

Final Environmental Impact Report Volume IV - Response to Comments/Errata

South Shores Church Master Plan City of Dana Point

SCH No. 2009041129



Prepared by

LSA

LSA ASSOCIATES, INC.

March 2015

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FINAL ENVIRONMENTAL IMPACT REPORT
SOUTH SHORES CHURCH MASTER PLAN

**RESPONSE TO COMMENTS
AND ERRATA**

**CITY OF DANA POINT
SCH NO. 2009041129**

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SOUTH SHORES CHURCH MASTER PLAN

**RESPONSE TO COMMENTS
AND ERRATA**

CITY OF DANA POINT

SCH NO. 2009041129

Submitted to:

City of Dana Point
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- A: SUPPLEMENTAL MASTER PLAN HYDROLOGY REPORT
- B: REVISED PRELIMINARY WATER QUALITY MANAGEMENT PLAN (WQMP)
- C: CITY MEMORANDUM

1.0 INTRODUCTION

1.1 PURPOSE OF THIS COMMENTS AND RESPONSES DOCUMENT

This document comprises the Comments and Responses and Errata volume of the Final Environmental Impact Report (EIR) for the proposed South Shores Church Master Plan project (proposed project). The purpose of this document is to respond to all comments received by the City of Dana Point (City) regarding the environmental information and analyses contained in the Draft EIR. As noted in some of the responses, corrections and clarifications to the Draft EIR have been proposed. These changes are reflected in Chapter 3.0, Errata, of this document and should be considered part of the Final EIR for consideration by the City prior to a vote to certify the Final EIR.

As required by the *California Environmental Quality Act (CEQA) Guidelines (State CEQA Guidelines)* Section 15087, a Notice of Completion (NOC) of the Draft EIR for the proposed project was filed with the State Clearinghouse on September 15, 2014, and the Notice of Availability (NOA) of the Draft EIR was filed with the County of Orange (County) Clerk on September 15, 2014.

The Draft EIR was circulated for public review for a period of 45 days, from September 15, 2014, to October 30, 2014. The NOA and/or copies of the Draft EIR were distributed to all Responsible Agencies and to the State Clearinghouse in addition to various public agencies, citizen groups, and interested individuals. Copies of the Draft EIR were also made available for public review at the City's Community Development Department, the Laguna Niguel Library (because the City's library is currently undergoing renovations, the Draft EIR was made available at the nearest library to the project site), and on the City's website.

A total of 118 comment letters were received during the public review period or immediately thereafter. 53 letters were received by residents or members of South Shores Church that were supportive of the proposed project and did not raise any environmental concerns. 27 letters were duplicates of the same petition that raised concerns about the proposed project, including environmental concerns; this petition was collectively signed by 35 individuals, most of whom are residents or property owners in the adjacent Monarch Bay Villas condominium project. Eight individuals wrote two or more letters expressing environmental concerns about the project (22 letters in total were from these eight individuals). Eleven individuals wrote one rather than multiple comment letters expressing concerns about the project (some individuals that wrote letters also signed the petition discussed above). The Applicant's representative, GG Kohlhagen, also wrote a comment letter in support of the proposed project, but also indicated that the Applicant seeks approval of the reduced development alternative.

Two comments were received from State agencies. One letter was from the Office of Planning and Research, which is responsible for distributing the Draft EIR to other State agencies, and the other came from the California Department of Fish and Wildlife. One local agency, Orange County Public Works, also submitted a comment letter.

Comments that address environmental issues are responded to thoroughly. Comments that (1) do not address the adequacy or completeness of the Draft EIR; (2) do not raise environmental issues; or (3) request the incorporation of additional information not relevant to environmental issues do not require a response, pursuant to Section 15088(a) of the *State CEQA Guidelines*. Notwithstanding Section 15088(a), the City has endeavored to respond to all comments received in the appropriate manner.

Section 15088 of the *State CEQA Guidelines*, Evaluation of and Response to Comments, states:

- a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extensions and may respond to late comments.
- b) The lead agency shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying an environmental impact report.
- c) The written response shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, major environmental issues raised when the lead agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail, giving the reasons that specific comments and suggestions were not accepted. There must be good faith, reasoned analysis in response. Conclusory statements unsupported by factual information will not suffice.
- d) The response to comments may take the form of a revision to the Draft EIR or may be a separate section in the Final EIR. Where the response to comments makes important changes in the information contained in the text of the Draft EIR, the lead agency should either:
 1. Revise the text in the body of the Draft EIR; or
 2. Include marginal notes showing that the information is revised in the responses to comments.

Information provided in this Final EIR clarifies, amplifies, or makes minor modifications to the Draft EIR. No significant changes have been made to the information or analysis contained in the Draft EIR as a result of the responses to comments, and no significant new information has been added that would require recirculation of the Draft EIR document.

1.2 INDEX OF COMMENTS RECEIVED

The following is an index list of the agencies, organizations, and individuals that commented on the Draft EIR prior to the close of the public comment period or immediately thereafter. The comments received have been generally organized by date received and in a manner that facilitates finding a particular comment or set of comments. Each comment letter received is indexed with a number below.

Comment Code	Signatory	Date
State Agencies		
S-1	California Department of Fish and Wildlife	October 22, 2014
S-2	Office of Planning and Research	October 30, 2014
Local Agencies		
L-1	Orange County Public Works	October 27, 2014
Interested Parties		
I-1	Peggy Yamano	October 9, 2014
I-2	Judy Norton	October 10, 2014
I-3	Mark and Cheryl Henderson	October 10, 2014
I-4	Robert W. Bachelor	October 12, 2014
I-5	Joan Dermody	October 12, 2014
I-6	Robert and Teresa Perry	October 13, 2014
I-7	Kim Whitaker	October 13, 2014
I-8	Patricia McCarroll	October 13, 2014
I-9	Todd V. Glen	October 13, 2014
I-10	Roxanne Willinger	October 13, 2014
I-11	Gary and Lynn Frye	October 13, 2014
I-12	Josette Hatter	October 13, 2014
I-13	Josette Hatter	October 13, 2014
I-14	Rodney R. Hatter	October 13, 2014
I-15	Roger Butow	October 13, 2014
I-16	Roger Butow	October 13, 2014
I-17	Roberta Margolis	October 13, 2014
I-18	Ted Quinn	October 20, 2014
I-19	Ted Quinn	October 23, 2014
I-20	Charles Wagner	October 27, 2014
I-21	Todd V. Glen	October 27, 2014
I-22	Patricia McCarroll	October 28, 2014
I-23	Todd V. Glen	October 28, 2014
I-24	Josette and Rod Hatter	October 29, 2014
I-25	Todd V. Glen	October 29, 2014
I-26	Noel Schachner	October 29, 2014
I-27	Lisa Manning	October 30, 2014
I-28	GG Kohlhagen	October 30, 2014
I-29	Clean Water Now (Roger Butow)	October 30, 2014
I-30	Gary and Lynn Frye	October 22, 2014
I-31	Marjorie Anderson	October 16, 2014
I-32	Donald Benno	October 24, 2014
I-33	Roxanne Willinger	October 24, 2014
I-34	Gordon Montgomery	October 29, 2014
I-35	Roberta Margolis	October 13, 2014
I-36	Gary McErlain	October 25, 2014
I-37	Ted Quinn	October 20, 2014
I-38	Susan Hazelbaker	October 13, 2014
I-39	Sergio and Mara Landau	October 26, 2014

Comment Code	Signatory	Date
I-40	Todd V. Glen	October 13, 2014
I-41	Victoria O'Toole	October 16, 2014
I-42	Notice of Preparation Comments	February 4, 2010
I-43	Petition—Marjorie Anderson	October 23, 2014
I-44	Petition—Roberta Margolis	October 22, 2014
I-45	Petition—Peter and Kathryn Elespura	October 25, 2014
I-46	Petition—Mark and Luann Stander	October 16, 2014
I-47	Petition—Lu Tu Chau	October 22, 2014
I-48	Petition—Carble Corallino	October 17, 2014
I-49	Petition—Gerald Woods	October 22, 2014
I-50	Petition—Celine Capone	October 23, 2014
I-51	Petition—Tom and Lois Knudson	October 21, 2014
I-52	Petition—Susan and Robert Baker	October 16, 2014
I-53	Petition—Dulei Pate	October 18, 2014
I-54	Petition—Diane and Wideal Saporakis	October 22, 2014
I-55	Petition—Maurice Farah	October 17, 2014
I-56	Petition—Phyllis A. Burke	October 23, 2014
I-57	Petition—Gloria Ruston	October 19, 2014
I-58	Petition—Clare Van Haelst	October 29, 2014
I-59	Petition—Julien Munsill	October 16, 2014
I-60	Petition—Irv and Binnie Rem	October 17, 2014
I-61	Petition—Erich Kruecle and Joyce Johnson	October 16, 2014
I-62	Petition—Beauford H. Phelps	October 18, 2014
I-63	Petition—Michael and Jill Tibshraeny	October 25, 2014
I-64	Petition—Sergio Landau	October 22, 2014
I-65	Petition—Leoda Deutsch	October 23, 2014
I-66	Petition—Ed Van Deusen	October 22, 2014
I-67	Petition—Dirk Van Deusen	October 22, 2014
I-68	Petition—Diana Van Deusen	October 22, 2014
I-69	Petition—Patricia Marlatt	October 22, 2014
I-70	Linda Doucette	October 8, 2014
I-71	Sondra Darby	October 9, 2014
I-72	Peggy Yamano	October 9, 2014
I-73	Mark Henderson	October 10, 2014
I-74	Christina Manta	October 15, 2014
I-75	Clint and Bonnie Harwick	October 20, 2014
I-76	George A. Green	October 21, 2014
I-77	Gary and Letty Skeen	October 25, 2014
I-78	Don and Kate Moe	October 25, 2014
I-79	Steven Reyes and Family	October 26, 2014
I-80	Sandra B. Traver	October 27, 2014
I-81	Edwin R. Westbrook	October 27, 2014
I-82	Judy Leonard	October 28, 2014
I-83	Keanne Nemeth	October 27, 2014
I-84	Wm. Bernard Graves	October 28, 2014

Comment Code	Signatory	Date
I-85	Ted Quinn	October 23, 2014
I-86	Art and Marilyn Zeiner	October 30, 2014
I-87	Dwight and Helena Hamro	October 30, 2014
I-88	Alice and Keith Kenaston	October 30, 2014
I-89	Sharon Graves	October 30, 2014
I-90	Derick and Rebecca Zeulner	October 30, 2014
I-91	Charles E. Deckard	October 27, 2014
I-92	Jim and June Mullen	October 30, 2014
I-93	John and Marlene Huffman	October 28, 2014
I-94	Paul and Kathy Kraft	October 27, 2014
I-95	Elaine Stanley	October 26, 2014
I-96	Pamela Spalding	October 28, 2014
I-97	Joan Beckham	October 28, 2014
I-98	Barbara and John Dricker	October 28, 2014
I-99	Barbara and John Dricker	October 28, 2014
I-100	Charlotte Davis	October 28, 2014
I-101	Charlotte Davis	October 28, 2014
I-102	Vincent Negrette	October 29, 2014
I-103	Margie Burt	October 29, 2014
I-104	Bill Davis	October 15, 2014
I-105	Richard and Eleanor Kichline	October 13, 2014
I-106	Richard and Eleanor Kichline	October 13, 2014
I-107	Richard and Eleanor Kichline	October 13, 2014
I-108	Richard and Eleanor Kichline	October 13, 2014
I-109	Gerald and Sharon Hiles	October 22, 2014
I-110	Mary and JR Herron	October 29, 2014
I-111	Richard and Eleanor Kichline	October 13, 2014
I-112	BJ Wellen	October 29, 2014
I-113	Maxine Jacobson	October 30, 2014
I-114	Michael Helm	October 28, 2014
I-115	Charlotte Davis	October 28, 2014
I-116	Judy L. Smith	October 29, 2014

1.3 FORMAT OF RESPONSES TO COMMENTS

Responses to each of the comment letters are provided on the following pages. The comment index numbers are provided in the upper right corner of each comment letter, and individual points within each letter are numbered along the right-hand margin of each letter. The City's responses to each comment letter immediately follow each letter and are referenced by the index numbers in the margins. An Errata section, with text revisions, has been prepared to provide corrections and clarifications to the Draft EIR where required.

1.4 REFINEMENTS TO ALTERNATIVE 2 IN RESPONSE TO PUBLIC COMMENTS RECEIVED

Many of the comments received in response to the Draft EIR related to the phasing of the proposed project and the provision of on-site and off-site parking during the construction phases (refer to Figure 3.11 in Section 3.0 of the Draft EIR). In January 2015, the Applicant submitted a revised Alternative 2 (Revised Alternative 2) to the City in response to public input on the Draft EIR.

A primary purpose of review and comment process on a Draft EIR is to identify ways a project's significant effects might be reduced or avoided. The CEQA Guidelines recognize that such comments can be particularly helpful if they suggest additional alternatives or mitigation measures which can be addressed in the Responses to Comments. CEQA gives an agency authority to adopt a project alternative rather than the proposed project if the agency finds that the alternative will be less environmentally damaging than the proposed project [Public Resources Code 21002-21002.1, 21004; CEQA Guidelines 15002(a)]. CEQA encourages agencies to require changes in projects, including the approval of alternatives [CEQA Guidelines 15102 (a), (h), 15021 (a)]. The lead agency is not required to grant blanket approval of the proposed project. Decision makers have the flexibility to implement that portion of a project that satisfies environmental concerns raised by the public or other government agencies.

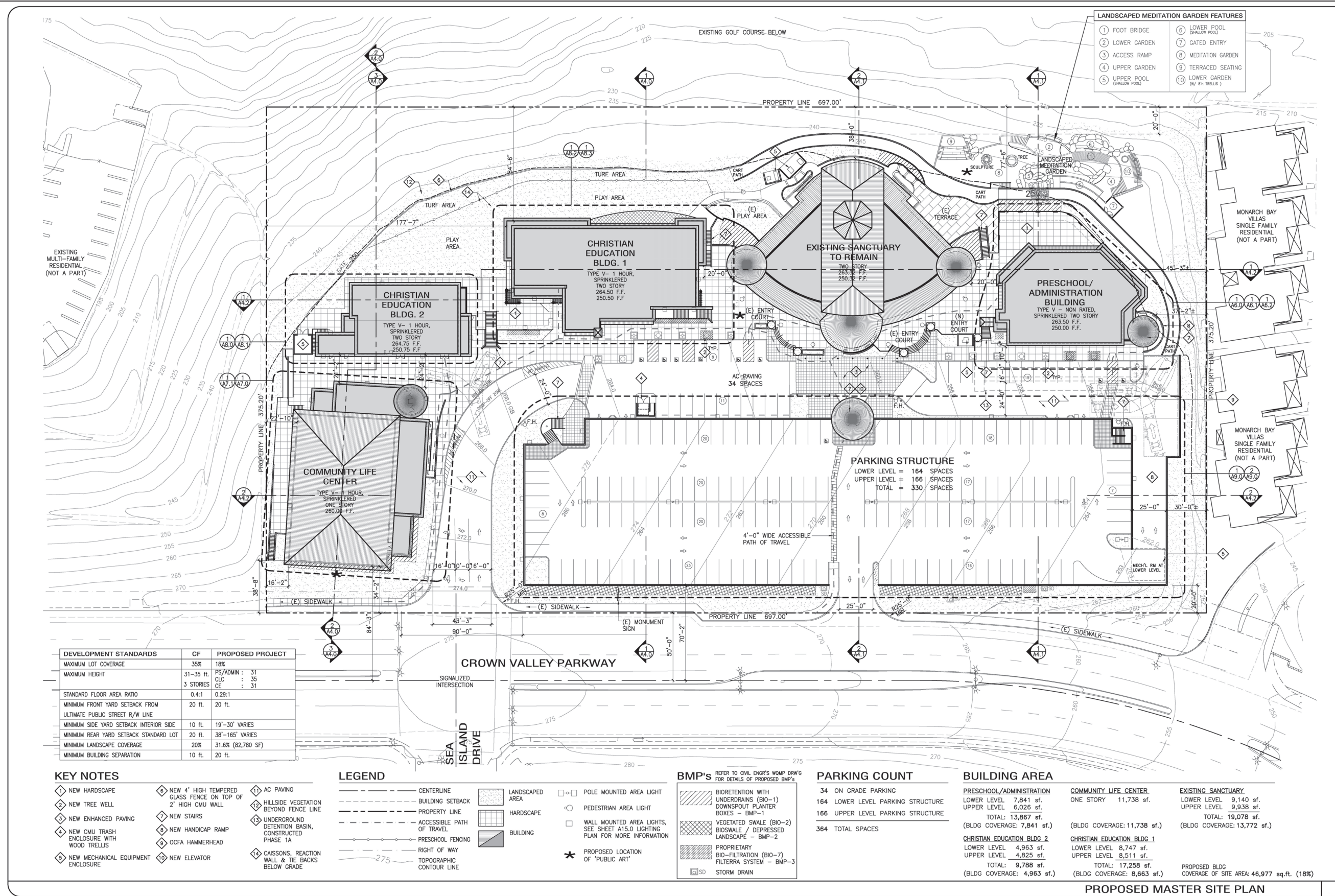
CEQA Guidelines, Section 15002.1(h) provides in part that, "The EIR itself does not control the way in which a project can be built or carried out. Rather, when ...a project could cause substantial adverse changes...the agency must respond...by one or more of the following changes:

- 1) Changing a proposed project.
- 4) Choosing an alternative way of meeting the same need."

CEQA Guidelines section 15088.5(d) provides that, "The response to comments may take the form of a revision to the draft EIR...Where the response makes important changes...the lead agency should either: (1) Revise the text in the body of the EIR, or (2) Include marginal notes showing that the information is revised in the response to comments."

During the public comment period, many comments were made raising questions whether the parking structure should be permitted to be constructed as part of the final phases. Many of those making such comments argued (without any substantive evidence) that the Applicant would forego the parking structure due to its cost once the other project phases were completed.

In response to comments requesting that the parking structure be constructed sooner in the Master Plan, at the request of the City the Applicant has modified the construction phasing of Alternative 2. However, the proposed revisions to Alternative 2 will not materially or significantly alter the structures, uses, or activities associated with the proposed Master Plan. Unless specifically noted below, the size and location of all buildings, parking, and other features included in each construction phase would remain the same as Alternative 2 (refer to Figure 1 for a revised version of the site plan showing the location of the various design features associated with this revision to Alternative 2). Thus, the proposed project's environmental impacts, as set forth in the Draft EIR will remain the same and/or will be reduced. The proposed revisions to Alternative 2 do not raise any significant new information that would otherwise require re-circulation of the Draft EIR.



DEVELOPMENT STANDARDS	CF	PROPOSED PROJECT
MAXIMUM LOT COVERAGE	35%	18%
MAXIMUM HEIGHT	31-35 ft.	PS/ADMIN : 31 CLC : 35 CE : 31
STANDARD FLOOR AREA RATIO	0.4:1	0.29:1
MINIMUM FRONT YARD SETBACK FROM ULTIMATE PUBLIC STREET R/W LINE	20 ft.	20 ft.
MINIMUM SIDE YARD SETBACK INTERIOR SIDE	10 ft.	19'-30" VARIES
MINIMUM REAR YARD SETBACK STANDARD LOT	20 ft.	38'-165" VARIES
MINIMUM LANDSCAPE COVERAGE	20%	31.6% (82,780 SF)
MINIMUM BUILDING SEPARATION	10 ft.	20 ft.

- KEY NOTES**
- 1 NEW HARDSCAPE
 - 2 NEW TREE WELL
 - 3 NEW ENHANCED PAVING
 - 4 NEW CMU TRASH ENCLOSURE WITH WOOD TRELLIS
 - 5 NEW MECHANICAL EQUIPMENT ENCLOSURE
 - 6 NEW 4' HIGH TEMPERED GLASS FENCE ON TOP OF 2' HIGH CMU WALL
 - 7 NEW STAIRS
 - 8 NEW HANDICAP RAMP
 - 9 OCFA HAMMERHEAD
 - 10 NEW ELEVATOR
 - 11 AC PAVING
 - 12 HILLSIDE VEGETATION BEYOND FENCE LINE
 - 13 UNDERGROUND DETENTION BASIN, CONSTRUCTED PHASE 1A
 - 14 CAISSONS, REACTION WALL & TIE BACKS BELOW GRADE

- LEGEND**
- CENTERLINE
 - - - BUILDING SETBACK
 - - - PROPERTY LINE
 - - - ACCESSIBLE PATH OF TRAVEL
 - - - PRESCHOOL FENCING
 - - - RIGHT OF WAY
 - - - TOPOGRAPHIC CONTOUR LINE
 - ▨ LANDSCAPED AREA
 - ▩ HARDSCAPE
 - ▭ BUILDING
 - POLE MOUNTED AREA LIGHT
 - PEDESTRIAN AREA LIGHT
 - WALL MOUNTED AREA LIGHTS, SEE SHEET A15.0 LIGHTING PLAN FOR MORE INFORMATION
 - ★ PROPOSED LOCATION OF PUBLIC ART

- BMP's** REFER TO CML ENGR'S WOMP DRWG FOR DETAILS OF PROPOSED BMP'S
- ▨ BIORETENTION WITH UNDERDRAINS (BIO-1) DOWNSPOUT PLANTER BOXES - BMP-1
 - ▨ VEGETATED SWALE (BIO-2) BIOSWALE / DEPRESSED LANDSCAPE - BMP-2
 - ▨ PROPRIETARY BIO-FILTRATION (BIO-7) FILTERRA SYSTEM - BMP-3
 - STORM DRAIN

- PARKING COUNT**
- 34 ON GRADE PARKING
 - 164 LOWER LEVEL PARKING STRUCTURE
 - 166 UPPER LEVEL PARKING STRUCTURE
 - 364 TOTAL SPACES

BUILDING AREA

BUILDING	LOWER LEVEL	UPPER LEVEL	TOTAL
PRESCHOOL/ADMINISTRATION	7,841 sf.	6,028 sf.	13,867 sf.
COMMUNITY LIFE CENTER	ONE STORY	11,738 sf.	11,738 sf.
EXISTING SANCTUARY	LOWER LEVEL	9,140 sf.	9,140 sf.
	UPPER LEVEL	9,938 sf.	19,078 sf.
			(BLDG COVERAGE: 13,772 sf.)
CHRISTIAN EDUCATION BLDG 1	LOWER LEVEL	8,747 sf.	8,747 sf.
	UPPER LEVEL	8,511 sf.	17,258 sf.
			(BLDG COVERAGE: 8,663 sf.)
PROPOSED BLDG			46,977 sq.ft. (18%)

PROPOSED MASTER SITE PLAN



SOURCE: Matlock Associates, Inc.

I:\DPC0902\G\Alternatives Chapter\Revised Alternative 2.cdr (3/12/15)

FIGURE 1

South Shores Church Master Plan Alternative
Revised Alternative 2

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The following project refinements to construction phasing, as illustrated in Figures 2a through 2c and described below, are incorporated into the phasing of Alternative 2 and are here forth referred to as Revised Alternative 2:

- Completion of the southern half of the Parking Structure, which was previously proposed as Phase 4 of Alternative 2, would be completed as part of Phase 2 of Revised Alternative 2;
- Phase 2 (Christian Education Building 1) and Phase 3 (Christian Education Building 2) would be completed as Phases 3 and 4, respectively;
- 12 additional parking spaces would be provided during Phases 1C and 2; these were not included in the proposed project or Alternative 2. During Phase 3, these additional spaces would be removed and converted to part of the main driveway;
- The changes in construction phasing under Revised Alternative 2 would require the relocation of the temporary pre-school play area during Phases 2, 3, and 4 (the temporary play area would be located to the north of the Sanctuary during Phase 2 and later relocated to a portion of the parking lot just north of the southern half of the Parking Structure); and
- Temporary discontinuation of two Sunday bible study classes that run concurrent with the 2nd and 3rd worship services, respectively, during the first two months of Phase 1C, and the entire duration of Phases 2 and 5.

Additionally, in response to comments and concerns raised by some of the residents on Pompeii Drive in the Monarch Bay Villas, the proposed Landscaped Meditation Garden on the southeast corner of the project site would be moved approximately 30 feet further north from its previously proposed location under Alternative 2. No net increase in grading would be required to accommodate the relocation of the Landscaped Meditation Garden.

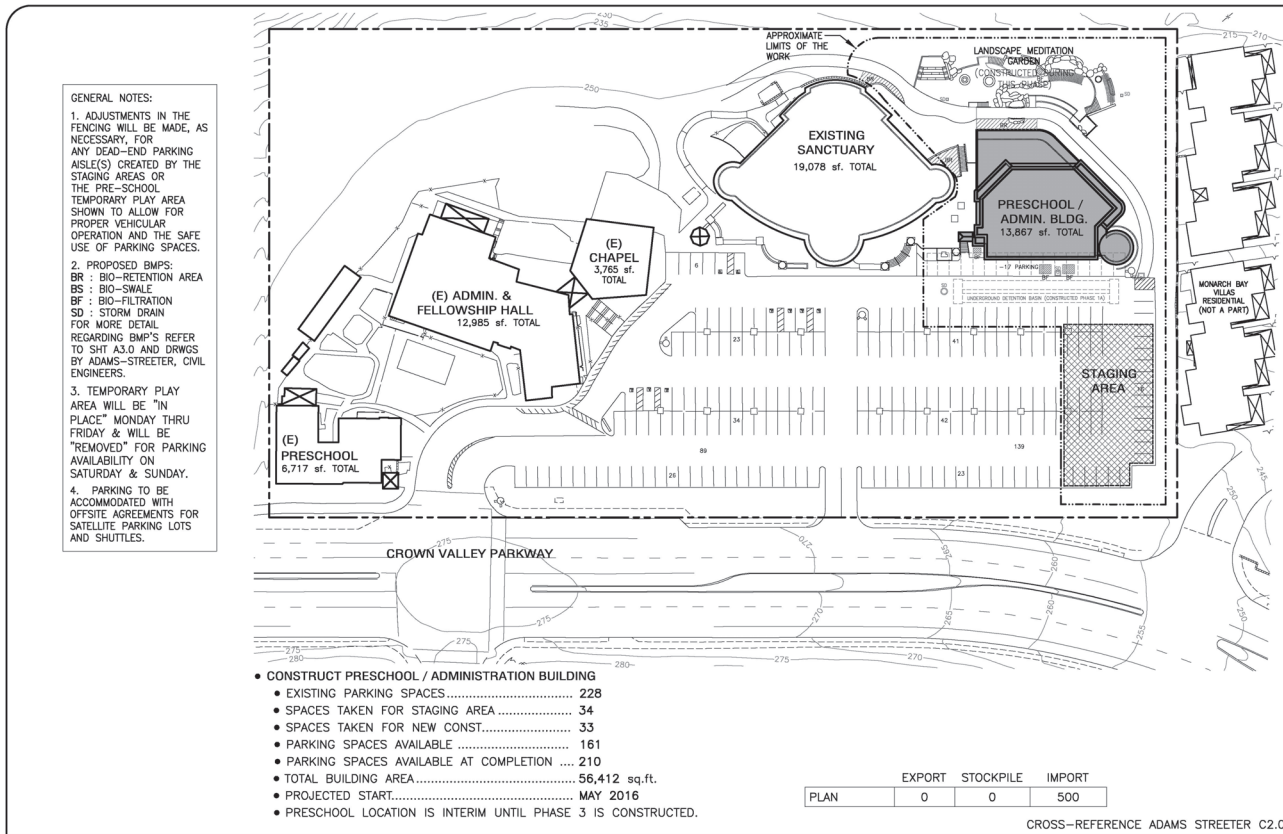
Access

Revised Alternative 2 would not modify vehicular access to the project site as shown in Figure 3.4 (Chapter 3.0, Project Description). Vehicular access to the project site would continue to be provided by the same two access points that currently exist along Crown Valley Parkway. Project site circulation would be required to comply with the OCFA Fire Code.

Lighting

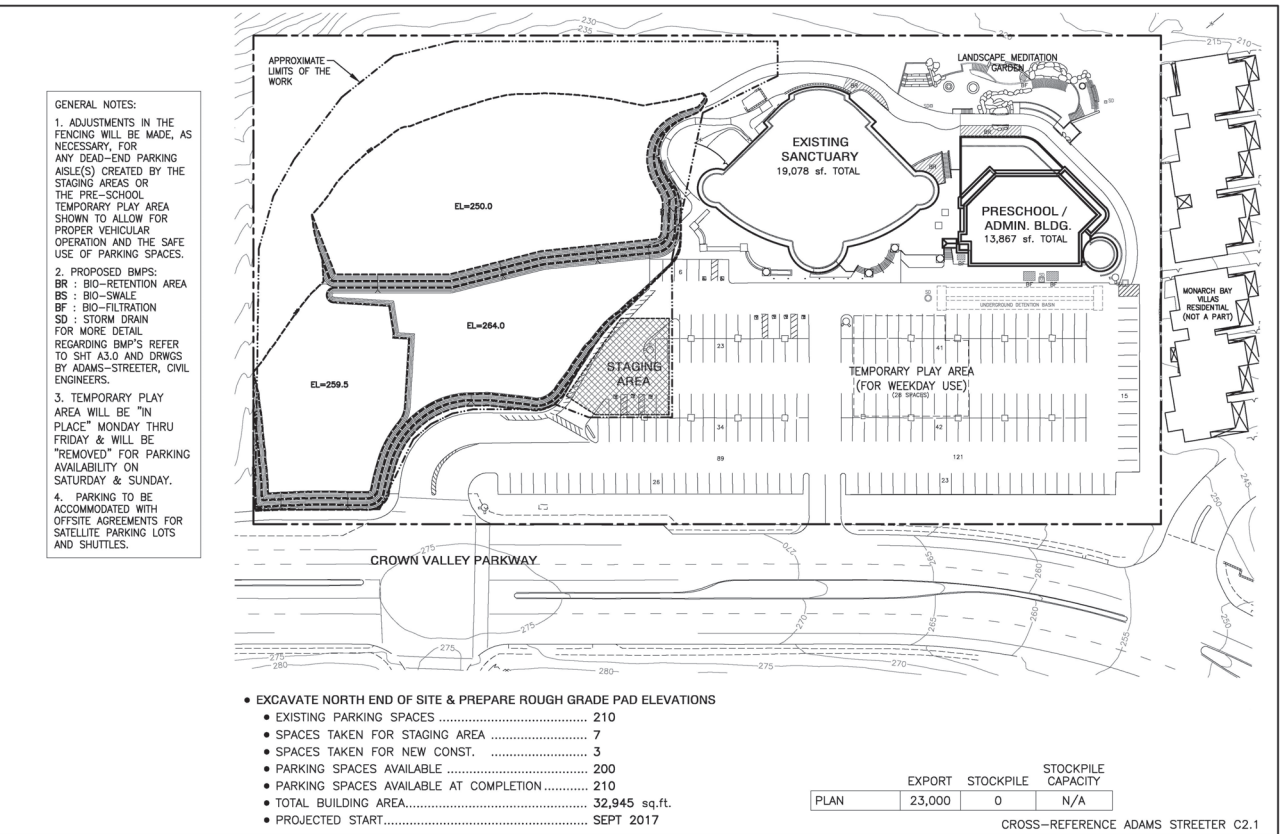
Revised Alternative 2 would include the same lighting proposed for the previous Alternative 2. There would be no change to the proposed nighttime operations, such as Christian children, youth/college/adult ministry, community meetings, and community events, included in the proposed project and project Alternatives. Similar to the proposed project, all lighting proposed as part of Revised Alternative 2 would comply with Section 9.05.220 of the City's Municipal Code regarding lighting. Therefore, there would be no change in proposed lighting under Revised Alternative 2.

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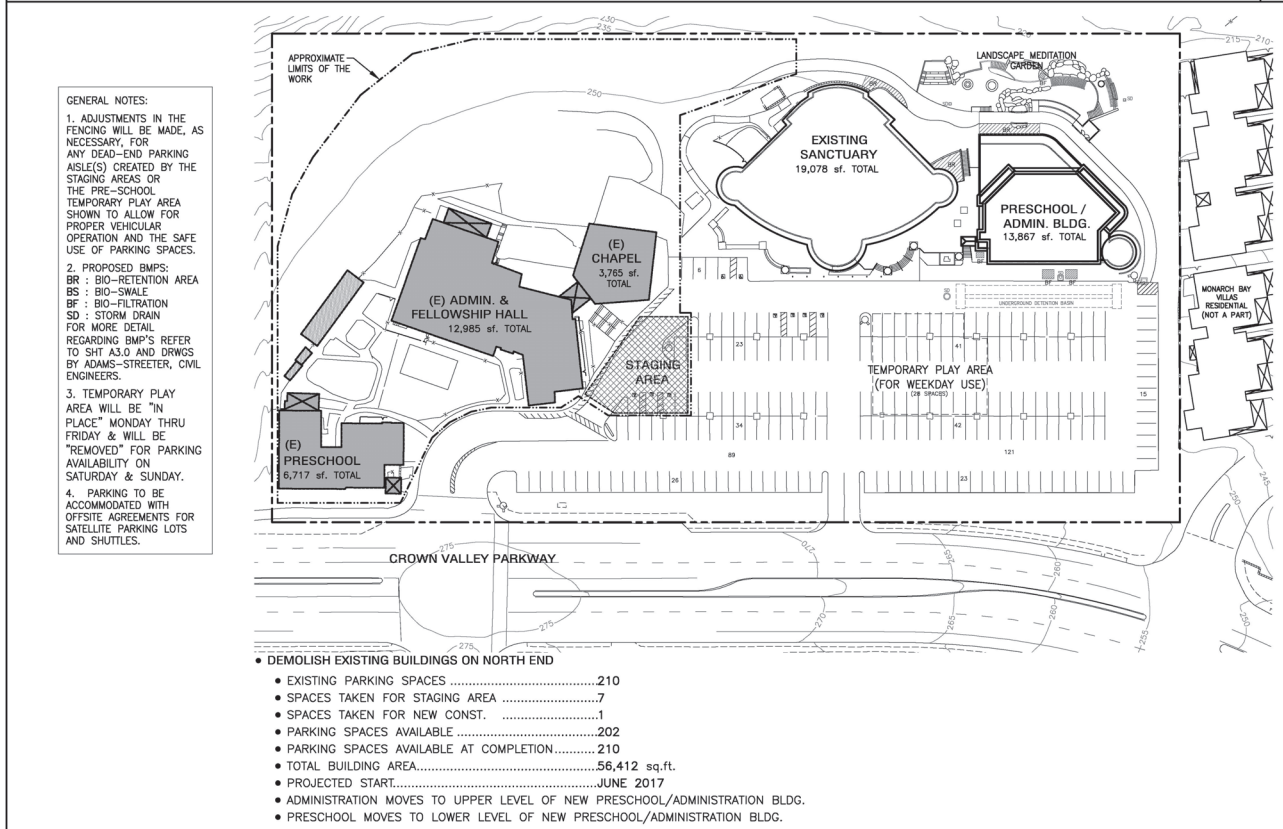
Construct New Preschool / Administration Bldg. - Phase 1A

1



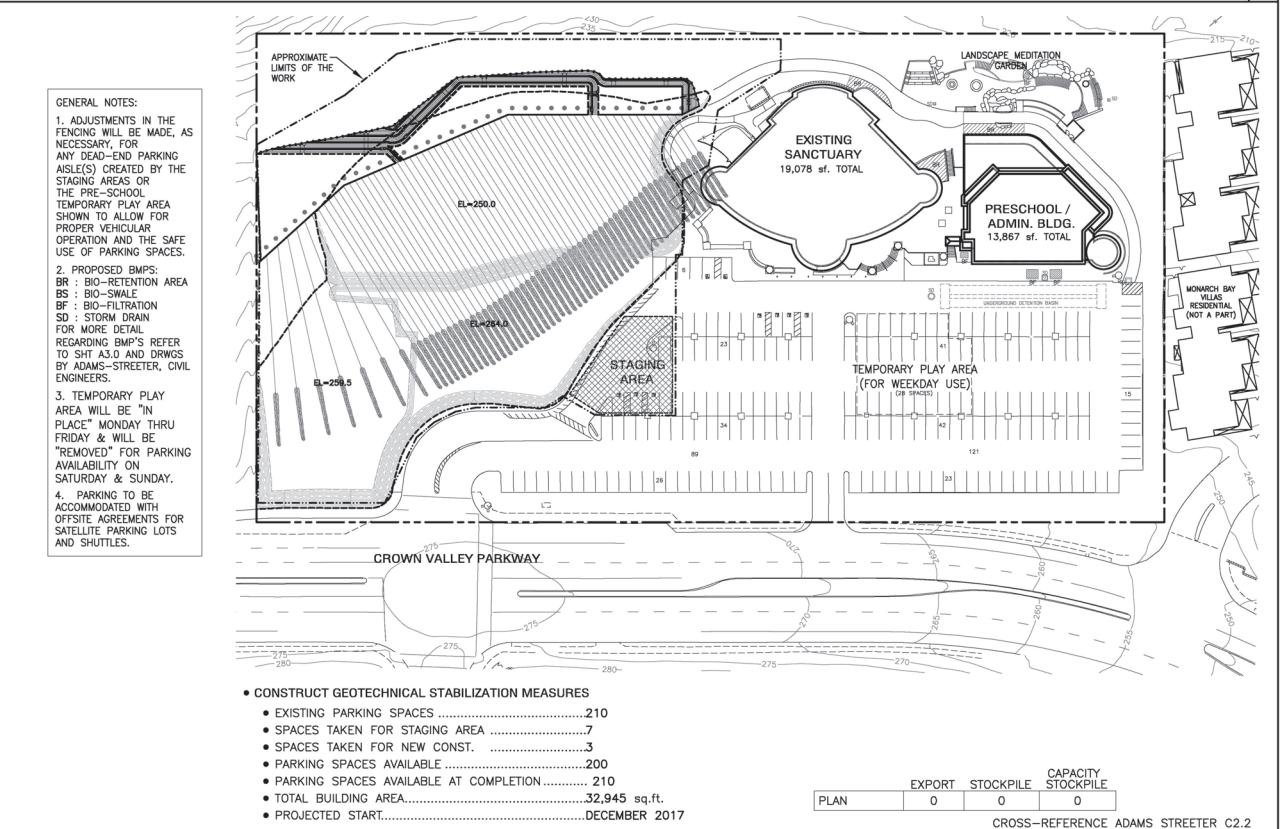
Earthwork North End of Site - PHASE 1B.E1

3



Demolition of Existing Buildings - Phase 1B

2



Remedial Earthwork North End of Site - PHASE 1B.E2

4



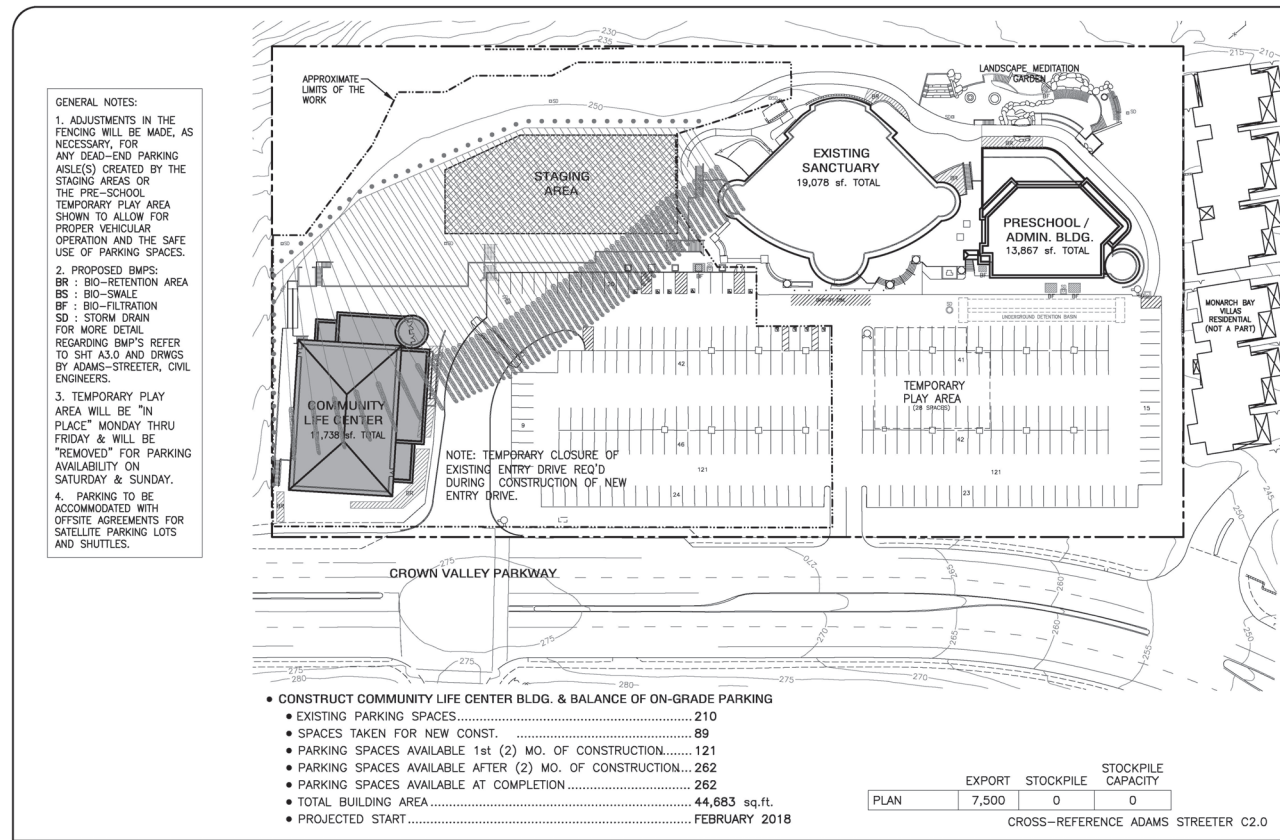
SOURCE: Matlock Associates, Inc.

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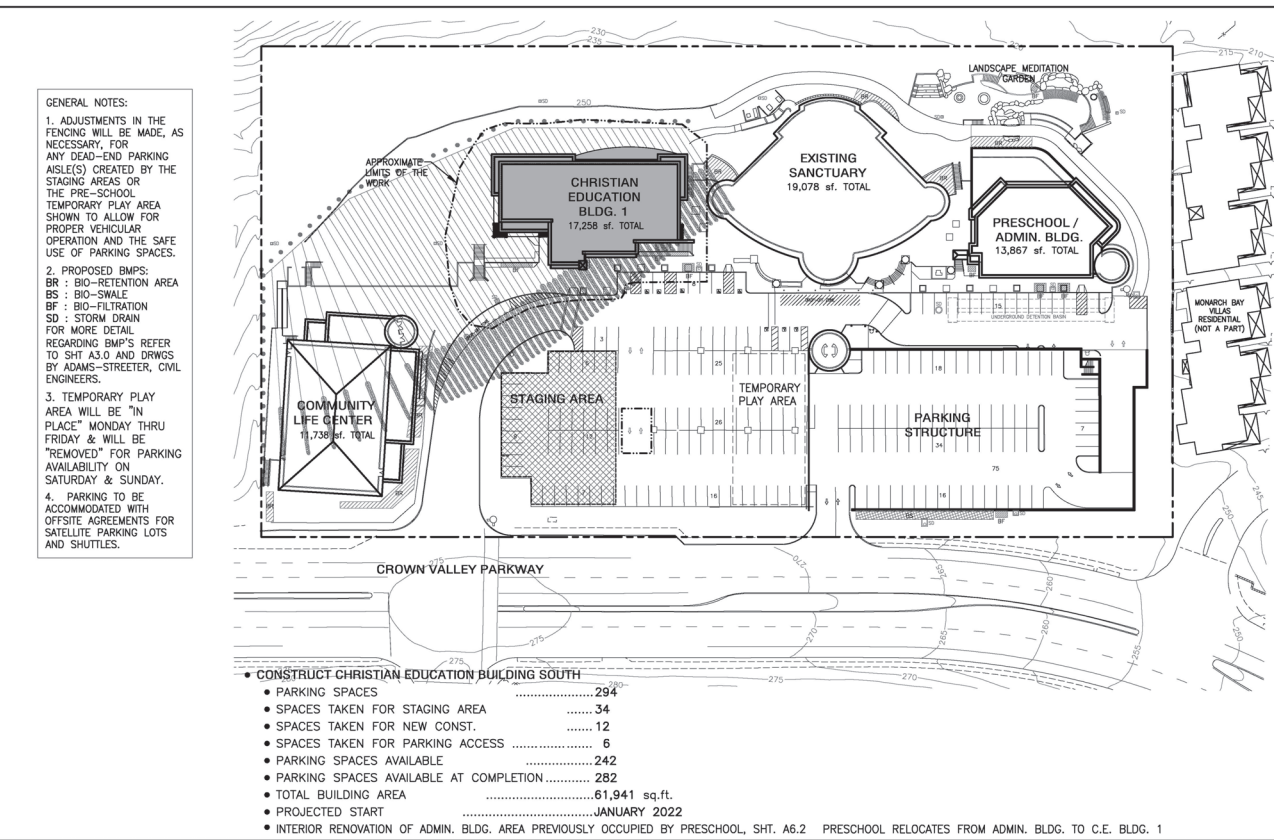
FIGURE 2a

South Shores Church Master Plan Alternative
Construction Phasing - Revised Alternative 2

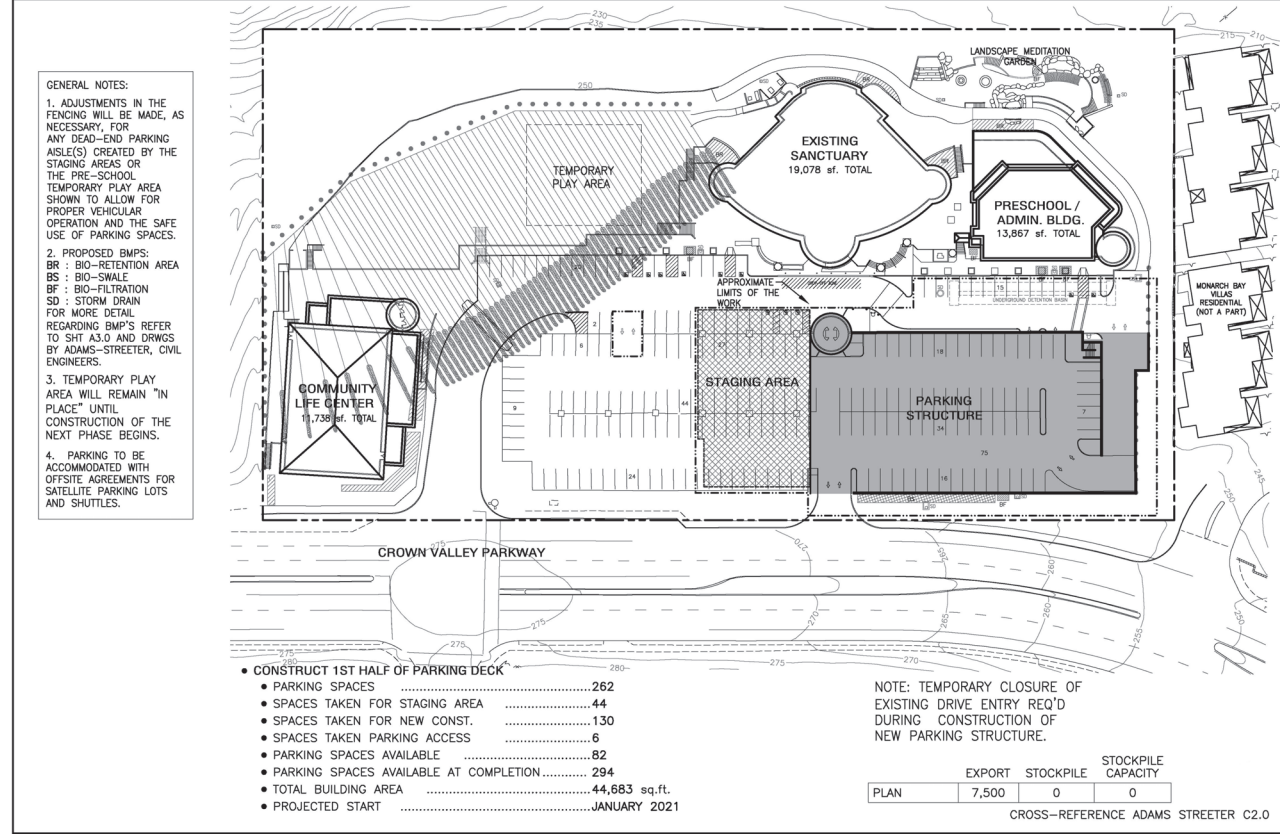
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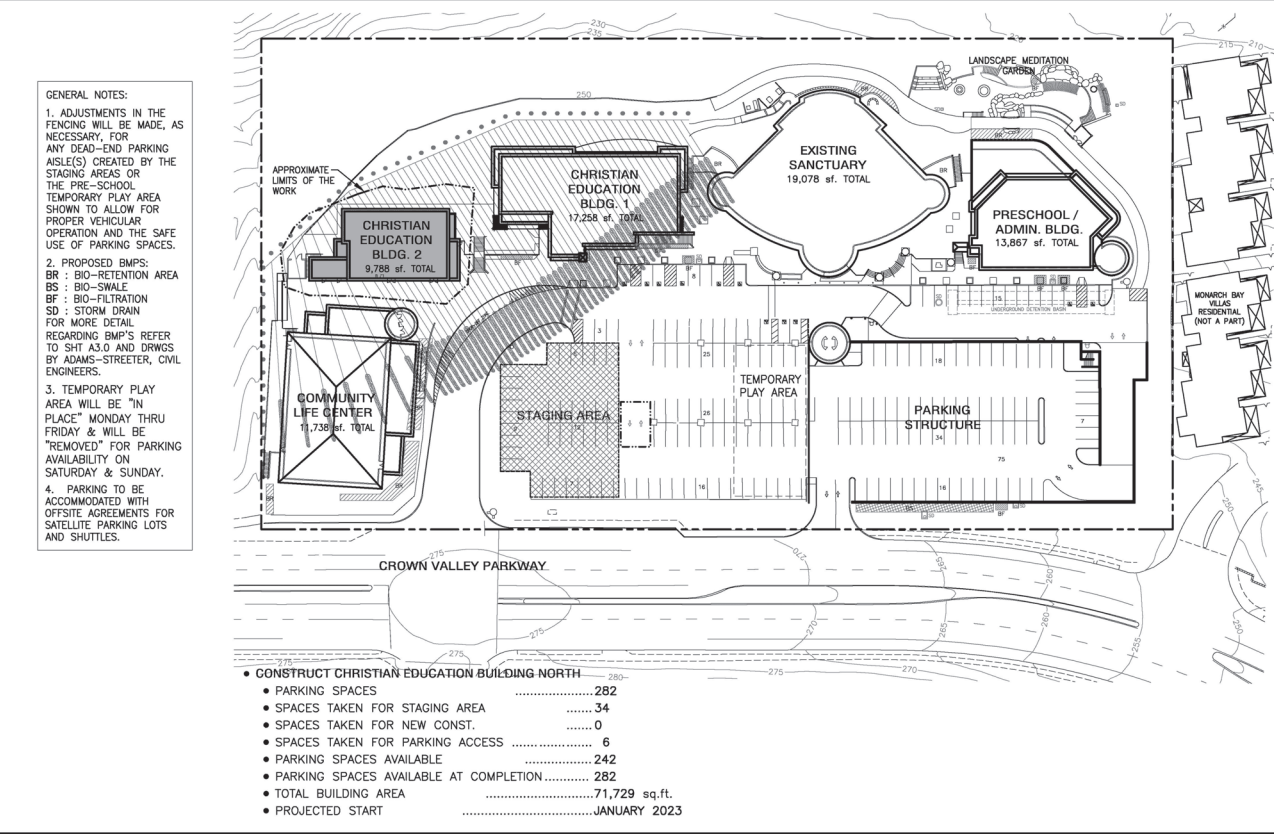
Earthwork / Construct New Community Life Center Bldg. PHASE 1C 1



Construct New Christian Education Bldg. - Phase 3 3



Construct South Half of Parking Structure - Phase 2 2



Construct New Christian Education Bldg. - Phase 4 4



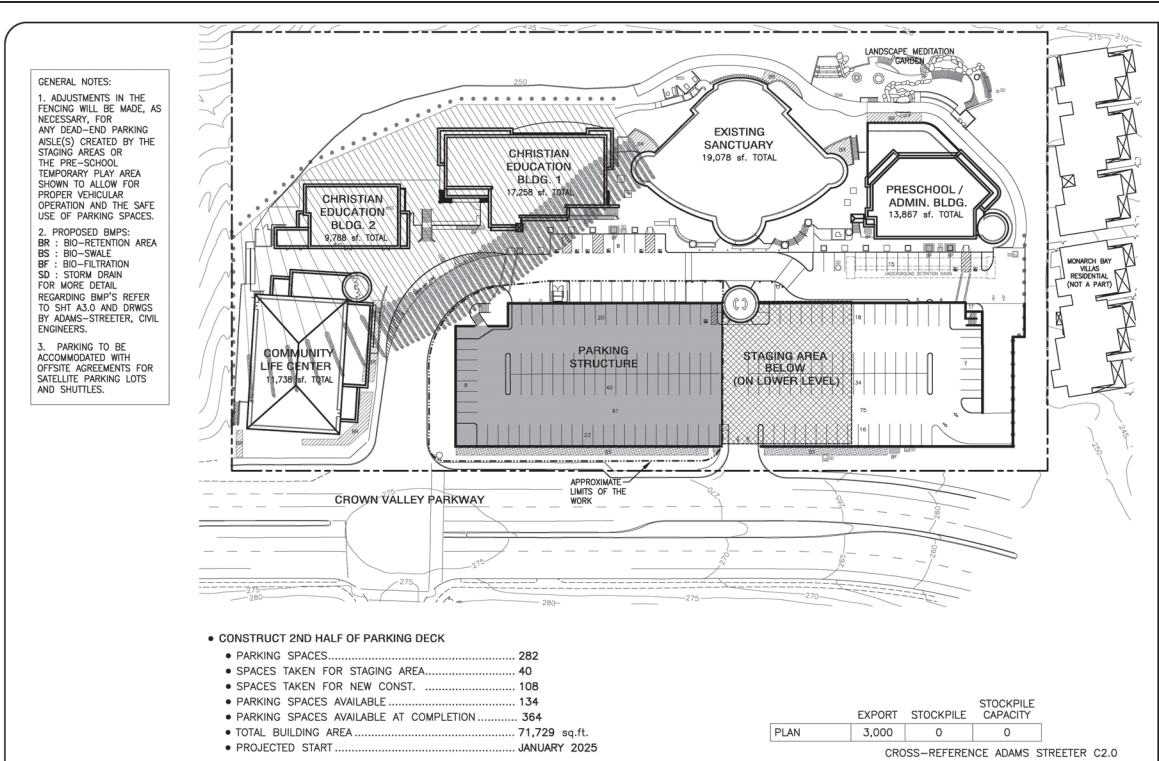
SOURCE: Matlock Associates, Inc.

I:\DPC0902\G\Alternatives Chapter\ Const Phasing-Revised Alt 2-b.cdr (3/12/15)

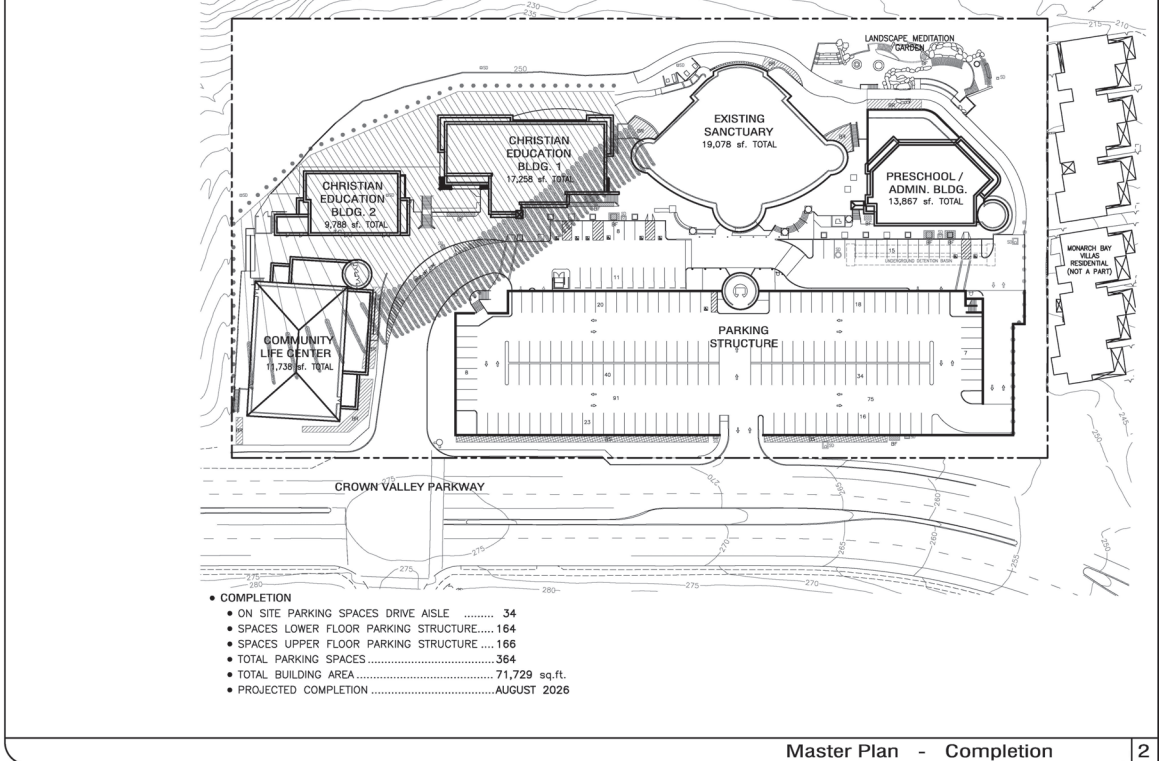
FIGURE 2b

South Shores Church Master Plan Alternative
Construction Phasing - Revised Alternative 2

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Construct North Half of Parking Structure - Phase 5 | 1



Master Plan - Completion | 2

LSA

FIGURE 2c



South Shores Church Master Plan Alternative
Construction Phasing - Revised Alternative 2

SOURCE: Matlock Associates, Inc.

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Revised Alternative 2, as described herein, incorporates design elements considered in the Draft EIR Alternative 2 and would meet most of the project objectives. This project refinement was developed in response to comments received on the Draft EIR and in an effort to reduce potential parking impacts during implementation of the proposed project.

The Revised Alternative 2's potential impacts as compared to the proposed project and Alternative 2 as analyzed in the Draft EIR are described below:

Environmental Analysis

Aesthetics. Revised Alternative 2 includes all of the buildings, structures, and features included in Alternative 2, with the exception of the relocation of the Landscaped Meditation Garden. Under Revised Alternative 2, the proposed Landscaped Meditation Garden on the southeast corner of the project site would be moved approximately 30 feet further north from its previously proposed location. The relocated Meditation Garden would not result in a substantial change in views of the project site, as it contains the same features as previously proposed. The revised location of the garden would not conflict with the visual character of the site or surrounding area. Therefore, the impacts related to the Revised Alternative 2 would be similar to those analyzed for Alternative 2 in the Draft EIR.

Similar to the proposed project, Revised Alternative 2 would permanently alter the existing visual character and quality of the project site. As discussed in the Draft EIR, Alternative 2 would be constructed lower in height as compared to the proposed project and impacts related to the visual character of the project site under Alternative 2 were considered to be less than for the proposed project. Therefore, since Revised Alternative 2 would be consistent with the impacts identified for Alternative 2 as analyzed in the Draft EIR, there would be no additional visual impacts as result of the project refinements to Revised Alternative 2.

Air Quality. Revised Alternative 2 would modify the construction phasing on the project site, but would not change the size, intensity, or location of structures on the project site, with the exception of the relocation of the Landscaped Meditation Garden. Additionally, the modifications to construction phasing would not change the 10-year construction period proposed for the Master Plan. Therefore, the impacts related to the Revised Alternative 2 would be similar to those analyzed for Alternative 2 in the Draft EIR. The previous finding of less than significant impacts related to air quality resources would remain.

Similar to the proposed project, the Revised Alternative 2 would have less than significant impacts related to air quality. As discussed in the Draft EIR, air quality impacts for Alternative 2 would be incrementally reduced during construction when compared to the project due to the reduced amount of building square footage proposed as part of the alternative. Operational emissions would be similar to the proposed project for this alternative because the same number and intensity of church activities would occur even though the building square footage is reduced. Therefore, since Revised Alternative 2 would be consistent with the impacts identified for Alternative 2 as analyzed in the Draft EIR, there would be no additional air quality impacts as result of the project refinements to Revised Alternative 2.

Standard Conditions 4.2.1 and 4.2.2 would remain applicable to Revised Alternative 2 to ensure that potential air quality impacts remain less than significant.

Biological Resources. Revised Alternative 2 would modify the construction phasing on the project site and would not change the size, intensity, or location of structures on the project site, with the exception of the relocation of the Landscaped Meditation Garden. No net increase in grading would be required to accommodate the relocation of the Landscaped Meditation Garden. Therefore, the impacts related to the Revised Alternative 2 would be similar to those analyzed for Alternative 2 in the Draft EIR. The previous finding of less than significant impact, with mitigation incorporated, related to biological resources would remain.

Similar to the proposed project, Revised Alternative 2 would have less than significant impacts related to biological resources. As discussed in the Draft EIR, Alternative 2 would, similar to the proposed project, preserve 0.12 ac of undisturbed coastal sage scrub and remove approximately 0.18 ac of disturbed coastal sage scrub in the northeastern portion of the project site. Following the implementation of Mitigation Measures 4.3.1 through 4.3.3, the proposed project and Alternative 2 would be consistent with applicable goals and policies aimed at preserving and protecting sensitive plant and animal species. Although the Landscaped Meditation Garden would be relocated slightly closer to coastal sage scrub habitat in the northeastern corner of the project site, the new garden would be located outside of the habitat area and no additional impacts would occur. Therefore, since Revised Alternative 2 would be consistent with the impacts identified for the alternative analyzed in the Draft EIR, there would be no additional biological resource impacts as a result of the project refinements to Revised Alternative 2.

Mitigation Measures 4.3.1, 4.3.2, and 4.3.3 would remain applicable to Revised Alternative 2 to ensure that potential impacts related to biological resources are reduced to a less than significant level.

Cultural Resources. Revised Alternative 2 would modify the construction phasing of the project, but would not change the size, intensity, or location of structures on the project site, with the exception of the relocation of the Landscaped Meditation Garden. No net increase in grading would be required to accommodate the relocation of the Landscaped Meditation Garden. Therefore, the impacts related to the Revised Alternative 2 would be similar to those analyzed for Alternative 2 in the Draft EIR. The previous finding of less than significant impact, with mitigation incorporated, related to cultural and paleontological resources would remain.

Similar to the proposed project, Revised Alternative 2 would not significantly impact cultural resources. As discussed in the Draft EIR, no archaeological, paleontological, or historical resources are known to exist at the project site. However, similar to the proposed project, Revised Alternative 2 would be required to adhere to mitigation (Mitigation Measures 4.4.1 and 4.4.2) to reduce impacts to any unknown archaeological or paleontological resources that may be uncovered during implementation of this alternative. Revised Alternative 2, like the proposed project, would also be required to implement Mitigation Measure 4.4.3 in the unlikely event that human remains are encountered during grading. Therefore, with implementation of Mitigation Measures 4.1.1 through 4.4.3, this alternative's impacts to cultural resources would, similar to the proposed project, be less than significant. Revised Alternative 2 would be consistent with the impacts identified for the proposed project and Alternative 2 as analyzed in the Draft EIR, and, as a result, there would be no additional cultural resource impacts as result of the project refinements to Revised Alternative 2.

Mitigation Measures 4.4.1, 4.4.2, and 4.4.3 would remain applicable to Revised Alternative 2 to ensure that potential impacts related to cultural and paleontological resources are reduced to a less than significant level.

Geology and Soils. Revised Alternative 2 would modify the construction phasing on the project site and would not change the size, intensity, or location of structures on the project site, with the exception of the relocation of the Landscaped Meditation Garden. No net increase in grading would be required to accommodate the relocation of the Landscaped Meditation Garden. Therefore, the impacts related to the Revised Alternative 2 would be similar to those analyzed for Alternative 2 in the Draft EIR. The previous finding of less than significant impact, with mitigation incorporated, related to geology and soils would remain.

Similar to the proposed project, Revised Alternative 2 would be required to implement mitigation requiring the Applicant to comply with the recommendations in the *Geotechnical Evaluations* (prepared by LGC Geotechnical, Inc., May and December, 2013), and the most current California Building Code (CBC). As discussed in the Draft EIR, the proposed project and Alternative 2 would develop the project site with structures north of the existing Sanctuary, in an area that is subject to potential landslides. As such, similar to the proposed project, Alternative 2 would employ mitigation measures to reduce the potential for impacts related to landslides and expansive soils to a less than significant level. Alternative 2 would also comply with mitigation for ongoing slope maintenance procedures during operation of the project to reduce impacts associated with the potential failure of the slopes on the northeastern portion of the project site.

Construction and excavation activities associated with implementation of Alternative 2 were found to be slightly reduced as compared to those associated with the proposed project due to the reduction in overall building square footage. Therefore, overall impacts to geology and soils can also be considered comparable to, but slightly less for Alternative 2 than for the proposed project.

Revised Alternative 2 would be consistent with the impacts identified for the proposed project and Alternative 2 as analyzed in the Draft EIR, and, as a result, there would be no additional impacts related to geology and soils as result of the project refinements to Revised Alternative 2.

Mitigation Measures 4.5.1, 4.5.2, and 4.5.3 would remain applicable to Revised Alternative 2 to ensure that potential geology and soils impacts are reduced to a less than significant level.

Global Climate Change. Revised Alternative 2 would modify the construction phasing on the project site and would not change the size, intensity, or location of structures on the project site, with the exception of the relocation of the Landscaped Meditation Garden. No net increase in grading would be required to accommodate the relocation of the Landscaped Meditation Garden. Therefore, because no net increases in grading or structures are proposed under Revised Alternative 2, the greenhouse gas (GHG) emission impacts of this alternative would be similar to those analyzed for Alternative 2 in the Draft EIR. The previous finding of less than significant impact, with mitigation incorporated, related to GHG emissions would remain.

Similar to the proposed project, Revised Alternative 2 would have less than significant impacts related to GHG emissions and global climate change. The Draft EIR concluded that construction emissions under Alternative 2, like the proposed project, would occur over the short-term during construction activities and would not result in any significant GHG emissions. These construction emissions would be incrementally fewer under Alternative 2 as compared to the proposed project due to the reduced amount of building square footage being constructed. Therefore, Revised Alternative 2 would be consistent with the impacts identified for the proposed project and Alternative 2 as analyzed in the Draft EIR. There would be no additional impacts related to greenhouse gas emissions and global climate change as result of the project refinements to Revised Alternative 2.

Project Design Feature 4.6.1 would remain applicable to Revised Alternative 2 to ensure that potential GHG emission impacts remain less than significant.

Hazards and Hazardous Materials. Revised Alternative 2 would modify the construction phasing on the project site and would not change the size, intensity, or location of structures on the project site, with the exception of the relocation of the Landscaped Meditation Garden. Therefore, the potential to encounter hazardous materials during construction of the revised project would be similar to Alternative 2 analyzed in the Draft EIR, which was considered less than significant with mitigation. The previous finding of less than significant impact, with mitigation incorporated, related to hazards and hazardous materials would remain.

Similar to the proposed project, Revised Alternative 2 would have less than significant impacts related to hazards and hazardous materials. As discussed in the Draft EIR, neither the proposed project nor Alternative 2 would develop the project on a hazardous materials site that would create a potential hazard to the public or environment. Similar to the proposed project, the Revised Alternative 2 would be required to implement mitigation measures to reduce impacts associated with unknown asbestos-containing materials and lead-based paint and regulations for handling hazardous materials during construction activities. The existing on-site Preschool facility would be present under both the proposed project and Alternative 2, and both the proposed project and all alternatives would be required to implement mitigation measures to ensure that construction of the proposed project would not result in any hazardous emissions that would impact the on-site Preschool or any other schools within 0.25 mile of the project site. Therefore, with mitigation, Revised Alternative 2 would result in similar impacts as the proposed project related to hazards and hazardous materials during project construction.

Overall, impacts related to hazardous materials are considered the same for Alternative 2 as for the proposed project. Revised Alternative 2 would be consistent with the impacts identified for the proposed project and Alternative 2 as analyzed in the Draft EIR, and, as a result, there would be no additional impacts related to geology and soils as result of the project refinements to Revised Alternative 2.

Mitigation Measures 4.7.1 and 4.7.2 would remain applicable to Revised Alternative 2 to ensure that potential impacts related to hazards and hazardous materials are reduced to a less than significant level.

Hydrology and Water Quality. A *Supplemental Master Plan Hydrology Report* by Adams-Streeter, dated February 17, 2015, has been prepared for Revised Alternative 2 and is included as Attachment A to this Final EIR. The Supplemental Hydrology Report analyzes the Hydrology of Revised Alternative 2,

including all downstream drainage structures, including the outlet v-ditch that leads to the Pointe Monarch flow-through retention basin. The Supplemental Hydrology Report states in Sections XI and XII that the existing v-ditch and Pointe Monarch flow-through retention basin have the capacity to convey the 25-year and 100-year storms with the development of Revised Alternative 2.

In addition, Adams-Streeter has prepared a *Revised Preliminary Water Quality Management Plan* (WQMP) that sets forth the treatment measures proposed for Revised Alternative 2, the Applicant's proposed revised reduced development alternative. The Revised Preliminary WQMP is included as Attachment B to this Final EIR.

Revised Alternative 2 would modify the construction phasing on the project site, but would not change the size, intensity, or location of structures on the project site, with the exception of the relocation of the Landscaped Meditation Garden. Therefore, the potential for impacts related to hydrology and water quality would be similar to Alternative 2 analyzed in the Draft EIR, which was considered less than significant with mitigation.

Similar to the proposed project, construction of Revised Alternative 2 could potentially impact water quality related to erosion and pollutants. However, as discussed in the Draft EIR, compliance with regulatory requirements and mitigation measures would ensure these impacts would be less than significant. Water quality impacts associated with construction would be similar to the proposed project since all structures on the project site, with the exception of the existing Sanctuary, would be demolished and similar excavation would occur under this alternative.

Because the proposed project and Revised Alternative 2 would be situated on the same project site, site-specific impacts would remain similar under both alternatives. Overall, impacts related to hydrology and water quality for the Revised Alternative 2 would be similar to, although incrementally reduced due to the construction of a smaller building footprint for, the proposed project. Revised Alternative 2 would be consistent with the impacts identified for the proposed project and Alternative 2 as analyzed in the Draft EIR, and, as a result, there would be no additional impacts related to hydrology and water quality result of the project refinements to Revised Alternative 2.

Mitigation Measures 4.8.1, 4.8.2, and 4.8.3 would remain applicable to Revised Alternative 2 to ensure potential impacts related to hydrology and water quality are reduced to a less than significant level; however, Revised Alternative 2 would be required to implement a revised version of Mitigation Measure 4.8.3, which requires consistency with the Revised Preliminary WQMP approved on March 3, 2015.

Revised Alternative 2 Mitigation

Mitigation Measure 4.8.3: Water Quality Management Plan. Prior to issuance of grading permits, the Applicant shall submit a Final Water Quality Management Plan (WQMP) to the City Director of Public Works for review and approval. The WQMP shall be consistent with the City's Model Water Quality Management Plan (Model WQMP) and the project's revised preliminary WQMP, as conceptually approved on March 3, 2015. Project-specific Low-Impact Development, Detention/Biofiltration Site Design, Source Control, or Treatment Control BMPs contained in the Final WQMP shall be incorporated into final design and comply with the Model WQMP

requirements in effect at the time of submittal of each phase. The BMPs shall be properly designed and maintained to target pollutants of concern and reduce runoff from the project site. The WQMP shall include an operations and maintenance (O&M) Plan for the prescribed BMPs to ensure their long-term performance. The O&M Plan shall include, but not be limited to, the following requirements:

- Operation and maintenance records shall be retained a minimum of 5 years.
- Training and educational activities and BMP operation and maintenance shall be documented to verify compliance with the O&M Plan.
- A WQMP Verification Form shall be submitted to the City of Dana Point annually by September 1.
- BMPs shall be inspected for standing water on a regular basis.
- Operation and inspection requirements for the Low-Impact Development, Detention/Biofiltration Site Design, Source Control, or Treatment Control BMPs shall be included.

Land Use. Revised Alternative 2 would modify the construction phasing on the project site and would not change the size, intensity, or location of structures on the project site, with the exception of the relocation of the Landscaped Meditation Garden. The relocation of the Landscaped Meditation Garden 30 feet further north of the previously proposed location would be compliant with all site development regulations established by the City. Therefore, no new impacts related to land use would occur as a result of the project refinement and the previous finding of less than significant impacts related to land use would remain.

As discussed in the Draft EIR, the buildings included in Alternative 2 would adhere to the City's 35 foot building height requirement and would not require a height variance. Revised Alternative 2 would be consistent with the building height identified for Alternative 2. Additionally, the relocated Landscaped Meditation Garden would be compliant with all City development regulations. Therefore, because a height variance would not be required under Revised Alternative 2 and the project refinements would comply with development regulations, overall impacts related to land use and height for Revised Alternative 2 would be less than for the proposed project, but similar to Alternative 2.

Noise. Revised Alternative 2 would modify the construction phasing on the project site and would not change the size, intensity, or location of structures on the project site, with the exception of the relocation of the Landscaped Meditation Garden. No net increase in grading would be required to accommodate the relocation of the Landscaped Meditation Garden. The Draft EIR concluded that Alternative 2 would result in less than significant impacts with the implementation of Standard Condition 4.10.1 and Mitigation Measure 4.10.1. Therefore, the potential for impacts related to noise would be similar to Alternative 2, which was considered less than significant with mitigation.

Similar to the proposed project, Revised Alternative 2 would have less than significant impacts related to noise. As described in the Draft EIR, construction activity associated with Alternative 2 would be reduced as compared to the proposed project due to the reduced building square footages, but would generally result in similar noise and vibration levels since the construction and excavation areas, methods, and equipment would be similar. Under both the proposed project and Alternative 2, construction would not require the use of unusual grading or construction techniques (i.e., drill rig and/or blasting) that would cause excessive groundborne vibration or noise. Similar to the proposed project, caisson drilling under Revised Alternative 2 would occur at least 25 ft from the nearest structures to the project site and, therefore, would not result in significant vibration impacts on adjacent properties. While construction phasing under the Revised Alternative 2 has been modified, the noise levels associated with each construction phase would remain the same.

Operational noise impacts would be similar under Alternative 2 as compared to the proposed project, and no mitigation is required. Similar to the proposed project, Alternative 2 included a mechanical room in the southwest corner of the lower level of the Parking Structure. Because the Parking Structure would be 10 ft further away from the Monarch Bay Villas than the Parking Structure location under the proposed project, noise levels at the Monarch Bay Villas related to the operation of the mechanical equipment in the Parking Structure would also be lower than the City's daytime and nighttime noise requirements, and would be slightly lower under Alternative 2 than the proposed project.

Overall, construction noise impacts for Alternative 2 would be less than for the proposed project scenario, and operational noise impacts would be similar to the proposed project. Revised Alternative 2 would be consistent with the impacts identified for the proposed project and the alternative analyzed in the Draft EIR, and, as a result, there would be no additional noise impacts as result of the project refinements to Revised Alternative 2.

Standard Condition 4.10.1 and Mitigation Measure 4.10.1 would remain applicable to Revised Alternative 2 to ensure that potential significant impacts related to noise are reduced to a less than significant level.

Public Services and Utilities. Revised Alternative 2 would modify the construction phasing on the project site and would not change the size, intensity, or location of structures on the project site, with the exception of the relocation of the Landscaped Meditation Garden. Therefore, no new impacts related to public services and utilities would occur as a result of the project refinement and the previous finding of less than significant impacts would remain.

Similar to the proposed project, Revised Alternative 2 would have less than significant impacts on public services and utilities. As discussed in the Draft EIR, neither the proposed project nor Alternative 2 would include the addition of residential or commercial uses on site, which can result in a greater demand on emergency services and public transportation. Specifically, Alternative 2 would have similar impacts to the proposed project related to fire protection because Alternative 2 would require the OCFA to approve the final site plan to ensure compliance with all applicable codes related to fire services and emergency access.

The Orange County Sheriff's Department (OCSD) indicated that they would be able to adequately serve the proposed project and because Alternative 2 includes similar on-site operations, the alternative would have similar impacts related to police services as the proposed project.

The square footage of church uses would be reduced under Alternative 2, and therefore, the demands for natural gas, electricity, water, wastewater, and solid waste services would be slightly reduced as compared to the proposed project. Therefore, because the proposed project's demand for additional public services and utilities would be less than significant and because Alternative 2 would develop the same uses on the project site as the proposed project, but on a reduced scale, impacts related to these utilities would be less under Alternative 2 than under the proposed project.

Overall, impacts related to public services and utilities under Alternative 2 are considered slightly fewer than under the proposed project. Revised Alternative 2 would be consistent with the impacts identified for the proposed project and the alternative analyzed in the Draft EIR, and, as a result, there would be no additional public services or utility impacts as result of the project refinements to Revised Alternative 2.

Standard Condition 4.11.1 would remain applicable to Revised Alternative 2 to ensure that potential impacts related to public services and utilities are reduced to a less than significant level.

Traffic. Revised Alternative 2 would modify the construction phasing on the project site and would not change the size, intensity, or location of structures on the project site, with the exception of the relocation of the Landscaped Meditation Garden. Modifications to construction phasing include recalculations of parking surplus and deficits during each construction phase. The following project refinements in regard to the provision of parking are included in Revised Alternative 2:

- The number of parking spaces taken for construction activities during Phases 1A, 1B, 1B-E1, and 1B-E2 would remain the same as Alternative 2. During the first 2 months of construction of Phase 1C, the Revised Alternative 2 would have the same number of at-grade parking spaces available for church activities (121) as Alternative 2. However, subsequent to the first 2 months of construction, Revised Alternative 2 would provide 262 at-grade parking spaces on Saturdays and Sundays, 12 more than Alternative 2.
- During Phase 2, Revised Alternative 2 would provide 82 at-grade parking spaces throughout the week, 10 more spaces than Alternative 2 would provide during construction of the southern half of the Parking Structure (Phase 4). During Phase 3 and 4, the Revised Alternative 2 would provide 242 parking spaces on Saturdays and Sundays and 214 parking spaces on weekdays, 38 more spaces than Alternative 2 would provide during construction of Christian Education Buildings 1 and 2 (Phases 2 and 3).
- Similar to the proposed project and Alternative 2, four of the existing ministry programs (the Wednesday morning bible study, the biweekly Friday morning ministry program, and two small ministry programs held on Tuesday mornings) would be discontinued during construction due to temporary on-site parking deficiencies during construction. However, under Revised Alternative 2, the Applicant proposes to also temporarily discontinue two Sunday bible study classes that run concurrent with the 2nd and 3rd worship services, respectively, during the first two months of Phase 1C, and the entire duration of Phases 2 and 5. Although the off-site shared parking program would also be required during construction of most of Revised Alternative 2 to address on-site parking

deficiencies, no off-site parking would be required in Phase 1C after the first 2 months of construction and between Phases 1C and 2. No parking deficiencies are anticipated to occur after the completion of Revised Alternative 2.

As a result of the revisions to the construction phasing, the deficiencies in parking during construction phases would be improved. Therefore, impacts related to traffic and transportation would also improve compared to the proposed project and Alternative 2 as a result of the project refinement under Revised Alternative 2. The previous finding of less than significant impacts related to traffic and transportation would remain.

As discussed in the Draft EIR, Alternative 2 would have similar impacts related to traffic as compared to the proposed project. Although Alternative 2 would develop the project site with less building square footage than the proposed project, this alternative proposes the same number of buildings on site, would develop the site with similar uses as the proposed project, and would have similar operational characteristics.

During the most intense phases of construction, the proposed project would result in a total of 58 trips during both the a.m. and p.m. peak hours. Although construction activities under Alternative 2 would be slightly reduced, this alternative would generate a similar number of construction peak-hour trips as the proposed project. Therefore, because Alternative 2 would generate a similar number of construction trips as the proposed project, this alternative would also require adherence to Standard Condition 4.12.1 to ensure that impacts during construction would be less than significant. Revised Alternative 2 would be consistent with the impacts identified for the proposed project and Alternative 2 as analyzed in the Draft EIR regarding construction peak-hour trips, and, as a result, there would be no additional impacts as result of the project refinements to Revised Alternative 2.

Potentially significant impacts related to on-site parking shortages during construction would occur under the proposed project, Alternative 2, and Revised Alternative 2 because all three scenarios propose to develop the site in similar phases over the course of 10 years. Under the proposed project scenario, parking deficits would occur on Sundays during each construction phase (with the exception of Phase 2). As such, off-site parking would need to be secured by the Church in order to accommodate the Sunday parking demand during project construction (with the exception of Phase 2). Therefore, implementation of Mitigation Measure 4.12.1, which requires the Applicant to secure sufficient off-site parking on Sundays during those construction phases when the project site is projected to have insufficient on-site parking, would be required to reduce the proposed project's parking impacts during construction to a less than significant level.

As illustrated in Table A, Alternative 2 would also result in parking deficits on Sundays during each construction phase (the proposed project would not result in Sunday parking deficits during Phase 2) and, similar to the proposed project, would be required to implement Mitigation Measure 4.12.1 to reduce on-site parking impacts during construction of this alternative to a less than significant level.

Revised Alternative 2 includes modifications to the construction phasing, as described above, in order to reduce peak parking deficits as compared to Alternative 2. Although Revised Alternative 2 would alleviate some parking deficits during construction, this alternative would be required to implement Mitigation Measure 4.12.1, as revised, to reduce on-site parking impacts during construction of this

Table A: Comparison of Parking Summaries

Phase	Time Period	Proposed Project			Alternative 2			Revised Alternative 2		
		Parking Demand	On-Site Parking Supply	Surplus/ (Deficit)	Parking Demand	On-Site Parking Supply	Surplus/ (Deficit)	Parking Demand	On-Site Parking Supply	Surplus/ (Deficit)
Existing Conditions	Weekday ¹	193	228	35	193	228	35	193	228	35
	Sunday ²	254	228	(26)	254	228	(26)	254	228	(26)
1A	Weekday ³	34	161	127	34	161	127	34	161	127
	Sunday	262	161	(101)	262	161	(101)	262	161	(101)
1B	Weekday ^{3,4}	34	190	156	34	174	140	34	174	140
	Sunday	262	218	(44)	262	202	(60)	262	202	(60)
1B-E1	Weekday ^{3,4}	34	188	154	34	172	138	34	172	138
	Sunday	262	216	(46)	262	200	(62)	262	200	(62)
1B-E2	Weekday ^{3,4}	34	188	154	34	172	138	34	172	138
	Sunday	262	216	(46)	262	200	(62)	262	200	(62)
1C	Weekday ^{3,4}	34	109 ⁵	75	34	93 ⁷	59	34	93 ¹⁰	59
	Sunday	262	137 ⁶	(125)	262	121 ⁸	(141)	239 ⁹	121 ¹¹	(118)
2	Weekday ^{3,4}	35	253	218	35	176	141	35	82	47
	Sunday	267	281	14	267	204	(63)	243 ⁹	82	(161)
3	Weekday ^{3,4}	36	196	160	36	176	140	36	214	178
	Sunday	271	224	(47)	271	204	(67)	271	242	(29)
4	Weekday ^{3,5}	37	91	54	37	72	35	37	214	177
	Sunday ⁶	276	91	(185)	276	72	(204)	276	242	(34)
5	Weekday ³	38	150	112	38	135	97	38	134	96
	Sunday	281	150	(131)	281	135	(146)	255 ⁹	134	(121)
Master Plan Completion	Weekday	333	411	78	333	364	31	333	364	31
	Sunday	352	411	59	352	364	12	352	364	12

Source: LSA Associates, Inc. *Traffic Impact Analysis and Parking Analysis* (July 2014) (Appendix J).

Note: Parking demand estimates developed from surveys conducted at the project site on April 27 (Sunday) and April 30 (Wednesday), 2014.

¹ April 30, 2014.

² April 27, 2014.

³ The Women's Bible Study Fellowship held on Wednesdays would be discontinued during project construction.

⁴ The on-site parking supply would be reduced by 28 spaces during weekdays to accommodate the temporary outdoor play area for the preschool.

⁵ After the first 2 months of Phase 1C, the on-site parking supply on weekdays increases to 253 parking spaces.

⁶ After the first 2 months of Phase 1C, the on-site parking supply on Sundays increases to 281 parking spaces.

⁷ After the first 2 months of Phase 1C, the on-site parking supply on weekdays increases to 222 parking spaces.

⁸ After the first 2 months of Phase 1C, the on-site parking supply on Sundays increases to 250 parking spaces.

⁹ Two Bible Study classes that run concurrent with 2nd and 3rd Worship Services held on Sundays would be discontinued during project construction

¹⁰ After the first 2 months of Phase 1C, the on-site parking supply on weekdays increases to 121 parking spaces.

¹¹ After the first 2 months of Phase 1C, the on-site parking supply on Sundays increases to 262 parking spaces.

alternative to a less than significant level. It should be noted that the current parking deficiency of 26 spaces will be rectified once the project begins construction of the proposed project.

Both Alternative 2 and Revised Alternative 2 would generate the same number of project-related trips as the proposed project due to the fact the project site would be developed with the same uses, and therefore, would be anticipated to generate the same number of visitors to the project site as the proposed project. Further, similar to the proposed project, neither Alternative 2 nor Revised Alternative 2 would result in any significant adverse impacts on any of the study area intersections with the addition of project traffic due to the fact that these alternatives would generate a similar number of trips as the proposed project.

As previously stated, neither the proposed project nor Alternative 2 would result in significant traffic impacts during project construction or operation and would provide sufficient parking with mitigation incorporated. Revised Alternative 2 would further reduce construction peak parking deficiencies from those identified in the Draft EIR for Alternative 2. Therefore, there would be no additional impacts related to traffic as result of the project refinements to Revised Alternative 2.

Standard Condition 4.12.1 and Mitigation Measure 4.12.1, as revised below, would be applicable to Revised Alternative 2, to ensure less than potential impacts related to transportation/traffic would be reduced to a less than significant level.

Revised Alternative 2 Mitigation

Mitigation Measure 4.12.1: Off-Site Shared Parking Agreement. Prior to the issuance of any demolition, grading, or construction permits associated with any phases of the proposed project, the project Applicant shall obtain the City of Dana Point (City) Planning Commission's approval for an updated Parking Management Plan as detailed in Chapter 9.35 of the City's Zoning Ordinance. The Parking Management Plan shall include parking agreements to accommodate parking needs for each construction phase off-site or other means to provide required spaces on-site during each phase on Sundays in an amount equal to or greater than the following number of spaces for each phase:

- Phase 1A – 101 parking spaces;
- Phase 1B – 60 parking spaces;
- Phase 1B-E1 – 62 parking spaces;
- Phase 1B-E2 – 62 parking spaces;
- Phase 1C – 118 parking spaces (during the first 2 months of this phase);
- Phase 2 – 161 parking spaces;
- Phase 3 – 29 parking spaces;
- Phase 4 – 34 parking spaces; and
- Phase 5 – 121 parking spaces.

The off-site shared parking agreement for each construction phase shall be in effect until commencement of the following phase or until the Applicant demonstrates to the City's Community Development Director and Public Works Director, or designee, that the project site is able to provide adequate on-site parking to meet the proposed project's parking demand.

Overview of Potential Impacts/Comparison to the Proposed Project

Similar to the proposed project, Revised Alternative 2 would not result in any significant unavoidable adverse impacts. However, due to the reduction in building square footage and the construction phasing under Revised Alternative 2, overall impacts would be slightly reduced compared to impacts associated with the proposed project. Specifically, under Revised Alternative 2, air quality, greenhouse gas emissions, noise, public services, and utilities impacts would be incrementally reduced due to the reduction in building square footage proposed as part of this alternative. In addition, land use compatibility impacts would also be reduced under this alternative as compared to the proposed project because the Community Life Center proposed as part of Revised Alternative 2 would not require a height variance, as is required for the proposed project. Further, due to the reduced height of the Community Life Center proposed as part of Revised Alternative 2, visual impacts related to the obstruction of background views of hillside development, open space, and sky would be slightly reduced as compared to the proposed project. Lastly, construction parking deficiencies would be reduced under Revised Alternative 2 as compared to the proposed project because the revised construction phasing would provide more at-grade parking spaces during the weekdays and Sundays, resulting in less Sunday parking deficiencies than the proposed project.

Attainment of Project Objectives

Revised Alternative 2 would achieve all of the project objectives but to a lesser extent. Similar to the proposed project, the Revised Alternative 2 would replace existing facilities on the north end of the project site with new facilities consistent with the existing Sanctuary and surrounding development (Objective 1) and would accommodate the relocation of existing church structures (Objective 2). In addition, the Revised Alternative 2 would meet the proposed project's objectives of employing mechanical and structural techniques to address on-site geotechnical issues (Objective 3). Under Revised Alternative 2, the Landscaped Meditation Garden would be moved 30 feet north of the proposed location in the southeastern corner of the project site, and therefore, would not enhance and beautify the southeast corner of the property to the same extent as the proposed project (Objective 4). Further, Revised Alternative 2 would provide an on-site Parking Structure and a surface parking lot, and would, therefore, meet the proposed project's objective of addressing parking needs on Sundays and providing adequate on-site parking and circulation (Objective 5). Revised Alternative 2 would include the completion of the southern portion of the Parking Structure in Phase 2 to increase the on-site parking supply during the construction period and reduce parking deficits. Therefore, Revised Alternative 2 would meet the project objectives (though to a lesser extent than the original proposed project).

2.0 COMMENT LETTERS AND RESPONSES

2.1 FREQUENT COMMENTS AND COMMON RESPONSES

The following responses have been prepared to address frequent and similar comments received on the Draft Environmental Impact Report (EIR). These comments and responses are provided prior to the individual comment letters from State agencies, local agencies, and interested individuals and are referenced throughout Section 2.0, Comment Letters and Responses, of this Final EIR.

Common Response No. 1 – California Environmental Quality Act (CEQA) Process

Several comments received made reference to the Planning Commission Study Session held on October 13, 2014, and indicated that the timing of this meeting was inappropriate as it was held after the release of the Draft EIR. In addition, there were comments regarding the Notice of Preparation (NOP) and use of a previously issued State Clearinghouse (SCH) Number for the Draft EIR. These issues are addressed below.

The Planning Commission Study Session was not a CEQA scoping meeting. A Study Session is a City of Dana Point (City) process whereby the City staff and the Applicant introduce the project to the Planning Commission prior to any public hearing or action taken on the project. It is intended to allow the Planning Commission to ask questions and give feedback to the project Applicant regarding the proposed project. A CEQA Scoping Meeting is held after issuance of the NOP but before release of the Draft EIR in order to get input from responsible and trustee agencies and the public on environmental topics to be addressed in the Draft EIR. The Scoping Meeting for the proposed project was held on March 4, 2010, after the City had decided to prepare an EIR and prior to preparation and release of the document for public review, in accordance with *State CEQA Guidelines* Sections 15082 and 15083.

An NOP was prepared for the proposed project and circulated from February 4, 2010, through March 22, 2010, once the City had determined that an EIR would be prepared. In accordance with *State CEQA Guidelines* Section 15064(a)(1), [i]f there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, the agency shall prepare a draft EIR. Further, an Initial Study (IS) is not required by CEQA where the need for an EIR is evident (*State CEQA Guidelines* Section 15063[a]), and therefore, a new IS Checklist was not prepared in conjunction with the Draft EIR. As correctly noted by one commenter, there is no time limit on how long an NOP is valid, and the City, as Lead Agency, determined that the NOP remained valid because there were no substantial changes to the project that warranted redistribution.

The proposed project analyzed in the EIR is nearly identical to the project described in the NOP (demolition of approximately 23,467 square feet [sf] of building area on the project site, 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). Additionally, the proposed project still includes a two-level partially subterranean Parking Structure. Similar to the project described in the NOP, construction of the proposed project would occur within the existing property boundaries and in several phases over a 10-year time frame. As described in Section 3.2, Project History and Background, of the Draft EIR, the proposed project includes a revised geotechnical solution in the northeast corner of the project site (a geotechnical solution was always required) and a detailed design of the Landscaped Meditation Garden in the southeast corner of the project site (i.e., the Meditation Garden does not include any building structures and serves as an open space feature of the project). The City, as Lead Agency, has determined that neither of these refinements constitutes a substantial change to the design of the proposed project, and thereby did not require recirculation of the NOP.

At the time the first documentation on a project is submitted to the State Clearinghouse, an SCH identification number is issued. As described in *State CEQA Guidelines* Section 15082 (e), the identification number should be referenced in all future document submittals related to the project, including future Draft EIRs, Subsequent or Supplemental EIRs, and all Notices. Therefore, the SCH number issued for the original submittal of the Mitigated Negative Declaration (MND) is the appropriate SCH number to use for the Draft EIR.

Common Response No. 2 - Previously Prepared Initial Study (IS) and Mitigated Negative Declaration (MND)

Several comments were received regarding the previously prepared IS and MND, indicating that they were inadequate and that the Draft EIR should not have relied on any of the analysis contained therein. These issues are addressed below.

As indicated on page 3-3 of the Draft EIR, after the MND was prepared and brought forward to the Planning Commission, the City decided to table the project due to the extent of public comments and concerns. The City subsequently decided to direct the preparation of an EIR. As provided for in *State CEQA Guidelines* Section 15064(f)(4), the existence of public controversy over the environmental effects of a project does not require the preparation of an EIR. Nevertheless, a Lead Agency may decide to prepare an EIR under such circumstances. Accordingly, the City retained a new consultant (LSA Associates, Inc. [LSA]) and began the EIR process. The City's decision to prepare an EIR was highly conservative insofar as the proposed project does not result in any significant unmitigated impacts (thereby potentially justifying use of a Mitigated Negative Declaration). In fact, the City has prepared Mitigated Negative Declarations for a wide range of projects that are much larger in size as compared to the proposed project that is the subject of this EIR. (e.g., *South Orange County Wastewater Authority v. City of Dana Point* (2011) 196 Cal.App.4th 1604; 1609 [mixed use and residential project located on Coast Highway and Del Obispo].)

The Draft EIR prepared for the proposed project did not rely on, or use, the analysis contained in the original IS/MND. An IS is not required by CEQA where the need for an EIR is evident (*State CEQA Guidelines* Section 15063[a]) and, therefore, a new IS Checklist was not prepared in conjunction with the Draft EIR. The analysis in the previous IS/MND was reviewed to understand the proposed project's environmental issues; however, entirely new and more comprehensive studies have been prepared for the Draft EIR. All of the analysis contained in the Draft EIR was conducted independently of the previously prepared documentation. The previous

technical studies were reviewed to see if they were adequate for inclusion or use in the Draft EIR. After the City determined that new studies would be required due to changes to the proposed project following the circulation of the IS/MND (revised engineering solution for addressing geotechnical issues on the northeast corner of the project site and the inclusion of a detailed design for the Landscaped Meditation Garden in the southeast corner of the project site), LSA's contract was amended to include the preparation of new technical studies. The following updated studies were prepared in support of the Draft EIR:

- *Air Quality Analysis for South Shores Church Master Plan* (LSA, August 2014).
- *Updated General Biological Assessment Letter Report* (LSA, August 2014), *Coastal California Gnatcatcher Survey Results Letter* (LSA, July 2010), and *Trapping for Pacific Pocket Mouse Letter Report* (LSA, August 2010).
- *Cultural Resources Assessment* (LSA, August 2013), and *Paleontological Resources Assessment* (LSA, August 2013).
- *Geotechnical Evaluation and Slope Stabilization Design for Environmental Impact Report Purposes, for Proposed Structures at the South Shores Church, City of Dana Point, California* (Geotechnical Evaluation) (LGC Geotechnical Inc. [LGC], May 20, 2013), and *Supplemental Geotechnical Evaluation and Slope Stabilization Design for Proposed Master Plan Alternative, for Environmental Impact Report Purposes, South Shores Church, City of Dana Point, California* (Supplemental Geotechnical Evaluation) (LGC, December 5, 2013).
- *Phase I Environmental Site Assessment* (Phase I ESA), (Advantage Environmental Consultants, LLC [AEC], September 16, 2011).
- *Preliminary Water Quality Management Plan* (Adams-Streeter Civil Engineers, Inc., November 21, 2012) and the *Master Plan Hydrology Report* (Adams-Streeter Civil Engineers, Inc., February 29, 2012).
- *Noise Impact Analysis* (LSA, August 2014).
- *Traffic Impact Analysis and Parking Analysis, South Shores Church Master Plan Project, Dana Point, California* (LSA, July 2014).

Common Response No. 3 – Proposed 10-Year Construction

Several comments were received regarding the 10-year duration of the construction period for the proposed project, asking why this duration was deemed acceptable by the City.

The project is proposed in five phases over a 10-year period; however, construction activities would not occur continuously over the 10-year period. Construction phasing is outlined in Table 3.D of Chapter 3.0, Project Description, of the Draft EIR. As described in Table 3.D on page 3-9, all construction phases are shown, with the anticipated start date and construction duration of each phase.

The City's Zoning Ordinance requires that discretionary permits be implemented or utilized or construction work commence within two years of approval. The Applicant can request two subsequent extensions for one year each, resulting in a total of four years within which the permitted construction must commence or the permits become void.

It should be noted that the proposed project is a phased Master Plan. The intention is to provide information on all anticipated future development rather than proposing a single building, then subsequently submitting separate applications for the other proposed facilities in a “piecemeal” fashion. However, simply because all phases of the Master Plan are being presented at this time does not mean that the individual buildings and improvements (like the Parking Structure) would be exempted from the codes and regulations in effect at the time permits are issued for each respective component of the Master Plan. The proposed project would be required to obtain construction permits (grading, demolition, building, retaining wall) for each phase and would be required to comply with all codes in effect at that time. Moreover, it is not unusual for implementation of a phased Master Plan to include periods where construction ceases and operations proceed utilizing the facilities that have been completed to that point.

One of the primary objectives of the South Shores Church Master Plan project is to maintain ongoing church operations to the maximum extent practicable while upgrades to Church facilities are made. The largest “pause” in implementing the Master Plan occurs between the end of Phase 1C and the start of Phase 2. Therefore, construction is envisioned to be on-going at various locations within the project site for an initial 3.5 year period. Then, for a period estimated to last approximately two years, the Applicant would operate utilizing the existing Sanctuary and the newly completed Preschool/Administration building and Community Life Center. Parking would consist of 262 surface parking spaces (which meets the projected parking demand for this period). The Church property will not look or operate like a construction site during this period (no construction fencing, stored equipment or materials, etc.).

Under the Applicant’s proposed Revised Alternative 2, all Master Plan construction nearest the Monarch Bay Villas condominium community would be complete once Phase 2 is constructed. Subsequent construction would be limited to the northern half of the project site.

Common Response No. 4 – Indemnification and Bond Request

Several comments received included requests for the Applicant to indemnify the City and the Monarch Bay Villas Homeowners Association and its homeowners against potential financial losses associated with landslide risks and drainage hazards, to obtain Performance Bonds that would ensure the completion of the project within the time frame proposed in the EIR, and/or obtain a liability insurance policy covering such damages with an additional umbrella policy. These issues are addressed below.

Although these comments raise concerns regarding the proposed project, the issues raised are purely economic in nature and do not raise any concerns about the proposed project’s potential to result in physical impacts on the environment. As described in *State CEQA Guidelines* Section 15064(e), economic... changes resulting from a project shall not be treated as significant effects on the environment. Therefore, the City is not required to address these comments as part of the CEQA review process.

As described in Section 1.4, Refinements to Alternative 2, the Applicant has modified the Alternative 2’s construction phasing in response to comments received on the Draft EIR. Revised Alternative 2 stipulates completion of the southern half of the Parking Structure, which was previously proposed as Phase 4 of Alternative 2, as part of Phase 2. Therefore, under Revised Alternative 2, any need to require surety bonds for on-site parking would be eliminated.

Performance bonds would not encompass the entirety of the proposed project; rather, they would be issued for each construction phase. The City would adhere to Municipal Code Section 8.01.320, Grading Permit Bonds. Prior to the issuance of grading permits for each phase, the grading permit bond amount would be determined by the Community Development Director. This bond aims to assure that the work will be completed in accordance with approved plans and specifications.

The City does not have legal authority under CEQA to impose a mitigation measure requiring the Applicant to obtain a liability insurance policy to cover potential financial losses associated with landslide risks and drainage hazards or otherwise indemnify neighboring property owners against such losses when the EIR has determined that the likelihood of any such physical impacts occurring is less than significant.

Common Response No. 5 – Preferential Treatment Regarding City Review of the Applicant’s Development Application

Several of the comments received on the Draft EIR suggest that the proposed project is receiving preferential treatment from the City due to its tax-exempt status or political connections and that the environmental analyses are being prepared by the Applicant rather than the City, the County, or the State.

The proposed project Applicant and the proposed project plans receive the same level of review from the City and any Trustee or Responsible agencies as any other project applicant including commercial development proposals. The environmental consultant is under contract with the City of Dana Point and receives project information and direction from the City. This arrangement ensures that the Draft EIR provides a fair and objective analysis of the potential environmental impacts of the proposed project. Moreover, the level of environmental review the proposed project is being subjected to is more stringent than many other similarly-sized or even larger projects.

Common Response No. 6 – Impacts to Salt Creek/V-Ditch (Hydrology)

Several comments received claimed that various drainage features and conditions occurring on the project site were/are causing unlawful erosion and sedimentation deposits into storm drain facilities which ultimately discharge into Salt Creek. Several of these comments suggested the Applicant has failed to properly maintain the existing drainage system and that the existing drainage system is insufficient to accommodate existing runoff from the project site and surrounding properties. While most of these comments relate to the maintenance of existing storm water facilities, some comments also suggested that runoff from the proposed project would exceed the capacity of the existing and proposed drainage system serving the project site, resulting in erosion, sedimentation, landslide risks, and degraded water quality. These issues are addressed below.

Many of the issues concerning existing conditions raised by these comments have been addressed in the attached memorandum (Attachment C) prepared by Brad Fowler, the City of Dana Point Director of Public Works and Engineering Services, dated November 13, 2014. The attached memorandum summarizes the results of a joint investigation conducted by the City Department of Public Works and Engineering Services and the San Diego Regional Water Quality Control

Board regarding the complaint filed by Mr. Roger Von Butow regarding various erosion and sedimentation issues occurring on or adjacent to the Monarch St. Regis property, the Makallon LLC Open Space property, and the project site. A summary of the attached memorandum is provided below.

The *Master Plan Hydrology Report* by Adams-Streeter, dated February 29, 2012, included in the Draft EIR, shows that, under existing conditions, the project site has a total peak flow contribution to the Salt Creek watershed. The *Master Plan Hydrology Report* dated February 29, 2012 analyzed a proposed project larger than Revised Alternative 2, the currently preferred project.

A *Supplemental Master Plan Hydrology Report* by Adams-Streeter, dated February 17, 2015, has been prepared for Revised Alternative 2 and is included as Attachment A to this Final EIR. The Supplemental Hydrology Report analyzes the Hydrology of Revised Alternative 2, including all downstream drainage structures, including the outlet v-ditch that leads to the Pointe Monarch flow-through retention basin. The Supplemental Hydrology Report states in Sections XI and XII that the existing v-ditch and Pointe Monarch flow-through retention basin have the capacity to convey the 25-year and 100-year storms with the development of Revised Alternative 2.

It should also be noted that the total peak flow to the Salt Creek Watershed from the project site, if the Revised Alternative 2 storm drain improvements were implemented, would decrease from the approximate current 26.6 cubic feet per second (cfs) to 11.3 cfs for a 25-year storm and from 33.9 cfs to 14.4 cfs for a 100-year storm, thereby improving the current existing conditions. This is due to the proposed installation of a large detention basin on the project site. The proposed project would, in fact, reduce the amount of sedimentation, if any, that flows off the project site and would, in fact, improve water quality compared to existing conditions and per the requirements of both State and federal law.

Per the Recorded Easement included in the *Master Plan Hydrology Report* by Adams-Streeter, dated February 29, 2012, (Appendix G of the Draft EIR) the maintenance responsibility of the drainage structures, including the v-ditch on the adjacent property downstream of South Shores Church, is required of the current owners of the former Fairway Fifteen property. Section 2.1.5 specifically assigns maintenance to Fairway Fifteen or future assigned association for this adjacent property.

The attached memorandum, as well as Section 4.8, Hydrology and Water Quality, of the Draft EIR, acknowledge that the proposed project will be subject to the NPDES MS4 permit requirements for Development, including design of a Model Water Quality Management Plan. A new Regional NPDES MS4 Permit was adopted by the San Diego Regional Water Quality Control Board on February 11, 2015, which takes effect on April 1, 2015, R9-2015-0001. The proposed project will be subject to the requirements set forth in said Regional Permit. Thus, the proposed project will, in fact, reduce the amount of sedimentation, if any, that flows off the project site and will, in fact, improve water quality compared to existing conditions and per the requirements of both State and federal law. As described on pages 4.8-14 through 4.8-14 of the Draft EIR, with implementation of Mitigation Measure 4.8.3, which requires implementation of BMPs that target pollutants of concern in runoff from the project site, the proposed project would result in less than significant operational impacts related to: violation of water quality standards,

degradation of water quality, increase in pollutant discharge, alteration of receiving water quality, adverse impacts on water and groundwater quality, and degradation of beneficial uses to less than significant levels.

Common Response No. 7 – Preparation of a Project EIR vs. a Master EIR

Several comments received assert that the preparation of a Project EIR was the inappropriate CEQA compliance document for the proposed project and that a Tiered, Program, or Master EIR should have been prepared. Other comments claim that a Master EIR can be relied on for a maximum 5-year term and, therefore, the EIR prepared for the proposed project cannot be relied on for the construction of a project over a 10-year period.

As indicated on page 2-2 of the Draft EIR, according to *State CEQA Guidelines* Section 15161, a Project EIR is appropriate for specific development projects in which information is available for all phases of the project, including planning, construction, and operation. Because this type of information was available for the proposed project at the time of the preparation of the Draft EIR, the City made the decision to prepare the Draft EIR as a Project EIR.

Many of the commenters appear to confuse the “Master Plan” term used by the project Applicant as applied to the proposed project with a “Master EIR,” as described in *State CEQA Guidelines* Section 15175. Although the term “Master Plan” is not defined in the City’s General Plan or Zoning Ordinance, or in CEQA, it is often used in the planning arena when describing a long-range strategy for developing facilities on a specific site. The proposed project is referred to as a “Master Plan” because it is meant to serve as a long-range plan outlining the specific design and location of the facilities that the Applicant proposed to build at the project site. However, in this case, the proposed Master Plan provides project-level specifics for each phase of development.

By contrast, *State CEQA Guidelines* Section 15175 provides that a Master EIR is an alternative to preparing a Project EIR, a Staged EIR, or a Program EIR for certain projects that will form the basis for later decision-making. It is intended to streamline the later environmental review of projects included within the project, plan, or program analyzed in the Master EIR. The use of a Master EIR is particularly suited to projects like general plans, specific plans, and other projects that consist of a series of smaller individual projects that will subsequently be carried out in phases, but for which few details are known at the time of the preparation of the EIR. As stated above, because specific details are known regarding each phase proposed to be carried out as part of the South Shores Church Master Plan, preparation of a Project EIR is far more appropriate than a Master EIR.

Common Response No. 8 – Description of Parking Structure in Project Description (Building Square Footage vs. Parking Stall Counts)

Several comments claimed that the project description included in the Draft EIR and NOA fails to accurately describe the total building square footage contemplated under the proposed project by providing the number of parking stalls included in the proposed project’s Parking Structure rather than the square footage of the Parking Structure. Other comments stated that the scale and mass of the proposed project would exceed the development capacity of the project site and fail to comply with the City’s land use plans and standards regulating the development of the project site. These issues are addressed below.

First, it should be noted that the Draft EIR contains numerous exhibits that provide reviewers substantial information about the project's proposed Parking Structure. Figure 3.5 provides a site plan that identifies the Parking Structure as well as the number of parking spaces proposed for the upper and lower levels of the Parking Structure and in total. Figures 3.6(a)-(c) provide cross sections of the proposed project that in numerous places depict the Parking Structure. Figure 3.11 contains elevations of the Parking Structure. Similar exhibits were included in the Draft EIR for the Reduced Project Alternative's proposed Parking Structure (see Figures 5.1, 5.2, and 5.8).

Moreover, it is standard planning practice to describe parking facilities in terms of the number of stalls they provide rather than their square footage. This practice is based on the fact that most jurisdictions, including the City of Dana Point, set forth parking requirements in their Zoning Ordinances that require the provision of a minimum number of parking stalls based on the proposed uses to be included as part of a project. Because such parking requirements are primarily concerned with the number of stalls provided to serve the planned uses, the gross square footage of a parking facility is considered an ancillary use and is not calculated as building square footage.

Consistent with standard planning practice, the gross floor area of the proposed Preschool/Administration building, the Community Life Center, and the Christian Education Buildings (and the existing Sanctuary) is used throughout the Draft EIR to calculate various statistical data that inform the evaluation of the proposed project's impacts (floor area ratio [FAR], greenhouse gas emissions, demand for most utility services [the Draft EIR assumes the parking lot and structure would generate demand for electricity], among others). Although parking facilities represent an important element of most development projects, the gross floor area of parking facilities is not incorporated into the analysis because such facilities act as an ancillary use on a site. Further, the City's Zoning Ordinance defines FAR as "the total gross floor area, including habitable subterranean floors, but not parking structures, of all buildings on a lot divided by the lot area."

Common Response No. 9 – Protection of Private Views/Views from Crown Valley Parkway and the Salt Creek Bike Trail

Several comments were received regarding the analysis included in Section 4.1, Aesthetics, of the Draft EIR. These commenters indicated that the proposed project failed to analyze its potential impacts on views from private properties in the vicinity of the project site and that the project would result in significant impacts on views from Crown Valley Parkway and the Salt Creek viewshed. These issues are addressed below.

As described on page 4.1-1 of the Draft EIR, the aesthetics analysis addresses the proposed project's visual relationship with existing and future land uses in the area surrounding the project site; however, the analysis of views is based on the extent to which the proposed project development may impact existing views and modify visual access to aesthetic features from nearby public vantage points and corridors in the study area.

As noted in Section 4.1.4, Regulatory Setting, of the Draft EIR Aesthetics section, the City has adopted Design Guidelines, General Plan policies, and development standards to preserve and protect the character of its neighborhoods and its scenic resources. In addition, there are changes

that occur as cities grow and develop that may alter the visual landscape. However, the fact that the visual landscape may change with the course of development does not mean that these changes are “significant impacts” from a CEQA standpoint. California law does not recognize privately-owned “view shed easements” and CEQA is generally concerned about a project’s impact on the environment in general, rather than a project’s impact on particular persons. This is particularly the case when the issue concerns a project’s perceived impact on a “private viewshed.” Analyzing a highly subjective issue, such as a project’s alleged private aesthetic impact, is generally not possible and is not covered by CEQA’s broad public policy prerogatives, which are designed to protect large segments of the general population and not individuals. It is for these reasons that the City has not adopted policies or standards protecting private viewsheds from private properties. Therefore, individual, private viewshed impacts are not analyzed in the Draft EIR because they do not represent impacts on the environment in general.

Representative views from Crown Valley Parkway are included because it is identified as a Designated Landscape Corridor in the County of Orange General Plan Scenic Highway Plan and designated a Scenic Highway by the City of Dana Point Design Guidelines. The project site is visible from both the northbound and southbound lanes on Crown Valley Parkway; therefore, the project site is considered to be within a portion of a public scenic vista from this roadway. Although implementation of the proposed project would partially obstruct/block views of the surrounding hills from nearby roads and sidewalks, including the City-designated scenic roadway (i.e., Crown Valley Parkway), as depicted in Key View 3 (refer to Key View 3 on Figure 4.1.4, page 4.1-29 in the Draft EIR), the addition of on-site landscaping along the western and southern boundaries of the project site would serve to frame these scenic corridors and would partially block views of the proposed development. While implementation of the proposed project would modify views to and from the project site, as indicated in Section 4.1, Aesthetics, the proposed project would not result in significant adverse impacts on views of the Pacific Ocean from adjacent roadways and sidewalks.

Section 4.1, Aesthetics, of the Draft EIR also analyzed visual impacts on the Salt Creek Bike Trail below the project site (Key Views 2 and 7). On pages 4.1-16 through 4.1-20, the Draft EIR concluded that construction of the proposed project would be architecturally consistent with the existing surrounding development, and views of the Salt Creek Canyon and the Salt Creek Bike Trail would continue to be visible from the two vantage points analyzed in the Draft EIR (refer to Figures 4.1.3 and 4.1.8 on pages 4.1-27 and 4.1-37 for visual simulations of the proposed project from Key Views 2 and 7). Therefore, the proposed project would result in less than significant impacts to views from the Salt Creek Bike Trail.

Common Response No. 10 – Unsubstantiated Claims/Level of Significance/Thresholds

Several commenters suggested that the proposed project would result in impacts related to environmental topic areas without providing any basis for their claims. Other comments appeared to indicate a lack of familiarity with the CEQA-mandated scope of environmental review and the concept of thresholds of significance. These issues are addressed below.

In accordance with *State CEQA Guidelines* Section 15204(c), [r]eviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. *State CEQA Guidelines* Section 15204(c) also states that effects shall not be considered

significant in the absence of substantial evidence. Therefore, because several reviewers failed to provide any facts or evidence in support of the claims included in their comments, such comments are considered to be personal opinions, and no further response is required by the City. As described on page 2-2 of the Draft EIR, “[t]he purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the proposed project, and to indicate the manner in which those significant effects can be mitigated or avoided.” Pursuant to *State CEQA Guidelines* Section 15382, a “significant impact” or “significant effect” means “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.” For each environmental impact issue analyzed, the Draft EIR includes a detailed explanation of the existing conditions, the thresholds of significance that will be applied to determine whether the project’s impacts are significant or less than significant, an analysis of the environmental impacts against established thresholds, and a determination regarding whether the project would have a significant impact if implemented.

A proper understanding and application of thresholds of significance is an essential part of the CEQA process. Thresholds of significance are identifiable quantitative, qualitative, or performance level metrics for a particular environmental effect, which form the basis of conclusions of significance in the Draft EIR. While public agencies in California are free to adopt their own significance thresholds, most agencies, including the City of Dana Point, rely on the significance thresholds included in Appendix G of the *State CEQA Guidelines*. In addition, the City has adopted its own format for the Initial Study and Initial Study Checklist forms. For each environmental topic analyzed in the Draft EIR, the measured impacts of the project were evaluated against the significance thresholds for that topic. In this manner, the Draft EIR presented a quantifiable impact discussion for each environmental topic.

Common Response No. 11 – Building Intensity/Compliance with Development Standards in Zoning Code

Several commenters suggested that the proposed project would not comply with the City’s development standards of zoning code, and that this would result in structures incompatible with the existing size and scale of structures in the surrounding community. It appears that many of the underlying concerns of commenters regarding the description of the Parking Structure may relate to the height and massing of the Parking Structure in relation to surrounding development rather than its gross floor area. The second and third paragraphs on page 3-13 of the Draft EIR provide information regarding the height of the proposed Parking Structure. The third paragraph on page 4.1-14 of the Draft EIR notes that the height and massing associated with the proposed project would be an increase from the existing structures on the project site, but would not be visually inconsistent with the heights and massing of the current development in the surrounding area, which is generally characterized by low- to medium-density uses comprising one and two-story buildings. Further, it should be noted that the setbacks for the Parking Structure meet, and exceed, the development standards for the project site.

As described in Chapter 3.0, Project Description, of the Draft EIR, the proposed Master Plan would increase the building square footage on the project site from 42,545 sf under existing conditions to 89,362 sf upon build out. While the proposed project would double the total square footage on the project site, the building coverage on the project site would only increase from 13 percent to 19 percent. The proposed project would maintain a Floor Area Ratio (FAR) of 0.34:1, which is below the City’s “standard” allowable FAR of 0.4:1 in the Community Facilities (CF)

zone (a maximum of 1.0:1 is permissible under certain circumstances, but generally the maximum is 0.4:1).

As described in Chapter 3.0, Project Description, of the Draft EIR, the proposed project's building height would require a variance due to the Community Life Center exceeding the height limit by 14 feet (ft).

As described in Section 4.1, Aesthetics, all new buildings constructed as part of the proposed project would be constructed in the Mediterranean style of architecture and would be developed at a scale and mass consistent with the existing Sanctuary and the surrounding neighborhood. The height and massing associated with the proposed project would be an increase from the existing structures on the project site, but the proposed project would not be visually inconsistent with the heights and massing of the current development comprised of one and two-story buildings. Alternative 2 (Reduced Project) would reduce the proposed building square footage from 70,284 sf to approximately 52,651 sf (an approximately 7 percent reduction from the proposed project). Alternative 2 would maintain a FAR of 0.29:1, which is also below the City's standard allowable FAR of 0.4:1 in the CF zone. Unlike the proposed project, Alternative 2 would conform to the established building height standard.

Common Response No. 12 – Geotechnical Concerns Regarding the Stability of the Project Site

Several comments received expressed concerns regarding the seismic and geologic stability of the project site and adjacent hillside terrain.

As discussed in Section 4.5, Geology and Soils, of the Draft EIR, and Section 3.3 of the Geotechnical Report dated May 20, 2013, included as Appendix E of the Draft EIR, a landslide occurred in 1991 at the Monarch Coast Apartments, located adjacent to and northeast of the project site. Since that landslide and others in Orange County, design geotechnical professionals have incorporated enhanced investigation methods, computer modeling, and subsurface exploration as a means of determining site characteristics and addressing the potential for future landslide events. The Applicant hired a professional geotechnical engineering firm, LGC, to provide the proposed site design and a professional civil engineering firm, Adams/Streeter Civil Engineers, Inc., to provide grading plans. The City of Dana Point has performed a thorough review of the geotechnical and civil engineering work for the proposed project, which included review by both the City's professional civil engineer and certified engineering geologist and a third party professional geotechnical consulting firm.

The geologic characteristics of the project site and geotechnical conclusions/recommendations relative to the proposed project and hillside terrain adjacent to the project site were investigated and evaluated in detail by the Applicant's geotechnical consultant, which included a State of California licensed Geotechnical Engineer and Certified Engineering Geologist. The descriptions of the geologic conditions, results of the geologic and engineering analyses for development, graphic presentation of the site geology and slope stability analyses, and conclusions/recommendations addressing the proposed project's impacts of the proposed project and Alternative 2 related to seismic and geologic hazards are described in detail in the Geotechnical Evaluation and the Supplemental Geotechnical Evaluation, respectively (refer to Appendix E, Geotechnical Reports, of the Draft EIR). Mitigation measures presented by the Applicant's

geotechnical consultant (grading, deepened foundations, caissons, tiebacks) in the referenced Geotechnical Evaluations were shown to adequately address site geotechnical concerns and demonstrated an acceptable Factor-of-Safety with respect to slope stability for the proposed project and Alternative 2. These mitigation measures, which included grading and structural improvements, are proposed to be installed as part of the proposed project as outlined in Figures 3.5 through 3.7 of the Draft EIR. Similar mitigation measures are also proposed to be installed as part of Alternative 2 as outlined in Figures 5.1 through 5.3 of the Draft EIR.

Section 4.5, Geology and Soils, of the Draft EIR discusses the potential impacts of the proposed project with respect to geologic and soil conditions. As described throughout this Section, potential soils and geotechnical impacts associated with the proposed project would be addressed through proper site preparation and design, including on-site geotechnical observations/testing during construction and implementation of site-specific grading and structural engineering design criteria. Incorporation of the recommendations included in the Geotechnical Evaluation, as described in Mitigation Measure 4.5.1, and the ongoing implementation of slope maintenance procedures on the unimproved slopes on the project site, as described in Mitigation Measure 4.5.2, would reduce the proposed project's impacts related to landslides to a less than significant level.

The California Professional Code requires the Applicant's civil and geotechnical engineers of record to monitor the field construction work so they can attest and certify that the civil engineering and geotechnical work was constructed in accordance with the plans and recommendations. The conditions of project approval, City grading manual, and industry standards will ensure compliance with the Professional Code requirement.

It should be further noted that during each stage of construction requiring grading, which includes all foundation work, a separate grading permit is required by City code. This alerts City staff to work so that sufficient field inspections are made as oversight to assure work is being done in accordance with approved design/construction specification documents.

Common Response No. 13 – Compliance with Water Quality Regulations/Implementation of Best Management Practices

As discussed in the Draft EIR, the proposed project will be required to comply with all applicable water quality regulations, and thus, will not have any significant impacts to water quality after mitigation.

The primary mechanism for reducing pollution under the Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA) is the National Pollutant Discharge Elimination System (NPDES) program. Under Section 402 of the CWA, a "point source" may not discharge pollutants into a water of the United States without an NPDES permit. (33 U.S.C. § 1342.) A "point source" is any discernible, confined and discrete conveyance" (e.g. a pipe, ditch, channel, container, etc.) "from which pollutants are or may be discharged." (33 U.S.C. § 1362(14).) The NPDES program provides for both general permits (those that cover a number of similar or related activities) and individual permits. The NPDES program originally did not apply to discharges of storm water; however, in 1987 the act was amended to establish a framework for regulating industrial and municipal storm water discharges under the NPDES Program. Thereafter, EPA issued regulations expanding the NPDES program to large construction sites.

Under the CWA, states are given the authority enforce their own water quality laws, so long as they do not adopt or enforce water quality standards which are “less stringent” than those required by the CWA. The primary state water quality law in California is the Porter-Cologne Water Quality Control Act (PCA) (Water Code §§ 13000 et seq.), which was enacted in 1969. The PCA established a State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCB), and authorizes them to regulate the waters of the State “to obtain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.” (Water Code §§ 13000, 13001.) In addition to enforcing State water quality standards, the SWRCB and RWQCB enforce Federal standards, and administer the NPDES program in California. Compliance with applicable SWRCB and RWQCB regulations will thus ensure the proposed project does not contribute to a violation of federal or State water quality standards, and accordingly, that it will not have any significant adverse impact to water quality.

Mitigation Measure 4.8.1 provides that, prior to issuance of a grading permit, the Applicant must obtain coverage under the *State Water Resources Control Board National Pollutant Discharge Elimination System General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities* (Order No. 2009-0009-DWQ, Permit No. CAS000002) (Construction General Permit [CGP]), which applies statewide to projects that cover more than one acre.

The CGP is implemented and enforced by the nine RWQCBs; the San Diego RWQCB administers the storm water permitting program in the section of Orange County that includes the project site. Compliance with the CGP will require the Applicant to:

- Complete a Risk Assessment to determine pollution prevention requirements pursuant to the three Risk Levels established in the CGP;
- Develop and implement a Storm Water Pollution Prevention Plan (SWPPP) which specifies Best Management Practices (BMPs) that will prevent all construction pollutants from contacting storm water and with the intent of keeping all products of erosion from moving off site into receiving waters;
- Eliminate or reduce non-storm water discharges to storm sewer systems and other waters of the United States; and
- Perform inspections and maintenance of all BMPs.

“The SWPPP has two major objectives: (1) to help identify the sources of sediment and other pollutants that affect the quality of storm water discharges and (2) to describe and ensure the implementation of BMPs to reduce or eliminate sediment and other pollutants in storm water as well as nonstorm water discharges.” (Amended Fact Sheet for Order 99-08-DWQ, p. 48.) “The SWPPP must include BMPs that address source control, BMPs that address pollutant control, and BMPs that address treatment control.” (*Id.*)

As explained on the SWRCB’s website, “[t]he SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and

drainage patterns across the project.” (http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml) In addition, the SWPPP must “include a description of the BMPs and control practices to be used for both temporary and permanent erosion control measures.” (Order 99-08-DWQ, p. 15.)

While the precise BMPs to be used will be identified in the SWPPP, Mitigation Measure 4.8.1 in the Draft EIR provides a non-exhaustive list of BMPs that may be implemented including:

- Scheduling;
- Preservation of existing vegetation;
- Hydraulic mulch;
- Hydroseeding;
- Soil binders;
- Straw mulch;
- Geotextiles and mats;
- Wood mulching;
- Earth dikes and drainage swales;
- Velocity dissipation devices;
- Slope drains;
- Streambank stabilization;
- Compost blankets;
- Soil preparation/roughening;
- Non-vegetative stabilization;
- Silt fences;
- Sediment basins;
- Sediment traps;
- Check dams;
- Fiber rolls;
- Gravel bag berms;
- Street sweeping and vacuuming;
- Sandbag barriers;
- Straw bale barriers;
- Storm drain inlet protection;
- Active treatment systems;
- Temporary silt dikes;

- Compose socks and berms;
- Biofilter bags;
- Stabilized construction entrances/exits;
- Stabilized construction roadways; and
- Entrance/outlet tire washes.

Thus, a wide range of effective BMPs is available for consideration and incorporation into the SWPPP. Consistent with the requirements of the CGP, Mitigation Measure 4.8.1 requires that the BMPs ultimately selected and implemented “ensure that the potential for soil erosion and sedimentation is minimized” and “control the discharge of pollutants in storm water runoff as a result of construction activities.”

Further, in compliance with Chapter 8.01 of the City Municipal Code, during construction, the Applicant will be required to submit an annual erosion control plan that includes, but is not limited to, the following:

- The name and 24 hour telephone number of the person responsible for performing emergency erosion control work.
- The signature of the civil engineer or other qualified individual who prepared the grading plan and who is responsible for inspection and monitoring of the erosion control work.
- All desilting and erosion protection facilities necessary to protect adjacent property from sediment deposition.
- The streets and drainage devices that shall be completed and paved by October 15.
- The placement of sandbags or gravel bags. Slope planting or other measures to control erosion from all slopes above and adjacent to roads open to the public.
- The plan shall indicate how access shall be provided to maintain desilting facilities during wet weather.

Compliance with the CGP, as well as the erosion control plan, will thus mitigate any potential construction-related impacts to water quality to less than significant levels. (*See Porterville Citizens for Responsible Hillside Development v. City of Porterville* (2007) 157 Cal. App. 4th 885, 906-907 [no substantial evidence that project would have significant impact related to “grading/drainage/erosion” where compliance with applicable regulations and preparation of stormwater pollution prevention plan was required]; *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal. App. 4th 777, 795-796 [no improper deferral of mitigation where EIR required project proponent to develop BMPs to address storm water runoff].)

In addition, the City is a copermitee under the Municipal NPDES Permit for the San Diego Region (*WDRs for Discharges of Urban Runoff from the MS4s Draining the Watersheds of the County of Orange, the Incorporated Cities of Orange County, and the OCFCD within the San Diego Region*, Order No. R9-2009-0002, NPDES No. CAS0108740 (MS4 Permit) and the *Tentative Order No. R9-2015-0001, An Order Amending Order No. R9-2013-0001, NPDES No. CAS010266 National Pollutant Discharge Elimination System (NPDES) Permit and Waste*

Discharge Requirements for Discharges from the Municipal Separate Storm Sewer Systems (MS4s) Draining the Watersheds Within the San Diego Region, which was adopted on February 11, 2015 and becomes effective on April 1, 2015. This project will be designed to comply with the latest development requirements as prescribed in the MS4 Permit, R9-2013-0001 as amended by Order No. R9-2015-0001. Both MS4 Permits include requirements for new development and significant redevelopment, including specific selection and sizing criteria for Low-Impact Development (LID) Best Management Practices (BMPs), Treatment Control BMPs, and Hydromodification Control BMPs. These requirements are designed to reduce the discharge of storm water pollutants from the MS4 to the maximum extent possible and “prevent runoff discharges from the MS4 from causing or contributing to a violation of water quality standards.” (MS4 Permit, p. 28.) The required Preliminary WQMP is included as Attachment B to this Final EIR. The proposed project’s WQMP is also being forwarded to the SDRWQCB for their review.

As explained in the Draft EIR, to implement the requirements of the MS4 Permit, the copermittees developed a Drainage Area Master Plan (DAMP) that includes a Model New Development and Redevelopment Program (Model Program). The DAMP identifies measures intended to reduce the discharge of pollutants to the Maximum Extent Practicable level (MEP) using BMPs, control techniques and systems, engineering methods, and other appropriate provisions. Per the requirements in the DAMP and the MS4 Permit, the City has adopted a Local Implementation Plan (LIP) implementing the DAMP and MS4 Permit in its jurisdiction. Chapter 15.10 of the City’s Municipal Code, in turn, implements the DAMP and LIP, by requiring the developers of “priority development projects” to submit a Water Quality Management Plan (WQMP) to the City for approval. “All Water Quality Management Plans must be consistent with the City’s Model WQMP, including demonstrating compliance with all applicable WQMP requirements and low impact development and hydromodification requirements provided for in the City’s Local Implementation Plan.” (DPMC § 15.10.060(e).) Among other requirements, the WQMP must identify BMPs to prevent pollutants from entering the storm sewer system, to the maximum extent practicable. (DPMC § 15.10.060(d).) Further, it must ensure the long-term maintenance and performance of such BMPs. (DPMC § 15.10.060(i).)

The proposed project is considered a “priority development project” because it would add or replace at least 5,000 square feet (sf) or more of impervious surface. Accordingly, consistent with the requirements of the MS4 Permit and the City’s Municipal Code, Mitigation Measure 4.8.3 requires the Applicant to prepare a WQMP for the City’s review and approval, prior to the issuance of grading permits. Such WQMP must include project-specific Low-Impact Development, Retention/Biofiltration Site Design, Source Control, and Treatment Control BMPs that comply with the Model WQMP requirements in effect at the time of submittal of each phase. Further, an operations and maintenance plan is required to ensure the long-term performance of the required BMPs.

Compliance with the above requirements will thus mitigate all potential impacts to water quality to less than significant levels.

2.2 STATE OF CALIFORNIA

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From: Edwards, Jennifer@Wildlife <Jennifer.Edwards@wildlife.ca.gov>
Sent: Wednesday, October 22, 2014 4:34:06 PM
To: SAIMA QURESHY
Cc: Fluharty, Marilyn@Wildlife
Subject: Comments on the Draft Environmental Impact Report (DEIR) for the South Shores Church Project, Dana Point, CA (SCH#2009041129)

Dear Ms. Qureshy:

The California Department of Fish and Wildlife (Department) has reviewed the above-referenced South Shores Church Project Draft Environmental Impact Report (DEIR), received by the Department on September 15, 2014. The following statements and comments have been prepared pursuant to the Department's authority as a Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act, [CEQA] Guidelines §15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code §2050 et seq.) and Fish and Game Code section 1600 et seq.

S-1-1

The Department also administers the Natural Community Conservation Planning (NCCP) program. The County of Orange and the City of Dana Point (City) participate in the NCCP program by implementing the approved Orange County Central and Coastal Subregion NCCP/Habitat Conservation Plan (NCCP/HCP), adopted in 1996. The purposes of the NCCP/HCP focus on creating a multiple-species, multiple-habitat subregional habitat reserve system and implementing a long-term adaptive management program that will protect coastal sage scrub (CSS) and other habitats and species located within the CSS habitat mosaic, while providing for economic uses that will meet the social and economic needs of the people of the subregion.

In order to ensure the project is consistent with ongoing regional habitat conservation planning efforts, and to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, we offer the following comments and recommendation:

The final EIR should clarify the boundaries of CSS impacts and fuel modification zones. Mitigation Measure 4.3.1 states that, "...the exact acreage of impact shall be determined during final site plan review and in-lieu fees shall be based on \$65,000 in-lieu fee amounts" (page 1-13). In order to appropriately analyze permanent, temporary, and cumulative

S-1-2



impacts, the Department requests that the acreage subjected to payment should be finalized in the final DEIR, not at the time of final site plan review. Impacts to CSS from fuel modification should be included in this assessment and offset with in-lieu fees, as thinned vegetation does not have the same value for the California gnatcatcher (*Poliopitila californica californica*) as does undisturbed CSS.

↑
S-1-2

We appreciate the opportunity to comment on the DEIR for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. If you have any questions or comments regarding this letter please contact Jennifer Edwards at (858)467-2717 or via email.

| S-1-3

Sincerely,

Jennifer Edwards
Environmental Scientist
California Department of Fish and Wildlife
3883 Ruffin Road
San Diego, CA 92123
(858)467-2717
Jennifer.Edwards@wildlife.ca.gov

CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

LETTER CODE: S-1

DATE: October 22, 2014

RESPONSE S-1-1

The comment is introductory in nature, thanks the City of Dana Point (City) for the opportunity to comment on the Draft Environmental Impact Report (EIR), and provides an overview of the proposed South Shores Church Master Plan project (proposed project).

This comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

RESPONSE S-1-2

The comment requests that the Final EIR clarify the boundaries of coastal sage scrub impacts and fuel modification zones. The comment further requests that Mitigation Measure 4.3.1 be revised in the Final EIR to clarify the acreage subject to payment of in-lieu fees, rather than at the time of final site plan review.

Mitigation Measure 4.3.1 (page 4.3-13) will be clarified to include a requirement for submitting a letter report documenting the acreage and fee calculation with provision of the fee to the Nature Reserve of Orange County. A copy of this documentation shall be provided to the CDFW and the United States Fish and Wildlife Service.

As indicated on page 4.3-9 in Section 4.3, Biological Resources, of the Draft EIR, the proposed project would result in the permanent loss of 0.18 ac of disturbed coastal sage scrub and chaparral as a result of grading activities. As described on page 5-22 in Chapter 5, Alternatives, of the Draft EIR, Alternative 2 would also result in the permanent loss of 0.18 ac of disturbed coastal sage scrub and chaparral as a result of grading activities. 0.12 ac of undisturbed coastal sage scrub and chaparral would be preserved on the project site. The Final EIR clarifies that neither the proposed project nor Alternative 2 would result in fuel modification activities on the undisturbed coastal sage scrub and chaparral that is preserved. The Final EIR also provides maps identifying the portions of the project site that would be permanently lost due to grading as well as the portions that would be subject to ongoing fuel modification activities under the proposed project and Alternative 2. The NCCP in-lieu fee would apply to the 0.18 acres of disturbed CSS permanently removed by the proposed project.

RESPONSE S-1-3

The comment states the CDFW's appreciation to be able to comment on the Draft EIR and assist the City in mitigating project impacts.

This comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

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EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



RECEIVED
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KEN ALEX
DIRECTOR

October 28, 2014

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

Subject: South Shores Church Master Plan
SCH#: 2009041129

Dear Saima Qureshy:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on October 27, 2014, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

S-2-1

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

SCH# 2009041129
Project Title South Shores Church Master Plan
Lead Agency Dana Point, City of

Type EIR Draft EIR
Description The proposed project includes demolition of 23,467 sf of building space, including the existing Chapel, Administration and Fellowship Hall, and Preschool, and construction of 70,284 sf of building space, including a new Preschool and Administration Buildings, two Christian Education Buildings, and a Community Life Center. Additionally, the proposed project includes a two-level partially subterranean parking structure. All construction would occur within the existing property boundaries in several phases over a 10-year timeframe.

Lead Agency Contact

Name Saima Qureshy
Agency City of Dana Point
Phone 949 248 3568 **Fax**
email
Address 33282 Golden Lantern
City Dana Point **State** CA **Zip** 92629

Project Location

County Orange
City Dana Point
Region
Lat / Long 33° 29' 17" N / 117° 43' 17" W
Cross Streets Crown Valley Parkway & Sea Island Drive
Parcel No. 670-181-02
Township **Range** **Section** **Base**

Proximity to:

Highways Hwy 1-Pacific Coast Hwy
Airports No
Railways No
Waterways Salt Creek
Schools South Shores Preschool, Broderick Montessori
Land Use GP & Z: Community Facilities (CF)/Local Coastal Program (LCP)

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Coachella Valley Mountains Conservancy; Department of Fish and Wildlife, Region 5; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Air Resources Board; Regional Water Quality Control Board, Region 9; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 09/12/2014 **Start of Review** 09/12/2014 **End of Review** 10/27/2014

OFFICE OF PLANNING AND RESEARCH

LETTER CODE: S-2

DATE: October 30, 2014

RESPONSE S-2-1

This comment acknowledges receipt of the Draft Environmental Impact Report (EIR) and compliance with the State Clearinghouse review requirements pursuant to the California Environmental Quality Act (CEQA). The comment states that the review period ended on October 27, 2014, and no State agencies submitted comments to OPR on the Draft EIR by that date.

This comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

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2.3 LOCAL AGENCIES

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October 27, 2014

NCL-14-030

Ms. Saima Qureshy, AICP, Senior Planner
City of Dana Point, Planning Division
Community Development Department
33282 Golden Lantern, Suite 209
Dana Point, California 92629

Subject: Notice of Availability of a Draft Environmental Impact Report for the South Shores Church Master Plan Project

Dear Ms. Qureshy:

The County of Orange has reviewed the Notice of Availability of a Draft Environmental Impact Report for the South Shores Church Master Plan Project and offers the following comments:

Environmental Resources:

1. Appendix G -Preliminary Water Quality Management Plan (WQMP), of the Draft Environmental Impact Report, makes a key finding that infiltration is not feasible. However, if the full design capture volume cannot be met with infiltration best management practices (BMPs), the project proponent next needs to assess the feasibility of evapotranspiration and rainwater harvesting BMPs before utilizing biofiltration BMPs. Section 7.11-2.4.3 (page 7.11 2-6) of the Model WQMP (<http://ocwatersheds.com/documents/wqmp>) notes that:

7.II-2.4.3 Determine LID and Treatment Control BMP Performance Criteria The following performance criteria for LID implementation are stated in the South Orange County MS4 Permit:

- *Priority Development Projects must infiltrated, harvest and use, evapotranspire, or biofilter, the 85th percentile, 24-hour storm event (Design Capture Volume).*
- *A properly designed biofiltration system may only be considered if infiltration, harvest and use, and evapotranspiration (ET) cannot be feasibly implemented for the full design capture volume. In this case, infiltration, harvest and use, and ET practices must be implemented to the greatest extent feasible and biofiltration may be provided for the remaining design capture volume.*

L-1-1

L-1-2

A diversity of controls must be provided, where feasible, to achieve the greatest feasible retention of the Design Capture Volume, then if necessary, biofiltration of the remaining design capture volume.

To ensure conformance with the Model WQMP that is referenced in the DEIR, the Preliminary WQMP needs to be revised to include an explicit evaluation of the infeasibility in this instance of harvest and use BMPs and ET BMPs.

2. Section 5 of the Preliminary WQMP, *Hydromodification/Hydrologic and Geotechnical Conditions of Concern/Drainage Report*, specifically the Hydrology Report Summary (page 15), describes the existing condition whereby drainage from the parking lot and other portions of the site that drain to the parking lot, is conveyed to an outlet structure at the southeast corner of the property. This outlet structure is a shallow basin that ultimately drains to a concrete V-ditch, which has a downstream connection to a reinforced concrete storm drain pipe. The proposed conditions would still ultimately convey onsite drainage to this V-ditch. It is not clear in the Preliminary WQMP or the Operations and Maintenance Plan who owns this V-ditch and would be responsible for maintenance to ensure that the V-ditch is kept free of debris and handles peak flows during storm events.
3. Section 3 of the Preliminary WQMP, *Project Site Assessment* (page 6), lists "Pacific Ocean – via municipal storm drain system" as the watershed in which the project lies. The watershed should be "Dana Point Coastal Streams Watershed, also known as Salt Creek Watershed."
4. Section 6.3.2 of the Preliminary WQMP, *Sizing* (page 77), cites the area required for treatment as 142 square feet. This appears to be a carryover from another worksheet; the area required should read 69 square feet: $228 \text{ sf} > 142 \text{ sf}$
 $228 \text{ sf} > 142 \text{ sf}$
 $A \text{ provided} > A \text{ required}$
5. Section 6.3.4 of the Preliminary WQMP, *Restrictions on Use of Infiltration BMPs* (page 81), misdirects the reader to Appendix D. The key information regarding the geotechnical restrictions on infiltration BMPs is presented in Section 2.6 of Appendix E.

If you have any questions or need clarification please do not hesitate to contact Jennifer Shook at (714) 955-0671.

Sincerely,



Laree Brommer, Manager, Planning Division
OC Public Works Service Area/OC Development Services
300 North Flower Street
Santa Ana, California 92702-4048
Laree.brommer@ocpw.ocgov.com

cc: Chris Crompton, Manager, OC Public Works/Environmental Resources

ORANGE COUNTY PUBLIC WORKS

LETTER CODE: L-1

DATE: October 27, 2014

RESPONSE: L-1-1

This comment is introductory in nature, and states that the County of Orange (County) has reviewed the Notice of Availability for the Draft Environmental Impact Report (EIR).

This comment does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

RESPONSE: L-1-2

This comment states that if the proposed project cannot meet full design capture volume with infiltration best management practices (BMPs), the Applicant must consider evapotranspiration and rainwater harvesting BMPs before implementing biofiltration BMPs. The comment also states that the Preliminary Water Quality Management Plan (WQMP) must be revised to include the infeasibility of infiltration BMPs and evapotranspiration BMPs, in order to comply with the Model WQMP referenced in the Draft EIR.

In order to provide the evaluation of the feasibility or infeasibility of harvest and reuse and ET BMPs as well as show how water quality measures are proposed to be implemented now that the Applicant has indicated its intent to seek approval of Revised Alternative 2, the Preliminary WQMP has been revised. It now includes the evaluation and applicable worksheets from the Orange County Technical Guidance Document. The Revised Preliminary WQMP, which is included as Attachment B to this Final EIR, indicates that there is insufficient landscape irrigation needs with drought tolerant planting to justify rainwater harvesting and reuse. Disinfection treatment and plumbing code regulations would make indoor use economically infeasible for the limited water use of the facility. Redundant systems would be required to address uncertainty in rainwater supply, which is also impractical.

RESPONSE: L-1-3

This comment states that ownership and maintenance responsibilities for the v-ditch referenced in the Preliminary WQMP and Hydrology Report Summary are not clearly identified, although runoff from the project site would ultimately be conveyed to this v-ditch.

The Applicant has an easement agreement with the adjacent property where the existing v-ditch is located that authorizes the Applicant to concentrate and discharge runoff onto the adjacent property at the southeast corner of the project site (easement is included in the *Master Plan Hydrology Report*, Appendix G of the Draft EIR). The *Supplemental Hydrology Report*, dated February 17, 2015, which is included as Attachment A to this Final EIR, analyzes the Applicant's current preferred alternative (Revised Alternative 2) and to answer questions raised during the comment period on the Draft EIR, the project Civil Engineer analyzed in greater detail the ability of the existing v-ditch to receive and convey runoff from the project site and down to the flow

through retention basin constructed as part of the Pointe Monarch project (capacity of the retention basin was also analyzed). The v-ditch can adequately accommodate the runoff from the project site at the rate at which flows are proposed to be metered out of the project's on-site underground detention basin, thereby satisfying the easement commitment to receive runoff directed to the southeast corner of the project site. The required Final WQMP, which requires operation and maintenance protocols, will be conditioned to clarify and include all necessary ownership and maintenance documents and responsibilities.

See also Common Response No. 6.

RESPONSE: L-1-4

This comment states that Section 3 of the Preliminary WQMP currently lists "Pacific Ocean-via municipal storm drain system" as the watershed for the proposed project. The comment indicates that the correct watershed should be "Dana Point Coastal Streams Watershed, also known as Salt Creek Watershed."

The Preliminary WQMP has been revised to correctly note the watershed as Dana Point Coastal Streams Watershed, also known as Salt Creek Watershed. The Revised Preliminary WQMP is included as Attachment B to this Final EIR.

RESPONSE: L-1-5

This comment states that Section 6.4.3 of the Preliminary WQMP, Sizing, incorrectly cites the area required for treatment as 142 square feet (sf) when it should be 69 sf.

The Preliminary WQMP has been revised and can be found in Attachment B to this Final EIR.

RESPONSE: L-1-6

This comment states that Section 6.3.4 of the Preliminary WQMP incorrectly directs the reader to Appendix D for information regarding geotechnical restrictions for infiltration BMPs, when this information is included in Section 2.6 of Appendix E.

The Preliminary WQMP has been revised and can be found in Attachment B to this Final EIR.

2.4 INTERESTED PARTIES

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DENISE JACOBO

From: Don Yamano <dyamano@cox.net>
Sent: Thursday, October 09, 2014 5:16 PM
To: DENISE JACOBO
Subject: South Shores Church

Dear Chairwoman Claus

Thank you for taking the time to work on this matter.

I have attended South Shores for many years. I have been part of work crews to clean, paint, and generally freshen up our campus. I have personally experienced how pitifully old and worn out many area have become. There is serious need for new construction. I have also been part of group meetings that have had difficulty scheduling due to lack of space. I believe there is need for more facilities. I also know our community has grown greatly since the church's early days. We would like to accommodate the changing and expanding community. We will need more facilities to do this.

It is my understanding that we, as the church, are using an alternative plan for our construction with no variance to code. Furthermore, we have considerably lowered the size of the project down to 71,000 sq. ft. The new construction will not block views as the height is planned to actually be lower than at current time.

The church has made great effort to comply to rules and listen to the neighbors. Now it is time for us to build. Please approve our plans.

Sincerely,

Peggy Yamano

7 Hastings

Laguna Niguel

I-1-1

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PEGGY YAMANO

LETTER CODE: I-1

DATE: October 9, 2014

RESPONSE I-1-1

This comment expresses support for the proposed South Shores Church Master Plan project (proposed project).

The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

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DENISE JACOBO

From: judy norton <iamjudynorton@hotmail.com>
Sent: Saturday, October 11, 2014 7:47 PM
To: DENISE JACOBO
Subject: Support for South Shores Church Master Plan

October 10, 2014

Ms. Liz Claus
Chairwoman
Planning Commission
City of Dana Point
3282 Golden Lantern
Dana Point, CA 92629

RE: SUPPORT for the South Shores Church Master Plan

Dear Chairwoman Claus:

My full support is for the South Shores Church Master Plan. I have lived in the area for 26 years and after visiting many churches in Aliso Viejo, Laguna Niguel, Dana Point and San Juan Capistrano, nine years ago I made South Shores Church my home. It has been a true blessing to me. The opportunity to help others in the community and the many friends I have been able to make has also helped me turn in the right direction during difficult times in my life. I am very excited about the future of South Shores Church, it is growing so much, and needs to improve many buildings and expand the parking to accommodate all the new people coming to worship. I hope we can count on you to support us and of course you are always welcome to come and visit us. This church is so filled with love, when I enter, I can feel God's presence. May God bless you and guide you in your decision.

Thank you for your time,
Judy Norton

Sent from Samsung tablet

I-2-1

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JUDY NORTON

LETTER CODE: I-2

DATE: October 10, 2014

RESPONSE I-2-1

This comment expresses support for the proposed South Shores Church Master Plan project (proposed project).

The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

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DENISE JACOBO

From: Cheryl Henderson <1cherelle@cox.net>
Sent: Friday, October 10, 2014 12:59 PM
To: DENISE JACOBO
Subject: SUPPORT for the South Shores Church Master Plan

October 10, 2014

Ms. Liz Claus
Chairwoman
Planning Commission
City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629

RE: SUPPORT for the South Shores Church Master Plan

Dear Chairwoman Claus:

We are writing to express our support for the South Shores Church Master Plan.

We have been attending South Shores Church for 7 years and reside in the Ritz Pointe community in Monarch Beach. In previous residences across Orange County where we lived, we wanted to be an active part and involved in a local, community church. We were glad that, not only does South Shores Church meet that need for us being in our backyard, but some of its attributes that impressed us when we first visited to the present time was its welcoming attitude, its love for all who attend, as well as its desire to be a place of hope and encouragement for all age groups and demographics in the surrounding community. To be able to keep up with the growing needs of our community, South Shores needs your approval.

I-3-1

From the beginning of our nation's history, places of worship such as churches and synagogues have been at the center of our communities, offering strength, stability, and encouragement during good times and bad. It is our opinion that South Shores Church more than fulfills that need.

Although there are some residents in Ritz Pointe who oppose the South Shores Plan and claim to represent everyone here, this is simply not the case. We fully support the South Shores plan and understand its benefit to the overall community.

Thanks in advance for your time and support.

Sincerely,

Mark Henderson
Cheryl Henderson
10 Monaco

Monarch Beach, CA 92629

cc: April O'Connor, Vice Chairwoman
Norman Denton, Commissioner
Gary Newkirk, Commissioner
Susan Whittaker, Commissioner
Doug Chotkevys, City Manager
Ursula Luna-Reynosa, Director of Community Development
Ms. Saima Qureshy, AICP, Senior Planner

MARK AND CHERYL HENDERSON

LETTER CODE: I-3

DATE: October 10, 2014

RESPONSE I-3-1

This comment expresses support for the proposed South Shores Church Master Plan project (proposed project).

The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

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DENISE JACOBO

From: Robert Bachelor <bachelorrobert@yahoo.com>
Sent: Sunday, October 12, 2014 1:29 PM
To: DENISE JACOBO
Subject: South Shores Church

On behalf of my family, I would like to thank you for your service for our community. We have been residents of Dana Point and Laguna Niguel for over 30 years. I understand the importance of community service having served as a Trustee for Capistrano Unified School District.

We have been members of South Shores Church for over 25 years. Not only do we serve our church members , but we have been active participants in a wide variety of community outreach services. For nearly 10 years now we have honored the requests of the city as it pertains to our building program. We have demonstrated a cooperative attitude as it pertains to all aspects of community concerns. We have a proven record of improving our property and our community.

Our family is now asking all voting members to give approval for our building request.
Please forward this letter to all participating voting members.

Respectfully Yours,
Robert W. Bachelor

I-4-1

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ROBERT W. BACHELOR

LETTER CODE: I-4

DATE: October 12, 2014

RESPONSE I-4-1

This comment expresses support for the proposed South Shores Church Master Plan project (proposed project).

The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

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From: Roger & Joan Dermody <radermody@me.com>
Sent: Sunday, October 12, 2014 2:57 PM
To: DENISE JACOBO
Subject: Support for South Shored Master Plan

October 9, 2014

Ms. Liz Claus, Chairwoman
 Planning Commission
 City of Dana Point
 33282 Golden Lantern
 Dana Point , Ca.
 92629

Dear Chairwoman Claus,

I am writing to express my support for the master plan for South Shored Church that is before you. For 10 years we have been asked to revisit numerous issues that at this date have been addressed fully. We are at a crossroads to determine whether the further development of our property that has stood the test of every agency will be approved on its merits or will be struck down, I fully respect the rights of concerned citizens to voice their opinions but after all objections have been met within the guidelines of governing agencies, i respectfully request that this matter be approved and that the roadblocks to move ahead are removed once and for all!
 Thank you for your attention to the specifics of this matter before you

I-5-1

Sincerely,
 Joan Dermody
 34566 Camino Capistrano
 Capistrano Beach, Ce. 92624

Cc: April O'Connor , Vice Chairwoman
 Norman Denton, Commissioner
 Gary Newkirk, Commissioner
 Susan Whittaker, Commissioner
 Doug Chotkevys, City Manager
 Ursula Luna-Reynosa, Director of Community Decelopment
 Ms. Saima Aureshy, AICP, Senior Planner

Sent from Joan's iPad

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JOAN DERMODY

LETTER CODE: I-5

DATE: October 12, 2014

RESPONSE I-5-1

This comment expresses support for the proposed South Shores Church Master Plan project (proposed project).

The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

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DENISE JACOBO

From: Robert Perry <pastorbob@southshores.org>
Sent: Monday, October 13, 2014 10:12 AM
To: DENISE JACOBO
Subject: Support for South Shores Church Building Project

October 13, 2014

Ms. Liz Claus
Chairwoman
Planning Commission
City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629

Dear Chairwoman Claus and Planning Commission;:

My wife and I have lived in Dana Point since 1964. During this time many changes have taken place in this beautiful city including: The Marina, multiple hotels, Countless developments, etc. We support the badly needed building expansion at South Shores Church. Not only will it add to property values in the neighborhood, it will also be a great benefit for the entire community. Presently, The Marines, Veterans of Foreign Wars, Cub Scouts, Bible Study Fellowship, and many Home Owners Associations use this facility on a regular basis. The new Family Center/Gym will also be available for Dana Point basketball leagues that cannot use the Community Center due to its very busy usage.

I-6-1

Thank you for your consideration.

Robert and Teresa Perry
33372 Astoria St.
Dana Point

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ROBERT AND TERESA PERRY

LETTER CODE: I-6

DATE: October 13, 2014

RESPONSE I-6-1

This comment expresses support for the proposed South Shores Church Master Plan project (proposed project).

The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

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October 13, 2014

Ms. Liz Claus
Chairwoman
Planning Commission
City of Dana Point
33282 Golden Lantern
Dana Point, CA 92629

RE: SUPPORT for the South Shores Church Master Plan

Dear Chairwoman Claus:

Thank you very much for your consideration regarding the South Shore's Church Master Plan.

In 2001, I became a member of SSC after my oldest brother died. I was looking for a kind and loving church family and I found it at SSC. Since 2001, Jesus, my Lord and Savior, the bible and the members of SSC have transformed my life. I have formed many lifelong friendships at the church and have received wonderful support from the Pastoral staff and church members during different trials of my life.

In addition to weekly church activities, SSC has many outreach programs to the neighboring community. The buildings on the North and east sides of the property are old and inadequate for large gatherings. Many of the buildings were built decades ago and lack the space and features of more modern buildings (i.e. pre-school, fellowship hall and the chapel). Lastly, the SSC parking is insufficient for Sundays and large community outreach events (i.e. Christmas at the Shores, Easter at the Shores, Eggstravaganza, Weddings, Funerals, etc.).

Please kindly consider supporting the South Shores Church Master Plan. Thank you so much for your time. May God bless you and your service to the Dana Point community!!

Sincerely,

Kim Whitaker

Kim Whitaker
28401 Rancho de Juana, Laguna Niguel
(949) 362-4154

Cc: April O'Connor, Vice Chairwoman
Norman Denton, Commissioner
Gary Newkirk, Commissioner
Susan Whittaker, Commissioner
Doug Chotkevys, City Manager
Ursula Luna-Reynosa, Director of Community Development
Ms. Saima Qureshy, AICP, Senior Planner

I-7-1

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KIM WHITAKER

LETTER CODE: I-7

DATE: October 13, 2014

RESPONSE I-7-1

This comment expresses support for the proposed South Shores Church Master Plan project (proposed project).

The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

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

October 13, 2014

To: Dana Point Planning Commission

Re: South Shores Church Proposed Development Plan (the "Project")
Draft Environmental Impact Report ("DEIR")

I'm Pat McCarroll, a resident of Dana Point. I'm a retired attorney and a member of the Voices of Monarch Beach.

I believe the DEIR contains many substantive errors that I'll address in my written comments. Tonight I'll describe two of its process failures.

I-8-1

1) DEIR's treatment of the Mitigated Negative Declaration

The DEIR describes the original MND [pg. 2-1] in neutral terms that would lead a reader to believe that MND was a respectable part of the CEQA process. The DEIR fails to disclose that the MND was written not by an independent expert, but by a member of the Applicant's own Building Committee. This fact was discovered by a resident and was presented, with evidence, at a Planning Commission meeting in 2009. Yet the City has never acknowledged, let alone explained or apologized for, perpetrating

I-8-2

such a conflict of interest hoax on its residents. This is a glaring example of this Project's history of being sheltered by the City from rigorous review.

I-8-2

2] Public Comments

After Planning Commission and City Council meetings and a "Scoping Session," we were directed to submit Public Comments on this Project to the City in March 2010. We did. I did. One couple, Robert and Deanna Saint-Aubin, submitted more than 200 ~~pages~~ pages of detailed specific examples of the Project's deficiencies and violations of the City's governing documents. People from all walks of life invested time and energy submitting hundreds of pages of comments.

I-8-3

And on Sept. 15 this year we learned what our City did with our comments: they photocopied them. That's right — the DEIR makes generic statements that there were areas of controversy and says the DEIR addresses concerns and controversy in detail. But it didn't respond to our comments — it made copies and stuck them in binders.

This was not a case of the City's having too little time to deal with our comments. Unlike us, residents who rush to respond to the DEIR within 45 days, the City took all the time it wanted — not 45 days, not even 45

I-8-4

months —it took 54 months — 4-1/2 years — and did not manage to respond to our comments.

Can you imagine how disrespected this makes your residents feel? Or why it seems to us that the City so badly wants THIS Project to be OK, that its willful desire tunes out things that conflict with that outcome? That's not what CEQA envisions.

VoMB will re-submit all those comments because the Project in the DEIR is nearly identical to the original Project and CEQA requires responses to Public Comments.



I-8-4

I-8-5

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PATRICIA MCCARROLL

LETTER CODE: I-8

DATE: October 13, 2014

RESPONSE I-8-1

This comment is introductory and states that the Draft Environmental Impact Report (EIR) contains many substantive errors.

This comment does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-8-2

The comment questions the Draft EIR's treatment of the previously prepared Mitigated Negative Declaration (MND). It appears that the commenter is concerned with the Draft EIR's utilization of the information contained in the previous MND.

Please refer to Common Response No. 2.

RESPONSE I-8-3

This comment states that the public comments submitted after the Scoping Meeting were not addressed or responded to in the Draft EIR.

The purpose of a public scoping meeting and request for written comments is to solicit written input from interested individuals regarding environmental issues that should be addressed in the Draft EIR and to assist the lead agency in determining the scope and content of the environmental information to be contained in the Draft EIR. The California Environmental Quality Act (CEQA) does not require written responses to each comment made in response to a scoping meeting. As stated in the *State CEQA Guidelines* Section 15084(c), the information or comments received by the lead agency may be included in the draft EIR in whole or in part. The letters received during the Notice of Preparation (NOP) period were included in their entirety in Appendix A, and issues were summarized in Section 2.2.2 (Page 2-4) of the Draft EIR. Environmental topics raised in the scoping letters were included in the content and analysis of the Draft EIR. In summary, the Draft EIR acknowledged and included the scoping letters, summarized the environmental areas of concern, and addressed these issues in the scope of the analysis, consistent with CEQA.

RESPONSE I-8-4

The comment states that reviewers only had 45 days to respond to the Draft EIR but that the City of Dana Point (City) took 54 months to prepare the Draft EIR.

CEQA mandates a 45-day review period for EIRs, which is what was provided. Preparation of the Draft EIR included preparation of technical studies that were reviewed by the City and/or LSA Associates, Inc. (LSA) for completeness and CEQA adequacy prior to inclusion in the Draft EIR analysis. In response to the City's review of the technical geotechnical reports, the Applicant was requested to consider alternative solutions to address geotechnical concerns and lessen environmental impacts. This resulted in the Applicant hiring a new consulting team (LGC Geotechnical, Inc.) to prepare a new geotechnical approach and solution. The development of this new geotechnical study caused a delay in the project because several geotechnical engineers were interviewed and evaluated, and the Applicant had to vet the selection through their own building committee. Once selected, the geotechnical engineer had to complete the entire technical approach process and provide new geotechnical studies. Changes in the geotechnical approach filtered into other analyses included in the Draft EIR, including the amount of cut-and-fill for each phase, the construction air quality modeling, and the assessment of construction staging and traffic.

Section 4.5, Geology and Soils, of the Draft EIR discusses the potential impacts of the proposed project based on the soil and geologic conditions that are described in detail in the geotechnical reports prepared for the proposed project (refer to Appendix E, Geotechnical Reports, of the Draft EIR). As described throughout Section 4.5 of the Draft EIR, potential soils and geotechnical impacts associated with the proposed project would be addressed through proper site preparation and design, including on-site geotechnical observations/testing during construction and implementation of site-specific grading and structural engineering design criteria. Incorporation of the recommendations included in the Geotechnical Evaluation, as described in Mitigation Measure 4.5.1, and the ongoing implementation of slope maintenance procedures on the unimproved slopes on the project site, as described in Mitigation Measure 4.5.2, would reduce the proposed project's impacts related to landslides to a less than significant level. Please also see Common Response No. 12.

RESPONSE I-8-5

The comment states that all the NOP comments will be resubmitted because CEQA requires responses to public comments.

Please see Response to Comment I-8-3, above.

To: Dana Point Planning Commission
 From: Todd V. Glen
 Subject: Public Comment – South Shore Church Expansion Plan
 Date: October 13, 2014

The **Voices of Monarch Beach (VoMB)** is a collective group of Salt Creek Corridor residents who want to preserve the enjoyment of their beautiful community and the nature that surrounds them. It is on record as opposing the South Shore Church expansion project as proposed.

VoMB believes that this physically invasive, monolithic conversion to a **“mega-church” (more than doubling its present size)** is blatantly non-compliant and disharmonious with existing regulatory ordinances and land use plans.

I-9-1

In early 2010 VoMB, joined by another South OC NGO **Clean Water Now**, forced the Church into withdrawing the project from consideration while before the City’s Planning Commission. The City then rescinded the original CEQA documentation, a **Mitigated Negative Declaration (MND)** disingenuously drafted by one of the Church’s own Building Committee members, Ms. Cheryle Hodge, in 2009.

I-9-2

VoMB contends that the enormous increase from the existing **42,545 to 89,362 sq. ft. floor area** constitutes an outrageous intensification of the site’s infrastructural usage. Combined with the dual-level (**2-story, 352 vehicle**) parking structure this Master Plan should be summarily rejected by the City plus Resource and Trustee regulatory oversight agencies.

I-9-3

VoMB contends that this project, a commercial venture, should receive the same high level of review and inspection as any other corporate business.

I-9-4

Its poorly planned access and egress conditions will increase traffic congestion and aggravate existing circulation problems at the intersection of Sea Island Drive on both weekdays and weekends for Crown Valley Parkway commuters. The increased visitation trips jeopardize compliance with the Orange County’s **Congestion Management Plan (CMP)** agreement with the City and might negligently create or exacerbate existing hazardous conditions.

I-9-5

The scale, mass and obtrusive new Pre-school/Administration building in the southeastern quadrant are just a few of the site’s major design flaws. So-called **“necessary improvements”** will obliterate vistas for this designated **Scenic Roadway** in Dana Point presently enjoyed by vehicular, bicycle and pedestrian users. **VoMB also opposes the height variance requested for the Community Life Center as this would only further obscure the scenic “viewshed”.**

I-9-6

The project will further destabilize the bluff and surrounding neighborhood residences due to increased runoff volumes and modification of historical drainage patterns. Historically this zone has alarming erosion problems and is in a known slide-prone location, significant issues inadequately addressed in the DEIR.

I-9-7

It will further pollute the already degraded Salt Creek, a 303 (d) federally Listed Impaired water body. The proposed 40% increase of the post-construction footprint (an additional

I-9-8

1.25 acres) will result in 90% (4.51 acres) of the total buildable 5.1 acres becoming impervious surfaces.

This is alarming and will significantly increase the contaminant-sloughing surfaces. The project's **Water Quality Management Plan (WQMP)** and related storm water (**NPDES Permit--Cal/EPA**) attenuation mitigations are grossly insufficient.

I-9-8

The **Master Plan**, a 10-year, multi-phased build-out, will prolong significant disturbances within the **Salt Creek Corridor**, a serene natural amphitheater, due to extensive excavation and heavy equipment construction activities. Noise and vibration will reverberate throughout; admitted fugitive dust will migrate off-site.

I-9-9

In 2009 VoMB proposed an alternative **NOT** offered in the just-released DEIR. VoMB was willing to support a reasonable rehabilitation of the existing facilities, an approximated increase of about 25%, in one phase, taking only 2-3 years at most.

I-9-10

This offered renovation plan, which included a collaborative posture and supportive community role by VoMB, was summarily rejected by the project applicant's architect GG Kohlhagen and Attorney Mark McGuire.

"The basic tool for the manipulation of reality is the manipulation of words. If you can control the meaning of words, you can control the people who must use the words."— Philip K. Dick

(1) **Why wasn't this "Study Session" called what it is, a "Scoping Session"? Yes, Scoping Sessions are voluntary but are always held in advance for fact-finding, procuring the concerns of stakeholders: That's why they're called SCOPING SESSIONS! Ever heard of "BACKWARD PLANNING"?**

I-9-11

(2) **Why wasn't this meeting held well in advance, PRIOR to the release of the DEIR, honoring the spirit of CEQA?**

(3) **Why, although amended/revised several times between the rescinded Mitigated Negative Declaration (MND), previous Scoping Session in the spring of 2010, weren't any AMENDED Master Plan, publicly noticed revisions placed on a City docket? There were at least 2 such revisions (March of 2012 & December of 2013), including NEW Geotechnical information/tactics & the significantly revised HYDROLOGY/WATER QUALITY analyses & construction/post-construction Water Quality Management Plan (WQMP). Holding a Scoping Session 2/3 of the way through a DEIR comment period is unprofessional, it limits public review & input due to time restraints. We call this "jumping the algorithm," it's like a recipe/formula, things are being done out of order.**

I-9-12

(4) **Why was the 10-year build-out typified as a MASTER PLAN instead of what it is, either a Tiered, Program or Master EIR (MEIR)? This isn't "nitpicking", how the Project is categorized is a critical CEQA element ignored by the City and LSA. Nomenclature decides not only the analysis arc, but the review prioritization, the oversight attention from Trustee & Resource agencies. This is why initially filed as an MND it got so little response.**

I-9-13

(5) **Why is this project getting preferential treatment regarding timelines and updated**

I-9-14

Industry & Regulatory Performance Standards? 10-year or more MEIRs are acceptable for public works projects, specific area management plans, et al. Private projects are usually on a 5 year hook to completion...we can't find any examples other than subdivisions, major private development corporation projects—This Commission should mandate that a second “de novo” EIR, commensurate with updated Performance Standards MUST be required near the end of the 1st one's lifespan.

I-9-14

Last, no one doubts the intrinsic, the spiritual rectitude, the inherent non-material good deeds of this religious group's history and its contributions to the community. No one questions or challenges that.

But it IS a commercial, a corporate endeavor; it has a business and revenue model.

Expanding this site so grossly is no doubt part of that long-term portfolio strategy.

This project should be judged by its extrinsic, its invasive physical and material impacts, the same metrics this Commission would use for any other commercial enterprise. To do otherwise is to treat this Project with biased, pre-disposed favoritism, something other Dana Point businesses do not receive.

I-9-15

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TODD V. GLEN

LETTER CODE: I-9

DATE: October 13, 2014

RESPONSE I-9-1

The comment states that the proposed South Shores Church Master Plan project (proposed project) is not in compliance with existing regulatory ordinances and land use plans. It appears that the commenter is concerned with the size of the proposed project.

The project's consistency with land use plans is addressed in detail in Chapter 4.9, Land Use and Planning, of the Draft Environmental Impact Report (EIR). Although the proposed project would require a variance because the building height proposed for the Community Life Center would exceed the building height limit in the City of Dana Point (City) Municipal Code, the proposed project would be consistent with the Municipal Code if the City were to approve the required height variance. Impacts related to potential conflicts with the City's General Plan were determined to be less than significant, and no mitigation was required. Please see Common Response No. 11 for further explanation of the project's consistency with City development standards. Also note that the Applicant is now seeking approval of Revised Alternative 2, a reduced development alternative that, among other things, fully complies with the City's height requirements, reduces the overall square footage, and pulls the landscaped garden as well as the proposed parking ramp and structure further from the southern boundary of the project site.

RESPONSE I-9-2

The comment describes the City's previous process regarding the Mitigated Negative Declaration (MND), including the Voices of Monarch Beach (VoMB) and Clean Water Now's participation in the planning process.

This comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-9-3

This comment states that due to the proposed increase in square footage and the dual level proposed parking garage, the project should be summarily rejected by the City and oversight agencies.

This comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration. The City's elected decision-makers will make the ultimate decision on whether to approve or disapprove the proposed project. The commenter is welcomed and encouraged to share his opinions on the proposed project at future public hearings.

RESPONSE I-9-4

The comment states that the project should receive the same level of review as any other commercial or corporate business. It appears that the commenter is concerned that the proposed project is a commercial venture, which could influence the proposed project's level of review.

The level of EIR review for any type of land use project, whether residential, institutional, commercial, or public facility, is essentially the same and is guided by the *State CEQA Guidelines* Article 9, Contents of Environmental Impact Reports, and specifically by Sections 15120 to 15132, contained in Article 9. The Draft EIR met this standard through evaluation of the potentially significant environmental effects of the project, the identification of possible ways to minimize the significant effects, and the inclusion of mitigation measures and reasonable alternatives to the proposed project.

RESPONSE I-9-5

The comment states concerns regarding congestion on Sea Island Drive at Crown Valley Parkway, and further states that the increased trips jeopardize compliance with the Orange County Congestion Management Program (CMP) agreement with the City.

A *Traffic Impact Analysis* (TIA) (Appendix J) was prepared for the proposed project consistent with the objectives and requirements of the City of Dana Point, the Orange County CMP, and applicable provisions of CEQA. The TIA evaluated the project driveways (i.e., Sea Island Drive—full-access project driveway and right-in/right-out [RIRO] driveway) and adjacent intersections along Crown Valley Parkway (i.e., Camino Del Avion, Lumeria Lane, and Pacific Coast Highway [PCH]). Weekday a.m. peak-hour (between 7:00 a.m. and 9:00 a.m.), weekday p.m. peak-hour (between 4:00 p.m. and 6:00 p.m.), and Sunday peak-hour (between 11:00 a.m. and 1:00 p.m.) conditions were analyzed for existing and future cumulative (no project and plus project) scenarios. Based on the results of the TIA, the proposed project would not result in traffic impacts based on the City's level of service (LOS) criteria and thresholds. Therefore, the project would not significantly increase congestion, aggravate circulation problems, or create/exacerbate hazardous conditions. As such, mitigation measures/improvements are not required.

RESPONSE I-9-6

The comment raises a concern about the scale and mass of the Preschool/Administrative building and states that the views from the scenic roadway will be obliterated. The comment further states that the Voices of Monarch Beach (VoMB) community opposes the height variance request of the Community Life Center due to impacts to the viewshed.

Although Crown Valley Parkway is not designated a Scenic Highway by the State, it is designated as a Scenic Highway by the City. Therefore, view simulations were conducted from a public viewpoint along this roadway (refer to Key View 3 on Figure 4.1.4, Page 4.1-29 in the Draft EIR) and other designated Scenic Corridors, Scenic Overlooks from Public Lands, and public viewpoint locations. The intent of the visual simulations is to show the mass and scale of the potential development to give decision-makers an understanding of the potential changes to the existing visual character from implementation of the proposed project. The Draft EIR agrees

that the construction of the proposed Community Life Center building would increase the density and mass of buildings and be visible from this vantage point on Crown Valley Parkway. Although construction of the Community Life Center would obstruct some views of the sky and remove some of the eucalyptus trees located within this view, the proposed project would not completely block open sky views. Further, the visual character from this viewpoint would continue to be described as urban transportation with landscaping surrounded by development. Therefore, the Draft EIR determined that there would be no significant impacts to the views from this location as a result of project implementation. See also Common Response No. 9.

Although the Community Life Center building itself is not more than 35 feet in height, it would still require the approval of a height variance, since the height of structures is measured from the lowest current grade within the building's footprint as stipulated in the City's Zoning Ordinance (Page 3-11 of the Draft EIR). The comment regarding the height variance comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. This comment will be forwarded to the decision-makers for their review and consideration. Also, note that the Applicant is now seeking approval of a Revised Alternative 2, a reduced development alternative that, among other things, contains a Community Life Center building with less square footage and that fully complies with the City's height requirements.

RESPONSE I-9-7

The comment raises concerns about destabilizing the hillside due to increased runoff volumes and modification of drainage patterns. The comment further raises concerns related to erosion and slides.

Hydrology issues were addressed in detail in Section 4.8, Hydrology and Water Quality, of the Draft EIR. Specifically, as stated on Page 4.8-22 of the Draft EIR, the originally proposed project would increase impervious area by 1.25 acres, which would increase the runoff volume and velocity from the site. However, the underground detention system would reduce peak flow to below that of existing conditions. Per the *Supplemental Master Plan Hydrology Report*, dated February 17, 2015, which is included as Attachment A to this Final EIR, under Revised Alternative 2, the alternative that the Applicant now seeks City approval of, the impervious area on the project site would increase by a lesser amount than the proposed project (0.87 acre increase rather than 1.25 acre increase) and total peak flow from the site would decrease from 26.6 cubic feet per second (cfs) to 11.3 cfs for a 25-year storm and from 33.9 cfs to 14.4 cfs for a 100-year storm. Because the project would reduce off-site discharge, and the downstream areas are not currently prone to flooding or erosion, the proposed project would not contribute to off-site flooding, erosion, or siltation. Therefore, project impacts related to runoff or changes in runoff flow rates or volume would be less than significant, and no mitigation beyond construction of the detention and stormwater conveyance facilities proposed is required.

As described under Thresholds 4.5.2 and 4.5.4 in Section 4.5 of the Draft EIR, potential landslide impacts associated with the proposed project would be addressed through proper site preparation and design, including on-site geotechnical investigations and implementation of site-specific grading recommendations and structural engineering design criteria. Incorporation of the recommendations included in the Geotechnical Evaluation, as described in Mitigation Measure 4.5.1, and the ongoing implementation of slope maintenance procedures on the unimproved

slopes on the project site, as described in Mitigation Measure 4.5.2, would reduce the proposed project's impacts related to landslides to a less than significant level.

RESPONSE I-9-8

The comment asserts that the project will pollute Salt Creek and further asserts that the Water Quality Management Plan (WQMP) and National Pollutant Discharge Elimination System (NPDES) permits are inadequate mitigation.

In compliance with the Construction General Permit and Municipal NPDES Permit requirements, Construction, Low Impact Development, Site Design, Source Control, and Treatment BMPs would be implemented to target pollutants of concern from the project site, including pollutants causing receiving water impairments (i.e., bacteria). Because the BMPs would target pollutants of concern in stormwater runoff from the project site, the proposed project would not cause or contribute to downstream water quality impairments. As such, mitigation beyond compliance with the Construction General Permit and Municipal NPDES Permit requirements is not warranted.

See also Common Response Nos. 6 and 13 and the Revised Preliminary WQMP included as Attachment B to this Final EIR.

RESPONSE I-9-9

The comment asserts that a 10-year construction period will prolong disturbances within the Salt Creek Corridor.

The Draft EIR did not identify any significant construction impacts that could not be mitigated to a less than significant level. See also Common Response No. 3 and Common Response No. 6.

RESPONSE I-9-10

The comment states that an alternative plan was suggested by VoMB to the project Applicant and that this plan was not included in the Draft EIR.

The range of alternatives required in an EIR shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. Even though the Draft EIR did not identify any unavoidable significant impacts, a Reduced Project Alternative (Alternative 2) was developed that would, overall, have less impacts than the proposed project but would still feasibly attain most of the basic objectives of the project.

In January 2015, the Applicant submitted a refined version of Alternative 2 to the City in response to public input on the Draft EIR. As described in Section 1.4, Refinements to Alternative 2, of this Final EIR, the Applicant now proposes construction of the southern half of the parking structure as Phase 2 (this was formerly Phase 4); provision of 12 additional parking spaces during Phases 1C and 2 that were not included in the proposed project or Alternative 2; temporary discontinuation of two Sunday bible study classes that run concurrent with the 2nd and 3rd worship services, respectively, during the first two months of Phase 1C, and the entire duration of Phases 2 and 5; and relocation of the proposed Landscaped Meditation Garden on the southeast corner of the project site approximately 30 feet further north from its previously proposed location under the proposed project and Alternative 2. The size and location of all other buildings, parking, and other features included in each construction phase would remain the same as Alternative 2.

While Revised Alternative 2 would not construct the Parking Structure as Phase 1A and would, therefore, not create all of the parking stalls at the initiation of construction, it would increase the number of parking spaces available on-site during all subsequent phases of construction and eliminate the need for off-site parking following the first 2 months of construction of Phase 1C for the remainder of Phase 1C. Further, no on-site parking deficits would be anticipated during the two-year pause in construction activities between Phase 1.C and the newly proposed Phase 2. Refer to Section 1.4, Refinements to Alternative 2, of this Final EIR for additional discussion regarding the specific elements of Revised Alternative 2.

RESPONSE I-9-11

The comment questions why the Study Session was not held prior to release of the Draft EIR and called a Scoping Session.

See Common Response No. 1.

RESPONSE I-9-12

The comment questions why the project revisions over the past several years were not made available to and presented to the public, and also reiterates concerns related to the Study Session.

The revisions to the proposed project related to geotechnical, water quality and construction issues (which preceded the environmental analysis in the Draft EIR) were a direct result of the comments received during the public processes. The members of the public have had and will continue to have extensive public participation opportunities with respect to the proposed project.

As stated, proposed construction methods resulting from revised geotechnical approaches were modified over the past several years as a result of the Applicant wanting to ensure that the proposed project would result in the least impacts possible and reflect state of the art best management practices. However, it should also be noted that the proposed project analyzed in the Draft EIR is nearly identical to the project described in the Notice of Preparation (NOP). Further, there is no requirement that revisions be brought forward for public review prior to releasing a Draft EIR. The proposed project analyzed in the Draft EIR now includes several modifications to

geotechnical information and water quality issues. See also Response to Comment I-8-4 and Common Response No. 1.

RESPONSE I-9-13

The comment questions why the EIR for the Master Plan was not prepared as a Master EIR in order to get a higher level of review and oversight from the Trustee and Responsible Agencies.

A Program EIR and a Master EIR are both subject to the same level of scrutiny from Trustee and Responsible Agencies and have the same noticing and review requirements. There is no CEQA requirement that a “Master EIR” obtain a “higher” level of scrutiny as compared to a project level EIR. See also Common Response No. 7.

RESPONSE I-9-14

The comment asserts that this project is getting preferential treatment regarding regulations and performance standards, and expresses concern over the 10-year implementation.

See Common Response No. 3 and Common Response No. 5.

RESPONSE I-9-15

The comment requests that the proposed project be evaluated as a commercial enterprise.

See Response to Comment I-9-4 and Common Response No. 5.

City of Dana Point Planning Commission

Re: “Study Session” for South Shores Church Project
Master Plan DEIR SCH#2009041129

From: Roxanne Willinger 23286 Pompeii Drive, Dana Point, CA 92629

Date: October 13, 2014 34052 Del Obispo Street, Dana Point, CA 92629

We are troubled about the choices the City has made in purportedly complying with CEQA requirements. It seems that the City has not honored the thoroughness and transparency that CEQA requires.

The State Clearing House (SCH) is the notification portal for Agencies’ review. In its SCH filings, the City has done several things that would foreseeably minimize review.

I-10-1

First, the City filed on this Project as a Mitigated Negative Declaration in 2009 and received a SCH number as an MND — which attracts less review than EIRs. The City’s initial minimal noticing to local/county and state agencies, with portrayal as an MND, resulted in minimal subsequent review. [Attached at the end is a list indicating that only CalTrans responded.]

The SCH stated [email attached below] that although there is no statutory time limit, it advises lead agencies to “redo” the Notice of Preparation if it has been several years because new feedback may be required. But the City did not do this. The City used in 2014 the same SCH number they got in 2009 for an MND. Also, though the product is labelled a “Master Plan” — they had never attempted to qualify as a “Master EIR” under CEQA.

I-10-2

I-10-3

Sadly, overburdened agencies, having gotten previous notice, usually don’t dedicate any more time to revisit a project. In addition, the Project is still not being explained as a Program, Tiered,

I-10-4



or Master EIR for CEQA. The SCH email re-enforces our concern about the City's making choices that minimize review when possible.

I-10-4

Finally, the DEIR lists "Probable Future Actions by Responsible Agencies" [Table 3.F]. Why does this list not include the County of Orange Transportation Agency (OCTA). A major bus route on Crown Valley Parkway, which is a major traffic artery, runs along the ingress/egress of this Project's site. Surely major complications from a 10-year construction plan would impact OCTA's carrying out its services. We believe that the all-too-foreseeable havoc that construction vehicles will bring to nearby Pacific Coast Highway as well as Crown Valley Parkway would be of great interest to OCTA.

I-10-5

Likewise, why was the California Coastal Commission (CCC) not on the list?

I-10-6

REFERENCES

STATE CLEARINGHOUSE E-MAIL

From: Scott Morgan Scott.Morgan@OPR.CA.GOV

To: Roxanne Willinger: Roxannewillinger@cox.net

Re: Correction/erratum: 3 years & 8 months since NOP Filed

Date: October 22, 2013 5:22 PM

Sorry for the delay in getting back to you.

I located the NOP for the project in question.

It was originally filed under the same SCH Number as the MND from 2009

(SCH#2009041129) I have attached the NOP (along with our cover letters to state agencies) that was filed with the OPR in February of 2010.

There is no statutory timeline on how long an NOP is good for.

We advise that lead agencies "redo" the NOP distribution if it has been several years

I-10-7

because many times circumstances have changed at the project location, or with the project itself, that warrant getting new feedback prior to developing the DEIR.

Ultimately, it is at the discretion of the Lead Agency to send out a new NOP.

Scott Morgan

State Clearinghouse Director

Deputy Director, Administration

Governor's Office of Planning and Research

ph (916)445-0613 fax (916)323-3018

Reviewing Agencies (Agencies in **Bold Type** submitted comment letters to the State Clearinghouse)

Resources Agency; California
Coastal Commission; Department of
Fish and Wildlife, Region 5;
Department of Parks and
Recreation; Department of Water
Resources; California Highway
Patrol; **Caltrans, District 12**;
Regional Water Quality Control
Board, Region 8; Department of
Toxic Substances Control; Native
American Heritage Commission

I-10-7

Table 3.F: Probable Future Actions by Responsible Agencies

Responsible Agency	Action
State Water Resources Control Board	Notice of Intent (NOI) to comply with the General Construction Activity National Pollution Discharge Elimination System (NPDES) Permit
San Diego Regional Water Quality Control Board	NPDES Permit
Orange County Fire Authority	Plan Approval
Orange County Sheriff's Department	Plan Approval
South Coast Air Quality Management District (SCAQMD)	Compliance with SCAQMD Rule 402 – Nuisance and Rule 403 – Fugitive Dust

I-10-7

ROXANNE WILLINGER

LETTER CODE: I-10

DATE: October 13, 2014

RESPONSE I-10-1

The comment expresses concern regarding the City of Dana Point's (City) treatment of the California Environmental Quality Act (CEQA) process and questions the Draft Environmental Impact Report's (EIR) use of the State Clearinghouse (SCH) number assigned to the previously prepared Mitigated Negative Declaration (MND).

The SCH number does not dictate the level of review a document receives. The Draft EIR was distributed to responsible and trustee agencies for review on the merits of the analysis contained therein and not in the MND. See Common Response No. 1.

RESPONSE I-10-2

The comment questions why the Notice of Preparation (NOP) was not reissued and raises concerns about the assignment of the SCH number.

See Common Response No. 1 and Response to Comment I-10-1.

RESPONSE I-10-3

The comment questions why the Master Plan was not addressed in a Master EIR.

See Common Response No. 7.

RESPONSE I-10-4

The comment again raises concern over the use of the previously assigned SCH number and a minimized review due to the previous submittal of an MND.

An EIR is the highest level of environmental review under CEQA and is not overlooked or reviewed at a lesser level just because an earlier environmental document has been prepared and submitted to agencies. For example, a Subsequent EIR is reviewed by the same agencies and at the same level of scrutiny as the original EIR prepared for a project, all under the same SCH number originally issued with an NOP. See Common Response No. 1.

RESPONSE I-10-5

The comment questions why the Orange County Transportation Agency (OCTA) was not included on the Table of Probable Future Actions by Responsible Agencies (Table 3.F, page 3-18 of the Draft EIR).

Although OCTA operates bus routes on Crown Valley Parkway adjacent to the project site, OCTA does not have discretionary approval related to the project, a portion of the project, or mitigation for the project. However, OCTA was included in the distribution of the Notice of Availability (NOA) for the Draft EIR in order to solicit their comments.

RESPONSE I-10-6

The comment questions why the California Coastal Commission (CCC) was not included on the Table of Probable Future Actions by Responsible Agencies (Table 3.F, Page 3-18 of the Draft EIR).

As stated on Page 4.9-11 of the Draft EIR, the City's Local Coastal Program (LCP) indicates that the project site is located within the Coastal Zone boundaries and is under the land use planning and regulatory jurisdiction of the City. Therefore, the City of Dana Point has the authority to approve the proposed project and issue the Coastal Development Permits (CDPs) if the project is found to be consistent with the City's LCP. Because the site is not within the CCC appeal jurisdiction, discretionary actions made by the City are not appealable to the CCC. However, the CCC was included in the distribution of the NOA for the Draft EIR in order to solicit their comments.

RESPONSE I-10-7

This comment is actually a reproduced copy of the email received from the SCH regarding the NOP, and a copy of Table 3.F, from the Draft EIR.

As indicated in the email correspondence from the SCH, it is at the lead agencies' discretion to send out a new NOP. As further indicated in the email, a new NOP may be advisable if circumstances have changed at the project location or with the project itself. However, the project site is developed with the same church facilities and continues to operate in the same manner as when the NOP was issued. Further, the proposed project analyzed in the Draft EIR is nearly identical to the project described in the NOP (demolition of approximately 23,467 square feet (sf) of building area on the project site, 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). Additionally, the proposed project still includes a two-level partially subterranean Parking Structure. Therefore, the NOP was not reissued.

I request confirmation of delivery from the City of Dana Point & consultant LSA which should be sent to roxannewillinger@cox.net

RECEIVED
OCT 29 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

October 13, 2014

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

I have been advised that a Draft Environmental Impact Report has been submitted for a large project very near my home. It is SCH No. 2009041129

I have very briefly reviewed a few of the "many" documents and have grave concerns about this massive project only a few feet from our bedroom.

I-11-1

I live at 23281 Pompeii Drive, Dana Point, on the south side of this proposed project. The project parking garage is immediately behind our bedroom and the ramp to exit and enter that garage is only a few feet away.

The initial impact of this project would be felt by visitors to Dana Point as they drive down Crown Valley Parkway (designated as a Scenic Highway) and crest the hill to see a large commercial industrial looking complex with a ten foot wall on the garage, blocking their view to the east. Aesthetically this project does not fit in the surrounding residential neighborhood.

I-11-2

The addition of in excess of 70,000 sq. ft. of usable space places this project in comparison to building 35 to 50 single family residences, 10 typical CVS Pharmacies, or 2 to 2 1/2 Walmart markets. This being stretched out over a projected 10 year period. The examples, by comparison, would typically be completed in one to two years.

I-11-3

Given this extensive construction project and protracted project schedule, the neighborhood and specifically our home (a mere few feet away) will be subjected to significant noise, vibration, dust, inconvenience, and other construction primary and secondary effects for 6 years out of 10. The projected temporary play yard location will increase noise levels for almost four years, cumulative, along with an additional 13 months of equipment staging noise and 7 months of construction noise, all practically on top of our home.

I-11-4

It would be surprising to us that any of you in this room would willingly sign up for this type of project in your backyard and city.

I-11-5

Of specific concern are noise issues. My brief review of the impact report leads me to believe that while filled with theoretical numbers and noise theory, there has been no practical approach taken to noise mitigation. Therefore the Draft EIR is inaccurate as it does not take into consideration acoustical amplification correctly. A typical example would be the noise produced at a Sea Terrace Park Concert that is in fact virtually almost as loud at our home as it is in the park. This is acoustical amplification as a result of the terrain.

I-11-6

Additionally the vibration of the earth movement and placement of pilings deep in the soil relevant to the impact on our home has again been more theoretical in the Draft EIR, than

I-11-7



practical. Dropping of a very large disposal bin in the parking lot, in the past, produced a high level of vibration equivalent to a small earthquake. To withstand this on a daily basis, for some period of time, is a grave concern to our structure and the stability of our home.

↑
I-11-7

The mitigations put forward in the Draft EIR may also be inaccurate in the future due to the protracted length and size of the project. Since there are an infinite number of variables involved in any project, the 10 year time span calls into question the accuracy with which one can accurately predict proper mitigation of this project. Thereby increasing the chance of additional significant impacts in the future. Not the least of which, is the completion of the project.

I-11-8

Thank you for your time and consideration.

Gary and Lynn Frye
23281 Pompeii Dr.
Dana Point, CA 92629

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GARY AND LYNNE FRYE

LETTER CODE: I-11

DATE: October 13, 2014

RESPONSE I-11-1

This comment is introductory and explains that the commenter lives immediately to the south of the project site and has concerns about the proposed project.

Because this comment does not contain any specific statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein, no further response is necessary.

RESPONSE I-11-2

This comment expresses concerns about the proposed project's visual impacts from Crown Valley Parkway.

See Common Response No. 9.

RESPONSE I-11-3

This comment attempts to draw a comparison between the new building square footage associated with the proposed project (an institutional land use) and several types of residential and commercial land uses and suggests that the proposed project should be completed in a similar time frame.

See Common Response No. 3.

RESPONSE I-11-4

This comment expresses frustration that the commenter will be subjected to significant noise, vibration, dust, inconvenience, and other impacts during construction.

The Draft EIR did not identify any unavoidable significant impacts related to construction of the proposed project. To mitigate fugitive dust emissions, the project would be required to comply with measures in SCAQMD Rule 403 and Title 24, as specified in Standard Conditions 4.2.1 and 4.2.2, respectively (refer to page 4.2-26 of the Draft EIR). In addition, compliance with Standard Condition 4.10.1 would reduce construction-related noise impacts resulting from the proposed project to a less than significant level. See also Common Response No. 10.

RESPONSE I-11-5

This comment states that the projected construction noise, as a result of the proposed project, would occur in close proximity to the commenter's home. This comment expresses disbelief that the proposed project would be approved in the City.

The Noise Impact Study (Appendix H) prepared for the proposed project conducted ambient noise level measurements on the project site, and modeled the existing traffic noise levels in the project vicinity to document the current ambient noise levels. The Noise Impact Study conducted future traffic noise impacts on off-site and on-site land uses, evaluating potential project-related traffic noise impact on adjacent land uses and potential cumulative traffic noise impacts on the proposed on-site uses, including the outdoor playground. Furthermore, the Noise Impact Study evaluated potential impacts from off-site stationary noise sources (paved Salt Creek Recreation Trail and Monarch Beach Golf Links) on the proposed on-site uses, as well as potential noise impacts from on-site stationary sources (mechanical equipment and children's playground activity) to nearby off-site noise-sensitive land uses.

RESPONSE I-11-6

This comment expresses concern over noise impacts. This comment claims that the Draft EIR did not approach noise mitigation measures in a practical manner, and therefore, is inaccurate. This comment also provides an example from personal experience illustrating effects of acoustical amplification resulting from the terrain.

Canyon effect related to noise is sound reverberation through multiple reflections and, therefore, the attenuation is reduced with distance. This effect is most likely to occur in urban settings where parallel buildings are located close to each other, and sound generated at one end of the street is bounced around between the buildings and what is heard at the other end of the street is louder than normal (when no reflection or canyon effect exists). It should be noted that the sound (or noise) is not amplified; it is just not attenuated by as much as normal sound based on the distance between the source and the receiver. For hillsides or other terrains with vegetation, because of the absorptive nature of the surface (as opposed to the building surfaces filled with hard surfaces such as concrete and/or glass), the canyon effect would not contribute substantially to the overall sound/noise energy received by the receivers at the other end. Most of the time, the sound can be heard when the ambient noise at the receiver site is low, but the distance attenuation would still account for the majority of the noise reduction under that circumstance. At long distances, by the time the direct sound/noise reaches the receiver at the other end, it would have been attenuated because of the distance. The addition of the reflected sound/noise, which would be a portion of the original sound/energy level (some of the sound absorbed by the surface and some penetrated through the surface), would be small after multiple reflections. Because noise sources and receivers in the project area are not conducive to an environment that would result in a substantial canyon effect, especially between the project site and receivers that are at a close distance, any acoustical canyon effect is anticipated to be small and negligible.

RESPONSE I-11-7

This comment claims that the proposed project's vibration impacts are explained in a theoretical manner in the Draft EIR. This comment also expresses concerns about the potential of the proposed project to create vibration impacts that could affect the structural stability of the commenter's home.

Groundborne noise and vibration from construction activity would be mostly low to moderate, except if pavement breaking or sheet pile vibration is used on site. Bulldozers and other heavy-tracked construction equipment generate approximately 92 A-weighted decibels (VdB) of groundborne vibration when measured at 50 feet (ft), based on the *Transit Noise and Vibration Impact Assessment* (FTA, May 2006). This level of groundborne vibration exceeds the threshold of human perception, which is approximately 65 VdB. Based on the California Department of Transportation (Caltrans) *Transportation Related Earthborne Vibration, Technical Advisory* (Rudy Hendricks, July 24, 1992), the vibration level at 25 ft is approximately 6 VdB higher than the vibration level at 50 ft. Vibration at 100 ft from the source is more than 6 VdB lower than the vibration level at 50 ft. Therefore, receptors at 25 ft and 100 ft from the construction activity may be exposed to groundborne vibration of up to 98 VdB and 86 VdB, respectively. This range of vibration would be higher than the 65 VdB human reception threshold.

As discussed in Section 4.10 of the Draft EIR, groundborne noise and vibration from construction activity would be mostly low to moderate, except if pavement breaking or sheet pile vibration is used on site. Bulldozers and other heavy-tracked construction equipment generate approximately 92 A-weighted decibels (VdB) of groundborne vibration when measured at 50 feet (ft), based on the *Transit Noise and Vibration Impact Assessment* (FTA, May 2006). This level of groundborne vibration exceeds the threshold of human perception, which is approximately 65 VdB. Based on the California Department of Transportation (Caltrans) *Transportation Related Earthborne Vibration, Technical Advisory* (Rudy Hendricks, July 24, 1992), the vibration level at 25 ft is approximately 6 VdB higher than the vibration level at 50 ft. Vibration at 100 ft from the source is more than 6 VdB lower than the vibration level at 50 ft. Therefore, receptors at 25 ft and 100 ft from the construction activity may be exposed to groundborne vibration of up to 98 VdB and 86 VdB, respectively. This range of vibration would be higher than the 65 VdB human reception threshold.

FTA guidelines show that a vibration level of up to 102 VdB (FTA, May 2006) is considered safe and would not result in any construction vibration (cosmetic) damage for buildings with reinforced concrete, steel, or timber (no plaster). For a building with engineered concrete and masonry (no plaster), the vibration (cosmetic) damage threshold is 98 VdB. For a nonengineered timber and masonry building, the construction vibration (cosmetic) damage criterion is 94 VdB. These values for building (cosmetic) damage thresholds referenced above are shown in Table B, taken from the *Transportation- and Construction-Induced Vibration Guidance Manual* (prepared by Jones & Stokes, for the Caltrans, June 2004).

Table B: Construction Vibration Damage Criteria

Building Category	PPV (inch/sec)	Approximate L_v¹
Reinforced-concrete, steel or timber (no plaster)	0.5	102
Engineered concrete and masonry (no plaster)	0.3	98
Non-engineered timber and masonry buildings	0.2	94
Buildings extremely susceptible to vibration damage	0.12	90

Source: *Transit Noise and Vibration Impact Assessment* (May 2006).

¹ RMS velocity in decibels (VdB) re 1 micro-inch/second.

inch/sec = inches per second

L_v = vibration velocity level

PPV = peak particle velocity

RMS = root mean square

Because the majority of the construction on the project site would occur on the northern portion of the site that is 100 ft or more from the Monarch Bay Villas, construction-related vibration would be reduced to 86 VdB or lower. No building (cosmetic) damage would be anticipated.

RESPONSE I-11-8

This comment suggests that some of the mitigation measures included in the Draft EIR may become ineffective over time, thereby increasing the chance that some of the proposed project's significant impacts may become unavoidable at some point in the future.

The commenter fails to provide specific examples of mitigation measures that may become less effective in the future. Because this comment does not contain any specific statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein, no further response is necessary.

See Common Response No. 10.

10-13-14 Planning Commission, Dana Point, CA

RE: Project submitted by South Shores Church (SCH No. 2009041129)

Hello, thank you for allowing me to present my concerns this evening.

My name is Josette Hatter. I am here as a member of the **Voices of Monarch Beach** (VoMB). I have been a resident of Dana Point since 1992 and live adjacent to South Shores Church.

I-12-1

I have reviewed the **San Diego Regional Water Quality Control Board** runoff (NPDES Permit) discharge requirements, dated **Dec. 16, 2009**. I believe that Applicant's proposed redevelopment project meets the criteria for placement into the **Priority Development Project** (PDP) category for **Standard Storm Water Management Practices** (SSWMP).

I-12-2

The Applicant proposes addition and replacement of more than 5,000 square feet of impervious surface on a developed site, plus the addition of more than 15 parking spaces.

The site is a vulnerable hillside in the ecologically diverse Salt Creek Corridor. **It has high value habitat for the 2 breeding California gnatcatchers, listed by the federal government as an endangered species, and for other indigenous plants and animals.**

I-12-3

A sign on the Salt Creek Trail extols and announces its critical importance: **WILDLIFE ENHANCEMENT PROJECT.**

The **Environmentally Sensitive Area** (ESA) environs is mitigation for the **Monarch Beach Resort Specific Plan** (MBRSP). **The project expands impervious surfaces nearly 40%, for a total of 90% impervious surface on the 5-acre buildable portion of the**

I-12-4

Josette S. Hatter, 23297 Pompeii Drive, Dana Point, CA 92629

cell: 949-230-7516; email: jshatter@uci.edu

Is it possible, that in 2009, the City and the Applicant failed to inspect the pertinent areas because they didn't know where they were and we were precluded from showing them? Are we going to have a repeat of 2009?

I-12-5

VoMB has recently and urgently repeated our request to be included along with a representative of Clean Water Now in an inspection of the entire storm water drainage site and slopes that the Applicant impacts, so that this problem can be properly resolved.

I-12-6

Does the Applicant plan to use the damaged and blocked drainage system for 10 years of construction? We don't know, as the DEIR does not specify what will happen, but it is essential that the problems be properly rectified prior to any new construction on the site.

I-12-7

I have with me tonight, for submission to the committee, a photo collection reflecting current conditions on the storm water drainage site. We have nearly 100 photos documenting the damage and are submitting about 30 captioned photos for your inspection. Thank you for your attention to them. We hope they aid in the resolution of this matter.

I-12-8

Post-construction, the Applicant proposes to rely upon an unspecified underground detention system for containment of peak flow water on the finished project. Yet the DEIR does not reveal the actual capacity, just the device's projected ability to modulate discharges. How much water can it hold?

I-12-9

Furthermore, the DEIR relies upon a **David A. Boyle Engineering Hydrology & Hydraulics Report from 1991** as its source of peak storm event flow estimations from the site. The **Adams-Streeter Engineering** report and analyses for the DEIR, delivered to LSA in 2012--over 20 years later—is based upon the 1991 report.

I-12-10

Josette S. Hatter, 23297 Pompeii Drive, Dana Point, CA 92629

cell: 949-230-7516; email: jshatter@uci.edu

There is no specification of onsite water treatment for bacteria-laden water captured in the detention system. Additionally, runoff water will still flow into residential v-ditches that seem inadequate to manage Applicant's peak event flows.

I-12-11

The Applicant's **Low Impact Development** (LID) and attendant **Best Management Practices** (BMP) are inadequate. The Applicant plans to abandon an erosion control BMP, the outlet structure and earthen dam retention basin that exists on site but offers no replacement.

I-12-12

Finally, Applicant fails to specify treatment control BMPs, such as the treatment of dry weather flows and the disconnecting of impervious surfaces for onsite bio-filtration & reduction of sheet flow.

I-12-13

Josette S. Hatter, 23297 Pompeii Drive, Dana Point, CA 92629

cell: 949-230-7516; email: jshatter@uci.edu

Photos of the Distressed Slope

with
Roger Butow

A walk-around foundation bluff and hill of
Mega-Expansion of SSC

Oct. 3, 2014

(can it really support the weight or will it slip into Salt Creek)

I-12-14



*Submitted by Voices of March Beach via Gittle Hatter
1949-230-7514*



**South Shores Church (SSC) southeast drainage to detention basin:
Approx. 3.5 acres per DEIR Report**





Reverse view: Drainage facing detention basin (rear)





Denuded, desert-like, degraded slope due to increasing soil erosion.

Environmentally Sensitive Area (ESA) supporting native plants & indigenous animals washed away



I-12



I-12-14



ENTROPY: The only thing that can grow now? Cactus



I-12

I-12-14

**V-ditche confluence near Pointe Monarch: Left side in photo
s ESA drainage,
right side source is Monarch Beach Villa HOA v-ditch**



I-12

I-12-14

V-ditch from ESA near Point Monarch



V-ditch confluence near Pointe Monarch: Left side is MBVHOA drainage, right is from ESA



I-12

I-12-14

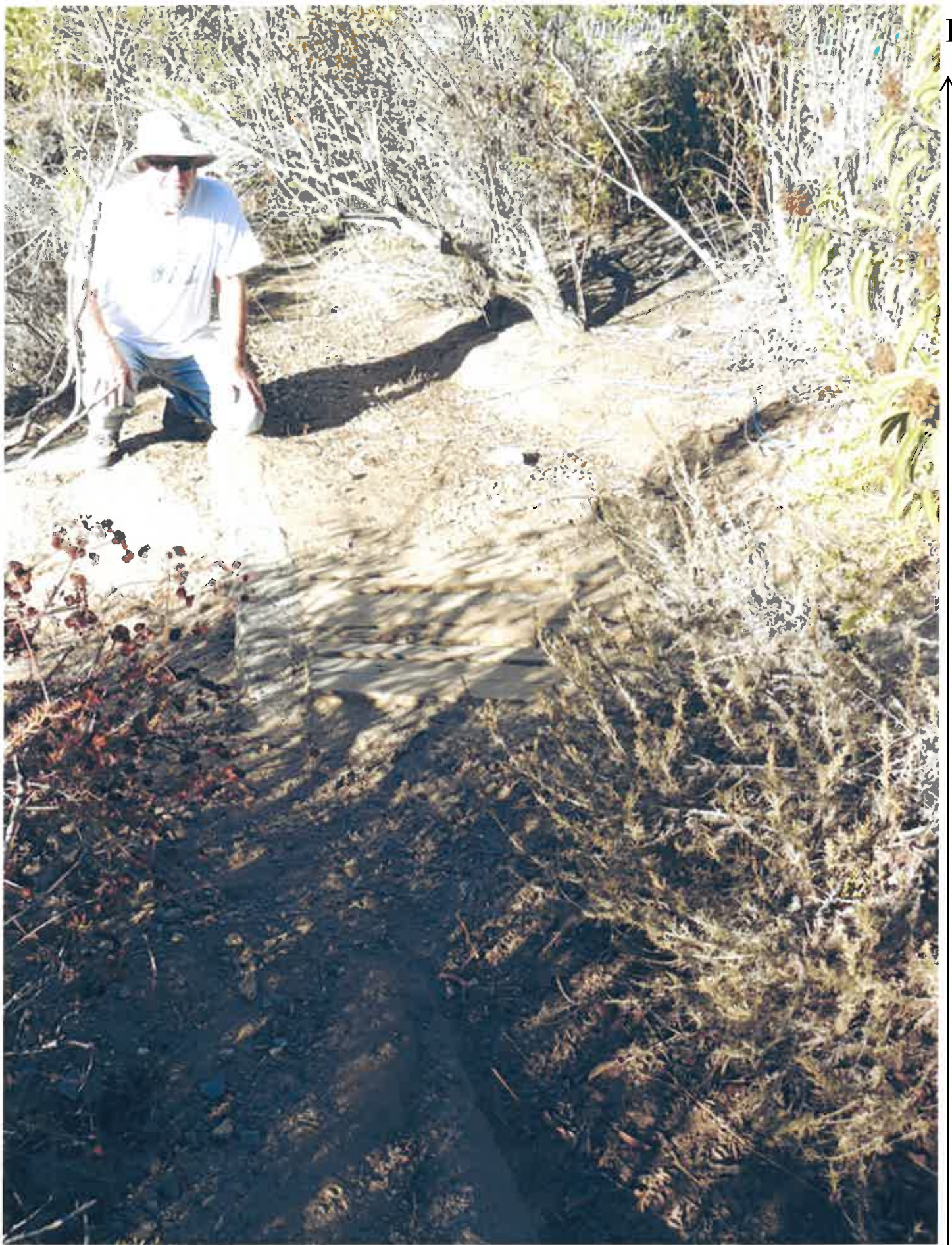
V-ditch from ESA near Point Monarch



I-12

I-12-14

V-ditch from detention basin: Buried.



I-12

I-12-14

V-ditch from SSC detention basin: Buried.



I-12

I-12-14

Salt Creek Corridor Trail storm drain intake perimeter buried under sediment near Pointe Monarch trailhead.



Salt Creek Corridor Trail storm drain intake near Pointe Monarch.

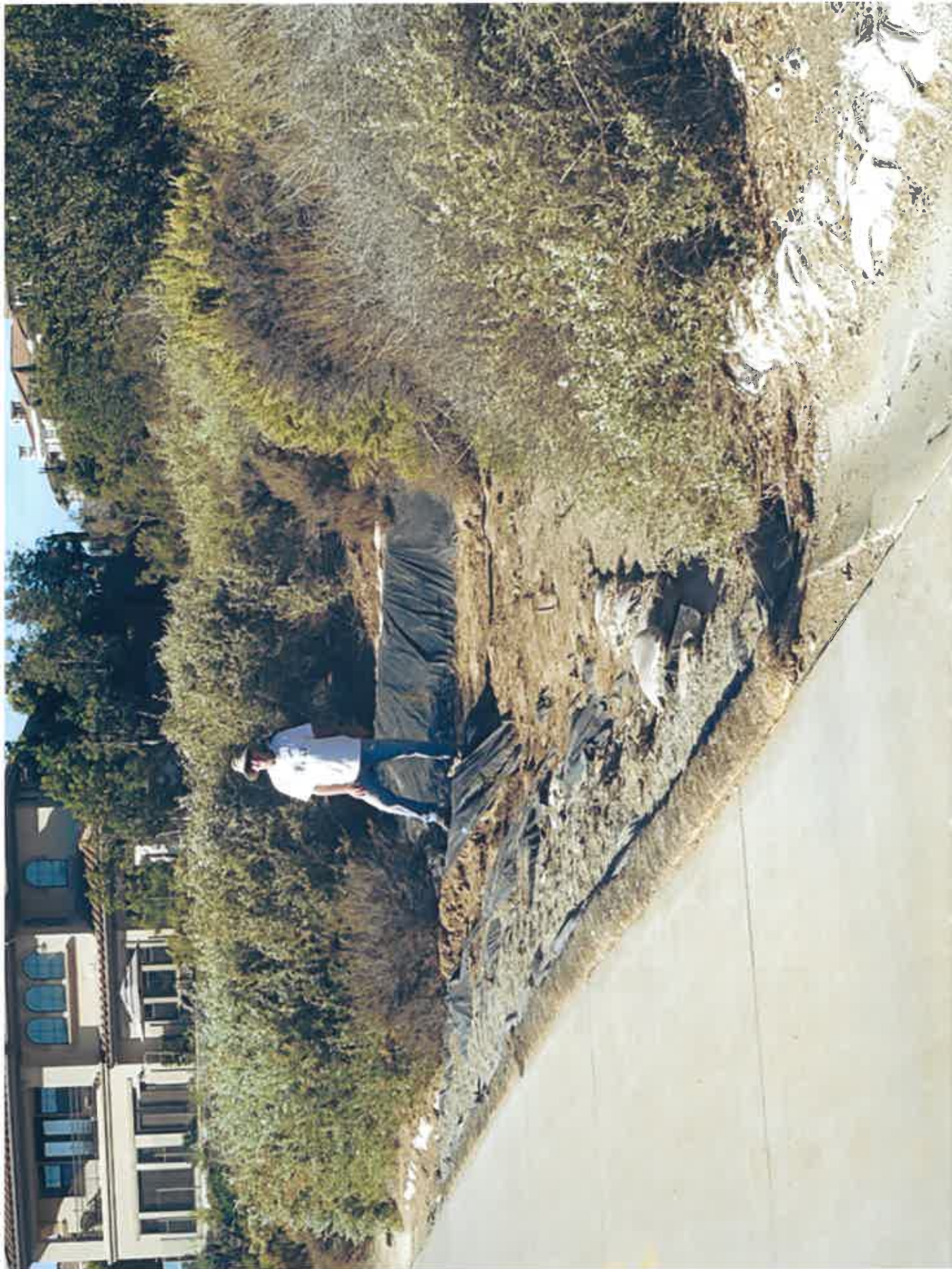
Note 12-15" deep in sediment from late 2010 storm event never removed.

I-12

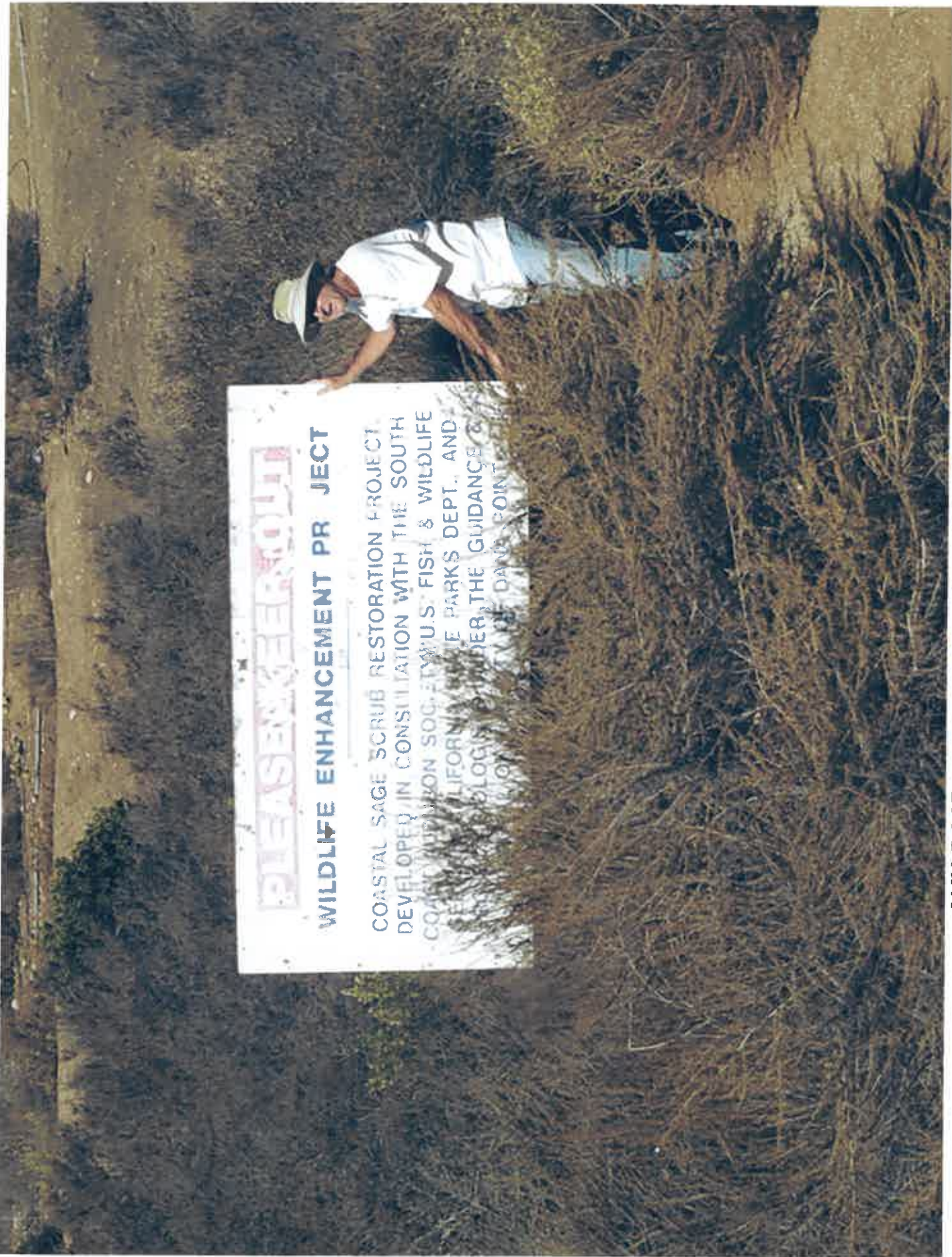


I-12-14

Salt Creek Corridor Trail storm drain intake system perimeter near Pointe Monarch.



**Salt Creek Corridor Trail storm drain intake
system perimeter near Pointe Monarch.**



WILDLIFE ENHANCEMENT PROJECT sign:
Note denuded, heavily eroded meadow above



Gully readily visible (to the right) from SCC Trail



LIFE ENHANCEMENT PROJECT

ALL SAGE SCRUB RESTORATION PROJECT
 DEVELOPED IN CONSULTATION WITH THE SOUTH
 AUDUBON SOCIETY OF CALIFORNIA
 AND THE CALIFORNIA DEPARTMENT OF
 FISH & WILDLIFE
 CALIFORNIA DEPARTMENT OF
 FISH & WILDLIFE
 CALIFORNIA DEPARTMENT OF
 FISH & WILDLIFE

Perspective: Roger Bütow (Clean Water Now) is 6' 1" tall

I-12



I-12-14

**Gully now 20 feet deep, 40 feet wide, 200 feet long:
Due to erosion, no v-ditch or detention basin maintenance**



I-12



I-12-14

**An attractive & public nuisance. A negligent condition,
a lawsuit waiting to happen.**

I-12



I-12-14



Hully, hully gully



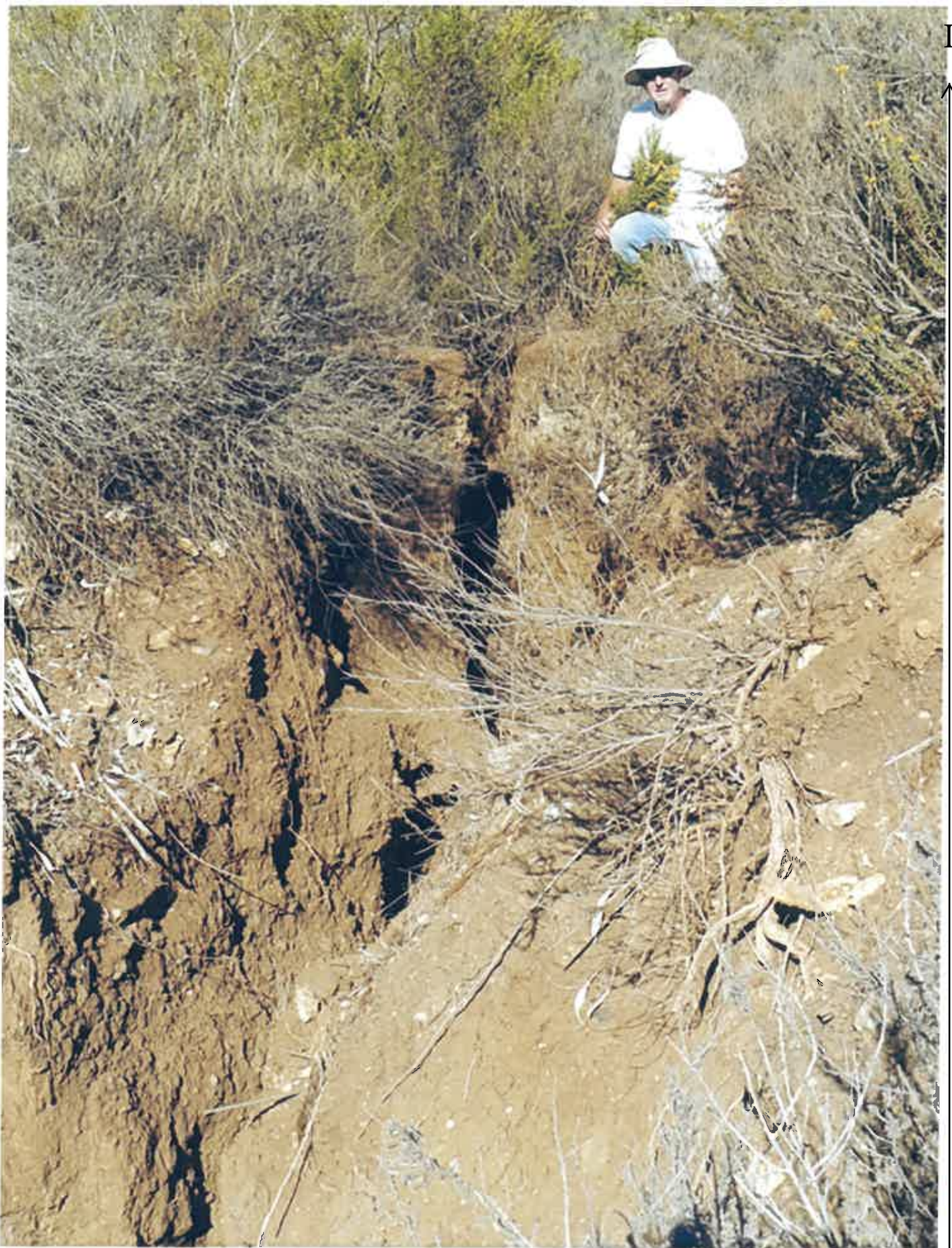
I-12

I-12-14

Gully looking towards SCC Trail



Gully looking towards SCC Trail



I-12

I-12-14

Upper section or gully.



North-facing v-ditch system & outlet to nowhere (broken off, in disrepair): Pours off of the slope, does NOT connect/discharge into catch basin 250 below.

Slope below is heavily eroded, noted in oral/written complaints by CWN in 2009-10 to the SDRWQCB & City of DP.



Recently paved apartment complex parking lot:
Co-contributor along with SSC to north-facing v-ditch system.



Intake above north v-ditch outlet to nowhere





Recently patch around intake:

Lower parking lot is full of granulated pebbles & asphalt plus vehicular detritus (hydrocarbon sloughing)

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JOSETTE HATTER

LETTER CODE: I-12

DATE: October 13, 2014

RESPONSE I-12-1

This comment is introductory in nature and provides the commenter's contact information.

This comment does not contain any specific statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-12-2

This comment states that the commenter reviewed the 2009 San Diego Regional Water Quality Control Board runoff (NPDES Permit) discharge requirements. This comment correctly points out that the proposed project meets the criteria for placement into the Priority Development Project (PDP) category for Standard Storm Water Management Practices (SSWMP).

As stated in Section 4.8, Hydrology and Water Quality, of the Draft EIR, the proposed project is considered a "priority development project" because it would add or replace at least 5,000 square feet (sf) or more of impervious surface. Accordingly, consistent with the requirements of the MS4 Permit and the City's Municipal Code, Mitigation Measure 4.8.3 requires the Applicant to prepare a WQMP for the City's review and approval, prior to the issuance of grading permits. Such WQMP must include project-specific Low-Impact Development, Retention/Biofiltration Site Design, Source Control, and Treatment Control BMPs that comply with the Model WQMP requirements in effect at the time of submittal of each phase. Further, an operations and maintenance plan is required to ensure the long-term performance of the required BMPs.

See Common Response No. 13 for additional information regarding water quality regulations applicable to the proposed project.

RESPONSE I-12-3

This comment states that the project site contains high value habitat for two breeding California gnatcatchers. The comment also states that there is a sign stating, "Wildlife Enhancement Project" on the Salt Creek Trail, which, the comment states, illustrates the Salt Creek Corridor's critical importance.

Biological impacts resulting from project construction and operation are addressed in Section 4.3, Biological Resources, of the Draft EIR. As described on Pages 4.3-9 through 4.3-10, focused surveys were conducted to determine the coastal California gnatcatcher's utilization of the habitat in the vicinity of the project site, and those surveys determined that the coastal California gnatcatcher at least occasionally utilizes the 0.12 acre of undisturbed coastal sage scrub in the lower northeastern corner of the project site that will be preserved in place as part of the proposed

project. While no gnatcatchers were observed using the 0.18 acre of disturbed coastal sage scrub further up the slope on the project site, it is possible that gnatcatchers use that area as well (although it would be on the extreme edge of any gnatcatcher territories). However, per the Orange County Central and Coastal Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) in-lieu fee program, potential impacts to the coastal California gnatcatcher associated with impacting this 0.18 acre of disturbed coastal sage scrub habitat would be mitigated through implementation of Mitigation Measure 4.3.1, which would require the Applicant to pay an in-lieu fee to the Nature Reserve Orange County (NROC) prior to impacting any coastal sage scrub or other identified habitat species. Therefore, the payment of in-lieu fees, which would provide funding for land acquisition, weed control, soil preparation, planting native species, supplemental irrigation, and other activities aimed at restoring, establishing, enhancing, and/or preserving covered coastal sage scrub species in the NCCP/HCP area, would reduce any impacts to the coastal California gnatcatcher to less than significant levels.

RESPONSE I-12-4

This comment states that Environmentally Sensitive Area (ESA) environs are included as mitigation in the Monarch Beach Resort Specific Plan (MBRSP). The comment also states that the proposed project would increase impervious surfaces by nearly 40 percent for a total of 90 percent impervious surface on the project site. The City received letter I-12 with page No. 2 missing; therefore, this comment is incomplete.

The City of Dana Point's Local Implementation Plan (LIP) identifies ESAs located within the City. As described in the LIP, the San Diego Regional Water Quality Control Board defines ESAs as those areas that include, but are not limited to:

- All CWA Section 303(d) impaired waters (see below)
- Areas designated as Areas of Special Biological Significance by the State Water Resources Control Board (SWRCB) in the Water Quality Control Plan for the San Diego Basin Plan
- State Water Quality Protected Areas
- Water bodies designated with the RARE Beneficial Use category by the SWRCB in the Basin Plan
- Areas designated as preserves or their equivalent under the Natural Communities Conservation Planning Program (NCCP)
- Any other ESAs identified by the City.

As stated on page 4.8-23, in Section 4.8, Hydrology and Water Quality, of the Draft EIR, the runoff from the project site is tributary to Salt Creek/Pacific Ocean Shoreline, which is designated as an Environmentally Sensitive Area in the LIP. As discussed in the LIP, there are no other ESAs in the vicinity of the project site, and no designated ESAs in the vicinity of the Monarch Beach Resort.

As stated on page 4.8-14 of the Draft EIR, the originally proposed project would result in a permanent increase in impervious surface area of 1.25 ac. The Applicant is now seeking approval of Revised Alternative 2, a reduced development alternative that, among other things, would

increase the impervious area by a lesser amount (0.87-acre increase rather than a 1.25-acre increase). The impervious surface area would still increase from 54.3 percent of the site to 68.8 percent of the site, which represents a 27 percent increase in impervious surface area, but the large new detention basin proposed on site would reduce the peak runoff from existing 26.6 cfs to 11.3 cfs for a 25-year storm and from 33.9 cfs to 14.4 cfs for a 100-year storm.

RESPONSE I-12-5

This comment questions whether the City and the Applicant inspected pertinent areas due to insufficient information in 2009. The City received letter I-12 with page No. 2 missing; therefore, this comment is incomplete. Although this comment is incomplete, when considered together with Comment I-12-6, the commenter appears to suggest that the City and Applicant should inspect the storm water drainage system and slopes in the vicinity of the project site.

As indicated in Common Response No. 6 and the memorandum included in Attachment C to this Final EIR, the City Department of Public Works and Engineering Services and the San Diego Regional Water Quality Control Board conducted a joint investigation in response to the complaint filed by Mr. Roger Von Butow regarding various erosion and sedimentation issues occurring on or adjacent to the Monarch St. Regis property, the Makallon LLC Open Space property, and the project site.

The joint investigation concluded that the alleged erosion that is the subject of many comments on the Draft EIR could not be determined to be the result of any condition occurring on the project site. As indicated in Common Response No. 6, the Applicant is not violating any applicable provision of any NPDES or MS-4 permit, nor is the Applicant violating any provision of the federal Clean Water Act or the State's Porter-Cologne Clean Water Act.

The alleged erosion was determined to occur on a property adjacent to the project site. A variety of erosion and sedimentation control best management practices (BMPs) have since been implemented. These BMPs will prevent sediment from discharging into Salt Creek. The City is committed to ensuring proper maintenance of these BMPs by the private property owners.

The findings of the joint investigation, which are included in Attachment C to this Final EIR, as well as Section 4.8, Hydrology and Water Quality, of the Draft EIR, acknowledge that the proposed project will be subject to the NPDES permit requirements, including Model Water Quality Management Plan requirements that became effective in December 2013 and will be superseded by Order R9-2015-0001 that was adopted by San Diego Regional Water Quality Control Board on February 11, 2015 and becomes effective on April 1, 2015 (see also Common Response No. 13). Thus, the proposed project will, in fact, reduce the amount of sedimentation, if any, that flows off the project site and will, in fact, improve water quality consistent with both State and federal law. As described on pages 4.8-14 through 4.8-14 of the Draft EIR, with implementation of Mitigation Measure 4.8.3, which requires implementation of BMPs that target pollutants of concern in runoff from the project site, the proposed project would result in less than significant operational impacts related to: violation of water quality standards, degradation of water quality, increase in pollutant discharge, alteration of receiving water quality, adverse impacts on water and groundwater quality, and degradation of beneficial uses to less than significant levels.

RESPONSE I-12-6

This comment states that the commenter has repeatedly requested to inspect the entire storm water drainage system and slopes off-site. It appears that the commenter would like to discuss and resolve potential drainage issues and resolutions with the Applicant.

See Response to Comment I-12-5.

RESPONSE I-12-7

This comment expresses concern over the current state of the existing drainage system and questions if the Applicant proposes to use the existing drainage system during the 10 years of proposed construction. This comment urges that the drainage system be repaired prior to any new construction on the project site.

See Common Response No. 6 and the *Supplemental Hydrology Report* prepared by Adams-Streeter, which is included as Attachment A to this Final EIR, for a description of the drainage system upgrades proposed as part of the proposed project.

RESPONSE I-12-8

This comment refers to the commenter's submission of a photo collection documenting current conditions of the storm water drainage site.

This comment does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-12-9

This comment questions the capacity of the underground detention system proposed for containment of peak flow water post-construction.

As detailed in Section XI of the *Master Plan Hydrology Report* (Adams-Streeter Civil Engineers, Inc., February 29, 2012), which is included in Appendix G of the Draft EIR, the capacity of the underground detention basin would be 25,600 cubic feet (0.588 acre-feet).

As described in Section X of the *Supplemental Master Plan Hydrology Report* (Adams-Streeter Civil Engineers, Inc., February 17, 2015), which is included as Attachment A to this Final EIR, the capacity of the underground detention basin proposed as part of Revised Alternative 2 would be 11,907 cubic feet (0.273 acre-feet).

Both studies are based on the Orange County Hydrology Manual, as described in the Methodology Section of both reports.

RESPONSE I-12-10

This comment states that the Adams-Streeter Civil Engineers, Inc. (2012) report used in the analyses for the Draft EIR relied upon the David A. Boyle Engineering Hydrology and Hydraulics Report (1991).

The *Hydrology and Hydraulic Report* (Boyle Engineering, 1991) was included as an attachment to the *Master Plan Hydrology Report* (Adams-Streeter Civil Engineers, Inc., February 29, 2012), which is included in Appendix G of the Draft EIR. As discussed on page 5 of the *Master Plan Hydrology Report*, the original flows that occurred onsite prior to construction of the main sanctuary building were calculated in the 1991 *Hydrology and Hydraulic Report*. Hydraulic calculations were conducted for the *Master Plan Hydrology Report* and did not rely on the calculations of the 1991 report. The hydraulic calculations were performed in accordance with the requirements of the Orange County Hydrology Manual. In addition, rational method calculations were developed for the proposed project utilizing Advanced Engineering Software (AES). As discussed on page 5 of the *Master Plan Hydrology Report*, the peak flows calculated for the current existing conditions are greater than the original flows calculated by Boyle Engineering. Also, a Supplemental Hydrology Report has been prepared for the Applicant's preferred alternative, Revised Alternative 2 (see Common Response No. 6). The Supplemental Hydrology Report is included as Attachment A to this Final EIR.

RESPONSE I-12-11

This comment states that the Draft EIR does not specify what on-site water treatment would occur for bacteria-laden water captured in the detention system. This comment also claims that additional runoff water would flow into v-ditches that the commenter claims seem inadequate to manage the Applicant's peak event flows.

As stated on page 4.8-12, of Section 4.8, Hydrology and Water Quality, the proposed project would implement a variety of Biofiltration/Treatment BMPs, "including roof drain planter boxes, storm water planters, proprietary biofilters such as Modular Wetlands," an on-site detention system consisting of a pretreatment hydrodynamic separation unit and an underground detention basin. Adams-Streeter has also prepared a Revised Preliminary WQMP that sets forth the treatment measures proposed for Revised Alternative 2, the Applicant's proposed revised reduced development alternative (the Revised Preliminary WQMP is included as Attachment B to this Final EIR).

While the precise BMPs to be used during construction will be identified in the SWPPP, Mitigation Measure 4.8.1 in the Draft EIR provides a non-exhaustive list of BMPs that may be implemented. These potential BMPs are reiterated below in Response to Comment I-12-12.

The BMPs would target pollutants of concern from the project site, including bacteria, so that runoff from the site would not contribute to the existing total coliform impairment.

Implementation of Mitigation Measure 4.8.3, which requires implementation of BMPs that target pollutants of concern in runoff from the project site, would reduce potential operational impacts related to contribution to receiving water impairments to less than significant levels.” Therefore, the proposed project would include on-site water treatment that would address potentially bacteria-laden water captured in the on-site detention system. See Common Response Nos. 6 and 13 for additional information regarding water quality issues related to the proposed project.

The v-ditch drainage system has been analyzed as having sufficient capacity in the Supplemental Hydrology Report. See Common Response No. 6.

RESPONSE I-12-12

This comment claims that the Applicant’s Low Impact Development (LID) and Best Management Practices (BMPs) would be inadequate. This comment also states that the Applicant proposes to abandon an erosion control BMP, without offering a replacement.

Common Response No. 13 provides information regarding the proposed project’s compliance with all applicable water quality regulations. As described in Common Response No. 13, “[t]he SWPPP has two major objectives: (1) to help identify the sources of sediment and other pollutants that affect the quality of storm water discharges and (2) to describe and ensure the implementation of BMPs to reduce or eliminate sediment and other pollutants in storm water as well as nonstorm water discharges.” (Amended Fact Sheet for Order 99-08-DWQ, p. 48.) “The SWPPP must include BMPs that address source control, BMPs that address pollutant control, and BMPs that address treatment control.” (*Id.*)

As explained on the SWRCB’s website, “[t]he SWPPP should contain a site map(s) which shows the construction site perimeter, existing and proposed buildings, lots, roadways, storm water collection and discharge points, general topography both before and after construction, and drainage patterns across the project.” (http://www.swrcb.ca.gov/water_issues/programs/stormwater/construction.shtml) In addition, the SWPPP must “include a description of the BMPs and control practices to be used for both temporary and permanent erosion control measures.” (Order 99-08-DWQ, p. 15.)

While the precise BMPs to be used will be identified in the SWPPP, Mitigation Measure 4.8.1 in the Draft EIR provides a non-exhaustive list of BMPs that may be implemented including:

- Scheduling;
- Preservation of existing vegetation;
- Hydraulic mulch;
- Hydroseeding;
- Soil binders;
- Straw mulch;
- Geotextiles and mats;
- Wood mulching;

- Earth dikes and drainage swales;
- Velocity dissipation devices;
- Slope drains;
- Streambank stabilization;
- Compost blankets;
- Soil preparation/roughening;
- Non-vegetative stabilization;
- Silt fences;
- Sediment basins;
- Sediment traps;
- Check dams;
- Fiber rolls;
- Gravel bag berms;
- Street sweeping and vacuuming;
- Sandbag barriers;
- Straw bale barriers;
- Storm drain inlet protection;
- Active treatment systems;
- Temporary silt dikes;
- Compose socks and berms;
- Biofilter bags;
- Stabilized construction entrances/exits;
- Stabilized construction roadways; and
- Entrance/outlet tire washes.

Thus, a wide range of effective BMPs is available for consideration and incorporation into the SWPPP. Consistent with the requirements of the CGP, Mitigation Measure 4.8.1 requires that the BMPs ultimately selected and implemented “ensure that the potential for soil erosion and sedimentation is minimized” and “control the discharge of pollutants in storm water runoff as a result of construction activities.”

Further, in compliance with Chapter 8.01 of the City Municipal Code, during construction, the Applicant will be required to submit an annual erosion control plan that includes, but is not limited to, the following:

- The name and 24 hour telephone number of the person responsible for performing emergency erosion control work.
- The signature of the civil engineer or other qualified individual who prepared the grading plan and who is responsible for inspection and monitoring of the erosion control work.
- All desilting and erosion protection facilities necessary to protect adjacent property from sediment deposition.
- The streets and drainage devices that shall be completed and paved by October 15.
- The placement of sandbags or gravel bags. Slope planting or other measures to control erosion from all slopes above and adjacent to roads open to the public.
- The plan shall indicate how access shall be provided to maintain desilting facilities during wet weather.

The Construction BMPs above are considered industry standard and have been determined to be effective at reducing or eliminating sediment and other pollutants in storm water as well as nonstorm water discharges. Therefore, compliance with the CGP, as well as the erosion control plan, will thus mitigate any potential construction-related impacts to water quality to less than significant levels.

In addition, the proposed project is considered a “priority development project” because it would add or replace at least 5,000 square feet (sf) or more of impervious surface. Accordingly, consistent with the requirements of the MS4 Permit and the City’s Municipal Code, Mitigation Measure 4.8.3 requires the Applicant to prepare a WQMP for the City’s review and approval, prior to the issuance of grading permits. Such WQMP must include project-specific Low-Impact Development, Retention/Biofiltration Site Design, Source Control, and Treatment Control BMPs that comply with the Model WQMP requirements in effect at the time of submittal of each phase. Further, an operations and maintenance plan is required to ensure the long-term performance of the required BMPs.

Again, the San Diego RWQCB has determined that implementation of the water quality requirements described above will reduce the discharge of storm water pollutants from the MS4 to the maximum extent possible and prevent runoff discharges from the MS4 from causing or contributing to a violation of water quality standards. Therefore, compliance with the above requirements will thus mitigate all potential impacts to water quality to less than significant levels. Treatment of stormwater runoff will be substantially enhanced compared to existing conditions, thus leading to an improvement in water quality rather than adversely impacting water quality.

See Common Response No. 13 for additional information regarding water quality regulations applicable to the proposed project.

RESPONSE I-12-13

This comment claims that the Applicant fails to specify treatment control BMPs. This comment offers examples of treatment control BMPs, including the treatment of dry weather flows and the disconnection of impervious surfaces for on-site bio-filtration and reduction of sheet flow.

As previously stated, the proposed project would be required to employ a number of Biofiltration/Treatment BMPs, consistent with Mitigation Measure 4.8.3. Specifically, Biofiltration/Treatment BMPs would utilize treatment mechanisms to remove pollutants that have entered storm water runoff (Section 4.8, Hydrology and Water Quality, Draft EIR, page 4.8-13). See Response to Comment I-12-11 for a list of potential BMPs that may be implemented as part of the proposed project. The Construction BMPs provided are industry standard and have been shown to be effective at reducing or eliminating sediment and other pollutants in storm water as well as nonstorm water discharges and that implementation of all applicable water quality requirements will reduce the discharge of storm water pollutants from the MS4 to the maximum extent possible and prevent runoff discharges from the MS4 from causing or contributing to a violation of water quality standards. Therefore, compliance with applicable water quality requirements will thus mitigate all potential impacts to water quality to less than significant levels.

RESPONSE 1-12-14

This comment is an attachment of photographs of the slope and drainage areas.

As indicated in Common Response No. 6 and the memorandum included in Attachment C to this Final EIR, the City Department of Public Works and Engineering Services and the San Diego Regional Water Quality Control Board conducted a joint investigation in response to the complaint filed by Mr. Roger Von Butow regarding various erosion and sedimentation issues occurring on or adjacent to the Monarch St. Regis property, the Makallon LLC Open Space property, and the project site.

The joint investigation concluded that the alleged erosion that is the subject of many comments on the Draft EIR could not be determined to be the result of any condition occurring on the project site. As indicated in Common Response No. 6, the Applicant is not violating any applicable provision of any NPDES or MS-4 permit, nor is the Applicant violating any provision of the federal Clean Water Act or the State's Porter-Cologne Clean Water Act.

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Comments made in City of Dana Point City Council meeting, Tuesday, Oct. 7, 2014
re-submitted to 10-13-14 Planning Commission meeting JSH

Thank you for the opportunity to address the Council members and the community. I am Josette Hatter. My home, at 23297 Pompeii Drive, is below and adjacent to the southeastern quadrant of the proposed SSC building site. I am here to express concerns about the Applicant's proposed project and the alternate proposed project. My spouse and neighbors share my concerns.

I-13-1

We ask why is this a 10-year project? Is there a money problem?

I-13-2

We are stunned that neither the City or the Applicant acknowledged the uncertainty that the project brings to us: the sloping site is fragile, no one knows if it will slide during grading, earth removal, and pounding of dozens of huge pylons 90 feet into the landfill and rock. We request indemnification from the Applicant.

I-13-3

Imagine the noise! And the dirt! For the better part of ten years, dust will float down onto our patios, decks and streets. My chronic respiratory illness will be aggravated. My windows will be dirty and remain closed. I will suffer the loss of the outdoor beach life that I cherish and the birdsong that is an important part of my life. I will be 73 years old if the project finishes on time. My spouse will be 81

I-13-4

Right now, the Applicant is violating 2009 regulations for channeling storm water runoff. Rainwater overflows its parking lot; the percolation basin is overgrown with plant materials; water flows into the already polluted Salt Creek waterway. The v-ditches are cracked, blocked and disjointed. Does the Applicant plan to use this inadequate system for 10 years of construction? Their post-construction water plans fail to provide treatment for bacteria-laden retained water and rely on v-ditches that appear to be inadequate.

I-13-5

What about management of traffic at nearby intersections? I request traffic studies for the Monarch Bay Villas intersection with Crown Valley Parkway and the Monarch Bay Plaza intersection with Crown Valley Parkway. I request speed monitoring; vehicles traveling north on Crown Valley Parkway often exceed the 35 mph speed limit. The addition of construction, vendor and project traffic will impair our ability to make left and right turns. We will lack the protection needed to enter a turn lane to make a u-turn at the nearest light.

I-13-6

I wonder if there are people in this room who would willingly give up their quality of life to live behind closed doors and windows in a dirty and noisy part of town? That is not the Dana Point, beach city, resort town that the City's Master Plan seeks to preserve.

I-13-7

JSH, 23297 Pompeii Drive, Dana Point, CA 92629, 949-230-7516, jshatter@uci.edu

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JOSETTE HATTER

LETTER CODE: I-13

DATE: October 13, 2014

RESPONSE I-13-1

This comment is introductory in nature and provides the commenter's contact information including the location of her house in relation to the south side of the project site.

This comment does not contain any specific statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-13-2

This comment inquires as to why construction of the proposed project would take 10 years.

Refer to Common Response No. 3, Proposed 10-Year Construction.

RESPONSE I-13-3

This comment expresses concern over the slope on the south side of the project and requests indemnification from the Applicant.

Refer to Common Response No. 4, Indemnification and Bond Request.

RESPONSE I-13-4

This comment expresses concern over noise and dust that may result from construction of the proposed project.

Noise impacts resulting from project construction and operation are addressed in Section 4.10, Noise, of the Draft EIR. As described on page 4.10-11, the City of Dana Point's (City) Noise Ordinance regulates the timing of construction activities and includes special provisions for sensitive land uses. Construction activities are allowed between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday. No construction is permitted outside of these hours, on Sundays, or on federal holidays. Additionally, Section 8.01.250 (Time of Grading Operations) of the City's Municipal Code limits grading and equipment operations within 0.5 mile of a structure for human occupancy. Consequently, grading and equipment operations may only occur between the hours of 7:00 a.m. and 5:00 p.m. during the weekdays and are prohibited on Saturdays, Sundays, and City-recognized holidays. As stated on pages 4.10-25 through 4.10-26, compliance with the construction hours specified in the City's Noise Ordinance and Standard Condition 4.10.1, which requires specific measures to reduce short-term construction-related noise impacts, would reduce

the proposed project's temporary increases in ambient noise levels in the proposed project vicinity to a less than significant level.

Air quality impacts resulting from project construction and operation are addressed in Section 4.2, Air Quality, of the Draft EIR. As described on page 4.2-23, fugitive dust emissions would occur during construction of the proposed project as a result of demolition, grading, and the exposure of soils to air and wind. The South Coast Air Quality Management District (SCAQMD) has established a fugitive dust emissions threshold of 100 pounds per day. To mitigate fugitive dust emissions, the project would be required to comply with measures in SCAQMD Rule 403 and Title 24, as specified in Standard Conditions 4.2.1 and 4.2.2, respectively. In order to mitigate fugitive dust emissions, SCAQMD Rule 403 measures include, but are not limited to, applying nontoxic chemical soil stabilizers to all inactive construction areas according to manufacturers' specifications; watering active sites at least twice daily; requiring trucks that haul dirt, sand, soil, or other loose materials to be covered, or maintain at least 2 ft of freeboard in accordance with the requirements of California Vehicle Code Section 23114; paving construction access roads at least 30 meters on to the site from the main road and reducing traffic speeds on all unpaved roads to 15 miles per hour. Title 24 of the California Code of Regulations established by the California Energy Commission includes, but is not limited to, green measures to improve indoor air quality. With implementation of Standard Conditions 4.2.1 and 4.2.2, no significant impacts to sensitive receptors related to fugitive dust during project construction would occur.

RESPONSE I-13-5

This comment claims that the Applicant is currently violating 2009 storm water runoff regulations. This comment expresses concern over the current state of the existing drainage system and questions if the Applicant proposes to use the existing drainage system during the 10 years of proposed construction. This comment also states that the Draft EIR does not specify what on-site water treatment would occur for bacteria-laden water captured in the detention system.

Refer to Response to Comment I-12-11 for a list of the proposed project's proposed Biofiltration/Treatment BMPs to address potentially bacteria-laden water captured in the on-site detention system. See also Common Response Nos. 6 and 13. As discussed in Common Response No. 6, the Applicant is not violating any applicable provision of any NPDES or MS-4 permit, nor is the Applicant violating any provision of the federal Clean Water Act or the State's Porter-Cologne Clean Water Act.

RESPONSE I-13-6

This comment questions how traffic would be monitored if it occurs at nearby intersections. The commenter requests the completion of traffic studies for nearby intersections on Crown Valley Parkway, as well as speed monitoring on Crown Valley Parkway. This comment claims that any additional traffic caused by construction and operation of the proposed project would reduce the protection needed to make left and right turns.

The *Traffic Impact Analysis* (TIA) prepared for the proposed project (and included as Appendix J of the Draft EIR) evaluated the Monarch Bay Villas access intersection (i.e., Crown Valley

Parkway/Lumeria Lane). Based on the LOS analysis of Crown Valley Parkway/Lumeria Lane, the project (both project construction and typical project operations) would not create a significant impact at this intersection or any of the study area intersections. Therefore, the project would not impair the ability to make left turns, right turns, or proceed straight through any intersection or street in the project vicinity. The proposed project would not contribute traffic volumes at Seven Seas Drive (i.e., the access to/from the Monarch Bay Plaza along Crown Valley Parkway). Therefore, traffic analysis and management of this location is not required. In addition, vehicles speeding along Crown Valley Parkway (if any) are not the responsibility of the project.

RESPONSE I-13-7

This comment expresses opposition to the proposed project because of the noise and dust that may result from construction of the proposed project.

Refer to Response to Comment I-13-4, above. This comment does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

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RODNEY R. HATTER & ASSOCIATES

LAW OFFICES

Rodney R. Hatter

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californiafranchisecattorney.com
FAX (949)494-3448

October 13, 2014

TO: Dana Point Planning Commission
FROM: Rodney R. Hatter
RE: Project submitted by South Shores Church (SCH No. 2009041129)
DATE: OCTOBER 13, 2014

Honorable Commissioners:

My wife and I have resided at 23297 Pompeii Drive, Dana Point, for over 20 years. Our residence is the unit at the end of Pompeii. The rear of our house abuts a slope owned by the Applicant along the south side of the Project property. A V-ditch for drainage purposes lies between the 2 properties and leads down to an enclosed catch basin on the side of our house.

I-14-1

After a review of the recent DEIR for this project, I concluded that this is a massive and ambitious project for a relatively small site, which is in the middle of two areas having a high risk of ground movement and drainage problems. It is also a construction project of long duration (10 years) and bears long-term impact on our neighborhood.

I-14-2

Accordingly, I request that the Applicant be required to furnish the following as part of approval of its Project:

First, the Applicant should covenant to indemnify the Monarch Bay Villas Homeowners Association and its homeowners against any and all damages and costs resulting from the site during and after construction. This is a common undertaking in a project of this size. Indemnification is simply an agreement to hold harmless the other parties in the event of loss without the requirement of litigation.

I-14-3

Second, the Applicant should be required to obtain, and maintain for over ten years, a Liability Insurance Policy covering any such damages with an additional umbrella policy for a total coverage of at least 100 million dollars. Our Association (Monarch Bay Villas HOA) should be included as an additional insured with the standard 30 days notice of cancellation or termination.

I-14-4

Third, the Applicant should obtain and deliver to the City and our Association a Performance Bond ensuring the completion of the Project on the approved time schedule.

I-14-5

These are common and customary undertakings of a construction project of this magnitude and should be furnished without objection by the Applicant as part of its obligations to its neighbors.

I-14-6

Respectfully submitted,



Rodney R. Hatter

RODNEY HATTER

LETTER CODE: I-14

DATE: October 13, 2014

RESPONSE I-14-1

This comment is introductory in nature and provides the commenter's contact information including the location of his house in relation to the slope along the south side of the project site.

This comment does not contain any specific statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-14-2

This comment expresses concern over the size and location of the proposed project. This comment also expresses concern related to the proposed 10-year duration for construction of the proposed project.

Refer to Common Response No. 3.

RESPONSE I-14-3

This comment requests the Applicant to indemnify the Monarch Bay Villas Homeowners Association (Monarch Bay Villas HOA), and its homeowners, against potential financial losses associated with the project site during and after construction.

Refer to Common Response No. 4.

RESPONSE I-14-4

This comment states that the Applicant should be required to obtain a Liability Insurance Policy and maintain it for over 10 years.

Refer to Common Response No. 4.

RESPONSE I-14-5

This comment requests the Applicant to obtain a Performance Bond.

Refer to Common Response No. 4.

RESPONSE I-14-6

This comment states that the Applicant should comply with the three requests presented in the letter.

This comment does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

City of Dana Point Planning Commission

Re: "Study Session" for South Shores Church Project

Master Plan DEIR SCH#2009041129

Date: October 13, 2014

Time: 6 pm

Venue: 34052 Del Obispo Street Dana Point, CA 92629

I am Roger E. Bütow. I'm a 42-year resident of Laguna Beach, a builder of residential and commercial projects plus the founder and Executive Director of Clean Water Now. I've been a land use and regulatory compliance advisor for the past 16 years.

I-15-1

"The basic tool for the manipulation of reality is the manipulation of words. If you can control the meaning of words, you can control the people who must use the words."

— Philip K. Dick

(1) Why wasn't this "**Study Session**" called what it is, a "**Scoping Session**"? Yes, Scoping Sessions are voluntary but are **always** held in advance for fact-finding, procuring the concerns of stakeholders: That's why they're called SCOPING SESSIONS! Ever heard of "**BACKWARD PLANNING**"?

I-15-2

(2) Why wasn't this meeting held well in advance, **PRIOR** to the release of the DEIR, honoring the spirit of CEQA?

I-15-3

(3) Why, although amended/revised several times between the rescinded **Mitigated Negative Declaration** (MND), previous Scoping Session in the spring of 2010, weren't any

I-15-4



AMENDED Master Plan, publicly noticed revisions placed on a City docket?

There were at least 2 such revisions (**March of 2012 & December of 2013**), including **NEW** Geotechnical information/tactics & the **significantly** revised **HYDROLOGY/WATER QUALITY** analyses & construction/post-construction **Water Quality Management Plan** (WQMP).

I-15-4

Holding a Scoping Session 2/3 of the way through a DEIR comment period is un-professional, it limits public review & input due to time restraints. We call this "**jumping the algorithm,**" it's like a recipe/formula, things are being done out of order.

(4) Why was the 10-year build-out typified as a **MASTER PLAN** instead of what it is, either a **Tiered, Program** or **Master EIR** (MEIR)? This isn't "**nitpicking**", how the Project is categorized is a critical CEQA element ignored by the City and LSA.

I-15-5

Nomenclature decides not only the analysis arc, but the review prioritization, the oversight attention from Trustee & Resource agencies. This is why initially filed as an MND it got so little response.

(5) Why is this project getting preferential treatment regarding timelines and updated **Industry & Regulatory Performance Standards**? 10-year or more MEIRs are acceptable for public works projects, specific area management plans, et al.

I-15-6

Private projects are usually on a 5-year limit to completion, to occupancy...I can't find any examples other than large subdivisions, major private development corporation projects, etc. that need more than 5 year.

This Commission should mandate, if ratified, that the Applicant **SHALL** agree to a second, subsequent "*de novo*" EIR, commensurate with updated Performance Standards. It **MUST** be required near the end of the 1st EIR's lifespan, whenever that may be.

I-15-6

Last, no one doubts the intrinsic, the spiritual rectitude, the inherent non-material good deeds of this religious group's history and its contributions to the community. No one questions or challenges that. As a Vietnam-era Marine myself, I appreciate their commitment to the Marine Corps.

But it **IS** a commercial, a corporate endeavor; it has a business and revenue model. Expanding this site so grossly is no doubt part of that long-term portfolio strategy. It's a significant, monolithic site re-development project, declaring it an "**expansion**" is also misleading.

I-15-7

This project should be judged by its extrinsic, its invasive physical and material impacts, the same metrics this Commission would use for any other commercial enterprise. To do otherwise is to treat this Project with biased, pre-disposed favoritism, something other Dana Point businesses do not receive.

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ROGER BUTOW

LETTER CODE: I-15

DATE: October 13, 2014

RESPONSE I-15-1

The comment is introductory in nature and provides the commenter's affiliation with Clean Water Now including his 16 years of experience as a land use and regulatory compliance advisor.

The comment does not contain any substantive statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-15-2

The comment asserts that the City of Dana Point (City) Study Session should have been called a scoping session and should have occurred in advance of any fact finding.

See Common Response No. 1.

RESPONSE I-15-3

The comment questions why the City Study Session did not occur before release of the Draft EIR.

See Common Response No. 1.

RESPONSE I-15-4

The comment questions why the amended/revised Master Plans were not publically noticed. The comment further states that the scoping session was held during the Draft EIR public review period.

See Responses to Comments I-8-4 and I-9-12, and Common Response No. 1.

RESPONSE I-15-5

The comment questions why the EIR for the Master Plan was not prepared as a Master EIR in order to get a higher level of review and oversight from the Trustee and Responsible Agencies.

A Program EIR and a Master EIR are both subject to the same level of scrutiny from Trustee and Responsible Agencies and have the same noticing and review requirements. See Response to Comment I-9-13 and also Common Response No. 7.

RESPONSE I-15-6

The comment asserts that this project is getting preferential treatment regarding regulations and performance standards, and expresses concern over the 10-year implementation.

See Response to Comment I-9-14 and Common Response No. 3 and Common Response No. 5.

RESPONSE I-15-7

The comment requests that the proposed project be evaluated as a commercial enterprise.

See Response to Comment I-9-4 and Common Response No. 5.

ROGER BUTOW

LETTER CODE: I-16

DATE: October 13, 2014

RESPONSE I-16-1

The comment asserts that the City of Dana Point (City) Study Session should have been called a scoping session and should have occurred in advance of any fact finding.

See Response to Comment I-15-2 and Common Response No. 1.

RESPONSE I-16-2

The comment questions why the City Study Session did not occur before release of the Draft Environmental Impact Report (EIR).

See Response to Comment I-15-3 and Common Response No. 1.

RESPONSE I-16-3

The comment questions why the amended/revised Master Plans were not publically noticed. The comment further states that the scoping session was held during the Draft EIR public review period.

See Response to Comment I-15-4 and Common Response No. 1.

RESPONSE I-16-4

The comment questions why the EIR for the Master Plan was not prepared as a Master EIR in order to get a higher level of review and oversight from the Trustee and Responsible Agencies.

A Program EIR and a Master EIR are both subject to the same level of scrutiny from Trustee and Responsible Agencies and have the same noticing and review requirements. See Response to Comment I-15-5 and also Common Response No. 7.

RESPONSE I-16-5

The comment asserts that this project is getting preferential treatment regarding regulations and performance standards, and expresses concern over the 10-year implementation.

See Response to Comment I-15-6 and Common Responses No. 3 and Common Response No. 5.

RESPONSE I-16-6

The comment requests that the proposed project be evaluated as a commercial enterprise.

See Response to Comment I-15-7 and Common Response No. 5.

City of Dana Point Planning Commission
 Re: "Study Session" for South Shores Church Project
 Date: 10/13/2014 Community Center Dana Point

I am (your name and address)

(1) Why wasn't this "Study Session" called what it is, a "Scoping Session"? Yes, Scoping Sessions are voluntary but are always held in advance for fact-finding, procuring the concerns of stakeholders: That's why they're called SCOPING SESSIONS! Ever heard of "BACKWARD PLANNING"?

I-16-1

(2) Why wasn't this meeting held well in advance, PRIOR to the release of the DEIR, honoring the spirit of CEQA?

I-16-2

(3) Why, although amended/revised several times between the rescinded Mitigated Negative Declaration (MND), previous Scoping Session in the spring of 2010, weren't any AMENDED Master Plan, publicly noticed revisions placed on a City docket? There were at least 2 such revisions (March of 2012 & December of 2013), including NEW Geotechnical information/tactics & the significantly revised HYDROLOGY/WATER QUALITY analyses & construction/postconstruction Water Quality Management Plan (WQMP). Holding a Scoping Session 2/3 of the way through a DEIR comment period is unprofessional, it limits public review & input due to time restraints. We call this "jumping the algorithm," it's like a recipe/formula, things are being done out of order.

I-16-3

(4) Why was the 10-year build-out typified as a MASTER PLAN instead of what it is, either a Tiered, Program or Master EIR (MEIR)? This isn't "nitpicking", how the Project is categorized is a critical CEQA element ignored by the City and LSA. Nomenclature decides not only the analysis arc, but the review prioritization, the oversight attention from Trustee & Resource agencies. This is why initially filed as an MND it got so little response.

I-16-4

(5) Why is this project getting preferential treatment regarding timelines and updated Industry & Regulatory Performance Standards? 10-year or more MEIRs are acceptable for public works projects, specific area management plans, et al. Private projects are usually on a 5 year hook to completion...we can't find any examples other than subdivisions, major private development corporation projects—This Commission should mandate that a second "de novo" EIR, commensurate with updated Performance Standards MUST be required near the end of the 1st one's lifespan. Last, no one doubts the intrinsic, the spiritual rectitude, the inherent non-material good deeds of this religious group's history and its contributions to the community. No one questions or challenges that. But it IS a commercial, a corporate endeavor; it has a business and revenue model. Expanding this site so grossly is no doubt part of that long-term portfolio strategy.

I-16-5

This project should be judged by its extrinsic, its invasive physical and material impacts, the same metrics this Commission would use for any other commercial enterprise. To do otherwise is to treat this Project with biased, pre-disposed favoritism, something other Dana Point businesses do not receive.

I-16-6

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ROGER BUTOW

LETTER CODE: I-16

DATE: October 13, 2014

RESPONSE I-16-1

The comment asserts that the City of Dana Point (City) Study Session should have been called a scoping session and should have occurred in advance of any fact finding.

See Response to Comment I-15-2 and Common Response No. 1.

RESPONSE I-16-2

The comment questions why the City Study Session did not occur before release of the Draft Environmental Impact Report (EIR).

See Response to Comment I-15-3 and Common Response No. 1.

RESPONSE I-16-3

The comment questions why the amended/revised Master Plans were not publically noticed. The comment further states that the scoping session was held during the Draft EIR public review period.

See Response to Comment I-15-4 and Common Response No. 1.

RESPONSE I-16-4

The comment questions why the EIR for the Master Plan was not prepared as a Master EIR in order to get a higher level of review and oversight from the Trustee and Responsible Agencies.

A Program EIR and a Master EIR are both subject to the same level of scrutiny from Trustee and Responsible Agencies and have the same noticing and review requirements. See Response to Comment I-15-5 and also Common Response No. 7.

RESPONSE I-16-5

The comment asserts that this project is getting preferential treatment regarding regulations and performance standards, and expresses concern over the 10-year implementation.

See Response to Comment I-15-6 and Common Response No. 3 and Common Response No. 5.

RESPONSE I-16-6

The comment requests that the proposed project be evaluated as a commercial enterprise.

See Response to Comment I-15-7 and Common Response No. 5.

Roberta Margolis
23296 Pompeii Drive
Dana Point, Ca 92629

October 13, 2014

City of Dana Point
Att'n: Saima Qureshy, AICP, Senior Planner
City of Dana Point
Community Development Department, Planning Division
33282 Golden Lantern
Dana Point, CA 92629-3568

Subject: My comments for LSA Associates' DEIR re:
South Shores Church Master Plan-SCH#2009041129

Concerning: Traffic Egress from Lumeria Drive Left turn onto Crown Valley Parkway

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

I-17-1

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, that project was greatly scaled back, which did negate our concern over the traffic problem.

I-17-2

The traffic studies in section 4.12 of the DEIR Volume 1, South Shores Church Master Plan, 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.

I-17-3

The traffic, once South Coast Church starts moving dirt and building out, will be a constant congestion of regular traffic narrowing to the use of one lane going up CVP from the Pacific Coast Hwy. This will all be happening in front of the Monarch Bay Villas one and only gate that exits onto Crown Valley Parkway.

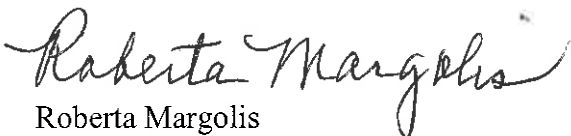
I-17-4

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. The County of Orange Traffic Engineer's proposal of 1986 must now come to fruition.

I-17-5

I request that LSA Associates acknowledge their receipt of my comment by sending confirmation to my home address listed above.

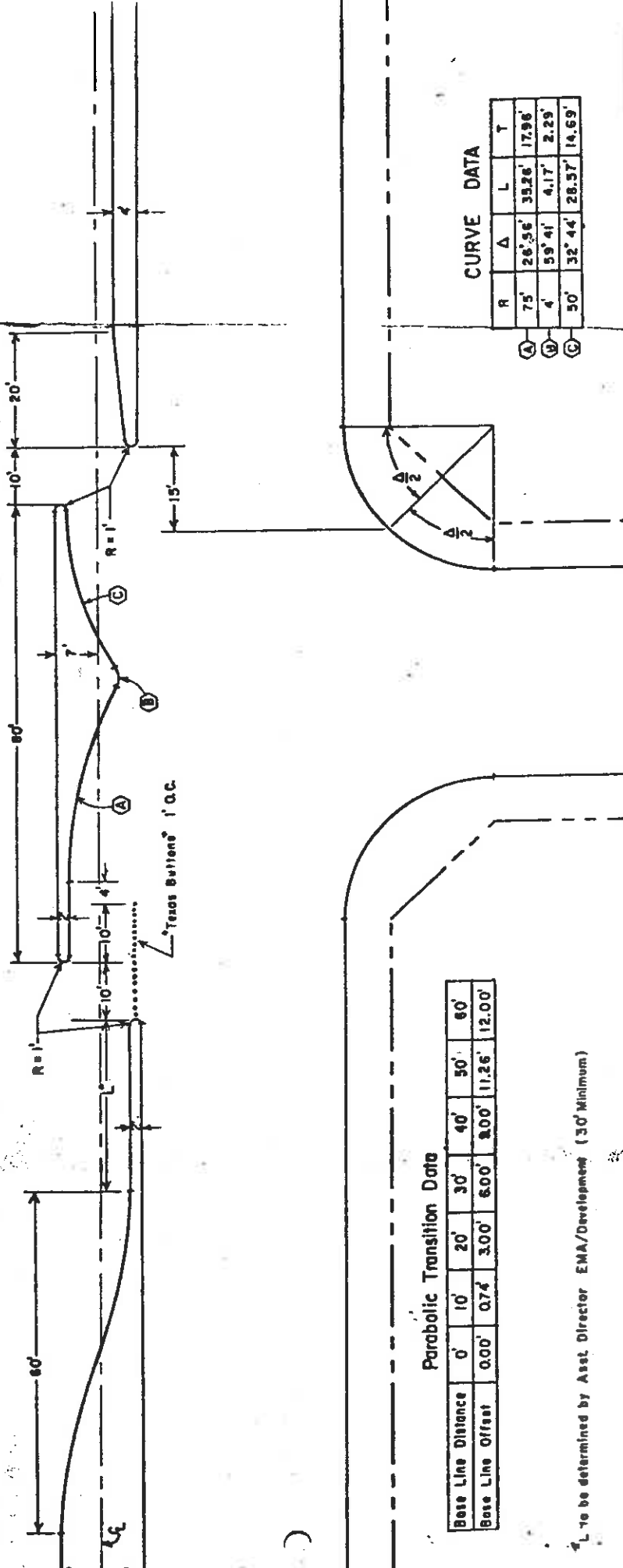
Thank you for your time and assistance on this very crucial matter to me.


Roberta Margolis

Encl: Left Turn Out Median Shelter Plan

Left Turn Out Median Shelter

Stephen M. Hogan, County Traffic Engineer
 Environmental Management Agency
 COUNTY OF ORANGE
 P.O. Box 4048
 Santa Ana, CA 92702-4048



Base Line Distance	0'	10'	20'	30'	40'	50'	60'
Base Line Offset	0.00'	0.74'	3.00'	6.00'	8.00'	11.26'	12.00'

Parabolic Transition Data

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

R	Δ	L	T
75'	26° 56'	39.26'	17.96'
4'	59° 41'	4.17'	2.29'
50'	32° 44'	28.57'	14.69'

CURVE DATA

ROBERTA MARGOLIS

LETTER CODE: I-17

DATE: October 13, 2014

RESPONSE I-17-1

This comment is introductory and states that the commenter has concerns regarding the Draft EIR.

This comment does not contain any specific statements or questions about the Draft Environmental Impact Report (EIR) or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-17-2

This comment expresses the commenter's concern over the need for a median shelter with turn pockets on Crown Valley Parkway. The commenter enclosed a copy of the County of Orange Traffic Engineer's 1986 Median Shelter Plan. It appears that the commenter is suggesting that the proposed project should include the construction of the previously planned median shelter with turn pockets.

The median shelter at the unsignalized intersection of Crown Valley Parkway/Lumeria Lane was previously proposed by the County prior to City incorporation and was never constructed. As described in Section 4.12, Transportation/Traffic, of the Draft EIR, the proposed project would not cause a significant traffic impact at Crown Valley Parkway/Lumeria Lane. Therefore, mitigation measures are not required. Based on the satisfactory level of service (with and without the project), low traffic volumes in/out of Lumeria Lane, and low accident history at this location, improvements are neither justified nor warranted. Furthermore, if the City were to implement an improvement, first consideration would be given to prohibiting left turns out of Lumeria Lane (and restricting outbound movements to right turns only) given the proximity to the signalized intersection of Crown Valley Parkway/Sea Island Drive—full-access church driveway.

RESPONSE I-17-3

This comment opines that the *Traffic Impact Analysis* (TIA) prepared for the proposed project and the corresponding Draft EIR section (Section 4.12, Transportation/Traffic) did not address project-related traffic impacts on the Monarch Bay Villas south of the project site. Rather, this comment asserts that the traffic study prepared for the project focused solely on traffic impacts at the two proposed access points to the project site and the intersection of Crown Valley Parkway/Sea Island Drive.

In addition to the two Crown Valley Parkway access points into the project site (i.e., full-access project driveway and right-in/right-out (RIRO) project driveway), the TIA prepared for the proposed project evaluated potential impacts to the Monarch Bay Villas (refer to Table C and

Table E in Appendix J of the Draft EIR). As described in Response to Comment I-13-6, the proposed project would not create a significant impact at Crown Valley Parkway/Lumeria Lane.

RESPONSE I-17-4

This comment claims that traffic congestion in the area, particularly on Crown Valley Parkway near the Monarch Bay Villas development, will continue to worsen with the addition of construction vehicles traveling to and from the project site.

As included in Standard Condition 4.12.1 on page 4.12-18 of the Draft EIR, the project will develop a Construction Management Plan in coordination with the City to ensure impacts to the surrounding street system are kept to a minimum. This includes, but is not limited to, the following:

- Traffic control for any street closure, detour, or other disruption to traffic circulation.
- Identify the routes that construction vehicles will utilize for the delivery of construction materials (i.e., lumber, tiles, piping, windows, etc.) and to access the site, traffic controls and detours, and a proposed construction phasing plan for the project.
- Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.
- The haul route for the materials to be removed (i.e., concrete, soil, steel, etc.) during the demolition phase and/or soil import during the site preparation phase will be prepared to the satisfaction for the City's Traffic Engineering Staff Team and may include circulation modifications to help reduce construction impacts.
- Subject to the direction of the City's Traffic Engineering Staff Team, haul operations associated with the materials export/soil import may be prohibited during the a.m. and p.m. peak commute periods (i.e., between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m.).
- Require the Applicant to keep all haul routes clean and free of debris including but not limited to gravel and dirt as a result of its operations. The Applicant shall clean adjacent streets, as directed by the City's Traffic Engineering Staff Team (or representative of the City Engineer), of any material which may have been spilled, tracked, or blown onto adjacent streets or areas.
- Hauling or transport of oversize loads will be allowed between the hours of 9:00 a.m. and 3:00 p.m. only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport will be allowed during nighttime hours on weekends or Federal holidays.
- Use of local streets shall be prohibited.
- Haul trucks entering or exiting public streets shall at all times yield to public traffic.
- If hauling operations cause any damage to existing pavement, street, curb, and/or gutter along the haul route, the Applicant will be fully responsible for repairs. The repairs shall be completed to the satisfaction of the City Engineer.

- All construction-related parking and staging of vehicles will be kept out of the adjacent public roadways and will occur on-site to the extent feasible.
- This Construction Management Plan shall meet standards established in the current *California Manual on Uniform Traffic Control Device (MUTCD)*, as well as City requirements.

RESPONSE I-17-5

This comment requests the City of Dana Point to incorporate the requirement for a left turn out median shelter from Lumeria Lane to Southbound Crown Valley Parkway as a part of the proposed project. This commenter's recommendation is based upon the County of Orange Traffic Engineer's 1986 Left Turn Out Median Shelter Plan proposal (attached to the comment letter).

See Response to Comment I-17-2.

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From: SAIMA QURESHY [<mailto:SQUIRESHY@DanaPoint.org>]

Sent: Tuesday, October 21, 2014 8:33 AM

To:

Subject: FW: Comments on Final 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

Hello Ryan – Here is another letter received on the DEIR.

Thanks.

*Saima Qureshy, AICP
Senior Planner
City of Dana Point, CA*

From: Ted Quinn [<mailto:tedquinn@cox.net>]

Sent: Monday, October 20, 2014 8:28 PM

To: SAIMA QURESHY

Cc: 'Todd Glen'; 'Ted Quinn'

Subject: Comments on Final 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

Attention: Saima Qureshy, AICP, Senior Planner
City of Dana Point

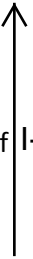
The purpose of this email is to provide my comments on the draft EIR(See Subject Line) as stated in my public comment at last week’s Scoping Meeting.

I am a 17 year resident of Dana Point in Monarch Bay Villas and a 32 year resident of Laguna Niguel/Dana Point and am very familiar with the issues related to the proposed expansion for the South Coast Church. I am also an engineer with 37 years of experience in multiple large projects all over the world. As stated in my public comment, I think highly of South Coast Church and my two daughters both went to the preschool many years ago. I support the church’s ability to replace the buildings at the north end. My strong concern is with the new building at the south end of the property which is over the top of the hill coming down to Monarch Bay Villas. The concern I have is with the seismic criteria for the development and the ability of the hill to withstand the development. My basis for concern is in the factual history of the Monarch Coast apartments, which were built approximately 20 years ago at 32400 Crown Valley Parkway.

I-18-1

I-18-2

Approximately 5 years after being built, the most southern apartment building slid into the canyon and had to be destroyed. Noone was hurt in this case because the slide was into an unoccupied canyon. In the case of the new buildings on the same hill for South Coast Church, the new building at the south end, if it were to slide, would slide right into multiple homes in Monarch Bay Villa's, risking the lives of anyone in the church building as well as the inhabitants of our homes in Monarch Bay Villas. Since the apartment building at Monarch Coast apartments was built to the latest code and still slid down the hill, what guarantee do we have that this won't happen again on the same hill with the new build at the church. The liability for the city is very large in such a case with such a clear history of instability on this hill.



I-18-3

I recommend that the construction project be redone to remove the new buildings on the hillside immediately on top of the Monarch Bay Villa's. Otherwise, the risk to the city and our residents is unacceptably high.

I-18-4

Sincerely yours,

Edward (Ted) L. Quinn
President, Technology Resources
23292 Pompeii Drive
Dana Point, CA 92629
(949) 632-1369

TED QUINN

LETTER CODE: I-18

DATE: October 20, 2014

RESPONSE I-18-1

This comment is introductory and states that the commenter is an engineer and is familiar with the issues related to the proposed project. The commenter notes his support for the Applicant's proposal to replace the buildings at the north end of the project site, but also indicates he has a strong concern with the proposed Preschool/Administration building on the south side of the project site.

Please refer to Common Response No. 12 and Response to Comment I-18-3.

RESPONSE I-18-2

This comment expresses concern regarding the seismic and geologic analysis conducted for the proposed project. It appears that the commenter is concerned with the ability of the hill to withstand development in light of the history at the nearby Monarch Coast Apartments.

The technical criteria used to analyze the proposed project's impacts related to seismic and geologic hazards are described in detail in the geotechnical analyses prepared for the proposed project (refer to Appendix E, Geotechnical Reports, of the Draft EIR). No specific question about the analysis was provided in this comment. Please refer to Common Response No. 12.

RESPONSE I-18-3

This comment discusses a landslide and property damage that occurred adjacent to the project site, and asserts that the City should be liable if a similar event were to reoccur as a result of the proposed project. It appears that the commenter is concerned that building the proposed project according to the latest building codes would not ensure that the potential for a landslide is eliminated.

Section 4.5, Geology and Soils, of the Draft EIR acknowledges that a landslide occurred in 1991 at the Monarch Coast Apartments, located adjacent to and northeast of the project site. Differences in the geologic and soil conditions between the northeast and southeast portions of the project site and the hillside terrain adjacent to the project site are described and supported with geotechnical analyses in the Geotechnical Reports (refer to Appendix E, Geotechnical Reports, of the Draft EIR). Generally, the soil and bedrock conditions within the southeast portion of the project site are reported to be more stable and less susceptible to landslide than those found on the northeast portion of the project site. The Geotechnical Reports address site geotechnical concerns and demonstrate an acceptable Factor-of-Safety with respect to the southeast slope adjacent to the Monarch Bay Villas.

As described under Thresholds 4.5.2 and 4.5.4 in Section 4.5 of the Draft EIR, potential landslide impacts associated with the proposed project would be addressed through proper site preparation and design, including on-site geotechnical observations/testing during construction and implementation of site-specific grading recommendations and structural engineering design criteria. Incorporation of the recommendations included in the Geotechnical Evaluation, as described in Mitigation Measure 4.5.1, and the ongoing implementation of slope maintenance procedures on the unimproved slopes on the project site, as described in Mitigation Measure 4.5.2, would reduce the proposed project's impacts related to landslides to a less than significant level. The geotechnical recommendations included in Mitigation Measure 4.5.1 include the construction of deepened foundations (caissons), which would address impacts to the existing crib-wall along the southern boundary of the project site. Please also refer to Common Response No. 12.

RESPONSE I-18-4

This comment suggests that the proposed project plan should be redesigned to not include the proposed buildings on the hillside above the Monarch Bay Villas, due to a risk to residents and the City.

In accordance with State CEQA Guidelines Section 15204(c), [r]eviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. CEQA Guidelines Section 15204(c) also states that effects shall not be considered significant in the absence of substantial evidence.

As discussed above in the Response to Comment I-18-3, adequate mitigation has been included in the Draft EIR to minimize potential slope failures that may occur as a result of the proposed project to a less than significant level. Therefore, because the proposed project would result in less than significant impacts with respect to landslides and geologic hazards, the commenter's suggested revisions to the proposed project (removing the Preschool/Administration building from the southeastern portion of the project site) would not lessen any significant environmental impacts.

See Response to Comment I-18-3 above, and Common Response No. 12.

From: Ted Quinn [<mailto:tedquinn@cox.net>]

Sent: Thursday, October 23, 2014 1:44 PM

To: SAIMA QURESHY

Cc: 'Todd Glen'; 'Ted Quinn'

Subject: RE: Comments on Final 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 REV 1

(NOTE: Additional relevant and related information added in Rev 1)

Attention: Saima Qureshy, AICP, Senior Planner

City of Dana Point

The purpose of this email is to provide my comments on the draft EIR(See Subject Line) as stated in my public comment at last week's Scoping Meeting.

I am a 17 year resident of Dana Point in Monarch Bay Villas and a 32 year resident of Laguna Niguel/Dana Point and am very familiar with the issues related to the proposed expansion for the South Coast Church. I am also an engineer with 37 years of experience in multiple large projects all over the world. As stated in my public comment, I think highly of South Coast Church and my two daughters both went to the preschool many years ago. I support the church's ability to replace the buildings at the north end. My strong concern is with the new [Preschool/Administrative building and 62,500 sq. ft. garage structure](#) at the south end of the property which is over the top of the hill coming down to Monarch Bay Villas. The concern I have is with the seismic criteria for the development and the ability of the hill to withstand the development. My basis for concern is in the factual history of the Monarch Coast apartments, which were built approximately 20 years ago at 32400 Crown Valley Parkway. Approximately 5 years after being built, the most southern apartment building slid into the canyon and had to be destroyed. Noone was hurt in this case because the slide was into an unoccupied canyon. In the case of the new buildings on the same hill for South Coast Church, the new building and

I-19-1

I-19-2

garage structure at the south end, if it were to slide, would slide right into multiple homes in Monarch Bay Villa's, risking the lives of anyone in the church building as well as the inhabitants of our homes in Monarch Bay Villas. Since the apartment building at Monarch Coast apartments was built to the latest code and still slid down the hill, what guarantee do we have that this won't happen again on the same hill with the new build at the church. In addition to the new Preschool/Administrative building, the garage structure covers a large area and since it slants down toward the Monarch Bay Villa's development below, it provides additional force vector in the event of a slide of the structure. The liability for the city is very large in such a case with such a clear history of instability on this hill.

I-19-2

I recommend that the construction project be redone to remove the new buildings and modify the parking structure on the hillside immediately on top of the Monarch Bay Villa's. Otherwise, the risk to the city and our residents is unacceptably high.

I-19-3

Sincerely yours,

Edward (Ted) L. Quinn
President, Technology Resources
23292 Pompeii Drive
Dana Point, CA 92629
(949) 632-1369

TED QUINN

LETTER CODE: I-19

DATE: October 23, 2014

RESPONSE I-19-1

This comment is introductory and states that the commenter is an engineer and is familiar with the issues related to the proposed project. The commenter notes his support for the Applicant's proposal to replace the buildings at the north end of the project site, but also indicates he has a strong concern with the proposed Preschool/Administration building and Parking Structure on the south side of the project site.

Please refer to Common Response No. 12 and Response to Comment I-19-2.

RESPONSE I-19-2

This comment expresses concern regarding the seismic and geologic analysis conducted for the proposed project. In addition, this comment discusses a landslide and property damage that occurred adjacent to the project site, and asserts that the City should be liable if a similar event were to reoccur as a result of the proposed project.

The technical criteria used to analyze the proposed project's impacts related to seismic and geologic hazards are described in detail in the geotechnical analyses in the Geotechnical Reports prepared for the proposed project (refer to Appendix E, Geotechnical Reports, of the Draft EIR).

Section 4.5, Geology and Soils, of the Draft EIR acknowledges that a landslide occurred in 1991 at the Monarch Coast Apartments, located adjacent to and northeast of the project site. Differences in the geologic and soil conditions between the northeast and southeast portions of the project site and the hillside terrain adjacent to the project site are described and supported with geotechnical analyses in the Geotechnical Reports (refer to Appendix E, Geotechnical Reports, of the Draft EIR). Generally, the soil and bedrock conditions within the southeast portion of the project site are reported to be more stable and less susceptible to landslide than those found on the northeast portion of the project site. The Geotechnical Reports address site geotechnical concerns and demonstrate an acceptable Factor-of-Safety with respect to the southeast slope adjacent to the Monarch Bay Villas.

As described under Thresholds 4.5.2 and 4.5.4 in Section 4.5 of the Draft EIR, potential landslide impacts associated with the proposed project would be addressed through proper site preparation and design, including on-site geotechnical observations/testing during construction and implementation of site-specific grading recommendations and structural engineering design criteria. Incorporation of the recommendations included in the Geotechnical Evaluation, as described in Mitigation Measure 4.5.1, and the ongoing implementation of slope maintenance procedures on the unimproved slopes on the project site, as described in Mitigation Measure 4.5.2, would reduce the proposed project's impacts related to landslides to a less than significant level. The geotechnical recommendations included in Mitigation Measure 4.5.1 include the construction of deepened foundations (caissons), which would address impacts to the existing

crib-wall along the southern boundary of the project site. Please also refer to Common Response No. 12.

RESPONSE I-19-3

This comment suggests that the proposed project plan should be redesigned to not include the proposed buildings and to modify the Parking Structure on the hillside above the Monarch Bay Villas. In accordance with *State CEQA Guidelines* Section 15204(c), *[r]eviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. State CEQA Guidelines Section 15204(c) also states that effects shall not be considered significant in the absence of substantial evidence.*

As discussed above in the Response to Comment I-19-2, adequate mitigation has been included in the Draft EIR to minimize potential slope failures that may occur as a result of the proposed project to a less than significant level. Therefore, because the proposed project would result in less than significant impacts with respect to landslides and geologic hazards, the commenter's suggested revisions to the proposed project (removing the Preschool/Administration building and modifying the Parking Structure proposed for the southern portion of the project site) would not lessen any significant environmental impacts.

See Response to Comment I-19-2 above, and Common Response No. 12.

RESPONDER REQUESTS CONFIRMATION OF DELIVERY FROM THE CITY OF DANA POINT AND FROM LSA

Confirmation should be sent to : cawagner824@gmail.com

Attention: Planner Saima Qureshy, AICP, Senior Planner
City of Dana Point
Community Development Department Planning Division
33282 Golden Lantern
Dana Point, Ca. 92629-3568
squireshy@danapoint.org

October 27, 2014

REF: South Shores Church Master Plan, City of Dana Point, SCH No. 2009041129; CDP 04-11, CUP 04-21, SDP 04-31.

Subject: Response to DEIR, South Shores Church Expansion Project

I have reviewed, within the limited time allowed by the City of Dana Point, the DEIR and some supporting documents. I reserve the right to provide additional comments later as they may become discovered.

I-20-1

I live at 23271 Pompeii Dr. Dana Point, which is approximately 25 ft from the current South Shores Church’s parking lot and will be approximately the same distance from the mechanical room, in the new parking structure. Therefore, I am every concerned about the DEIR, prepared by LSA for the City of Dana Point, SSC Project and their attempts to back date, get grandfathered into less stringent Environmental Act, standards/regulations that are currently in effect/mandated. I am also concern about the projects size, duration of construction, 10+years, noise, dust, traffic on Crown Valley Parkway, offsite parking (lack thereof), water quality, underground parking etc. While LSA indicates that these issues “....are less than significant” especially when they use outdate Environmental Act standards, this project is a major industrial size development being proposed for a primarily residential area.

I-20-2

The proposed project is going from 42,545sf of building space to a proposed 89,362sf, not including the new parking structure. The proposed new parking structure is itself equivalent to a two story commercial building.

I-20-3

While the SSC can and should replace the aging structures on their property this proposed project appears to be over kill at the expense of the environment, the community of Dana Point, and their neighbors, Monarch Bay Villas, to the south of the project.

I-20-4

The first issue, how in this age of Environmental sensitive and the fact that the project sits on and/or adjacent to environmentally sensitive areas; how the project can be granted a 10-year construction permit, authority, authorization, approval, what ever you want to call it without a renewed EIR study and/or a regulatory review to insure that each phase of the project is in compliance with current regulations. While I understand how complicated and potentially costly this might be it would insure the safety, security and property values of the projects neighbors, and the City of Dana Point.

I-20-5

I am retired and one of the reasons I moved to Dana Point and Monarch Bay Villas was to enjoy the fresh ocean air, which is can currently enjoy by opening my widows and getting the cross ventilation, however, if the scale and tenure 10+ years of the project is allowed to go through this won't be possible. The noise, dust and the potential hazards waste that will be blown into my unit will make it unbearable if not unlivable. For the record, I do want to say that when I purchased the unit in 2003 I recognized and accepted the fact that there was a church that butt up to my unit and that there would be some noise and pollution on Sundays during services. However, since the need for the proposed project is not because the church has out grown their sanctuary but to simple replace old and outdate preschool structures, which could be done in their current location, north quadrant of the property, away from the residential areas.

I-20-6

I also understand that LSA is claiming that the California Coastal Commission and the Salt Creek Corridor do not need to be contacted or involved in approving this project. How and why can a Project that is directly adjacent to Salt Creek and whose ground water and runoff goes into Salt Creek not need to get Salt Creek Corridor to a review and approval for the project?

I-20-7

Notification of impacted parties

The DEIR report indicates that the SSC submitted revised Master Plan proposals in March 2012 and December 2013, and there is no indication that any notification of concerned or impacted neighbors were notified that SSC had provided the City of Dana Point with revised Master Plans. This appears to be a major failure or oversight on the part of the City and for transparency regarding the project. I am aware of several individual from my community, Monarch Bay Villas, who were checking with the City and Planning Commission regularly and being told that there was nothing new regarding SSC or the DEIR. How is it possible that there was no notification regarding a change in the Master Plan?

I-20-8

Traffic

In the LAS Executive Summary they only mention that the project is bounded by Crown Valley Parkway to the west and not the residences and homes that will be effected by the increase in traffic and noise from trucks and construction equipment operating at the project and at the signalized intersection at Sea Island Drive and Crown Valley Parkway.

I-20-9



<p>Why have they not been included in the Notice of the DEIR and the impact on the intersection of Crown Valley Parkway and Sea Island Dr., which appears to be their primary signalized ingress and egress to their residences?</p>	↑	I-20-9
<p>The residences above Crown Valley Parkway will be looking down on a major industrial size project for years and will lose their scenic views and will be subject to a nightly glow from all the new lights to be installed as a result of the project.</p>		I-20-10
<p>In the DEIR report for the 34202 Del Obispo St, also prepared by LSA, they identified six approved/pending projects that were relevant to the Del Obispo St project study area, one of the six was the South Shores Church Master Plan. Why were these other approved or pending projects not included or considered in the SSC DEIR especially since Crown Valley Parkway is a major highway into to and out of Dana Point and South Laguna Beach?</p>		I-20-11
<p>4.12.1 indicates that mitigation of the traffic issues will result in a finding ...of less than significant.</p>		I-20-12
<p>How will providing standard traffic controls and detours during construction mitigate the impact on one of only two northbound Parkways/highways out of Dana Point and South Laguna Beach?</p>		I-20-12
<p>While most of the major Highways/Parkways in Dana Point are NO PARKING, how and why is the City of Dana Point allowing parking on Crown Valley Parkway from Pacific Coast Highway and Camino Del Avion ? Allowing parking to continue on Crown Valley Parkway during construction will only make the Parkway more unsafe and dangerous for bicycles, and cars exiting both Monarch Bay Villas and SSC.</p>		I-20-13
<p>The DEIR indicates that there will not be any queues entering SSC. How is this possible if cars are parked along Crown Valley Parkway there will not only be a queues but a potential back up on Crown Valley Parkway?</p>		I-20-14
<p>During construction it will be almost impossible for the residents of Monarch Bay Villas to enter or exit their residences.</p>		
<p>There is no provision for off site parking for SSC, they simply say “...pending agreements would be reviewed and approved by the City prior to issuance of any permits for each plan”</p>		I-20-15
<p>No clear or accurate provision for drainage of the parking. It appears that the only drainage will continue to be into an environmentally sensitive area and Salt Creek. The area has already been declared a sanctuary for an endangered bird.</p>		I-20-16
<p>There is nothing in the DEIR to indicate where the preschool’s playground will be when and if the preschool and administration buildings are built in the southwest quadrant. In fact the DEIR only looked at the potential noise on the children from Crown Valley Parkway not the potential noise of yelling screaming kids on the surrounding community and the the residents of Monarch Bay Villas which are right next to the planned preschool facility.</p>		I-20-17
<p>Explain why a preschool licensed for 86 preschoolers needs so many preschool classrooms? My estimate from the plans in the DEIR are 18 plus. Why so many classrooms?</p>		I-20-18

Conclusion:

While South Shores Church needs to replace the old classrooms, they do not need a mega complex that will change the environment, the view and the tranquility of Dana Point as put forward in the Dana Point Master Plan.

I-20-19

If a revised and smaller plan is approved it will need to be completed in 5 years or less. South Shores Church must also provide an indemnification agreement to the City of Dana Point and a construction and completion bond of at least \$100 million as protection for the City of Dana Point and the neighbors of the community.

I-20-20

“In God we Trust all others pay cash”

Charles A Wagner
23271 Pompeii Dr
Dana Point, Ca
92629

CHARLES WAGNER

LETTER CODE: I-20

DATE: October 27, 2014

RESPONSE I-20-1

This comment requests that the commenter be able to provide additional commentary on the Draft EIR and supporting documents as they become available.

The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-20-2

This comment describes the location of the commenter's residence in relation to existing parking lot and the proposed parking structure. The comment expresses concern about the Draft EIR's adherence to current environmental regulations and the proposed project's 10-year construction period.

Please refer to Common Response No. 1.

RESPONSE I-20-3

This comment expresses concern over the 10-year construction period for the proposed project without additional environmental analysis and documentation. It appears that the commenter is also concerned that the environmental analysis in the Draft EIR is outdated and that the proposed project is not suitable adjacent to a residential area.

Please refer to Common Response No. 3.

RESPONSE I-20-4

This comment expresses concurrence that South Shores Church is in need of modernization; however, the commenter asserts that the proposed project would create excessive environmental and community impacts. The comment is an introduction to subsequent following comments in the letter.

The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-20-5

This comment asserts that each phase of the proposed project should be reviewed to insure compliance with current regulations.

The proposed project will be required to obtain construction permits such as grading permits, building permits, and retaining wall permits for each construction phase. The approval of discretionary permits (i.e. conditional use permit [CUP], site development permit [SDP], and coastal development permit [CDP]) does not exempt the Applicant from complying with the most current building/fire and NPDES codes and regulations at the time of the issuance of the permits.

RESPONSE I-20-6

This comment expresses concern over construction impacts from the 10-year phased construction period, especially impacts related to an increase from existing conditions in noise, dust, and potential hazardous waste that may occur as a result of the proposed project. The commenter suggests replacing outdated structures on the northern quadrant of the project site as an alternative to the proposed project in order to avoid potential construction impacts.

See Common Response No. 3 regarding the 10-year-construction phasing. All construction impacts related to air quality (fugitive dust) were found to be less than significant based on the South Coast Air Quality Management District's (SCAQMD) *CEQA Air Quality Handbook* (refer to Section 4.2 of the Draft EIR). All construction impacts related to noise were found to be less than significant through compliance with the construction hours specified in the City's Noise Ordinance (refer to Section 4.10 of the Draft EIR). Finally, construction impacts related to hazardous materials were found to be less than significant with implementation of Mitigation Measure 4.7.1, Predemolition Surveys and Mitigation Measure 4.7.2, Contingency Plan (refer to Section 4.7 of the Draft EIR). Therefore, no construction-related impacts were found to result in an adverse significant impact.

In January 2015, the Applicant submitted a refined version of Alternative 2 to the City in response to public input on the Draft EIR. As described in Section 1.4, Refinements to Alternative 2, of this Final EIR, the Applicant now proposes construction of the southern half of the parking structure as Phase 2 (this was formerly Phase 4); provision of 12 additional parking spaces during Phases 1C and 2 that were not included in the proposed project or Alternative 2; temporary discontinuation of two Sunday bible study classes that run concurrent with the 2nd and 3rd worship services, respectively, during the first two months of Phase 1C, and the entire duration of Phases 2 and 5; and relocation of the proposed Landscaped Meditation Garden on the southeast corner of the project site approximately 30 feet further north from its previously proposed location under the proposed project and Alternative 2. The size and location of all other buildings, parking, and other features included in each construction phase would remain the same as Alternative 2.

While Revised Alternative 2 would increase the number of parking spaces available on-site during all subsequent phases of construction and eliminate the need for off-site parking following the first 2 months of construction of Phase 1C for the remainder of Phase 1C, it would also allow the Applicant to complete all construction nearest the Monarch Bay Villas during the first two phases, thereby eliminating the need for construction near the Monarch Bay Villas at a later date. Refer to Section 1.4, Refinements to Alternative 2, of this Final EIR for additional discussion regarding the specific elements of Revised Alternative 2.

RESPONSE I-20-7

This comment suggests that the California Coastal Commission and Salt Creek Corridor were not incorporated into the planning and approval process for the proposed project.

Please refer to Response to Comment I-10-6 and Common Response No. 6.

RESPONSE I-20-8

This comment asserts that neighboring residents were not notified when South Shores Church submitted revised Master Plans in March 2012 and December 2013 to the City, and that failure to issue a notice regarding the revised Master Plan submittal resulted in a lack of transparency on behalf of the City/Applicant.

See Responses to Comments I-8-4 and I-9-12. The submittal of these revised Master Plans is not a part of the CEQA notification process, and therefore this comment does not provide any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-20-9

This comment asserts that the Sea Island Drive/Crown Valley Parkway has not been adequately analyzed in the Draft EIR.

The potential traffic (including operation, construction, and noise) impacts to the residences to the west of the project site have been analyzed and addressed through evaluation of the Crown Valley Parkway intersections upstream and downstream from the project site that provide access to/from these residences, including the intersection of Crown Valley Parkway/Sea Island Drive–full-access project driveway.

RESPONSE I-20-10

This comment asserts that the residences above the proposed project on Crown Valley Parkway would experience a negative impact to their scenic views, and would also be subject to an increase in night time lighting if the proposed project is approved.

Please refer to Common Response No. 9.

RESPONSE I-20-11

This comment asserts that the 34202 Del Obispo Street project and other approved/pending projects in the surrounding area should have been included in the Draft EIR analysis.

The Traffic Impact Analysis (TIA) prepared for the proposed project included the same five cumulative (approved/pending) projects as the 34202 Del Obispo Street project (i.e., Headlands

Specific Plan, Dana Point Town Center Plan, Dana Point Harbor Revitalization, Ritz Carlton Expansion, and the Doheny Hotel). The sixth cumulative project is 34202 Del Obispo Street. Refer to page 4.12-20 of the Draft EIR for a list of the cumulative projects included in the traffic analysis.

RESPONSE I-20-12

This comment inquires as to how traffic impacts would be less than significant with mitigation, given the project site's location along Crown Valley Parkway.

The proposed project will develop a Construction Management Plan in coordination with the City to ensure impacts to the surrounding street system are kept to a minimum (refer to Standard Condition 4.12.1 on page 4.12-18 of the Draft EIR). The provision of standard traffic control and detours, as well as other items listed in Response to Comment I-17-4, will help facilitate traffic along Crown Valley Parkway and adjacent to the project site.

RESPONSE I-20-13

This comment inquires as to why parking is allowed along Crown Valley Parkway in Dana Point from Pacific Coast Highway to Camino Del Avion. The comment asserts that allowing parking along this parkway is unsafe for bicyclists and motorists exiting the Monarch Bay Villas and South Shores Church.

Parking is currently permitted along portions of Crown Valley Parkway between Camino Del Avion and PCH and has been since before the City incorporated as a City in 1989. The City Bicycle Master Plan shows installation of a Class II bicycle lane on Crown Valley Parkway, which would simply be a change of function in the roadway, but any decision to eliminate public parking on Crown Valley Parkway is not part of the proposed project and would be considered independently by the City. Some visitors to South Shores Church currently utilize on-street public parking near the project site, but the Applicant has prepared a parking management plan that does not assume public street parking will be available and capable of meeting part of the Church's parking demands, either during construction or at buildout of the Master Plan. There is no history of accidents or evidence from the traffic study that supports the contention.

RESPONSE I-20-14

This comment expresses concern about queues of vehicles entering South Shores Church, and potential backups along Crown Valley Parkway. The comment asserts that these backups could prevent Monarch Bay Villa residences from accessing their residences.

As described in Response to Comment I-20-13, on-street parking on Crown Valley Parkway is currently permitted, but will be removed/restricted at project completion when the Applicant would no longer require on-street parking to accommodate its parking demand. In addition, a queuing analysis was prepared as part of the TIA for both project driveways. Based on the results of this analysis, adequate throat length will be provided at the full-access and RIRO driveways along Crown Valley Parkway to accommodate all existing and project vehicles.

RESPONSE I-20-15

This comment asserts that no offsite parking has been confirmed by South Shores Church.

The Applicant submitted a Parking Management Plan to the City in December 2014. The Parking Management Plan indicates that the Applicant has received a “Letter of Intent” for use of nearby parking facilities during construction of the proposed project.

St. Anne School has provided the Applicant with a “Letter of Intent” for the use of their parking lot located off of Camino Del Avion in the City of Laguna Niguel. St. Anne School is conveniently located to the project site and has acknowledged that ninety (90) parking spaces would be available for future use during construction of the proposed project. The City of Laguna Niguel has also acknowledged an amenable understanding of this future consideration.

In addition, the County of Orange has provided the Applicant with a “Letter of Intent” for the use of the parking lot in Laguna Niguel located off of Pacific Island Drive near the vicinity of the signalized intersection with Alicia Parkway for Phase 1A construction as well. This property is also conveniently located in route to South Shores Church. The County of Orange has acknowledged that one hundred (100) parking spaces would be available for future use during construction of the proposed project.

Both the St. Anne School and the County of Orange “Letter of Intent” provide substantiation that obtaining satellite parking would be possible for Phase 1A.

Formal agreement(s) for Phase 1A, as well as future agreements for the remaining phases will be submitted as required with the construction permitting process for each respective phase. South Shores Church will submit as necessary phase-by-phase documentation showing off-site location(s), parking counts as related to each phase shown herein, and documentation showing off-site parking counts needed as necessary to mitigate any deficits derived.

Please note that the Applicant submitted a refined version of Alternative 2 in January 2015 to the City in response to public input on the Draft EIR. The Applicant now proposes construction of the southern half of the parking structure as Phase 2 in order to address parking shortages during the implementation of the project. Refer to Section 1.4, Refinements to Alternative 2, of this Final EIR for additional discussion regarding the specific elements of Revised Alternative 2.

RESPONSE I-20-16

This comment suggests that drainage from the parking lot of the proposed project will flow into an environmental sensitive area including Salt Creek.

Please refer to Common Response No. 6. The concrete drainage structure ‘V’ ditch will remain and is adequately sized to convey the 100 year storm without over topping. The proposed project also proposes reduced runoff from the project site by the installation of the detention basin.

RESPONSE I-20-17

This comment asserts that the Draft EIR does not indicate where the proposed preschool playground will be located, and that the Draft EIR does not analyze potential noise impacts from the proposed preschool on residents of the Monarch Bay Villas.

The Noise Impact Study (Appendix H of the Draft EIR) includes the following discussion: “As stated in the project description, Preschool programs located on the Church campus operate on weekday mornings from 9:00 a.m. to 2:00 p.m., mid-September to mid-June. Currently, the existing Preschool is licensed to accommodate 86 preschool children per day. No increase in the licensed number of children is proposed. The maximum voice levels from 86 students are approximately 0.3 dBA higher than those of 80 students. Therefore, the worst-case voice levels for 80 students from the play area would be 68.5 dBA Leq and 79.8 dBA Lmax measured at 50 ft. However, the project Applicant has indicated that no more than 30 students are on the playground at the same time because outdoor play is staggered. The maximum noise levels associated with 30 students would be 4.25 dBA lower than that of 80 children; therefore, worst-case voice levels from the play area, in which all 30 students are playing at once, would be 64.25 dBA Leq and 75.55 dBA Lmax measured at 50 ft. The temporary play area would be approximately 147 ft from the nearest residences to the south. At this distance, the noise level would be reduced by 9 dBA from the noise level measured at 50 ft. This noise attenuation will reduce the maximum on-site play area noise to 55.25 dBA Leq and 66.55 dBA Lmax. The 66.55 dBA maximum noise level would not exceed the City’s 75 dBA Lmax that is not to be exceeded at any time during the daytime hours for residential areas. In addition, the 55.25 dBA Leq noise level averaged over that 30-minute recess time period would not exceed the City’s 60 dBA L50 that is not to be exceeded for more than 15 minutes (but less than 30 minutes) in any hour during the daytime hours between 7:00 a.m. and 10:00 p.m.” (page 36). Therefore, as concluded in the Noise Impact Study, the proposed project would result in less than significant noise impacts on adjacent sensitive users (i.e., residents of the Monarch Bay Villas), and no mitigation would be required.

As evidenced by the text above, the Noise Impact Analysis addressed potential noise impacts to and from the preschool play areas, both for the temporary, the interim location, and for the permanent location after buildout. Therefore, as concluded in the Noise Impact Study, noise associated with the preschool play area would not exceed the City’s thresholds for adjacent residential uses (i.e., residents of the Monarch Bay Villas), and no mitigation would be required.

RESPONSE I-20-18

This comment suggests that the number of preschool classrooms proposed exceeds the required amount given the preschool’s license for 86 preschool students.

The proposed project does not include an increase in the existing preschool’s license for 86 preschool students.

RESPONSE I-20-19

This comment states that the classrooms at South Shores Church are in need of modernization, but also suggests that approval of the proposed project would impact the environment, views, and community of Dana Point.

The Draft EIR found that no significant adverse impacts would occur as a result of the proposed project as they pertain to the environment, views, or surrounding community.

RESPONSE I-20-20

This comment requests approval of a reduced project alternative with a shorter construction period, an indemnification agreement, and completion bond.

The commenter's support for a reduced project alternative is noted, and will be forwarded to decision-makers for their review and consideration. Please see Common Response No. 4 regarding the bond and indemnification request.

In January 2015, the Applicant submitted a refined version of Alternative 2 to the City in response to public input on the Draft EIR. As described in Section 1.4, Refinements to Alternative 2, of this Final EIR, the Applicant now proposes construction of the southern half of the parking structure as Phase 2 (this was formerly Phase 4); provision of 12 additional parking spaces during Phases 1C and 2 that were not included in the proposed project or Alternative 2; temporary discontinuation of two Sunday bible study classes that run concurrent with the 2nd and 3rd worship services, respectively, during the first two months of Phase 1C, and the entire duration of Phases 2 and 5; and relocation of the proposed Landscaped Meditation Garden on the southeast corner of the project site approximately 30 feet further north from its previously proposed location under the proposed project and Alternative 2. The size and location of all other buildings, parking, and other features included in each construction phase would remain the same as Alternative 2.

While Revised Alternative 2 would not reduce the overall construction duration to 5 years or less, it would increase the number of parking spaces available on-site during all subsequent phases of construction, eliminate the need for off-site parking following the first 2 months of construction of Phase 1C for the remainder of Phase 1C, and allow the Applicant to complete all construction nearest the Monarch Bay Villas during the first two phases, thereby eliminating the need for construction near the Monarch Bay Villas at a later date. Refer to Section 1.4, Refinements to Alternative 2, of this Final EIR for additional discussion regarding the specific elements of Revised Alternative 2.

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Attention Saima Qureshy, AICP, Senior Planner
City of Dana Point
Community Development Department, Planning Division
33282 Golden Lantern, Suite 209
Dana Point, CA 92629-2805

RECEIVED
CITY OF DANA POINT
COMMUNITY DEVELOPMENT DEPT

2014 OCT 28 A 8:20

RE: South Shores Church Master Plan DEIR (SCH No. 2009041129)
CDP Permit 04-11, CUP Permit 04-21, SDP Permit 04-31

Please request that the EIR Consultant, LSA, confirm by email to tvglen@cox.net that this submittal was it received and date stamped.

To: LSA and the City of Dana Point:
From: Todd V. Glen
Date: Oct. 27, 2014
Subject: South Shore Church Master Plan sch# 2009041129

This letter and the accompanying documents and comments made at the Oct. 13, 2014 “study session” of the Planning Commission meeting are my response to the request for comments on the **Draft Environmental Impact Report for the South Shores Church Master Plan Project.**

I-21-1

I am a resident of Pompeii Drive. I reside 30 feet from the current SSC parking lot. I am a founding member of VoMB and am speaking on my own behave.

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 elevation: Move the parking garage, constructed it at grade in the northwest corner of the site and then build the four new building on top of the garage. Zero addition impact on Salt Creek Corridor.

I-21-2

I 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 with respect to the previous tainted MND is the bases of this DEIR

I-21-3

In light of the Saint-Aubin (Vol. 2 electronic page 278) submittal, which has done a comprehensive comparison of the DEIR (also known as MND) to the Monarch Bay Planning Documents, The City’s Planning guidelines and Codes and information from the City’s website there is irrefutable legal evidence this project or alternative #2 project does not comply with the city’s owe guidelines or Codes.

I-21-4

The Dana Point Plan Elements build a vision of Dana Point based upon the importance of the coast, bluffs, hills, ridges, natural landforms, scenic corridors and the environment. The vision
Todd V. Glen

I-21-5

is that of the integrated community. The developers, building upon variances and prior overexpansion, at the MND level care 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 references incorporate the relevant aspect of the Specific Plan discussed in this presentation to all of the Salt Creek Basin.

I-21-5

The Dana Point Planning Element and Specific Plans refer to bluffs both at the coast and along the drainage inland to 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. This project fails to meet the standard on all three conditions.

I-21-6

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. The Planning Commission Meeting Oct 13, 2014 the project's architect proudly point out that it was not constant building for 10 years so it really isn't 10 years, but the developers intend to abandon the project mid-stream, several times, to make sure it will take 10 years of total disruption to MBV's quality of life.

I-21-7

I-21-8

The site was zoned residential until the church obtained a variance for a church and small school in the basement on a temporary bases. The site remains zoned residential. It is not community facility zoning as stated, there is not documentation proving allegation.

I-21-9

The project has been updated twice during the last 4.5 years, which was never vetted, until Sept 15th with a request for public comments. Why was there no public input in a scoping session, rather than an after thought of releasing a Request for Comment?

I-21-10

You may call me for questions or discussion

Todd V. Glen

Todd V. Glen
Monarch Bay Villas
714-812-4685

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TODD V. GLEN

LETTER CODE: I-21

DATE: October 27, 2014

RESPONSE I-21-1

The comment is introductory and states that the commenter lives 30 feet from the South Shores Church parking lot and is a founding member of VoMB.

This comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

RESPONSE I-21-2

The comment suggests an alternative plan to move the new structures to the northwest corner of the project site. The commenter's alternative plan includes relocating the parking structure to the northwest corner of the project site and constructing it at-grade. The commenter further proposes constructing the four buildings on top of the garage.

In January 2015, the Applicant submitted a refined version of Alternative 2 to the City in response to public input on the Draft EIR. As described in Section 1.4, Refinements to Alternative 2, of this Final EIR, the Applicant now proposes construction of the southern half of the parking structure as Phase 2 (this was formerly Phase 4); provision of 12 additional parking spaces during Phases 1C and 2 that were not included in the proposed project or Alternative 2; temporary discontinuation of two Sunday bible study classes that run concurrent with the 2nd and 3rd worship services, respectively, during the first two months of Phase 1C, and the entire duration of Phases 2 and 5; and relocation of the proposed Landscaped Meditation Garden on the southeast corner of the project site approximately 30 feet further north from its previously proposed location under the proposed project and Alternative 2. The size and location of all other buildings, parking, and other features included in each construction phase would remain the same as Alternative 2.

While Revised Alternative 2 would not construct the Parking Structure in the northwest corner of the project site, with the four buildings constructed on top of the Parking Structure, it would increase the number of parking spaces available on-site during all subsequent phases of construction and eliminate the need for off-site parking following the first 2 months of construction of Phase 1C for the remainder of Phase 1C, it would also allow the Applicant to complete all construction nearest the Monarch Bay Villas during the first two phases, thereby eliminating the need for construction near the Monarch Bay Villas at a later date. Further, no on-site parking deficits would be anticipated during the two-year pause in construction activities between Phase 1.C and the newly proposed Phase 2. Refer to Section 1.4, Refinements to Alternative 2, of this Final EIR for additional discussion regarding the specific elements of Revised Alternative 2

RESPONSE I-21-3

The comment requests that the project be reviewed in light of all the City's planning documents and makes reference to the MND being the basis of the Draft EIR.

The project's consistency with land use plans is addressed in detail in Chapter 4.9. Land Use and Planning, of the Draft EIR. Please also see Common Response No. 2 and Common Response No. 1.

RESPONSE I-21-4

The comment asserts that the neither the project nor Alternative 2 comply with the City's guidelines and codes. The comment further states that the Draft EIR is also known as the MND.

The Draft EIR is not the same environmental document as the MND and did not rely on the analysis contained in the MND. See Common Response No. 2.

The project's consistency with land use plans is addressed in detail in Chapter 4.9. Land Use and Planning, of the Draft EIR. Although the proposed project would require a variance because the building height proposed for the Community Life Center would exceed the building height limit in the City's Municipal Code, the proposed project would be consistent with the City's Municipal Code if the City were to approve the required height variance. Impacts related to potential conflicts with the City's General Plan were determined to be less than significant, and no mitigation was required. Please also see Common Response No. 2 and Common Response No. 11. Also, note that the Applicant is now seeking approval of Revised Alternative 2, a reduced development alternative that, among other things, proposes a smaller Community Life Center building that would not require a variance.

RESPONSE I-21-5

The comment provides background information on the General Plan Elements related to Monarch Beach and the Salt Creek Basin. The comment further states that the MND level of analysis did not pay care to the Dana Point vision.

This comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein and appears to be commenting on the MND. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

RESPONSE I-21-6

The comment provides background information on coastal bluffs in the project area and expresses concern about development on what they opine are steep, unstable bluff top landslide areas.

Please see Common Response No. 12.

RESPONSE I-21-7

The comment states that construction of the project will interfere with coastal sage scrub and gnatcatchers while also polluting Salt Creek.

As detailed in Section 4.3, Biological Resources, of the Draft EIR, payment of in-lieu fees to the NROC in compliance with the terms and conditions of the Orange County Central and Coastal NCCP/HCP Implementation Agreement serves as suitable mitigation for project-specific and cumulative impacts to native habitat and associated wildlife on the project site (see Mitigation Measure 4.3.1 on page 4.3-14 of the Draft EIR). Further, impacts to Salt Creek would be less than significant with compliance with the Construction General Permit and Municipal NPDES Permit requirements, Construction, Low Impact Development, Site Design, Source Control, and Treatment BMPs. These measures would be implemented to target pollutants of concern from the project site, including pollutants causing receiving water impairments (i.e., bacteria). Because the BMPs would target pollutants of concern in storm water runoff from the project site, the proposed project would not cause or contribute to downstream water quality impairments, including Salt Creek.

RESPONSE I-21-8

The comment expresses concern regarding the proposed project's 10-year construction schedule.

See Common Response No. 3.

RESPONSE I-21-9

The comment asserts that the project site is zoned residential and not Community Facility.

Although the project site was originally developed under the jurisdiction of the County of Orange with a single-family residence zoning designation,¹ the project site has hosted religious uses since the early 1960s. After the incorporation of the City of Dana Point in 1989, the City designated the project site a "Community Facilities" site in its newly-adopted Citywide Zoning Ordinance and General Plan, which replaced and superseded the County's previous planning and zoning designations for the project site. As shown on Figure 4.9.4, General Plan Land Use Designations (page 4.9-14 of the Draft EIR), the project site continues to be designated Community Facilities (CF) on the City's General Plan Land Use Map. Further, as shown in Figure 4.9.5, Zoning Designations (page 4.9-15 of the Draft EIR), the proposed project site is located in the CF zoning district. Both the Land Use Map and the Zoning Map are adopted current City planning documents that form the existing condition baseline for the Draft EIR.

¹ It is fairly common for religious uses to be permitted in residential zones.

RESPONSE I-21-10

The comment states that the project was updated twice in the last 4.5 years and no public scoping meeting was held during that time period.

See Response to Comment I-9-12.

I request confirmation of receipt from the City of Dana Point and from LSA.

Confirmation may be (i) mailed to my home address immediately below, or (ii) emailed to: pmali@me.com.

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

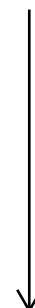
October 28, 2014

To: Saima Qureshy, AICP, Senior Planner
City of Dana Point
Community Development Department, Planning Division
33282 Golden Lantern, Suite 209
Dana Point California 92629

**Re: Public Comments on the Draft Environmental Impact Report [DEIR]
on South Shores Church [the "Applicant"] Proposed Master Plan
[the "Project"]
Address: 32712 Crown Valley Parkway, Dana Point;
SCH # 2009041129; CDP 04-11; CUP 04-21; SDP 04-31**

I am a homeowner and resident of Monarch Bay Villas ["MBV"] in Dana Point ["the City"]. I request that the Final Environmental Impact Report ["EIR"] on the Project referenced above specifically address each of my detailed comments and questions that follow the summary below:

I-22-1



SUMMARY OF COMMENTS

- Comment 1: The DEIR fails to provide for meaningful Surety/Indemnification for (i) completion of the project and for (ii) neighboring homeowners
- Comment 2: The DEIR systemically misrepresents the size of the Project by piecemeal presentations of “Building Area” and “Parking Structure”
- Comment 3: “Master Plan” is not a CEQA term. The relevant CEQA term is a “Master EIR” — which can be relied upon for a maximum of five years.
- Comment 4: The DEIR fails to address the proposed 10-year timeframe as an unprecedented period for a project of this size and nature.
- Comment 5: The DEIR fails to provide definite information on the parking arrangements that are claimed to support the conclusion that the parking impacts during construction would be reduced to a less than significant level. CEQA requirements do not allow such ambiguous deferred arrangements.
- Comment 6: The DEIR failed to respond to the multitude of specific public comments submitted in 2010, ignoring highly relevant information that would have greatly improved the quality of the DEIR.
- Comment 7: The DEIR misrepresents the CEQA history of the Project, misleading the public, potential agency reviewers, and ultimate appellate decision-makers.
- Conclusion: The Alternative Project proposed by Clean Water Now [“CWN”], set forth separately in Public Comments on this DEIR submitted by Roger Butow for CWN, accomplishes the Project’s goals in a less environmentally destructive way. I incorporate that Alternative Project by reference and add my request that the Final EIR (i) address it in detail as both the letter and spirit of CEQA envision and (ii) adopt it as preferable.



I-22-1

**Comment 1: LAND USE AND PLANNING:
The DEIR Fails to Provide for Meaningful Surety/Indemnification for
Completion of the Project and for Neighboring Homeowners**

The City’s zoning provisions support providing meaningful surety/indemnification for neighboring homeowners, as detailed below. The DEIR does 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).

I-22-2

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:

I-22-3

“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.



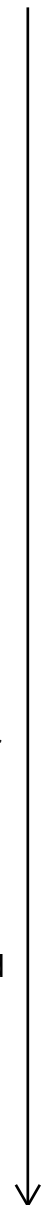
I-22-3

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

The DEIR 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.

I-22-4

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 failed 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 materialize as the



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.

Project goes along.

Requiring the Applicant to provide the following two kinds of bonds could accomplish the requisite protection for Dana Point homeowners:

(i) a PERFORMANCE BOND for the completion of this Project. This bond must 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 be in the range of \$50-100 million.

(ii) The second bond needed is 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 must also travel with the property once the property is altered. The value of this separate bond should also be at least \$50 million, given the value of the homes adjacent to this hilltop Project;



I-22-4

² Section 9.65.100.

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. 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.

I-22-4

C. The DEIR 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 has stated that its 10-year plans are founded on the expectation that pledges of money will be fulfilled. Economic uncertainty makes such expectations a precarious financial model. We have multiple examples in our own part of the country that such plans cannot be counted on. A stunningly similar example is the failure of the Crystal Cathedral megachurch of Garden Grove following an unprecedented 27% decline in revenue in 2009.³

I-22-5

In another close-to-home example, the City’s widely publicized plans to host an Italian Opera Festival in September 2010 fell through 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

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.*

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

I-22-6

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

I-22-7

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

⁷ Id. at pp. 1-2.

this project.

The DEIR’s conclusory statements deny the reality of the significant geologic and water dangers to MBV posed by this specific Project. The DEIR’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



I-22-7

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.

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 DEIR issued by the City 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 ill-advised omission.

I-22-7

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

Comment 2: LAND USE AND PLANNING

The DEIR Systemically Misrepresents the Size of the Project by Piecemeal Presentations of “Building Area” and “Parking Structure”

The bifurcation of the Project description into two distinct aspects, (i) “Building Area” and (ii) “Parking Structure,” both in Notices and in the DEIR discussion, creates an insidious deception in which the Parking Structure is discussed, but it is not counted in stating the size of the Project. Rather than following CEQA’s mandate to consider the “cumulative impacts” of the Project, the DEIR hides the enormous additional size of the parking structure in plain sight.

In this particular Project, analysis of the Parking Structure is crucial — it is one of the most potentially hazardous parts of the Project because of its proposed subterranean location on a fragile hillside. Yet the Project is pervasively portrayed as an additional 70,284 of building square footage (or, in Alternative 2, a project of an additional 52,651 sf) — ignoring the proposed construction of a two-story commercial-equivalent building, the “Parking Structure.”

I-22-8

The deceptiveness of the DEIR’s portrayal of Building Area vs Parking Structure in stating additional square footage is epitomized by Table 3.C. [See a replica of DEIR page 3-8, two pages below in this document.]

But first, let us consider how ludicrous the DEIR’s description/counting method is: Examine what would happen if all that the Applicant was proposing to build was a garage of the same size as that in the Proposal. What would be the additional square footage of new construction described in the Notice and the DEIR for that project? By logical application of the DEIR’s approach, the additional new construction square footage related to the building of a two-level partially subterranean commercial-equivalent parking structure would be disclosed as ZERO new construction. Surely not a conclusion CEQA would permit.

Now look at “Chart 3.C: Proposed Master Plan Buildings” [see next page] as a reasonably prudent member of the public, or even personnel at one of the reviewing agencies, would look at it:

The far right column displays “Total Building Area (sf).”

The first line item shows Existing Building to Remain, with a bolded total in the right column of 19,078 sf;

The next four line-items show Proposed Construction, with a right column number of sf for each of the four that totals 70,284 sf;

The final two line-items show Proposed Parking, with no square footage for either, just a number of parking spaces;

A line is drawn under these latter six line-items, followed by a “Total New Construction” in the bottom right column.

That bolded total is 70,284, which happens to be the total of the four line-items before the two Proposed Parking items.

It seems likely that a reasonably prudent person looking at a chart laid out like Table 3.C, including anyone familiar with common accounting conventions, would infer that the 70,284 Total New Construction includes Parking.

Questions

- a] Are we to believe that a reasonably prudent person, to avoid being misinformed by this presentation, must be expected to take out a calculator to learn that the 70,284 sf total counts only the four Proposed “Construction” items and not the two Parking items?
- b] Is the Parking Structure not to be “constructed”?
- c] Why is it systematically not counted as new construction?
- d] Does Table 3.C [and the systemic references throughout the DEIR and the Notices that employ the same counting method] not misrepresent cumulative new construction in violation of CEQA? [Contrast accurate count in my continuing Comments following Table 3.C.]

I-22-8

Table 3.C: Proposed Master Plan Buildings

Proposed Master Plan Buildings	Existing or New Construction	Typical Uses	Typical Use Periods	First Floor Area (sf)	Second Floor Area (sf)	Total Building Area (sf)
Sanctuary	Existing Building to Remain	Worship services, ministry programs, special music and ministry functions, weddings, funerals, and seasonal special events	Sunday mornings and Sunday evenings, Saturdays, weekday evenings	9,140	9,938	19,078
Total Area to Remain						19,078
Preschool/ Administration Building	Proposed	Administrative offices, ministry programs and community activities and meetings, Sunday school and preschool programs (during Phases 1B, 1B.E1, 1B.E2, 1C, 2 and 3), dining functions, weddings, funerals	Sundays between 7:30 a.m. and 7:30 p.m., Saturdays between 8:00 a.m. and 10 p.m., weekdays between 8:00 a.m. and 10 p.m.	7,737	7,378	15,115
Community Life Center	Proposed	Ministry programs, post-worship fellowship activities, youth sports leagues and gymnasium uses (not conflicting with worship services), community activities and meetings, dining functions, weddings, funerals, special music and speaking events	7 days per week, between 7 a.m. and 10 p.m.	17,331	6,983	24,314
Christian Education Building 1	Proposed	Ministry programs, Sunday school, community activities and meetings, bookstore	Sundays between 7:30 a.m. and 1 p.m. and Sunday evenings, weekdays between 8:00 a.m. and 10 p.m., Saturdays between 8:00 a.m. and 10 p.m.	7,674	7,725	15,399
Christian Education Building 2	Proposed	Preschool programs, ministry programs, community activities and meetings	Sundays between 7:30 a.m. and 1 p.m. and Sunday evenings, weekdays between 8:00 a.m. and 10 p.m., Saturdays between 8:00 a.m. and 10 p.m.	7,750	7,706	15,456
2-Level Partially Subterranean Parking Structure	Proposed	Parking	7 days a week, between 8 a.m. and 10 p.m. Some functions will necessitate earlier arrivals for staff and ministry needs.	176 spaces	176 spaces	352 spaces
At-Grade Parking	Proposed	Parking	7 days a week, between 8 a.m. and 10 p.m. Some functions will necessitate earlier arrivals for staff and ministry needs.	59 spaces	N/A	59 spaces
Total New Construction						70,284
Total Master Plan Building Area						89,362

Source: Matlock Associates (December 2013).

N/A = not applicable

sf = square feet

I-22-8

Counting cumulative new construction: Ignoring the existence and impact of the Parking Structure in counting new construction is all the more deplorable because of the magnitude. The proposed Parking Structure is approximately 62,500 sf per floor; so 125,000 sf for two floors of new Parking Structure, plus whatever will be done to the existing level. Therefore, even if we counted whatever work is to be done on the existing level as “Existing,” there are approximately 125,000 sf of new construction attributable to the Parking Structure.

Compare — and add — this 125,000 sf to the misleadingly described additional 70,284 of building square footage (or, in Alternative 2, a project of an additional 52,651 sf).

The DEIR’s misdirection concerning the size of proposed new construction is well beyond a material misstatement; it is shocking in its extent. The DEIR’s 70,284 sf number is only 36% of the accurate 195,283 sf. [The stated 52,651 sf for Alternative 2 is under 30% of the accurate 177,651 sf.]

CEQA requires consideration of the “cumulative impacts” of projects. A “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment. CEQA § 15378(a).

The DEIR and related Notices inaccurately portrayed the size of this Project. To avoid misleading, the DEIR should have truthfully disclosed to the public, and to agency reviewers, that the Applicant proposed at least 195,283 sf of new construction [or in the DEIR’s Alternative 2, 177,651 sf of new building].

I-22-8

Comment 3 LAND USE AND PLANNING

The terminology used in the DEIR is misleading to a reasonably prudent reader. “Master Plan” is not a CEQA term. The relevant CEQA term is “Master EIR” — which can be relied upon for a maximum of five years.

The Notice of Availability and the DEIR utilize terminology inconsistent with CEQA, likely to confuse readers and to minimize review. Under CEQA, a “Master EIR” can be relied on for five years.

I-22-9

The DEIR repeatedly refers to the “Master Plan”’s proposed 10-year term, while it fails to address the fact that CEQA would not permit a “Master EIR” to be relied upon for the proposed 10-year term of this Project. The DEIR provides no explanation for pervasive labeling of this Project with a non-CEQA “Master Plan” label in presenting its analysis.

Comment 4 LAND USE AND PLANNING

The DEIR fails to address the proposed 10-year timeframe as an unprecedented period for a project of this size and nature.

The length of the proposed Project is unprecedented. No other projects of this size and nature have received approval for such a lengthy term. The DEIR fails to offer any justification or even analysis of why this project alone should be inflicted on its neighbors and neighborhood for 10 years. That term is at least double what a similar-size project of its type should take. Why is no alternative timeframe required?

I-22-10

The DEIR acknowledges the need for only one variance: for the height of the proposed Community Life Center building. [DEIR § 3.6.4.] But it does not acknowledge that the proposed duration of the Project constitutes a dramatic variance from normal practice.

I-22-10

Comment 5 LAND USE AND PLANNING

The DEIR fails to provide definite information on the parking arrangements that are claimed to support the conclusion that the parking impacts during constructions would be reduced to a less than significant level. In the facts of this case, such ambiguous deferred arrangements conflict with CEQA.

The DEIR states:

“off-site parking will need to be secured by the Church in order to accommodate the Sunday parking demand during project construction (with the exception of Phase 2). Implementation of Mitigation Measure 4.12.1, which requires the Applicant to secure off-site parking on Sundays during those construction phases when the project site is projected to have less than sufficient on-site parking and would reduce the proposed project’s parking impacts during construction to a less than significant level. The of-site parking agreements would be reviewed and approved by

I-22-11

the City prior to issuance of any permits for each phase.” [DEIR p 4.12-16]

CEQA requires that environmental issues be dealt with up-front, before the project is approved. In earlier versions of this Project, specific off-site parking had been identified. Absence of such identification in the DEIR raises the question of whether there is a reasonable expectation that this Project’s deferred plans will not actually work out.

I-22-11

Based on this concern, the DEIR should have considered that the Applicant’s bare ambiguous assertion that off-site parking would be obtained is the equivalent of, “Trust us, we’ll take care of it”; therefore, it is a mere creative “IOU” that is not consistent with CEQA’s requirement that environmental issues be dealt with up-front, before the project is approved.

Comment 6 LAND USE AND PLANNING

The DEIR failed to respond to the multitude of specific public comments submitted in 2010, ignoring highly relevant information that would have greatly improved the quality of the DEIR.

I-22-12

In March 2010, after Planning Commission and City Council meetings and

a “Scoping Session,” City residents were directed to submit Public Comments on this Project to the City. We did. People from all walks of life invested time and energy submitting hundreds of pages of comments. One couple, Robert and Deanna Saint-Aubin, submitted more than 200 pages of detailed specific examples of the Project’s deficiencies and violations of the City’s governing documents.

On Sept.15 this year we learned what our City did with our comments: they photocopied them. Yes, the DEIR makes generic statements that there were areas of controversy and says the DEIR addresses concerns and controversy in detail. But it didn’t respond to our comments — it made copies and stuck them in binders. Had the DEIR addressed our comments, much of its erroneous and conclusory statements could have been avoided.

This was not a case of the City’s having too little time to deal with our comments. Unlike us, residents who rush to respond to the DEIR within 45 days, the City took all the time it wanted — not 45 days, not even 45 months —it took 54 months — 4-1/2 years — and did not manage to respond to our comments.

It seems to such disrespected City residents that the City/DEIR so badly



I-22-12

wants THIS Project to be OK, that willful desire tunes out things that conflict with that outcome. That’s not what CEQA envisions.

The Voices of Monarch Beach are resubmitting all those 2010 comments because the Project in the DEIR is nearly identical to the original Project and CEQA requires responses to Public Comments.

I-22-12

Comment 3: LAND USE AND PLANNING

The DEIR misrepresents the CEQA history of the project, misleading the public, potential agency reviewers, and ultimate appellate decision makers.

A. Description of the MND: The DEIR hides the taint on the original MND [pg. 2-1] by describing it in neutral terms that would lead a reader to believe that MND was a respectable part of the CEQA process. The DEIR fails to disclose that the MND/Initial Study was written not by an independent expert, but by a member of the Applicant’s own Building Committee. 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.

I-22-13

The DEIR states that after public hearings on the MND in 2009, “the City determined that the level of CEQA review should be elevated to an EIR in response to public testimony received during the hearings” [pg. 2-1, ¶ 1]. And the DEIR states again later, “Due to the extent of public

comments and concerns [in 2009] the MND and the Project were tabled by the Planning Commission” [pg. 3-3, 1st complete ¶].

This self-serving version of history, put forth twice, is one way to put lipstick on the MND pig. However, by such recitations, the DEIR hides from readers that the conflict-of interest was discovered by a resident and although written evidence was presented at a Planning Commission meeting in 2009, the City has never acknowledged, let alone explained or apologized for, perpetrating such a conflict-of-interest hoax on its residents: using an MND/Initial Study whose analyses and conclusions were prepared by a person on the Building Committee of the Applicant for the same project that the Initial Study was supposed to be studying. This occurrence and its cover-ups in the DEIR are glaring examples of this Project’s history of being sheltered by the City from rigorous review. The spirit of CEQA is not compatible with whitewashing a flagrant conflict of interest in document preparation. 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.

I-22-13

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].

I-22-13

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 was based on it was 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. [RFP, point 2.]

I-22-14

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 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.

I-22-14

We note that the City never accurately explained why an EIR had to be undertaken after insisting 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. [Initial Study, Earlier Analyses,” at p.13.] But these CEQA provisions are not relevant in this case: they refer to “adequate” earlier analyses” – effects adequately analyzed; impacts

I-22-15

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 submissions from Dana Point homeowners and others both in written comments for the 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 City residents wonder again why our City was willing to distort the processes and content that CEQA so clearly requires.

I-22-15

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

I-22-16

Understanding the tainted origin of the Initial Study helps 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. Ample material, written and photographic, and

information was provided by experts who spoke at the July 20, 2009 public hearing to give evidence of the hazards presented by the Project as proposed. Much more material was presented as part of the Scoping process.

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.

The DEIR should have made clear whether the tainted Initial Study/MND was utilized in any way in the production of the DEIR.

I-22-16

CONCLUSION

I join my neighbors in the concerns regarding geology, soil, intensification of land use, traffic, and hydrology that they have addressed in comments on the DEIR 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.

I-22-17

I object to the approval of the Project in its current form. The comments above and all references contained herein are hereby incorporated into the official record of proceedings of this Project and its successors.

The Alternative Project proposed by Clean Water Now [“CWN”], set forth separately in Public Comments on this DEIR submitted by Roger Butow for CWN, accomplishes the Project’s goals in a less environmentally destructive way. I incorporate that Alternative Project by reference and add my request that the Final EIR (i) address it in detail as both the letter and spirit of CEQA envision and (ii) adopt it as preferable.

I-22-18

Thank you.

Patricia McCarroll
23285 Atlantis Way, Dana Point, CA 92629

Dated: 10/28/2014

I request confirmation of delivery from the City of Dana Point & consultant LSA which should be sent to roxannewillinger@cox.net

I-22-19

RECEIVED
OCT 29 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT



I request confirmation of receipt from the City of Dana Point and from LSA.

Confirmation may be (i) mailed to my home address immediately below, or (ii) emailed to: pmali@me.com.

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

October 28, 2014

To: Saima Qureshy, AICP, Senior Planner
City of Dana Point
Community Development Department, Planning Division
33282 Golden Lantern, Suite 209
Dana Point California 92629

I-22-19

**Re: Public Comments on the Draft Environmental Impact Report [DEIR] on South Shores Church [the "Applicant"] Proposed Master Plan [the "Project"]
Address: 32712 Crown Valley Parkway, Dana Point;
SCH # 2009041129; CDP 04-11; CUP 04-21; SDP 04-31**

I am a homeowner and resident of Monarch Bay Villas ["MBV"] in Dana Point ["the City"]. I request that the Final Environmental Impact Report ["EIR"] on the Project referenced above specifically address each of my detailed comments and questions that follow the summary below:

SUMMARY OF COMMENTS

- Comment 1:** The DEIR fails to provide for meaningful Surety/Indemnification for (i) completion of the project and for (ii) neighboring homeowners
- Comment 2:** The DEIR systemically misrepresents the size of the Project by piecemeal presentations of "Building Area" and "Parking Structure"
- Comment 3:** "Master Plan" is not a CEQA term. The relevant CEQA term is a "Master EIR" — which can be relied upon for a maximum of five years.
- Comment 4:** The DEIR fails to address the proposed 10-year timeframe as an unprecedented period for a project of this size and nature.
- Comment 5:** The DEIR fails to provide definite information on the parking arrangements that are claimed to support the conclusion that the parking impacts during construction would be reduced to a less than significant level. CEQA requirements do not allow such ambiguous deferred arrangements.
- Comment 6:** The DEIR failed to respond to the multitude of specific public comments submitted in 2010, ignoring highly relevant information that would have greatly improved the quality of the DEIR.
- Comment 7:** The DEIR misrepresents the CEQA history of the Project, misleading the public, potential agency reviewers, and ultimate appellate decision-makers.
- Conclusion:** The Alternative Project proposed by Clean Water Now ["CWN"], set forth separately in Public Comments on this DEIR submitted by Roger Butow for CWN, accomplishes the Project's goals in a less environmentally destructive way. I incorporate that Alternative Project by reference and add my request that the Final EIR (i) address it in detail as both the letter and spirit of CEQA envision and (ii) adopt it as preferable.

I-22-19

Comment 1: LAND USE AND PLANNING:**The DEIR Fails to Provide for Meaningful Surety/Indemnification for Completion of the Project and for Neighboring Homeowners**

The City's zoning provisions support providing meaningful surety/indemnification for neighboring homeowners, as detailed below. The DEIR does 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.

I-22-19

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.

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

The DEIR 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 failed 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 materialize as the

I-22-19

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.

Project goes along.

Requiring the Applicant to provide the following two kinds of bonds could accomplish the requisite protection for Dana Point homeowners:

(i) a PERFORMANCE BOND for the completion of this Project. This bond must 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 be in the range of \$50-100 million.

(ii) The second bond needed is 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 must also travel with the property once the property is altered. The value of this separate bond should also be at least \$50 million, given the value of the homes adjacent to this hilltop Project;

² Section 9.65.100.

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. 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.

C. The DEIR 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 has stated that its 10-year plans are founded on the expectation that pledges of money will be fulfilled. Economic uncertainty makes such expectations a precarious financial model. We have multiple examples in our own part of the country that such plans cannot be counted on. A stunningly similar example is the failure of the Crystal Cathedral megachurch of Garden Grove following an unprecedented 27% decline in revenue in 2009.³

In another close-to-home example, the City’s widely publicized plans to host an Italian Opera Festival in September 2010 fell through 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

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

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

⁵ *Id.*

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

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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

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

⁷ Id. at pp. 1-2.

this project.

The DEIR's conclusory statements deny the reality of the significant geologic and water dangers to MBV posed by this specific Project. The DEIR'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



I-22-19

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.

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 DEIR issued by the City 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 ill-advised omission.

I-22-19

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

Comment 2: LAND USE AND PLANNING

The DEIR Systemically Misrepresents the Size of the Project by Piecemeal Presentations of “Building Area” and “Parking Structure”

The bifurcation of the Project description into two distinct aspects, (i) “Building Area” and (ii) “Parking Structure,” both in Notices and in the DEIR discussion, creates an insidious deception in which the Parking Structure is discussed, but it is not counted in stating the size of the Project. Rather than following CEQA’s mandate to consider the “cumulative impacts” of the Project, the DEIR hides the enormous additional size of the parking structure in plain sight.

In this particular Project, analysis of the Parking Structure is crucial — it is one of the most potentially hazardous parts of the Project because of its proposed subterranean location on a fragile hillside. Yet the Project is pervasively portrayed as an additional 70,284 of building square footage (or, in Alternative 2, a project of an additional 52,651 sf) — ignoring the proposed construction of a two-story commercial-equivalent building, the “Parking Structure.”

The deceptiveness of the DEIR’s portrayal of Building Area vs Parking Structure in stating additional square footage is epitomized by Table 3.C. [See a replica of DEIR page 3-8, two pages below in this document.]

But first, let us consider how ludicrous the DEIR’s description/counting method is: Examine what would happen if all that the Applicant was proposing to build was a garage of the same size as that in the Proposal. What would be the additional square footage of new construction described in the Notice and the DEIR for that project? By logical application of the DEIR’s approach, the additional new construction square footage related to the building of a two-level partially subterranean commercial-equivalent parking structure would be disclosed as ZERO new construction. Surely not a conclusion CEQA would permit.

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Now look at “Chart 3.C: Proposed Master Plan Buildings” [see next page] as a reasonably prudent member of the public, or even personnel at one of the reviewing agencies, would look at it:

The far right column displays “Total Building Area (sf).”

The first line item shows Existing Building to Remain, with a bolded total in the right column of 19,078 sf;

The next four line-items show Proposed Construction, with a right column number of sf for each of the four that totals 70,284 sf;

The final two line-items show Proposed Parking, with no square footage for either, just a number of parking spaces;

A line is drawn under these latter six line-items, followed by a “Total New Construction” in the bottom right column.

That bolded total is 70,284, which happens to be the total of the four line-items before the two Proposed Parking items.

It seems likely that a reasonably prudent person looking at a chart laid out like Table 3.C, including anyone familiar with common accounting conventions, would infer that the 70,284 Total New Construction includes Parking.

Questions

- a] Are we to believe that a reasonably prudent person, to avoid being misinformed by this presentation, must be expected to take out a calculator to learn that the 70,284 sf total counts only the four Proposed “Construction” items and not the two Parking items?
- b] Is the Parking Structure not to be “constructed”?
- c] Why is it systematically not counted as new construction?
- d] Does Table 3.C [and the systemic references throughout the DEIR and the Notices that employ the same counting method] not misrepresent cumulative new construction in violation of CEQA? [Contrast accurate count in my continuing Comments following Table 3.C.]

Table 3.C: Proposed Master Plan Buildings

Proposed Master Plan Buildings	Existing or New Construction	Typical Uses	Typical Use Periods	First Floor Area (sf)	Second Floor Area (sf)	Total Building Area (sf)
Sanctuary	Existing Building to Remain	Worship services, ministry programs, special music and ministry functions, weddings, funerals, and seasonal special events	Sunday mornings and Sunday evenings, Saturdays, weekday evenings	9,140	9,938	19,078
Total Area to Remain						19,078
Preschool/ Administration Building	Proposed	Administrative offices, ministry programs and community activities and meetings, Sunday school and preschool programs (during Phases 1B, 1B.E1, 1B.E2, 1C, 2 and 3), dining functions, weddings, funerals	Sundays between 7:30 a.m. and 7:30 p.m., Saturdays between 8:00 a.m. and 10 p.m., weekdays between 8:00 a.m. and 10 p.m.	7,737	7,378	15,115
Community Life Center	Proposed	Ministry programs, post-worship fellowship activities, youth sports leagues and gymnasium uses (not conflicting with worship services), community activities and meetings, dining functions, weddings, funerals, special music and speaking events	7 days per week, between 7 a.m. and 10 p.m.	17,331	6,983	24,314
Christian Education Building 1	Proposed	Ministry programs, Sunday school, community activities and meetings, bookstore	Sundays between 7:30 a.m. and 1 p.m. and Sunday evenings, weekdays between 8:00 a.m. and 10 p.m., Saturdays between 8:00 a.m. and 10 p.m.	7,674	7,725	15,399
Christian Education Building 2	Proposed	Preschool programs, ministry programs, community activities and meetings	Sundays between 7:30 a.m. and 1 p.m. and Sunday evenings, weekdays between 8:00 a.m. and 10 p.m., Saturdays between 8:00 a.m. and 10 p.m.	7,750	7,706	15,456
2-Level Partially Subterranean Parking Structure	Proposed	Parking	7 days a week, between 8 a.m. and 10 p.m. Some functions will necessitate earlier arrivals for staff and ministry needs.	176 spaces	176 spaces	352 spaces
At-Grade Parking	Proposed	Parking	7 days a week, between 8 a.m. and 10 p.m. Some functions will necessitate earlier arrivals for staff and ministry needs.	59 spaces	N/A	59 spaces
Total New Construction						76,284
Total Master Plan Building Area						89,362

Source: Matlock Associates (December 2013).

N/A = not applicable

sf = square feet

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Counting cumulative new construction: Ignoring the existence and impact of the Parking Structure in counting new construction is all the more deplorable because of the magnitude. The proposed Parking Structure is approximately 62,500 sf per floor; so 125,000 sf for two floors of new Parking Structure, plus whatever will be done to the existing level. Therefore, even if we counted whatever work is to be done on the existing level as "Existing," there are approximately 125,000 sf of new construction attributable to the Parking Structure.

Compare — and add — this 125,000 sf to the misleadingly described additional 70,284 of building square footage (or, in Alternative 2, a project of an additional 52,651 sf).

The DEIR's misdirection concerning the size of proposed new construction is well beyond a material misstatement; it is shocking in its extent. The DEIR's 70,284 sf number is only 36% of the accurate 195,283 sf. [The stated 52,651 sf for Alternative 2 is under 30% of the accurate 177,651 sf.]

CEQA requires consideration of the "cumulative impacts" of projects. A "Project" means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment. CEQA § 15378(a).

The DEIR and related Notices inaccurately portrayed the size of this Project. To avoid misleading, the DEIR should have truthfully disclosed to the public, and to agency reviewers, that the Applicant proposed at least 195,283 sf of new construction [or in the DEIR's Alternative 2, 177,651 sf of new building].

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Comment 3 LAND USE AND PLANNING

The terminology used in the DEIR is misleading to a reasonably prudent reader. “Master Plan” is not a CEQA term. The relevant CEQA term is “Master EIR” — which can be relied upon for a maximum of five years.

The Notice of Availability and the DEIR utilize terminology inconsistent with CEQA, likely to confuse readers and to minimize review. Under CEQA, a “Master EIR” can be relied on for five years.

The DEIR repeatedly refers to the “Master Plan”’s proposed 10-year term, while it fails to address the fact that CEQA would not permit a “Master EIR” to be relied upon for the proposed 10-year term of this Project.

The DEIR provides no explanation for pervasive labeling of this Project with a non-CEQA “Master Plan” label in presenting its analysis.

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Comment 4 LAND USE AND PLANNING

The DEIR fails to address the proposed 10-year timeframe as an unprecedented period for a project of this size and nature.

The length of the proposed Project is unprecedented. No other projects of this size and nature have received approval for such a lengthy term. The DEIR fails to offer any justification or even analysis of why this project alone should be inflicted on its neighbors and neighborhood for 10 years.

That term is at least double what a similar-size project of its type should take. Why is no alternative timeframe required?

The DEIR acknowledges the need for only one variance: for the height of the proposed Community Life Center building. [DEIR § 3.6.4.] But it does not acknowledge that the proposed duration of the Project constitutes a dramatic variance from normal practice.

Comment 5 LAND USE AND PLANNING

The DEIR fails to provide definite information on the parking arrangements that are claimed to support the conclusion that the parking impacts during constructions would be reduced to a less than significant level. In the facts of this case, such ambiguous deferred arrangements conflict with CEQA.

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The DEIR states:

“off-site parking will need to be secured by the Church in order to accommodate the Sunday parking demand during project construction (with the exception of Phase 2). Implementation of Mitigation Measure 4.12.1, which requires the Applicant to secure off-site parking on Sundays during those construction phases when the project site is projected to have less than sufficient on-site parking and would reduce the proposed project’s parking impacts during construction to a less than significant level. The of-site parking agreements would be reviewed and approved by

the City prior to issuance of any permits for each phase.” [DEIR p 4.12-16]

CEQA requires that environmental issues be dealt with up-front, before the project is approved. In earlier versions of this Project, specific off-site parking had been identified. Absence of such identification in the DEIR raises the question of whether there is a reasonable expectation that this Project’s deferred plans will not actually work out.

Based on this concern, the DEIR should have considered that the Applicant’s bare ambiguous assertion that off-site parking would be obtained is the equivalent of, “Trust us, we’ll take care of it”; therefore, it is a mere creative “IOU” that is not consistent with CEQA’s requirement that environmental issues be dealt with up-front, before the project is approved.

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Comment 6 LAND USE AND PLANNING

The DEIR failed to respond to the multitude of specific public comments submitted in 2010, ignoring highly relevant information that would have greatly improved the quality of the DEIR.

In March 2010, after Planning Commission and City Council meetings and

a "Scoping Session," City residents were directed to submit Public Comments on this Project to the City. We did. People from all walks of life invested time and energy submitting hundreds of pages of comments. One couple, Robert and Deanna Saint-Aubin, submitted more than 200 pages of detailed specific examples of the Project's deficiencies and violations of the City's governing documents.

On Sept. 15 this year we learned what our City did with our comments: they photocopied them. Yes, the DEIR makes generic statements that there were areas of controversy and says the DEIR addresses concerns and controversy in detail. But it didn't respond to our comments — it made copies and stuck them in binders. Had the DEIR addressed our comments, much of its erroneous and conclusory statements could have been avoided.

This was not a case of the City's having too little time to deal with our comments. Unlike us, residents who rush to respond to the DEIR within 45 days, the City took all the time it wanted — not 45 days, not even 45 months —it took 54 months — 4-1/2 years — and did not manage to respond to our comments.

It seems to such disrespected City residents that the City/DEIR so badly



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wants THIS Project to be OK, that willful desire tunes out things that conflict with that outcome. That's not what CEQA envisions.

The Voices of Monarch Beach are resubmitting all those 2010 comments because the Project in the DEIR is nearly identical to the original Project and CEQA requires responses to Public Comments.

Comment 3: LAND USE AND PLANNING

The DEIR misrepresents the CEQA history of the project, misleading the public, potential agency reviewers, and ultimate appellate decision makers.

A. Description of the MND: The DEIR hides the taint on the original MND [pg. 2-1] by describing it in neutral terms that would lead a reader to believe that MND was a respectable part of the CEQA process. The DEIR fails to disclose that the MND/Initial Study was written not by an independent expert, but by a member of the Applicant's own Building Committee. 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 DEIR states that after public hearings on the MND in 2009, "the City determined that the level of CEQA review should be elevated to an EIR in response to public testimony received during the hearings" [pg. 2-1, ¶ 1]. And the DEIR states again later, "Due to the extent of public

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commitments and concerns [in 2009] the MND and the Project were tabled by the Planning Commission” [pg. 3-3, 1st complete ¶].

I-22

This self-serving version of history, put forth twice, is one way to put lipstick on the MND pig. However, by such recitations, the DEIR hides from readers that the conflict-of interest was discovered by a resident and although written evidence was presented at a Planning Commission meeting in 2009, the City has never acknowledged, let alone explained or apologized for, perpetrating such a conflict-of-interest hoax on its residents: using an MND/Initial Study whose analyses and conclusions were prepared by a person on the Building Committee of the Applicant for the same project that the Initial Study was supposed to be studying. This occurrence and its cover-ups in the DEIR are glaring examples of this Project’s history of being sheltered by the City from rigorous review. The spirit of CEQA is not compatible with whitewashing a flagrant conflict of interest in document preparation. 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.

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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].

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 was based on it was 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. [RFP, point 2.]

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

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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 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 accurately explained why an EIR had to be undertaken after insisting 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. [Initial Study, Earlier Analyses," at p.13.] But these CEQA provisions are not relevant in this case: they refer to "adequate" earlier analyses" – effects adequately analyzed; impacts

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information was provided by experts who spoke at the July 20, 2009 public hearing to give evidence of the hazards presented by the Project as proposed. Much more material was presented as part of the Scoping process.

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.

The DEIR should have made clear whether the tainted Initial Study/MND was utilized in any way in the production of the DEIR.

I-22-19

CONCLUSION

I join my neighbors in the concerns regarding geology, soil, intensification of land use, traffic, and hydrology that they have addressed in comments on the DEIR 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.

I object to the approval of the Project in its current form. The comments above and all references contained herein are hereby incorporated into the official record of proceedings of this Project and its successors.

The Alternative Project proposed by Clean Water Now ["CWN"], set forth separately in Public Comments on this DEIR submitted by Roger Butow for CWN, accomplishes the Project's goals in a less environmentally destructive way. I incorporate that Alternative Project by reference and add my request that the Final EIR (i) address it in detail as both the letter and spirit of CEQA envision and (ii) adopt it as preferable.

Thank you.

Patricia McCarroll

Patricia McCarroll
23285 Atlantis Way, Dana Point, CA 92629

Dated: 10/28/2014

I-22-19

PATRICIA MCCARROLL

LETTER CODE: I-22

DATE: October 28, 2014

RESPONSE I-22-1

This comment states the topics that will be addressed throughout the remainder of the commenter's letter. The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

RESPONSE I-22-2

This comment suggests that the Draft EIR does not adequately address indemnification for neighboring residents in accordance with the City's zoning provisions. It appears the commenter is requesting surety/indemnification for the protection of nearby residents from physical hazards that could potentially occur during the 10-year construction phase.

Please refer to Common Response No. 4. As described in Common Response No. 4, the City is not able to require the Applicant to obtain a liability insurance policy to cover potential financial losses associated with landslide risks and drainage hazards or otherwise indemnify neighboring property owners against such losses.

RESPONSE I-22-3

This comment states that the City's Municipal Code Zoning provisions may require appropriate bonds as a condition of approval. It appears that the commenter is stating that the Planning Commission has the authority to place conditions on development projects, and should impose bond and insurance requirements beyond the grading phase.

Please refer to Common Response No. 4. The City acknowledges the provisions of City Municipal Code Section 9.65.100, which allows the City to impose a bond requirement to guarantee the performance of conditions of approval. Whether to impose a bond requirement is up to the discretion of the City's decision makers. As described in Common Response No. 4, the City is not able to require the Applicant to obtain a liability insurance policy to cover potential financial losses associated with landslide risks and drainage hazards or otherwise indemnify neighboring property owners against such losses.

RESPONSE I-22-4

This comment suggests that the Draft EIR should have considered a Performance Bond and Indemnification Bond in order to ensure completion of the proposed project, and protect residents in the surrounding community from potential property damage (slope failure, ecological impacts, etc.) as a result of the proposed project.

Please refer to Common Response No. 4.

RESPONSE I-22-5

This comment expresses concern over the adequacy of the Applicant's funding resources to complete the project within 10 years, as well as indemnification to adjacent residents if damage to their properties were to occur.

Please refer to Common Response No. 4.

RESPONSE I-22-6

This comment states examples of the City imposing surety/indemnity as conditions of approval for previous projects.

Please refer to Common Response No. 4.

RESPONSE I-22-7

This comment requests that the City adopt indemnification bonds as conditions of approval for the proposed project, given that the comment suggests that potential property damage could result from the proposed project, especially damage as a result of landslides or slope failure.

Please refer to Common Response No. 4.

RESPONSE I-22-8

This comment states that dividing the project description between "building area" and "parking structure" misrepresents the size and scale of the proposed project.

Please refer to Common Response No. 8.

RESPONSE I-22-9

This comment states that referring to the project's "Master Plan" throughout the Draft EIR may confuse readers with the term "Master EIR."

Please refer to Common Response No. 7.

RESPONSE I-22-10

This comment expresses concern over the 10-year construction period for the proposed project, without provision of a shorter time frame as an alternative.

Please refer to Common Response No. 3.

RESPONSE I-22-11

This comment expresses concern over the Draft EIR's conclusion that parking impacts during the project's construction period would be less than significant with implementation of Mitigation Measure 4.12.1. This comment notes that Mitigation Measure 4.12.1 requires the Applicant to provide off-site parking during Sunday peak parking demand. The comment claims that this off-site parking facility should be identified prior to project approval to ensure that mitigation is implemented.

As stated in Section 4.12.1 of the Draft EIR, the off-site parking agreements would be reviewed and approved by the City prior to issuance of any permits for each phase.

The Applicant submitted a Parking Management Plan to the City in December 2014. The Parking Management Plan indicates that the Applicant has received a "Letter of Intent" for use of nearby parking facilities during construction of Phase 1A.

St. Anne School has provided the Applicant with a "Letter of Intent" for the use of their parking lot located off of Camino Del Avion in the City of Laguna Niguel. St. Anne School is conveniently located to the project site and has acknowledged that ninety (90) parking spaces would be available for future use during construction of Phase 1A. The City of Laguna Niguel has also acknowledged an amenable understanding of this future consideration.

In addition, the County of Orange has provided the Applicant with a "Letter of Intent" for the use of the parking lot in Laguna Niguel located off of Pacific Island Drive near the vicinity of the signalized intersection with Alicia Parkway for Phase 1A construction as well. This property is also conveniently located in route to South Shores Church. The County of Orange has acknowledged that one hundred (100) parking spaces would be available for future use during construction of the proposed project.

Both the St. Anne School and the County of Orange "Letter of Intent" provide substantiation that obtaining satellite parking would be possible for Phase 1A.

Formal agreement(s) for Phase 1A, as well as future agreements for the remaining phases will be submitted as required with the construction permitting process for each respective phase. South Shores Church will submit as necessary phase-by-phase documentation showing off-site location(s), parking counts as related to each phase shown herein, and documentation showing off-site parking counts needed as necessary to mitigate any deficits derived.

As described above, both potential off-site parking locations would be convenient to the project site. Further, the frequency of shuttle bus pick-ups and drop-offs would be determined based on the needs of the Applicant's congregation. Because the proposed project would include conveniently located off-site parking and frequent shuttle headways as part of the off-site parking program, there is no reason to believe it would not be successful.

RESPONSE I-22-12

This comment states that the Draft EIR did not respond to public comments provided to the City in March 2010. It appears that the commenter is concerned that the Draft EIR did not fully consider the content of the previous 2010 comments in its analysis and conclusions.

Please refer to Common Response No. 1 and Common Response No. 2.

RESPONSE I-22-13

This comment expresses concern over misrepresentation of the CEQA process leading up to preparation of the Draft EIR, including the conflict of interest associated with the previous MND.

Please refer to Common Response No. 1 and Common Response No. 2.

RESPONSE I-22-14

This comment asserts that the previous IS/MND prepared for the proposed project was relied upon in preparing the Draft EIR, and that this was a violation of CEQA requirements.

Please refer to Common Response No. 2.

RESPONSE I-22-15

This comment asserts that the previous IS/MND prepared for the proposed project was relied upon in preparing the Draft EIR, and that this was a violation of CEQA requirements.

Please refer to Common Response No. 2.

RESPONSE I-22-16

This comment requests clarification within the Draft EIR that the IS/MND was not relied upon in preparing the Draft EIR in order to demonstrate the Draft EIR's credibility and adequacy.

Please refer to Common Response No. 2.

RESPONSE I-22-17

This comment provides a summary of the commenter's concerns and objections to the proposed project as discussed previously throughout the comment letter.

The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

RESPONSE I-22-18

This comment expresses support for the Alternative Project proposed by Clean Water Now (Roger Butow), requests that the Final EIR address the Alternative Project proposed by Clean Water Now, and that the Planning Commission adopt it as preferable.

The proposed project evaluated in the Draft EIR would not result in any significant impacts as a result of implementation of the Master Plan. Therefore, CEQA does not require the evaluation of an additional alternative beyond the alternatives evaluated in Chapter 5.0, . The commenter's support for the Alternative Project proposed by Clean Water Now has been noted, and will be forwarded to decision-makers for consideration and review.

In January 2015, the Applicant submitted a refined version of Alternative 2 to the City in response to public input on the Draft EIR. As described in Section 1.4, Refinements to Alternative 2, of this Final EIR, the Applicant now proposes construction of the southern half of the parking structure as Phase 2 (this was formerly Phase 4); provision of 12 additional parking spaces during Phases 1C and 2 that were not included in the proposed project or Alternative 2; temporary discontinuation of two Sunday bible study classes that run concurrent with the 2nd and 3rd worship services, respectively, during the first two months of Phase 1C, and the entire duration of Phases 2 and 5; and relocation of the proposed Landscaped Meditation Garden on the southeast corner of the project site approximately 30 feet further north from its previously proposed location under the proposed project and Alternative 2. The size and location of all other buildings, parking, and other features included in each construction phase would remain the same as Alternative 2.

While Revised Alternative 2 would increase the number of parking spaces available on-site during all subsequent phases of construction and eliminate the need for off-site parking following the first 2 months of construction of Phase 1C for the remainder of Phase 1C, it would also allow the Applicant to complete all construction nearest the Monarch Bay Villas during the first two phases, thereby eliminating the need for construction near the Monarch Bay Villas at a later date. Refer to Section 1.4, Refinements to Alternative 2, of this Final EIR for additional discussion regarding the specific elements of Revised Alternative 2.

RESPONSE I-22-19

This comment requests confirmation of delivery from the City of Dana Point and consultant.

This request has been noted, and will be forwarded to the City of Dana Point.

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DEIR from MND South Shores Church (SCH # 2009041129)

Attention Saima Qureshy, AICP, Senior Planner
City of Dana Point
Community Development Department, Planning Division
33282 Golden Lantern, Suite 209
Dana Point, CA 92629-2805
RE: South Shores Church Master Plan DEIR (SCH No. 2009041129)
CDP Permit 04-11, CUP Permit 04-21, SDP Permit 04-31

From: Todd V. Glen
23285 Pompeii Drive
Monarch Beach, CA 92629
Date: Oct. 28, 2014

The City of Dana Point Planning Commission and the South Shores 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?

I-23-1

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 Shores 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’s environment including quality of air, visual open space, noise, natural habitat, water seepage and subterranean water flows, just to name a few.

I-23-2

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

I-23-3

Todd V. Glen – 23285 Pompeii Drive, Dana Point, CA 92629
714-812-4685 Cell – tvglen@cox.net



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

↑ I-23-3
I-23-4

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.

I-23-5

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.

I-23-6

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

I-23-7
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unlimited vista will be limited to a peeking between the aesthetically questioned designs of blocks of building attempting to make a “pseudo hacienda” locale. The initial study currently posted has failed to address these concerns.

The views from the homeowners 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 ledge 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 result is not an 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 a quiet and serene location currently use this location. This is a location to relieve stress and come to grips with their lives by enjoying the vista, the natural habitat, rocks, Salt Creek and the ocean. The removal of large existing trees and clear cutting the lower vegetation to clear the land

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area for two-story administration, the classrooms buildings, and the gymnasium decreased substantially the current natural resources. The initial study failed to examine this issue.

The neighborhood viewers 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 surroundings?

The 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 overbuilt "castle walls." The initial study has failed to consider alternative plans of providing access for this view that will be in compliance with American Civil Liberty requirements. SSBC has not allowed any foot access or wheelchair 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

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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 the church has been non-responsive 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’s 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 overlooks 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 addressed 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 tracks north in the winter season window causing more reflections as well as a security illumination was not addressed in the initial studies. This building invades the privacy of the MBVs 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 residences of MBVs 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 aesthetics and land. This will totally change the environmental area for all the surrounding



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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 address on all three levels, morally, legally and aesthetically.

Page 65 MND - III. **Air Quality** – **Would the project:**

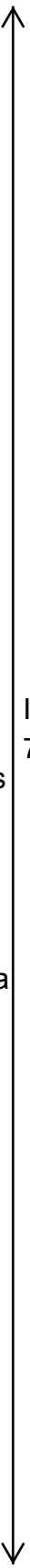
a) **Conflict with or obstruct implementation of the applicable air quality plan?**

The opening paragraph of alphabet soup in the MND has no significance except to show who is most significant in the chain of command; with the SCAQMD winning out because of its 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 **ten 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 from all points of view and as to 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 cannot in



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any way have a label 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 a ten-year building time limit using 2010 as a guideline. What about changes to 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 ten years after completion, particularly for all residents of Monarch Bay Villas, who will be most affected due to 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 for the convenience of the SSBC? I would assume this is the 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 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 addressed in the initial study.

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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 addressed. 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 loadings of trucks will be needed to move this dirt? How will this compromise the air quality due to the lead paint and/or asbestos from the demolition? If it is stockpiled on site, how long will there be a 26’ mountain (more than two-story building) of dirt? With rain, where will it be washed, south down the parking lot over the curb and into MBVs, 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 (within 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 braking of the cars. Automobiles are less efficient during acceleration and braking and will emit more pollutants during this period than in normal driving. The wear 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 addressed. 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 onshore to offshore, has not been considered in any of 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(d) 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 this 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

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or braking on an uphill slope. This needs to be addressed, 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 MBVs who will be most affected. The initial study has not addressed 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 effects on 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 ongoing 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 acknowledgment 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 documents are only pretty promises on a 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 onshore and offshore wind direction, depending on the time of day, will affect the surrounding neighborhoods which needs to be included in the study.

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

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Doubling the parking with a two-story structure for 450 cars will create objectionable exhaust odors. Developing a “campus” facility with a huge gymnasium, two new classroom buildings filled with elementary students, and a two-story administration locale 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 businesses (Gelson’s Food Market, Salt Creek Grill and the shopping center, Montessori School, etc.) due to increased traffic circulation on Crown Valley Parkway 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 were used by the foundation for the early development of the site. Since the mid-1950’s, 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-compliant on this parcel of land with the original land use permit for a single family. The arrangement between the church and the county, of granting land use to the county 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 overbuild the site is further exacerbated by this decrease in acreage.

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



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animal and bird populations. This noise factor next to these sensitive areas 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 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 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 distressed for ten years of construction noises, which may well cause manmade changes in migratory practices of the visiting wildlife. Why is this not investigated and presented in the initial study?

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 populations.

The access and boring done for the SSBC to prove that the hillside slopes may be 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 sensitivity to the environmentally sensitive areas below the building site. The lack of maintenance by the church of their current hillsie areas and

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their resistance to neighbors' requests to care for their (SSBC) properties has resulted in a bare and erosive hillside behind the MBVs residences. The Coastal California gnatcatcher is strongly associated with sage scrub in its 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 of 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 waterway is listed on the Federal list of endangered waterways. Because of the lack of maintenance of the hillside there was a major blockage of the waste water 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 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 California (US?) Fish and Wildlife Service under the Endangered Special Act of 1973. This has not been 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?

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During the recent rains the runoff from the parking lot currently maintained and used by the SSBC overflowed 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 MBVs 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 these torrents of water cascading down the hillside are 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 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 may be accessed for construction and excavation. This is due to the closeness of proposed retaining walls to the Wildlife

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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 neighborhood 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 overall development of the SSBC site is endangering all natural habitat and conservation efforts 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 adequately 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 who 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



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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 man, 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 indigenous peoples of more inland areas came to this area for trading and to 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 archeologist 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

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overshadow 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, preferably 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 30' to 35' high glass, concrete, and steel buildings. The excavations required will affect the natural subterranean water flow which will affect the downhill land MBVs residences on Pompeii Drive. The unique geological features of the water flow, a long-standing conflict between the proponent and MBVs, have not been addressed fully in the initial study. The initial study does not include or examine the option of the indemnification for MBVs 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 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 it would not impact the site. Digging down 30+ feet surely will increase these possibilities, and have a major impact in the area.

MND page 81 **Geology and Soils:** **Would the project:**

This issue is a major point of concern for the residents of MBVs as they are downhill and form the southern boundary of the building location. MBVs has watched for several years as other

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developers, wanting to build on this location because of the vista, discover that it is not practical to build on this slope. Those developers, who were hoping to build below and to the south of MBVs, found from their studies that the hillside is too unstable to build commercial apartments or condos. MBVs 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 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 structures 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 safeguards for MBVs 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?

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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 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 northwest of the site, two apartment buildings slid down the hillside and have not or cannot be rebuilt. This is a fact! I can see and know to be actual and not a guess. In footnotes 2 and 3 on page 3–37 of the MND, a series of seven different reviews and investigations were completed until “someone” said to SSBC, “Okay, 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 MBVs 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 who says that it, “is not a reasonable or feasibly 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 a huge cistern type excavation. Perhaps twenty full-size swimming pools 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 (built in two phases) filled with 450 automobiles with a huge concrete cistern system underneath filled with water, plus the weight of the

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administration building, the two cantilevered classroom buildings overhanging the hillside slope and the 24,000 square foot gymnasium above a possible fault is a prime example of overbuilding a site of about 4.5 actual usable acres. All of this weight is above a 35-foot manmade retaining wall 15 feet from my bedroom. With normal shaking, the buildings should be able to survive, however at the foundation of the “campus” that has huge additional weight, is the promontory able to support the weight? Will it slide downhill 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 who also approved 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 ran steadily downhill and into the auditorium. The movie theatre is no more. To me, this history indicates the presence 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 recent 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 conventionally-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 locale, 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?

DEIR from MND South Shores Church (SCH # 2009041129)iii. 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 southwest portion of the property on the south edge of the parking lot next to MBVs and not the entire site as stated. The north, east and southeast edges of the site are the locations planned for the new buildings. All these sloping edges of the site will need retaining walls 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. Nicoll. The wet ground of the southeast corner is the low side and the location of the onsite catch basin. With the acknowledgment of the on-site and off-site landslides, it is impossible to accept 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 happens 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 eyesore 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 wastewater system, which reaches the ocean via the impaired waterway Salt Creek.

This has not been fully addressed in the MND, nor what the lack of compliance penalties will be?

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- 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)?

The response to this question refers the reader to section 3.6.a)iv) of 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 manmade 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 MRVs with waterfalls cascading into their back yards from inadequate disposal wastewater systems.



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Page 89 3.7 Hazards and Hazardous Materials

The demolition, dumping, scraping and excavation for additional geology and soil testing of the existing building sites will have impact by producing particles of dust, asbestos and unknown PCB's 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 completely addressed in the initial studies.

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 considered in the air quality and 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 occur at each phase of the project. The routine removal of more than 100,000 cubic yards of excavated cut land has not been evaluated or addressed 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's used and/or dumped during original construction. With the required test borings, there will be particulates released into the air.



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DEIR from MND South Shores Church (SCH # 2009041129)

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 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 of 45 meters from drainage slopes. This has not been addressed fully and only given minimum “boiler plate” cut and past 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?

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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’s 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 rain storm 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 there exist “no known toxic materials” sounds like Standard Oil saying we do not know of an “oil spill.” The “short-term” ten 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 that 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 addressed 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 included in the Draft EIR. This seems



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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.

- 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 patterns 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 MBVs 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 four feet or more of topsoil and silt. This has not been addressed in the initial study or MND.

- d) Would the project substantially alter the existing drainage patterns of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate of

DEIR from MND South Shores Church (SCH # 2009041129)

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 MBVs. 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 detailed until construction drawings 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 runoff 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 in the original MND and must be present in detail in the Draft EIR.

j) 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)

This item cannot be answered due 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

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residences to a significant risk or loss. This has not been addressed and must be fully 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 new information and refers to Section 3.8 a through e.

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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 facility; 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 would be a less expensive and better location for this expansion. This 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

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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 1.5 acre allocated to the county 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 updated 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 years of operation. It attempts to touch on the operation of the facilities after build out which is no more than speculation. The report is a series of evaluations of noise limitation as set forth in various tables and charts as to how they might possibly relate to the proposed project. The concerns of the adjacent homeowners have not been addressed by these efforts, and must be addressed fully in the draft EIR.

Homeowners' issues stem from 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 a.m.—and extend well beyond 10:00 p.m. The second issue is that any noise is additionally amplified by the shape of the Salt Creek Corridor, which affects the Corniche Sur Mer residents. MBVs experiences a similar effect to a lesser extent for the outdoor activities of the St. Regis Hotel. The neighbors are able to hear the music and comments of the attendants at wedding celebrations or dinner party dances as if being part of the celebration, even though we are at a distance. This phenomenon, much like sound carrying across a body of water, is not addressed 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 generate during the 10-year construction period. This 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 uses that will affect the area?

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The tables used for evaluation are based on a default distance of 100 feet, with additional contour lines evaluating 70, 65 and 60 feet distances. The residences of MBVs 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.

Ongoing ventilation of the parking structure, and the cooling apparatus to be placed in the parking structure will generate ongoing 24/7 noise and vibrations and will be turning on and off automatically, which will call audio attention to its operations. 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, nor the direction these open vents will face, which will affect 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 of 7:00 a.m. to 5:00 p.m., 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 to 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.

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Page 125 **3.14 Recreation**

The project will include a “Community Life Center” some 84,000 square feet in size. This facility will include a gymnasium with interior sport courts for basketball, volleyball and racquetball uses. The name suggests the community will access 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

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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. Ten 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 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 exit 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 MBVs access needs 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

I-23-7

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 for the increase of construction vehicles and church traffic. Due to 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 the 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 park on Crown Valley has never been explained, and should 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 getaway” 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 the 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 current 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 legally possible. 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

DEIR from MND South Shores Church (SCH # 2009041129)

the funicular, there is an increased usage of this parking facility and it is free to park there. Salt Creek parking charges an hourly fee; this gives Selva an even great 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 trucked 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.

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I-23-
7

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TODD V. GLEN

LETTER CODE: I-23

DATE: October 28, 2014

RESPONSE I-23-1

The comment states that none of the items in the Environmental checklist was marked “Potentially Significant Impact.” It further asserts that the MND was flawed and was used for later analysis in the Draft EIR.

The Draft EIR did not rely on the analysis or Environmental Checklist contained in the MND. See Common Response No. 2.

RESPONSE I-23-2

This comment asserts that the proposed construction will affect Dana Point’s environment in its entirety, including air quality, visual open space, noise, natural habitat, water seepage and subterranean water flows.

This comment is a general opinion and does not contain any specific, substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

RESPONSE I-23-3

The comment asserts that over the 10-year construction period there will be visual and environmental blight due to the construction fencing and staging areas.

The Draft EIR (page 4.1-2) describes that construction of the proposed project would involve on-site construction activities that would be visible to travelers along Crown Valley Parkway, Sea Island Drive, and other adjacent roadways. However, the temporary construction fencing would be placed along the construction area on site to screen construction activities from the street level. Therefore, the Draft EIR determined that the fencing would reduce potential impacts to scenic vistas and the visual surroundings during construction to a less than significant level. During periods of time when there will be no active construction, the fencing could be removed.

RESPONSE I-23-4

The comment raises concerns regarding traffic impacts along Crown Valley Parkway during construction.

See Response to Comment I-17-4 and I-20-12.

RESPONSE I-23-5

The comment states that the last open area of a most picturesque, tranquil and unstable promontory will be developed with the proposed project, listing the project components.

This comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. This comment will be forwarded to the decision-makers for their review and consideration.

RESPONSE I-23-6

The comment introduces the next section of the comment letter as a detailed evaluation of the Environmental Checklist included in the MND and requests that the checklist responses be addressed, explained, examined and updated in the Draft EIR.

The Draft EIR did not rely on the analysis or Environmental Checklist contained in the MND. See Common Response No. 2.

RESPONSE I-23-7

This comment includes a discussion and input for each environmental topic as addressed in the original IS prepared in conjunction with the MND in 2009.

Aesthetics: It appears that the comments on the IS in the MND include concerns about the obstruction of views, maintenance of vegetation and plantings, construction of large walls to limit views, visual impacts related to chain-link fencing and night lighting, and effects on property values.

Air Quality: It appears that the comments on the IS in the MND include concerns about the “short-term” air quality impacts over the 10-year construction period, construction truck traffic and emissions, and proximity of parking areas to residences.

Biological Resources: It appears that the comments on the IS in the MND include concerns about the historic development of the land, the overbuilding of the site, construction impacts on sensitive coastal habitat for animal and bird populations, maintenance and drainage runoff on rehabilitation areas, and tree maintenance for the protection of vistas.

Cultural Resources: It appears that the comments on the IS in the MND include concerns that the MND has not adequately evaluated the history of the site, considered the site’s relevance to indigenous peoples, and neglected the potential that excavation could unearth cultural resources.

Geology and Soils: It appears that the comments on the IS in the MND include concerns that the MND has not fully considered the construction impacts on the slope, the provision of an indemnity bond to for impacts to nearby residences, the landslide history

on the project site and in the project vicinity, and the potential for erosion due to substandard drainage.

Hazards and Hazardous Materials: It appears that the comments on the IS in the MND include concerns about pollutant impacts on nearby residences, hazardous materials used/dumped during original construction (asbestos, lead-based paints, PCB's, etc.), and the consideration of "short-term" impacts during the 10-year construction period.

Hydrology and Water Quality: It appears that the comments on the IS in the MND include concerns about the proposed Best Management Practices (BMPs), the ability for the existing drainage system to handle runoff, the impacts to the aquifer based on the increase of impervious area, and existing drainage overflows during heavy rains.

Land Use and Planning: It appears that the comments on the IS in the MND include concerns about the use permit that designates the site for community use, the actual area of the building site, and potential conflicts with City regulations.

Noise: It appears that the comments on the IS in the MND include concerns about noise generated by church activities, the distance of residences from the parking structure, and the consideration that "short-term" noise impacts would last for 10-years.

Recreation: It appears that the comments on the IS in the MND include concerns about the commercial use of the sports facilities included in the proposed project.

Transportation/Circulation: It appears that the comments on the IS in the MND include concerns about the accuracy of the data utilized in the traffic analysis, congestion and parking issues along Crown Valley Parkway, the feasibility of the off-site parking plan, and needed intersection improvements prior to the start of construction of the proposed project.

The Draft EIR did not rely on, or use, the analysis contained in the original checklist prepared in conjunction with the 2009 IS/MND. An IS is not required by CEQA where the need for an EIR is evident (*State CEQA Guidelines* Section 15063[a]), and therefore a new IS Checklist was not prepared in conjunction with the Draft EIR. Therefore, this comment, which includes over 30 pages of rebuttal or comment on the original 2009 checklist responses, does not require further response. Please see Common Response No. 2.

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Responses to DEIR For South Shores Church Master Plan, City of Dana Point, SCH No. 2009041129

10-29-2014

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Sent via email to: squireshy@danapoint.org
Hand-delivered to: Saima Qureshy, Senior Planner
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RESPONDER REQUESTS CONFIRMATION OF DELIVERY FROM THE CITY OF DANA POINT AND FROM LSA.

Confirmation should be sent to: jshatter@uci.edu.

**RE: SCH#-2009041129 South Shore Church Master Plan (proposed project)
CDP#-04-11; CUP#-04-21; SDP#-04-31**

I-24-1

Responses are tied to the comments found in the DEIR Volume 1, South Shores Church Master Plan, City of Dana Point: 2.0 Introduction; and 1.0 Executive Summary, Table 1.A: Summary of Potential Environmental Impacts, Project Design Features, Mitigation Measures, Standard Conditions, and Level of Significance.

Our Responses to the Draft EIR for the South Shores Master Plan are as follows:

**Volume I
2.0 Introduction**

I-24-2

We have reviewed, within the limited time allowed by the City of Dana Point, the Draft Environmental Impact Report submitted for the South Shores Church Master Plan, City of Dana Point, CA; SCH No. 2009041129; CDP 04-11 (Coastal Development Permit); CUP 04-21 (Conditional use Permit); SDP 04-31

(Site development permit). We thank you for this opportunity to offer comments regarding the Proposed Projects.

We have also reviewed documents related to the project, which are referenced within our Specific Comments tied to sections of the DEIR. We have studied the drawings provided within the DEIR. We attended the City of Dana Point Planning Commission Study Session on October 13, 2014, where we presented concerns and written comments to the Planning Commission. We have made every effort within our abilities to understand the proposed project. We have listened to presentations by the Applicant over many years (most recently at the Planning Session), including those given on its behalf by professionals associated with Applicant's projects.

I-24-2

We, the undersigned, have been Applicant's neighbors for 22 years and have witnessed several iterations of the Proposed and Alternate Proposed Projects. Together with our fellow residents of Monarch Bay Villas, we have always responded positively to aspects of the Applicant's projects that were reasonable from our point of view, as we have every interest in seeing Applicant continue to play an active role in our community.

Applicant has willfully, and over the years, allowed large periods of time to pass between its proposals, but we, the neighbors, are often blamed for the delay in getting a project built. Despite our obvious interest in the Project, no invitation was extended to our fellow residents and ourselves to be actively engaged (via attendance at City of Dana Point meetings regarding significant changes to the drainage and the stabilization of the current Project) in resolving our concerns about the current Project. In fact, the City allowed the Applicant to develop and present an Alternate Proposed Project under the umbrella of the DEIR and gave no notice of that Alternate Project in the mid-September, 2014 Notice of Availability of the DEIR.

I-24-3

The Projects under review at this time are immense, given their location in a residential area and the size and fragility of the site. As neighbors we have asked for consideration, requesting that Applicant's facilities be downsized and moved to the north, so as not to loom over the homes on Pompeii Drive. Nonetheless, the Proposed Buildings and the Parking Structure comprise approximately 200,000 square feet, when the square footage of the Parking structure is included in the estimate. They remain on the southern and southeastern aspects of the site. They will loom over our homes on Pompeii Drive.

I-24-4

The Proposed Projects ignore ongoing environmental damage that Applicant seems to have caused. The Project will also increase our risk of landslide and water damage, create traffic problems for us, shut out our sunlight, destroy our privacy and subject us to chronic dirt and noise, especially from periods of construction and the use of the Parking Structure (which will be for about 16 hours of a 24-hour day).

I-24-5

In this party's 2009 comments to the MND for this project, we represented truthfully the demographics of our Monarch Bay Villas neighborhood. At that time and now, it is true that we are a community of somewhat elderly residents. A few owners and a number of residents who rent are below retirement age. We cherish the few children who live among us, and our grandchildren who visit, but we are largely on our own, living quietly and as good neighbors. As neighbors, we are not convinced that Applicant's members would willingly consent to living next to the Proposed Project. In fact, Applicant's one member who owns a residence within Monarch Bay Villas maintains it as a rental unit. The kids who live there now will be ready for high school by the time either of the Proposed Projects is completed.

I-24-6

Since 2009 some of our most fragile elderly have become infirm, unable to live independently without assisted care. We all need safe access to Crown Valley Parkway from Lumeria Lane, our only egress from our community. We need clean air and peaceful living. We have pretty much begged for the Applicant and the City to respect that a ten-year construction period (continuous or not) represents the remaining life expectancy for a good number of our residents. In fact, many of them have become discouraged—that plus increased infirmity means they no longer have the wherewithal to articulate their concerns in person or in writing.

The failure of the City of Dana Point and the Applicant to respect our community's needs has led to polarization within the surrounding communities. Applicant's members have been allowed to think and feel that the residents of Monarch Bay Villas, and others, who express concerns about the Proposed Projects, are AGAINST THEM. They arrived at the 2009 Scoping Session and the 2014 Planning session in brightly colored, printed t-shirts, so that all present would notice who was "on their team." This could easily be perceived as an act of intimidation toward those in disagreement. While speaking of the supportive and charitable services provided by Applicant, they were remarkably uncharitable toward their nearest neighbors. Residents of Monarch Bay Villas and members of Voices of Monarch Beach have been vilified for expressing our concerns; when we spoke of these

I-24-7

reasonable desires during the October 13, 2014 Planning Commission Study Session, we, and our fellow residents were subjected to public ridicule and chastisement.

Recently, at an event in Laguna Niguel, we found that South County residents were speaking of the Proposed Project. In that situation, Applicant's members were in the minority and there was much expression of concern and negative feeling for Applicant's Projects, with the issues being size of project, noise, traffic and location. Sadly, the community polarization was apparent, with business people stating that they were not going to give public commentary because they feared alienating Church members who are also their clients.

Finally, we must confess that we have become fearful of vandalism or other crime at our home, as our residence is located adjacent to Applicant's project and very accessible to approach from the church—workers and others regularly climb down the slope behind our house and we, like other members of our community, fear that we are perceived as enemies, not as neighbors.

I-24-7

Volume 1

1.0 Executive Summary

Table 1.A, pp. 1-5 to 1-83

4.1 Aesthetics

4.1.1 Adverse effect on a scenic vista.

The scenic vista across the southern and southeastern portion of the site will be eliminated due to building of the proposed or alternate proposed Parking Structure and the proposed and alternate proposed Administration Building. The scenic vista will be eliminated for all except users of the Administration Building.

Neighbors below will lose sky and sunlight.

I-24-8

4.1.3 Substantially degrade the existing visual character of the site and its surroundings.

Who will monitor the fencing and maintain it in pristine condition for all phases of construction? It will be an eyesore under the best of conditions, but will itself be a visual degradation unless it is monitored and regularly replaced with new fencing. We request that the City regularly and frequently monitor

I-24-9

the fencing in order to assure its excellent condition and to remove the onus on neighbors to call and complain.

I-24-9

4.1.4 Create a new source of substantial light or glare to adversely affect day or night views in the area.

The addition of buildings and parking structure on the southern and southeastern aspects of the site will bring additional unwanted light down upon nearby residences, destroying night views from those residences and lighting bedrooms whose windows face the southern and southeaster aspects of the site. The Pre-School/Administration building should be eliminated and the Parking Structure downsized and moved to a more centered position on the site.

I-24-10

4.2 Air Quality

4.2.1 Conflict with or obstruct implementation of the applicable air quality plan.

4.2.2 Violate any air quality standard or contribute to an existing projected air quality violation.

4.2.3 Result in 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 qualitative thresholds for ozone precursors).

4.2.4 Expose sensitive receptors to substantial pollutant concentrations.

4.2.5 Create objectionable odors affecting a substantial number of people.

I-24-11

The proposed project (and alternate proposed project) involves destruction, replacement and expansion, building out up to 90% of the 5.1-acre buildable portion of the six-acre site over a 10-year period. The residents of Monarch Bay Villas, directly below the site, are the closest Dana Point residents to the proposed projects. As their yards and windows are all situated beside and below the site, pollutants, odors, emissions and dust will repeatedly reach and settle around their homes. Construction along the southern and southeastern aspects of the site will especially impair these residents' comfort and cleanliness during the proposed ten-year construction period. No amount of watering or other mitigation will effectively prevent harm to these residents over the protracted ten-year construction period. They will not be able to live, as they now do, with open windows and out-of-doors in their back yards. The cumulative effect of all the construction phases is a cumulative net increase of most pollutants, dust, emissions and odors for

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these residents. Such cumulative effects will be minimized if there is no building on the southeastern aspect of the project and a greatly reduced and relocated parking structure on the southern and southwestern aspect of the project. We request modification and relocation of the parking structure and elimination of the Pre-School/Administration building.

I-24-11

In the case of adherence to the proposed and alternate proposed projects, and due to the nearness of that proposed construction, we are requesting mitigation to ourselves and to the other residents on the northern side of Pompeii Drive in the form of double-paned windows and central air-conditioning systems.

I-24-12

4.3 Biological Resources

4.3.1 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 regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

4.3.2 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 Wildlife or United States Fish and Wildlife.

4.3.5 Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance.

Applicant's site is a vulnerable hillside in the environmentally sensitive Salt Creek Corridor, adjacent to high value habitat for endangered species (breeding pairs of gnatcatchers.) The high value habitat is mitigation for the Monarch Beach Resort Specific Plan. The endangered species is known to utilize the Applicant's site.

I-24-13

The apparent failure of the Applicant to maintain and manage their storm water runoff management systems (**See section 4.8 Hydrology and Water Quality**) has resulted in degradation of a neighboring Environmentally Sensitive Area (ESA)-- high value habitat for (endangered species) breeding pairs of gnatcatchers. This neighboring habitat of coastal sage scrub and chaparral is mitigation for the Monarch Beach Resort Specific Plan. Applicant's failure seems to have caused the endangered species to move north and west. The birds are frequently heard on the southeastern slope of the project site. Applicant should not be allowed to grade and build on the site or to mitigate new environmental damages via in-lieu-fees until the existing and unacknowledged damaged to the neighboring ESA has been

repaired and the endangered species is able to re-occupy the already protected, but degraded, high value habitat.

I-24-13

In the past, we have warned the Applicant about the presence of the CAL-IPC rated invasive species known as Salt Cedar, Tamarisk or Tamarix spp on their eastern slope. The grounds manger at that time replied that the tree was needed to stabilize Applicant's slope. Applicant's manager had no interest in learning about the invasiveness of the species or in removing it. The Salt Cedar was later removed by California Fish and Game (correct agency name at that time), due to its invasive nature.

I-24-14

As Applicant cannot be trusted to voluntarily monitor invasive species and manage them according to current Federal and State rules, regulations and laws, or to manage its water runoff in responsible fashion, we request that Applicant be placed under the oversight of California Fish and Wildlife for the next 15 years, to prevent them from contributing to the degradation of the nearby ESA. We further request that the Applicant be required to hire and support an employee charged with the responsibility of overseeing the Applicant's plantings and water management in accordance with Federal and State existing and future environmental law, rules and requirements.

Changes and damage to the site habitat will also negatively affect the species listed in 4.3.4 and greatly reduce the ability of nearby residents to enjoy the presence of wildlife in their neighborhood. No amount of purchased mitigation off-site can replace the value of these creatures to site neighbors.

I-24-15

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

See section 4.8 Hydrology and Water Quality

4.3.4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species o with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

I-24-16

In addition to resident gnatcatchers, one bird of interest is the California Thrasher, which is regularly, but not frequently, seen in this habitat. It is listed as Least Concern at this time, but continued erosion of California coastal habitat could bring this bird onto the endangered species list. Other

bird species that we have observed include the White-tailed Kite, the California Quail, the Greater Roadrunner, the Cactus Wren, the House Wren, the Anna’s Hummingbird, The Allen’s Hummingbird, the Black-chinned Hummingbird, the Common Yellowthroat, the Black Phoebe, the Say’s Phoebe, the California Towhee, the Spotted Towhee, the Lesser Goldfinch, the House Finch, the American Crow, the Bushtit, the Yellow-breasted Chat, the Black-headed Grosbeak, the Bullock’s Oriole, the Hooded Oriole, and the Yellow-rumped Warbler. An unidentified owl has been seen or heard on occasion. There are certainly birds on the site that we are not, as very amateur birders, able to identify. All songbirds are protected by the Migratory Bird Treaty Act and all songbirds listed here must be considered during all phases of construction. In addition, we request that a biologist monitor the site for songbirds not identified in our list.

I-24-16

Amphibians are currently in crisis around the world. The site and the neighboring ESA are home to tree frogs, whose presence is notable via their calls and regular, but infrequent sightings. Larger animals include mule deer (which are now apparently beginning to breed with black-tailed deer in California and form a new species), bobcats and coyotes.

I-24-17

Cumulative biological resource impacts

Applicant demonstrates callous disregard for the environment in which proposed building site is situated and blithely comments that there is no need to preserve habitat on its site because there is already so much native habitat conserved in Orange County, CA. Applicant is disregarding the value of limited coastal sage and other coastal habitat. Applicant is responsible for deterioration of nearby protected habitat. We request that applicant be refused permission to mitigate damage to habitat via payment of in-lieu fees and be required to repair, restore and maintain habitat it has destroyed on the property of others. We request that they be required to maintain and manage to the maximum possible degree existing natural habitat on their site.

I-24-18

4.5 Geology and Soils

4.5.1 Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

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

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fault.

ii) Strong seismic ground shaking.

According to Earthquake-Report.com on “2012/04/23 10:37:02 AM USGS a magnitude 3.9 earthquake at a depth of 13 kilometers. The epicenter was almost below the beach and close to San Juan Capistrano, Laguna Beach and Mission Viejo.”

news.lalate.com reported “. . USGS mapping puts the quake just off the Crown Valley Parkway before approaching Pacific Island Drive. The quake was just east of PCH, and north east of Monarch Beach. . .”

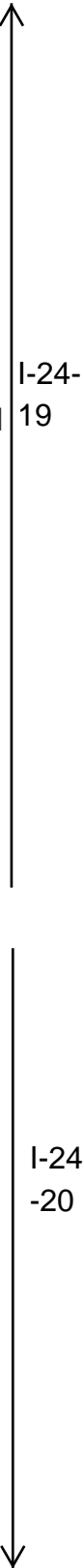
The quake was certainly felt at Applicant's site, as the shaking was sharp and abrupt at neighboring Monarch Bay Villas and shocking in its close intensity.

“USGS has calculated that nearly 164,00 people will have experienced a light shaking and that nearly 16 million people will have felt a weak to very weak shaking. Light shaking should have been noticed in the following cities (theoretically): Laguna Niguel, Dana Point and San Juan Capistrano...The Orange County Register writes : Laurie Girand lives on Peppertree Bend, not more than a few hundred feet from the quake’s epicenter. “It felt — without the explosion — like a small plane had crashed in the yard,” she said. “It was just a shock, and a shock that left you wondering.” The Newport-Inglewood fault is the probable responsible for this earthquake.” (Earthquake-report.com)

The Proposed and the Alternate Proposed Projects are too large for the site. One of the best ways to mitigate against impact, or fear of impact, due to seismic ground shaking is to build a compact project, smaller than either the Proposed or the Alternate Proposed Project.

A Smaller Project will minimize the invasive **1. Mechanical Slope Stabilization**. The currently proposed Mechanical Slope Stabilization will negatively impact Monarch Bay Villas, due to pounding of mechanical stabilizers, which will be prolonged, extremely noisy and potentially damaging to the individual and collective Villas. What plans have been made to protect owners and residents of the nearby Villas, especially those along Pompeii Drive, from the side effects of this intrusive mitigation?

2. Tieback access excavation. Again, a smaller project will require less tieback access excavation and less stabilization of the site.



3. Retaining walls for the Community Life Center and Christian Education building may negatively impact the quality of life for nearby residents.

4. Retaining walls for the Pre-School/Administration building and Meditation Garden. The Proposed and Alternate Proposed Pre-School Administration building is too large for the site and presents a significant source of deterioration in quality of life for Monarch Bay Villa's residents living on the southern and southeastern aspects of the site, along Pompeii Drive. The need for stabilizing retaining walls means that Pompeii Drive residents will be facing a wall rising straight up from their backyards, closing in their residences, and shutting out natural views, including the sunlight and a view of Saddleback Mountain from 23297 Pompeii Drive.

A more acceptable proposed project is one in which the Pre-School/Administration building is completely eliminated from the southeastern quadrant of the slope.

What are the landscaping plans for the stabilizing walls, if installed? What will be planted to assure privacy to the residents of Monarch Bay Villas who live on the northern aspect of Pompeii Drive? Will the southern and southeastern quadrant of the site be planted with native plants? What will be done to minimize heat from the walls radiating onto Monarch Bay Villa properties? What will be done to preserve the existing view of Saddleback Mountain from 23297 Pompeii Drive? To what height will the vegetation that will develop along the wall be allowed to grow? How far back from Monarch Bay Villas can the retaining wall be situated, if built?

5. What will be done to change or update the existing crib wall?

6. Parking structure. A smaller structure, less monumental than the Proposed or Alternate Proposed Parking Structures, situated toward the center of the site and designed to be much lower will inherently become a more stable structure and will present less danger to the residents of Monarch Bay Villas.

7. Deepened foundations for top-of-slope structures will mean more excavation, noise, traffic and dirt for the residents of Monarch Bay Villas. Eliminate construction of the Pre-School Administration building and build a smaller than currently proposed parking structure.

8. Site earthwork can be reduced through the construction of a smaller than proposed project.

↑
I-24-20
I-24-21
I-24-22
I-24-23

9.—no comment

I-24-24

10, 11, 12—Temporary stability, subsurface drainage and grading plan review. The DEIR fails to provide specific information regarding these important matters in the Executive Summary.

I-24-25

Is an ordinary individual expected to be able to find these details in the extended document, or do they not exist? If the details are present in the extended document, it seems like a convenient shortcut to fail to detail what is known in the Executive Summary.

What are the specific plans, which must surely be partially known at this stage of the proposed project? What are the best management practices for managing temporary stability, subsurface drainage and the grading plan must conform? Surely these matters are not completely unknown to the current architects and engineers or to the City of Dana Point. Who will oversee the project’s technical consultants so that it is clear that the project is not designed solely to Applicant’s benefit? Will Applicant agree to produce a project that is also acceptable to the nearby residents while conforming to environmental law?

I-24-26

4.5.1 Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

iv) Landslides

The risk of landslide in this area is always present and we offer the DEIR comments of Mr. Ted Quinn, my neighbor, as we are in agreement with them.

*“ . . . I am also an engineer with 37 years of experience in multiple large projects all over the world. As stated in my public comment, I think highly of South Coast Church and my two daughters both went to the preschool many years ago. I support the church’s ability to replace the buildings at the north end. My strong concern is with the new **Preschool/Administrative building and 62,500 sq. ft. garage structure** at the south end of the property, which is over the top of the hill coming down to Monarch Bay Villas. The concern I have is with the seismic criteria for the development and the ability of the hill to withstand the development. My basis for concern is in the factual history of the Monarch Coast apartments, which were built approximately 20 years ago at 32400 Crown Valley Parkway. Approximately 5 years after being built, the most southern apartment building slid into the canyon and had to be destroyed. No one was hurt in this case because the slide was into an unoccupied canyon. In the case of the new buildings on the same hill for South Coast Church, the*

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new building and garage structure at the south end, if it were to slide, would slide right into multiple homes in Monarch Bay Villa's, risking the lives of anyone in the church building as well as the inhabitants of our homes in Monarch Bay Villas. Since the apartment building at Monarch Coast apartments was built to the latest code and still slid down the hill, what guarantee do we have that this won't happen again on the same hill with the new build at the church? In addition to the new Preschool/Administrative building, the garage structure covers a large area and since it slants down toward the Monarch Bay Villa's development below, it provides additional force vector in the event of a slide of the structure. The liability for the City is very large in such a case with such a clear history of instability on this hill."



I-24-27

We, the undersigned, reiterate our statement that the Applicant should eliminate the Proposed and Alternate Proposed Pre-School/Administration building on the southeastern quadrant of the site and repeat that the parking structure needs significant modification in size, location and design.

4.5.2 Result in soil erosion or the loss of topsoil

The applicant has a poor history of environmental awareness and has demonstrated no real interest in environmental measures beyond those forced upon it via public comment. We request that the Applicant be required to operate under close supervision by the City Director of Community Development and Director of Public Works and to fully demonstrate compliance to the San Diego Regional Water Quality Control Board standards and all other environmental standards most recently in effect **at the time construction is completed.** Furthermore, we request that supervision continue for 15 years and that Applicant be required to demonstrate that its managing employee overseeing the site has developed and adheres to Best Management Practices for prevention of soil erosion and other environmental concerns.

I-24-28

Cumulative Geology and Soil Impacts

Applicant erroneously minimizes the impact of the Proposed and Alternate Proposed Projects relative to local geology. Applicant has a history of poor environmental awareness and action. Applicant minimizes risk of seismic damage to itself and neighboring structures. Applicant's insistence on overbuilding of the site endangers the individuals living below and has the potential to damage or destroy the homes of neighboring Monarch Bay Villas.

I-24-29

As requested by one of the undersigned, attorney Rodney R. Hatter, at the October 13, 2014 Planning Session with the Dana Point Planning Commission,

"I have concluded that this is a massive and ambitious project for a relatively small site, which is in the middle of two areas having a high risk of ground movement and drainage problems. It is also a construction project of long duration (10 years) and bears long-term impact on our neighborhood.

Accordingly, I request that the Applicant be required to furnish the following as part of approval of its Project:

First, the Applicant should covenant to indemnify the Monarch Bay Villas Homeowners Association and its homeowners against any and all damages and costs resulting from the site during and after construction. This is a common undertaking in a project of this size. Indemnification is simply an agreement to hold harmless the other parties in the event of loss without the requirement of litigation.

Second, the Applicant should be required to obtain, and maintain for over ten years, a Liability Insurance Policy covering any such damages with an additional umbrella policy for a total coverage of at least 100 million dollars. Our Association (Monarch Bay Villas HOA) should be included as an additional insured with the standard 30 days notice of cancellation or termination.

Third, the Applicant should obtain and deliver to the City and our Association a Performance Bond ensuring the completion of the Project on the approved time schedule.

These are common and customary undertakings of a construction project of this magnitude and should be furnished without objection by the Applicant as part of its obligations to its neighbors."

Furthermore, 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

I-24-30

the Project begins.

Contrary to prior comments by the City Attorney to 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.)



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The Applicant has stated that its 10-year plans are founded on the expectation that pledges of money will be fulfilled. Economic uncertainty makes such expectations a precarious financial model. So, a Performance Bond for the completion of the Proposed Project or any Alternative Proposed Project must travel with the property and must be procured before the Project begins. That is, it must be part of the CUP for the parcel. It must be adequate for the entire approved 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. The Performance Bond must guarantee specific, measurable performance standards that also travel with the CUP, regardless of who owns the property. This bond should be in the range of \$100 million.

4.7 Potential Environmental Impact

4.7.8 Expose people or structures to a significant risk of loss, injury, or death involving wildfires, including where wildlands are adjacent to urbanized areas or where residents are intermixed with wildlands.

Currently, residents of Monarch Bay Villas must telephone and request inspection of the Applicant's slope and the nearby gnatcatcher preserve on an annual basis. What plans have been made within Applicant's own organization to manage the fire risk and minimize the need for neighbors to call the City for a site inspection?

I-24-31

4.8 Hydrology and Water Quality

Pre-construction and Construction

We have reviewed the San Diego Regional Water Quality Control Board water discharge requirements, dated Dec. 16, 2009. We believe that this proposed South Shores Church (SSC) redevelopment project (and the alternatively proposed SSC reduced redevelopment project) meets the criteria for placement into the Priority Development Project (PDP) Category for Standard Storm Water Mitigation Plans (SSMPs). (See Order No. R9-2009-002, NPDES NO. CAS0108740, 12/16/2009, Section F. JRMP-- F.1.d (1b) and F. 1d (2 d, e, f).

The criteria are met because Applicant proposes the addition and replacement of more than 5,000 square feet of impervious surface on an already developed site, plus the addition of more than 15 parking spaces.

I-24-32

Although Applicant has sketched out plans for managing storm water and other runoff post-construction, Applicant remains reliant on its current storm water management system for the indefinite future and has not specified when it will transition to the new (and inadequately designed) water runoff management system. Because Applicant has proposed to build its Parking Structure at the end of the 10-year construction period and the underground water retention system (of unspecified type and capacity) is located next to the Parking Structure, one must assume that the transition will take place at the end of the proposed 10-year construction period. Is this an accurate assumption? If not at that time, when?

As mentioned earlier, Applicant's site is located on a vulnerable hillside in the environmentally sensitive Salt Creek Corridor, adjacent to high value

I-24-33

habitat for endangered species (multiple breeding pairs of gnatcatchers.) The high value habitat is mitigation for the Monarch Beach Resort Specific Plan. The endangered species is known to utilize the southeastern quadrant of the Applicant's site.

I-24-33

The current storm drain system now in use does not meet 2009 requirements for the management of storm water runoff into Salt Creek (which flows directly into the Pacific Ocean approximately $\frac{3}{4}$ mile from Applicant's site.) The Applicant's percolation basin located next to Monarch Bay Villas is overgrown and silted in. Its failure has led to significant erosion of the Environmentally Sensitive Area, including the development of canyons and unpaved water channels above Salt Creek.

Given the neglect of the basin, it is likely that the accumulated soil deposited there includes

“the most common categories of pollutants in runoff . . . total suspended solids, sediment, pathogens (e.g., bacteria, viruses, protozoa); heavy metals (e.g., copper, lead, zinc and cadmium); petroleum products and polynuclear aromatic hydrocarbons; synthetic organics (e.g., pesticides, herbicides, and PCBs); nutrients (e.g., nitrogen and phosphorus fertilizers); oxygen-demanding substances (decaying vegetation, animal waste); detergents; and trash.”

(Excerpted from the Waste Discharge Requirements for Discharges of Runoff From the Municipal Separate Storm Sewers Systems (MS4s) Draining the Watershed of the County of Orange, the Incorporated Cities of Orange County, and the Orange County Flood Control District within the San Diego Region, California Regional Water Quality Control Board, San Diego Region, Dec. 16, 2009.)

I-24-34

On October 21, 2014, Applicant's representatives attempted to clear the percolation basin without regard for the highly probable existence of pollutants and contaminants in the soil. We are inserting, for description of the Applicant's recent environmentally unsound approach to clearing the drainage basin, text from an email written by one of us, Josette Hatter, dated 10/25/2014 and written to the president of the Monarch Bay Villas Homeowners' Association:

“By way of bringing you up to date, I want you to know that, as partial response to the Draft EIR for the proposed South Shores Church building project, I and others, via Voices of Monarch Beach, have insisted (as we did in 2009 when the DEIR process began) that the City and the Church clean up the drainage basin and restore full

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function to the drainage system before any construction begins. I think that SS Church is under considerable duress due to our pressure. Never did I consider that someone would show up on our property with nine guys, orange buckets and a trailer to transport soil out of the drainage basin. I saw projects like that in rural China 12 years ago, but I thought we were well beyond that in Orange County!

As you know, I was initially unhappy about the access granted on Monday, Oct. 20 to SS Church's "Richard" (He refused to say his last name.) I understand that SS Church's Matt Hartman had called Kris Madison and misrepresented the work crew's mission as "routine" maintenance, and that Kris provided the access in a trusting response. I was aggravated by reduced access to my garage and driveway and the complete blockage of all the parking at the lower end of Pompeii. I refused to allow Richard and his crew of 8 or 9 young men to cross my driveway with buckets of mud because I had to clean up after them following their work on the basin Friday, October 17 and I didn't want to have another cleanup job. Richard moved his vehicle and trailer closer to 23294 Pompeii Dr., the Roberta Margolis residence, using the path near her home.

Dirt and mud dripped onto the cobblestones and a worker shoveled and swept mud for the 3 hours the soil removal went on. The removal has been shut down since Tuesday while the removal situation is analyzed by the City (which is only responding to complaints from Clean Water Now and Roger Butow--otherwise, the City's Brad Fowler would have been content to ignore the situation. . .)

As I watched the excavation process and saw the gunky, dark mud being transported I began to think about pollution and warned the ungloved workers, who did not have protective rubber boots either, that the soil might be polluted. I'm not sure that you know that SS Church's chronic neglect of the drainage basin over the last 20 years has resulted in extreme deterioration of the drainage system on the mitigated preserve next door to MBVillas (and significant destruction of that habitat.) Since the drainage has flowed off the parking lot and been untreated for 20 years, the 18 to 24 inches of accumulated soils in the drainage basin are likely to contain contaminants such as oil, chemicals and bacteria. Later I learned that there are EPA rules governing the removal of contaminated soil and that the responsibility for adhering to the rules falls on the parties involved.

I think that would include us if we allow the soils to be transported across our property without prior testing to assure that it is contaminant-free. It is also illegal to transport contaminated soils on

I-24-34

public roads without a permit--we would be allowing access to and onto Crown Valley Parkway. I think we would have to make sure that removed soil should be covered during transport and workers protected with appropriate gear.

As far as I am aware, the already removed soil sat dripping water and uncovered overnight on SS Church property. No landfill operation will accept it without testing, but that will be one sample after days of drying out and we may not be privy to the test results.

I am requesting that Monarch Bay Villas require testing of any soils moved across our property by outside parties and that we fully adhere to the rules and regulations regarding safe handling of soils. I think we should require multiple cores of soil be drawn and tested before we give permission for transport across our property. In addition to desiring to adhere to existing rules and laws, we have liability for things we allow to happen on our property. Closer to our hearts, we have children who live here and play on our streets. Salt Creek is chronically polluted--I don't want to be washing pollution off our cobblestones into the Salt Creek waterway.

Here's a link that has the applicable regs regarding the handling & final destination (deposition) of contaminated soil.....this detention basin, to the best of anyone's recollection, has NEVER been serviced this way, with SS Church attempting to remove all the accumulated soils.

<http://www.calrecycle.ca.gov/Laws/regulations/title14/ch3a56.htm>

Besides the above documented inept and negligent management of the drainage basin, we include two photos of the soil removal. Note that Applicant's workers had to dig down 12-18 inches to clear the dirt from the egress pipe in the drainage basin—again due to neglect of the basin over its 20-year history.

I-24-34