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October 20, 2014. View of Applicant's employees clearing percolation basin.



On October 25, 2014, as seen in the photo below, we noticed that Applicant's percolation basin is now capped off at the egress pipe.



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The percolation basin was sandbagged on October 20, 2014. Fortunately, we are in a drought, because a severe storm would result in waters escaping around the closed egress pipe, over or around the sandbags, through the fence and over the surrounding environmentally sensitive habitat, resulting in continued erosion of the Environmentally Sensitive Area.



Although there had been no precipitation and the drainage pipe feeding into the percolation basin was dry, there was standing water in the percolation basin on October 25, 2014. Such water was observed under identical conditions on October 21 and the mornings of October 22 and 27. Little water was visible under identical conditions on October 23, 24 and 26. Does this suggest that the standing water is ground water?



October 25, 2014. Standing water in percolation basin.

How will the percolation basin be cleaned up? How will continued use of the percolation basin affect groundwater? What are the plans for vector control in the basin? We request a plan for environmentally sound restoration and management of the current off-site percolation basin.

Water is supposed to flow out of the percolation basin and into a series of concrete v-ditch sections. These existing v-ditch sections, which do not directly adjoin Monarch Bay Villas and are a separate system from the one

relied upon by Monarch Bay Villas, are cracked and disconnected. They are completely filled with dirt. Storm water overflows across vulnerable hillsides creating the above-referenced erosion, which is visible along Salt Creek Trail. On October 13, 2014, two organizations, Voices of Monarch Beach and Clean Water Now submitted 28 color photographs to document the erosion for the City of Dana Point Planning Commission. The erosion had been reported to the City of Dana Point and the Applicant in 2009, but it is not apparent that either party took remedial action following the initial 2009 report.

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Failure to assure 100 % concrete connectivity for storm water runoff is a violation of 2009 SRWQCB regulations. Uncontrolled runoff into the Salt Creek area has the potential to contribute to local waterway pollution. According to water quality sampling performed by the South OC Wastewater Authority, records reflect that Salt Creek beach, in the mixing zone near its Point of Discharge (POD), hasn't met Recreation-1 (Rec-1) standards for the past decade.

[http://www.waterboards.ca.gov/sandiego/water\\_issues/programs/303d\\_list/docs/r9\\_summary\\_water\\_bodies\\_assessed\\_app\\_b\\_r\\_ev1.pdf](http://www.waterboards.ca.gov/sandiego/water_issues/programs/303d_list/docs/r9_summary_water_bodies_assessed_app_b_r_ev1.pdf)

Does the Applicant plan to use the broken system of v-ditches for 10 years of construction? We don't know and the DEIR doesn't tell us. We request clarification of the time schedule for reliance upon the existing system and the expected point in new construction that there will be the proposed transfer to a new drainage system.

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What plans are there to prevent such negligence by Applicant in the future? We request specific information about plans to restore and manage the existing drainage system as long as it remains in use. We also request the name of the agency responsible for oversight of the drainage during and post-construction and a contact person at that agency.

### Operation

"The proposed project expands impervious surfaces approximately 40%, for a **total 90%** impervious surface on the 5.1 buildable-acres of the six acre site (an increase of 1.25 acres), increasing runoff volume and velocity from the site." (Email October 2, 2014 from Roger Butow, Clean Water Now.)

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Applicant has proposed designs that result in potentially destructive hydro-modification of the site and that of surrounding neighborhoods.

“. . . increased volume, velocity, frequency and discharge duration of storm water runoff from developed areas has the potential to greatly accelerate downstream erosion, impair stream habitat in natural drainages, and negatively impact beneficial uses. Development and urbanization increase pollutant loads in storm water runoff and the volume of storm water runoff. Impervious surfaces can neither absorb water nor remove pollutants and thus lose the purification and infiltration provided by natural vegetated soil.” (South Orange County Hydromodification Management Plan (HMP) October 25, 2012.)

Applicant is prohibited by regulation from actions that result in hydro-modification—i.e.,

“changes in the magnitude and frequency of stream flows due to urbanization and the resulting impacts on the receiving channels in terms of erosion, sedimentation, and degradation of in-stream habitat. The processes involved in aggradation and degradation are complex, but are caused by an **alteration of the hydrologic regime of a watershed due to increases in impervious surfaces**, more efficient storm drain networks, and a change in historic sediment supply sources, among other factors.” (South Orange County Hydromodification Management Plan (HMP) October 25, 2012.)

Applicant proposes, despite prohibitions against hydro-modification, that the V-ditches which adjoin neighboring Monarch Bay Villas will be co-opted to receive Applicant's future migratory flows (i.e., all the water flows that will not be captured by Applicant's proposed but unspecified underground retention system.) These v-ditches currently perfectly serve, and are maintained by, Monarch Bay Villas. The v-ditches themselves seem much too small to provide adjunct drainage from Applicant's site.

Were the co-opted v-ditches designed to serve as adjunct storm water management channels for Applicant's proposed projects? What is the projected water flow from Applicant's project into the v-ditches during and after completion of construction? What damage and erosion will be sustained by areas near the co-opted v-ditches?

The Monarch Bay Villa v-ditch system is currently a well-managed and

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regulation-compliant v-ditch system. It and the areas surrounding the v-ditch system will be eroded, damaged and/or destroyed by Applicant's flow, which may be 4-5 times greater than the flow from Monarch Bay Villas. It's possible, in times of heavy rainfall that it will also overflow and erode areas around The Montessori School located in Monarch Bay Plaza.

What about the drainage system under nearby and lower Monarch Pointe? Is the underground section of their drainage system large enough to handle the proposed increase in flow along the Monarch Bay Villa v-ditch system or will it be damaged or compromised by periods of heavy runoff? Was the underground aspect of this drainage system designed with Applicant's runoff in mind?

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What plans are there to insure that downstream users and neighbors will not be flooded and have their properties eroded by overflow out of the over-taxed v-ditch and underground drainage systems? We request specific information about plans to manage the drainage system post-construction. We further request the name of the agency responsible for oversight of the drainage during and post-construction. We request to be indemnified against all damages due to water flow from Applicant's site into the Monarch Bay Villas v-ditch system.

Applicant proposes to install an unspecified underground detention system for containment of peak flow water on the finished project. Applicant and the engineers and architects for the project make no attempt to describe or to specify the detention system. They do not report when the underground unit is expected to be put into service.

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It is unacceptable for this system to be specified only at the time of its construction. We request additional information about the most likely choice of detention systems, the details about how it will function and especially what will happen in a case of unusually heavy rainfall. Where will additional water that cannot be captured at the time go? Into the v-ditches adjoining Monarch Bay Villas? What plans are there to manage drainage off the site when the underground detention system has reached capacity?

There is no offer of onsite UV/Reverse Osmosis/Ozone water treatment for bacteria-laden water contained in the underground detention device. Yet if the flow is greater than 50,000 gallons/day, the water must be treated onsite. (An onsite treatment plant would require a separate NPDES Permit—has one been applied for?) If there is no onsite-treatment, how does Applicant propose to meet 2009 and later water quality control standards?

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In short, Applicant fails to employ a full range of Best Management Practices (BMPs) in its proposed project. Where are the plans for the treatment or diversion of dry weather flows in order to reduce/remove of pollutants from the parking structure and walkways? The proposed Alternate Project will increase impervious surface area—where are the plans for the disconnect of impervious surfaces (i.e. areas of plantings or gravel for onsite bio-filtration & reduction of sheet flow?

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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, specify that optimal storm water management includes:

“...Controlling runoff pollution by using a combination of onsite source control and site design [Best Management Practices] BMPs augmented with treatment control BMPs before the runoff enters the Municipal Separate Storm Sewer Systems (MS4) is important for the following reasons: (1) Many end-of-pipe BMPs (such as diversion to the sanitary sewer) are typically *ineffective during significant storm events*. Whereas, onsite source control BMPs can be applied during all runoff conditions; (2) End-of-pipe BMPs are often incapable of capturing and treating the wide range of pollutants which can be generated on a sub-watershed scale; (3) End-of-pipe BMPs are more effective when used as polishing BMPs, rather than the sole BMP to be implemented; (4) End-of-pipe BMPs do not protect the quality or beneficial uses of receiving waters between the pollutant source and the BMP; and (5) Offsite end-of-pipe BMPs do not aid in the effort to educate the public regarding sources of pollution and their prevention.”

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Applicant plans to abandon an erosion control BMP---the poorly maintained outlet structure and earthen dam percolation basin that currently exists. This erosion control method could be redesigned and recreated on the southeastern quadrant of the building site in lieu of the Pre-School Administration building. Primary migratory flow could be directed to the basin, reducing the high-energy flows and pollutant loading and preventing overload of the Monarch Bay Villas v-ditch system. The new Percolation Basin could work in tandem with the Proposed Underground Detention Basin.

Together with the onsite underground detention system and an onsite water treatment system, surface runoff could be effectively managed and neighboring properties would not have their storm management systems

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compromised. There would be no need to rely upon the v-ditches currently serving Monarch Bay Villas.

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**Potential Environmental Impact**

**4.10 Noise**

Applicant proposes that residents of Monarch Bay Villas live next door to a noisy construction site for the better part of ten years! Applicant denies that there will be any significant impact from noise generated by this overly long permitting period. However, Applicant does admit that there will be significant noise impact on nearby residents from the construction of the Pre-School/Administration Building.

Applicant fails to properly acknowledge the problems of ongoing Operational Noise and Vibration due to the operation of either the Proposed or the Alternate Proposed Parking Structure and its ramp.

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Applicant should eliminate plans to build the Pre-School Administration building on the southeastern aspect of its site. Furthermore, Applicant should redesign the parking structure and its ramp, downsizing with relocation to a more central area on the site and relocating or eliminating the ramp. The net effect of their design will include Noise Reduction, Better Site Fit and Lower Profile for the structure.

**4.12 Transportation/Traffic**

Applicant maintains that its Project and Alternate Proposed Project will have less than significant impact on traffic flow under its post-construction Operations. Applicant has failed to consider the needs of nearby residents and travelers passing through the area to shop, etc. Applicant has failed to provide studies related to nearby intersections. Applicant's operations will be deleterious to residents of Monarch Bay Villas, Monarch Terrace, users of Monarch Bay Plaza and perhaps the residents of Monarch Pointe. They will also impact users of Crown Valley Parkway and Pacific Coast Highway at and near its intersection with Crown Valley Parkway.

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We request that applicant be required to build out protective structure to assist Monarch Bay Villa Residents in making left turns onto Crown Valley Parkway from their sole egress point of Lumeria Lane. We request pre- and post-construction traffic studies for the Monarch Bay Villas' Lumeria Lane intersection with Crown Valley Parkway and the Monarch Bay Plaza intersection with Crown Valley Parkway. We request Speed Monitoring on Crown Valley Parkway; vehicles traveling north on the street often exceed

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the posted 35 mph.

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**Viabale Proposed Alternatives to Be Considered for SCH. No. 2009041129**

1. Eliminate the Pre-School/Administration Building from the southeastern quadrant of the site.

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2. Replacing aging buildings with the addition of approximately 50,000 square feet of new construction. Reduce the overall Parking Garage square footage. Eliminate the south Garage Tower.

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3. Relocate the Parking Garage ramp to the center of the Parking Garage or eliminate it entirely to reduce the noise coming off of the structure during operation.

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4. Increase the Parking Garage setback toward the north, to reduce its impact on nearby Monarch Bay Villas residences. The increased Setback nearest to MBV should feature tiered terraces that will physically link to the onsite detention basin and designed to include swales with shallow detentions and small depressions to facilitate the reduction of pollutants. The setback must be sloped away from the crib wall behind Monarch Bay Villas. All open spaces should be irregularly situated on the site and provide maximum setback from Monarch Bay Villas.

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5. Landscape using native plants and shrubs, which support native fauna and which do not accrue heat. Utilize plantings to screen and create privacy for residents of Monarch Bay Villas, while preserving views of Saddleback Mountain and overhead sunlight. Applicant will demonstrate a new commitment to the community via the employment of an environmental specialist to oversee the site's development and ongoing maintenance.

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6. Drainage to feature a natural detention & bio-filtration basin, a pollutant/peak flow reduction BMP that complies with the NPDES Permit circa 2014-15. The Proposed Projects onsite, underground retention basin should comply with the most current regulations regarding such installations and be paired with an onsite water-treatment facility if deemed necessary by NPDES Permitting. Drainage plans will not co-opt the v-ditches currently in use by Monarch Bay Villas.

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7. Applicant must contract for an off-site parking management plan.

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8. All Construction to be completed within 5 years, with residents of Monarch Bay Villas and the Monarch Bay Villas Homeowners Association to be fully indemnified, as described in this document. All Contractors must be subject to a Performance Bond, as also described within this document.

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9. The details of the Proposed Project will be fully specified and divulged prior to its approval; there will be no reliance in the final project on promises to provide such specifics at the time of construction, no administrative or "As Built" internal building department changes, signed off by inspectors, without a public hearing.

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10. Remediate the area now serving as the existing off-site percolation basin. Restore ESA habitat destroyed over the 20 years that the off-site basin has been in service. Provide a Vector Control Plan if the area has been transformed into a wetlands.

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This concludes our commentary for the period ending October 30, 2014.

This submission additionally includes our Comments submitted in March 2010.

We respectfully request responses to our Current Comments and to our 2009 comments. We also request to be advised of all matters materially affecting SCH. No. 2009041129.

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Respectfully submitted,

Josette S. Hatter

Rodney R. Hatter



March 17, 2010

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

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

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

Sent via email to: [squireshy@danapoint.org](mailto:squireshy@danapoint.org), [kbutterwick@danapoint.org](mailto:kbutterwick@danapoint.org)

**RESPONDER REQUESTS CONFIRMATION OF DELIVERY FROM THE CITY OF DANA POINT AND FROM LSA. CONFIRMATION SHOULD BE SENT TO:**  
[jshatter@uci.edu](mailto:jshatter@uci.edu)

### **General comments relating to the MND and the Draft EIR**

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

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

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

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

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

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

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

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

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

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

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

### Aesthetics

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

#### Project Size

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

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

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

#### Fencing

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

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

#### Property Management

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

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

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brush by order of the Fire Marshall.

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

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

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

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### **Air Quality**

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

### Pollution

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

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



privilege of open doors and windows and fresh air. Our location immediately below the building site means that pollutants from demolition, site-preparation and building will fall and be blown upon us. Heavy equipment and idling traffic on Crown Valley Parkway, as well as heavy equipment on site, will increase motor vehicle pollutants and increase the likelihood of health-related problems.

What is proposed to mitigate for this pollution, which is known to increase asthma and other respiratory infections?

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

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

### Chronic Respiratory Illness

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

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

### **Biological Resources**

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

### Coastal Bluff and Drainage

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

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

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

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

**Cultural Resources (Archaeology and Paleontology)**

No Comments

## Geology/Soils Hazards and Hazardous Materials

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

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

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

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

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

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

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

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

## Hydrology and Water Quality

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

### Standing Water

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

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

#### Underground Water

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

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

#### Drainage

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

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

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

#### **Land Use and Planning**

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

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

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

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

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## Noise

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

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

### Heavy Equipment and Construction Noise

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

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

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

### Post-construction Noise

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

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

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

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

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**Public Services & Utilities**

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

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

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

**Traffic and Circulation**

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

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

Lumeria Lane

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

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

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

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

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

### Crown Valley Parkway

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

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

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

### Pacific Coast Highway

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

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

### **Project Alternatives**

The initial study did not appropriately discuss project alternatives.

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

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

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

**Growth Inducing**

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

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



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## **JOSETTE AND ROD HATTER**

### **LETTER CODE: I-24**

**DATE: October 29, 2014**

#### **RESPONSE I-24-1**

This comment is an introductory statement listing the Draft Environmental Impact Report (EIR) sections to be addressed in the following responses.

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-24-2**

This comment expresses the commenters' understanding of the project. The commenters indicate their familiarity with the project's documentation, attendance at meetings, and participation in the planning process as neighboring residents in drafting their responses to the Draft EIR.

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

#### **RESPONSE I-24-3**

This comment expresses concern regarding the lack of notification to neighboring residents when the Applicant submitted revisions to the Master Plan, and the lack of opportunities for neighboring community members to participate in the planning process. This comment also states that the City of Dana Point (City) allowed the Applicant to develop an alternative for inclusion in the Draft EIR without describing the alternative in the Notice of Availability (NOA) of the Draft EIR.

The NOA was prepared in compliance with *State CEQA Guidelines* Section 15087, which does not require that the notice provide a description of the alternatives presented in an EIR.

As described in Chapter 3.0, Project Description, of the Draft EIR, the Applicant revised its Master Plan on two occasions following circulation of the Notice of Preparation (NOP) for the proposed project. Based on input from the EIR Scoping Meeting in March 2010, the Applicant revised and re-submitted its Master Plan to the City in March 2012. The March 2012 submittal included a revised geo-technical solution that employs mechanical and structural techniques such as the caissons and tieback system to provide structural stability to the site while decreasing the grading impacts of the proposed project. This contrasts with the version of the Master Plan described in the NOP, which addressed geotechnical issues through a buttress and retaining wall system. In December 2013, the Applicant revised and re-submitted its Master Plan to the City again based on public input. The December 2013 submittal, which is analyzed in the Draft EIR as

the proposed project, includes a redesign of the geotechnical solution, similar to the March 2012 Master Plan, which reduces earthwork and grading needs by employing mechanical and structural techniques, and scaling back the size of the retaining walls. The new Master Plan/proposed project also includes a detailed design of the Landscaped Meditation Garden in the southeast corner of the project site.

With the exception of the differences noted above, 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. The City, as Lead Agency, has determined that neither of these refinements required or warranted recirculation of the NOP.

#### **RESPONSE I-24-4**

This comment raises concern over the size and scale of project in relation to neighboring land uses in the surrounding community.

Refer to Common Response No. 11 for further information about the proposed project's compliance with City development standards. As described in Section 4.1, Aesthetics, of the Draft EIR, 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 25 percent reduction from the proposed project. Alternative 2 would maintain a FAR of 0.29:1, which is also compliant with the City's maximum allowable FAR of 0.4:1 in the CF zone. Unlike the proposed project, Alternative 2 would conform to the established building height standard.

#### **RESPONSE I-24-5**

This comment is a general expression of concerns regarding the potential for various environmental impacts to occur as a result of implementation of the proposed project, especially those related to the construction and operation of the proposed Parking Structure.

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-24-6**

This comment describes the elderly demographic currently inhabiting the Monarch Bay Villas, and the need for consideration of the proposed project's environmental impacts on its sensitive elderly population. It appears that the commenter is specifically concerned with the impacts of the proposed project's 10-year construction period on the elderly population living within the residences adjacent to the project site.

The Draft EIR analyzed the potential short-term and long-term air quality and noise impacts of the proposed project on sensitive receptors surrounding the project site, including the elderly residential population at the adjacent Monarch Bay Villas. The Draft EIR also analyzed the potential for the proposed project to result in traffic impacts at the driveway of the Monarch Bay Villas (Crown Valley Parkway/Lumeria Lane) under existing or future conditions.

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.

The potential noise impacts of the proposed project, including the designated children's play area, on surrounding uses, including the adjacent Monarch Bay Villas, during operation are analyzed in Section 4.10, Noise, of the Draft EIR. As described on page 4.10-15 of the Draft EIR, the proposed project would result in less than significant impacts with respect to long-term noise, and no mitigation is required.

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.

The Air Quality Analysis prepared for the proposed project (Appendix B of the Draft EIR) calculated both short-term and long term emissions to determine potential air quality impacts. Long-term operational emissions in pounds per day (lbs/day) associated with the proposed project were calculated with the CalEEMod model, which included trip generation factors provided in the *Traffic Impact Analysis for South Shores Church Master Plan (TIA)* (LSA, July 2014), and defaults for area and energy sources based on the land use and project location. The results showed that operation of the proposed project would not exceed any corresponding South Coast Air Quality Management District (SCAQMD) daily operational emission threshold for any criteria pollutant. Therefore, project-related long-term air quality impacts, including emissions associated with use of the Parking Structure, would be less than significant, and no mitigation was required.

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.

#### **RESPONSE I-24-7**

This comment addresses concern over community polarization due to disagreement over the proposed project, especially at public meetings. In addition, the commenter notes concern over potential vandalism and crime in retaliation for their opposition to the proposed project.

The City strives to encourage civic engagement and public discourse about development proposals like the proposed project. In addition, the CEQA process provides the public with an opportunity to voice their concerns regarding proposed development projects. While some projects generate more public controversy than others, the City expects all stakeholders to abide by a certain degree of civility and decorum when participating in public meetings. To that end, the City Council has adopted Rules of Decorum for the Public at Council Meetings, which state that “[m]embers of the audience shall not engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, clapping, whistling, stamping of feet or other acts which disturb, disrupt, impede or otherwise render the orderly conduct of the City Council meeting infeasible. A member of the audience engaging in any such conduct shall, at the discretion of the presiding officer or a majority of the City Council, be subject to ejection from that meeting.”



The commenter is encouraged to contact local law enforcement officials if they feel physically threatened at their home as a result of their participation in public meetings regarding the proposed project.

#### **RESPONSE I-24-8**

This comment claims that the proposed project would result in the elimination of a scenic vista across the southern and southeastern portion of the project site.

Refer to Common Response No. 9 for further information about the proposed project's potential impacts on views from private properties in the vicinity of the project site and Crown Valley Parkway.

#### **RESPONSE I-24-9**

This comment claims that the temporary fencing used during construction will degrade the visual character of the area, especially if it is not maintained in excellent condition. The comment also suggests that the City monitor the condition of the fencing.

The City's code enforcement staff routinely inspects construction sites to ensure compliance with applicable codes. If the fence around a construction site is observed to be in a state of disrepair, the Applicant would be asked to replace it. Neighboring residents may also report poorly maintained construction fences to the City to rectify the situation.

#### **RESPONSE I-24-10**

This comment asserts that proposed buildings and Parking Structure would result in light and glare impacts on residences facing the southern and southeastern portion of the project site. This comment also suggests that the proposed Preschool/Administration building should be eliminated from the proposed project, and that the proposed Parking Structure should be moved to the center of the project site.

The potential light and glare impacts during operation of the proposed project are analyzed in Section 4.1, Aesthetics, of the Draft EIR. As described on pages 4.1-20 and 4.1-21, lighting on the project site would not illuminate areas off site because the lighting would be shielded and directed downward. Additionally, no reflective (glass) surfaces or structures are proposed as part of the project. Therefore, it is anticipated that lighting associated with the proposed project would not create a substantial new source of light or glare affecting day or nighttime views in the area or illuminate areas outside the project boundary because the proposed project would be required to comply with City Zoning Code restrictions pertaining to light and glare. Therefore, the proposed project would have a less than significant impact with regard to light and glare in the project area, and no mitigation is required.

The commenter's suggested revisions to the proposed project will be forwarded to the decision-makers for their review and consideration.

## RESPONSE I-24-11

This comment expresses concerns over the temporary air quality impacts of the proposed project on the Monarch Bay Villas during construction and the ability of the mitigation measures described in the Draft EIR to mitigate such impacts. This comment reiterates the commenter's previously suggested revisions to the proposed project (relocation of the proposed Parking Structure and elimination of the Preschool/Administration building).

The potential for the proposed project to result in temporary air quality impacts is analyzed in Section 4.2, Air Quality, of the Draft EIR. This section summarizes information provided in the *Air Quality Analysis* included in Appendix B of the Draft EIR. The evaluation was prepared in conformance with appropriate standards, utilizing procedures and methodologies in the South Coast Air Quality Management District (SCAQMD) *CEQA Air Quality Handbook* and associated updates. The California Emissions Estimator Model (CalEEMod) Version 2013.2.2, was used to quantify the project-related mobile and stationary source emissions. Regional and local thresholds of significance were utilized in the evaluation of the air quality impacts that would result from the proposed project.

Exhaust emissions from construction activities envisioned on site would vary daily as construction activity levels change; therefore, the analysis provides the peak-day construction emissions on page 4.2-18. Construction emissions, including localized exhaust emissions and fugitive dust emissions, were analyzed on page 4.2-20. As shown in Tables 4.2.G and 4.2.H, construction emissions associated with the proposed project are not anticipated to exceed the SCAQMD daily emissions thresholds.

Fugitive (or windblown) 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 SCAQMD has established a fugitive dust emissions threshold of 100 lbs/day. As shown in Table 4.2.J, fugitive dust emissions would be 4.9 lbs/day for PM<sub>10</sub> and 3.4 lbs/day for PM<sub>2.5</sub>, and would be below the SCAQMD thresholds. Therefore, 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.

Standard Conditions 4.2.1 and 4.2.2 are described on page 4.2-26 in the Draft EIR. Standard Condition 4.2.1 includes compliance with SCAQMD Rule 403, which outlines requirements for all construction activity to reduce the potential for fugitive dust on the construction site. The conditions include application of nontoxic soil stabilizers, site watering, fill limits or covers for all trucks hauling loose materials, paving of on-site construction access roads, and regulation of vehicle speed on any unpaved roads. Standard Condition 4.2.1 further requires the use of green building materials and the recycle/ reuse of 50 percent of construction material used on the project. Standard Condition 4.2.2 requires compliance with Title 24 of the California Code of Regulations (CCR). This condition outlines energy conservation and green building standards. Compliance with the provisions of these standard conditions would reduce impacts related to fugitive dust during construction to a less than significant level, and no mitigation is required.

The commenter's suggested revisions to the proposed project will be forwarded to the decision-makers for their review and consideration.

### **RESPONSE I-24-12**

The commenter requests that central air-conditioning systems and dual-pane windows be made available for residents on the northern side of Pompeii Drive as part of the proposed project's mitigation measures.

As described above in the Response to Comment I-24-11, the proposed project would result in less than significant impacts with respect to air quality during construction. As stated in *State CEQA Guidelines* Section 15126.4 (3), *[m]itigation measures are not required for effects which are not found to be significant*. Therefore, no mitigation, including the installation of central air-conditioning systems and/or dual-pane windows, would be required to reduce the proposed project's air quality impacts during construction.

Because no significant noise impacts were identified in the Draft EIR, 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. Therefore, no mitigation is required.

Additionally, no significant long-term noise impacts were identified in the vicinity of the project site. Operational noise impacts were found to be at a less than significant level, and, therefore, no mitigation is required.

### **RESPONSE I-24-13**

This comment asserts that the Applicant has failed to maintain and manage its storm water runoff management systems, which has resulted in the degradation of off-site California coastal gnatcatcher habitat. This comment also suggests that the Applicant should not be allowed to move forward with the proposed project until it repairs the alleged damage to nearby habitat that it purportedly caused.

See Common Response No. 6 and the memorandum included in Attachment C to this Final EIR.

The project site is located within the jurisdiction of the Orange County Central and Coastal NCCP/HCP. According to the Implementation Agreement for the NCCP/HCP, applicants with projects under the jurisdiction of a signatory agency may pay in-lieu fees to the NROC as mitigation for any impacts to coastal sage scrub. Payment of such in-lieu fees are considered fulfillment of the City's obligations under the NCCP/HCP Implementation Agreement and are required under Mitigation Measure 4.3.1. Additionally, the proposed project would preserve 0.12 ac of undisturbed coastal sage scrub and chaparral on the northeastern portion of the project site. Therefore, the proposed project would be consistent with the City's policy aimed at protecting environmentally sensitive habitat areas.

#### **RESPONSE I-24-14**

This comment claims that the Applicant cannot be trusted to voluntarily monitor and manage invasive species on the project site and suggests that the Applicant be placed under California Department of Fish and Wildlife oversight for the next 15 years and required to hire an employee responsible for ensuring compliance with applicable regulations concerning invasive plant species and water management and preventing degradation of the open space near the project site.

The open space adjacent to the project site is owned by another private entity. The owner of the open space lot is the responsible party for the maintenance and up keep of that property. The City has no authority to condition the proposed project to maintain another property held under a separate private ownership.

#### **RESPONSE I-24-15**

This comment suggests that payment of in-lieu fees for mitigation of lost coastal sage scrub habitat would not adequately address the proposed project's impacts related to the movement of any native resident, migratory fish, wildlife species, species with established native resident, any migratory wildlife corridors, or impede the use of native wildlife nursery sites. This comment also claims that payment of in-lieu fees would not replace the value of the lost habitat to the project site's neighbors.

The potential impacts of the proposed project on biological resources, including habitat losses, are analyzed in Section 4.3, Biological Resources, of the Draft EIR. As described on page 4.3-9, implementation of the proposed project would not result in potentially significant impacts to native habitats and associated wildlife. The discussion also notes that the City is a signatory of the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) and that payment of NCCP/HCP in-lieu fees as required in Mitigation Measure 4.3.1 is acceptable mitigation for the loss of habitat within the NCCP/HCP planning areas. The NCCP/HCP programs are covered by an enforced and adequate fee program which fees are then used to acquire offsite habitat. As of the present date, nearly 10,000 acres of coastal sage scrub habitat has been set aside and preserved as a result of the implementation of the NCCP/HCP program.

While the City of Dana Point recognizes that its residents cherish the unique biological resources found within the City, the intent of Section 4.3 of the Draft EIR is to analyze the proposed project's potential impacts on biological resources, not the potential impacts of the proposed project on the ability of nearby residents to enjoy the presence of wildlife in their neighborhood. This comment will be forwarded to the decision-makers for their review and consideration.

#### **RESPONSE I-24-16**

This comment expresses concern related to the loss of coastal sage scrub habitat resulting from project implementation and potential corresponding impacts the proposed project may have on a number of bird species. Specifically, the comment lists a number of bird species that have previously been observed on site and goes on to state that these birds are protected under the Migratory Bird Treaty Act. As such, the comment requests that a biologist monitor the site for additional birds that may be impacted by project implementation.

The commenters provide a list of relatively common species of birds that they have observed, which is generally consistent with the descriptions in the Draft EIR and the Biological Resources Assessments included in Appendix C of the Draft EIR. Nearly all native bird species are indeed protected by the Migratory Bird Treaty Act. Compliance with this law will be implemented through Mitigation Measure 4.3.3.

#### **RESPONSE I-24-17**

This comment describes potential wildlife that may be encountered on-site and in the neighboring open space habitat.

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-24-18**

This comment claims that the Applicant has been responsible for the deterioration of nearby protected habitat and suggests that the Applicant be refused permission to mitigate the loss of coastal sage scrub as a result of the proposed project through payment of in-lieu fees until it repairs, restores, and maintains the habitat it has allegedly destroyed.

As described on page 4.3-9 of the Draft EIR, the proposed project would preserve all the undisturbed coastal sage scrub and chaparral (0.12 ac) in the northeastern corner of the project site, but would result in the removal of 0.18 ac of disturbed coastal sage scrub. As described above in the Response to Comment I-24-15, the City is a signatory of the NCCP/HCP; therefore, payment of NCCP/HCP in-lieu fees as required in Mitigation Measure 4.3.1 has been deemed acceptable mitigation for the loss of habitat within the NCCP/HCP planning areas. Additionally the site will be landscaped with native vegetation as shown on the proposed landscape plans.

#### **RESPONSE I-24-19**

This comment provides a description of past seismic events that were previously experienced at the neighboring Monarch Bay Villas.

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

#### **RESPONSE I-24-20**

This comment claims that a smaller, more compact project would minimize the need for mechanical slope stabilization, tieback access excavation, and retaining walls.

While the comment is acknowledged, the suggestion would not meet the Applicant's space requirements and the underlying concerns can be mitigated as noted below.



The technical criteria used to analyze the proposed project's impacts related to seismic and geologic hazards are described in detail in the Geotechnical Reports included in Appendix E of the Draft EIR. Geotechnical analysis was done for the proposed project and Alternative 2 as described in the Draft EIR. No additional alternatives to the proposed project have been analyzed. Further, based on the geologic conditions and potential hazards presented in the Geotechnical Reports, geotechnical mitigation (slope stabilization) of the existing geologic conditions would be required, regardless of the building size, if the structure(s) were to be sited in a similar location as presently intended.

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

All exposed retaining walls would be stucco-coated, with adjacent landscaping to minimize visual impacts. Although both the proposed project and Alternative 2 would comply with the City's minimum side yard setback, which requires that buildings be sited at least 10 feet from the side property line, under Alternative 2, the Pre-School/Administration building and the Parking Structure would be located further (30 feet) from the side property line. It should be noted that Alternative 2 will be considered for approval by the decision makers as this is the design requested by the Applicant for approval.

#### **RESPONSE I-24-21**

This comment poses a series of questions about the landscaping and retaining walls proposed to be constructed on the southern end of the project site.

The preliminary landscape plan for the proposed project is included in Figure 4.1.9 of the Draft EIR. As shown in Figure 4.1.9, the current trees and other ornamental landscaping located adjacent to the Monarch Bay Villas are proposed to remain in place. Additional planting along the property line would include Desert Carpet ground cover and vines to cover the wall of the proposed Parking Structure. These plantings would minimize heat radiating from the proposed project's walls onto the Monarch Bay Villas.

As described in Common Response No. 9, the City has not adopted a view protection ordinance for private views. The retaining wall that would be part of the structure of the proposed Pre-School/Administration building would be located approximately 25 feet from the side property line. Under Alternative 2, this retaining wall would be located approximately 30 feet from the side property line. The walls that would be part of the proposed Parking Structure would be 20 feet from the property line. Under Alternative 2, the walls that would be part of the proposed Parking Structure's ramp would be 30 feet from the property line. The Parking Structure itself would be 55 feet from the property line.

#### **RESPONSE I-24-22**

This comment asks about what the proposed project will do to change or update the existing crib wall.

The existing crib wall will remain in its current position. No upgrades are proposed as part of the proposed project. The Geotechnical Reports prepared for the proposed project, which are included as Appendix E of the Draft EIR, include recommendations for addressing impacts to the existing crib wall along the southern boundary of the project site. These measures, which include deepened foundations (caissons), are included in the Draft EIR as Mitigation Measure 4.5.1.

#### **RESPONSE I-24-23**

This comment again reiterates the commenter's suggestion that the Applicant eliminate construction of the Preschool/Administration building. This comment also suggests that the size of the proposed Parking Structure be reduced so that deeper foundations for top-of-slope structures will not be necessary.

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

#### **RESPONSE I-24-24**

This comment states "no comment."

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-24-25**

This comment claims that the Draft EIR fails to provide specific information regarding temporary stability, subsurface drainage, and grading plan review in the Executive Summary.

The Executive Summary is provided in the Draft EIR in accordance with *State CEQA Guidelines* Section 15123, which states that *[a]n EIR shall contain a brief summary of the proposed actions and its consequences*. In an effort to keep the Executive Summary as brief as possible, much of the information included in the Draft EIR is not reiterated in the Executive Summary. Pages 1-43 through 1-56 of the Executive Summary provide a summary of the proposed project's potential impacts related to hydrology and water quality during construction, including the full text of Mitigation Measures 4.8.1 and 4.8.2, which describe the general contents of the Storm Water Pollution Prevention Plan (SWPPP) and Erosion Control Plan required to be prepared for the proposed project.

Additional information regarding the proposed project's impacts on hydrology and water quality is included in Section 4.8, Hydrology and Water Quality, of the Draft EIR.

#### **RESPONSE I-24-26**

This comment requests that the specific plans for the best management practices related to temporary stability, subsurface drainage, and the grading plan be provided in the Draft EIR. The commenter also requests to know who will oversee the technical plans. Additionally, the

commenter inquires if the Applicant will agree to produce a project that is acceptable to the nearby residents while also conforming to environmental laws.

The discussion of the environmental impacts of the proposed project related to temporary stability is included in Section 4.5, Geology and Soils, of the Draft EIR. Geotechnical recommendations related to temporary construction excavations and subdrains associated with proposed structures are described in the Geotechnical Reports prepared for the proposed project (refer to Appendix E, Geotechnical Reports, of the Draft EIR).

The discussion of the environmental impacts of the proposed project related to subsurface drainage is included in Section 4.8, Hydrology and Water Quality, of the Draft EIR. The proposed project grading plan and additional plans for the proposed project are included in Figures 3.5 through 3.7 in the Draft EIR. The grading plan and other plans for Alternative 2 are included in Figures 5.1 through 5.3 in the Draft EIR. A Supplemental Hydrology Report has been prepared to address Revised Alternative 2. See also Common Response No. 6.

Common Response No. 13 provides information regarding the proposed project's compliance with all applicable water quality regulations as well as a list of BMPs that may be used as part of the proposed project to prevent soil erosion and water quality degradation.

#### **RESPONSE I-24-27**

This comment includes the same text included in Comments I-19-1, I-19-2, and I-19-3.

See Responses to Comments I-19-1, I-19-2, and I-19-3.

#### **RESPONSE I-24-28**

This comment claims that the Applicant has a poor history of environmental awareness and suggests that the Applicant be required to operate under close supervision by the City Director of Community Development and Director of Public Works for 15 years and to fully demonstrate compliance with the San Diego Regional Water Quality Control Board standards and all other environmental standards most recently in effect at the time construction is completed. This comment also suggests that the Applicant be required to demonstrate development of and adherence to Best Management Practices for prevention of soil erosion and other environmental concerns.

Construction activities would be regulated under the State Water Resources Control Board Construction General Permit, requiring a Storm Water Pollution Prevention Plan (SWPPP), construction BMPs, monitoring and reporting during the construction phases, in addition to regulation under City Municipal Codes. As indicated in the Applicant's Water Quality Management Plan (WQMP), the City's NPDES permit already requires that the City conduct annual inspections of the Applicant's BMPs. Please also see Common Response No. 13 for a list of BMPs that may be used as part of the proposed project to prevent soil erosion and water quality degradation. Common Response No. 13 provides additional information regarding the proposed project's compliance with all applicable water quality regulations

### **RESPONSE I-24-29**

This comment claims that the proposed project would place an unacceptable risk on itself and the neighboring Monarch Bay Villas related to seismic and geologic hazards.

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

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

### **RESPONSE I-24-30**

This comment expresses concern over the size and location of the proposed project and requests the Applicant 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, and obtain a Liability Insurance Policy and a Performance Bond. This comment also cites portions of the City's Municipal Code related to the City's authority to impose a requirement on the Applicant to obtain bonds to guarantee the completion of the proposed project.

Refer to Common Response No. 4, for further discussion related to issues raised that are purely economic in nature.

### **RESPONSE I-24-31**

This comment asserts that Monarch Bay Villa residents will be responsible for requesting inspection of the Applicant's slope and the neighboring gnatcatcher preserve. In addition, this comment notes concern over management of fire risks to the surrounding community.

As written in the Draft EIR, the Applicant is responsible for ongoing compliance with Mitigation Measure 4.5.2, which requires ongoing slope maintenance procedures to be conducted on the unimproved slopes during project operation in order to reduce potential failure of these slopes. All future transfers of the project site shall have conditions requiring the recipient to assume responsibility for implementation of the slope maintenance program. The Applicant is not required to perform slope maintenance procedures on adjacent properties.

The potential impacts of the proposed project related to wildland fire hazards are analyzed in Section 4.7, Hazards and Hazardous Materials, of the Draft EIR. As described on pages 4.7-18 and 4.7-19, the proposed project would be designed in compliance with OCFA design requirements and a Fuel Modification Plan would be prepared for the project site. The Applicant will be required to maintain Fuel Modification zones as stipulated on the plans to manage fire risks. The OCFA conducts periodic site visits to inspect the maintenance of Fire Suppression Zones. It should also be noted that the project site contains only a small portion of native vegetation in the northeastern corner of the site, which will be maintained in its current natural condition. Therefore, impacts related to wildland fires would be less than significant.

### **RESPONSE I-24-32**

This comment claims that the proposed project appears to be subject to the Priority Development Project Category for Standard Storm Water Mitigation Plans established by the San Diego Regional Water Quality Control Board.

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, 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 Final WQMP for the City's review and approval, prior to the issuance of grading permits. Such Final 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.

The proposed project's detention basin and modular wetland bio-filtration system would be installed in Phase 1A. Additional bio retention BMPs applicable to various phases would be constructed as each phase is built. Refer to Common Response No. 13 for a list of BMPs that may be used as part of the proposed project to prevent soil erosion and water quality degradation during construction and afterward.

Compliance with the requirements described in Common Response No. 13 will mitigate all potential impacts to water quality to less than significant levels

### **RESPONSE I-24-33**

This comment states that the project site is located next to habitat for endangered species (multiple breeding pairs of gnatcatchers) and claims the endangered California coastal gnatcatcher is known to utilize the southeastern quadrant of the project site.

Section 4.3, Biological Resources, of the Draft EIR and the biological resources assessments prepared for the proposed project and included in Appendix C of the Draft EIR reflect that the project site is located adjacent to gnatcatcher habitat. Because the proposed project does not propose any changes to the natural vegetation on the southeastern portion of the project site, the proposed project would not impact the gnatcatcher's use of the southeastern portion of the project site.

### **RESPONSE I-24-34**

The comment expresses concern for the existing storm drain system now in use on the proposed project site, and its ability to handle increased runoff from the proposed project. Additionally, the comment cites past issues with drainage overflow and the maintenance of the off-site detention basin near the Monarch Bay Villas residences. The comment includes a description of potential



pollutants in an unmaintained basin, photos of maintenance workers cleaning the basin, and photos of the capped basin. The comment further noted the presence of standing water in the basin, and questions about the clean-up and ongoing maintenance of the basin. The comment concludes with a description of unmaintained v-ditches on open space adjacent to the project site, and potential erosion impacts. It appears that the commenter is concerned with the existing drainage system on the project site, and the proposed projects ability to control storm water runoff and adhere to SDRWQCB regulations.

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) were 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.

The disposal of all material removed from the detention basin was authorized to be delivered to a County landfill in compliance with all federal, State, and local regulations, as it was determined to not contain any pollutants at sufficient levels that it would constitute hazardous material.

### **RESPONSE I-24-35**

The comment requests that the Draft EIR describe whether the Applicant plans to use the existing v-ditch system during the 10-year construction period. The comment also requests clarification of the time schedule for the potential transfer to a new drainage system. The commenter concludes with a request for the agency that would provide oversight for any plans to prevent negligence and/or enforce restoration and management of drainage during and post-construction.

Per the *Supplemental Master Plan Hydrology Report* by Adams-Streeter, dated February 17, 2015, Revised Alternative 2 does propose to continue to utilize the v-ditch located off-site adjacent to the Monarch Bay Villas. However, runoff would no longer go into the off-site detention basin before going into the v-ditch. The Supplemental Hydrology Report confirms that the v-ditch has adequate capacity to convey the runoff that would be directed into it, even during a 100-year storm event with the installation of a large on-site detention basin. As shown on Figure 2a, the underground storm drain detention basin or vault and the improvements needed to direct runoff directly into the v-ditch would be completed in the first phase of construction.

### **RESPONSE I-24-36**

The comment expresses concerns about potential hydro-modification as a result of the increase of impervious areas. The comment cites South Orange County Hydromodification Management Plan and states that the existing v-ditches appear too small to handle the increased flows. The comment further expresses concern that overflow and erosion would occur if the proposed project is permitted to increase flow to the off-site v-ditch system. The commenter requests specific information about the oversight agency that would monitor drainage and any plans to manage the drainage system post-construction. The comment concludes with a request for indemnification against all damages due to water flow from the Applicant's site into the v-ditch system adjacent to the Monarch Bay Villas property.

Per the *Supplemental Master Plan Hydrology Report* by Adams-Streeter, dated February 17, 2015, while impervious area within the project site would increase as a result of the proposed project (although by a lesser amount under Revised Alternative 2, the reduced development alternative that the Applicant now seeks City approval for), because of detention on-site the storm water discharge rates will be reduced from existing conditions. Moreover, the runoff from all impervious areas within the project site will be directed to areas that are not susceptible to erosion.

Regarding the concern about the capacity of the off-site v-ditch, see Response to Comment I-24-35 above.

### **RESPONSE I-24-37**

The comment requests detailed information about the underground detention system including the type of system, how it will function, and details about its capacity. The comment further requests a timeline of when the detention system will be installed and put into service. It appears that the commenter is concerned with the detention system's ability to handle heavy rainfall. The

comment concludes with an inquiry about plans to control runoff in the event that the underground detention basin reaches capacity.

The most up to date information regarding the proposed underground detention system and its capacity is contained in the *Supplemental Master Plan Hydrology Report* by Adams-Streeter, dated February 17, 2015. The underground detention system will be designed to ensure that it is capable of detaining storm flows from a 100-year event such that discharge rates from the site are equal to or less than the rates presented in the report. Additional reports will be required during the permitting process with final engineering prior to construction to ensure that the system constructed adequately addresses runoff from all storms up to and including 100-year storm events.

#### **RESPONSE I-24-38**

This comment suggests that the proposed project would fail to include a full range of Best Management Practices (BMPs). It appears that the commenter is concerned the potential for untreated water to flow off the site and that on-site water treatment would not be included in the underground detention device. The commenter further requests information about plans for the treatment or diversion of dry weather flows to reduce/remove pollutants from the parking structure and walkways. In citing the increased impervious surfaces included in the Alternate Project, the commenter asks about potential for the disconnection of impervious surfaces through the use of plantings or gravel.

On-site detention and biofiltration treatment will be required in accordance with the Model WQMP and Technical Guidance Document, dated December 2013 and any subsequent modifications thereof in response to the recent adoption of NPDES Order R9-2015-0001 on February 11, 2015, effective April 1, 2015. The 2015 development requirements, which include the 2013 Model WQMP and any subsequent modifications pursuant to R9-2015-0001, will be met by biofiltration as required under the SDRWQCB NPDES Permit since infiltration was determined to be infeasible on most, if not all the site (refer to Section 4.8 of the Draft EIR). No onsite treatment plant or diversion to sanitary sewer is proposed and, therefore, no separate NPDES Permit is needed. Please also see Common Response No. 13.

#### **RESPONSE I-24-39**

This comment cites the Waste Discharge Requirements for Discharges of Runoff from MS4s for a definition of optimal storm water management. The commenter suggests that the Applicant plans to eliminate the existing outlet structure and detention basin could be re-designed to maintain functionality as an erosion control BMP. The commenter recommends siting redesigned erosion control BMPs on the proposed location of the Pre-School Administration Building. It appears that the commenter is suggesting that the Pre-School Administration Building should not be constructed, and a redesigned onsite detention system and water treatment system should be constructed in its place for the effective management of storm water runoff.

The Preliminary WQMP included as Appendix G of the Draft EIR as well as the Revised Preliminary WQMP prepared to address Revised Alternative 2 (included as Attachment B to this

Final EIR), the Applicant's revised reduced development alternative, both set forth the factors that make on-site retention/infiltration infeasible for the site (clayey Class D soils, location on hillside, and geotechnical concerns). An alternative that proposes creation of retention ponds would not be feasible and is not necessary to reduce water quality impacts to a level of insignificance. Moreover, elimination of the Preschool/Administration Building as well as a portion of the parking for the project would not meet project objectives, nor is it necessary to address any significant unmitigated environmental impacts. Lastly, the off-site detention basin is not needed when the proposed Master Plan is implemented (as underground on-site detention would be completed in Phase 1). On-site detention is proposed in lieu of the existing erosion control detention basin located downhill of the project site. Please also see Common Response No. 6.

#### **RESPONSE I-24-40**

This comment suggests that construction and operation of the proposed project would result in significant noise impacts on nearby residents. This comment also reiterates the commenter's previously suggested revisions to the proposed project (relocation of the proposed Parking Structure and elimination of the Preschool/Administration building).

The potential noise impacts of the proposed project on surrounding uses, including the adjacent Monarch Bay Villas, during construction are analyzed on pages 4.10-25 and 4.10-26 of the Draft EIR. As described on page 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 construction noise levels in the proposed project vicinity to a less than significant level. No additional mitigation is required.

The commenter's suggested revisions to the proposed project will be forwarded to the decision-makers for their review and consideration.

Although the project proposes construction over the course of 10 years, the majority of the construction activities would occur on the northern portion of the site, away from the residents of Monarch Bay Villas. In addition, construction on the northern portion of the site would be partially shielded by existing or proposed (north half of the Parking Structure that would be built prior to the construction of the southern half) buildings on the southern portion of the project site. Although construction of the Preschool/Administration building and the Parking Structure would be closer to the residences to the south, construction of these buildings would occur over the course of 1 year (refer to page 3-35, Chapter 3.0, Project Description, of the Draft EIR) and would comply with the City's Municipal Code requirements during project construction. Please refer to the Response to Comment I-11-6 for further discussion related to vibration impacts.

#### **RESPONSE I-24-41**

This comment suggests the proposed project would result in significant traffic impacts during operations on Monarch Bay Villas, Monarch Terrace, Monarch Bay Plaza, Monarch Pointe, and Crown Valley Parkway and Pacific Coast Highway at and near its intersection with Crown Valley Parkway.

See Responses to Comments I-9-5, I-17-3, I-17-4, and I-20-9. Potential impacts to all adjacent residential/retail uses have been evaluated through analysis of the Crown Valley Parkway intersections providing access to/from these locations.

#### **RESPONSE I-24-42**

This comment requests that the Applicant be required to construct a protective left turn pocket at Lumeria Lane and Crown Valley Parkway and requests that the City conduct speed monitoring operations on Crown Valley Parkway.

See Response to Comment I-17-5. As described in Response to Comment I-13-6, 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 of this location is not required. In addition, vehicles speeding along Crown Valley Parkway (if any) are not the responsibility of the project. Per Response to Comment I-17-3, the Traffic Impact Analysis (TIA) prepared for the proposed project did assess potential impacts to the Monarch Bay Villas and its sole access (i.e., the intersection of Crown Valley Parkway/Lumeria Lane). As described in Response to Comment I-13-6, Based on the LOS analysis of Crown Valley Parkway/Lumeria Lane included in Table C and Table E of the TIA (Appendix J of the Draft EIR), 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.

#### **RESPONSE I-24-43**

This comment again reiterates the commenter's suggestion to eliminate the proposed Preschool/Administration building from the southeastern portion of the project site.

The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. The commenter's suggested revisions to the proposed project will be forwarded to the decision-makers for their review and consideration.

#### **RESPONSE I-24-44**

This comment suggests replacing the existing buildings with approximately 50,000 square feet (sf) of new construction, reducing the proposed Parking Garage square footage, and eliminating the south tower from the proposed Parking Garage.

The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. The commenter's suggested revisions to the proposed project will be forwarded to the decision-makers for their review and consideration.



#### **RESPONSE I-24-45**

This comment suggests relocating the proposed Parking Garage ramp to address noise concerns during operation.

The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. The commenter's suggested revisions to the proposed project will be forwarded to the decision-makers for their review and consideration.

#### **RESPONSE I-24-46**

This comment suggests increasing the proposed Parking Garage setback, and sloping the setback away from the Monarch Bay Villas to reduce impacts to residents of the Monarch Bay Villas.

Although 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 attain the basic objectives of the project (though to a lesser extent than the original proposed project). As described in Chapter 5.0, Alternatives, of the Draft EIR, Alternative 2 would reduce the proposed new building square footage from 70,284 sf to approximately 52,651 sf (an approximately 25 percent reduction from the proposed project). In addition, under Alternative 2, the Parking Structure would be moved 10 ft to the north, farther away from the Monarch Bay Villas bordering the southern perimeter of the project site, and would also provide fewer parking spaces than the proposed project.

#### **RESPONSE I-24-47**

This comment suggests that the Applicant be required to landscape using native vegetation.

As described in the Draft EIR, Mitigation Measure 4.3.2 requires the use of native plants in the landscaping plan for the proposed project (refer to page 4.3-15 of the Draft EIR).

#### **RESPONSE I-24-48**

This comment suggests that the drainage feature natural detention and bio-filtration Best Management Practices that comply with the proposed project's NPDES Permit be applied.

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, the proposed project would be required to comply with Mitigation Measure 4.8.1, which 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.

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.

Refer to Common Response No. 13 for a list of BMPs that may be used as part of the proposed project to prevent soil erosion and water quality degradation.

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, 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. The new MS4 Permit includes 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.)

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.

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

**RESPONSE I-24-49**

This comment suggests that the Applicant contract for an off-site parking management plan.

As described in the Draft EIR, Mitigation Measure 4.12.1 requires that the Applicant obtain approval from the City’s Planning Commission for a Parking Management Plan that shall include parking agreements to accommodate parking needs for each construction phase off-site or other means to provide required spaces on site on Sundays during each phase (refer to page 4.12-19 of the Draft EIR).

**RESPONSE I-24-50**

This comment requests that construction of the proposed project be completed within 5 years, with full indemnification provided to the Monarch Bay Villas and the Monarch Bay Villas Homeowners Association.

Refer to Common Response No. 3 and Common Response No. 4 for further information regarding the proposed project’s 10-year construction period and a request for indemnification and bonds. The commenter’s suggested revisions to the proposed project will be forwarded to the decision-makers for their review and consideration.

**RESPONSE I-24-51**

This comment requests that all project details be fully specified and disclosed publicly prior to project approval.

*State CEQA Guidelines* Section 15124 states that the project description included in an EIR should not supply extensive detail beyond that needed for evaluation and review of the environmental impact. Further, *State CEQA Guidelines* Section 15124(c) states that an EIR should provide [a] general description of the project's technical, economic, and environmental characteristics. In the City's opinion, sufficient information was provided by the Applicant to analyze the potential environmental impacts of the proposed project.

#### **RESPONSE I-24-52**

This comment requests that the area that currently serves as an off-site percolation basin be restored and that a Vector Control Plan be implemented if the land is converted to wetlands.

The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. The commenter's suggested revisions to the proposed project will be forwarded to the decision-makers for their review and consideration.

#### **RESPONSE I-24-53**

This comment provides a conclusion to the commenter's letter and requests that the City respond to their comments on the Draft EIR as well as their comments on the IS/MND prepared for the proposed project.

The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. Please see Response to Comment I-23-7 and Common Response No. 2.

#### **RESPONSE I-24-54**

This comment was submitted to the City in response to the Notice of Preparation (NOP) circulated on February 4, 2010.

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 or Notice of Preparation (NOP). 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 commenter's letter and the other letters received during the NOP review 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, including the commenter's letter, 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.

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Comments and Reaction to South Shore Church Project DEIR (SCH No. 2009041129)

1.0 Summary

**a) History: – Landslide In Dana Point – Active fault found In Salt Creek Corridor – Apartment Building next to South Shores Church (SSC) Destroyed –** these are all current and actual facts surrounding the SSC building site. None of which LSA, the responsible party for developing the DEIR, have addressed, commented on, or done analysis of. This is also true of the document used as their basis for the current work.

I-25-1

The City of Dana Point Planning Commission and the South Shores Church, who both stated that not one item on the California Environmental Quality Act (CEQA) Checklist form had a “Potentially Significant Impact” regarding any of the categories listed ( see ref. MND 2009 SSC), is an insult and a direct affront to the homeowners, residents and tax payers of Dana Point. It is not accurate and is not an impartial review of the project.

I-25-2

This recycled and highly flawed document was taken from the original Mitigated Negative Declaration (MND) (see ref. City of Dana Point SSC-MND 2009) that has been proven to be inaccurate, completely biased and withdrawn by the City of Dana Point 5 years ago. It is the basis for SSC current Master Plan – how can his flawed MND Checklist be used for the development of the current Draft EIR and not be tainted with the horrible sins of the past MND? – LSA response required.

**b) Safety –** The scale and mass of the proposed construction is over sized for the acreage that is available for construction. The total weight of the parking building, cistern, and 4 additional edifices on a bluff or fragile hillside with a known history of erosion and slippage: it is reasonable to expect the “toe of the hillside” to slip again into Salt Creek to the East or to Monarch Bay Villas (MBV) on the south. LSA response required.

I-25-3

**c) Pre-School playground–** How can SSC guarantee the safety of children for who they are responsible, by providing a playground ever if temporarily in 8 parking lot spaces? What barriers will be used Orange Rubber Cones? LSA response required.

I-25-4

**d) I am stating opposition to the SSC Project as proposed –** The reasons and comments for my objections are stated below. My questions must be answered before any size project can move forward according the CEQA guidelines and they must be included in a Final EIR.

I-25-5

**e) Which project are we to comment upon?:** LSA has switched the direction of the project in its Notice of Availability (NOA). Are we, the general public, to respond to the original plan –(all or nothing to be built in 10 years) or the new option of Alternative Plan #2 – a “lesser/smaller” project?) Or are we to comment upon the unlisted but largest sq. ft. element of the project? (a fifth building a.k.a. parking structure)? I am led to believe CEQA requires full disclosure of all elements and total scale of the proposed project. The missed building, represents the largest square foot building of the proposal, how can LSA attempt to disguise such a glaring exclusion? They have not provided adequate details of this building to allow detailed analysis. By not calling attention to required elements such as a ventilation system, mechanical rooms, stairwells, and elevators it makes one think that LSA

I-25-6



**Comments and Reaction to South Shore Church Project DEIR (SCH No. 2009041129)**

is minimizing it's significant – by only calling it a “dual level parking structure with entrance at two different levels.”

LSA has taken four and a half years to develop this DEIR, which they told us would be available within six to nine months 5 year ago. Why did its development take so long? What other complications have they discovered and not share with the public as required by CEQA? LSA response required.

↑ I-25-6

I-25-7

**2.0 Chapter 2 – Introduction**

**a) The Voices of Monarch Beach (VoMB)** - formed in 2008 to oppose the SSC MND supported by the Dana Point Planning Commission (DPPC) and the Dana Point City Council (DPCC).

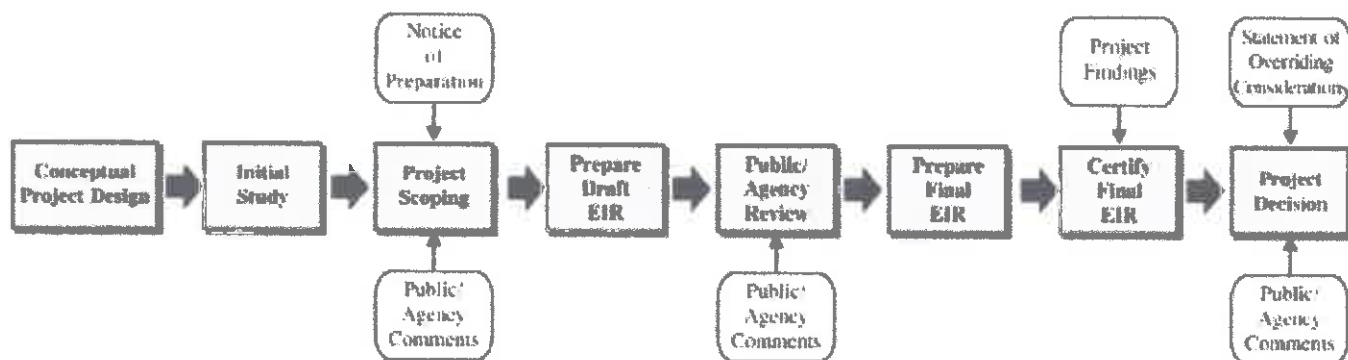
I-25-8

**b) VoMB's research located illegal document creation** – The author of the MND was a member of the church planning committee. Who obviously produced a biased, non-objective report – Why has this not been acknowledged? – How has the new CEQA mitigation checklist varied or been updated from the MND checklist? LSA response required.

I-25-9

**c) DEIR sequence is flawed** – Why was this done to prevent public comment?

**Figure A-1. The EIR Process**



I-25-10

**Notice of Preparation (NOP) & Scoping Session (SS)** now renamed by Dana Point Planning Commission as **Study Session**, are to occur before preparation of and release of the DEIR allowing community input. This is to allow the public time, to read, to understand and develop their reactions in written form. The Planning Commissions “study session” (Scoping Session) was Oct. 13, 2014 a **full two weeks after**, the release of the DEIR on Sept. 15, 2014 with the Notice of Availability (NOA). This confused and truncated process did not provide for a cooperative CEQA relationship between the applicant and the surrounding neighborhoods. **Why was this procedure allowed to occur?** (see ref. above & [resources.ca.gov/ceqa/guidelines/](http://resources.ca.gov/ceqa/guidelines/)) LSA response required.

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**d) There were two major additions and developments in the DEIR:** March 2012: Hydrology and Waste Water changes and Dec. 2013: Geological design changes for the bluff/hilltop stabilization using of a reactive wall design. These changes were done without public comment, reaction, or input. Why? – because there was no notification even to the city’s maintained stakeholders list regarding SSC development. Why was this concealed from public comment? (see ref. *resources.ca.gov/ceqa/guidelines/*) LSA response required.

I-25-11

**e) With the applicants addition of an Alternative Plan #2 (as required by CEQA) and the change in the calculation of square footage to suggest a 25% decreased of the over all site project – (which does not include the 125,000 square foot “Dual Level” parking building or the 19,000 square foot Sanctuary.) This reduction is not true, but makes the project at the same size or even a larger project than the original. Are we to comment on both the original plan and Alternative #2? What should we comment upon? With the inclusion of this two-level parking building/structure, which has elevators and stairwells plus mechanical rooms for ventilation, an “additional building” has been added to the Master Plan. Its square footage has not been combined to provide a total square footage calculation for the Alternative Plan #2. Why is this not rightfully, a building, even if it is not used for living space it is used daily by the occupants in a transient manner? Response required.**

I-25-12

**f) Proposed time of Construction 10 years – This excessive amount of time or duration bring into play how long is the life of a building permit? (there are many varied type required)**

**Table A-1. Permits or Other Actions Required Prior to Construction of the Proposed Project**

Agency	Jurisdiction	Permit or Regulatory Requirement
California State Historic Preservation Office	Any archaeological or paleontological work	<del>12.0</del> Cultural Resources Use Permit, Field Use Authorization, or an Archaeological Resources Protection Act (ARPA) Permit (if required)
California Air Resources Board	Statewide, Title 13, Article 5, §§ 2450-2465, California Code of Regulations	<del>13.0</del> Register portable equipment in accordance with the California Statewide Portable Engine Registration Program (PERP)

I-25-13

– continued below –

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**Table A-1. Permits or Other Actions Required Prior to Construction of the Proposed Project**

Agency	Jurisdiction	Permit or Regulatory Requirement
<b>FEDERAL</b>		
U.S. Fish and Wildlife Service	Endangered Species Act 16 USC 1531-1544 Migratory Bird Treaty Act and Eagle Protection Act Fish and Wildlife Coordination Act	<del>1.</del> Section 10(a) Incidental Take Permit OR <del>2.</del> Biological Assessment, Section 7 Consultation, Biological Opinion
U.S. Army Corps of Engineers	Clean Water Act, 33 USC 1341 Section 10, Rivers and Harbors Act Permit	<del>3.</del> Individual/Nationwide Section 404 Permit
<b>STATE</b>		
California Public Utilities Commission	Public Utilities Code 1001-1005 and CPUC General Order 131-D	• <b>Permit to Construct or Advice Letter Notice (where applicable) are required for any facility to be operated and owned by PG&amp;E</b>
California Department of Fish and Game	Manage fish, wildlife, plant resources and habitats; California ESA, California Native Plant Protection Act, California Fish and Game Code Section 1601	<del>4.</del> Streambed Alteration 1601 Permit <del>5.</del> Section 2081 Incidental Take Permit <del>6.</del> Mitigation agreement/plan
Regional Water Quality Control Board, Region 3 (Central Coast)	Clean Water Act, Section 401	<del>7.</del> 401 Water Quality Certification <del>8.</del> Storm Water Construction General Permit 2009-0009-DWQ <del>9.</del> National Pollutant Discharge and Elimination System (NPDES) Permit
California Department of Transportation, Districts 5 and 6	California Vehicle Code, Division 15, §§35000 et. seq. California Street and Highway Code §§660-711, 670-695	<del>10.</del> Oversize/Overweight Permits <del>11.</del> Encroachment Permits

**The project which is scheduled to started in 2015 – all permits must be the most current and most recent for that construction date; not an earlier date that may have been the inception of the planning process. Planning could have started in 2005 or 04? This prevents any current building project from using an older permits from an earlier date, which has less stringent requirements. This could become a City liability issue. Response required.**

**3.0 - Project description**

**a) The project is over designed for the 6 acre site – it seems to have only 5.1 buildable acres – Why is the applicant’s calculation of the project size is based on 6 acres? Is it because it changes the percentages of reasonable size of the project? Does it allow for less stringent oversight of impervious surfaces calculation and therefore wastewater retention? What is the applicant’s actual buildable square footage or acreage? Response required.**

**b) It blocks the vistas of Salt Creek Corridor – This a major concern for all the public that bicycles, walks or drives on Crown Valley. The applicants current project requires the public to peak between the buildings, stand on a sidewalk with a ladder to look over the parking buildings perimeter wall (up to 15 feet height) or walking around the buildings to see the Salt Creek**



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Corridor. Only by trespassing (after 7:00PM) can the public watch a sun-set over the pacific. Does this does not require a changes in Crown Valleys designation as a **Scenic Parkway or the Coastal Commission guidlines?** (Ref: see hours of operation for Meditation Garden in DEIR). Response required.

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I-25-15

**C) Why build oversized structures on proven earthquake and landslide area?** (refer to Volume III LSA DEIR Geo. Tech. section) It is illogical for the Applicant and ultimately The City to want to be held responsible for the long-term. Indemnification for both after and during the construction phase of 10 years will draw down the city's and/or applicant's coffers by paying for the cost of **major Indemnification bonds** required by this project. This has not been discussed in the DEIR. Once the City issues a building permit, it takes on the responsibility and liability that this is a good, safe and properly built project – **for life** – and that it provides benefits for residents of City of Dana Point. Response required.

I-25-16

**d) Completely absent In the development description is the true square footage and installation dynamics of the dual level, partially subterranean parking structure.** Only the number of parking space is the measurement unit can be read easily on the applicant's plans.

I-25-17

**E) A required CEQA component of a Notice of Announcement (NOA) is that it should provide a concise description of the applicant's project.** It should accurately, and fully, apprise stakeholder of the project. In my opinion, the NOA was intentionally mis-worded, and simplified attempting to evade proper investigation and inquiry by public resource and trustee agencies Response required.

I-25-18

**4.0- Mitigation of Measure**

**a) the intent is to provide the Best Management Practices (BMP) available for safety** - In my humble opinion each item in the DEIR CEQA checklist is an exact copy of the same checklist from the tainted MND, 5 years old. Providing no new or undated mitigation.

I-25-19

**b) The concept of capturing endanger birds and transporting them – (Refer Vol III LSA DEIR) is wholly illegal and not acceptable.** It is in direct conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, and other environmental agencies. Refer <http://www.fws.gov/endangered/what-we-do/hcp-overview.html>

I-25-20

**C) I contend that this project, is a commercial venture, it should receive the same high level of review and inspection as any other corporate business.** – With the additional classrooms, community life center, meeting and auditorium spaces this become a rentable retail project. It no longer is a church only facility.

I-25-21

**The following check list, taken from the CEQA required forms – LSA stating there is “no mitigation required” does not make it true.**  
There has been no response from LSA about my early allegations regarding the MND CEQA checklist from the MND 5 years ago. I am therefore resubmitting all my comments and

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allegations from the MND in addition my current comments and allegations stated below. I look forward to each response from every allegation I have made in both documents in the Final Environmental Impact Report.

I-25-22

**CEQA Check List****4.1 Aesthetics – would the project:**

- a) Have a substantial adverse effect on a scenic vista? **Yes - See photos of staking VoMB website – you can not see the ocean, or the Salt Creek Corridor**
- b) The proposed building substantially damages the scenic resources: **Crown valley is a dedicated Scenic Highway currently there is an open vista to the horizon which will be completely blocked by the project as proposed.**
- c) Substantially degrade the existing visual character of quality of the site and it's surrounding? **Yes -This CEQA question is not about the construction time only but also the long-term degradation of the bluff top vista. Access to the view areas will now limited by locked gates. (see meditation garden DEIR)**
- d) Create a new source of substantial light or glare, which would adversely affect day or nighttime view in the area? **The current exterior lighting has been a problem affecting the housing on the south side of the applicants parking structure. The Church turned off some of the pole light fixtures due to complaints. This now is allowing nightly campers to sleep in their vehicles without be disturbed. On site 24/7 security is required to keep the facility safe. (See parking ramp below - skateboarders) The applicant has provide areas for skateboards to use which was later discontinued. The parking lot is now used and a regular bases.**
- e) Cumulative Aesthetic Impacts **The overall effect is that any view from Crown Valley Parkway for vehicular, pedestrian, or bicycling public will be totally block by buildings, no longer providing a vista from a designated scenic highway. This is more than a Dana Point concern. (refer to Planning Commission Laguna Niguel zoning Code Amendment CA 09-10)**
- f) **The scale, mass and obtrusive 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 Crown Valley Highway, a designated Scenic Highway In Dana Point. It will also provide an invasive view of the existing neighbors of MBVs plus limiting early morning sunlight.**
- g) **I also oppose the height varlance requested for the Community Life Center as this would only further obscure the scenic "view". The view of the Salt Creek**

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**Corridor, the sage and area of eucalyptus trees on the northwest quadrant of the site is enjoyed while walking and bicycling along Crown Valley as well as the Salt Creek Corridor public trail looking upward at the site. It will change a feeling of openness in the area.**

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- h) The proposed height of the Parking Building perimeter walls in some places as high as 15 feet and the Pre-School/Administration will greatly darken the sunlight striking MBVs residences on the north side of Pompeii.**

**4.2 Air Quality – would the project:**

- a) Conflict with or obstruct implementation of the applicable air quality plan? Yes, most of us have our doors and windows open year around to enjoy the view and clean air ocean breezes – to maintain MBVs' quality of life the applicant must provide air conditions, and air filters for Pompeii residents that would allow closing all windows and doors. Is the applicant asking that we just close our windows to avoid dirt, dust, and noise, without air-conditioning for a 10 year period is not logical or reasonable?**
- b) Violate any air quality standard or contribute to existing or projected air quality violation? – All construction dirt will encompass, encircle, and invade each of the 52 residents of MBVs. Being located 20' from the south job site we are victims of this devilish project.**
- 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)? – Will not the increase of vehicle access to parking structure in the long-term and the venting of enclosed portions of the parking building shown on proposed plans, via exhaust ducts focus directly into MBV? The breeze in MBVs changes direction twice a day – each morning and evening. The 10 year building duration must be kept in mind when considering this question as well.**
- d) Expose sensitive receptors to substantial pollutant concentrations? Are the receptors your testing machines or our Noses? We have moved here for various reasons but the main reason is Clear Air – the 10-year building time may give enough time to kill us all who are sensitive.**
- e) Create objectionable odors affecting a substantial number of people? – With the lack of on site water treatment facilities for wastewater management, will pollutants continue to provide nocuous orders next to MBV? The current unmaintained stetting/catch basin does generate objectionable orders.**

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- f) Cueing of diesel dump truck during the demolition and excavation of the site – **With the removal of building, the on site pad grading and excavation for parking plus the size of the proposed project; daily dozens of polluting and fowl smell engines will be idling for 8 hours each day outside MBVs windows.** | I-25-29
  
- g) "The Project impacts related to fugitive dust during construction would be reduced to a less than significant level, and no mitigation is required. Active sites shall be watered at least twice daily (locations where grading is to occur will be thoroughly watered prior to earthmoving). "  
**The DEIR does not mitigate the dust, it only states watering two times is sufficient. That is not reasonable with the amount of soil to be moved, excavated, bore, and pounded in the required time of the construction timetable. On a hot day with a breeze the soil dries rapidly plus the variation of temperature of the day affect watering and watering duration. Additional watering is necessary to keep fugitive dust in-check and not contaminate the adjoining residences during phase 1.**  
**LSA does not define a plan to control fugitive dust that is supportive of the amount of soil be moved, removed, relocated or replaced. Response required** | I-25-30
  
- h) "The project-related long-term air quality impacts would be less than significant, and no mitigation is required."  
**High density of traffic using the garage ramp would produce pollutants, which have not been measured nor projected with the concentrated heavy use of the ramp on Sundays, weekday events and special events in the Community Life Center or the Sanctuary. The backup of idling cars waiting to enter and leave the garage, or enter and exit the ramp will increase the pollution.**  
**LSA must develop analysis data of the impact to air quality of the residences directly south from the garages at peak emissions time and determine if it would constitute an air quality violation. Response Required.** | I-25-31
  
- i) Where and how will Recycle/reuse at least 50 percent of the construction material (including, but not limited to, soil, mulch, vegetation, concrete, lumber, metal, and cardboard). **The DEIR states this but where are the details?** | I-25-32
  
- j) **Standard Condition 4.2.2: Title 24.** The proposed project would be required to comply with Title 24 of the California Code of Regulations (CCR) established by the California Energy Commission (CEC) regarding energy conservation and green building standards, including, but not limited to, green measures concerning project site design, water use reduction, improvement of indoor air quality, and conservation. **Where are the details for green building? There is no solar array, no bicycle racks, no additional green space and no walking areas for visitors to view the Salt Creek Corridor and no access the existing Salt Creek Corridor Trail making a connection to allow access to the ocean.** | I-25-33

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- k) **Ventilation of lower Level of parking building** – this requires exhaust fans, ducts to be vented from the building. Where is the study that proves this will not affect adjacent resident's homes, animals (deer, bobcats, birds) in the area and the vegetation? Response required

I-25-34

**4.3 Biological Resource: would the project:**

- a) have a substantial adverse effect, either directly or through habitat modifications, on any species indentified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the Cal. Department of Fish and Wildlife or US Fish and Wildlife Service – **This area of concern is best understood that the environmentally sensitive area (ESA) directly below the building site has not been maintained for the past twenty years. Even the prickly pear cactuses are dying leaving barren unproductive dirt. Two years ago I was delighted to see rabbits, quail, and an occasional deer in this area. The hillside directly below the proposed building site is now more eroded. In my opinion, caused by undirected or disconnected SSC drainage pipes. The run off of wastewater pipes does not go to any wastewater facilities or V-ditch but are left dangling out of the bluff, to flow down hill into Salt Creek a federally designated (303) d impaired water body.**
- b) have a substantial adverse effect, either directly or through riparian habitat modifications, or other sensitive community identified in local or regional plans, policies and regulations of by Cal. Department of Fish and Wildlife or US Fish and Wildlife Service (Less than significant impact with Mitigation Incorporated – **This area has become an “attractive nuisance” not unlike a wild west landscape of Arizona or New Mexico with gullies, canyons, and arroyos. It is ideal for young children to play hide and seek games, BUT with the possibility of falling into a 20’ canyon and breaking a leg or hitting their head.**
- c) have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal , etc.) through direct removal, filling , hydrological interruption , or other means? – **Wastewater erosion see A above.**
- d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? – **The city of Dana Point has not been a good steward for environmentally sensitive area or wildlife area. The regional and/or state agencies for oversight should question the City’s local efforts.**

I-25-35

**4.5 Geology and Soils**

- 1) **As demonstrated in the MND for SSC soil is prone to slippage** – on the north side of the SSC the landslide of two apartment building slipping on to Salt Creek Trail which was completely block and is still not repaired.
- 2) **A surface run drain pipe 24” dia. that terminate into clogged drainage system**

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- this has been in place since the two apartment building adjacent on the north slide down into the Salt Creek Corridor.

**4.6 Green house Gases Emission**

**4.7 Hazards and Hazardous Material**

**1) the project will create a significant hazard to the public – This can be seen daily in the traffic flowing past the church. The south entrance to the church’s current parking lot requires a U-turn in front of Lumeria every Wednesday and Sunday and for many individuals that wish to park on Crown Valley. With other vehicles accelerating up the Crown Valley hill from PCH - the idea of running into a vehicle halfway thru a U-turn is the last thing they can image. Visibility is difficult and it this is a dangerous intersection. Providing a traffic signal at the location of Lumeria allows the current “turn pocket” to be used and will allow MBV residents to enter onto Crown Valley safely. Many time resident leaving MBV must turn right to enter Crown Valley and make a u-turn at Sea Island to be able to go south to PCH.**

I-25-37

**2) During construction period – the only way out of the north side of our beach community is Crown Valley. This currently presents a daily rush hour traffic problem. Much of the traffic comes from south Laguna residents. In an emergency period such as a major fire, earthquake or tsunami, the traffic flow will be worst. The 10-year DEIR proposal has no emergency plan for providing the clearing of traffic congestion of the worksite for emergency equipment to travel into the area and the public to travel out of the area, away from danger. The highway will be surely blocked by loading and unloading of equipment and materials as well as construction and heavy equipment trucks exiting and entering Crown Valley.**

I-25-38

**4.8 Hydrology and Water Quality**

**1) Waste water from SSC – is not controlled erosion of topsoil has made a desert area on top of the bluff due to lack of maintenance of run off v-ditches. Refer Roger Butow’s submission on this subject.**

I-25-39

**4.9 Land Use and Planning**

**1) I contend that the enormous increase from the existing 42,500 to 89,300 sq. ft. floor area constitutes an outrageous Intensification of the site’s Infrastructural usage. Combined with the dual-level parking structure this Master Plan should be summarily rejected by the City plus Resource and Trustee regulatory oversight agencies –The parking building is estimated to be approximately 62,500 sq. ft. per level. The PROJECT is described in the NOA is actually 89,300 sq. ft. of occupied (active) building space – PLUS approximately 125,000 sq. ft. of relatively passive vehicular stalls and the existing 19,000 sq. ft. Sanctuary. The PROJECT is really a 214,300 sq. ft. redevelopment site and should have been formally noticed to stakeholders as such.**

I-25-40

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**2) No green space shown in plans and the overbuilding of the 5.1 usable acres of the site**– will cause a rise in temperature due to the increase of impervious surfaces and demonstrates a lack of green building thought process – **Moving the southern edge of parking perimeter wall north 35’** from the current parking curb location (not the MBV property line) will provide a good size strip of green area connecting this project to the Salt Creek Corridor, creating a reasonable buffer between MBVs and the perimeter wall of the parking structure and decrease the carbon foot print of the project.

I-25-41

**3) The proposed project 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 will result in 90% of the total buildable acres becoming impervious surfaces.** This is alarming and will significantly increase the contaminant- sloughing surfaces. The project’s Water Quality Management Plan and related Storm Water attenuation mitigations are grossly insufficient; but the addition green space will reduce the carbon footprint for the project and help minimize the upper parking lot run off.

I-25-42

**4) ESA region lacks the City’s oversight – it has lacked maintenance of SSC and Freeway Fifteen co-easement stewards for two decades.** The erosion of bluff or hillside below building site is an unsecured nuisance. This erosion also demonstrates a weak and fragile hillside for the support of the project. The hillside “toe” (bottom of the hill along the Salt Creek Trail) is moving toward the Creek and the bottom of the valley.

I-25-43

**5) In 2009 VoMB proposed an alternative NOT offered in the just-released DEIR.** As a MBV resident I 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. – 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. I am offering a similar alternative plan later in this document.

I-25-44

**6) LSA has not provided verification that the site is zoned as CF.** It may have been used this way illegally for years. I contend that the site was residential in 1962 when the church moved to Dana Point. They received a temporary variance for opening a pre-school in the basement of the old ranch house. Where and when was **31712 Crown Valley Parkway, Dana Point, CA 92629** changed from residential to a community facility zoning? Is this a legal use of the property?

I-25-45

#### **4.10 Noise**

**1) Long Term Noise of the Ramp a “New Skateboard Site”** - no where in the Project has the idea that this ramp is an “attractive nuisance” been expressed. Every

I-25-46



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skateboarder in South Laguna and north Dana Point will be jumping at the chance to try their skills on an unregulated and unsecured long down hill curving without traffic and allow almost unlimited use day and/or night. I think their parents might even like the idea of the their kid(s) going to the church to ride their skateboard in a safe area.

Skateboarders already use the current parking lot, which has a slight down hill run, at night for fun. How is LSA going to limit the ramp's use? Speed bumps? – they make great jumps! Grooved Concrete? – a great space for the concentrated collection of oil, gas, tire tread rubber plus other pollutants, – to run down hill into Salt Creek or become airborne to float into the MBV windows and doors! Every modification to the ramp will increase the vehicle noise accelerating or breaking on the ramp. The ongoing noise of clickety-clack from the skateboard wheels at all hours is not acceptable for MBV residents.

I-25-46

**2) The relocation of the ramp** towards the center of the parking structure and the building site is a reasonable suggestion. It would allow for better surveillance of the ramp and further remove the noise factor from bordering areas.

I-25-47

**3) Meditation garden** – This is an afterthought and a new addition to the project. It is a direct invasion of the back yards of MBV. From its proposed location, any individual can look into the kitchen and bedroom windows of several resident's homes. This plan shows a total lack of consideration of the closest neighbor and total invasion of our current life style and existing outdoor living space. It must be rejected. Response is required.

I-25-48

**2) Ramp for parking structure** – The acceleration and breaking as vehicles climb the to the second level of the structure will be as noisy as Nordstrom's parking building. No reasonable person would try to relax with in 25' of such a curving ramp. Our homes and bedroom windows are 25' from this design. Only by moving the parking building an additional 35' north away is this design to be considered. see 4.9-2 The relocation of the ramp to the center area of the parking structure will also deaden the car noises for the adjacent neighbors.

I-25-49

**4.12 Transportation /Traffic**

**1) The current traffic plan from Sea Island to PCH is at present, on a daily bases, unsafe.** Changing speed limits are current posted on Crown Valley. The vehicles powering-up the hill to the Sea Island intersection going north toward I-5 or accelerating down hill (south) to PCH has caused numerous accidents. This can be attributed to a sharp curve south of Lumeria, limited view, and speed. The blinking lights warn of us about our speed... but vehicles continue up or down the hill with little regard. A single traffic light at Sea Island helps to slow the traffic flow for a moment until drivers hit the gas again. Persons living in this chaos run a gauntlet daily. With LSA analysis, the City has a chance to repair years of neglect and a dangerous practice of U-turns. Placing a traffic signal at Lumeria and using existing turn pocket will stop traffic at the curve. No

I-25-50

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longer will the danger for church members trying to make U-turns in front of on coming traffic exist. MBV residents will be able to exit Lumeria safely going south.

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**2) If the project is approved with an offsite parking component – the City must have signed contracts for 10 years before issuing any permits for construction. Will that/those contract(s) carry foreword with any new property titles?**

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**3) The use of the current parking lot - 8 parking spaces for a temporary preschool play area -is not safe for the children on many levels. It never should be considered; Will there still be traffic in the parking area? What is the surface on which the children will ride their tricycles and play? Polluted Asphalt? What parent allows their kids to play in a parking lot? Child endangerment and lawsuits come to my mind.**

I-25-  
52

**4) The PROJECT parking structure as not just dual-level. It is not just an open-air lot with impervious surfaces as exists now. It will necessitate a ventilation system, electronics and other similar construction elements, and should it be considered, categorized and typified as redevelopment, as an expansion of existing building space by the APPLICANT.**

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**5) The parking “structure” should have been more accurately described as a building and included accurately the NOA: Granted it is one of temporary usage or ephemeral occupancy over the course of daily visits. This more precisely would describe the project as required by CEQA. It would appear LSA has been concealing this 125,000 sq. ft. element to the average reader of the NOA.**

**6) The structure is poorly planned and has 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. (See # 4.12-1 above)**

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**7) The DEIR does not identify emissions impact during the Grading and excavation and construction of the Preschool/Administration Building activity and the impact on the southerly residences.**

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**6) The high density of traffic (up to 40% of the 421 cars projected for the garage and parking area) utilizing a ramp at peak periods from 20 to 30 minutes of each event (Pre-School, Sunday services, special events, as well as Community Center activities) will increase substantially the amount of pollutants emitted from the exhaust of automobiles proceeding up the ramp, much like the studies done for on-ramps of freeways. This is a very inefficient period of vehicle operation and as such more than the normal amounts of pollutants are emitted.**

I-25-  
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LSA must obtain and provide actual impact data, and extrapolate it for the close proximity of this traffic to the adjacent residences. An alternate solution to decreased pollutants would be to relocate the ramp further to the north to provide a larger buffer for



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both Air Quality and Noise. (refer to 4.12.1-1 & 4.10-1 above)

I-25-56

**7) No data on emissions while grading and on-going traffic in to and out of Garage ramp has been provided. Equipment admissions levels during construction grading for the Administration building and the garage have not been defined for southerly residences. Localized Operational Emissions. High density of traffic in the garage ramp would produce pollutants, which have not been measured or defined. LSA is to provide analysis and predictions of peak emissions in both cases above to sensitive receptors. Response Required**

I-25-57

**5.0 - Alternatives to proposed Project**

**The current proposed project and the applicants' alternative #2 are not acceptable for the various reason stated above – one of the most glaring issues is the lack of a complete inclusion of all the listed items for the project description of the NOA. The 125,000 square foot building with rooftop parking is not included – only that it is a 411 space parking structure. I believe this is an infraction of CEQA requirements. The actual description is what should have be clearly defined in a NOA. A second concern is the missing elements of green building and planning of site use. The fact that the impact on the closest residences of MBV has not been considered anywhere in the Applicant's Master Planning is not acceptable. The invasive Meditation Garden location, the over baring Pre-school and Administrative Building, the closeness of the dual-level parking structure also contributes to this concern. This alternative has been discussed by VoMB members and seems to be a reasonable option to move forward from our current impasse.**

I-25-58

**MY ALTERNATIVE #3:**

I would like to offer my own Master Plan, one that pursues a 5 year build-out and fulfills the APPLICANT'S duly noted, alleged future use. The APPLICANT stated that occupancy, i.e., visitation numbers will not increase significantly.

The APPLICANT has stated that there are two primary objectives regarding the PROJECT:

(A) The site is presently under-parked, spillover onto Crown Valley Parkway (CVP) results in visitors taking risks by using spaces along an arterial highway that has a 45 mph speed limit, a limit typically ignored by vehicles. (See parking/traffic above U-Turn) Most drivers, once seeing a green light at Sea Island intersection, begin driving 5-10 mph faster in anticipation of the next section, a 55 mph zone above Del Avion. Thus building a 411 vehicles parking structure attempts to keep parking exclusively onsite.

I-25-59

(B) The dominant majority of the buildings onsite are sorely antiquated, in need of complete rehabilitation, are of circa 1950s construction ---some (23,000 sq. ft.) need demolition and 100% complete rebuilding. Some (19,000 sq. ft.) can apparently be significantly rehabbed, salvaged somewhat.



**Comments and Reaction to South Shore Church Project DEIR (SCH No. 2009041129)**

**(1) Absolutely no administration building**, no edifices period in the southeast quadrant, this includes the invasive **The Meditation Garden**. That location is the only area of the site that allows a natural feature detention & bio-filtration basin, a pollutant/peak flow reduction BMP, similar to the one below Josette’s but in harmony with the NPDES Permit circa 2014-15. It is visually & functionally superior, as it is out of visual blight or imposing presence. It also allows for migration of animal life out of the Salt Creek Corridor.

I-25-60

**(2) I will support approx. 25% floor area increase above the existing 42,000**, dispersed among the rehabbed edifices sorely needing upgrades. This roughly equals a Project’s approx. 52–55,000 sq. ft. range (increased by 10–13,000 sq. ft.). That’s about 50% of what the applicant wants in ALT.#2. It’s about 70,000 sq. ft. hence a compromise @ around 55,000 sq. ft. The Sanctuary stays as it is and its 19,000 sq ft. is added into the total sq. ft. calculations.

I-25-61

**3) Combining the Admin/Education edifice** is a good offer and makes sense. This is particular true in that the applicant is not proposing an increase of use – “Consequently, the buildings proposed as part of the Master Plan will be used to accommodate existing church activities and functions. The Church does not intend to increase the pre-school enrollment or expand the capacity of the Sanctuary for Sunday services.”

61

**4) SSC promises, guarantees a maximum (excavation to occupancy) 5-year cap on Master Plan build-out**, retaining the 3 indemnification/performance bullet points that Rod Hatter introduced in testimony at Oct 13<sup>th</sup> 2014 Planning and Study Session. 1) Indemnification for any damages to adjacent residents from excavation, stabilization efforts, or hydrological damages due to changes in historical drainage patterns 2) indemnification for the completion of project (site not left abandoned) 3) indemnification due to ground slippage or collapse because of the excessive weight applied to the fragile building site or hydrological drainage patterns. These indemnifications were previously broached/noted by Pat McCarroll & Kerri Krasher 4.5 years ago in response to the flawed MND. Regardless, the project still has catastrophic potential, hence the indemnification amount that have been proposed. SSC alleges it has a very deep pocket, “dollar are no object”—Then building it out in 5 years should be no problem.

I-25-62

**5) If SSC procures off-site parking management plan** as was originally proposed in the MND, openly divulged contractual agreements with satellites location that travel with those properties for the duration of the build-out.

I-25-63

**6) NO administerial (over-the-counter) or “As Built” internal building department changes**, may be signed off by inspectors, without a public hearing. This is one of the flaws of an Master EIR/Master Plan. We, the public, have no cure or remedy if the planning department plays “Let’s make a deal” with SSC.

I-25-64

**6) SSC will build a dual level parking structure as Phase I**, but an approximately 2/3 sized of original plan number one. A setback (reductions) of 35 ft. to be made from the south curb of the current parking lot not from MBVHOA property line below the crib wall. This softscape is to be a green space that will to be physically linked, as an extension of the lower ONSITE detention basin proposed in requirement #1 above. This sets aside a green swath, mid-value habitat, but still uninterrupted

I-25-65



**Comments and Reaction to South Shore Church Project DEIR (SCH No. 2009041129)**

down to the ESA. Plus grass/drought tolerant native plantings are cooler in temp., do not exhibit **“solar gain”** (the heating aspect of asphalt/concrete) .....This parking structure is NOT to be centered, but offset to maximize setback from MBVHOA (Pompeii homes). A peak flow retention cistern sub grade is still required, but the flow & amounts stored will be significantly reduced because the open space suggested could take surface runoff from the upper tier of the parking lot.

I-25-65

The completely absents of the development description, the true square footage, the installation dynamics of the dual level, and partially subterranean parking structure berried somewhere by LSA, this makes it difficult if not impossible to be more precise in my comments.

**7) Parking Structure to be Phase one** – this will allow keeping all service equipment on Site during construction. It must be pointed out regardless of whatever parking plan is approved, the proposed site design schedule must mandate that ALL of the vehicular stalls be created and completed in the first phase, at the initiation of construction. This will alleviate the dangerous over site of not having a plan to deal with major emergencies requiring evacuation of South Laguna or North Dana Point.

I-25-66

End of my alternative plan -----

Reference: to the Parking Structure...

Estimated to be approximately 62,500 sq. ft. per level, the PROJECT as described in the NOA is actually 89,000 sq. ft. of occupied (active) building space PLUS 125,000 sq. ft. of relatively passive vehicular stalls. The PROJECT is really a 214,000 sq. ft. redevelopment site and should have been formally noticed to stakeholders as such.

The PROJECT parking structure due to its dual-level composition isn't just an open air, impervious surface lot as exists now. It will necessitate a ventilation system, electronics and other similar construction elements, and should be considered, categorized and typified as redevelopment, as expansion of existing building space by the APPLICANT. The turret design stair well/elevator areas which are architectural “add on” further disrupt and obscure the Salt Creek Corridor open space by further closing in the open air (view of the sky).

I-25-67

It therefore should have been more accurately described as a building and included in the NOA: Granted one of temporary usage or ephemeral occupancy over the course of daily visits.

A required CEQA component (NOA) that should have provoked a concise description of the PROJECT accurately, fully, has been, in our opinion, intentionally mis-worded, attempting to evade to proper investigation; inquiry by not only by stakeholders but public resource and trustee agencies. By wording it improperly, a more flaccid, less vibrant and strenuous review results.

Public Comments re: South Shore Church Project DEIR  
(SCH No. 2009041129)

To: Dana Point City Council  
From: Todd V. Glen  
Subject: Public Comment Oct. 13, 2014

My name is Todd Glen, I am a Dana Point resident and member of VoMB

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. It is on record as opposing the SSC 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 with existing regulatory ordinances and land use plans.

VoMB contends that the enormous increase from the existing **42,500 to 89,300 sq. ft.** floor area constitutes an outrageous intensification of the site's infrastructural usage. Combined with the dual-level parking structure this Master Plan should be summarily rejected by the City plus Resource and Trustee regulatory oversight agencies.

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

I-25-68

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.

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 . **VoMB also opposes the height variance requested for the Community Life Center as this would only further obscure the scenic "view"**.

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.

Public Comments re: South Shore Church Project DEIR  
(SCH No. 2009041129)

**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 will result in 90% of the total buildable acres becoming impervious surfaces.**

This is alarming and will significantly increase the contaminant-sloughing surfaces. The project's **Water Quality Management Plan** and related storm water attenuation mitigations are grossly insufficient.

The Master Plan, a 10-year, multi-phased build-out, will prolong irritating 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.

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.

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.

Todd V. Glen

VoMB's Phone: 949-481-5488

VoMB's website: [VoicesofMonarchBeach.org](http://VoicesofMonarchBeach.org)

I-25-68

**TODD V. GLEN**

**LETTER CODE: I-25**

**DATE: October 29, 2014**

**RESPONSE I-25-1**

The comment raises concerns about landslides, faults, and the loss of an apartment building adjacent to the project site and states that the Draft Environmental Impact Report (EIR) did not address these issues.

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

**RESPONSE I-25-2**

The comment raises concerns about the analysis contained in the 2009 Mitigated Negative Declaration (MND) and the use of such as a basis for the Draft EIR.

The Draft EIR did not rely on the analysis contained in the MND. See Common Response No. 2.

**RESPONSE I-25-3**

The comment raises safety concerns related to an opinion that the scale and mass of construction, and weight of such, is oversized for the site acreage.

Based on the Geotechnical Reports prepared for the proposed project (Draft EIR, Appendix E), the Draft EIR determined that the potential for surface fault rupture; soil erosion during operation; and ground failure due to lateral spreading, subsidence, liquefaction, or collapse is less than significant, and no mitigation is required. After considering the proposed building scale, weight, and mass of construction, the potential impacts related to soil erosion during construction, seismic shaking, landslides, corrosive soils, and expansive soil conditions will be addressed through recommendations as contained in the Geotechnical Reports (refer to Appendix E, Geotechnical Reports, of the Draft EIR), maintenance of unimproved slopes, and testing for corrosive soils (Mitigation Measures 4.5-1, 4.5-2, and 4.5-3). With implementation of these measures, geotechnical and soil concerns are considered less than significant.

**RESPONSE I-25-4**

The comment raises concerns about the temporary playground to be established in the parking lot during construction.

The temporary play area would be identified by placement of orange cones. Children would be supervised while playing in the temporary play area. A fence would be installed to contain and screen the active construction area.

### **RESPONSE I-25-5**

The comment states the commenter's opposition to the proposed project and requests answers to the comments provided.

This Response to Comments document is a part of the Final EIR that will be brought forward to the City of Dana Point (City) decisions-makers as part of the California Environmental Quality Act (CEQA) and project approval process. All comments pertaining to the analysis contained in the Draft EIR will be responded to herein. The commenter's objection to the proposed project 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-25-6**

The comment expresses confusion about whether comments should be made on the proposed project or Alternative 2. The comment further states that the Draft EIR does not provide an adequate description of the parking structure as part of the project.

The Draft EIR complied with *State CEQA Guidelines* Section 15126.6 that requires discussion of alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project. Alternative 2 reduces the square footage associated with the Proposed Project and, therefore, reduces physical impacts associated with the proposed project. Comments from interested parties and agencies can be made on any environmental issues contained in the Draft EIR, including both the proposed project and the alternatives. Adequate project details for both the proposed project and Alternative 2 are provided throughout the Draft EIR and Chapter 5.0, Alternatives, and more specifically in Table 5.A on Page 5-3 of the Draft EIR. See also Common Response No. 8 regarding the Parking Structure.

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.

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, and 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-25-7**

The comment asks why it has taken so long to develop the Draft EIR and asks if there were complications discovered and not shared with the public.

The primary objective of CEQA is to identify, and reduce or eliminate, if feasible, significant environmental effects of projects. Therefore, CEQA encourages project proponents to incorporate project design features and mitigation measures during the process in order to reduce impacts. Development of an alternative geotechnical solution was developed during the preparation of the Draft EIR which caused delays in completing the Draft EIR. Also, see Response to Comment I-8-4.

#### **RESPONSE I-25-8**

The comment states that the Voices of Monarch Beach (VoMB) organization was formed in 2008 to oppose the MND previously prepared.

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-25-9**

The comment asserts that the author of the MND was a member of the church planning committee and questions why this was not disclosed. The comment further asks how the EIR mitigation checklist has been updated from the previous MND.

The comment regarding the author of the MND does not contain any substantive statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary. The Draft EIR did not rely on the checklist contained in the MND, and preparation of an environmental checklist is not required when an EIR is being prepared. See Common Response No. 2 and Common Response No. 10.

#### **RESPONSE I-25-10**

The comment asserts that the Draft EIR sequence is flawed and that the City's Study Session should have occurred before release of the Draft EIR.

See Common Response No. 1.

### **RESPONSE I-25-11**

The comment states that changes to the project occurred during the Draft EIR process and that these changes should have been made available to the public for input.

See Response to Comment I-9-12.

### **RESPONSE I-25-12**

The comment questions whether Alternative 2 is a reduced project due to the inclusion of the parking structure. The comment further asserts that the square footage of the parking structure is not included or analyzed correctly.

Project details for both the proposed project and Alternative 2 are provided throughout the Draft EIR and Chapter 5.0, Alternatives, and more specifically in Table 5.A on Page 5-3 of the Draft EIR. Alternative 2 reduces the square footage by 17,633 square feet (sf) as compared to the proposed project. A two-level Parking Structure is included under both the proposed project and Alternative 2. See Common Response No. 8 regarding calculations for the Parking Structure.

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.

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, and 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-25-13**

The comment questions why construction will take 10 years and suggests that older building permits could be used to avoid more stringent requirements.

See Common Response No. 3. 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 permit requirements and codes in effect at that time. The comment does not contain any substantive statements or questions about the Draft EIR or the analysis therein and, therefore, no further response is necessary.

#### **RESPONSE I-25-14**

The comment questions the overall size of the site and questions how 6 acres was calculated.

Based on the site plan and the legal description of the project site in the title report dated March 28, 2006, the project site is 6.0 acres.

#### **RESPONSE I-25-15**

The comment expresses concern regarding the views from Crown Valley Parkway and asks whether the project would require a change in the designation of this roadway as a Scenic Parkway or under the California Coastal Commission guidelines.

As described in Section 4.1, Aesthetics, of the Draft EIR, the commenter is correct that Crown Valley Parkway is designated a Scenic Highway by the City of Dana Point Design Guidelines. See Common Response No. 9 for a discussion of impacts to views from Crown Valley Parkway.

#### **RESPONSE I-25-16**

The comment questions why the City would allow building on an earthquake and landslide area and further states that indemnification bonds would be required.

The issuance of indemnification bonds is not an environmental issue under CEQA and, therefore, this comment is not a question about the Draft EIR or the analysis therein. See Common Response No. 4. No further response is necessary, but this comment will be forwarded to the decision-makers for their review and consideration. See also Response to Comment I-25-3, above, regarding earthquake and landslide concerns.

#### **RESPONSE I-25-17**

The comment states that the parking structure is not adequately described in the Draft EIR. See Common Response No. 8.

#### **RESPONSE I-25-18**

The comment opines that the Notice of Availability (NOA) was intentionally misworded in order to evade review by public agencies.

The NOA for the proposed project was prepared in compliance with *State CEQA Guidelines* Section 15087(c) and distributed as required to solicit input on the Draft EIR. The Draft EIR was

also distributed directly to public agencies by the Office of Planning and Research (OPR)/State Clearinghouse.

**RESPONSE I-25-19**

The comment asserts that the EIR checklist is the same as the MND checklist and provides the same mitigation.

See Common Response No. 2 and Common Response No. 10.

**RESPONSE I-25-20**

The comment states that the capture and transport of birds is unacceptable and conflicts with the Natural Communities Conservation Plan (NCCP).

The only mention of capture related to bird species in the Draft EIR is contained in Mitigation Measure 4.3.1, bullet number 3, which partially states that “If birds cannot be flushed, they shall be captured in mist nets, if feasible, and relocated to areas of the site to be protected or to the NCCP/Habitat Conservation Plan (HCP) Reserve System.” This is verbatim wording taken from Section 7.5.3 of the Final EIR/EIS prepared for the Central and Coastal Subregion of the Orange County NCCP/HCP, which outlines the construction minimization measures to be undertaken during the authorized removal of coastal sage scrub habitat. However, it should be noted that, in this case, where the removal of vegetation is relatively quite small, just 0.18 acres of disturbed coastal sage scrub where gnatcatchers have not been observed, and where the removal will be done during the non-nesting season, there is very little likelihood that the use of mist nest to capture and relocate gnatcatchers will be utilized.

**RESPONSE I-25-21**

The comment states that the project should receive the same level of review as any other commercial or retail business.

See Response to Comment I-9-4.

**RESPONSE I-25-22**

The comment states that the MND checklist was used for the Draft EIR and that because previous comments on the MND checklist were not answered, all comments and allegations are provided again in this comment letter.

See Common Response No. 2.

### **RESPONSE I-25-23**

The comment opines that there will be adverse impacts to a scenic vista of the Salt Creek corridor.

Section 4.1, Aesthetics, of the Draft EIR analyzed impacts to views from public view locations and provided visual simulations to support the conclusions. See Response to Comment I-25-15 and Common Response No. 9.

### **RESPONSE I-25-24**

The comment states that lighting from the existing church is a problem and that the church is allowing campers to sleep in their vehicles. The comment further states that 24/7 security is required for all of the uses allowed by the church.

As stated on page 4.1-20 of the Draft EIR, the City's Zoning Code requires all exterior lighting to be shielded or recessed so that direct glare and reflections are contained within the boundaries of the project site and shall be directed downward and away from adjoining properties and public rights-of-way (Section 9.05.220). Therefore, the Draft EIR determined that the proposed project would have a less than significant impact with regard to light and glare in the project area, and no mitigation is required.

Further, it is anticipated that the City would continue to enforce Section 13.04.140, Bicycles, Skateboards, Rollerblades, and Similar Items, of its Municipal Code, which prohibits the unlawful use of skateboarding, among other activities, in areas not designated for such a person, and the Applicant would prohibit trespassing on its property. Therefore, noise impacts associated with the unauthorized usage of the Parking Structure by skateboarders and other transients are not anticipated.

Neighbors are encouraged to call Police Services or the City's Code Enforcement Line to report illegal parking or trespassing on the project site.

### **RESPONSE I-25-25**

The comment states that the views will be blocked and that these impacts are more than a City of Dana Point concern. The comment further states that the scale and mass of the project will obliterate views from Crown Valley Parkway.

See Response to Comment I-25-23 and Common Response No. 9.

### **RESPONSE I-25-26**

The comment states that nearby residents will need air conditioners and filters in order to close their windows and doors. The comment further states that construction dirt will invade their homes.

See Response to Comments I-24-11 and 12.

#### **RESPONSE I-25-27**

The comment questions whether the increased vehicle access to the parking garage and the associated exhaust would impact nearby residents, and further requests that the 10-year construction be kept in mind.

The Air Quality Analysis prepared for the proposed project (Appendix B of the Draft EIR) calculated both short-term and long term emissions to determine potential air quality impacts. Long-term operational emissions in pounds per day (lbs/day) associated with the proposed project were calculated with the CalEEMod model, which included trip generation factors provided in the *Traffic Impact Analysis for South Shores Church Master Plan (TIA)* (LSA, July 2014), and defaults for area and energy sources based on the land use and project location. The results showed that operation of the proposed project would not exceed any corresponding South Coast Air Quality Management District (SCAQMD) daily operational emission threshold for any criteria pollutant. Therefore, project-related long-term air quality impacts, including emissions associated with use of the Parking Structure, would be less than significant, and no mitigation was required. Similarly, the CalEEMod model was used to calculate construction impacts (including emissions from demolition, grading, site preparation, utility engines, and motor vehicles transporting the construction crew). No exceedances of any criteria pollutants are expected during construction with implementation of the required construction emissions control measures required in Standard Conditions 4.2.1 and 4.2.2 (pages 4.2-26 and 4.2-27 of the Draft EIR). Therefore, air quality impacts related to construction emissions would be less than significant, and no mitigation is required.

#### **RESPONSE I-25-28**

The comment asserts that receptors should be measured by noses not machines, and further states that residents moved there for clean air.

This comment is an opinion and 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-25-29**

This comment expresses concern that the proposed project will result in an increase from existing conditions in objectionable odors experienced by Monarch Bay Villa residents due to the lack of on-site water treatment facilities and construction activities.

The impacts of odor are difficult to quantify, as the effects are subjective. Regarding the existing catch basin, the project is not expected to cause any change to the existing operation and any resulting odors. While the exhaust of construction equipment will have an odor component, whether that odor will be such that nearby residents would consider it unpleasant or worse would depend on numerous factors, including the wind speed and direction, and distance from the

equipment to the person, as well as the exhaust control technologies on the construction equipment. All construction equipment will comply with State regulations limiting idling to 5 minutes and newer exhaust control requirements that certainly reduce pollutant emissions and generally also reduce the odor levels. Even if nearby residents do experience odors from the construction equipment that they consider unpleasant, the period of time this might occur is expected to be intermittent and brief. Thus, the impacts from construction-related odors are not considered to be significant.

### **RESPONSE I-25-30**

This comment expresses concern that fugitive dust during construction would not be adequately reduced from watering of active sites at least twice each day given the amount of soil disturbance and weather variation.

The construction operations will be required to comply with all SCAQMD requirements, including Rule 403: Dust Control. This rule stipulates that “No person shall cause or allow the emissions of fugitive dust from any active operation, open storage pile, or disturbed surface area such that the dust remains visible in the atmosphere beyond the property line of the emission source.” Watering will occur as needed to comply with this rule. Refer to Standard Condition 4.2.1 on page 4.2-26 of the Draft EIR for further discussion of compliance with SCAQMD Rule 403.

Further, a Construction Localized Impacts Analysis was prepared to analyze if the on-site emissions could result in a significant concentration of NO<sub>x</sub>, CO, PM<sub>10</sub>, or PM<sub>2.5</sub> at the nearest off-site location at which someone might be exposed (refer to Table 4.2.J on page 4.2-23 of the Draft EIR). The analysis shows that the concentrations of all pollutant emissions on the peak day of construction would be below the SCAQMD thresholds of significance. Therefore, because none of the proposed project’s construction phases would overlap, the localized impacts of the proposed project’s construction emissions would be less than significant.

### **RESPONSE I-25-31**

This comment states that an analysis specifically addressing the localized air quality impacts to residences south of the proposed project’s Parking Structure ramp should be developed in order to adequately analyze peak emissions from church activities.

The Operational Localized Impacts Analysis does analyze if the on-site emissions could result in a significant concentration of NO<sub>x</sub>, CO, PM<sub>10</sub>, or PM<sub>2.5</sub> at the nearest off-site location at which someone might be exposed (refer to Table 4.2.H on page 4.2-20 of the Draft EIR). This analysis is a very conservative (meaning that it overestimates the impacts to protect people living nearby) method of including all operational emissions, including vehicle emissions. The analysis overstates impacts by assuming that nearby receptors would be exposed to all on-site project-related stationary emissions sources and 5 percent of the project-related new mobile emissions sources, which is an estimate of the amount of project-related new vehicle traffic that would occur on the project site. Considering the average trip length included in the CalEEMod model (most trips would be approximately 8.4 miles), the 5 percent assumption is conservative. As the conservative analysis showed that none of these pollutants would reach even 10 percent of the

thresholds, it is clear that the operational emissions would be less than significant. The EIR analyzes any potential air quality impacts related to the proposed Parking Structure and determines that there are less than significant air quality impacts.

#### **RESPONSE I-25-32**

The comment questions where and how the recycle/reuse of up to 50 percent of the construction waste will occur.

The potential for the proposed project to result in impacts on solid waste disposal facilities during construction is analyzed in Section 4.11, Public Services and Utilities, of the Draft EIR. As described on pages 4.11-27 and -28 of the Draft EIR, the proposed project would be required to comply with the City's Construction and Demolition (C&D) Waste Ordinance (No. 03-17), which requires contractors and other construction-related persons to obtain a permit and haul at least 75 percent of their construction waste to a C&D material recycling facility certified by the City. As of October 2013, the City of Dana Point has certified seven facilities that are able to receive C&D materials generated within the City. Some of these facilities only accept certain types of C&D materials (e.g., green waste, concrete, or asphalt), while other accept all types of C&D waste. None of these facilities accept hazardous waste materials. The Applicant's construction contractors would be able to haul the C&D materials to the certified facility of their choice. As described on page 4.11-28 of the Draft EIR, compliance with the City's C&D Ordinance No. 03-17 would ensure that the proposed project would not result in significant impacts related to solid waste generation during construction, and no mitigation measures are required.

#### **RESPONSE I-25-33**

The comment asks for details regarding the green building standards and comments that there is no public access to the Salt Creek Trail.

The private property does not currently provide public access to Salt Creek Trail and is not obliged to do so for future conditions. Project Design Feature 4.6.1 (pages 3-15 of the Draft EIR) includes strategies to help reduce greenhouse gases (GHGs), including the installation of energy-efficient heating and cooling systems, appliances and equipment, control systems, and water-efficient irrigation systems and devices.

#### **RESPONSE I-25-34**

This comment expresses concern that air quality impacts to neighboring residents, wildlife, and vegetation from ventilation of the lower level of the proposed Parking Structure have not been adequately analyzed.

See the Response to Comment I-25-31.

### **RESPONSE I-25-35**

The comment states that biological resources are lacking on the hillside areas due to a lack of maintenance of drainage facilities. The comment further postulates that the gullies are a safety hazard to children playing in this area.

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) were 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 and Hydromodification Management Plan requirements that became effective in December 2013. 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.

As described in Common Response No. 6 and the memorandum included in Attachment C to this Final EIR, the open space adjacent to the project site is owned by another private entity. Therefore, the owner of the open space property is responsible for the maintenance and upkeep of their property.

### **RESPONSE I-25-36**

The comment states that an apartment building on the adjacent property was impacted by a landslide and that there is still a clogged drain system on the site.

See Common Response No. 12 and Response to Comment I-25-35. As described 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) were 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.

#### **RESPONSE I-25-37**

The comment states that there is a roadway hazard from vehicles attempting to make a U-turn at Lumeria on Crown Valley Parkway.

As demonstrated in the *Traffic Impact Analysis* (Appendix J of the Draft EIR), the project would not cause a significant impact to Crown Valley Parkway/Lumeria Lane. This intersection would operate at safe, satisfactory level of service (LOS) with or without the project. Although currently permitted parking along Crown Valley Parkway does not prohibit a driver exiting Lumeria Lane (i.e., making a left turn or right turn) from seeing oncoming cars from either the northbound or southbound direction, this on-street parking is planned for removal to install a bike lane.

#### **RESPONSE I-25-38**

The comment expresses concern that there is no emergency plan to get people out of the area in the event of a major disaster.

As discussed in Section 4.7, Hazards and Hazardous Materials, of the Draft EIR, the City of Dana Point has established an Emergency Preparedness Plan that includes protocol for responding to major emergencies and disasters. The purpose of this plan is to develop a strategy to prepare for, respond to, and recover from an emergency or disaster. More specifically, the City's Public Safety Element establishes a Public Safety Plan to implement goals of the City's Emergency Preparedness Plan. In addition, the General Plan identifies evacuation routes within the City to be used in the event of an emergency that would require the evacuation of all or part of the City. The proposed project would provide adequate access for emergency vehicles and would meet all design requirements established by the Orange County Fire Authority (OCFA). Furthermore, the proposed project would not include design features that would physically interfere with



emergency response or evacuation. Therefore, implementation of the proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. See also Response to Comment I-17-4 for information on the required Construction Management Plan.

#### **RESPONSE I-25-39**

The comment states that there is erosion on the bluff tops due to a lack of maintenance of the runoff and v-ditches.

See Common Response No. 6.

#### **RESPONSE I-25-40**

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

This comment is an opinion and 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-25-41**

This comment expresses concern that approval of the proposed project would result in an increase in temperature from an increase in impervious surfaces.

The comment implies that the rise in temperature “due to the increase of impervious surfaces” would be a problem. There is no supporting information for this assertion. There is no obvious reason that the rise in temperature would be substantial or result in a significant impact.

#### **RESPONSE I-25-42**

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.

See Response to Comment I-9-8 and Common Response Nos. 6 and 13. The proposed project would be developed in conformance with the WQMP and applicable NPDES Permit, and, as a result, would improve water quality. As described in Common Response No. 13, on-site LID design features and BMPs that would be utilized to ensure conformance with the NPDES Permit. Refer to Common Response No. 13 for a list of BMPs that may be used as part of the proposed project to prevent soil erosion and water quality degradation.

These BMPs and the LID design features that would be utilized by the proposed project are the product of a multi-year development by governmental experts at the Regional Water Quality Control Boards and will be in conformance with the latest SDRWQCB NPDES Permit adopted on February 11, 2015. These design features and BMPs were designed by governmental water quality experts for the purpose of ensuring NPDES, MS4 and overall water quality standards are maintained. As described in Attachment F: Fact Sheet / Technical Report for Order No. R9-2013-0001, as amended by R9-2015-0001, VIII. Provisions, Provision E: Jurisdictional Runoff Management Programs, Provision E.3 (Development Planning), adherence to these design requirements and BMPs ensure that the proposed project would not create significant short term construction or operational water quality impacts to the maximum extent practicable.

#### **RESPONSE I-25-43**

The comment states that the erosion of the hillside below is an unsecured nuisance and that erosion demonstrates a weak hillside for support of the facility.

The geologic characteristics of the project site and geotechnical conclusions/recommendations relative the proposed project and hillside terrain adjacent to the project site were investigated and evaluated in detail by the Applicant's 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 related to seismic and geologic hazards are described in detail in the Geotechnical Reports prepared for the proposed project (refer to Appendix E, Geotechnical Reports, of the Draft EIR). Mitigation measures presented by the geotechnical consultant (grading, caissons, tiebacks) in the referenced Geotechnical Reports were shown to adequately address site geotechnical concerns and demonstrated an acceptable Factor-of-Safety with respect to slope stability for the proposed project.

Geotechnical and soil issues regarding suitability of the site for development are addressed in detail in the geotechnical analyses prepared for the proposed project (refer to Appendix E, Geotechnical Reports, of the Draft EIR). See also Common Response No. 12.

#### **RESPONSE I-25-44**

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.

See Response to Comment I-9-10.

#### **RESPONSE I-25-45**

The comment asserts that the project site is zoned Residential and not Community Facility and requests to be provided a date that the site was rezoned.

See Response to Comment I-21-9.

### **RESPONSE I-25-46**

The comment expresses concerns over the parking garage ramp being used by skateboarders and becoming a nuisance, and questions how this type of use would be limited.

See Response to Comment I-25-24. Restriction of potential future use of project facilities by skateboarders is not an environmental issue. 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-25-47**

The comment suggests moving the ramp towards the center of the parking structure.

This comment is a design suggestion and 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-25-48**

The comment expresses opposition to the proposed Meditation Garden due to privacy issues and perceived invasion of neighbors' personal outdoor space.

The setbacks for the proposed project meet, and exceed, the development standards for the project site. See Common Response No. 11.

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-25-49**

The comment again suggests relocating the location of the parking garage ramps to reduce noise on adjacent neighbors.

The *Noise Impact Study* (Appendix H of the Draft EIR) evaluated potential noise impacts on the Monarch Bay Villas to the south. The Noise Impact Study identified the maximum noise level ( $L_{max}$ ) that would be generated by each vehicle in the garage, then assumed the noise levels would occur steadily and last over a period of time. It was then compared to the City noise standards in the Municipal Code Noise Ordinance. No significant noise impacts due to project-related mobile and stationary sources on off-site uses were identified. Therefore, no mitigation measures are required for the proposed project.

### **RESPONSE I-25-50**

The comment states that the traffic on Crown Valley Parkway between Sea Island and Pacific Coast Highway (PCH) is unsafe due to curves, limited views, and speed.

The existing geometrics and speed limits along Crown Valley Parkway are an existing condition and not a result of the proposed project. The *Traffic Impact Analysis* conducted for the project determined that Crown Valley Parkway/Lumeria Lane would operate at satisfactory LOS with or without the project. Therefore, a traffic signal is not warranted. Furthermore, implementation of the project would neither create a significant hazard nor would it increase U-turns adjacent to the project site (i.e., Lumeria Lane or Sea Island Drive—full-access project driveway). See also Response to Comment I-25-37.

### **RESPONSE I-25-51**

The comment requests the Applicant to have signed agreements for any off-site parking before any permits for construction are issued. The comment also asks if the off-site parking agreements would be carried forward with if there are any changes in the ownership of the project site.

The proposed project would be required to comply with Mitigation Measure 4.12.1. As described on pages 4.12-19 and 20 of the Draft EIR, Mitigation Measure 4.12.1 requires the Applicant to obtain the City Planning Commission's approval for an updated Parking Management Plan as detailed in Chapter 9.35 of the City's Zoning Ordinance prior to the issuance of any demolition, grading, or construction permits associated with any phase of the proposed project. The off-site shared parking agreement for each construction phase would be required to remain 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.

If the Applicant were to sell the project site, the project entitlements, including all the conditions of approval, and the obligation to implement the conditions/mitigation measures would transfer to the new owner. This would include compliance with Mitigation Measure 4.12.1. Any proposed

land use changes on the project site beyond those contemplated as part of the proposed project would be subject to a separate review process by the City.

**RESPONSE I-25-52**

The comment raises concerns about the temporary playground to be established in the parking lot during construction.

See Response to Comment I-25-4.

**RESPONSE I-25-53**

The comment states that the parking structure should be considered and categorized as an expansion of building space and should have been more accurately described in the NOA.

See Common Response No. 8.

**RESPONSE I-25-54**

The comment expresses concern about the ingress and egress to the parking structure and questions if it will jeopardize compliance with the County's Congestion Management Plan (CMP) agreement with the City.

See Response to Comment I-9-5.

**RESPONSE I-25-55**

This comment claims that the Draft EIR did not adequately analyze construction emission impacts on the residences located south of the proposed project.

The Draft EIR analyzed the construction emissions and found that at no point throughout the multiyear and multiphase construction process would any pollutant exceed the thresholds set by the SCAQMD. Additionally, the Construction Localized Impacts Analysis analyzed if the construction emissions could result in a significant concentration of NO<sub>x</sub>, CO, PM<sub>10</sub> or PM<sub>2.5</sub> at the nearest off-site location at which someone might be exposed (either the actual distance or at the minimum distance of 25 meters as specified by the SCAQMD, whichever is further) (refer to Table 4.2.H on page 4.2-20 of the Draft EIR). All pollutants would be well below the thresholds set by the SCAQMD.

**RESPONSE I-25-56**

This comment expresses concern that peak-period traffic utilizing the proposed Parking Structure's ramp would result in substantial localized air quality impacts to neighboring residences, and that these impacts must be further analyzed.

See the Response to Comment I-25-31.

#### **RESPONSE I-25-57**

This comment expresses concern that impacts from construction and traffic emissions have not been adequately analyzed.

As described in the Response to Comment I-25-31, the Operational Localized Impacts Analysis analyzes whether the on-site emissions during operations could result in a significant concentration of NO<sub>x</sub>, CO, PM<sub>10</sub>, or PM<sub>2.5</sub> at the nearest off-site location at which someone might be exposed (refer to Table 4.2.H on page 4.2-20 of the Draft EIR). This analysis is very conservative because it overstates impacts by assuming that nearby receptors, including the Monarch Bay Villas, would be exposed to all on-site project-related stationary emissions sources and 5 percent of the project-related new mobile emissions sources, which is an estimate of the amount of project-related new vehicle traffic that would occur on the project site. Considering the average trip length included in the CalEEMod model (most trips would be approximately 8.4 miles), the 5 percent assumption is conservative as it assumes that considerable vehicle idling would occur on the project site. As the conservative analysis showed that none of these pollutants would reach even 10 percent of the thresholds, it is clear that the operational emissions would be less than significant.

As described in the Response to Comment I-25-55, the Draft EIR analyzed the construction emissions and found that at no point throughout the multiyear and multiphase construction process would any pollutant exceed the thresholds set by the SCAQMD. Additionally, the Construction Localized Impacts Analysis analyzed if the construction emissions could result in a significant concentration of NO<sub>x</sub>, CO, PM<sub>10</sub> or PM<sub>2.5</sub> at the nearest off-site location at which someone might be exposed (either the actual distance or at the minimum distance of 25 meters as specified by the SCAQMD, whichever is further) (refer to Table 4.2.H on page 4.2-20 of the Draft EIR). All pollutants would be well below the thresholds set by the SCAQMD.

#### **RESPONSE I-25-58**

The comment asserts that the proposed project and Alternative 2 are not acceptable and that adequate descriptions of both were not included in the NOA.

See Response to Comment I-25-18 and Common Response No. 8.

#### **RESPONSE I-25-59**

The comment introduces the suggestion of an alternative Master Plan, based on the objectives of providing adequate parking on site and the necessity for rehabilitation of aging buildings.

Although 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 attain the basic objectives of the project (though to a lesser extent than the original proposed project). Alternative 2 (Reduced Project) would reduce the proposed

new building square footage from 70,284 sf to approximately 52,651 sf (an approximately 25 percent reduction from the proposed 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 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.

The commenter's suggested alternative will be forwarded to the decision-makers for their review and consideration.

#### **RESPONSE I-25-60**

The comment requests that no Administration building or Meditation Garden should be constructed in the southeast quadrant of the site as part of the suggested alternative.

As described in Response to Comment I-25-60, the Applicant submitted a refined version of Alternative 2 to the City in response to public input on the Draft EIR. While Revised Alternative 2 would still construct the Preschool/Administration Building and Meditation Garden in the southeastern portion of the project site, it would 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.

The commenter's suggested alternative design will be forwarded to the decision-makers for their review and consideration.

### **RESPONSE I-25-61**

The comment states support for an alternative project that would allow up to a 25 percent increase in floor area and further suggests combining the Administration and Education buildings.

Although 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 attain the basic objectives of the project (though to a lesser extent than the original proposed project). Alternative 2 (Reduced Project) would reduce the proposed new building square footage from 70,284 sf to approximately 52,651 sf (an approximately 25 percent reduction from the proposed project).

The commenter's suggested alternative design will be forwarded to the decision-makers for their review and consideration.

### **RESPONSE I-25-62**

The comment requests a maximum 5-year construction plan with indemnification/performance bonds to protect adjacent homeowners from potential damages.

See Common Response No. 3 and Common Response No. 4.

### **RESPONSE I-25-63**

The comment requests the contractual agreements for off-site parking be made publically available and that such agreements remain in force if there are any changes in the ownership of the satellite parking locations.

The proposed project would be required to comply with Mitigation Measure 4.12.1. As described on pages 4.12-19 and 20 of the Draft EIR, Mitigation Measure 4.12.1 requires the Applicant to obtain the City Planning Commission's approval for an updated Parking Management Plan as detailed in Chapter 9.35 of the City's Zoning Ordinance prior to the issuance of any demolition, grading, or construction permits associated with any phase of the proposed project. Therefore, applicable provisions of the off-site parking agreements (location, term, and number of parking spaces) would be made available to the public prior to the initiation of each proposed construction phase.

The Parking Management Plan for each phase will require that the applicant provide off-site parking for the number of spaces that are deficient for each phase. As part of the CUP for the Parking Management Plan, the Applicant will show the parking spaces are procured for the duration of that particular phase.

If the off-site parking spaces were to become unavailable for any reason, the Applicant would be required to arrange for another site or re-schedule or discontinue the Church's operations to eliminate the need for off-site parking. The Applicant is required to obtain the City's approval to update the Parking Management Plan for each phase where parking demand is not met on-site.



#### **RESPONSE I-25-64**

The comment requests that no administrative (*ministerial*) building changes or permits be issued without a public hearing.

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-25-65**

The comment requests that the parking structure be built as part of Phase 1 but at two-thirds the size of the structure as proposed. The comment further requests a greater setback and greenbelt/detention area between the residents and the parking structure.

See Common Response No. 11 regarding the project's compliance with setbacks. See Response to Comments I-25-60 and Section 1.4, Refinements to Alternative 2, of this Final EIR for discussion regarding Revised Alternative 2.

The commenter's suggested alternative design will be forwarded to the decision-makers for their review and consideration.

#### **RESPONSE I-25-66**

The comment requests that the parking structure be built as part of Phase 1 to provide all parking on site and to address possible emergencies requiring evacuation of South Laguna or North Dana Point.

The Applicant has modified the construction phasing of Alternative 2 in response to comments requesting that the Parking Structure be constructed sooner in the Master Plan. 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).

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-25-67**

The comment reiterates the concerns related to the parking structure, its description, and its inclusion in the NOA.

The NOA describes the proposed project with square footages for each proposed structure and includes the statement “two level partially subterranean parking structure” to describe the Parking Structure proposed to be constructed as part of the proposed project. See also Common Response No. 8 for additional information why the square footage of the proposed Parking Structure was not included in the Draft EIR or NOA.

### **RESPONSE I-25-68**

The comment is a reproduction of comments 1 through 10 of Comment Letter I-9, also submitted separately by the same commenter.

See Responses to Comments I-9-1 through I-9-10.

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

October 29, 2014

Attention: Saima Qureshy, AICP, Senior Planner  
City of Dana Point  
Community Development Department, Planning Division  
33282 Golden Lantern, Suite 209  
Dana Point CA, 92629-1805

Re: Notice of Availability of a Draft Environmental Impact Report for the South Shores Church (31712 Crown Valley Parkway, Dana Point, CA 92629) Master Plan Project/SCH # 20090411/Coastal Development Permit CDP 04-11/Conditional Use Permit CUP 04-21/Site Development Permit SDP 04-31

Sent by email to [squareshy@danapoint.org](mailto:squareshy@danapoint.org),

I request confirmation of delivery from the City of Dana Point and LSA, which should be sent to [jns4aero@cox.net](mailto:jns4aero@cox.net)

Transportation/Traffic Section (4.12)

As a resident of 23254 Atlantis Way in Monarch Bay Villas (MBV), I read the current DEIR, which applies to either alternative proposed by the applicant, several times with particular interest in the sections of the study that relates to Transportation/Traffic and Parking and believe that the Environmental Checklist which concluded “No Impact or Less than Significant Impact With Mitigation Incorporated”, with regard to items 4.12.4, 4.12.5, and 4.12.8) was deficient in several areas:

I-26-1

**City of Dana Point General Plan Circulation Element**

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

- There are a number of references to traffic analyses that refer to the Crown Valley Parkway/Sea Island intersection which is controlled by a traffic signal (pages 4.12.1 – 4.12.5):
  - The project will continue to utilize Crown Valley Parkway to access the site at two driveways. The northerly project access at the intersection of Crown Valley and Sea Island Drive is signalized and provides full access, while the southerly project access is restricted to right turns in/out only. (pages 4.12.3-4.12.4). On the other hand, all discussions of traffic estimates contained in the DEIR ignore meaningful discussion of the intersection of Lumeria Lane and Crown Valley Parkway, immediately south of the church property, other than a few summary conclusions with regard to impact. This is the only vehicular access to the residents of the 52 units of Monarch Bay Villas, where we reside, and the outside world.

I-26-2

In fact, the discussion, on page 4.12.4, of the DEIR contains no indication that Lumeria Lane, the only access to our community, is via Crown Valley Parkway, so one must assume that detailed access to Monarch Bay Villas and the impact thereof, was not seriously considered in this DEIR.

**Since the DEIR fails to seriously recognize or examine the intersection of Lumeria Lane and Crown Valley Parkway, I request that the impact of the South Shores project on Lumeria Lane traffic flow including Monarch Bay Villas entry and exit impact, be specifically addressed in the DEIR report. Simply stating that LOS Level D, the level of service that would be seen at our only access to the outside world, “This level encompasses a zone of increasing restriction approaching instability at the intersection. Delays to approaching vehicles may be substantial during short peaks within the peak period; however, enough cycles with lower demand occur to permit periodic clearance of developing queues, thus preventing excessive backups” (page 4.12-2” leads the applicant to conclude that there are no significant congestion issues. Monarch Bay Villas is treated as a second class citizen when it comes to acceptable levels of service because we have been discriminated against in the past by lack of a turn out lane or signal, but even under these reduced standards one can quickly see that the level of service at the Crown Valley/Lumeria Lane intersection is much more marginalized than any of the other intersections the applicant has chosen to identify (page 4.12-4, Table 4.12.D). This discriminatory situation is not improved during the construction phases (page 4.12-10, Table 4.12.E).**

I-26-2

**Is there a more detailed evaluation of the impact this project will have on access to Monarch Bay Villas via Lumeria Lane elsewhere in this DEIR? If not, why not?**

- **Since the traffic/ parking studies (page 4.12-12) ignore the very large volumes of parking on Sundays with regard to on street parking on both sides of Crown Valley Parkway, both north and south of the Sea Island Drive intersection extending past Lumeria Lane, by assuming that vehicle occupancy goes up, rather than the reality that more folks park along Crown Valley Parkway, I request assurance that all studies and data included in the DEIR with regard to parking demand along Crown Valley Parkway be based upon current, observed conditions, and that any assumptions with regard to parking deficiency during the various phases of these projects be updated to include estimates based upon observed, rather than estimated behavior.**

I-26-3



I-26-3

**Street parking circumstances surrounding the estimates do not appear to adequately represent existing conditions since there have been more than 50 cars parked up and down Crown Valley parkway on Sunday mornings during the 9:30 and 11:00 AM services, for a number of years.**



I-26-3

- **Many of these vehicles, parked on either side of the Lumeria Lane entrance to MBV already have had a negative impact on the line of sight for the residents looking up the curving hill to the north and around the curve to the south along Crown Valley Parkway, when trying to exit our community, made more difficult because we have no traffic control mechanism at all.**

The parking mitigation plan previously (2009 and 2010) proposed has apparently been withdrawn, so that moving forward with **no parking mitigation solutions**, would only exacerbate an already difficult parking environment.

I-26-4

- Many of us have experienced the added time required to drive along PCH into Laguna Beach during the road construction project in 2009. In fact, the approximate five minute drive to South Coast Hospital from our community, often became a 20 minute trip:
  - In addition to current and expanded staff requiring parking spaces at SSC, construction equipment and/or construction workers parking along Crown Valley Parkway, especially during weekday rush hour would significantly limit the ability for traffic to flow smoothly or to enter and leave Monarch Bay Villas. If Crown Valley were backed up from the light at Sea Island south past the entrance to MBV at Lumeria Lane, it would be virtually impossible to exit MBV heading south and it would be very difficult to enter the northbound traffic pattern backed up along Crown

I-26-5

Valley Parkway, effectively making us traffic hostages in our own homes. **How does the South Shores Church plan mitigate these potential serious disruptions during construction phases? Does the Plan include adding a police officer to direct traffic during construction peak periods at the Lumeria intersection or perhaps a traffic light?**

I-26-5

- Crown Valley is **one of only three access routes to Laguna Beach** from the rest of the county and the only one for south Laguna Beach. Therefore, it would need to be clearly accessible to high volumes of traffic in emergency situations such as medical (the average age of residents in MBV is 65-70 years, with at least 8 units owned by folks over 80), fire, tsunami, earthquake etc; The Dana Point General Circulation Plan, Threshold 4.12.5 (page 4.12.8) under Thresholds of Significance 4.12. in State CEQA guidelines, states projects should be viewed as to whether they "Result in inadequate emergency access"

I-26-6

- Although there is a left turn lane from southbound Crown Valley Parkway into Lumeria Lane, and plans to construct a **Left Turn Out Median Shelter** from Lumeria Lane into the southbound direction of Crown Valley Parkway have existed for more than 20 years, (provided elsewhere), nothing has been done with regard to this construction in the intervening years. Traffic heading from PCH north on Crown Valley Parkway, toward Sea Island, past the entrance to Monarch Bay Plaza, another intersection without a traffic light, and then Lumeria Lane often travels around curves at speeds well above the posted speed limit, making left turn exiting from Lumeria onto Crown Valley southbound, very challenging. **Similar to the above Threshold question, how does this expansion reconcile with the Threshold issue 4.12.4 on page 4.12.8, which discusses "Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) ...Please explain how the Applicants plan will address this deficiency, sure to be exacerbated by this extensive project?**

I-26-7

- In fact, when travelling along Crown Valley from Pacific Island to Alicia Parkway, or along Alicia Parkway from Niguel Road to Also Creek Road, one observes that virtually all of the residential neighborhoods that abut these major traffic routes have either a traffic light or turn out lane or both, whereas Lumeria Lane, which is sandwiched, between Pacific Coast Highway and Sea Island, along Crown Valley Parkway a very high traffic corridor, since it is the only access routes to/from south Laguna Beach and the rest of the county, **has none.**

I-26-8

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

I-26-9



the expected daily traffic flow and queuing along Crown Valley to enter this facility and how this is to be remedied?

I-26-9

In light of the above issues including lack of adequate provision of on street parking for applicants employees and visitors as well as construction workers and their equipment, during many months of construction, which would reduce Crown Valley northbound by one lane and perhaps two, if construction equipment drifted to one of the two remaining lanes, and would put extreme pressure on the traffic collected at the northbound light at Crown Valley and Sea Island, precluding reduction of the queue that develops, the lack of a traffic light or even a turnout lane from Lumeria Lane to southbound Crown Valley Parkway, the need for constant transportation access for residents of Monarch Bay Villas, the cumulative effect of all these oversights have to be addressed in a meaningful way, more than simply concluding at each section of the DEIR "Less than significant impact." Are there contracts in place identifying parking alternatives to mitigate these extreme parking and disruptive traffic flow concerns, which should be addressed before moving forward with this application.

I-26-10

• Recommended alternate (partial) solutions

As detailed above, this Transportation/Traffic portion of the applicants DEIR is deficient in a number of ways that fail to recognize current circumstances with respect to this project and which will have a significant negative impact on the residents of Monarch Bay Villas, the impacts of which have so far not been addressed.

Therefore, I would recommend that the applicant/City of Dana Point consider pursuing measures that would relieve some of the access/egress pressure on Monarch Bay Villas residents as a result of this massive undertaking. This might include 1) installing a southbound turnout lane on Crown Valley Parkway at Lumeria Lane, or installing a traffic light at this intersection. In addition, many of the parking and congestion issues identified above would be precluded by 2) rebuilding the parking lot in the first stage of this project, 3) reducing the duration of the entire project to a much shorter time frame, perhaps five years versus ten and 4) identifying and contracting with a company that has the parking facilities to mitigate the parking deficiencies during the most extreme periods of the day and week.

I-26-11

Noel Schachner  
23254 Atlantis Way  
Dana Point CA, 92629



## **NOEL SCHACHNER**

### **LETTER CODE: I-26**

**DATE: October 29, 2014**

#### **RESPONSE I-26-1**

This comment is introductory in nature, and expresses concern about the Draft EIR, especially as it pertains to traffic and transportation.

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-26-2**

This comment references the City of Dana Point General Plan Circulation Element Goal 1 as well as pages 4.12.1- 4.12.5 of the Draft EIR. The comment asserts that the Draft EIR should analyze the impact of the proposed project on Lumeria Lane traffic flow, including egress and ingress to the Monarch Bay Villas. The comment states that the Draft EIR determination that Level of Service (LOS) D for the Crown Valley/Lumeria Lane intersection constitutes unacceptable traffic conditions and discrimination against the Monarch Bay Villa residents.

See Responses to Comments I-9-5 and I-17-3.

#### **RESPONSE I-26-3**

This comment inquires as to whether the Draft EIR provides additional analysis regarding access to the Monarch Bay Villas via Lumeria Lane. The comment requests confirmation that all analysis in the Draft EIR concerning parking demand along Crown Valley Parkway be based on observed conditions rather than estimations. The comment includes two photographs documenting existing conditions along Lumeria Lane and Crown Valley Parkway.

It is incorrect to say that the current on-street parking demand has been ignored. An independent car count company conducted parking demand surveys of the church for various days and time periods. These surveys are inclusive of parking on site and parking along Crown Valley Parkway. Both existing on-site and on-street parking observations have been factored into the future time-of-day estimates of project parking demand. As described in Response to Comment I-25-37, on-street parking along Crown Valley Parkway will be removed/restricted at project completion, which will improve driver visibility and sight distance.

#### **RESPONSE I-26-4**

This comment asserts that the parking mitigation plan (2009 and 2010) for the proposed project has been withdrawn, and that if there is no parking mitigation it would exacerbate existing parking concerns.

As discussed in Section 4.12, Transportation and Traffic, of the Draft EIR, parking surveys were conducted at the site in April 2014 to determine the peak weekday and Sunday parking demand. The Draft EIR determined that adequate weekday parking would be provided during each construction phase. However, a parking deficit would occur on Sundays during all phases with the exception of Phase 2. Therefore, 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 sufficient off-site parking on Sundays during those construction phases when the project site is projected to have insufficient on-site parking, would reduce the proposed project's parking impacts during construction to a less than significant level. The off-site parking agreements would be reviewed and approved by the City prior to issuance of any permits for each phase.

#### **RESPONSE I-26-5**

This comment discusses increased travel times along Pacific Coast Highway towards Laguna Beach during road construction in 2009. The comment also states that construction and operation traffic from South Shores Church would adversely impact traffic flows in and out of the Monarch Bay Villas, and questions how South Shores Church would mitigate these traffic impacts during construction.

See Responses to Comments I-13-6 and I-17-4. The project would not cause significant impacts to any of the study area intersections, including Crown Valley Parkway/Lumeria Lane, during project construction or typical operations. The project would not create excessive delays along Crown Valley Parkway; therefore, it would not result in inadequate emergency access. Furthermore, a Construction Management Plan will be completed in coordination with the City to minimize potential circulation impacts.

#### **RESPONSE I-26-6**

This comment states that Crown Valley Parkway is one of three access routes to Laguna Beach, and as such, it should be accessible to high volumes of traffic, especially in emergency situations.

See Response to I-26-5, above.

#### **RESPONSE I-26-7**

This comment asserts that the left turn conditions from southbound Crown Valley Parkway onto Lumeria Lane, as well as the proposed improvements for this intersection, result in hazardous traffic conditions. The comment suggests that the existing safety hazards at this intersection

would be exacerbated by the proposed project, and that the Applicant should be required to provide a means of addressing traffic concerns at this intersection.

The project would not increase or exacerbate hazards due to speeding or U-turns (if any). As described on page 4.12-8 of the Draft EIR, the design of the proposed project would not substantially increase traffic hazards due to a design feature on local roadways. Further, 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. Therefore, the project is not responsible for reconciling or constructing any improvements (i.e., median/turn-out lane or traffic signal) related to these perceived issues along Crown Valley Parkway or Lumeria Lane.

#### **RESPONSE I-26-8**

This comment expresses concern that Lumeria Lane, between Pacific Coast Highway and Sea Island Drive, along Crown Valley Parkway, does not have traffic signals or turnout lanes in comparison to other intersections with similar traffic volumes in the surrounding area.

See Response to Comment I-26-7, above.

#### **RESPONSE I-26-9**

This comment expresses concern over traffic impacts from inclusion of a gymnasium in addition to the school as part of the proposed project, and how any potential traffic impacts may be mitigated.

The project would not increase student attendance so vehicle trips generated for student pick-ups and drop offs would not change from existing conditions. It is acknowledged that special events (such as basketball/volleyball leagues) may occur in the Community Life Center (gymnasium), but these activities will not take place during typical peak-hour periods on a weekday or Sunday (the busiest day on site). These facilities will serve as the new locations for church programs and activities currently housed in buildings that will be demolished with the proposed project. The new Community Life Center and Christian Education Buildings will be amenities for the existing church congregation.

#### **RESPONSE I-26-10**

This comment suggests that there is a lack of on street parking for both construction and operation of the proposed project, and as such, northbound traffic along Crown Valley parkway would be adversely impacted. The comment states that these traffic impacts to Crown Valley Parkway would adversely affect access to the Monarch Bay Villas, and that these impacts have not been adequately addressed in the Draft EIR. The comment inquires as to whether or not parking alternatives have been identified to address parking and traffic flow concerns.

See Responses to Comments I-13-6, I-17-4, and I-20-13.

The Applicant has modified the construction phasing of Alternative 2 in response to comments requesting that the Parking Structure be constructed sooner in the Master Plan. 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).

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-26-11**

This comment asserts that the Transportation/Traffic section of the Draft EIR is inadequate, and does not address the proposed project's significant negative impacts to the residents of Monarch Bay Villas. The comment suggests that the Applicant/City of Dana Point should pursue measures to address impacts to ingress/egress to the Monarch Bay Villas. The comment also suggests rebuilding the proposed project's parking structure in the first stage of the proposed project, reducing the construction period for the proposed project, or providing parking facilities through a third-party for peak parking demand periods.

See Responses to Comments I-13-6, I-17-4, and I-20-13.

-----Original Message-----

From: Brian [<mailto:ManningMrB@aol.com>]

Sent: Thursday, October 30, 2014 10:57 AM

To: ERICA DEMKOWICZ; SAIMA QURESHY; [uluna-reynosa@danapoint.org](mailto:uluna-reynosa@danapoint.org)

Cc: [jlee92708@gmail.com](mailto:jlee92708@gmail.com)

Subject: Re: South Shores (Baptist) Church Project - Work Vehicles

Hello Erica,

I am sure you recall that we had several conversations in 2009 regarding Monarch Bay Terrace's (MBT) concerns about the South Shores Baptist Church (SSBC) project's traffic, namely work vehicles. Both you and Kyle Butterwick agreed that a stipulation of, "NO SSBC work vehicles shall be allowed to enter Monarch Bay Terrace on Sea Island Drive or Seven Seas. No parking, no entering for turn a rounds and no stop off's for any reason. If any work vehicles are found to enter MBT, they would be fined (\$1,000-5,000 ?) per incident, payable to the city within a specified period of time".

I-27-1

You had told me personally that this stipulation would definitely be included in the project's DEIR and it's final EIR. Is this written within the city's stipulations of the project as agreed ? I am unable to find it at this time.

Thank you in advance,  
Lisa Manning

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**LISA MANNING**

**LETTER CODE: I-27**

**DATE: October 30, 2014**

**RESPONSE I-27-1**

This comment provides a summary of the commenter's conversation with City staff in 2009 regarding inclusion of a traffic stipulation (in the form of a monetary fine) in the proposed project's Draft EIR.

Although this specific stipulation has not been included verbatim in the Draft EIR, Section 4.12 Transportation/Traffic includes Standard Condition 4.12.1, Construction Management Plan, which forbids usage of local streets (such as Sea Island Drive or Seven Seas Street) as one of its provisions. This Construction Management Plan would be approved prior to issuance of any demolition, construction, or grading permit, and shall meet standards established in the current *California Manual on Uniform Traffic Control Device (MUTCD)*, as well as City of Dana Point requirements. In addition, the City intends to incorporate a condition into the Conditional Use Permit (CUP) stating "The Applicant shall ensure no contractors use Sea Island Drive for parking, staging or truck usage. Use of Sea Island Drive for any construction-related activities is prohibited."

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October 30, 2014

Ms. Saima Qureshy  
Senior Planner, City of Dana Point  
33282 Golden Lantern, Suite 209  
Dana Point, California 92629

32712 Crown Valley Parkway  
Monarch Beach, CA 92629

{949} 496-9331  
Fax {949} 496-3020  
www.southshores.org  
office@southshores.org

Re: Comments on South Shores Church Master Plan Draft EIR

Dear Ms. Qureshy:

Thank you for the opportunity to comment on the draft Environmental Impact Report (“EIR”) for our proposed Master Plan. Completion of the draft EIR is an important milestone in our efforts to move forward with the replacement of certain of our existing facilities as well as increasing the number of parking spaces available on the South Shores Church (“SSC”) property. While SSC believes there was value in having the City prepare a full EIR for the proposed Master Plan, the draft EIR concludes that all impacts can be mitigated to a level of insignificance (which shows that technically use of a mitigated negative declaration for CEQA compliance could also have been an option).

I-28-1

As you are aware, during the draft EIR preparation process, LSA indicated that a reduced development alternative should be included in the draft EIR for analysis. Consequently, SSC worked with its architect to arrive at a detailed reduced development alternative that would still further project objectives to the greatest possible extent. The preparation of a detailed alternative allowed LSA to examine the alternative in considerable detail in the draft EIR and allowed SSC to discuss internally the pros and cons of the reduced development alternative.

I-28-2

As indicated at the recent Planning Commission study session, SSC has concluded that the reduced development alternative sufficiently meets SSC’s goals and objectives and therefore proposes moving forward with that alternative (assuming, of course, that it is approved by the Planning Commission). While neither the proposed project nor the reduced development alternative has significant unmitigated impacts, it is our understanding that the reduced density alternative is less impactful than the proposed project and it includes changes made in response to concerns raised by some neighboring residents.

Demolition and replacement of outdated facilities on site and increasing the number of parking spaces is critical to SSC’s efforts to continue its current ministries. SSC is not proposing to increase the number of children attending its pre-school nor is it proposing increasing the number of worship services on Sunday (services are held in the Sanctuary, which is the cornerstone building that remains). The Community Life Center will allow a larger percentage of SSC members to meet (for a luncheon, for example) and will allow SSC to consider forming a small basketball/volleyball league(s) in the future, but nothing that would create substantial

I-28-3





parking demand and nothing that would operate at the time high parking demand activities are occurring on the property.

↑ I-28-3

Beyond indicating formally to the City that SSC would like to move forward with processing of the reduced development alternative, SSC has the following comments on the draft EIR:

1. On pages 3-9 and 3-10 and the corresponding illustrations in Exhibit 3.7c, it may be worthwhile to clarify that SSC does not intend to utilize any of the existing buildings on the property other than the Sanctuary once the Administration/ Pre-school building has its certificate of occupancy. At that point SSC would move the operations that occur in the buildings that are to be demolished into the newly constructed building, and commence with demolition of the outdated structures. This same sequence of events would take place under the reduced development alternative. I-28-4
2. On page 4-3 Table 4.A we note that the Doheny Hotel project has been withdrawn at this time (we recognize that no significant cumulative impacts were identified even with its inclusion). I-28-5
3. On page 4.3-13, it may be worthwhile to clarify that SSC does not propose any fuel modification (i.e., thinning) of the undisturbed coastal sage scrub in the northeast corner of the property, which was proposed to be preserved under both the project and the reduced development alternative. SSC does thin an area of disturbed coastal sage scrub nearer existing structures to protect against brush fires, but the to-be preserved coastal sage scrub will not need to be thinned. I-28-6
4. On pages 4.11-24 through 4.11-28, the draft EIR discusses projected increases in water demand, wastewater and solid waste generation. SSC respectfully submits that these estimates are conservative on the high side, as they are based on square footage increases rather than operational increases. We recognize that no significant unmitigated impacts were identified in any event. I-28-7
5. On Page 4.12-15 Table 4.12H, the table inadvertently indicates that the number of parking spaces supplied at Master Plan Completion of the proposed project is only 150 (it is 411). The table for the reduced development alternative is correct. I-28-8

On behalf of SSC, thank you again for the opportunity to comment on the draft EIR.

Very truly yours,

G.G. Kohlhausen

## **GG KOHLHAGEN**

**LETTER CODE: I-28**

**DATE: October 30, 2014**

### **RESPONSE I-28-1**

This comment is introductory in nature, and states that South Shores Church supports the Draft EIR findings that all impacts can be mitigated to a less than significant level; and therefore, states that a MND would have provided adequate environmental documentation.

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

### **RESPONSE I-28-2**

This comment discusses the commenter's understanding of Alternative 2 and its adequacy in meeting the goals and objectives of the project while decreasing potential environmental and community impacts.

Comment noted and will be forwarded to the City's decision-makers. As stated in Chapter 5.0, Alternatives, of the Draft EIR, Alternative 2 would result in less environmental impacts than the proposed project. In comparison to the proposed project, Alternative 2 proposes to reduce the size of Christian Education Building 2, but would slightly increase the size of Christian Education Building 1. The proposed Preschool/Administration building and Community Life Center would also be reduced in size. Alternative 2 would also provide fewer parking spaces than the proposed project. The Parking Structure would also be moved 10 ft to the north, farther away from the Monarch Bay Villas bordering the southern perimeter of the project site. Similarly, the proposed Community Life Center would be located further east, away from the neighboring residential uses across Crown Valley Parkway.

Moreover, the City acknowledges that the Applicant has stated that they have been working with the adjacent neighbors in an attempt to obtain their input on the proposed project, and the City acknowledges that some aspects of Alternative 2, such as the lower building density, smaller Parking Structure, the relocation of the Parking Structure away from the Monarch Bay Villas to the south of the project site, and the relocation of the Community Life Center away from the neighboring residential uses across Crown Valley Parkway were the product of citizen input.

In addition, 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. Revised Alternative 2 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-28-3**

The comment addresses the need for the proposed project and clarifies that the existing preschool enrollment and number of Sunday worship services would not increase as a result of the proposed project. The comment further clarifies that proposed use of the Community Life Center and states that parking demand would not increase.

The *Traffic Impact Analysis* (TIA) prepared for the Draft EIR acknowledges that special events, such as basketball/volleyball leagues, may occur in the Community Life Center gymnasium. The TIA concludes that these activities will not take place during typical peak-hour periods on a weekday or Sunday.

This comment is clarification regarding the proposed uses on site and 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-28-4**

The comment is intended to clarify the discussion on pages 3-9 and 3-10 and Figure 3.7c in the Draft EIR to indicate that South Shores Church does not intend to utilize any of the buildings on the property, with the exception of the Sanctuary, once the Administration/Preschool building has its certificate of occupancy.

This comment is clarification regarding the proposed uses on site and 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-28-5**

This comment notes that the Doheny Hotel project listed on Table 4.A of the Draft EIR has been withdrawn, and would therefore no longer contribute to cumulative impacts.

No significant cumulative impacts were identified for the proposed project, even with the inclusion of the Doheny Hotel project, which was an active project at the time the Draft EIR was prepared and was therefore included in the list of cumulative projects.

#### **RESPONSE I-28-6**

This comment clarifies that South Shores Church does not propose fuel modification (or thinning) of the undisturbed coastal sage scrub on the northeast corner of the property, which is proposed to be preserved for both the proposed project and Alternative 2.

This comment further clarifies the fuel modification plans associated with the proposed project and will be forwarded to the decision-makers for their review and consideration. No further response is required.

#### **RESPONSE I-28-7**

This comment clarifies that the increases in wastewater and water demand as well as solid waste generation from the proposed project are conservatively high because they are based on square footage rather than operations.

This comment clarifies the Applicant's projected wastewater and water demand as well as solid waste generation, and will be forwarded to the decision-makers for their review and consideration. No further response is required.

#### **RESPONSE I-28-8**

This comment provides a correction to the number of parking spaces in Table 4.12H. The Table currently states that 150 parking spaces will be provided at Master Plan completion, but the number of spaces should be 411.

Table 4.12.H in the Draft EIR has been corrected in the Errata to reflect that the number of spaces at buildout of the proposed Master Plan would be 411.

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- I. CEQA and Project General Process Deficiencies**
- II. Draft Environmental Impact Report Comments**
- III. Alternative #3 (Proffered by Clean Water Now)**
- IV. Dana Point Planning Commission Study Session Comments by Clean Water Now on October 13, 2014**
- V. CEQA Checklist as analyzed by CWN (submitted March 22, 2010)**

**CLEAN WATER NOW**

is an innovative, science-based organization committed to solution-oriented collaboration as a means of developing safe, sustainable water supplies and preserving healthy ecosystems.

## **PART I: CEQA and Project General Process Deficiencies**

**Re:** South Shores Church Draft Environmental Impact Report (DEIR) Comments  
 CDP 04-11 CUP 04-21 SDP 04-31  
 State Clearinghouse No. 2009041129 (SCH#2009041129 herein)

### **Project location, site address and APN:**

32712 Crown Valley Parkway, Dana Point CA 92629  
 APN 670-181-02

### **Attention:**

Saima Qureshy, AICP, Senior Planner  
 City of Dana Point  
 Community Development Department  
 33282 Golden Lantern Suite 209  
 Dana Point CA 92629

### **To whom it my concern:**

**Clean Water Now (CWN)** respectfully requests that the City of Dana Point (herein the **CITY**) and primary CEQA consultants to the Project, creator of the **Draft Environmental Impact Report (DEIR)** LSA Associates, Inc., respond fully to:

- (A) The following new submission by CWN, dated October 30, 2014
- (B) Those comments by CWN and ALL previous submitters never answered or directly, item-by-item, addressed in the DEIR. These previous 2009 **Mitigated Negative Declaration (MND)** and March 22, 2010 **Scoping Session** utterances were merely cut and pasted into the DEIR.

This intentional omission, this aversion hardly follows either the letter or spirit of CEQA. It must and should be challenged, must be responded to and held accountable as both incomplete and faulty regarding compliance.

### **1.5 AREAS OF CONTROVERSY**

***Pursuant to State CEQA Guidelines Section 15123, this EIR acknowledges***

I-29-1

I-29-2

I-29-3



*the areas of controversy and issues to be resolved that are known to the City or that were raised during the scoping process.*

*Comments submitted in writing during the Notice of Preparation (NOP) process included concerns related to: (1) aesthetic considerations and visual impacts, (2) air quality, (3) biological resources, (4) cultural resources, (5) general plan consistency, (6) geology and soils, (7) growth-inducing impacts, (8) hazards and hazardous materials, (9) infrastructure and other fiscal impacts, (10) hydrology and water quality, (11) land use, (12) natural habitat, (13) noise, (14) open space, (15) recreation, (16) transportation, (17) parking, (18) privacy concerns, (19) project alternatives, (20) public safety, and (21) public services and utilities.*

*Major issues and concerns raised at the scoping meeting held on March 4, 2010 included: impacts to (1) visual resources, (2) geologic stability, (3) project site drainage, (4) land use compatibility, (5) project size and scale, (6) noise impacts to surrounding uses, (7) potable water supply, (8) traffic impacts related to construction and project build out, and (9) adequate parking during construction.*

**The Draft EIR addresses each of these areas of concern or controversy in detail**, *examines project related and cumulative environmental impacts, identifies significant adverse environmental impacts, and proposes mitigation measures designed to reduce or eliminate potentially significant impacts of the proposed project."*

Source: **Page 1-4 Executive Summary September 9, 2014**  
**P:\DPC0902\Draft EIR\1-4 1.0 Executive Summary.docx «09/09/14»**

Granted some of the past and present comments may be redundant, overlapping hence iterative, in part because the APPLICANT hasn't changed a lot of its PROJECT PROGRAM. Iteration is, on the other hand, part and parcel, integral and understood as critical in the CEQA process itself.

That said, the stakeholders have evolved in their analytical capabilities, they have a right to be heard and be fully responded to in an open, transparent atmosphere or forum: The Final EIR.

To allege that each of the concerns was addressed in detail and refuted or responded to inferentially, by implication or embedding without individual notations, is vague, and not a professional standard of rejoinder. It's dismissive, guilty of gross generalization and reactionary without meritorious context.

CWN was LSA's strongest and most fervid advocate when the RFP process was taking place over 4 years ago. We knew of LSA's professional history, we had respect for this firm and felt that it could perform its task in an independent, objective and **tabula rasa** (clean slate) fashion.

In fact, statements made at the time by the APPLICANT, the CITY and RFP submitters touted and vowed a "*de novo*" mindset unfulfilled, unrealized in this DEIR.

↑  
I-29-3

It is with much regret and sadness that we've reviewed this DEIR and found it as deficient, as flaccid and perfunctory as the originally objectionable, fatally-flawed, eventually rescinded MND.

A Scoping Session, disguised as a misnomered "**Study Session**" held on October 13, 2014 by the Dana Point Planning Commission at a CITY facility furthered our profoundly held belief that the CITY continues to process CEQA as lead agency in a pre-disposed, biased manner.

I-29-4

What is most disturbing about the DEIR is that in many instances regarding the CEQA checklist sections neither Public Trustee and Resource agencies, interested parties, and/or impacted stakeholders are afforded adequate, precise information.

Insufficient or non-existent studies are a common thread. The DEIR is not forthcoming in directly responding to previous submissions, merely noting them without collating or correlating; it only confounds, confuses and protracts the CEQA process.

These processing disparities are all self-inflicted by the APPLICANT, by LSA and by the CITY. Nomenclature is a critical element of CEQA, and unfortunately the parties responsible for the crafting and oversight have lapsed, have failed to provide appropriate data and have fallen short in the clarification department as well.

I-29-5

The stakeholder's cannot assess that which in this PROJECT appears to be intentionally withheld, nor analyze and comment upon that which is unknown to them.

CWN does not sense that CEQA has been honored or prescriptions of Chapter 9 followed:

**Section 15126.2. Consideration and Discussion of Significant Environmental Impacts.**

- (a) The Significant Environmental Effects of the Proposed Project. An EIR shall identify and focus on the significant environmental effects of the proposed project. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced.**

I-29-6  
↓

**Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services."**

I-29-6

### **EXAMPLE:**

The APPLICANT intends to abandon a detention basin that has been in place for 20 years. The subsequent strategy should have necessitated the notification and proposed significant drainage modifications (physical changes, alterations to ecological systems, etc.) announced to Pointe Monarch's HOA and its property management company.

Once again, violating CEQA by failing to notify potentially affected neighbors (albeit beyond required notification distances) that will suffer short, mid and long-term effects appears to have occurred.

Nowhere in the DEIR has the APPLICANT described what CWN is broaching, nowhere has it identified the Pointe Monarch potentiality conundrum, nowhere does it examine what is obvious regarding the v-ditch system the APPLICANT intends to avail themselves of under questionable circumstances.

More on this topic will be provided later in this submission, but suffice it to say that Pointe Monarch should have been engaged by direct contact---Not by hearing about it this week from the Voices of Monarch Beach, when it is too late to analyze, then provide intelligent and discrete DEIR comments.

I-29-7

The hydrological regime changes (surface flow amounts, directions/vectors both above and below ground, v-ditch capacity values and intake capabilities, etc.) as embedded in the DEIR have effects not addressed, but worse, no mention of the recipients of those effects is mentioned (MBVHOA and Pointe Monarch).

**This basin, poorly analyzed or explained properly for other professional analysts, Public Resource and Trustee agencies with oversight/regulatory powers, general stakeholders or NGO reps, performs multiple important functions and it presently does not connect, does not transport, does not convey one drop of any runoff down-gradient to Pointe Monarch:**

- (A)** The basin attenuates/modulates peak flow from approximately 4 acres of impervious surface draining from the site according to the APPLICANT'S

own vendor, Adams-Streeter Engineering, Inc. According to the derivative report in the DEIR (originated and embraced) by A-SE Inc., if BOYLE ENGINEERING's flow rates are correct millions of gallons are directly conveyed to the detention basin during even minor rainfall events, captured and discharged solely, exclusively from the PROJECT site.

I-29-7

- (B) The detention basin reduces pollutant loading that could adversely affect the **WILDLIFE ENHANCEMENT PROJECT AREA** (ESA mitigation under the **Monarch Beach Resort Specific Plan**). Instead, the proposed 100% redirection/diversion of surface flows that, unlike the basin, have NOT reduced Fecal Indicator Bacteria (FIBs) significantly will be conveyed directly to Salt Creek Beach via the existing storm drain system.

The CDS unit for the PROJECT, integrated into the subterranean cistern just below the parking structure only reduces hydrocarbon detritus, reduces sediment transport and attenuates/modulates peak flows (expressed as Cu. Ft./Second). CWN provides more information later in DEIR our comments, but any water quality hack knows of the flaws in such vortex separation systems. They are wonderful venues/media for flies, rats and mosquitoes, and even when aggressively maintained, can become vectors for diseases like West Nile virus.

I-29-8

- (C) Through both surface overflows/dispersions and subterranean transportation of water during significant rainy events, plus critical soil moisture that provides life-giving conditions for both flora and fauna down-gradient due to groundwater recharge, the detention basin has a biological sustainability function.

I-29-9

- (D) Inexplicably, CWN has learned from Sea Breeze Management, property managers for Pointe Monarch, that they were never notified about the PROJECT'S potential adverse impact regarding the re-direction of this runoff. Allowing the APPLICANT to divert to the system presently evacuating and conveying discharges, especially peak flow events, could surpass the systems capabilities to fully contain runoff. This would result in topping, causing/creating both flooding and erosion conditions at the rear property line of Pointe Monarch subdivision near the Montessori School and Salt Creek Corridor Trail head.

I-29-10

CWN lobbied, supported the hiring of LSA by the CITY fervently. We convinced VoMB to do so as well.

CWN didn't find fresh eyes or minds in the DEIR. We just see dismissive disdain, a re-tread, cannibalization, a recycling of diminished review and excuses for a monolithic commercial re-development unworthy of certification as proposed in either the PROJECT or in ALTERNATIVE #2.

I-29-11

The APPLICANT'S justification for acquiring unreasonable entitlements and ignoring their closest neighbors quality of life, plus that of other Salt Creek Corridor citizens reveals a selfish lack of respect.

As for Monarch Bay Villas, the APPLICANT'S animosity towards them is well known. Creating a CEQA document that sustains, that rides in the worn ruts of that **"Us vs. Them"** mentality, further aggravates that animosity needlessly and is unacceptable.

Discretionary (ministerial) allowances that have led to significant site alterations over the years add to the perception of biased shelter, inordinate numbers of instances reflecting glaring favoritism towards the APPLICANT.

As forcefully noted in previous comments 5 years ago, CWN objects to the APPLICANT'S personal relationship with the CITY---parking tickets have been "fixed" by the CITY manager in outrageous acts of prejudice not experienced or enjoyed by other citizens.

As for the APPLICANT'S slogan **"TIME TO BUILD,"** as LSA's CEQA document reflects, whether it's 10 or 100 years in the making, time spent doesn't equal a quality product. This PROJECT is more of an experiment than a straightforward scheme.

**It has had seven (7) Master Plan (MP) iterations or versions since 2003:**

- (1) MP 2003 (Concept #1)**
- (2) MP 2003 (Concept #2)**
- (3) MP 2004 (May)**
- (4) MP 2004 (December)**
- (5) MP 2006 (April)**
- (6) MP 2012 (March)**
- (7) MP2013 (December)**

In not one of these incarnations or attached relevant CITY documents does an independent, objective analyst find the words **DRAFT MASTER, TIERED or PROGRAM ENVIRONMENTAL IMPACT REPORT.**

**As CWN will explain and demand clarification of later in our comments, why and how was the APPLICANT allowed to avoid typifying, portraying, accurately describing the PROJECT per CEQA as either a TIERED, PROGRAM**

I-29-11

I-29-12

I-29-13

**or MASTER EIR?**

**Master Plan in this instance has become a convenient yet inappropriately portrayed conceptual and descriptive phrase. This DEIR proposes a specific private redevelopment project, not a concept. The PROJECT fails to qualify, does not merit, and should have been stripped, i.e., divested of the phrase "Master Plan" proper noun nomenclature by the CITY years ago.**

The APPLICANT and the nascent CITY, along with County of Orange planners in 1989 certainly understood what a **PROGRAM EIR** was, yet inexplicably, coming down with a case of convenient memory loss, when the PROJECT returned it was deemed only worthy of a lower rung, lower threshold of CEQA review and lessened mitigations as an MND.

In essence and in deeds, the CITY acting as local lead agency, empowered with fiduciary oversight powers, **"walked back"** an obvious EIR situation to an MND. This is the first, but not the last **"poker tell,"** the CITY reflecting favoritism and prejudice from the both the CITY'S birth and PROJECT build-out.

To an outsider, this should help explain stakeholder's ongoing suspicions and mistrust. The auspice, the aura of favoritism poisoned, permeated future dealings and attempts to both alter and intensify use with scant, pre-approved review.

Presently, the community-based **"good deeds"** by the APPLICANT are somehow being transferred as forms of intrinsic credit into extrinsic exceedances, special treatment allowances that no other commercial project in the CITY has enjoyed.

The recorded documents below sustain the CWN contention that CEQA prescriptions continue to be compromised, guidelines intentional ignored and/or circumvented.

**In May of 1989 the APPLICANT properly and in compliance with CEQA processed improvements far less massive and invasive as a PROGRAM EIR (previously certified by the County Planning Commission as Final EIR 316).**

As the preliminary paperwork and **CEQA ANALYSIS CHECKLIST** began before LAFCO incorporation, the County basically handed off the project's PROGRAM EIR completion and certification to the CITY that was founded in January of 1989.

**The CEQA process began in 1988, with Impact Statement I.S. 88-083, and Coastal Development Permit (per California Coastal Act) CD 88-13p.**

It was analyzed by planners at the now defunct **County of Orange Environmental Management Agency**, and here are the actual OCEMA documents:

I-29-13

I-29-14

46A

COUNTY OF ORANGE  
ENVIRONMENTAL MANAGEMENT AGENCY REPORT

**DATE:** May 16, 1989  
**TO:** City of Dana Point Planning Commission  
**FROM:** EMA/Planning, Current Planning Division  
**SUBJECT:** Coastal Development Permit CD 88-13P for South Shores Baptist Church  
**LOCATION:** 32712 Crown Valley Parkway in the Monarch Beach area  
**CONTACT:** Pat Miller, 834-5128

**PROPOSAL:** The applicant, South Shores Baptist Church, requests approval of a Coastal Development Permit to allow for the expansion and remodel of an existing church site. Construction of new facilities will include: a Library/Administration building that will be utilized as a temporary sanctuary with 493 seats; a single story addition to the existing education building; a new and enlarged parking area for 230 vehicles; ultimate half-width street improvements to Crown Valley Parkway along the entire frontage of the site; and, site landscaping. Site grading will include the building pad for a permanent sanctuary building (see plan). Construction of the permanent sanctuary is not contemplated at this time and would be subject to approval of a separate coastal development permit at some future date.

I-29-14

BACKGROUND

The church was established by Conditional Permit CP 988 in February, 1962. Since that time, five (5) subsequent discretionary permits have been approved since 1962 permitting church expansion to its present size.

PUBLIC NOTICES

Public Notices were mailed, as required of coastal development permit projects, to all property owners of record within a 300-foot radius and to all tenants within a 100-foot radius of the subject site on May 4, 1989. The subject site was posted on May 5, 1989. A public notice was also delivered to the Dana Point City Hall for posting. As of May 10, 1989, staff has received two (2) phone calls regarding the proposal. Phone calls received have been supportive of the project.

CEQA COMPLIANCE

The project is covered by previously certified Final EIR 316 and Addendum IS 88-083 which together serve as a Program EIR for the proposed project. However, the decision-maker must concur with this determination by making a finding to



this effect.

SURROUNDING LAND USE

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
Project Site	Existing Church	Residential
North	Multi-Family Res.	Residential
South	Multi-Family Res.	RAM-2 Residential Attached
East	Golf Course	Visitor Serving Commercial
West	Single-Family Res.	RSF-3 Single Family Residential

I-29-14

ANALYSIS

The project site comprises approximately six (6) acres and is designated Residential within the Laguna Niguel Planned Community. Community Facilities such as churches are permitted, subject to the approval of a Coastal Development Permit by the Planning Commission. A portion of the site is presently improved with existing church facilities (see page 2 of submitted plan.) Access to the site is from Crown Valley Parkway via two (2) driveway locations.

Following is a review/discussion of the proposed project.

1. Proposed Grading of Project Site:

As shown on the submitted plan, utilization of the project site will increase in order to accommodate the proposed uses and enlargement of the parking facility. Due to the sloping topography, retaining walls will be required; along the southerly edge of the parking facility, the easterly side of the proposed Cornerstone Worship Center and the pad for the future sanctuary building. Pad Elevations for the aforementioned buildings are approximately twenty (20) feet lower than the property line elevation at Crown Valley Parkway. By utilizing the proposed grading concept, line of site from Crown Valley Parkway and the residential units in Monarch Terrace will not be impacted (see elevations on page 5 of submitted plans).

Grading for the future sanctuary building will occur when grading commences on this project. If the pad is not graded, access to that area (sanctuary building pad) would be limited due to proposed site improvements authorized by this permit. The graded pad will be landscaped as shown on the submitted plan.