10. Prior to issuance of a certificate of use and occupancy, all parking stalls shall be clearly outlined with double or hairpin lines on the surface of the parking facility in a manner meeting the approval of the Manager, EMA/Building Inspection Division.

11. Prior to the issuance of any building permits for combustible construction, evidence that a water supply for fire protection is available shall be submitted to and approved by the Fire Chief. Fire hydrants shall be installed and operational to meet required fire-flow prior to commencing construction with combustible materials.

12. A. Private Landscape Design, Review, Approval and Certification:

Prior to issuance of building permits, areas to be landscaped which will be maintained privately shall be designed in accordance with a certified plan. The plan shall be certified by a licensed landscape architect as taking into account approved preliminary landscape plan (if any), EMA Standard Plans, adopted planned community regulations, scenic corridor and specific plan requirements, Grading Code erosion control requirements, Screening of Parking Area from Crown Valley Parkway, Subdivision Code, Zoning code, and conditions of approval. Said plan shall be submitted to and reviewed by the Manager EMA/Current Planning Division and approved by the City of Dana Point (Planning Commission or designee).

I-29-14

B. Private Landscape Installation Certification:

Prior to issuance of certificates of use and occupancy, applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect certify that it was installed in accordance with the certified plan and shall furnish said certification in writing to the Manager, EMA/Building Inspection Division.

13. Prior to the issuance of preliminary grading permit, the applicant shall submit a geotechnical report to the Manager, Development Services, for his approval. This report will primarily involve assessment of potential soil related constraints and hazards such as slope instability, settlement, liquefaction, or related secondary seismic impacts where determined to be appropriate by the Manager, Development Services. The report shall also include evaluation of potentially expansive soils and recommended construction procedures and/or design criteria to minimize the effect of these soils on the proposed development. All reports shall recommend appropriate mitigation measures and be completed in the manner specified in the Orange County Grading Manual and State/County Subdivision Ordinance.

14. Prior to the issuance of any grading permits, the project proponent shall produce evidence acceptable to the Manager, Development Services, that:

A. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.

B. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).

C. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

15. All non-residential structures shall be sound attenuated against the combined impact of all present and projected noise from exterior noise sources to meet the interior noise criteria as specified in the Noise Element and Land Use/Noise Compatibility Manual.

Prior to the issuance of any building permits, evidence prepared under the supervision of a County-certified acoustical consultant that these standards will be satisfied in a manner consistent with applicable zoning regulations shall be submitted to the Manager, Development Services Division in the form of an acoustical analysis report describing in detail the exterior noise environment and the acoustical design features required to achieve the interior noise standard and which indicate that the sound attenuation measures specified have been incorporated into the design of the project.

I-29-14

County of Orange

MEMO

DATE: May 3, 1989 FILE NO: IS 88-083

TO: File Agency/Div. _____

FROM: Patrick Miller, Planner IV Agency/Div.: EMA/Current Planning Division

SUBJECT: CEQA Determination for Coastal Development Permit CD 88-13P

The above-referenced project has been reviewed per CEQA by this Division with the following result:

___ 1. The activity is not a project per CEQA definition.

___ 2. The project is Statutorally Exempt per CEQA Guidelines Sec. _____.

___ 3. The project is Categorically Exempt, Class _____.

___ 4. It has been determined with certainty that there is no possibility that the project may have a significant effect on the environment. Therefore, it is exempt per CEQA Guidelines Section 15061.

I-29-14

XX 5. The project is covered by previously certified Final EIR 316 which serves as a Program EIR for the proposed project. However, the decision-maker must concur with this determination by making a finding to this effect. A recommended finding for this purpose is attached. Also attached is a list of any applicable mitigation measures from the EIR.

XXX 6. Although statement #5 above is checked, the attached additional information and/or mitigation measures are hereby incorporated into the Final EIR for the proposed project as Addendum IS 88-083 to the EIR per CEQA.

___ 7. Negative Declaration No. _____ has been prepared and finalized per CEQA. The Negative Declaration is attached and must be found adequate to satisfy the requirements of CEQA by the decision-maker. A recommended finding for this purpose is attached.

This environmental clearance is valid for one year, after which it should be referred back to the lead division for updating/revision before the decision-maker approves the project.

PM:jcPM01-12
8105

Attachments:

Failing to represent and depict the 10-year MP multi-phased strategy accurately, upfront and in honest terms, this is another instance of implied collusion on the CITY'S part. What other conclusion can someone come to?

The CITY, as the local lead agency and junior partner per CEQA should have demanded that verbiage express and describe to facilitate oversight by not only NGOs, not only local interested parties/stakeholders, but state and federal Public Trustee and Resource agencies.

Coach John Wooden said it more succinctly than I: ***"Never mistake activity for achievement."***

Because it's a Christian church, I assume that neither LSA or the City of Dana Point appear willing to **"Just say No."**

More money and yet more wasted time at future appellate hearings when it's obvious that even Alternative #2 is too much expansion, too vertically invasive (above and below grade), on too little land in a questionably unsafe and unstable location. I-29-15

CITY staff, APPLICANT consultants/vendors and their attorneys will profit, so perhaps there **IS** a silver lining for PROJECT proponents.

CWN appreciates the opportunity to comment upon the proposed **Master Plan** (**MP**) project. For the sake of brevity, CWN will refer to the redevelopment of this site as the **PROJECT**.

CWN will also, for similar reasons of brevity, refer to **South Shores Church** and its supporting vendors, consultants ***et al,*** as the **APPLICANT.**

CWN would be remiss if it didn't initially challenge the PROJECT as described in the 9/12/2014 **Notice of Availability** (**NOA**) as well as previously submitted **Mitigated Negative Declaration** (**MND**) dated 4/27/2009 and **Notice of Preparation** (**NOP**) for the DEIR dated 2/04/2010.

The PROJECT should have been typified, should have been announced, portrayed and processed these past 5 years as either a (a) **TIERED**, (b) **PROGRAM** or (c) **MASTER EIR** (**MEIR**).

The repeated use of **Master Plan** (**MP**) regarding a 10-year phased PROJECT is objectionable to CWN. I-29-16

MP is a misnomer: The Project is, in fact and deed, within one of the three (3) aforementioned categories. Avoiding an MEIR, what CWN feels the most appropriate choice albeit flawed, has resulted in a lessened review, lowered the analytical review bar and preemptively given the APPLICANT unfair CEQA advantages.

True land use master plans are by nature and industry standards are reserved for intricate, long-range public works capital improvement projects, specific area or general plans by public agencies and long-term planning by universities.

CWN objects to and wishes DEIR analysts of this PROJECT to cite anomalies to those examples, precedents that do not result in openly divulged and processed and certified MEIR designations. A simple GOOGLE® search reveals no such precedents. I-29-16

This PROJECT is falsely described, the actual portion being 5 acres of buildable land, NOT the total 6 acre parcel that the APPLICANT owns, should, regardless of final entitlements, be kept to precedent standards for such relatively small private parcels: 5 years to completion. I-29-17

The APPLICANT has boasted repeatedly, claimed that it has the capital overlay necessary to finance the entire PROJECT, hence it **must** prove that by proceeding without respite once begun. I-29-18

Moreover, the APPLICANT may use, via ministerial intrigue, extension of the 10 years citing **"Acts of God"** type delays and/or inhibitions that in effect create an indefinite, protracted build out.

The secondary conundrum, a form of implied entitlement, is the issue of ministerial weaknesses inherent in MEIRs that CWN is citing. Limiting the Project to a 5-year build out reduces the chances for such weaknesses (no public hearings or review) to be unjustly exploited by the APPLICANT. I-29-19

It is also a known fact in such situations that industry standards change, they evolve as both regulatory requirements and prescriptions evolve, and attendant upgrades come into being. The APPLICANT should **not** be categorically sheltered for such an extended 10-year period from the more modern standards.

EXAMPLE:

The APPLICANT wishes to use the guidelines and metrics of the 2009 NPDES R9-2009-0002 Stormwater Permit as certified by the San Diego Regional Water Quality Control Board (Region 9, Cal/EPA). The renewal is presently going through a minor amendment phase after its original ratification in May of 2013.

On the verge of adoption (projected by the SDRWQCB to be 2/11/2015) is a primary and in this case, pertinent example that the APPLICANT should be required to address. I-29-20

Surely such a prestigious engineering firm has been tracking this process, has the in-house personnel, the professional flexibility and knows how to **"tweak"** the hydrology/water quality program to bring the PROJECT into compliance with what will undoubtedly become of utmost importance? The APPLICANT could avoid more

acrimony and lower the rhetoric temperature by doing so proactively.

Why not at minimum, upgrade (performed by the APPLICANT vendor Adams-Streeter Engineering) and announce the integration of the 2015 NPDES R9-2015-001 asap? The Permit's now nearly 99% complete and poised for adoption, the prescriptions and amendments well known in advance, consider making adjustments prior to the release of a FEIR for the PROJECT.

Secondly, the HYDROLOGY/WATER QUALITY analyses failed to include the 2012 Hydromodification prescriptions agreed to by South Orange County copermittees. The APPLIANT'S vendor alludes to compliance but never follows through by explaining in what way(s) that it does. This is conclusory but offers no compliance clues.

"HYDROLOGY/WATER QUALITY
Section 4.8.1 Introduction

This section evaluates the potential impacts to hydrology and water quality conditions from implementation of the South Shores Church Master Plan (proposed project). The analysis in this section is based in part on the Preliminary Water Quality Management Plan (Adams-Streeter Civil Engineers, Inc., November 21, 2012) and the Master Plan Hydrology Report (Adams-Streeter Civil Engineers, Inc., February 29, 2012), which are included in Appendix G of this Environmental Impact Report (EIR)."

I-29-20

CWN will deal with that in more detail in the **HYDROLOGY/WATER QUALITY** comments section, but the APPLICANT knows that locking in entitlements as functions of current regulations now in place is not conscientious, forward planning.

Many PROJECT programs could easily be antiquated by completion in 2025 or later as the MP proposes.

Once again, it needs repeating, if approved as proposed, discretionary abuse (over-the-counter alterations, "as-built" signed off on by building inspectors, and subsequent ministerial changes) can be certified by the **City of Dana Point** (herein the **CITY**), without public hearings and/or Trustee and Resource agency oversight due to this locking in of 2009 industry standards. This is a form of CEQA circumvention, results in stakeholders having no power of redress or grievance venue.

Even MEIRs can, in effect, rob or diminish the interested parties of their remedy rights preemptively. In the case of the PROJECT, lacking any proper categorization techniques and correct nomenclature, what few prescriptions or restrictions for MEIRs that are usually in place have been averted.

CWN, therefore, formally objects to the use of the MP verbiage, and

petitions the CITY to mandate that the APPLICANT use the more appropriate, the pertinent and legally binding MEIR format.

I-29-20

Moreover, CWN also believes that the PROJECT should not be allowed more than a 5 year, from initiation (groundbreaking/excavation) to completion (occupancy certification) performance period.

The APPLICANT has alleged that they are **"good neighbors,"** that in reality they will be stretching (phasing) approximately 4-5 years worth of activity over the offered 10 year period. The onus should be placed upon the APPLICANT to juggle the concurrent sites uses, the varied activities it wishes to keep ongoing during construction. That complex logistic, multiple uses on a mixed-use site, is the APPLICANT'S corporate problem to stay open, business as usual, and it shouldn't be transferred to the neighborhood as their burden to resolve.

I-29-21

The APPLICANT provided information that alleges only 72 months (6 years) of actual demolition and construction is required. As this must include setup and breakdown time, staging and re-staging, a 5-year timeline is not impossible to achieve.

At a recent Dana Point Planning Commission meeting (10/13/2014), the same or similar **"bait & switch"** mentality which has permeated this PROJECT from conception was used: What was in fact a **Scoping Session** (SS) was called a **"Study Session."**

I-29-22

Yes, scoping sessions are voluntary under CEQA, but are **ALWAYS** held well in advance of DEIRs. Convening what was in fact a SS presentation 2/3 of the way into the 45-day DEIR comment period is yet another example of the APPLICANT'S manipulation vis-à-vis due process.

At the 10/13/2014 SS, the APPLICANT announced that its **"PREFERRED PROJECT"** was **ALTERNATIVE #2** (**ALT. #2** hereafter). A brief, oblique reference to the PROJECT as notified took place, then shunted aside and not revisited.

Attendees in opposition came prepared with oral and written submissions focused upon the PROJECT as it was described in the **Office of Public Resources NOA**.

The announcement chronology of the SS must be addressed as well. Notification of the SS within 2 weeks **after** the release of the NOA and it's posting at the California Office of Public Resources (State Clearinghouse) on 9/15/2014 leads an analyst to assume that the APPLICANT scheduled the SS contemporaneous with the NOA.

I-29-23

Stakeholders at the 10/13/2014 Planning Commission hearing were perplexed: Shouldn't such fact-finding venues take place well before the DEIR is posted, allowing the APPLICANT adequate time to integrate concerns into the DEIR?

At the SS venue itself, by inference, within a very short space of time or by premeditation ALT. #2 must have become the PROJECT…or has it?

CEQA mandates an accurate description of the PROJECT, yet stakeholders were rightfully angered and confused. They came to see and comment upon the PROJECT as noticed. I-29-23

The activities of both the CITY and APPLICANT leave doubt and suspicion where daylight (transparency and disclosure) should reign supreme.

Announcing the PROJECT, its posting at the Office of Public Resources SCH website, then walking it back (ALT. #2) within days is unwarranted, unjustified.

That the CITY at the 10/13/2014 SS responded to complaints by extolling the remaining 17 days **afterwards** as more than ample time to allow stakeholders and the APPLICANT to integrate concerns is also unacceptable. It's illogical as well.

Although asked directly, at no point did the APPLICANT or local lead agency, the CITY, answer the stakeholders primary pertinent question: Why wasn't it (SS) held **PRIOR** to the release of the DEIR, honoring the spirit and intent of CEQA? I-29-24

Why, although significantly amended/revised several times between the 2009 rescinded MND, previous SS in spring of 2010, weren't any MP updates announced publicly, then placed as non-agenda items on the Dana Point Planning Commission docket?

If the APPLICANT had revealed the amendments to the MP when they occurred it could boast of CEQA-compliant transparency. Neither the APPLICANT nor CITY did so.

The MP amendments as revealed by the APPLICANT in the DEIR took place in March of 20012 and December of 2013.

The release of the DEIR was the first time that stakeholders were given any inkling that these amendments had even taken place, out of the public's eye. As the changes were, and still are, two of the most controversial aspects regarding the PROJECT as identified by the APPLICANT itself, lack of review sustains CWN's contention that this PROJECT has received preferential treatment all along. I-29-25

The CITY in essence conspired to **"mushroom,"** that is intentionally shelter, bury or hide critical information from interested parties as long as possible.

There were at least two (2) such significant revisions, including **new GEOTECHNICAL** information and slope stabilization logistical revisions, plus an over-hauled, revised **HYDROLOGY/WATER QUALITY** analyses and required construction/post-construction **Water Quality Management Plan** (**WQMP**).

CWN alleges that this ***"post facto"*** SS constituted a breach in the spirit of CEQA, in a biased and pre-disposed fashion facilitated by the very agency that should remain egalitarian in its oversight role: The CITY.

The CITY is in fact, via fiduciary duties and performance, a **"junior partner"** of two state agencies, Cal/EPA (San Diego Regional Water Quality Control Board) and the California Coastal Commission. CWN alleges that the avoidance of a MEIR coupled with SS hindrances constitutes an obvious attempt to curtail oversight by the **"senior partners."** I-29-26

The CITY has repeatedly revealed its favoritism, in the instance of the generation of the now rescinded MND knowingly allowed a SSC member to analyze then draft the supporting documents. In an instance where separation of church and state is intuited, or any doubtable perception thereof compulsory, the CITY instead continues to unjustly, unfairly reflect Christian prejudice.

Compounding the absurdity of holding a SS four (4) weeks after the **DEIR Notice of Availability** (NOA) was posted on 9/15/2014, slightly over 2 weeks before the comment deadline (10/30/2014), was the actual SS meeting itself.

At the 10/13/2014 SS venue, the APPLICANT briefly mentioned what was included in the one page NOA itself (see actual announcement below). Even the NOA is misleading. It leads a browser to believe that 23,467 sq. ft. will be demolished, and that the new redeveloped PROJECT will be 70,284 sq. ft.

The drafting agency, the CITY, has **"conveniently"** left out a critically important, germane PROJECT component: Approximately 19,000 sq. ft. will be kept intact, therefore the actual total of floor space is 89,000 sq. ft.

Now the APPLICANT claims that its preference, ALT. #2, **is** the PROJECT….. at least on 10/13/2014 it was.

Completely absent in the development description is the true square footage and installation dynamics of the dual level, partially subterranean parking structure. I-29-27

Trying to comprehend scaled architectural renderings on a home computer screen, then using a ruler to make discrete calculations is unacceptable. CWN has been unable to procure actual finished dimensions.

The APPLICANT should have provided the parking structure database minutiae in such a way that a layman could comprehend—and that was readily and prominently expressed in the NOA and DEIR.

CEQA is about transparency, a forthcoming mindset freely offering important characteristics regarding **ALL** parties, **ALL** stakeholders in the DEIR phase. Now these agencies and stakeholders will have to wait, to react to information that per CEQA should have been provided years ago when the MND was released.

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 first, during PHASE 1, at the initiation of construction. I-29-28

This not only makes sense logistically, but as CWN will point out of its proffered ALTERNATIVE #3, it is the more environmentally sound strategy. It allows the PROJECT to be more in harmony with regulatory compliance requisites at its inception, not upon its still unclear completion date.

The parking structure received only cursory mention in the NOA. CWN can only guestimate, but it appears to be approximately **62,500 sq. ft. per level**.

The remainder of 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 in reality, factoring in both parking structure and occupied buildings a 214,000+ sq. ft. redevelopment site and should have been formally noticed to stakeholders as such.

The NOA failed the CEQA litmus test as it did not achieve or accomplish a primary goal: Properly, appropriately and thoroughly identify the PROJECT plus its significant elements. I-29-29

The parking structure is a building, not an afterthought. Dual level, it will feature two monolithic floors and heavily reinforced ceiling separating levels.

Whereas presently there is an open-air asphalt lot, at grade, the new structure <u>IS</u> a large development element, it constitutes building expansion, yet is not described in that manner nor its enormity in square footage factored clearly.

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, lighting and fire extinguishing infrastructure, complex electronics and other similar building construction elements. It should be considered, categorized and typified as what it will be: Significantly enlarged building space by the APPLICANT.

It therefore should have been more prominently described on the NOA page as a building and included in the OPR posting. Granted one of temporary usage or ephemeral occupancy over the course of daily visits, nonetheless commentators weren't given what should have been prioritized and openly displayed square footage.

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 or concerted 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.

I-29-29

Insult to injury, at the SS held on 10/13/2014, the APPLICANT (as previously noted above) briefly acknowledged the PROJECT as described in the NOA, then spent the remainder of approximately 1 hour allotted presentation time offering and touting the glories of ALT. #2.

Attendees, anticipating oral and attendant, previously drafted written comments to the PROJECT as portrayed in the NOA (89,000 sq. ft.), were informed that ALT. #2 was the **"preferred"** PROJECT, would be the focus of the meeting.

No explanation of what the explicit meaning of that designation, PREFFERED, or the ramifications for commentators was offered.

I-29-30

Which begs for redress from confusion, hence CWN asks the following questions to be answered:

Which PROJECT is actually on the table, being proposed, the one announced in the NOA or ALT. #2?

At minimum both should have received equal attention, equal explanation at the 10/13/2014 SS meeting.

Does the APPLICANT retain the right to acquire the full, 89,000 sq. ft. entitlements as described in the NOA? The APPLICANT appears to be offering a smaller, reduced impact PROJECT.

Due process only occurs when clarity is achieved, and it is uncertain what the APPLICANT'S goals were by their actions on 10/13/2014. Under what terms, conditions or circumstances will that clarity be accomplished?

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

Pursuant to Public Resources Code Sections 21091 and 21092 and California Environmental Quality Act (CEQA) Guidelines Section 15105 and 15087(a), notice is hereby given that a Draft Environmental Impact Report (DEIR) (SCH No. 2009041129) for the South Shores Church Master Plan project (proposed project) is available for public review during the public comment period (September 15, 2014 – October 30, 2014). The City of Dana Point (City) has prepared the DEIR to analyze environmental impacts associated with implementation of the proposed project; to discuss alternatives; and to propose mitigation measures for identified potentially significant impacts that will minimize, offset, or otherwise reduce or avoid those environmental impacts.

The proposed project would demolish 23,467 square feet (sf) of building space on the project site, including the existing Preschool, Administration and Fellowship Hall building, Chapel, and parking lot, and would construct a total of 70,284 sf of new building space, including a new Preschool/Administration building, two new Christian Education buildings, a Community Life Center, and a two-level partially subterranean Parking Structure. No construction or modifications to the existing Sanctuary building are proposed as part of this project. The proposed project is proposed in five phases over a 10-year period; however, construction activities would not occur continuously over the 10-year period. Currently, the General Plan Land Use and Zoning designations for the project site are Community Facility (CF). The approximately 6-acre project site is located at 32712 Crown Valley Parkway and is bounded by Crown Valley Parkway to the west, the Monarch Bay Villas to the south, an undeveloped hillside and the Monarch Beach Golf Links golf course to the east, and the Monarch Coast Apartments to the north.

The DEIR examines the potential impacts generated by the proposed project in relation to the following Environmental Analysis Checklist categories: Aesthetics, Air Quality, Biological Resources, Cultural and Paleontological Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Public Services and Utilities, and Transportation/Traffic. Impacts that were determined to be less than significant were discussed and evaluated in the Introduction. The analysis contained in the Introduction determined that the proposed project would result in either no impact or a less than significant impact to Agricultural Resources, Mineral Resources, Population and Housing, and Recreation.

The purpose of this notice is to inform local residents, institutions, agencies, and other interested parties about the availability of the DEIR during the public comment period (September 15, 2014 – October 30, 2014). **Written comments on the DEIR must be submitted no later than Thursday, October 30, 2014, to the address below.**

DEIR REVIEWING LOCATIONS
Please submit written comments by October 30, 2014

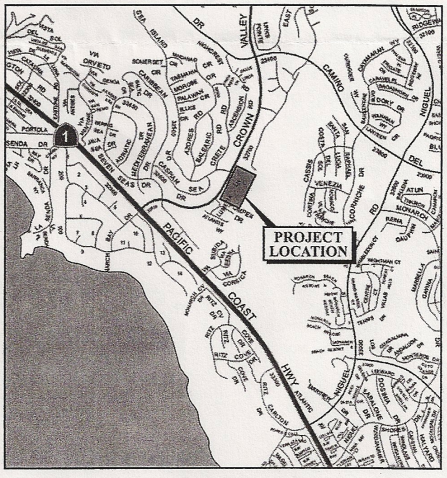
City of Dana Point
Community Development Department, Planning Division
33282 Golden Lantern, Suite 209
Dana Point, California 92629
Phone: (949) 248-3572

Laguna Niguel Library
30341 Crown Valley Parkway
Laguna Niguel, California 92677

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

Address Comments to:
Saima Qureshy, AICP, Senior Planner
City of Dana Point
Community Development Department, Planning Division
33282 Golden Lantern, Suite 209
Dana Point, California 92629

Email: squreshy@danapoint.org



I-29-30

Neither the transparency or egalitarianism embedded or suggested in CEQA has occurred; nor do the commentators to the DEIR appear to have achieved, been provided due process or acquired their legal rights.

Neither the CITY or APPLICANT, after multiple stakeholder promptings, ever answered which PROJECT alternative is actually under review, proposed recipient of discrete, specific criticism.

This results in placing an unfair, not to mention confusing burden, upon those tracking this PROJECT. Was the original PROJECT as described withdrawn or only shunted aside in obfuscation, its auspice lingering, hovering in the wings only to be re-submitted later ***in toto***, in the Final EIR?

CWN wishes to go on record as objecting to the SS itself, it served no purpose other than make the APPLICANT and CITY look fair when in fact they have not. One doesn't input such data (comments) **AFTER** a ***fait accompli*** (DEIR) has occurred. I-29-30

Nonetheless, if ALT. #2 is now the PROJECT, the one described in the NOA withdrawn or abandoned, CWN opposes the APPLICANT'S **"preferred"** choice.

This is primarily due to the fact that the PROJECT remains too monolithic, its mitigations inadequate, its negative impacts not reduced below the mandated levels of significance and in spite of such reductions in ALT. #2, the DEIR insufficiently mitigates adverse impacts. I-29-31

True, ALT. #2 reduces the size and sq. footage of the edifices, but only to be replaced by yet more impermeable hardscape surface area. HYDROLOGY and WATER QUALITY mitigations are therefore deficient.

More, not less, surface runoff migration will take place, a 25% reduction in the occupied edifices and approximate 12.5% reduction in parking stalls traded for greater, wider impervious hardscape features. I-29-32

One of the two most controversial objections highlighted, acknowledged by the APPLICANT in the DEIR (HYDROLOGY/WATER QUALITY) due to the site's totally impermeable footprint percentages, hasn't changed.

The DEIR ALT. #2 description is deceptive: Repeated, derivative use of the word and attendant modifying phrases regarding the word **"proposed"** sq. footage are misleading.

The total floor area of ALT. #2 is in reality **NOT** 52, 651 sq. ft. as expressed below but 70,000 sq. ft.

Once again, ***ad nauseum***, CWN must point out that independent reviewers and analysts have been, in our opinion, intentionally misled. Misinformation denies all interested parties critical information that facilitates in depth review, analyses and well thought out comments. I-29-33

A cursory or prima facie browse by Public Resource and Trustee agencies is obfuscated by improperly identifying ALT. #2's TRUE square footage totals **after** rehabilitation and redevelopment have taken place.

In the sales of real estate, garages and parking structures are often left out or in some cases acknowledged in a 2:1 ratio, e.g., the garage counting as ½ of the total

credited square footage. This is **NOT** a real estate purchase, it's a CEQA document that by law should include specificity, describe the PROJECT accurately.

From Page 1-3 Volume I:

> - **Alternative 2: Reduced Project**. This Alternative would include the same proposed uses as the proposed project but would reduce the proposed building square footage from 70,284 square feet (sf) to approximately 52,651 sf. Specifically, Alternative 2 would reduce the Preschool/Administration Building from 15,115 sf to 13,867 sf, the Community Life Center from 24,314 sf to 11,738, and Christian Education Building 2 from 15,456 sf to 9,788 sf. The only building which will increase in size is Christian Education Building 1 which will increase from 15,399 sf (proposed project) to 17,258 sf (reduced project). In addition, the reduced project alternative would provide 47 fewer parking spaces than the proposed project.

I-29-33

Cumulatively, there is a pattern of notification wording and behavior that CWN feels have not been addressed, nor redress of contestations offered let alone cured. The CITY continues to enable instead of performing its state-delegated task as gatekeeper, as a fiduciary litmus test or gauntlet.

The complex as proposed is an environmental dinosaur. That it will comply with only mandatory CalGREEN building code prescriptions is another example of the APPLICANT'S minimalist offering, site design and PROJECT program approach. CalGREEN isn't mitigation, it's the law.

I-29-34

The APPLICANT alleges that one of its main goals is the rehabilitation, the rebuilding of antiquated, dilapidated edifices.

Many of the buildings on the property lack heating, cooling and technology, pastor Rob DeKlotz said at the SS meeting on 10/13/2014.

If the APPLICANT is truly committed to modernization of its facilities, to its community at large, to responsible environmental stewardship and its parishioners future, then why no pursuit of **Leadership in Energy & Environmental Planning** (**LEED**) sustainability certification? Not even the lowest, the simplest and least expensive certification level is even mentioned, let alone pursued.

I-29-35

LEED certification ensures the buildings are environmentally compatible and provide a healthy work environment. In this instance, why doesn't the APPLICANT want a healthier environs for not only its community, for neighbors and for adjacent habitat but for the families who not only work **on** the property but **inside** for extended periods, who continuously visit the site?

Asserting that they'll be discharging runoff offsite from over 4 acres of the 5 acre impervious footprint (approximately .5 acres composed of building roofs draining to planter beds), why is there is no strategy or infrastructural mechanisms to conserve, reclaim and reuse these volumes, thus recycle thousands of gallons as taken from the subterranean cistern system?

I-29-36

Under LEED, onsite recycling of sink and laundry water (**graywater**), solar power to lower A/C and water heating energy demands, not to mention the site's overall carbon footprint demands should be offered but are MIA. I-29-36

LEED has a rating system consisting 4 categories of increasing value and eco-awareness: (a) **Certified**, (b) **Silver**, (c) **Gold** and (d) **Platinum.** The PROJECT aspires to none of them, and the wasting of water coupled with no carbon footprint reduction dominates the deficiencies, the construction failures.

LEED, as anyone knows, isn't new----It stands for green building leadership. LEED is transforming the way we think about how buildings and communities are designed, constructed, maintained and operated across the globe.

LEED certified buildings save money and resources and have a positive impact on the health of occupants, while promoting renewable, clean energy. I-29-37

LEED, or **Leadership in Energy & Environmental Design**, is a green building certification program that recognizes best-in-class building strategies and practices.

To receive LEED certification, building projects satisfy prerequisites and earn points to achieve different levels of certification. Prerequisites and credits differ for each rating system, and teams choose the best fit for their project. LEED is flexible enough to apply to all project types.

To repeat, the PROJECT though professed to aspire to advanced technology amenities makes no attempt to achieve the lowest level, **Certified LEED**. This sustains CWN contention that the **"modernizing"** of the PROJECT site is a false claim, unsubstantiated or reflected in the DEIR.

The monitoring of building occupancy, including multitudinous concurrent use fluctuations and **REAL** totals begs for a functional, pragmatic approach. Under what circumstances will someone act as watchdog, to confirm occupancy is **NOT** in violation of the **Conditional Use Permit** (**CUP**), well above the present level?

Will neighbors be forced to constantly monitor, continually call the CITY, fire department or Fire Marshall if they suspect over-occupancy? Constantly challenge at Planning Commission hearings that the PROJECT doesn't conform to its CUP occupancy allowances? What types of remedies cure ephemeral condition violations? I-29-38

Will neighbors be expected to purchase decibel meters, then monitor and call the CITY if noise levels exceed the DEIR standards? If the CITY offices are closed, will they be required to call the Sheriff's Department, and how will immediate response and enforcement occur?

Placing the onus or burden upon residents, non-PROJECT citizens, via complaint-

driven mechanisms, is a slippery slope. How and under what specific set of circumstances can or will the concerned neighbors enter private property, try to count heads dispersed over 5 acres, during a dispersed/varied mixture of activities? What is the response time for such violation complaints?

I-29-38

Given the CITY'S preferential activities and attitude that resemble a laissez-faire policy regarding this PROJECT, turning neighbors into CUP police is specious. At what point would the APPLICANT intimidate, allege harassment?

Another issue of concern to CWN is the APPLICANT'S **Probable Future Actions by Responsible Agencies**, a repetition of the same flawed list embedded in the now-rescinded MND of 2009: The Orange County Traffic Authority and California Coastal Commission are mysteriously absent.

I-29-39

Table 3.F: Probable Future Actions by Responsible Agencies

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

PART II: DEIR Comments

AESTHETICS:

A. Crown Valley Parkway is a listed **Scenic Roadway**. The Project not only creates a partial blockage of an existing scenic vista of the ocean and Headlands bluff from Crown Valley Parkway (CVP), but also in its southeastern build-out blocks inland views and natural sunlight for the residents in Monarch Bay Villas HOA (Pompeii). I-29-40

B. It's not consistent with the surrounding development. It is consistent in superficial architectural style but due to site design edifice **"cramping"** give it a monolithic, compressed instead of spacious impression. The APPLICANT is basically shoehorning, force-fitting multiple structures. From the opposite side of the Salt Creek Corridor it will dominate the bluff. I-29-41

C. Increased lighting at night? Increased lighting due to intensification of use I-29-42

will result in more unmitigated light pollution for longer periods of time. This robs neighbors of night sky views and inhibits wildlife migration, including foraging and nesting behavior.

For the safety's sake of the visitors, the PROJECT will stand out at night like a sore thumb. The dual level parking structure and walkways will be lit 24/7/365.

It will dominate the bluff and affect the surrounding environs, including the visual intrusion into MBV homes along Pompeii. LED lighting systems put out an inordinate amount in the blue spectrum that disproportionately brighten the sky.

As for light pollution:

Urban light pollution: Why we're all living permanent mini jet lag.

Studies show that exposure to light after dusk is literally unnatural and may be detrimental to health."

"That can include health problems. "There's a cascade of changes to our physiology that are associated with light exposure at night," says Steven Lockley, neuroscientist and an associate professor of medicine at Harvard Medical School. He has looked at the impact of light on human physiology, including on alertness, sleep, and melatonin levels.

I-29-42

Because humans evolved in a 24-hour light/dark cycle known as the circadian clock, any light after dusk is "unnatural", Lockley says. When we are exposed to light after dusk, "our daytime physiology is triggered and our brains become more alert, our heart rates go up, as does our temperature, and production of the hormone melatonin is suppressed.
'As a society we need to think, do we really need some of these amenities that are putting light pollution into the environment?' Lockley says."

Source:
Journalist Ellie Violet Bramley October 23, 2014 edition of **The Guardian**
http://www.theguardian.com/cities/2014/oct/23/-sp-urban-light-pollution-permanent-mini-jetlag-health-unnatural-bed

Lighting nuisance impacts are under-valued and not mitigated below a level of significance in the DEIR, and for security reasons a certain level of illumination will be necessary.

Activities won't begin at 7 am, end at 10 pm sharp. Unacknowledged or mitigated in the DEIR are run-up and dispersion periods for organizers, so it'll probably be significantly noisier and higher levels of luminescence apparent from 6:30 am to 10:30 pm at minimum.

Special events granted under the CUP, coupled with many additional TUPs undoubtedly granted over-the-counter (ministerial) by the City, will exhibit longer set up and breakdown periods of time as a function of complexity and site visitors.

Then too it **IS** a commercial endeavor site, so after spending tens of millions of dollars, the APPLICANT will need to create a business revenue model that maximizes usage.

I-29-42

Nowhere in the DEIR is the possibility that the breeding gnatcatchers formerly acknowledged in the MND (circa 2009) didn't retreat to the northeasterly quadrant due to light and noise already being generated by the APPLICANT already. The expansion will only exacerbate those impacts without partial, let alone full mitigation.

During and post-construction, occurring over a 10 year period, it's highly unlikely that any wildlife species of any value will remain in the vicinity. Only highly domesticate ones like coyotes, skinks and possum will likely survive such intrusions, such onslaughts of both light and sound.

I-29-43

D. The replaced strategy, the reaction wall system at the base of the PROJECT, is still monolithic and subsurface installation physically intrusive. Although altered and revised from the previous MND offering, the stabilizing reaction wall is still too large.

I-29-44

E. Cumulative impacts of the insufficiently mitigated lighting installations have not been reduced below levels of significance. The APPLICANT acknowledges on one hand the longer hours and intensification of the facility's use, but without reasonable explanation, denies significant impacts will occur.

I-29-45

AIR QUALITY:

A. What is/are the origins of the topsoil onsite? Is some of it imported or recycled from previous uses? Known prior activities like agriculture where herbicides, pesticides, defoliants and soil sterilizers on conversion to a religious facility are missing from the DEIR dialogue.

I-29-46

B. Will there be temporary stockpiling onsite of contaminated spoilage and where will that take place? Will there be cartage off-site, and how will the excavation and disruption, the subsequent contaminate release potential affect the air quality for neighbors over a 10 year period?

BIOLOGICAL RESOURCES:

A. The California gnatcatcher and cactus wren habitat disruption and/or displacement mitigations offered, the Coastal Communities Conservation

I-29-47

Plan/Habitat Conservation Plan in-lieu fee proposal et al is quite objectionable.

B. It appears that what's being proposed is the potential capture and relocation of a pair of breeding, federally listed Endangered Species Act birds, plus any cactus wren discovered. The in-lieu fee should not be considered on par with the previously acknowledged (MND) ***"in situ"*** gnatcatcher residency.

   The CEQA analysis in this, the DEIR iteration, alleges that the federally listed ESA bird residency is questionable, whereas prior biological studies accept, acknowledge the birds occupancy in the northeasterly quadrant. I-29-47

   This species is especially vulnerable as a meta-population due to its small populations in limited, dense, coastal sage scrub habitat. They often live in or near prime land poised for development/redevelopment, for housing and commerce that lead to further isolation and reduced habitat as in this case.

C. Degradation of **Environmentally Sensitive Area** (**ESA**) habitat. Whoever is responsible for a key element in the **Monarch Beach Resort Specific Plan** mitigation, the **WILDLIFE ENHANCEMENT PROJECT AREA**, has failed to provide contractually agreed-upon monitoring, maintenance and habitat protection.

   Significant erosion due to the APPLICANT'S existing occupancy runoff has led to or exacerbated entropy on the parcel(s) #16 and #3 below it. The impacts are dramatic, induced and contributing to alarming slope degradation, to desertification both directly below and down-gradient in a southeasterly direction. I-29-48

   The indigenous animal species, due to entire swaths of plant-devoid environs, literally **"Zeroscape"** instead of **"Xeriscape."** The sensitive species will self-sequester, pull back into their native scrub.

   This explains why the gnatcatchers have ensconced themselves in the northeasterly quadrant: It offers undisturbed dense native shelter that exhibit no human passage (trails), plus noise and light from the APPLICANT'S facility at minimal levels.

GEOLOGY & SOILS:

A. Soil type D ramifications. The NPDES Permit guidelines encourage strategies that include keeping soil compaction down to minimal levels.

   The DEIR seems to avoid discussion of that aspect. In fact, if allowed either the PROJECT or ALT. #2, the entire bluff top is going to completely excavated and over-hauled down to great depths, then nearly 100% complete, massive re-compaction that does not follow Priority Development Project (PDP) standards. Compaction should be minimal, not maximized. I-29-49

HAZARDS/HAZARDOUS Materials:

A. See AQ above. The APPLICANT performed test borings for seismic stabilization thus acquiring information, analyses and assessment gathering purposes. Where are there, per industry standards, the multiple soil samples that would divulge any subterranean accreted pollutants of concern? The APPLICANT'S vendor performed boring tests, beyond identifying the soil type it apparently wasn't asked to determine which, if any, contaminants are present. Knowing the site's previous usage, multiple borings at various elevations seems a no-brainer. I-29-50

HYDROLOGY & WATER QUALITY:

The following is taken directly from the PROJECT'S Hydrology Report:

DEIR **LSA 4.8.1** **Hydrology Page 172**

Runoff from approximately 3.25 acre of the 6-acre project site sheet flows to the southeast corner of the property into an existing man-made drainage basin.

Of the 3.25 acres, runoff from the existing parking lot drains to an existing catch basin and then to an underground storm drain before discharging to a concrete channel that outlets to the drainage basin.

Runoff from the remainder of the 3.25 acres flows to the underground storm drain system at various locations before discharging into the drainage basin. I-29-51

The existing drainage basin discharges to an existing concrete v-ditch that runs south toward the Pointe Monarch Community and discharges into a man-made drainage basin.

From the basin, flow travels southeast via a reinforced concrete pipe storm drain, which connects to a concrete box culvert (Orange County Flood Control District [OCFCD] Facility No. K01 at the north side of Pacific Coast Highway and the bottom of Salt Creek.

Flows then travel within the concrete box culvert underneath Pacific Coast Highway and enter the Salt Creek Ozone Treatment Facility before discharging directly to the Pacific Ocean. In the existing condition, runoff from the project site drains in a southeasterly direction, away from Crown Valley Parkway.

2.	**Project location and site address, APN & GIS coordinates:** 32712 Crown Valley Parkway, Dana Point, California APN 670-181-02 GIS Coordinates: 33°29'16"N, 117°43'17"W
3.	**Property size:** Parcel Size: 6.00 Acres (261,497 square feet) Proposed Development: 5.1± Acres (221,675± square feet)

2. Existing and proposed drainage:

Existing Condition: The project site drains in a south-easterly direction, away from Crown Valley Parkway. Approximately 3.25 acres of the site drain to the south-east corner of the property into an existing man-made drainage basin. Of the 3.25 acres, the existing parking lot drains to an existing catch basin via sheet flow and then enters into an underground storm drain before discharging onto a concrete channel which then enters the drainage basin. The remainder of the 3.25 acres enters the underground storm drain system at various points before discharging into the drainage basin. The existing drainage basin discharges to an existing concrete v-ditch that runs south towards Pointe Monarch Community.

I-29-51

The balance of the property drains via sheet flow or multiple drainage pipes towards the existing slope on the east side of the property. There is also a small area, consisting of driveway and landscaping, that drains towards Crown Valley Parkway.

Proposed Condition: The developed condition of the project site consists of four drainage patterns. The majority of the proposed site, Area "A", will drain to an underground storm drain system. Area "A"s water quality will be improved through the use of roof drain planter boxes ,proprietary bio-filters, such as Filterra Systems, and bio-filtration swale / depressed landscape. To reduce peak flows, flows from Area "A" will enter an on-site detention system, consisting of a pretreatment CDS Unit and underground detention system, which operates as a short-term holding tank to reduce peak flows. The underground detention system will consist of a steel-reinforced polyethylene pipe network, which will control peak discharge flows with a restrictor plate. Reduction of the site's peak discharge is not only necessary due to the increase of impervious area, but also because of the elimination of the off-site drainage basin. After flows leave the on-site detention system, the proposed storm drain pipe will discharge directly into the existing concrete v-ditch, bypassing the existing drainage basin to be eliminated.

Area "B" will enter the proposed storm drain pipe downstream of the on-site detention system before discharging into the existing concrete v-ditch. Area "B"s water quality will be improved through the use of roof drain planter boxes, storm water planters and proprietary bio-filters, such as Filterra System.

Area "C" consists of existing vegetation that will drain via an existing concrete v-ditch on the site's southerly property line. It will ultimately connect to the existing v-ditch and converge with flows from Area "A" and "B".

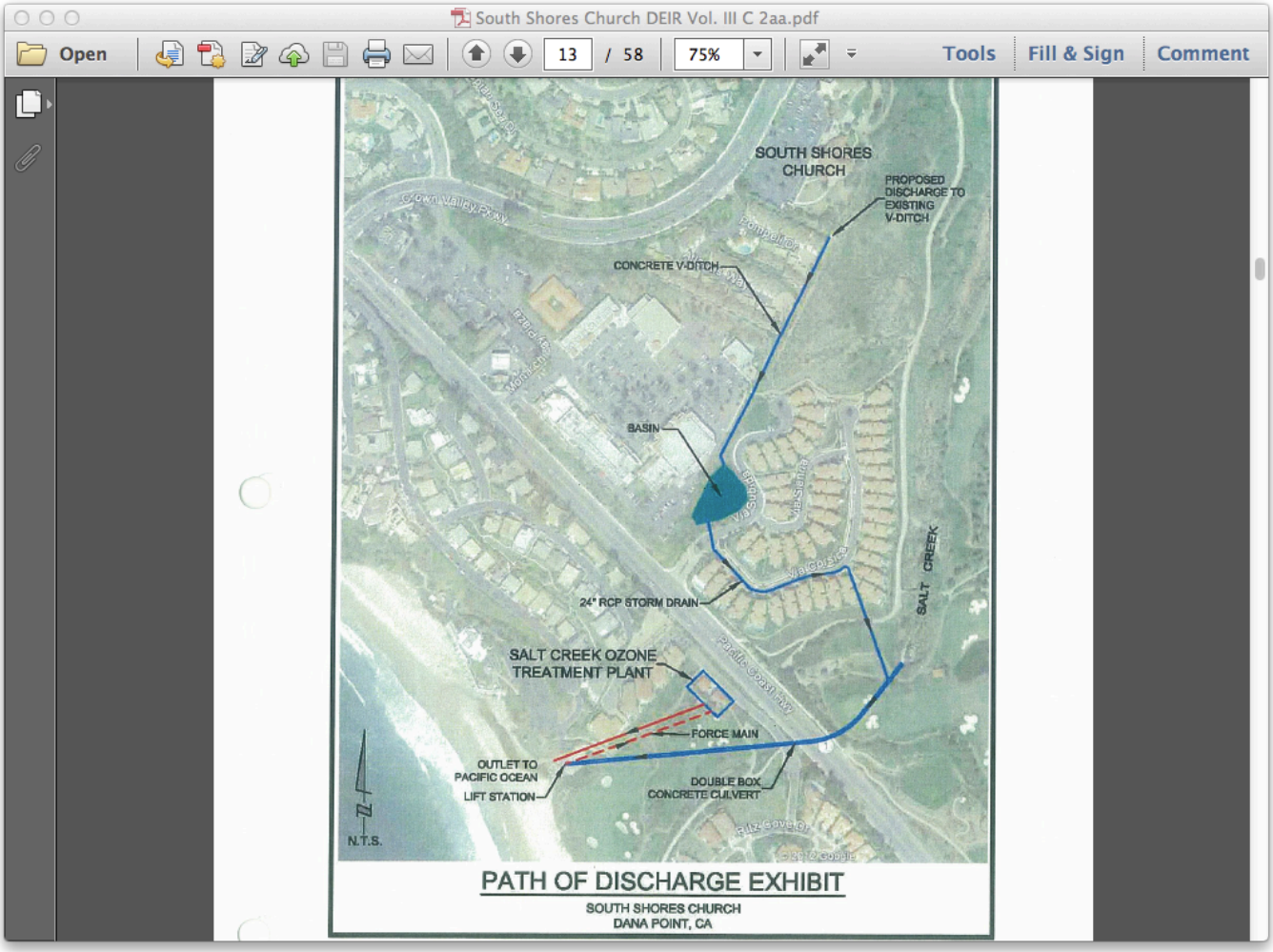
The fourth drainage pattern, Area "D", consists of natural slopes that sheet flow to the east.

3. Hydromodification Criteria: Does the project drain to a natural bottom creek, such as Salt Creek or San Juan Creek?

No, the proposed project discharges into an existing concrete v-ditch at the south corner of the property. Flows within the concrete v-ditch travel south towards the Pointe Monarch community (Tract No. 14605) and enters into a man-made drainage basin. From the basin, flows travel south-east via a RCP storm drain pipe, which connects to a concrete box culvert (O.C.F.C.D. facility No. K01) at the north side of Pacific Coast Highway and the bottom of Salt Creek. Flows then travel within the concrete box culvert underneath Pacific Coast Highway and enter the Salt Creek Ozone Treatment Plant before discharging directly to the Pacific Ocean. See "Path of Discharge" Exhibit below for detailed path of travel.

4. Watershed:

Pacific Ocean – via municipal storm drain system.



I-29-51

5.	**Impervious/pervious surface areas:** **Existing Condition** Impervious Surface Area: 3.26 acres (142,093 sq. ft.) – **54%** Pervious Surface Area: 2.74 acres (119,404 sq. ft.) – **46%** **Developed Condition** Impervious Surface Area: 4.51 acres (196,486 sq. ft.) – **75%** Pervious Surface Area: 1.49 acres (65,011 sq. ft.) – **25%** The impervious surface area will increase from 54% of the site to 75% of the site. This represents an **increase** of impervious surface area by **38%.**
6.	**Property ownership:** The site is a private property owned by South Shores Church.
7.	**Other:** The South Shores Church Master Plan is a multi-phased project. This Preliminary WQMP is intended to be revised and updated for each phase of work before the issuance of grading permits.

I-29-51

The charts above are misleading: The PARCEL is approximately 6 acres, but as the APPLICANT admits, the buildable portion is only 5.1 acres.

Recalculated and expressed as the % of impervious surface upon completion, 4.51 acres=90% impervious, not the 75% alleged above.

The hardscape (walkways, porches, landings and stairs) are unique mortar features, the non-structural stalls and the parking structure (upper level) combined are approximately 4 acres, the edifices .5 acre.

This 75% assertion is therefore, in our opinion, intentionally misleading and is **"Voodoo Surface Hydrology Math."**

The **Hydrology Analysis** below is also incorrect and misleading, it lacks critical metrics. What is the actual holding capacity in gallons of the subterranean cistern? It is not provided as far as our research indicates.

Under what circumstances could a hydrology engineer or professional analysts assess and critique in the absence of full explanations?

I-29-52

Only conclusory remarks have been provided……analyses and verbiage consisting of or relating to conclusions or assertions for which no supporting evidence is offered.

In fact, that is a common master thread woven throughout the entire DEIR: Claims and judgments, basically opinions that infer thoroughness, completion of analytical tasks. The necessary consequences of the DEIR premises fail because they rely upon inferred or unfounded propositions/suppositions. I-29-52

In a "null hypothesis" circular mode, the offered "complete" analyses as evidence of thorough review do not, in CWN's opinion, support the CEQA thresholds having been met, the report's conclusions.

The DEIR is incestuous, it attempts to transfer, redirect or apply derivatively questionable data and metrics to other aspects or logistics within the document itself. I-29-53

All the APPLICANT has supplied are historical and projected future, post-construction flows (expressed in Cubic Feet per Second---CF/S).

Relying on a nearly 25-year old hydrology report from **Boyle Engineering** (**1991**), working backwards inductively, it **APPEARS** to boast of 25% attenuated Q flow rates post-construction.

"Therefore, peak discharge would not adversely affect the capacity of downstream networks, and construction or expansion of storm water drainage facilities would not be required. Therefore, impacts to storm water drainage facilities are less than significant, and no mitigation is required." DEIR by LSA I-29-54

Nowhere in the DEIR can CWN find any notes from field ***in situ*** inspections of the various v-ditches catch basin and intake systems (plural) values, that is, a database for investigation regarding their true, finite and lself-limiting potential capabilities.

How can professional analysts, knowledgeable veteran NGOs like CWN or a Public Resource and/or Trustee agency assess then draw conclusions when critical data is missing?

It is a simple task, the way fluid evacuation systems work: Smaller capacities discharge into larger which then discharge into yet larger capacity devices.

Is the intake system near Point Monarch sufficiently rated, calculated to contain and convey not only the existing drainage peak flows from MBVHOA, from the ESA mitigation, but a Q-100 from the PROJECT as well?

Where is that matrix scenario, the confluence of gross volume CF/S in the DEIR? Why isn't it? I-29-55

Presuming that one v-ditch, one storm water conveyance element can accomplish 100% containment and conveyance without expanding or upgrading infrastructure appears to have no basis in reality, only in theory.

6. Project hydrology analyses:

The temporary basin was designed to decrease peak flows coming from the property to the original flows that occurred before the construction of the main sanctuary building. These original flows were calculated in the Hydrology and Hydraulic Report for South Shores Baptist Church, prepared by David A. Boyle Engineering on January 10, 1991. The hydrology report calculated that the 100-year peak flow being discharged by the property and outletting at the south-east corner was equal to 12.33 cfs. This accounted for approximately 3.2 acres of the property's total 6.0 acres. The report also included calculations that proved the existing concrete v-ditch, which is the ultimate conveyance structure, was able to meet capacity. See Appendix B for original calculations prepared by Boyle Engineering.

In its ultimate condition the project will be developed as shown on the Proposed Master Site Plan (Architectural Plan A3.0) which is included in the Appendix B. The majority of the proposed site, Area "A", is comprised of approximately 4.0 acres. To reduce peak flows, flows from Area "A" will enter a proposed underground detention system. This underground detention system will be comprised of two 84" pipes with a restrictor plate at its outlet. The location of the underground detention system is shown on the Developed Condition Hydrology Map. This proposed storm drain will continue to collect flows from Area "B" downstream of the detention system before discharging to the existing concrete v-ditch at the property's south-east corner. A discharge head wall and v-ditch connection will have to be constructed to properly convey flows from Areas "A", "B", and "C" to the existing v-ditch.

The proposed underground detention basin will reduce the site's developed peak flow to match existing flows as calculated by the Boyle Engineering Hydrology report. The balance of the site that does not enter the storm drain system, shown as Area "D" is considered natural slope. These peak flows are reduced substantially, as shown in Table below. A copy of the Developed Condition Hydrology Map that shows the concept drainage system is included in the Appendix B.

HYDROLOGY SUMMARY - SOUTH-EASTERLY DISCHARGE POINT (AREAS "A", "B", & "C")

FREQUENCY	EXISTING FLOW (CFS)	DEVELOPED FLOW (CFS)
Q-2	6.0	4.6
Q-5	8.6	6.2
Q-10	11.0	7.6
Q-25	13.1 / 9.6*	8.9
Q-100	16.8 / 12.3*	10.0

HYDROLOGY SUMMARY - EASTERLY EXISTING SLOPE (AREA "D")

FREQUENCY	EXISTING FLOW (CFS)	DEVELOPED FLOW (CFS)
Q-2	4.2	1.3
Q-5	6.0	1.8
Q-10	7.7	2.4
Q-25	11.3	2.8
Q-100	14.3	3.6

**Flows refer to existing peak flows as calculated by the Hydrology Report prepared by Boyle Engineering.*

I-29-55

What the APPLICANT hasn't provided:

What are the specs or calculations, where is the Q (peak flow) full containment potential of the now singular v-ditch The APPLICANT intends to redirect the projected 4-acre drainage from the PROJECT into? **(See <u>PATH OF DISCHARGE</u>**

graphic above)

Nowhere is the noted ***"Path of Discharge"*** v-ditch's potential calculated or existing hydrologic/hydraulic dynamics of that v-ditch discussed that CWN can find.

What are the Q-100 calculations for drainages discharged from Monarch Bay Villas Homeowner's Association (MBVHOA), at convergent or confluent points, volume projections that the PROJECT will be commingling its runoff with? I-29-55

Does the APPLICANT have expressed or even implied easements rights regarding this v-ditch in its title documents? The APPLICANT should be required, in the FEIR, to provide the appropriately secured, legally conforming easement rights.

A **review of the records provided by the County designates the site as residential, exactly where and when did the rezoning, the conversion to commercial use take place? CWN cannot verify this critical information, important because business parcels receive different levels of jurisdictional and regulatory review, different compliance parameters.** I-29-56

MBVHOA has a right of pedestrian transit to allow safe passage to the Salt Creek Corridor Trail and shopping center and has been sole discharger into this dedicated conveyance system contiguous with their property line.

In fact, unmentioned in the DEIR is that the MBVHOA has been using, has been discharging as the **sole** unrestrained, unchallenged or inhibited contributor during significant rainy events since it was constructed 40 years ago.

The PROJECT'S drainage system is disconnected presently, contributes no flows to this MBVHOA v-ditch, yet the APPLICANT presumes mutual entitlement, that is fails to address justification or supporting analyses/documents that allow the redirected entitlement. I-29-57

MBVHOA isn't even discussed or its contributions to the v-ditch broached let alone analyzed. This is a glaring deficiency in the APPLICANT'S report.

Does the APPLICANT have any **explicit** easement rights memorialized already that it hasn't shared, allowing it the same transit rights as the MBVHOA, beyond maintenance of both the detention basement infrastructure and its overflow devices?

The **Continuous Deflection System** (**CDS unit**) being proposed that takes in the aforementioned 4 acres of runoff has its limitations. CDS units are renowned for not only their successful levels of protection but also their glaring deficiencies. This DEIR typifies the CDS unit integrated into the subterranean cistern system beyond its actual pollutant loading prevention abilities. I-29-58

It can reduce vehicular hydrocarbon detritus (**Polycyclic aromatic**

hydrocarbons), coarse sediment and trash, but has little if any reduction potential regarding **Fecal Bacteria Indicators** (**FIBs**), fine sediment, viruses and pathogens.

If the APPLICANT is allowed to re-direct, that is divert flows into the v-ditch presently dedicated to runoff from MBVHOA, it will not comply with **Priority Development Project** (**PDP**) criteria: The detention basin not only attenuates peak flows, thus reducing unacceptable erosion, but it helps disperse surface flows that hydrate slope plantings.

The secondary purpose and function of the settling depression within the detention basin itself is the removal and reduction of pollutants. Instead, the APPLICANT requests discharging directly into a conveyance channel (v-ditch) that it has not proven it has the right to do. I-29-58

At the terminus of the locale's MS4 stormwater system, the beach where the South Coast Water District urban runoff treatment plant is located, FIBs will not have been reduced or brought down to AB411 standards.

The APPLICANT must provide title documents that reflect their right to abandon the detention basin and re-direct runoff without any structural or non-structural BMPs as mitigation. These documents should have procured **PRIOR** to the Adams-Streeter Engineering report dated 11/21/2014.

The APPLICANT'S strategy is in opposition, is disharmonious with PDP goals regarding **Maximum Extent Practicable BMPs**. The detention basin configuration, composition and design are critical in complying with mandated PDP implementation per the R2-2009-2002 NPDES Permit.

Moreover, if allowed to delay the construction of the parking structure until the end of the MP installation some 10 years out (or more), CWN contends that the PROJECT is now already non-compliant and waiting 10 years or more to achieve compliance is ridiculous. I-29-59

Deferring the rehabilitation of the existing detention basin that the APPLICANT is responsible for, combined with no maintenance performed upon the multiple v-ditch systems on the bluff for decades, is also objectionable.

As Salt Creek is a 303 (s) federally listed impaired water body, under a TMDL mandate for FIB, the APPLICANT fails to reduce or remove them onsite to the MEP as ordered. Runoff should be retained and detained onsite, not hurried off before reductions of contaminants take place. I-29-60

Under the 2009 NPDES Permit (R9-2009-0002) now in place, the diversion and redirection of surface now being proposed in the DEIR will result in violations of the hydro-modification prescriptions.

Surface flows on the bluff will be significantly altered once the detention basin is abandoned, not mentioned by the APPLICANT, nor is the impact of abandonment of the detention basin's effect on sediment starvation. I-29-60

Nowhere has the APPLICANT identified or offered an onsite Advanced Waste Treatment facility. This should be mandatory. The CDS should have not only a 50,000 gd stormwater-to-wastewater diversion potential, but an AWT unit that significant reduces to the Maximum Extent Practicable ALL pollutants that could increase or affect impairment of Salt Creek. I-29-61

CWN recommends an AWT unit that has reverse osmosis (RO), ultraviolet (UV) and ozone treatment potential. We base the additional use of ozone on the fact that the Salt Creek Beach facility built and operated by South Coast Water District (SCWD) has been an abject failure because it neglected to avail itself of ozone treatment as well.

Monitoring and sampling test results sustain the CWN contention that this SCWD facility is fatally flawed due to poor Best Emerging Technology (BET), types of BMP choices on the district's part. Now, due to spatial and technological limitations, it appears as if this $10 million water quality funding black hole has no backup or fall back strategy.

These test results, supplied by the South Orange County Wastewater Authority contain results of monitoring that took place over a 5-year period AFTER the SCWD facility went online. As noted, the dry weather flow exceedances are already great. I-29-62

Table 3-5
Summary of Streamflow Compliance with REC-1 Bacteriological Standards
Aliso Creek, Salt Creek and Laguna Beach Creek, 2006-2011

Station	All Samples, 2006-2011			Samples within 72 Hours of Precipitation[2]		
	Number of Samples[1] 2006-2011	Number of Samples that Exceeded REC-1 Single Sample Maximum Limits[3]	Percent of Samples that Exceeded the REC-1 Single Sample Maximum Limits	Number of Samples[2] 2006-2011	Number of Samples that Exceeded REC-1 Single Sample Maximum Limits[3]	Percent of Samples that Exceeded the REC-1 Single Sample Maximum Limits
Aliso Creek[4]	38	21	55%	11	11	100%
Salt Creek[5]	190	155	82%	28	26	93%
Laguna Beach Creek[6]	91	80	88%	18	17	94%
Totals	319	256	80%	57	54	95%

1 Number of samples collected during 2006-2011 by SOCWA and OCHCA, as reported by SOCWA and OCHCA. Data available at: www.ocbeachinfo.com/data.

2 Samples collected by SOCWA or OCHCA within 72 hours of precipitation, as reported by the National Weather Service for the San Juan Capistrano, Laguna Beach, Orange County John Wayne Airport, or U.S. Marine Corps Base, Camp Pendleton stations.

3 Number of samples during 2006-2011 that exceeded the Ocean Plan REC-1 single sample maximum limits for one or more of the following: total coliform, fecal coliform, or *Enterococcus*.

4 Former SOCWA ACOO monitoring station C1, located at mouth of Aliso Creek.

5 OCHCA monitoring station CSLSC located at Salt Creek, approximately14,000 feet downcoast from the ACOO centerline (near SOCWA ACOO Station S2).

6 OCHCA monitoring station CLBBC at Laguna Beach Creek, located off Broadway Street, approximately 16,000 feet upcoast from the ACOO centerline.

Sampling from 2005—2013 is also disturbing: