, completely "*speculative*" and CEQA inherently denies or forbids speculation in either project strategies or even written submissions/analyses in support of projects. The proponent argues a case for a future that may or may not happen. Typifying it as "*Master Plan*" is a farce. It is a succession of projects that will surpass the threshold of significantly adverse without credible known, mentioned or offered mitigations.

Many of the impacts on the checklist appear to have been intentionally portrayed as individually without significance, under-valued, falsely skewed towards justification of the resulting MND.

In my professional opinion, in approximately 12 of the noted 17 Environmental Checklist Categories this project has singular Potentially Significant Adverse Impacts---Yet the consultant myopically fails to note even one (1) as Potentially Significant, let alone the cumulative impacts.

This is a blatant example of a pre-determined MND. The Evaluation of Environmental Impacts is seriously deficient and lacks credibility. The MND was drafted and the analyst simply de-valued both individual and accumulative to sustain that supposition in spite of known/knowable evidence to the contrary.

Each phase literally "builds upon" (piggy-backs) upon the mitigation measures and permits of the previous one in an intentionally nebulous fashion. If SSC doesn't know exactly what will emerge during the process of build-out, what changes might become necessary, certainly neither the CDP or the public can. No one can analyze or come to conclusions about possible complexities or restraints that have not occurred.



(cont.)

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It is unclear, if not impossible to the standard of "**proof positive**" how this approach will drive compliance or avoid violations either during construction or after 100% completion of construction.

The project not only intensifies the general use of the parcel by doubling the size of the current facilities, but could easily treble site activities. The proponent wishes to alter the very uses it admits to, uses that will change/vary considerably over the MP evolution, each phase morphing it into a new conglomeration or configuration of uses over the course of the 10-year MP.

The proponent purports to hold the right to modify the project as the site is altered geomorphically, as the drainage patterns and flow values and directions evolve, as discoveries are made. It is, as we say in construction, one giant "**as built**" project, defying environmental oversight as it necessitates extraordinary flexibility disallowed under CEQA.

CEQA clearly discourages instruments like MND if they fail to address easily anticipated or discernible adverse impacts. It is no small leap to see that the SSC is doing this in a "**Ready, Fire, Aim**" mode, that the CDP is accepting IOU's where failure of the SSC to provide data dictates, at minimum should determine that more investigation is necessary.

Undoubtedly, the CDP will be continuously revising the plans, allowing questionable addenda and/or variances over the counter at City Hall, perhaps onsite allowances by City inspectors that the public can't possibly track---Let alone object to. This is also in contradiction to transparency and public oversight, core values of CEQA. How and in what manner will the public track alterations that exceed the original intent? This places an onerous and unfair burden upon relatively unknowledgeable residents.

The MND completely ignores the incremental and cumulative prohibitions of CEQA, and thus declares the MP acceptable in advance of actually knowing what adverse effects could emerge, whether they constitute individual or cumulatively significantly adverse impacts. The MP attempts to project results/conclusions in a **carte blanche** fashion without providing any substantial proof that they will not accumulate into significantly adverse ones at later phases when the project cannot be stopped. Then the proponent will claim irreversibility, find shelter in a "**point-of-no-return**" logic.



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If the proponent is unable to construct the entire project *in toto*, wants it reviewed and amended in progress, overall analysis is then **speculative** for the SSC, the CDP, even the projects supporters and critics.

As a professional environmental consultant myself, I am astounded by the conclusion that led the analyst Cheryl Hodge to deem a Mitigated Negative Declaration (MND) adequate fulfillment of the various mandated CEQA prescriptions, not to mention honoring the CDP Master Plan, Monarch Beach Area Plan, Salt Creek Scenic Corridor prescriptions as they relate to the CDP Local Coastal Plan.

This project should have required at minimum an extensive EIR with updated reports drafted within the past year, not allowed studies/analyses piled upon previous, now antiquated ones. There is such a dearth of specific supporting information, such an absence of details as to leave the arc of the project ambiguous and uncertain.

It is nearly impossible to independently analyze let alone discern the low-ball or under-value impacts leading to a meritless MND. That the analyst deducing a MND failed to note even one (1) Significant Adverse Impact says it all.

If another professional in this field can't discern compliance and potential violations, possible variances necessitated due to the absence and omissions of critical information, one must assume this was a conspiratorial attempt by proponent, analyst and CDP regarding their MND conclusion. The CDP should be the gauntlet, a litmus test not a facilitator. It should make monolithic development difficult, not act as passive enablers.

The initial analysis and MND read like a variation of "**reverse rationalization**," a blatant attempt at reaching a foregone conclusion of minimal environmental review. The twisted, pretzel logic of the analysis and chosen path of a MND essentially justifies and sustains a poorly thought out plan. The MND hides behind the MP concept without facing this reality.

It is also an insult to the public, as local residents and interested parties who object will be required to attend an endless series of public hearings trying to track the various permits noted over the course of 10 years or more. This constitutes cruel and unusual punishment of the CDP own taxpayers. Inordinate hours of research, hiring their own consultants to defend what the CDP should in their fiduciary responsibilities disallow.



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As a 38 year builder in Laguna Beach, I see smoke and mirrors, I am unable to even discern how anyone in the construction field could bid on, let alone successfully construct the more massive elements like the parking structure in a region historically prone to groundwater intrusion, slope failure, and attendant liabilities for contractors---Not to mention the liability exposure of the CDP for allowing such an intrusive monstrosity to be built in this ecologically fragile, already damaged zone.

There is an enormous amount of segmented/sequential permitting aspects, building a house-of-cards totality that is weakened as it travels chronologically through the multiple phases proposed.

Substantial historical evidence of the site's instability hence unsuitability alone should have constituted a CEQA red flag for Ms. Hodges and the CDP, triggering a Draft EIR, not the MND:

**A** CEQA requires that the Lead Agency, through its initial study, review the whole of a project. A project must NOT be broken into smaller parts, each of which alone might qualify for a Negative Declaration, in an attempt to avoid preparing an EIR (*Association for Sensible Development of Bishop Area v. County of Inyo (1985) 172 Cal.App.3d 151*).

**C** The decision to prepare a Mitigated Negative Declaration (and a Negative Declaration for that matter) must be grounded in an objective, good faith effort on the part of the Lead Agency to review the project's potential for significant impacts (*Sundstrom v. County of Mendocino, supra*).

Pursuant to Section 21080, substantial evidence includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." It does not include "speculation..."

The proponent is speculating, as are its consultants and the CDP. The initial MND analyst perhaps failed to declare the initiation of an DEIR in part because this is only a **CONCEPT**, actually a series of concepts involving myriad alterations all dependent upon lessons learned from massive, sequentially phased modifications of the site.

Pursuant to Section 15370 of the CEQA Guidelines, mitigation includes:

**B** "Effective mitigation measures are those written in clear, declaratory language specifying what is required to be done, how it is to be done, when it is to be done, and who will be responsible for doing it. The words "will" and "shall" are preferred to "may" and "should" when directing an action. Furthermore, measures must be feasible to undertake and complete. Avoid measures that are conditional upon feasibility (i.e., required only "when feasible"), rather than applied directly or at a specified project stage."



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It doesn't even achieve or merit MND standards as there isn't an actual project per se, simply a theoretical series of sequential submissions, subsequent alterations as yet undetermined, filings and innumerable unknowable, admittedly yet-to-be-discovered impacts. This SSC project is one humungous IOU, To-Be-Determined, To-Be-Announced "*Pandora's Box*."

Like the Big Dig in Boston, once the hole is dug, Dana Point residents and concerned parties will be stuck with these potentially adverse impacts, bound by a fatally flawed MND.

Realistically, this site is too small for the both the increased and multiple intended uses as portrayed. The SSC either needs a satellite facility of equal or greater area, or it needs to maintain good neighbor parameters by remaining as is. Cramming, basically stuffing or compressing all of its desires into a site grossly under-sized reflects poor planning. It is not the problem of the neighborhood or the CDP to solve either the growing pains or ambitions of a corporation.

Although a non-profit, SSC *is* a corporate venture, a business that should stay within its own sustainable fiscal abilities during an uncertain economic period.

#### **PHASES: OUT OF ORDER**

If this MP is approved, the parking structure should be built first. This will accomplish several goals, among them alleviating/attenuating any off-site slope impacts, any impacts due to traffic/circulation/parking difficulties, perhaps lessen or negate requisite off-site parking plans, plus give the project more reasonably achievable hydrologic and water quality compliance capability in one fell swoop.

- (1) Building the structure first will assure that as the project goes through multiple phases there will ALWAYS be adequate spaces onsite for not only the SSC activities but construction ones as well.
- (2) The \$5 million the SSC purports to have in its coffers is a significant portion of the funds required to initiate this phase first, NOT last.
- (3) As it is to contain the major water quality and hydrology infrastructural device or component for mitigation (the subterranean cistern), then this seems intuited as the greatest, highest priority. It guarantees compliance proactively, preemptively, and



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the SSC will have proven itself a caring and sensitive neighbor. Not to mention its proclaimed interest in the protection of the surrounding general environmental habitats.

- (4) The pollutants of concern can be reduced or eliminated at the source if this buried, subterranean drainage and sediment transport reduction/removal system works, the basic component of the NPDES process itself. Completion assures that whether during initial demolishing of edifices or subsequent installation the site is protected to the Maximum Extent Practicable (MEP), also a NPDES prescription.
- (5) Building it first will proactively lessen anxiety levels in the adjacent neighborhoods, making the project's goals more realistically achievable and timely without acrimony.
- (6) Building this monolithic structure first makes the major discomfort, the greatest site soil intrusions, the major dislocations/disruptions within the neighborhood and the severest of impacts experienced at the onset of the project. What happens if the SSC runs out of money AFTER completing all of the buildings first? Where is that calamitous contingency dealt with in the MND or the SSC supporting docs?

#### COMMUNITY FACILITY (CF)

In a rather disingenuous and intentionally false portrayal, typifying the gymnasium (Life Center) as in accord with zoning requirements or even allowing unchallenged the CF designation itself is flawed. First, SSC will have sole control or discrimination over the activities that take place onsite, SSC will determine use unilaterally, decide access and availability.

Second, there is no mechanism or instrument proposed that assures the general public (read community) the implied egalitarian access to this facility. Surely no one believes that a Planned Parenthood rally would ever be allowed, do they? And couldn't SSC just claim that the facility was already booked in a pre-disposed, biased and discriminatory fashion, difficult if not impossible to prove short of litigation?

Therefore it qualifies as a CF in name only, there is no written guarantee that can force CF conformity or compliance. The potential for mischief or conflict of interest has been



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unchallenged or even broached by the SSC consultants and CDP.

This "bait and switch" approach should be investigated further and some surety, some oversight mechanism should be created to guarantee fair and equitable access. The SSC has its own interests to consider and cannot be trusted in a blanket fashion to whom it might book this venue.

#### **ALTERNATIVES**

Where in the analyses and supporting docs posted by the CDP is there a discussion of alternatives as environmental law and CEQA give specific guidance about?

(1) **No Project Alternative:** What if SSC made no alterations to the site?

(2) **Rehab of Existing Site:** Why can't the SSC simply renovate/upgrade the existing facilities and parking lot, reconfigure the site at present grade to avoid massive geomorphic alterations? This would leave the existing slope and crest undisturbed, require few if any monolithic retaining walls, jeopardize little if any of the surrounding habitat. It also seems to be within the SSC professed budget capabilities.

Pursuant to Section 15370 of the CEQA Guidelines, mitigation includes:

"(a) Avoiding the impact altogether by not taking a certain action or parts of an action.

"(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

"(c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment."

#### **STAGING PLAN**

It is unclear as to how the SSC intends to continue operating a full capacity and yet stage construction materials, heavy equipment, and workers/vendors vehicles. As a builder, I can personally attest to the inherent difficulties of the traffic circulation aspects as well---None of these potential are fully addressed.

The contrivance of proposing off-site parking and commuter mechanisms at Dana Strands is ridiculous. Yes, SSC attendees already impatiently refuse to avail themselves of onsite



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parking, preferring to park dangerously along CVP and walk to the facility so they might enter and leave more expeditiously. That is a choice that involves little waiting time and very little truncated effort. These people are not going to bus from Dana Strands---They'll park up in the adjacent neighborhood first.

Increased usage (hence vehicular visits) will occur dramatically as the site goes through the numerous phases, and the increased stress on the artery feeding the site (Crown Valley Parkway---CVP) seems a no-brainer. The signal will change more often, requiring CVP traffic to slow down and thus become mildly gridlocked. In the case of Monarch Bay Villas, access and egress could become significantly impaired, yet no mention of that is made.

**Parking in the adjacent neighborhood must be forbidden to avoid this conundrum. Perhaps a permanent "RESIDENTS ONLY" parking permit program with stickers needs to be implemented to guarantee SSC visitors do not pursue over-loading of the residential frontage spaces available across CVP.**

Did anyone either at the CDP or the analyst interview the OC Sheriff's Department in great detail, explain the proposed parking/traffic complications, procure a written estimation of potential glitches? Surely non-biased traffic officers familiar with the existing line of sight restraints, the aggressive use of CVP parking spaces by the SSC attendees, the potential traffic pattern alterations due to increased, frequent signal changes and other dynamics particular to this area should have been consulted and made public (NOT through ex-parte communications).

The CDP and SSC studies, the conclusions of same are open to mischief hence suspect, what's needed is independent 3<sup>rd</sup> party expertise and input.

### **Section VIII: Hydrology and Water Quality**

This section contains the most egregious example of Pollyanna speculation and absurd conclusions in the MND.

This site cannot fulfill the prescriptions of the present NPDES Permit, let alone future ones. How can anyone believe that a site which admittedly increases impervious surfaces by 37% yet refuses to upgrade downstream capacities proportionately possibly comply?





(cont.)

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This site will violate the present NPDES, it will increase the pollutant loading and sediment transport to an already federally listed 303 (d) Impaired Waterbody.

The Salt Creek pollutant-reduction treatment plant near the termination and Point of Discharge (POD) for Salt Creek is fragile, prone to going offline constantly if overwhelmed with Totally and Partially Dissolved Solids---Constituents commonly transported by runoff. It will be adversely affected by loading which will originate from this site, will occur for lengthy periods subsequent to rainy events.

The Water Quality Management Plan (WQMP) is filled with off-the-shelf, boilerplate elements and propositions. It is so vague, perhaps intentionally so as to be practically worthless. A project this complex should have necessitated a more detailed supporting report. Truly a minimalist, cheap-fast-and-out-of-control approach. This section epitomizes my IOU contentions. Lacking in specificity, it is completely unclear as to how water quality compliance will be achieved.

The CDP Planning Department (Erica Demkowicz) claims that Phase 1 will require compliance with the existing Cal/EPA R9-2002-0020 NPDES for South Orange County, that subsequent Phases 2---??? will be required to comply with subsequent NPDES permits. This will require a series of WQMP as each phase will require modification and/or amending, perhaps each requiring subsequent Cal/EPA hearings.

Once again, the public will be required to travel vast distances (inland San Diego), be required to procure on its own expensive investigative analyses from independent disinterested 3<sup>rd</sup> party consultants. CDP residents cannot trust their own City as it has failed them already via allowing the MND to get this far.

In October of this year, Cal/EPA (San Diego Regional Water Quality Control Board-SDRWQCB) is scheduled to ratify R9-2009-0002. The NPDES process is really an ongoing, evolving series of permits, each a gradual ratcheting down of greater restrictions intended to reverse PRIOR water quality impairment due to decades of degradation.

The existing drainage infrastructure on the slope below (v-ditches, detention basins, etc.) is already of insubstantial configuration and capacity. It's size and pollution-reduction capability is not only minimal, but antiquated and below even R9-2002-0020 standards or requirements. How it could possibly EVER achieve future compliance if not increased substantially to



(cont.)

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today's standards boggles the mind.

**This is just one of the reasons why the parking structure, attendant pollutant and flow control/reduction/detention systems must be installed first.**

The Dynamic Separator mentioned is a type of continuous deflection system that only removes coarse debris and only functions well during peak rainy events. It is NOT, per se, a Low Impact Development water-borne pollution reduction or elimination system. During low flow, nuisance water (runoff) conditions the holding wells of these systems acquire pooled water, become vectors for pests like rats and mosquitos (West Nile).

This project should require a mini-treatment UV and RO system that filters, removes and reduces California Toxic Rule and Prop 65 substances, not to mention AB 411 bacteria, viruses and hydrocarbon detritus.

It should include hydrocarbon filters at ALL major storm drain intakes. This would reflect REAL mitigations:

**Pursuant to Section 15370 of the CEQA Guidelines, mitigation includes:**

**"(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.**

**"(e) Compensating for the impact by replacing or providing substitute resources or environments."**

I see absolutely no way that the SSC or the CDP can guarantee CWA or Porter-Cologne Water Quality Act compliance even if these recommendations were ratified. This is due to the enormity of the project's size, its increased impervious surfaces, its proximity to Salt Creek and the under-valued drainage system provided by the CDP.

I also need to include that I cannot find any assurance that slope erosion and adverse impacts to USFWS eco-restoration will not take place. Claiming the breeding gnatcatchers can take high decibel levels of constant noise during construction would be hysterically funny in other circumstances.

There are so many things wrong, so little right about this project that time and space don't allow proper consideration. Robert & Deanna Saint-Aubin's submission contains many of my mutual concerns so I need not be redundant but concur 1,000%.



(cont.)

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### CONCLUSION

The amount of weight to be placed upon the parking area raises serious issues unexplored by the CDP and/or the MND.

I estimate that the SSC will need to detain over 100,000 gallons of water, which weighs nearly 1,000,000 pounds. Added to that are the concrete and steel necessary to contain it---Add a million or more pounds. Placing the cistern in a subterranean area nearly impossible to view, difficult to monitor or access for efficient, water quality-compliant subsequent operation and maintenance.

Now add that weight to the incredible weight of the dual level structure itself coupled with the new buildings.

Now add in the factor of "*liquefaction*" due to the known soil moisture content in the area. A relatively minor seismic event could amplify the potential for destruction. The homeowners below the site will live under the Sword of Damocles as long as they reside in proximity.

I would challenge anyone to guarantee that this slope won't fail, and that when it does so I contend that will occur at an oblique angle to CVP, not perpendicular towards the base of the slope at Salt Creek. This would bury the residences on Pompeii in Monarch Bay Villas and continue on a vector towards Coast Highway.

Monolithic structures provoke monumentally catastrophic events. It is quite conceivable that adjacent slopes and supporting concrete devices throughout the area will be impacted. CVP may become impassable or impaired, neighborhood utilities affected.

Why is the upper 20-30 feet of a slope cut off and rebuilt only to create a potential "pancake," that is to collapse, to flatten and expand in an unpredictable avalanche type fashion?

This project poses dangerous negative consequences that have not be addressed thoroughly due to the "de minimis" MND drafted.

The SSC needs to go back to the drawing board and rethink its project, to understand that the MND is inadequate, insufficient.

The CDP needs to make up its mind: Will it protect the existing rights and lives of the neighborhood or allow a corporate venture to potentially create a calamity that will drag on endlessly through subsequent judicial proceedings?

That will eat up unpredictable amounts of staff time, City



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(cont.)

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Attorney time, DPCC time, everyone's time and irk the taxpayers and voters of the CDP?

How can SSC comply, and the CDP guarantee compliance with future WQMPs (plural) years away that haven't even been created?

The SSC needs to re-evaluate its spiritual path as well, the ramifications and consequences of risky business in a known geologically active zone, take its own Bible as guidance:

"Do unto others as you would have them do to you". Luke 6:31

Respectfully submitted,

*Roger von Bütow*

Roger von Bütow Founder & Executive Director  
Home Office: (949) 715.1912 (Voicemail AFTER 6 rings)

Friends of the Aliso Creek Steelhead: [www.alisocreeksteelhead.org](http://www.alisocreeksteelhead.org)

A Proud Communities Affiliate for KEEP CALIFORNIA  
BEAUTIFUL: [www.keepcaliforniabeautiful.org](http://www.keepcaliforniabeautiful.org)

RECEIVED

MAR 22 2010

CITY OF BANGOR  
COMMUNITY DEVELOPMENT  
DEPARTMENT

Comments for  
the Notice of Intent  
to Prepare a  
Draft Environmental  
Impact Report  
South Shores (Baptist)  
Church Master Plan,  
SCH NO. 2009041129  
submitted by  
Robert and Deanna  
Saint-Aubin  
Monarch Beach 3/22/2010

ROBERT F. SAINT-AUBIN  
MEDIATOR – ARBITRATOR – ATTORNEY  
53 CASSIS MONARCH BEACH CA 92629  
949-466-2400 -- FAX 949-496-5075  
RFS@COASTMEDIATOR.COM

March 19, 2010

City of Dana Point  
Attention Saima Qureshy  
33282 Golden Lantern  
Dana Point, CA 92629-1805

Re: South Shores Church Proposed Master Plan

**Please request that the EIR Consultant, LSA, confirm by email to [rfs@coastmediator.com](mailto:rfs@coastmediator.com) and [deanna@saint-aubin.org](mailto:deanna@saint-aubin.org) that it received the original colored Scoping Session Comments highlighted in YELLOW, ORANGE AND RED and the accompanying CD.**

To LSA and the City of Dana Point:

This letter and the accompanying documents and disk comprise our analysis and comments for the Scoping Session as requested by the February 4, 2010, Notice of Preparation.

I am an attorney representing only my wife and myself. We reside 768 feet due east of the proposed project in a direct line of sight above and across the Salt Creek Basin. I am secretary of the Corniche Sur Mer Homeowner's Association and authorized to speak on their behalf.

While not the best solution, if the developer must have all the new square feet, there is a very simple solution that maintains the bluff, the view corridor, and the existing elevations: Move the parking garage, constructed at grade, to the northwest corner of the site and then build the four new buildings on top of the garage. Zero additional impact on Salt Creek.

We respectfully request that the proposed project be thoroughly reviewed and analyzed in light of all the Dana Point Plans and Planning documents, in light of *all* of the comments, including ours (contained on the CD), with respect to the previous MND, and in light of all of the comments, requests and observations herein.

We could have ended our analysis by stating that LSA should review the project in light of the Dana Point Plan Elements. We went further, reviewing each page and highlighting in yellow all relevant provisions. The provisions showing the most grievous errors and infractions by the developer we highlighted in orange. The highlighted pages are reproduced directly from the Dana Point Plans on the City website. We then added separate analytical comments as a guide to LSA's analysis of the project. We request that LSA treat each highlighted provision as a comment and evaluate the project in light of the Plans and our comments. In assembling the documentation, we removed Plan pages with no comments of relevance to this analysis.

The proposed project is too big for a steeply sloped, bluff top site. At the February 21, 1962, Orange County Planning Commission meeting, approval of the project was deferred pending resolution of plat discrepancies and pending resolution of dedication of part of the church parcel for Crown Valley. To obtain a conditional use permit for the site in 1970, the developer set a not-to-exceed occupancy or use of 125 people with parking for 45 cars.

The Dana Point Plan Elements build a vision of Dana Point based upon the importance of coast, bluffs, hills, ridges, natural land forms, scenic corridors and the environment. The vision is that of an integrated community. The developers, building upon variances and prior overexpansion, at the MND level cared naught for the Dana Point vision and their interaction with Monarch Beach.

The Dana Point Plans describe and define the entire city as a *coastal* community comprised of three regions, one of which is and historically was Monarch Beach, the land making up the Salt Creek Basin from Crown Valley to Niguel Road. The Land Use Element describes the Monarch Beach Resort Specific Plan as co-extensive with the Salt Creek Basin - from Crown Valley to Niguel Road -- even though we all recognize that the St. Regis property never touched Crown Valley. The General Plan reference incorporates the relevant aspects of the Specific Plan discussed in this presentation to all of the Salt Creek Basin. The St. Regis Plan, including an area 768 feet wide, extends across an open canyon from the church property due east to our residential property. Monarch Beach development, including this project, must as a matter of law be evaluated by its impact on the entire Salt Creek Basin.

The Dana Point Planning Elements and Specific Plans refer to bluffs both at the coast and along the drainages inland from the coast, but all part of a coastal city. The bluff that is to be built upon ascends from the area included in the Monarch Beach Specific Plan. The church's discredited, biased consultant, in the MND, and on the church's website, properly describes the church as an ocean view, bluff top facility. To expand their overuse of the site they are estopped from denying that it is on a bluff. It is also on a steep slope of 2:1. The slope has been unstable with catastrophic building slides on the adjoining property and more than 30 years of geologic, geophysical reports stating that

the slope is unstable. Developers, under the Plan Elements, are prohibited from building on steep slopes, on bluff tops and on land subject to landslides. The plans prohibit retaining walls for new construction on steep slopes, on 2:1 slopes, on bluffs and in areas subject to landslides. This project fails to meet the standard on all four conditions.

The unnecessary retaining wall will intrude into the ocean view from Camino del Avion, from the length of the Salt Creek Scenic Corridor and along the length of the Salt Creek Trail. The construction will interfere with the coastal sage scrub and endangered gnat catchers, while polluting Salt Creek, overloading the Salt Creek Treatment Plant and causing additional closures of Salt Creek Beach. At the March 4, 2010, Scoping Session two new troubling facts were revealed: the developers intend to create an excavation 100 feet deep, destroying the entire bluff; the developers also intend to abandon the project mid-stream for two extended periods – for 3 years from 2014 to 2017 and for 18 months from 2019 to 2021.

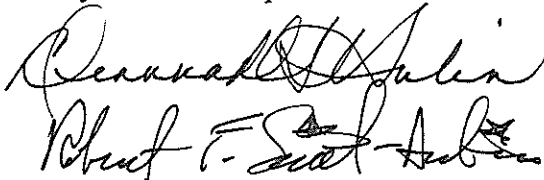
A field examination of views from Crown Valley Parkway shows no ocean view across the church site except between the sanctuary and the Monarch Bay Villas. The proposed Administration building to be built at this location will entirely block the only view of the ocean from Crown Valley.

The site was zoned residential until the church obtained a variance for a church and small school. The site remains zoned residential.

As recently as February 25, 2010, the City of Dana Point protested proposed action by the CUSD planning to construct a similar oversized facility in a residential neighborhood for failing to meet similar standards. The City is very concerned about a 55-foot building height on the school property. The church project will aggregate more than 55 feet of monolithic, unaesthetic structures rising above the Salt Creek Trail, including the bluff top building on the 25-30 foot high retaining wall.

Attached hereto and incorporated by reference are a detailed analysis and examination of some of the Dana Point Planning Documents. Please incorporate the comments into the items to which LSA responds on a line-by-line basis for each highlighted clause or point.

You may call us for questions or discussion.



DEANNA SAINT-AUBIN  
ROBERT SAINT-AUBIN  
Monarch Beach

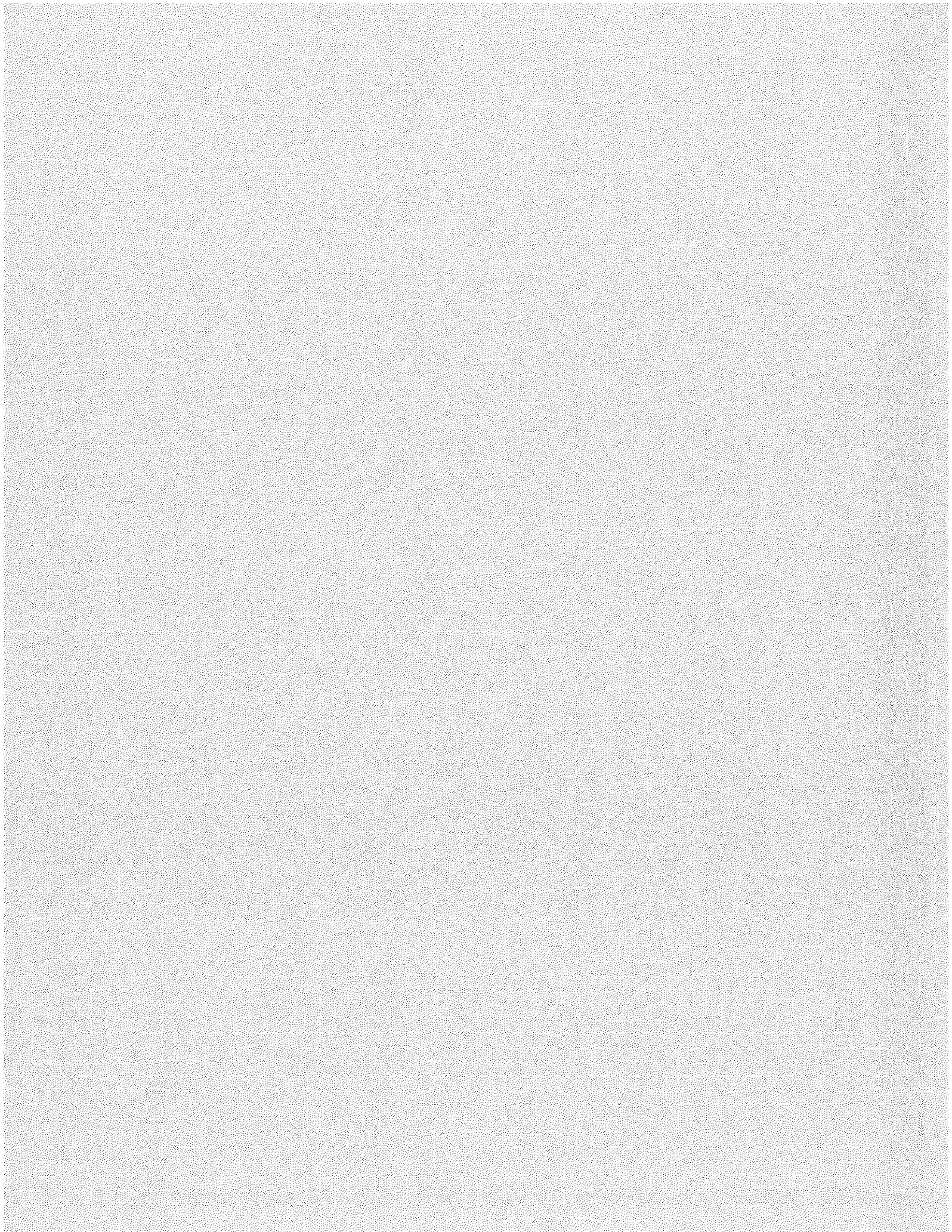


(949)496-5025 or  
(949)466-2400

f:\saintletter3.docx



View of the South Shores Baptist Church property from our home in Corniche Sur Mer, Ritz Pointe.



# CITY OF DANA POINT GENERAL PLAN

## COMMENTS

1. For planning purposes, the Salt Creek Scenic Corridor defines Dana Point. Also note that the entire city is deemed “coastal.” Protecting coastal assets and a coastal community requires detailed management of *all* upstream areas.
2. Natural physical form is integral to the place; by unnecessarily overbuilding a project too large for the site, the developer proposes to destroy the natural physical form and unified and unifying character of the Salt Creek Basin.
3. The proposed project destroys the unified value of the natural form of the Salt Creek Basin.
4. All of Dana Point contributes to the coastal values of Dana Point. The developers can not treat the proposed development as a stand alone project with no relation to its surroundings.
5. Preservation of Monarch Beach, the community centered on the Salt Creek Scenic corridor, is integral to the Dana Point Plan.
6. Monarch Beach provides one of the foundations for Dana Point’s integrated development.
7. Dana Point development must be focused on conservation of natural resources and preservation of open spaces. To overbuild this behemoth project on a tiny site, the developer improperly proposes cut and fill of natural bluff top topography to extend its project into and over the Salt Creek Scenic Corridor.
8. It’s all about preserving a coastal community. Let me make clear—we do not want the occupant removed from the bluff top site. We want their new (and old) facilities to be fully compliant with the law and for them to act as good neighbors. However, because the project is too big for the site, and unrealistic, there is no way at full size they can fit it on the site and be in compliance. Allowing them to proceed will destroy Monarch Beach. Illustrative of the attitude of the developer is that repeatedly they describe it as a K through 8<sup>th</sup> grade campus orally and in writing, but then assert it’s only a preschool. The EIR should address this discrepancy.

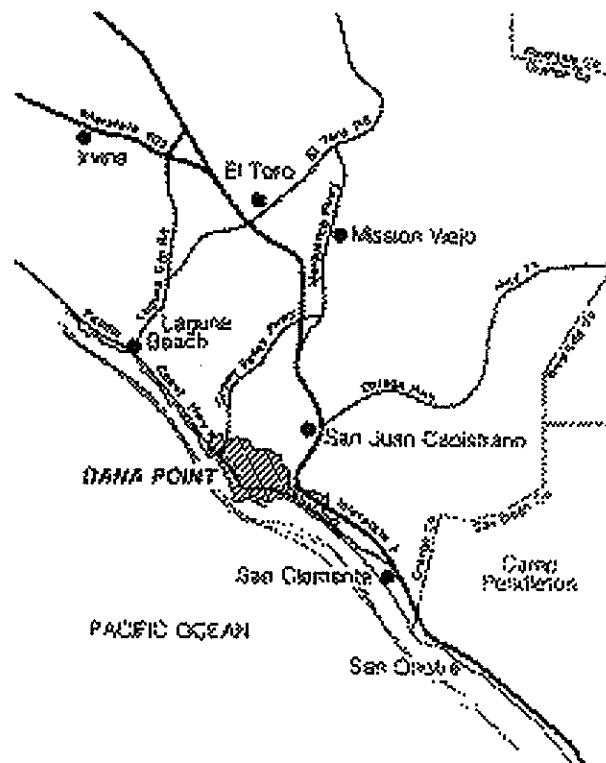
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## INTRODUCTION TO THE GENERAL PLAN

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Dana Point became an incorporated city on January 1, 1989. The City includes the original "Dana Point" named after Richard Henry Dana, and the surrounding coastal area, a total area of 6.5 square miles. The City lies in the southwest portion of Orange County and is part of the larger Southern California region, an area in which the population and economy have grown substantially over the past 40 years. Dana Point is a coastal city with a picturesque Pacific coastline extending almost seven miles from Laguna Beach on the north to San Clemente on the south. This interface between water and land is characterized by rugged coastal bluffs separated by two major freshwater drainages, San Juan Creek and Salt Creek, which empty into the Pacific Ocean. See comment 1

Development in the Dana Point area began in the early 1900's, but substantial development did not occur until the decades following World War II. Over time, that development created the three pre-incorporate communities of Dana Point, Capistrano Beach, and Monarch Beach. A 2,500-boat harbor with many water related facilities and a major State Park make the City a destination for many visitors.



## **THE FUTURE OF DANA POINT**

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The future of Dana Point, like that of all cities, will be the cumulative result of past and current decision making by those who have a local role in the development process, such as residents, property and business owners, elected officials and staff. In addition, Dana Point's future will be influenced by large-scale economic, social, and environmental events and trends. Participants who have a local role in the development process may have little control over large-scale forces, but can utilize the authority and resources they possess to create change in the physical development of the City over time, to create positive results are most likely to be achieved through concerted efforts to build upon those significant natural and man-made characteristics of the community which constitute fundamental strengths or opportunities commonly acknowledged by the local participants. These significant natural and man-made characteristics include Dana Point's natural physical form, its coastline as a unique area of interface between land and water, and the diversity of its man-made physical development.

See comment 2

### **Natural Physical Form**

The physical landform of Dana Point is characterized by nearly seven miles of Pacific Ocean coastline consisting of prominent coastal bluffs and rolling hills, separated by two major drainage basins, which flow into the ocean. Between these two basins is a unique apex of land, a promontory known as the "Headlands" which overlooks Dana Point Harbor, one of the most significant man-made alterations of the Orange County coastline. This consummate blend of the natural and man-made environment can be duplicated in very few places. The strong visual image created by this blend is a unifying element of physical form, easily recognized and remembered, having fundamental importance and value.

See comment 3

### **Coastline**

The coastline of Dana Point is an exceptional area where the interface between land and water can be experienced in different ways. With its combination of high coastal bluffs and coastal access where the San Juan and Salt Creek basins meet the ocean, both inhabitants and visitors to Dana Point have the opportunity to enjoy the coastline by viewing it from visual vantage points along the bluffs or further inland, or by utilizing community beaches and the

Harbor. Maintaining these different ways of experiencing the attractions offered by a beautiful coastline setting is fundamental in the establishment of an image of Dana Point's future.

See comment 4

### **Diversity of Development**

The pre-incorporation development of the Dana Point area as three communities – Dana Point, Capistrano Beach, and Monarch Beach – has created diversity in the physical development of the City. This has provided a certain eclectic quality characteristic of communities, which have developed over relatively long periods of time. The City's diversity is not simply a range of land use types, but is a rich collection of structures having different functions and exhibiting a variety of architectural styles and influences. This sense of diversity and variety is an important fundamental trait of present-day Dana Point, and is a source of interest and charm for inhabitants and visitors alike. See comment 5

### **Future of Dana Point**

These three significant natural and man-made characteristics provide a commonly acknowledged basis for future development, growth, and sense of place. Together, they act as a foundation for the continuation of Dana Point as a successful community in the future – desirable, attractive, and functional, for those who live, work, or visit there. See comment 6

## **PURPOSE OF THE GENERAL PLAN**

California State law requires each city and county to adopt a comprehensive, long-term general plan for its own physical development. In essence, a city's general plan serves as the blueprint for future growth and development. As a blueprint for the future, the plan must contain policies and programs designed to provide decision makers with a solid basis for land use related decisions.

The general plan must address many issues which are directly related to and influence land use decisions. In addition to land use, State law requires that the plan address circulation, housing, the conservation of natural resources, the preservation of open space, the noise environment and the protection of public safety (Section 65302 of the California Government Code). These issues are to be

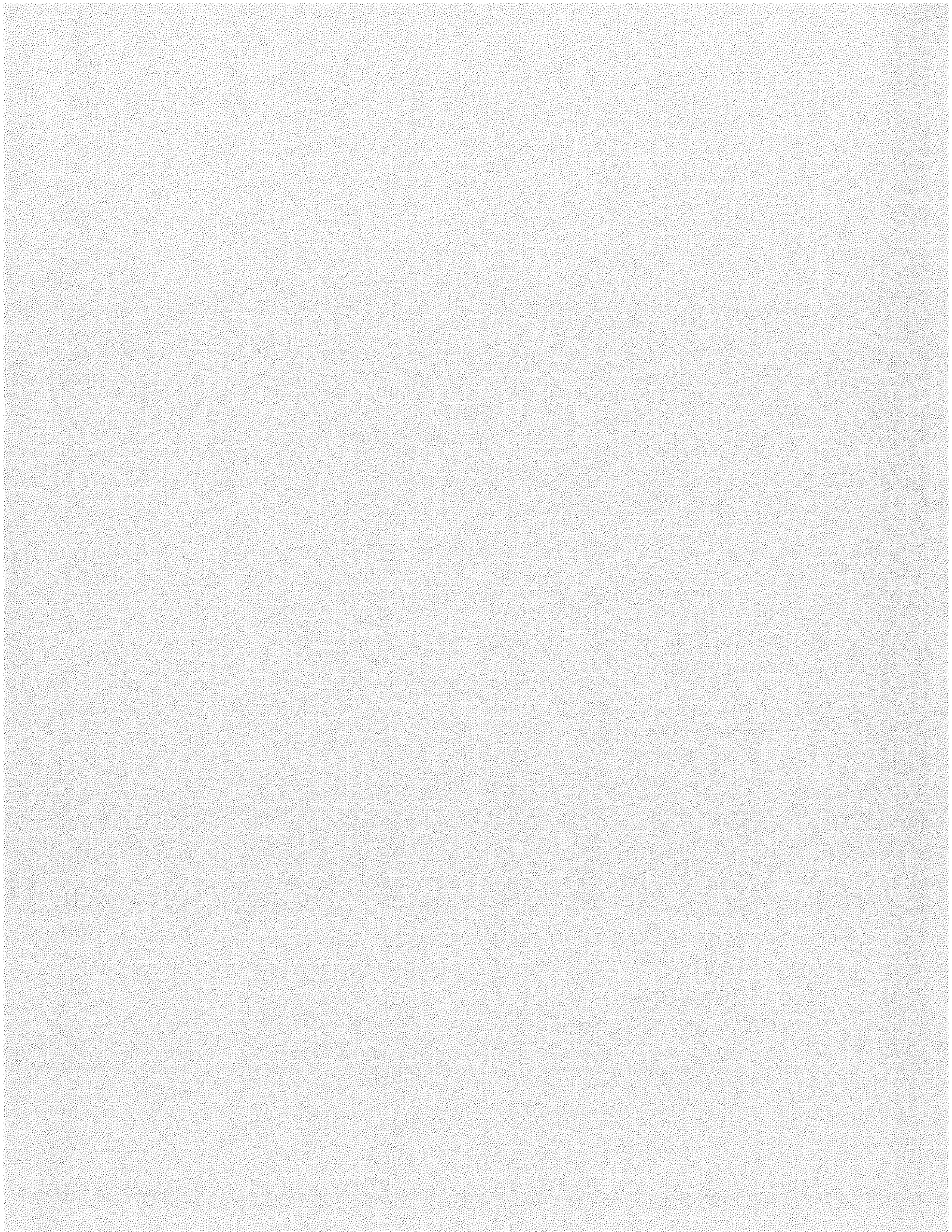
discussed to the extent that each applies to the particular jurisdiction. The general plan may also cover topics of special or unique interest to a city or county, such as urban design and economic development.  
See comment 7

Adopted in 1976, the purpose of the California Coastal Act is to generally protect the natural and scenic qualities of the California Coastal Zone. Approximately one-half of the City's land area lies within the California Coastal Zone and is therefore, subject to requirements of the California Coastal Act (Division 20 of the Public Resources Code commencing with Section 30000). To meet these requirements, the City must have a California Coastal Commission certified Local Coastal Program (LCP) consisting of its "(a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources area, other implementing actions, which, when taken together, meet the requirements of, and implement the provisions of policies of, this division at the local level." (Public Resources Code § 30108.6). Therefore, the portions of the City's General Plan, Zoning Ordinance, Zoning Map and other implementing actions effectively certified by the Coastal Commission will constitute its LCP for that portion of the Coastal Zone within its jurisdiction. California Coastal Commission certification of the City's LCP allows the City to assume responsibility for administering coastal development permits in those areas of its coastal zone that are not on submerged lands, tide lands, public trust lands, or state universities or colleges. As a component of the City's LCP, the portions of the General Plan effectively certified by the Coastal Commission includes required coastal resources planning and management policies which are in conformance with and intended to carry out the Chapter Three policies of the California Coastal Act of 1976. These coastal resources planning and management policies shall be applied in a manner which is most protective of coastal resources and public access. See comment 8

## **ORGANIZATION OF THE GENERAL PLAN**

The City of Dana Point General Plan contains goals, policies and programs which are intended to guide land use and development decisions into the twenty-first century. The Plan consists of a Land Use Policy Map and the following nine elements, or chapters, which together fulfill the state requirements for a general plan. The nine





# CITY OF DANA POINT CIRCULATION ELEMENT

## COMMENTS

1. The additional circulation for ten years of construction, including traffic patterns, worker vehicles, construction vehicles, deliveries, earth moving, hazardous waste removal, facility employees, facility services, parishioners and for students attending the new school facilities to be constructed, must be fairly evaluated. The existing activities on the site infringe on Dana Point circulation before the facilities are expanded to triple the current size.
2. The entire construction phase and use phase circulation needs to be examined.
3. At the previous Planning Commission hearing the developer testified that the concept for the project started with an analysis of parking needs. A review of the reports, records and anecdotal experience shows that the now fully built-out site has inadequate parking for its current level of use. They are going to increase both the build out and the level of use without completing proper traffic measurements and surveys. The facility interferes with existing traffic flows on Pacific Coast Highway and Crown Valley Parkway. Construction will adversely impact Camino del Avion and Niguel Road. Only after ten years of disruptive construction will the developers provide parking barely adequate for their current facilities.
4. The proposed facility is a perfect place to park for access to the shore and beach. Patrons of the existing facility currently park in the bicycle lanes on Crown Valley Parkway instead of in the facility's own parking lot, demonstrating that the existing facilities are too large for the site and unable to provide the mandated access parking.
5. The developers do not currently provide adequate off-street or on-street parking and have not in their proposed project plans provided for sufficient off-street parking during the ten-year construction phases or after build out. The developers currently plan to use 100 parking spaces at the Selva Road Strands Beach parking lot and bus the parishioners to the church on Sunday mornings during the construction. This is not a workable solution since the parking lot is used to capacity on weekends by beach goers. The buses will also add to the pollution and noise.
6. The developers have not provided for all of the additional traffic required for ten years of construction or use thereafter. Inevitably, the residents of Monarch Beach will be

subjected to increased truck fumes and noise on all of the major public arterials of Monarch Beach. Access to the site by hauling trucks will also endanger all the major roads in Monarch Beach.

7. Downsize the project to fit within the existing infrastructure.

## INTRODUCTION TO THE CIRCULATION ELEMENT

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The Circulation Element is one of seven mandated Elements of the General Plan and is intended to guide the development of the City's circulation system in a manner that is compatible with the Land Use Element. A well-planned circulation system is important, and the State of California has mandated the adoption of a citywide Circulation Element since 1955. The anticipated level and pattern of development by the year 2010, as identified in the Land Use Element, will increase capacity demands on the City's roadways. To help meet these demands and achieve balanced growth, the City has adopted specific goals and policies which serve as the basis for the Circulation Element. See comment 1

### PURPOSE OF THE CIRCULATION ELEMENT

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The purpose of the Circulation Element is to provide a safe, sensible, and efficient circulation system for the City. The current State mandate for a Circulation Element states that the General Plan shall include:

"...a Circulation Element consisting of the general location for proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the Land Use Element of the Plan."

To meet these objectives, the Circulation Element addresses the circulation improvements needed to relieve traffic congestion due to future land uses. It also addresses potential demand management strategies and mass transit services. Corresponding goals and policies have been adopted to ensure that all components of the circulation system will meet the needs of the City of Dana Point. See comment 2

The Element establishes a hierarchy of transportation routes with specific development standards described for each category of roadway. The "City of Dana Point, General Plan Traffic Analysis," prepared by Austin-Foust Associates, provides background information and acts as a supporting document for the Element.

tion of easements and/or rights-of-way along flood control channels, public utility rights-of-way, railroad rights-of-way, and street rights-of-way wherever possible for the use of bicycles and/or hiking trails.

**Policy 5.7:** Explore possible link-up of trails within the City to regional trail systems.

**Policy 5.8:** Improve the safety of pedestrians crossing Pacific Coast Highway. (Coastal Act/30252)

**Policy 5.9:** Support and coordinate the development and maintenance of bikeways and trails in conjunction with the master plans of the appropriate agencies.

**Policy 5.10:** Encourage safe biking by supporting the clinics sponsored by the County Sheriff's Department.

**Policy 5.11:** Consider the provision of unique non-motorized circulation methods for special events.

**Policy 5.12:** Provide for a non-vehicular circulation system that encourages mass-transit, bicycle transportation, pedestrian circulation. (Coastal Act/30252, 30253)

## **PARKING**

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Adequate and convenient parking facilities should be provided as a part of all development in the City. Where possible, and especially in commercial areas, parking should be consolidated or shared. Access and egress to parking areas should be carefully planned so as to facilitate the safe flow of traffic on major streets and to minimize conflicts with pedestrians. See comment 3

**GOAL 6: Provide for well-designed and convenient parking facilities.**

**Policy 6.1:** Consolidate parking, where appropriate, to reduce the number of ingress and egress points onto arterials.

**Policy 6.2:** Maintain public access to the coast by providing better transit and parking opportunities. (Coastal Act/30252)

See comment 4

**Policy 6.3:** Provide sufficient off-street parking. (Coastal Act/30250)  
See comment 5

**Policy 6.4:** Encourage the use of shared parking facilities, such as through parking districts or other mechanisms.

## TRUCK CIRCULATION

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The establishment of well-defined circulation routes for truck traffic will help to increase the efficiency of the street system and also address safety concerns. One of the major concerns of City residents is noise and safety from large vehicle traffic in or near residential areas. See comment 6

**GOAL 7: Provide for a truck circulation system that provides for the effective transport of commodities while minimizing the negative impacts throughout the City.**

**Policy 7.1:** Provide primary truck routes on selected arterial streets to minimize the impacts of truck traffic on residential areas.

**Policy 7.2:** Provide appropriately designed and maintained roadways for the primary truck routes. (Coastal Act/30254)

**Policy 7.3:** Develop berms, landscape screening or barriers along truck routes to minimize noise impacts on sensitive land uses.

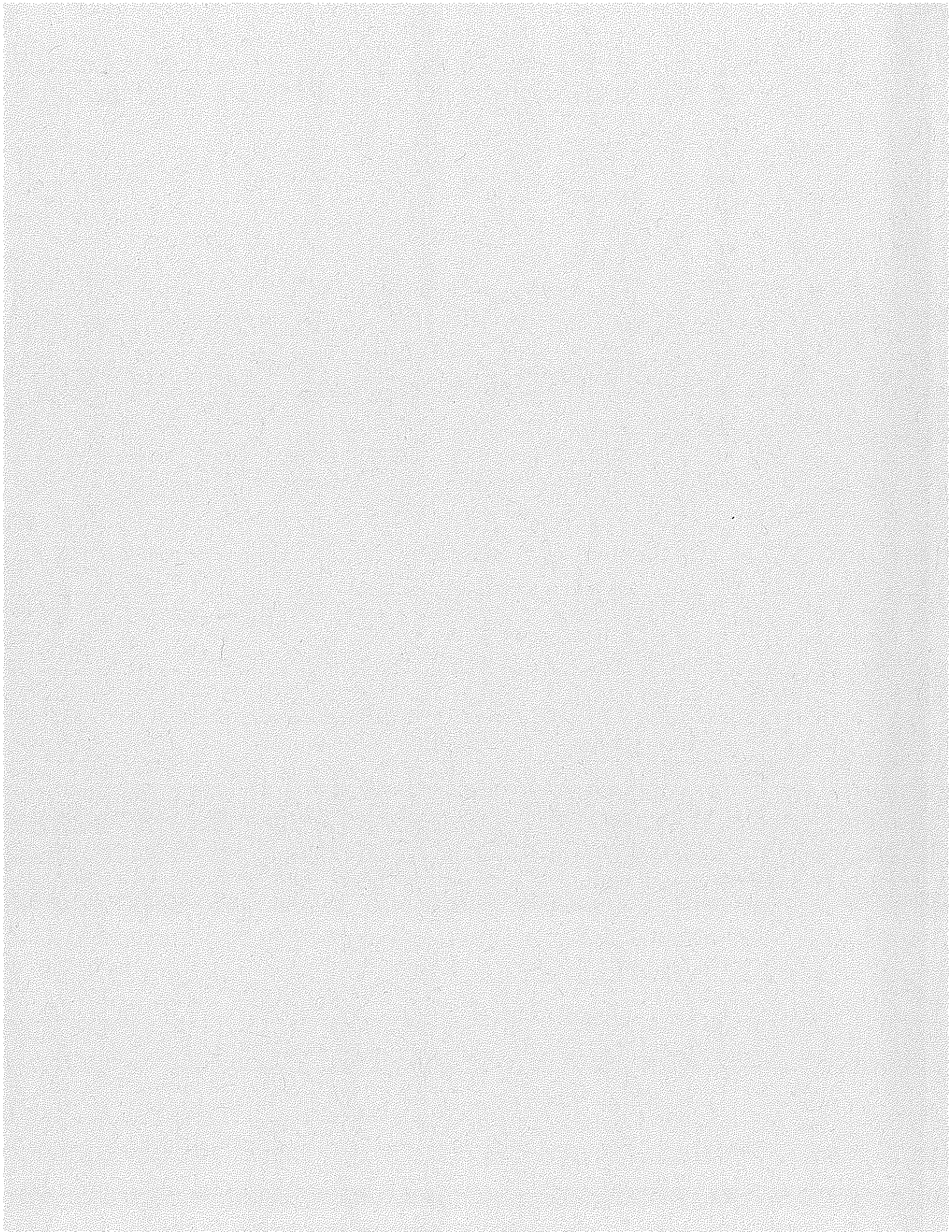
**Policy 7.4:** Provide loading areas and accessways that are designed and located so as to avoid conflicts with efficient traffic circulation.

**Policy 7.5:** Consider safety regulations addressing trucks hauling materials within the City. See comment 7

## HARBOR

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The Harbor is one of Dana Point's greatest assets. Through sound planning the City can ensure the continued adequacy of the Harbor for boating, fishing and other recreational activities.



# CITY OF DANA POINT CONSERVATION AND OPEN SPACE ELEMENT

## COMMENTS

1. Planning must provide for the preservation of open space. The project seriously degrades the open space of the Salt Creek Scenic Corridor through the heart of Monarch Beach by drastically changing the bluff topography.
2. The project will adversely impact water, drainage, endangered species, wildlife and golfers, all of which will be wastefully exploited, degraded and destroyed.
3. Seriatim, with each prior development activity, the developer has expanded its overbuilt agenda while ignoring the open space mandates. To fully understand the developer's path of overbuild and under comply contrary to the short-term and long-term interests of the community, LSA should examine all of the title, survey, planning and zoning documents applicable to the site in the records of Dana Point, Orange County, Laguna Niguel and Rancho Niguel which from the beginning reflect the developers' demand to build more and do less followed by reneging on their prior commitments – most significantly “not to exceed 125 parishioners at the site.”
4. Each of the following described “Related Plans and Programs” has important and relevant elements that must be considered in the EIR analysis. Most have been ignored by the developer. All have potentially significant impacts on the neighbors, community and the Salt Creek Basin.
5. As a community facility adjoining open space, the modifications to the project site must conform to the open space mandates.
6. The developer essentially considers the Salt Creek Trail to be nonexistent.
7. The developer fails to respect any of these criteria by ignoring everything to the east, and by cutting, backfilling, disturbing and destroying the bluff.
8. Rather than conserving sensitive lands and open spaces, by overbuilding on the site, the developer will destroy the sensitive bluff and slope while encroaching upon the open spaces of the Salt Creek Scenic Corridor.
9. Having failed to comply with any prior drainage requirements, the developer proposes



to increase the impervious cover and destroy the natural bluff's drainage patterns while making no alternative arrangements. This will result in increased and continuing destruction of the Salt Creek drainage basin, increased number of days the Salt Creek Water Treatment Plant is off-line, and consequently additional closures of Salt Creek Beach because of contamination.

10. The project's ten-year construction build-out and the resulting facilities will destroy existing drainage courses into Salt Creek, eliminating the natural hydrologic functioning while increasing polluted storm-water run-off.

11. The project, during construction and after completion, will seriously add to groundwater pollution throughout the Salt Creek Basin.

12. The project cavalierly ignores the mandate to preserve groundwater, streams, estuaries and the Pacific Ocean.

13. The project will damage riparian habitat, drainage courses and creeks, thereby destroying the sanctuary for the endangered California gnatcatcher.

14. This project does not meet any of the allowed exceptions.

15. Rather than minimizing the project's impact, the developer has chosen to overbuild, thereby maximizing the adverse effects of ill-conceived waste water discharges, storm water runoff, and interference with surface water flow, while destroying the bluff's mature vegetative buffer areas.

16. The Salt Creek watershed, the bluffs and inland hills are protected from insensitive development. The developer believes it can do whatever it wants with the site, ignoring everything to the east, including specifically the Salt Creek watershed, the bluffs and inland hills.

17. By constructing buildings to the east beyond existing foundation lines, the developer will destroy significant features, including watershed areas and soils, thereby polluting Salt Creek Beach.

18. The Salt Creek bluffs which the project will desecrate are ecologically sensitive and, as can be seen by the historical geophysical analyses and the current erosion and recent landslides, actually hazardous.

19. The project destroys the natural land form along the Salt Creek Scenic Corridor by

dumping more than 100,000 cubic yards of dirt (cumulatively deposited during several phases of construction) over the side of the bluff. The cut and fill constitute maximum grading and visual impact along the Salt Creek Scenic Corridor and to the east.

20. The recent rains demonstrate that the current project management is incapable of managing or controlling erosion, grading, vegetation or drainage.

21. The facility owner has failed to implement any soil management practices over decades of ownership.

22. For more than 40 years the current developers have failed to conduct proper geotechnical studies. The site is an inland bluff in a geologic area known for historic and recent landslides, the latest of which destroyed two multi-story apartment buildings adjacent to this project.

23. Of all the planning concepts, Policy 2.8 is the most relevant to the current analysis. The project must be sited within the existing building perimeters with no change of elevation and sited away from the ridge line and bluff with no removal and backfilling. The developers intend to backfill over the steep slope and build upon a known geologically unstable, steeply sloped scenic but unstable bluff. The 2:1 slope area comprising almost two acres of the original site must be excluded from usable area, not allowed to be cut, backfilled, and overbuilt.

24. The bluff, bluff top, slope and ridge line define the Salt Creek View Corridor and the heart of Monarch Beach, the trail and the golf course provide significant natural features that can and should be preserved. The development should and can be sited within the existing developed perimeter.

25. The developers propose, by cut and backfill, to extend their construction east from the bluff edge rather than back from it. During the 2010 rains, bluff slope erosion made the Salt Creek trail immediately below the site impassable. Historical geotechnical reports show severe potential damage from landslides for the site. The existence of geotechnical recommendations that have been ignored by the developer suggests that new contractors should be required to totally reevaluate the site under this policy.

26. The developers have not considered any aspect of this policy.

27. Without question, the slope is geologically sensitive with no geologic stability. The policy prohibits the proposed cut and backfill with enormous retaining walls (up to 30 feet) forever altering the natural land form along Salt Creek View Corridor, the golf

course, the Salt Creek Trail and the Salt Creek Regional Park.

28. The developers propose the construction of retaining walls to enable excess new construction on a site too small for the intended facilities and purpose. The proposal will significantly alter the natural character of the bluffs. A 30-foot retaining wall built midway down the slope with a 35+foot building on top of it cannot be visually ignored.

29. The developers ignore their impact on the existing endangered species sanctuary for the California black-tailed gnatcatcher.

30. The bluff contains significant old growth vegetation and trees buffering the Salt Creek View Corridor from the existing structures. The developers propose obliterating the trees to cut away 35 feet of the bluff top and backfill over the edge of the bluff.

31. The development does not provide any uses dependent on either the endangered species, the Salt Creek View Corridor or the trail and park.

32. Building within the existing foundation line at the existing elevations will prevent the proposed significant degradation. Instead the developers are expanding the site so they can overbuild.

33. For the length of the ten-year build out, the project will disburse excessive amounts of dirt, dust, contaminants and diesel exhaust fumes over the surrounding areas.

34. The construction vehicular traffic has not been adequately addressed, nor has the increased permanent traffic load on Crown Valley Parkway after the build out.

35. This project improperly extends the urban use into the Monarch Beach open space.

36. Without regard to this mandate, the project does not mitigate impacts on the steep slope adjoining the Salt Creek Scenic Corridor.

37. The developers fail to preserve and protect open space, cultural resources, and environmentally sensitive habitat.

38. With regard to this policy, the developers have done the opposite—positioned their facilities as far as possible from the level, stable ground beside Crown Valley and placed them atop the sensitive slope and bluff, which they intend to cut and backfill.

39. The developer should preserve the sensitive bluff.

40. The developers ignore the historical use of the site by the Juaneno Indians. The ranch buildings are also of historic interest.
41. Again, Salt Creek and its bluffs are designated as open spaces to be preserved.
42. The developers flagrantly violate this mandate. Examine the more than 30 years of site specific geologic/soils studies which actually recommended against the prior expansion projects. The site will not support the massive destructive excavation and backfilling, a fact the developers have known and ignored for forty years.
43. The proposed development site was an historic gathering place for the Juaneno Native Americans.
44. The developer as a “community facility” has an obligation to comply with the open space mandates. The developer intends to use the facility for semi-commercial activities well beyond the described wide range of public and private activities.
45. This trail extends right through the Salt Creek Scenic Corridor.
46. The golf course is at the center of the Salt Creek Scenic Corridor.
47. The developers have ignored the Salt Creek Scenic Corridor, desecrating the scenic resources.

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## INTRODUCTION TO THE CONSERVATION AND OPEN SPACE ELEMENT

The Conservation and Open Space Element addresses the preservation and use of the City's important natural resources and open space areas. The goals and policies in this Element build upon those in the other elements of the General Plan, especially the Land Use Element and Urban Design Element. The City's Master Environmental Assessment and the Conservation and Open Space Technical Report provide necessary background information and are supporting documents for this Element.

The Conservation and Open Space Element also addresses the City's park system. However, detailed planning and operation of parks and recreation facilities is the responsibility of the Capistrano Bay Park and Recreation District. The City has both public and private parks and facilities at the community and neighborhood level. Opportunities exist to expand and enhance the recreational components of the City. As a regional center for tourist activities, the City also has a strong interest in providing open space, cultural, and recreational opportunities for visitors to the area. By providing expanded open space, cultural, and recreational opportunities, the City will balance the long term economic viability of the visitor serving segment of its economy with the livability of the City for its residents. See comment 1

## PURPOSE OF THE CONSERVATION AND OPEN SPACE ELEMENT

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This Element meets State requirements concerning the Conservation and Open Space Elements as defined in Sections 65302d and 65302e of the Government Code. According to these requirements, the Conservation Element must contain goals and policies that further the protection and maintenance of the State's natural resources such as water, soils, wildlife, minerals, and other natural resources, and prevents their wasteful exploitation, degradation, and destruction. See comment 2

The Open Space Element must contain goals and policies concerned with managing all open space areas, including undeveloped lands and outdoor recreation areas. Specifically, the Open Space Element includes open space that is used for the preservation of natural resources, for the managed production

of resources, for outdoor recreation, and that which is left undeveloped for public health and safety reasons. See comment 3

## **RELATED PLANS AND PROGRAMS** See comment 4

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There are a number of existing plans and programs which are directly applicable to the aims and objectives of this Element. These plans and programs were enacted through Federal, State, and local legislation and are administered by agencies or special districts that have been delegated with powers to enforce Federal, State and local laws. Federal laws that are concerned with the protection of significant cultural and natural resources include the Endangered Species Act of 1973 (as amended in 1978), the Antiquities Act and the National Historic Preservation Act of 1966 and the National Environmental Protection Act (NEPA).

### **California Environmental Quality Act Law and Guidelines**

The California Environmental Quality Act (CEQA) was adopted by the State legislature in response to a public mandate that called for a thorough environmental analysis of those projects that might adversely affect the environment. The provisions of the law, review procedure, and any subsequent analysis are described in the CEQA Law and Guidelines as amended in 1986. CEQA will continue to be instrumental in ensuring that the impacts of all potentially significant projects are assessed by City officials (both appointed and elected) and the general public.

### **California Fish and Game Regulations**

The California Fish and Game Code was adopted by the State legislature to protect the fish and wildlife resources of the State. Special permits are required for any lake or stream alterations, dredging or other activities that may affect fish and game habitat.

### **California Coastal Act**

The 1976 California Coastal Act is intended to protect the natural and scenic qualities of the California coast. The City's General Plan, Zoning Ordinance and other implementing action will comprise the City's Local Coastal Program. The goals and

policies of the Conservation/Open Space Plan implement many of the objectives and requirements of the California Coastal Act.

### **City of Dana Point Land Use Element**

The City's Land Use Element contains two land use designations that encompass open space land uses: Recreation/Open Space and Community Facility. The Recreation/Open Space land use designation encompasses most of the open space that exists in the City including active and passive parkland and natural open space. Distinctions between the active recreation/open spaces and the passive recreation/open areas including natural open space areas will be made in the Zoning Ordinance and the Zoning Map in implementing the General Plan. The Community Facility land use designation contains more intensive recreational and/or cultural facilities such as community or cultural facilities, museums, and art galleries.

See comment 5

Plans and programs that have contributed to the planning in Dana Point related to conservation and open space include the following documents:

### **The Master Plan of Parks and Recreation**

This Plan was completed in 1990 by the Capistrano Bay Park and Recreation District and is the official Master Plan of the District. The parks and recreation facilities in Dana Point are operated and maintained by the District. An update to the Master Plan will be completed in 1991. This Plan, when completed, will describe the master plan of public parkland for the City including specific locations, standards, and design guidelines. The Plan should be consistent with the goals and policies contained in this Conservation and Open Space Element relating to the provision of parkland.

### **County of Orange Master Plan of Local Parks**

The County's Master Parks Plan provides goals, objectives and policies and provides implementation programs for a comprehensive county-wide park plan. In conjunction with the County's Local Park Code, specific criteria are intended to provide an adequate supply of usable county parkland. This Plan provides a regional park planning context for the Dana Point Conservation/Open Space Element.

### **County of Orange Master Plan of Regional Riding and Hiking Trails**

The County's trails plan provides policies and programs to implement the future development and operation of the County-wide trails system. The Plan includes an inventory of existing and proposed trails and standards and criteria for new trails. The City has incorporated the County's trails criteria into the Conservation and Open Space Element. See comment 6

### **County of Orange Recreation Element**

The Recreation Element of the County of Orange General Plan provides an inventory of existing and proposed parks and open space and includes the Master Plan of Local Parks and Trails component.

### **County of Orange Resources Element**

The County's Resources Element includes an inventory of the County-wide resources such as agricultural, mineral, and wildlife resources, energy, water, air, open space, and cultural-historic resources. The element also includes goals, policies and programs for the development, management, preservation, and conservation of the county's resources. This Element provides sources of regional information affecting the Dana Point area.

### **County of Orange Master Plan of Regional Recreation Facilities**

The Orange County Harbors, Beaches and Parks Department (HBPD) develops and manages six coastal recreational facilities in the City. The Master Plan of Regional Recreation Facilities component of the Orange County Recreation Element establishes policies for developing and maintaining these facilities.

### **State Park Recreation Plan**

The State of California Parks and Recreation Department oversees the plan for Doheny Beach State Park which extends from Del Obispo Street southeast to Capistrano Beach County Park. The plan includes recreational facilities and allowances for overnight camping with tents and trailers.



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## CONSERVATION AND OPEN SPACE GOALS AND POLICIES

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A substantial portion of the City's natural open space and biological habitat has been replaced with urban development. However, there are significant portions of the community that remain in a natural state. These areas include the Headlands, portions of Monarch Beach, and the Salt Creek and San Juan Creek Basins. Although portions of these areas are planned to be developed in the future, the conservation of open space and the natural landforms can help to preserve the character of the area. The future development of the areas should respect these natural features of the community. See comment 7

The goals and supporting policies included in this Element address specific issues and opportunities to conserve the City's remaining sensitive lands and to enhance the open space within the City. See comment 8

## CONSERVATION AND PROTECTION OF WATER RESOURCES

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Although the City of Dana Point has a high percentage of land that has been developed, areas for future revitalization may have a significant effect on the water resources of the community. Therefore, it is essential to protect the existing drainage courses in as natural condition as possible. The depletion or pollution of groundwater resources is a concern. Water conservation measures should be adopted by the City to effectively reclaim water and encourage water conservation throughout the development process. See comment 9

**GOAL 1: Conserve and protect surface water, groundwater and imported water resources.**

**Policy 1.1:** Retain, protect and enhance local drainage courses, channels, and creeks in their natural condition, where feasible and desirable, in order to maximize their natural hydrologic functioning so as to minimize adverse impacts from polluted storm water run-off. (Coastal Act/30231) See comment 10

**Policy 1.2:** Protect groundwater resources from depletion and

sources of pollution. See comment 11

**Policy 1.3:** Conserve imported water by providing water conservation techniques, and using reclaimed water, water conserving appliances, and drought-resistant landscaping when feasible.

**Policy 1.4:** Protect water quality by seeking strict quality standards and enforcement with regard to water imported into the County, and the preservation of the quality of water in the groundwater basin, streams, estuaries, and the ocean. (Coastal Act/30231) See comment 12

**Policy 1.5:** Retain, maintain, protect, and enhance existing riparian habitat adjacent to drainage courses, channels, and creeks through methods such as, but not limited to, the establishment of buffer areas adjacent to such habitats. (Coastal Act/30231) See comment 13

**Policy 1.6:** Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible to mitigate the loss of any riparian habitat and any downstream impacts, and shall be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the floodplain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat. (Coastal Act/30236) See comment 14

**Policy 1.7:** Maintain and, where feasible, restore the biological productivity and the quality of coastal waters, creeks, and groundwater, appropriate to maintain optimum populations of marine organisms and to protect human health. Measures including, but not limited to, minimizing the adverse effects of waste water discharges, controlling runoff, preventing the depletion of ground water supplies, preventing substantial interference with surface water flow, maintaining vegetation buffer areas protecting riparian habitats, minimizing alteration of natural streams, and street sweeping, shall be encouraged. (Coastal Act/30231) See comment 15

**Policy 1.8:** Coordinate with the appropriate Regional Water Quality Control Board, the County of Orange and other agencies and organizations in the implementation of the

National Pollution Discharge Elimination System Permits (NPDES) regulations to minimize adverse impacts on the quality of coastal waters. (Coastal Act/30231)

## **CONSERVATION OF SIGNIFICANT NATURAL FEATURES**

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The natural features in the Dana Point area have helped to create the desirable character of the area. Topographical features such as the Headlands, Salt Creek and the San Juan Creek watershed, the bluffs, the inland hills, and the beachfront should be protected from insensitive development. Public views should be conserved and the natural vegetation retained as much as possible. The beach areas and bluff area have potential for excessive erosion if not protected. See comment 16

**GOAL 2: Conserve significant topographical features, important watershed areas, resources, soils and beaches.** See comment 17

**Policy 2.1:** Place restrictions on the development of floodplain areas, beaches, sea cliffs, ecologically sensitive areas and potentially hazardous areas. (Coastal Act/30235, 30236, 30240, 30253) See comment 18

**Policy 2.2:** Site and architectural design shall respond to the natural landform whenever possible to minimize grading and visual impact. (Coastal Act/30250) See comment 19

**Policy 2.3:** Control erosion during and following construction through proper grading techniques, vegetation replanting, and the installation of proper drainage, and erosion control improvements. (Coastal Act/30243) See comment 20

**Policy 2.4:** Require the practice of proper soil management techniques to reduce erosion, sedimentation, and other soil-related problems. (Coastal Act/30243) See comment 21

**Policy 2.5:** Lessen beach erosion by minimizing any natural changes or man-caused activities which would reduce the replenishment of sand to the beaches. (Coastal Act/30235)

**Policy 2.6:** Encourage public acquisition of significant land resources for open space when funds or opportunities are available. (Coastal Act/30240)

**Policy 2.7:** Require geotechnical studies for developments that are proposed for steep slopes (4:1 or steeper), on or adjacent to coastal or inland bluffs, and where geological instability may be suspected. (Coastal Act/30253) See comment 22

**Policy 2.8:** Minimize risks to life and property, and preserve the natural environment, by siting and clustering new development away from areas which have physical constraints associated with steep topography and unstable slopes; and where such areas are designated as Recreation/Open Space or include bluffs, beaches, or wetlands, exclude such areas from the calculation of net acreage available for determining development intensity or density potential. (Coastal Act/30233, 30253) See comment 23

**Policy 2.9:** Preserve significant natural features as part of new development. Permitted development shall be sited and designed to minimize the alteration of natural landforms. Improvements adjacent to beaches shall protect existing natural features and be carefully integrated with landforms. (Coastal Act/30240, 30250, 30251) See comment 24

**Policy 2.10:** Adopt setback standards which include, at a minimum, a 25 foot setback from the bluff edge or which take into consideration fifty years of bluff erosion, whichever is most restrictive for a particular blufftop site. When necessary, require additional setbacks of buildings and site improvements from bluff faces which will maximize public and structural safety, consistent with detailed site-specific geotechnical report recommendations. (Coastal Act/30253) See comment 25

**Policy 2.11:** Preserve Dana Point's bluffs as a natural and scenic resource and avoid risk to life and property through responsible and sensitive bluff top development, including, but not limited to, the provision of drainage which directs runoff away from the bluff edge and towards the street, where feasible, and restricting irrigation and use of water-intensive landscaping within the setback area to prevent bluff erosion. (Coastal Act/30251, 30253) See comment 26

**Policy 2.12:** New bluff top development shall minimize risks to life and property in geologically sensitive areas and be designed and located so as to ensure geological stability and structural integrity. Such development shall have no

detrimental affect, either on-site or off-site, on erosion or geologic stability, and shall be designed so as not to require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs. (Coastal Act/30253) See comment 27

**Policy 2.13:** Bluff repair and erosion control measures such as retaining walls and other similar devices shall be limited to those necessary to protect existing structures in danger from erosion to minimize risks to life and property and shall avoid causing significant alteration to the natural character of the bluffs. (Coastal Act/30251, 30253) See comment 28

**Policy 2.14:** Shoreline or ocean protective devices such as revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply and minimize adverse impacts on public use of sandy beach areas. (Coastal Act/30210-12, 30235)

**Policy 2.15:** Assure that public safety is provided for in all new seaward construction or seaward additions to existing beachfront single family structures in a manner that does not interfere, to the maximum extent feasible, with public access along the beach. (Coastal Act/30210-212, 30214, 30253)

**Policy 2.16:** Identify flood hazard areas and provide appropriate land use regulations, such as but not limited to the requirement that new development shall have the lowest floor, including basement, elevated to or above the base flood elevation, for areas subject to flooding in order to minimize risks to life and property. (Coastal Act/30235, 30253)

**Policy 2.17:** Establish building code, setback, site design and landscaping requirements that assure adequate fire protection to minimize risks to life and property. (Coastal Act/30253)

**Policy 2.18:** Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for such purposes to appropriate beaches or into suitable long shore

current systems. (Coastal Act/30233)

**Policy 2.19:** Whenever feasible, the material removed from erosion control and flood control facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of the Local Coastal Program, and where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for such purposes are the method of placement, time of year of placement, and sensitivity of the placement area. (Coastal Act/30233)

**CONSERVATION OF BIOLOGICAL RESOURCES**    See comment 29

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The existing development and urbanization of Dana Point has nearly eliminated sizable expanses of undisturbed native vegetation. The remaining vegetation includes small isolated pockets of chaparral and coastal sage scrub. The shoreline areas from north of Dana Point Harbor and extending along Doheny State Beach provide a habitat for a wide variety of marine animals and plants. These areas have been designated by the State of California as Marine Life Refuges. Although there are limited quantities of undisturbed vegetation several sensitive species have been observed with the City including the California Black Tailed Gnatcatcher, the Monarch Butterfly, and the Turkish Ruggish (plant).

**GOAL 3: Conserve significant natural plant and animal communities.**

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

permitting process. (Coastal Act/30230, 30240)

**Policy 3.2:** Require development proposals in areas expected to contain important plant and animal communities and environmentally sensitive habitat areas, such as but not limited to marine refuge areas, riparian areas, wildlife movement corridors, wetlands, and significant tree stands, to include biological assessments and identify affected habitats. (Coastal Act/30230, 30240)

**Policy 3.3:** Encourage retention of natural vegetation and require revegetation of graded areas. See comment 30

**Policy 3.4:** Ensure urban use of open space lands that have conservation or open space easements is limited to only those uses expressly allowed by the easements. Document those easements to increase knowledge of their existence. (Coastal Act/30240)

**Policy 3.5:** Ensure that public access to the shore of the marine life refuge is not detrimental to the resources of the refuge. (Coastal Act/30230)

**Policy 3.6:** The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall only be permitted in accordance with Section 30233 of the Coastal Act. (Coastal Act/30233)

**Policy 3.7:** Environmentally sensitive habitat areas (ESHA) shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (Coastal Act/30240) See comment 31

**Policy 3.8:** Development in areas adjacent to parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas through, among other methods, creative site planning and minimizing visual impacts, and shall be compatible with the continuance of those parks and recreation areas. (Coastal Act 30240) See comment 32

**Policy 3.9:** Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes. (Coastal Act

## **REDUCTION OF AIR POLLUTION**    See comment 33

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Air Pollution is a major problem in the rapidly growing areas of Orange County. Regional efforts to control air pollution should be supported by the City. Through effective land use and circulation planning, air pollution can be reduced. The City can also reduce vehicular travel by encouraging alternative modes of circulation by providing pedestrian, bicycle and transit routes serving the entire City.

**GOAL 5: Reduce air pollution through land use, transportation and energy use planning.**

**Policy 5.1:** Design safe and efficient vehicular access to streets to ensure efficient vehicular ingress and egress. (Coastal Act/30252) See comment 34

**Policy 5.2:** Locate multiple family developments close to commercial areas to encourage pedestrian rather than vehicular travel.

**Policy 5.3:** Encourage neighborhood parks close to concentrations of residents to encourage pedestrian travel to public recreation facilities.

**Policy 5.4:** Provide commercial areas that are conducive to pedestrian and bicycle circulation.

**Policy 5.5:** Actively participate in regional discussions regarding new regional airport facilities and analyze and evaluate potential impacts on the City.

**Policy 5.6:** Encourage bicycle/trail systems to reduce air pollution.

**Policy 5.7:** Consider the development of shuttle systems, train or transit facilities, to help reduce vehicular trips and air pollution.

## **PRESERVATION OF NATURAL RESOURCES AS OPEN SPACE AREAS**

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The City of Dana Point recognizes the importance of conserving natural resources by preserving open space throughout the



community. The City will encourage sensitive planning of its remaining open space lands to provide an appropriate transition between urban uses and open space. By designating open space in key locations significant views and public access to the ocean and harbor can be provided. See comment 35

**GOAL 6: Encourage open space areas to preserve natural resources.**

**Policy 6.1:** Mitigate the impacts of development on sensitive lands such as, but not limited to, steep slopes, wetlands, cultural resources, and environmentally sensitive habitat areas through the development review process. (Coastal Act/30233, 30240, 30244, 30253) See comment 36

**Policy 6.2:** Protect and preserve the public views of the Dana Point Harbor. (Coastal Visual Resources/30251)

**Policy 6.3:** Maintain an inventory of existing natural resources in the City through periodic updates of the City's Master Environmental Assessment.

**Policy 6.4:** Preserve and protect the scenic and visual quality of the coastal areas as a resource of public importance as depicted in figure COS-5 "Scenic Overlooks from Public Lands", of this Element. Permitted development shall be sited and designed to protect public views from identified scenic overlooks on public lands to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. (Coastal Act/30251)

**Policy 6.5:** Preserve and protect open space, steep slopes, cultural resources, and environmentally sensitive habitat areas through open space deed restrictions, dedication, or other similar means as a part of the development and subdivision review process. (Coastal Act/30250) See comment 37

**Policy 6.6:** Concentrate higher intensity uses in areas containing less sensitive landforms and preserve the most sensitive landforms and natural resources as open space. See comment 38

**Policy 6.7:** Evaluate non-developable or constrained areas for possible use as open space or recreational use. (Coastal

Act/30240) See comment 39

**Policy 6.8:** Preserve public access to the coastal areas through easement dedications thereby providing marine-oriented recreational uses so that transportation corridors may augment the City's open space system. (Coastal Act/30210, 30211, 30212)

## **COORDINATION WITH THE PARK AND RECREATION DISTRICT**

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Local parks and recreation services are provided to the City of Dana Point through the Capistrano Bay Park and Recreation District. Detail planning of specific parks and recreation areas is the responsibility of the District. However, the plans of the Park District must be consistent with the General Plan. In order to assure this consistency the City should work closely with the District to review and provide input into the District's master planning efforts.

**GOAL 7: Encourage the development and maintenance of a balanced system of public and private park and recreation facilities in cooperation with the Capistrano Bay Park and Recreation District.**

**Policy 7.1:** Encourage the provision of a range of recreational facilities and programs to meet the needs of City residents and visitors.

**Policy 7.2:** Utilize utility easements as open space linkages where feasible.

**Policy 7.3:** Preserve public and private open space lands for active and passive recreational opportunities. (Coastal Act/30213)

**Policy 7.4:** Encourage priority acquisition and development of parkland in neighborhoods deficient in park facilities.

**Policy 7.5:** Coordinate park and open space planning with the appropriate State and County agencies.

**Policy 7.6:** Encourage the development of parks and acquisition of open space areas to serve the needs of visitors as well as local residents.

## **PRESERVATION OF HISTORIC AND CULTURAL RESOURCES**

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Although the City of Dana Point is relatively new as an incorporated City, the area has an established heritage that should be

preserved and protected. The historical and cultural assets of the community should be inventoried and preserved as much as possible. See comment 40

**GOAL 8: Encourage the preservation of significant historical or culturally significant buildings, sites or features within the community.**

**Policy 8.1:** Require reasonable mitigation measures where development may affect historical, archaeological or paleontological resources. (Coastal Act/30244, 30250)

**Policy 8.2:** Retain and protect resources of significant historical, archaeological, or paleontological value for education, visitor-serving, and scientific purposes. (Coastal Act/30244, 30250, 30253)

**Policy 8.3:** Development adjacent to a place, structure or object found to be of historic significance should be designed so that the uses permitted and the architectural design will protect the visual setting of the historical site. (Coastal Act/30250)

**Policy 8.4:** Develop and maintain a cultural resource inventory.

## **RELATED GOALS AND POLICIES**

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Certain goals and policies included in the Conservation/Open Space Element constitute coastal resources planning and management policies that are part of the City's Local Coastal Program (LCP). Table COS-1 identifies the regional components or issue areas of the LCP included in the Conservation/Open Space Element.

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## THE CONSERVATION PLAN

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The Conservation Plan describes the approach to be used in implementing the Conservation/Open Space Element goals and policies. The Conservation Plan identifies those undeveloped lands that contain open space for the preservation of natural resources, open space for the managed production of resources, and open space for public health and safety. The undeveloped portions of Dana Point include primarily the Headlands area, parcels in the Monarch Beach area and areas near the San Juan Creek Channel. Several existing canyon areas have been developed and/or designated as private recreation areas. The Conservation Element's goals and policies were formulated in order to effectively preserve portions of these remaining areas as open space opportunities for the City.

### CONSERVATION/OPEN SPACE FOR THE PRESERVATION OF NATURAL RESOURCES

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The most significant natural resources in Dana Point include the Pacific Ocean, land with open space potential, lands with significant biological resources, water resources, significant landforms, and those sites or structures which have historical, archaeological or paleontological significance. The Headlands is the largest remaining undeveloped area within the City. This area contains coastal sage scrub vegetation which supports a variety of animal species. The Pacific Ocean and shoreline provides important marine habitats for many species. Certain sections of the City's coast have been designated by the California Department of Fish and Game as three separate but contiguous marine life refuges. The other area of natural resource open space includes San Juan Creek and Salt Creek and the beaches and bluff areas along the coast.

These important natural resource areas are shown on Figure COS-1. Other areas of natural resource open space include San Juan Creek and Salt Creek and the beaches and bluff areas along the coast. See comment 41

## **CONSERVATION/OPEN SPACE USED FOR THE MANAGED PRODUCTION OF RESOURCES**

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Open Space areas for the managed production of resources with regard to this section include agricultural lands, areas of economic importance for the production of food or fiber, and areas containing major mineral deposits.

The City of Dana Point is a predominantly residential community and contains limited undeveloped land. None of this undeveloped land is currently used for commercial agriculture, and it is unlikely that any will be used in the future.

No mineral resources have been identified within the City of Dana Point. However, sand and gravel resources are located in San Juan Creek north of the City. The extraction of these resources may affect the preservation of the City's and region's beaches. Offshore oil drilling could have a significant effect on the water resources and beaches in the City.

The conservation of open space areas for the managed production of resources does not directly affect lands within the City of Dana Point. However, activities relating to mineral extractions and offshore drilling in areas outside the City limits could have a substantial effect on the open space resources within the City.

## **CONSERVATION AND OPEN SPACE FOR PUBLIC HEALTH AND SAFETY**

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Dana Point must protect the public health and safety of the community. This involves the identification of areas that pose a potential threat to health and safety; along with the implementation of proper planning techniques to minimize potential threats to health and safety. Figure COS-2 depicts the areas in the community which require special planning considerations to avoid potential hazards. These areas include the floodplain zones along the San Juan Creek and Salt Creek as well as along the coastal areas. In addition, areas along the coast that may have potential for coastal erosion are also identified. Specific public safety recommendations and emergency preparedness procedures are addressed in the Public Safety Element of the General Plan.

## CONSERVATION MEASURES

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To protect and conserve sensitive lands that occur within the City, the following measures will be utilized:

- Excavation or grading shall not be permitted unless site specific geologic/soils study indicates no safety problems will result from such grading. See comment 42
- Archaeological and biological surveys shall be required for any development projects on lands identified in this Element as potentially paleontologically, historically or biologically sensitive. Mitigation measures shall be developed and implemented to mitigate any significant impacts. See comment 43

The following techniques may be used to acquire or dedicate land for open space purposes:

*Open Space Easements* - pursuant to the Open Space Easement Act of 1974 (Government Code Section 51070 et seq.).

*Conservation Easements* - pursuant to the Conservation Easement Act (Civil Code Sections 815-816).

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## THE OPEN SPACE PLAN

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The Open Space Plan describes the approach to be used in implementing the Conservation/Open Space Element goals and policies. The open space in Dana Point plays an important part in the lives of Dana Point residents. Dana Point has been developed with several open space amenities including local, County and State parks, public and private recreational facilities, pedestrian and bicycle trails, equestrian trails and other public open spaces. Opportunities exist to provide strong linkages between these open space resources to form a contiguous system of open space.

### RELATION TO LAND USE ELEMENT

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The City's Land Use Plan places open space, parkland and recreational facilities into the two designations of Recreation/Open Space and Community Facility. The following is a description of each of these land use designations.

#### **Recreation/Open Space**

The Recreation/Open Space designation includes both public and private recreational uses necessary to meet the active and passive recreational needs of area residents and visitors. Recreational activities include golf courses/driving ranges, community recreational facilities, public parklands and indoor and outdoor sports/athletic facilities. Recreation uses include museums, galleries, outdoor theater, designated open space and similar uses.

#### **Community Facility**

The Community Facility designation includes a wide range of public and private uses distributed throughout the community such as schools, churches, child care centers, transportation facilities, government offices and facilities, public utilities, libraries, museums, art galleries, community theaters, hospitals and cultural and recreational activities. In addition, open space and recreation uses can be accommodated in the other land use designation including the Harbor Marine and Transportation Corridor Designations. See comment 44



## **Neighborhood Parks**

A neighborhood park is any general use local park developed to serve the active recreation needs of a particular neighborhood within the City. The size of a neighborhood park depends on the population within its service area and the extent of desired amenities. Typically, neighborhood parks have a maximum service radius of one-half mile to be within walking or cycling distance of park patrons. The neighborhood parks in Dana Point feature such amenities as landscaping, children's play areas, active ball fields, multi-purpose play fields, game courts, open turf areas and lighting for night use. In some cases, the neighborhood parks provide off-street parking and rest rooms. Most of the parks in Dana Point are categorized as neighborhood parks serving individual neighborhoods. Preferably, a neighborhood park should be located adjoining an elementary school and near the center of a defined neighborhood so that it can best serve the local pedestrian user.

## **Community Parks**

The community park is typically designed to meet the active recreational needs of several neighborhoods. These parks are intended to serve pedestrian and motorists within a radius of up to three miles. They contain facilities which require more space than neighborhood parks and which may include: extensive landscaping; nature areas; multi-purpose playfields for softball, baseball, soccer and football; court sport facilities for basketball, racquetball/handball and tennis; swimming pools; and community centers with adequate off-street parking. Community parks provide the greatest economy of scale in terms of active and passive recreation benefit versus cost of maintenance and operation.

## **Open Space Linkages**

Open space linkages are usually linear strips of open space along lands such as easements, floodplains, and canyons. These linkages form trails and open space systems that connect parkland or neighborhoods. Pedestrian, bicycle, and equestrian trails are usually located along the open space linkages. Natural open space along hilltops, within canyons, or along riparian corridors form excellent linkages to other open space. Continuation of the blufftop trail represents an Open Space Linkage that can provide access to scenic vistas and provide pedestrian

connections between lookouts and park areas.

### **County Parks and Facilities**

The County of Orange owns and maintains several regional recreational facilities in the City of Dana Point. Policy for the development, maintenance and improvement of these parks is provided by the Orange County Recreation Element, which includes a Master Plan for regional recreational facilities in the County.

County parks and recreational areas in the City include two beach areas, Salt Creek Beach Park and Capistrano Beach County Park. Dana Point Harbor, created in the late 1960s and early 1970s, is also managed by the County, as are the nine-acre Bluff Top Park, near the Ritz-Carlton Resort, and the 16-acre Lantern Bay Park overlooking Dana Point Harbor.

### **State Recreation Areas**

Doheny Beach State Park (62 acres) extends along the beach from Del Obispo Street southeast to Capistrano Beach County park. Doheny Beach is the only park in Dana Point that permits overnight camping with tents and trailers.

### **School Playgrounds**

Three school playgrounds under the jurisdiction of the Capistrano Unified School District are within the City of Dana Point and open to the public after school hours. Organized sports leagues such as those for baseball, soccer and football utilize ballfields through a permit process with the School District. The playgrounds are: Dana Hills High School (16.4 acres), Palisades Elementary School (6.8 acres) and Richard Henry Dana School (3.9 acres). The high school offers the most facilities including handball courts, a community pool, volleyball courts and three softball fields.

### **Other Parks and Facilities**

The City of Dana Point includes a variety of other recreational facilities open to the general public. These include: the Marine Studies Institute, which offers sailing from Dana Point Harbor; the Dana Hills Tennis Center with six courts; and the Links at Monarch Beach 18-hole golf course. Several residential developments also include their own tennis courts and swim-

ming pools, which are available only to residents and guests.

### **Biking/Hiking Trails**

The Capistrano Bay Park and Recreation District operates a coordinated system of trails, including bikeways, equestrian trails and hiking trails. The District's trails system is described in the District Master Plan which is updated annually and constitutes the most current source of trail information. Figure COS-3 shows the location of these trails. The one existing hiking trail in Dana Point extends approximately one mile through Salt Creek Beach Park. See comment 45

Bikeways comprise the most extensive part of the District's trail network. There are three categories of bikeways:

- ° **Class I:** a paved path that is separate from any motor vehicle travel lane;
- ° **Class II:** a restricted lane within the right of way of a paved roadway for the exclusive or semi-exclusive use of bicycles; and
- ° **Class III:** a bikeway that shares the street with motor vehicles or the sidewalk with pedestrians.

The biking network in Dana Point connects with other trails and paths in adjacent communities and throughout Orange County. Several new bike trails and paths have been proposed.

### **Other Recreational Facilities**

In addition to its beaches, parks, and trails, Dana Point includes many private recreational facilities, such as those identified in Figure COS-3 and Table COS-3. While some private facilities (e.g., private parks, tennis courts, swimming pools) are available only to the residents of the general particular complex in which they are located, others are available to the public for a fee (e.g., The Links at Monarch Beach). See comment 46

In addition, the City offers resort accommodations for tourists. Therefore, the City's open space and recreational opportunities must be planned not only for Dana Point residents, but also for regional and even international visitors and tourists.

benches, bike lanes, and graphic markers) should be developed along Santa Clara Avenue.

### **Scenic Resources**

The scenic resources in Dana Point are a major asset of the community. In the western portion of the City, including Monarch Beach, high points provide sweeping views of the southern California coast and Catalina Island while the lower elevations provide whitewater views of the shoreline. In the central portion of the City, including the "Headlands", there are views and panoramas of the Pacific Ocean, the Dana Point harbor, distant views as far as the Palos Verdes Peninsula to the north, La Jolla to the south and Catalina Island to the west, and inland views to the foothills and valleys. In the Capistrano Beach area of the City the blufftops offer panoramic views of the coastline.

A unique sequence of parks and lookouts on the coastal terrace offer outstanding views of the ocean. These include the Pine Bluffs Park, Gazebo Park, Leyton Park, Lantern Bay Park, Heritage Park, Blue Lantern Lookout Point, and Salt Creek Beach Park.

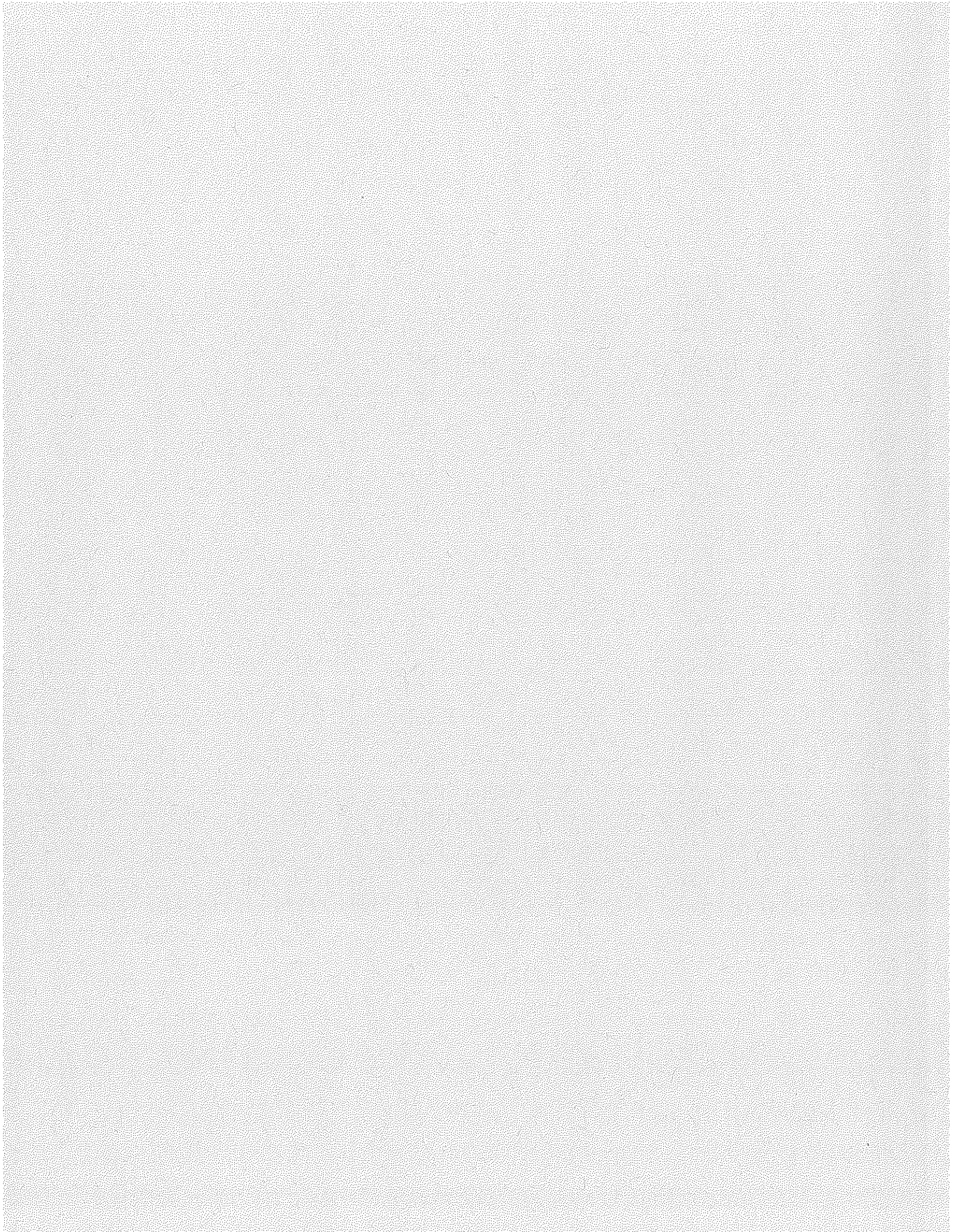
As new development is considered public views should be preserved as much as possible. Consideration should be given to protecting public views along the ridge lines, views toward the inland mountains and along scenic transportation corridors.

Figure COS-5 conceptually identifies significant public scenic view resources in Dana Point. Because of the unique character and the environmental setting of the City consideration of scenic resource opportunities should be a key factor in development and revitalization decisions. See comment 47

## **GENERAL PLAN POLICIES AND FUTURE RECREATION FACILITIES**

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The Land Use Element describes a land use designation that is applicable for identifying areas of the City where existing and future parks, trails, and other recreational facilities are or may be located. Other sites adjacent to these designated areas may be purchased or acquired as development exactions for more intensive recreational uses when land is made available. Figure COS-6 includes those areas designated on the Land Use Plan



# CITY OF DANA POINT DESIGN GUIDELINES

## COMMENTS

1. The proposed project totally violates the concept of minimizing impacts on neighboring properties. Dana Point is defined by topography and natural surroundings, which development must respect. The proposed project, by overbuilding, removing the ridge top and backfilling, cavalierly destroys natural bluff scenic corridor features. A tax-exempt project does not promote the long-term economic development of the city. There must be a comprehensive review of the impact on neighboring properties and the community as a whole. This project has been promoted continuously with a total disregard for the residents and the communities to the east. Contrary to the plan mandate, the developer fails to create a positive relationship with its neighbors, socially, aesthetically, visually or environmentally.
2. The project is on the edge of Monarch Beach, a community defined by the Salt Creek Basin.
3. The project diminishes and destroys the adjacent public spaces and resources.
4. The developer violates the mandate for citywide visual linkages, does not preserve the individual and positive character, fails to maintain or enhance the resources of Salt Creek Corridor, and is void of design excellence. Erecting an expansive stacked 25- to 30-foot high retaining wall, in violation of the bluff plans, cannot be classified as design excellence.
5. The developers propose destroying the bluff and slope, natural features of the Salt Creek Basin. The EIR must analyze existing conditions with respect to neighboring properties and the community at large. The developer totally ignored the neighboring environment, focusing only on Crown Valley Parkway, which offers only one ocean view at the south end of the site, a view that will be totally eradicated by the construction of the new administration building. At no point in any of the Dana Point documents does it say that a developer must consider ONLY the neighbors within 500 feet of their project. By the nature of the Salt Creek Basin topography every activity on one side of the basin impacts everything on the other side existing in a direct line of sight from the project.
6. The project has not been analyzed in relation to the Salt Creek Basin. The developer ignores existing conditions, including an adjacent landslide.

7. The developer ignores that part of its original six acres was dedicated to Crown Valley Parkway and that another part is unusable, non-buildable slope and bluff.

8. The project will destroy mature trees that help define the western edge of the Salt Creek Basin.

9. The most important site details to the east are the Salt Creek Scenic Corridor and the Salt Creek Basin. City records indicate that the church exists pursuant to a variance to residential zoning.

10. The project must be reevaluated in the context of its impacted neighbors, including every neighbor within a direct line of the site. The developers intend to destroy mature trees along the bluff which serve to buffer the existing facilities from the Salt Creek Scenic Corridor. They fail to develop compatible relationships with the Salt Creek Corridor and the open spaces. The project violates the privacy, sun and light to the adjoining villas. The surface drainage is washing away the site, the slope, the wilderness sanctuary, the trail, creek and golf course. No on-site drainage has been proposed. Existing non-functioning drainage is intended to be used for the expanded site without repairs.

11. Neighbors, including the public spaces, currently experience the deleterious effects of excessive, non-complying storm water run-off. The developers plan no remedial action.

12. Designed as a stand alone project, the developers remove all of the softening vegetation and mature trees.

13. The MND design treats everything to the east of the project as an undeveloped wasteland. Continuation and completion of the project will eliminate the outdoor life for everyone to the south and east. Building the parking garage ten years out shows a total disregard of the need for parking and circulation.

14. Everything to the east, particularly the Salt Creek trail, a pedestrian walkway and bike path, as well as the golf course, have been ignored by the developers.

15. The project has not been evaluated in the context of a bluff above the Salt Creek Basin and Scenic Corridor. Again, this mandate includes consideration of all neighboring properties, not just those within 500 feet.

16. The developers attempt to present a stand alone project independent of its neighbors; the model ignores the Salt Creek Basin.

17. The developers must consider relationships to neighbors. This NOP disregards all of its neighbors and flaunts the entire community. The developer intentionally disregards all existing developments. The design presented fails to include the entire community context.
18. The project has only considered the minimal exposure to Crown Valley Parkway. All new construction is oriented toward, with maximum adverse exposure to, the neighboring residential communities. The nonresident developers focus only on Crown Valley, which frames Monarch Beach around the Salt Creek View Corridor. Crown Valley Parkway does not create Monarch Beach.
19. The only ocean view from Crown Valley Parkway, across the property is at the extreme south end of the parking lot, between the sanctuary and the adjacent villas. This view will be completely eradicated by the proposed administration building.
20. Better to have the bulk of the structure on Crown Valley Parkway than in the Salt Creek Basin and Scenic Corridor.
21. The project design places multiple blank, illegal retaining walls along the Salt Creek Trail and Scenic Corridor.
22. The project, overbuilt for the site and location, is not scaled to human size. One portion of the retaining wall is about 30 feet high and will have a building on it that is at least 35 feet high. No consideration of the project from across the Salt Creek Basin has been included.
23. The developers have not considered views from surrounding sites and hillsides.
24. City records show that the church exists by a zoning variance in an area zoned residential.
25. The project will destroy public views of the ocean and the significant slope features.
26. The developer proposes to cavalierly destroy the historic ranch buildings and the architecturally significant original sanctuary. The ranch, Indian encampments, and the original church comprise an undesignated historic site to be obliterated by this project.
27. Current city records indicate that the site is zoned residential with a variance for a church and a small school. The church has submitted documents and orally stated that the new bluff top buildings will eventually house K through 8<sup>th</sup> grade classrooms.



28. This project will destroy the usability of the residential open space across the Salt Creek Basin.

29. The design guidelines for site infrastructure requiring protection from neighbors have been ignored. The project also ignores the use of landscape buffers.

30. Forcing an unreasonable amount of development on an inadequate site inevitably creates loss of continuity, patterns and visual linkages, especially from the perspective of the residents to the east and the users of the Salt Creek Corridor and the Monarch Beach golf links. All of the ground level elevation is oriented toward the Salt Creek Scenic Corridor and the residences due east. The net elevation of monolithic construction in front of the bluff will exceed 70 feet. Excavation of the bluff will exceed a depth of 100 feet.

30A. If the developer places the elevation adjacent to the street, as dictated by the plan, the encroachment on the Salt Creek Basin disappears.

31. The developer plans further desecration of the Salt Creek Basin, Trail, Scenic Corridor and golf course by destroying the bluff and then using the ridge to pile excavated dirt—more than 100,000 cubic yards in several phases, and as a staging area for all of its construction. The developer claims that no more than 33,000 cubic yards of dirt will be deposited in any one phase, but there is no provision for the removal of the dirt between phases. For ten years, the developer will be cutting, removing, returning and back filling cumulative 100,000+ cubic yards of dirt initially removed from the site created by excavating the existing site 35 feet deep. This blowing dirt and daily noise of construction equipment at the staging area are all in line of sight of several residential communities directly to the east. The project has several years during which no construction activity will occur, but the dirt deposited on the slope will still be present, blowing over the Salt Creek Basin, golfers and residences to the east.

32. The site is along a scenic corridor, a main drainage basin, an environmentally sensitive creek, a golf course, a county park, a scenic trail and is at the top of a bluff with a 2:1 slope. The site and its surroundings have significant special environmental characteristics which the developers ignore. Look at the hillside building requirements. By cutting off the bluff top and backfilling, the developers violate all of the principles contained in this plan and destroy existing historical and protective mature trees and vegetation.

33. This zoning variance site in a residential neighborhood is visible from most of Monarch Beach. Note that despite repeated requests by an affected neighbor, the City has

failed to provide any documentation of an official action by either Orange County or the City of Dana Point changing the zoning from an R-1 variance to Community Facilities.

34. Compare the plans for this site to the existing unmanaged, nonfunctional drainage. The natural slopes, land forms and bluff will be destroyed.

35. This site has a 2:1 slope.

36. Some parts of the retaining walls will be 25-30 feet high, topped by buildings in excess of an additional 35 feet, making the man-made structures the predominant feature of the Salt Creek Basin, changing it from a pastoral natural environment. Salt Creek Basin and its residential neighborhoods are not the proper location for a cathedral on the hill.

37. Existing grades and contours must be maintained. The proposed project is too big for the site. The prior developers already built to the site limits to the east. Earth fills must be avoided. Instead of honoring existing slopes, to overbuild on the site the developer proposes removal of more than 35 feet of the top of the slope across the site.

38. The only public view of the ocean from Crown Valley Parkway across the entire church property is at the south end of the property between the sanctuary and the villas. This view will be eradicated by the construction of the Church's administration building.

39. The only thing that the IS/MND had correct was that the project will destroy an existing bluff along Salt Creek Scenic Corridor. This project ignores the public views from the east. The project ignores impacts on the Salt Creek Scenic Corridor. Pacific Coast Highway, Crown Valley Parkway, Niguel Road and Stonehill Drive either encircle the Salt Creek Scenic Corridor or abut it.

40. The developers ignore the public view mandates. More than two-thirds of the impacted Salt Creek Basin is within 500 feet of the project. All of the residences to the east have a line-of-sight view of the entire project.

41. This developer refuses to acknowledge any view impacts. The single ocean view across the property from Crown Valley Parkway will be entirely eradicated by the intended new administration building.

42. Rather than using step set back, this developer intends to project the maximum height of each building to the east of the property and facilities, directly above the Salt Creek Scenic Corridor. The only ocean view from across this property will be eliminated by the

construction of the administration building.

43. "Bluff topping" is also a bad and illegal solution to incompetent design.