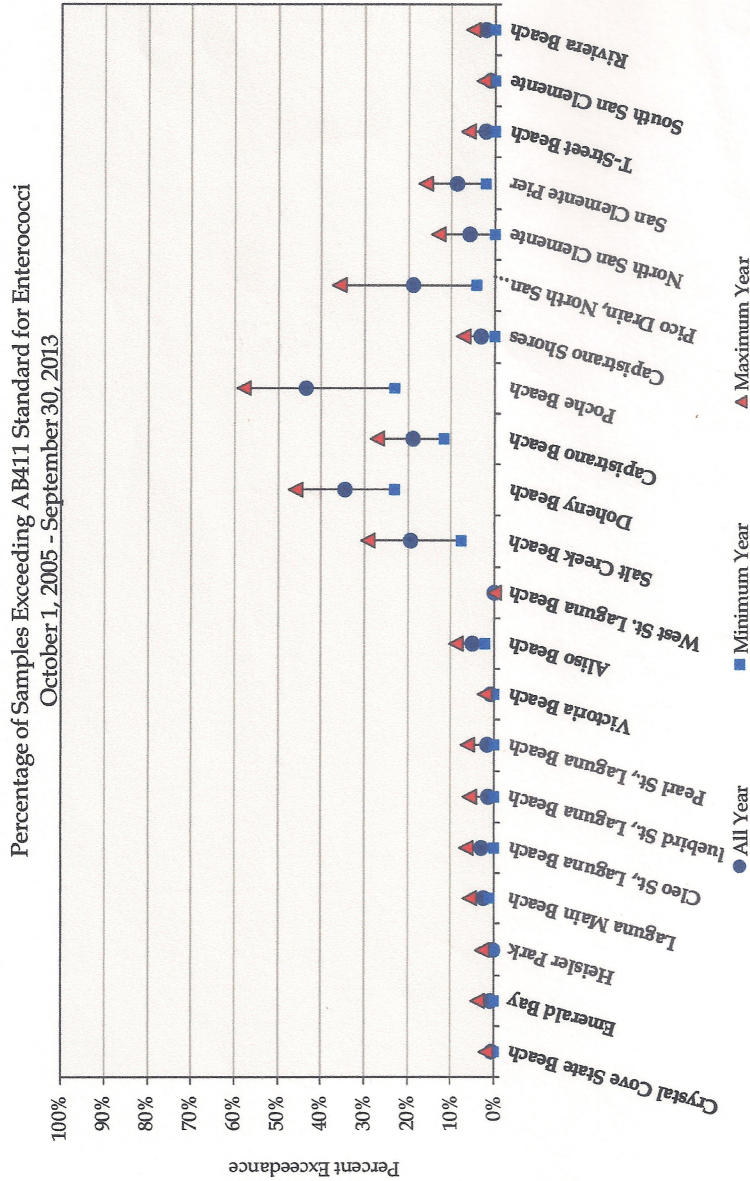


Figure 2.2.6: The overall percent exceedance of the AB411 Enterococcus standard over the time period 2005 - 2013. Poche and Doherty, and to a lesser extent Pico, are the only persistent problem beaches and this summary figure overstates the problem because it does not clearly reflect significant recent improvements. This figure focuses on Enterococcus because it is the only one of the three AB411 indicators with any meaningful level of exceedance. Note: Exceedances of the Enterococcus standard occur at only a few problem beaches, which have improved dramatically in recent years.



To avoid risking further impairment, the APPLICANT must integrate an AWT BMP into the cistern filtration inline system. Installed after the CDS unit reduces coarse

sediment and debris, plus performs minor hydrocarbon residue reductions. This will necessitate a stand alone (separate) NPDES Permit as approved by the SDRWQCB Region 9, Cal/EPA.

I-29-63

The detention basin presently online is at or near approximate existing groundwater table level. This explains its constant dampness even during extended drought periods. Adams-Streeter Engineering proposed that the groundwater level is about 40 feet below the existing open-air parking lot and that was sustained recently by ponded or pooled water not attributable, not replenished by the PROJECT'S nuisance water down gradient migration.

Section 5 Hydromodification/Hydrologic and Geotechnical Conditions of Concern/Drainage Report

Hydromodification is the alteration of natural flow characteristics and sediment supply, which can result from new development and significant redevelopment projects without appropriate preventative controls. Common impacts to the hydrologic regime resulting from development include increased runoff volume and velocity; reduced infiltration; increased flow frequency, duration, and peaks; and faster time to reach peak flow. Under certain circumstances, new development and significant redevelopment could also result in the reduction in the amount of sediment supplied to the channel for transport. If the sediment supplied to the channel is reduced such that in-stream flows are transporting sediment faster than it can be replenished, then erosion of the channel's bed and bank may occur. These changes have the potential to permanently impact downstream channels and habitat integrity. A change to a Priority Project site's hydrologic characteristics would be considered a condition of concern if the change would have a significant impact on downstream natural channels and habitat integrity. In determining whether an impact is significant, the cumulative effects on the watershed must be considered.

I-29-64

The first step to determine whether or not hydromodification requirements apply is based on the proposed Project's location and point of discharge. All PDPs must meet the hydromodification requirements unless:

- the project site discharges into an underground storm drain system that discharges direct to a bay or ocean; or
- the project site discharges into a conveyance channel whose bed and bank are concrete lined all the way from the point of discharge to ocean waters, enclosed bays, estuaries or water storage reservoirs and lakes.

Based on the project's location and point of discharge, See Path of Discharge Exhibit on Sheet 6, this project is not subject to the Hydromodification Criteria.

Presently, natural surface hydrology when coupled with the detention basin overflows, conveys sediment down-slope in a southeasterly direction. A stasis has been reached that abandonment alters without mitigation.

By abandoning and redirecting the APPLICANT assumes a right to discharge gross volumes of surface runoff, still containing pollutants, without proof that it has or under what circumstances it shall obtain that/those easement right(s).

A brief overview of easements leads to several more unanswered questions based upon information the APPLICANT has not offered or included in its PROJECT analyses regarding the detention basin BMP:

I-29-64

Easement

An easement is the grant of a non-possessory property interest that grants the easement holder permission to use another person's land.

There are different kinds of easements.

If an easement appurtenant is granted, it involves two pieces of land, where one serves as the servient tenement that bears the burden, and the other the dominant tenement, which benefits from the grant of the easement and has permission to use the servient land in some manner.

There are two types of easements: Affirmative and Negative.

An affirmative easement gives the easement holder the right to do something on the grantor of the easement's land, such as travel on a road through the grantor's land.

A negative easement, on the other hand, allows the easement holder to prevent the grantor of the easement from doing something on his land that is lawful for him to do, such as building a structure that obscures light or a scenic view.

I-29-65

Easements can be created in a variety of ways. They can be created by an express grant, by implication, by necessity, and by adverse possession. Easements are transferrable and transfer along with the dominant tenement.

Additionally, easements can also be terminated. An easement can be terminated if it was created by necessity and the necessity ceases to exist, if the servient land is destroyed, or if it was abandoned.

If the APPLICANT is allowed to abandon the historic detention basin, is the present easement therefore terminated, will the necessity no longer be there, hence said abandonment permanent?

This could become an issue if the v-ditch system next to MBVHOA the APPLICANT intends to begin using doesn't suffice for either peak flow control and/or BMP pollutant reduction purposes. There is no fallback, no **"what if"** Plan B in the DEIR.

How will the APPLICANT comply with the NPDES and HMP if it can no longer avail itself of what is now a functional BMP, what it agreed to some 20 years ago as mitigation?

Nowhere can CWN find the APPLICANT mentioning this conundrum let alone analyzing the ramifications of the PROJECT'S new configuration. It does represent

significant hydromodification alterations that violate the HMP the APPLICANT'S offered.

Will the detention basin be remediated or just be left as is, a visual blight with contaminants unabated? If the APPLICANT is not allowed, is forbidden or enjoined from altering the existing BMP system, then when and under what circumstances will they bio-remediate and/or finally perform more than cursory maintenance upon this critical ESA nexus, where urbanized runoff meets biota?

I-29-65

Is the APPLICANT allowed to discharge directly into an underground storm drain system (Monarch Pointe terminus) if it has no easement or contractual rights to do so?

Where has the APPLICANT provided photos and/or documentation, hydrology engineering calculations, etc., sustaining its position that the terminus before undergrounding, i.e., the catchbasin and intake conveyance system above Pointe Monarch, is capable of 100% containment without topping when CF/S flows from both MBVHOA and the PROJECT arrive?

If the APPLICANT'S calculations are to be believed, are credible, then a Q-100, post-construction, would evacuate approximately 10.0 CF/S=6,500,000 gd. Moreover, if allowed to build the parking structure in the latter, near completion of buildout phases, at what PROJECT point will the diversion take place?

MBVHOA is approximately 4.56 acres according to a title search. Of that perhaps 2 acres is impervious and semi-impervious acreage, broken up and not contiguous. CWN estimates the MBVHOA contribution to be (allowing for 10% freeboard allowance) in the neighborhood of 2 CF/S. The PROJECT will therefore quadruple v-ditch flows.

I-29-66

Nowhere in the DEIR does the APPLICANT discuss, analyze or admit this. The APPLICANT has presumed a null hypothesis, to wit: ***"In statistical inference of observed data of a scientific experiment, the null hypothesis refers to a general statement or default position that there is no relationship between two measured phenomena."***

The v-ditch currently dedicated to MBVHOA drainage **HAS** a relationship to the proposed PROJECT strategy, and that is their distinct, primary characteristic not being addressed: That relationship is that these measurable flows are separate phenomena and shouldn't be assumed to be considered as one seamless multi-faceted system already in existence.

There is no physical connectivity between the two systems, and today there are presently no joined drainages.

As the APPLICANT has failed to supply projected MBVHOA contributions @ Q-100, including v-ditch APPLICANT (Manning's Formula et al) it is impossible to assess this

redirected strategy:

*"The **Manning formula** is also known as the **Gauckler–Manning formula**, or **Gauckler–Manning–Strickler formula** in Europe. In the United States, in practice, it is very frequently called simply **Manning's Equation**. The **Manning formula** is an empirical formula estimating the average velocity of a liquid flowing in a conduit that does not completely enclose the liquid, i.e. open flow channel.*

All flow in so-called open channels is driven by gravity. It was first presented by the French engineer Philippe Gauckler in 1867 and later re-developed by the Irish Engineer Robert Manning in 1890." **Source: Wikipedia**

3. Relevant hydrologic and environmental factors:

The project site, project's vicinity, adjacent properties or areas downstream of the site are not prone to flooding or have erosion problems.

Sensitive biological areas potentially exist to the east of the subject property in the form of coastal sage scrub, which may be a potential habitat for the endangered California gnatcatcher.

4. Proposed hydrologic conditions:

The proposed development will increase the amount of impervious surface area, which will reduce infiltration. But, with the use of an underground detention system located under a portion of the project site's parking lot, runoff volume and flow will not be increased. Proposed development's peak flows will match existing condition flows minus the flows detained from the existing off-site drainage basin, which is to be eliminated.

The proposed development's underground detention system will increase storage volume to not only account for the elimination of the off-site basin, but also for the increased impervious surface area. This underground detention system will be comprised of two 84" pipes with a restrictor plate at its outlet, which temporarily holds water while slowly being released.

5. Significant impact on downstream channels and habitat integrity:

The developed condition's peak discharge will be decreased. Runoff from impervious areas will discharge to an off-site v-ditch that leads to a basin, then flows into an underground storm drain to the Salt Creek Ozone Treatment Facility before discharging into the Pacific Ocean.

LAND USE:

- A. The General Plan goals include prioritizing and assisting resident serving commerce. The APPLICANT should be required to provide verifiable names and addresses of attendees to determine if the PROJECT will truly serve Dana Point residents, or if it's a type of corporate franchise.



I-29-66

I-29-67

- B. The recent merging with another religious facility in San Juan Capistrano on Del Obispo brings into question whether the majority of attendees at various church functions are in fact local residents. I-29-68

NOISE:

A. The APPLICANT has admitted that there will not only be an increase in visitations, but that they seek new entitlements, extended hours for the PROJECT'S sundry activities due to site modernization and upgrades that will take place. Yet the DEIR inexplicably and with dismissive verbiage purports that this increase is insignificant.

B. This Corridor is renowned for its natural amphitheater acoustics. Sound carries to great distances and nowhere does the DEIR address the accumulation, the cumulative effects of multiple contributions. The intensified use of the PROJECT site **WILL** surpass present decibel levels exhibited, even the DEIR admits that albeit obliquely. I-29-69

Once again, under what circumstances, once built out, will Salt Creek Corridor residents have recourse for decibel exceedances? Creating a complaint-driven re-development conundrum, levels could subside by the time code enforcement (City and/or Sheriff's Department) arrives on scene.

It is unclear as to whether these Sheriff's Deputies or CITY code enforcement employees even carry decibel meters. This places the onus or burden of monitoring upon locals.

TRANSPORTATION/TRAFFIC:

"Crown Valley Parkway and PCH are both designated as part of the Congestion Management Plan (CMP) Highway System. Because the proposed project does not directly access a CMP facility, does not generate 2,400 or more daily trips, and would not result in, or contribute to, a significant impact on Crown Valley Parkway or PCH, the proposed project would not conflict with the Orange County CMP and impacts would less than significant. No mitigation measures are required." I-29-70

The Lumeria Lane entrance to Monarch Bay Villas is shown on the maps in the study, but minimal consideration to ingress or egress requirements for Lumeria Lane were considered let alone addressed.

The volume of traffic currently on Crown Valley Parkway (CVP) at the same time as the APPLICANT host's events and services makes it dangerous for both egress and ingress traffic at CVP via Lumeria Lane due to both the slope and curvature of the street. I-29-71

Additionally when all the cars are parked on or backing up on CVP there is a very dangerous situation with bicyclists required to come into the street as the vehicles are parked in the dedicated bike lane going north.

I-29-71

Line of sight going north from Coast Highway is critical and this DEIR fails to confront that fact. It also lacks the aforementioned "**Real time, real use**" aspect. I have driven this section (from Coast Highway to Del Avion, just past the PROJECT) for decades as a 42-year resident of South OC.

I-29-72

Vehicles, as they pass the 35 mph sign near the Salt Creek Grille on CVP begin speeding up, actual speeds I've observed are already at 45 mph **BELOW** Lumeria Lane, the MBVHOA entrance.

If commuters not going to the PROJECT as their destination see a green light on their approach to Sea Island Drive, they are usually traveling well over the 45 mph speed limit as they pass the sign just past the site.

So the *in situ*, the existing usage hasn't been provided hence not assessed, analyzed or addressed by the APPLICANT. Consultants that are in love with modeling need to actually use the basics of the scientific method: Hang around there from a Friday afternoon through Sunday evening.

I-29-73

Seeing is not only believing, it's the difference between desk jockey projections and real time safety, hazards and adverse conditions for MBVHOA and PROJECT visitors near the Sea Island/CVP chokepoint.

Another ignored significant adverse impact is the **Chinese fire drill** potential, the eventuality being created: Both during and post-construction the Sea Island signal will be provoked into changing off and on, off and on, left turn on, no left turn on, over and over and over. It will exacerbate gridlock, become confusing and bring chaos into an already over-whelmed intersection.

This is another flaw in CEQA: Only notifying residents within a few hundred feet is asinine when those living in Monarch Terrace (west of CVP with Sea Island as their access/egress) will be significantly impacted but possibly unaware of the increased size and intensification of use due to the PROJECT.

I-29-74

Many vehicles emerging from Lumeria Lane choose not to run the gauntlet of CVP, instead turn right (northerly), go to the Sea Island signal, make a U-turn and double back in a southerly direction.

The mitigation measure of the previously proposed offsite parking and trams

does not seem realistic and should be reevaluated as to actual projected usage in other similar situations. This will require lengthy times to arrive and leave the Project.

↑
I-29-74

Further study is necessary to completely evaluate the construction traffic planned for the 5 phases over the 10-year period, as this will aggravate an already unsafe situation.

I-29-75

The OCTA should do the following immediately for this arterial regardless of the PROJECT'S status or progression:

- (1) Immediately replace the relatively small, barely noticeable 35 mph speed limit sign near the CVP/Coast Highway intersection for northerly traffic with an appreciably larger one.
- (2) A second sign of similar size (large) to be placed just below Lumeria Lane on the right side to remind drivers of the 35 mph restriction. Perhaps include a lower, second sign on the pole that exclaims the speed limit is radar monitored, patrolled and strictly enforced.
- (3) Begin ephemeral, unpredictable and random enforcement during peak commuter hours and weekends by placing a motorcycle officer tucked back into the Lumeria Lane entrance or similar pocket. Once drivers begin seeing police presence and/or tickets being written the speeding will subside. Due to the limited line of sight dynamic at this rising curve, many vehicular speed violators will be cited.

I-29-76

The APPLICANT has the ability to affect what is already a negligent condition that it contributes to by its activities and site visitors.

Additionally and more importantly, currently when the PROJECT lot is not full many attending the project events do park on the CVP, they then block the bike lanes north and south. They choose to not get stuck in the existing lot after services/activities, opt for a quick exit.

I-29-77

This is another disturbing existing condition that the DEIR fails to discuss, confront proactively or offer post-completion mitigation below a level of significance. At present, and nowhere in the DEIR does the APPLICANT offer to demand, to require off-street parking of its attendees or vendors to reduce, to mitigate intensification.

Visitors to the PROJECT are exacerbating an already unsafe and hazardous arterial. If allowed, this PROJECT'S intensification of use condition could be used, could be construed by personal injury litigants as a form of contributory negligence.

I-29-78

Saturday and Sunday afternoon traffic backs up repeatedly past MBV entrance at Lumeria Lane as the light at Sea Island is red. Gridlock is already occurring yet the

traffic study provided by the APPLICANT ignores actual events, actual traffic patterns and beach commuter habits.

As for Lumeria Lane, added traffic for PROJECT future events will aggravate, will exacerbate already unsafe and hazardous access and egress merging conditions, making them worse with no mitigation(s) offered within the DEIR.

It's presently difficult, and will be impossible after buildout, to exit Lumeria Lane without a traffic light or other physically controlling device being installed. There was an original proposal to provide a left turn pocket at Lumeria Lane but apparently was abandoned by the OCTA.

I-29-79

Has the APPLICANT contacted the OCTA to ascertain if any proposed CVP/Lumeria Lane alterations, basically mitigations that benefit the area, can be integrated into the PROJECT build-out and at what phase can they take place?

Unfortunately, a traffic light at Lumeria Lane might act as a traffic-calming device but create yet more gridlock.

It is requested that LSA complete a more thorough and up to date, real time not modeling-based, traffic study. It must analyze the impact on both traffic flow at the Lumeria Lane intersection and the safety aspects of forcing bikers to enter fast moving traffic on a cresting, curved hill with limited site.

I-29-80

CWN would request particular attention be directed to weekend afternoon traffic on CVP as traffic migrates north from the beach areas.

WASTEWATER:

A. The subterranean cistern as presented has no diversion capability, that is divert low flow nuisance runoff to the South Coast Water District controlled wastewater system. It can and must procure a 50,000 gd written agreement with the South Orange County Wastewater Authority (SOCWA---JPA) to allow said diversion to sewer system.

I-29-81

B. It should procure, before certification of the Final EIR, a separate NPDES Permit for an onsite Advanced Waste Treatment (AWT) plant before discharging. Once the first 50,000 gd are diverted, the remainder of the cistern volumes each day should receive AWT to the Maximum Extent Practicable (MEP), then discharged into the existing detention basin for increased bio-filtration and groundwater recharge. The CDS unit as previously explained is inadequate to meet reduction and/or removal standards.

I-29-82

C. The PROJECT needs a Notice Of Intent and NPDES Permit regarding Waste Discharge Requirements for Low Threat Discharges due to construction activities (deep pits excavated, should include soil pollutant unknowns). The depth and width of excavations will acquire significant volumes during rainy events.

I-29-83



Borings for caissons and other stabilizing mechanisms will hit the groundwater table. The APPLICANT should therefore have such an NOI and Permit in place for these potential threats to a 303 (d) listed waterbody.

I-29-83

MANDATORY FINDINGS OF SIGNIFICANCE:

CEQA Article 5 Section 15064(d)(3)

"An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project. A change which is speculative or unlikely to occur is not reasonably foreseeable."

CWN feels that the quandary over the diversion of runoff and new discharge pattern regarding the detention basin results in reasonably foreseeable yet unmitigated impacts as proposed in the DEIR.

By ignoring the ramifications of this significant change, the burden should be upon the APPLICANT to disprove CWN's assertions, and that our analyses are speculative or unlikely to occur.

I-29-84

The APPLICANT hasn't addressed its own strategy, it's not anywhere to be found, and basically it is the APPLICANT which speculates that it can and will divert significant CF/S peak flows without causing harm to either the environment or adjacent parcels.

CWN feels that it has proven that direct **AND** indirect changes will occur, caused by the PROJECT'S program if embraced and certified.

The cumulative impacts of this recently-proposed (post MND 2009, post Scoping Session 2010) tactic haven't been mentioned, analyzed, mitigated or even considered.

CWN believes that the PROJECT does not comply with **CEQA Article 5 Section 15065** either, irrespective of the mitigations offered in the DEIR:

"(2) The project has the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals."

I-29-85

"(3) The project has possible environmental effects that are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

The APPLICANT and the Lead Agency DEIR ignore not only cumulative significant adverse impacts but the incremental ones as the buildout occurs. The PROJECT'S goals will be met but at the diminishment of other parties affected.

I-29-85

PART III: ALTERNATIVE #3

CWN would like to offer its own Master Plan, one that pursues a 5 year buildout and fulfills the APPLICANT'S duly noted present and future use.

The APPLICANT has stated throughout the past 5 years that occupancy, i.e., visitation numbers will not increase significantly/appreciably, and that only mild intensification of existing uses will occur.

I-29-86

The APPLICANT has repeatedly feigned resentment towards critics of the PROJECT, shown disdain at public hearings over the allegation that this is to become a "Mega-church."

The APPLICANT has objected to that Mega-church sobriquet, expansion on steroids metaphor, taking umbrage when in fact it has failed to provide a reasonable, sustainable and low-impact PROJECT that provokes no opposition.

PREFACE

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

- (A) The site is presently under-parked and spillover onto Crown Valley Parkway (CVP) results in visitors taking risks by using spaces along a County arterial that has a 45 mph speed limit, a limit typically ignored by vehicles.**

The over-whelming majority of commuters, once seeing a green light at Sea Island intersection, begin driving 5-10 mph faster in anticipation of the next section, a 50 mph zone beginning at Del Avion and CVP.

I-29-87

Building a 3-350 vehicles stall parking structure attempts to keep parking exclusively onsite, the vastly superior option to the continuing hazards of parking along Crown Valley Parkway.

Monarch Bay Villas residents and guests are already running a gauntlet regarding access and egress. The smaller the parking structure, the more vehicles visiting the PROJECT encouraged or guided towards the traffic light the safer it will be in this neighborhood.

- (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.

I-29-87

From the Introductory Remarks:

EXECUTIVE SUMMARY

Volume I, Page 1-1, Page 13 in the PDF:

SUMMARY OF PROJECT DESCRIPTION

"With the exception of the Sanctuary built in the 1990s, the current buildings on site have become dated and less than optimal for accommodating existing church activities and functions. The preschool utilizes several buildings including temporary classrooms that are over 40 years old.

Christian education classes and church committees meet in various rooms not specifically intended as meeting spaces, including the Pastor's office.

The existing Fellowship Hall space is too small for Church wide gatherings such as luncheons and celebratory events. 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. The Sunday services will continue as currently scheduled.

Other than the Community Life Center building discussed below, the proposed Master Plan facilities essentially replace current outdated facilities and provide dedicated spaces for ongoing church activities that currently occur in spaces not necessarily intended or well-suited to accommodate such activities.

Upon completion, the Community Life Center building will accommodate a larger percentage of the congregation for church wide events but any such event will not be held during

I-29-88

times that conflict with Sunday services or the Church's peak weekday activity, the Wednesday Women's Bible Study Fellowship."

Community Life Center	Proposed	Ministry programs, post-worship fellowship activities, youth sports leagues and gymnasium uses (not conflicting with worship services), community activities and meetings, dining functions, weddings, funerals, special music and speaking events	7 days per week, between 7 a.m. and 10 p.m.
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I-29-88

ALTERNATIVE #3

CWN is proposing what the APPLICANT should have been forthcoming with in the first place.

CWN is following CEQA guidelines regarding "**Rule of reason**" as identified and quoted directly:

See CEQA GUIDELINES

California Code of Regulations, Title 14, Division 6, Chapter 3, Chapter 9, Section 15126.6 below.

By omitting, by not mentioning or including the ALTERNATIVE #3 CWN is proposing (or a PROJECT of similar size and limited impacts), the Lead Agency has failed to implement specific CEQA guidelines.

I-29-89

APPLICANT (and Lead Agency, the CITY) have not complied with CEQA guidelines, and as expressed in Chapter 9, Section 15126.6, an alternative that accomplished, i.e., feasibly attained **MOST** of the goals and objectives should have been offered and analyzed at greater length and in greater depth.

CEQA goes on to say "*even if these alternatives would impede to some degree the attainment of the project objectives.....*" Our 25% Solution does not impede any of the APPLICANT'S own stated necessities in pursuing this redevelopment. (See full CEQA text and context below).

CWN believes that this failure to include an alternative similar to ours herein, this lapse regarding a more modest PROJECT that could easily be accomplished in far less time (hence less neighborhood disruption), for far less money, with far fewer significantly adverse impacts reflects our contention that the Local Lead Agency (The CITY) has provided a biased and pre-disposed atmosphere regarding CEQA oversight for the APPLICANT:

"Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are:(i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts."

For want of a better descriptive phrase, CWN believes that this ALT.#3 is the **"25% Solution,"** that it is achievable, less environmentally destructive/invasive and fulfills the goals and objectives the APPLICANT themselves described in their Executive Summary.

CWN is disturbed that an alternative similar to what we're proposing wasn't offered, let alone broached or discussed anywhere by the APPLICANT during the past 5 years we've been engaged in review along with the Voices of Monarch Beach (VoMB).

The 2009 MND, The 2010 Scoping Session, and this DEIR failed to offer what would satisfy, would attain the APPLICANT'S needs.

I-29-89

Although an EIR need not consider every alternative, both the PROJECT as described in the NOA and ALT. #2 are deficient, do not provide the range, the gamut of alternatives CEQA mandates.

CEQA doesn't propose undue flexibility, the language is of a legally binding, mandatory nature: The EIR ***"must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation."*** (See below)

The APPLICANT should be required to answer why our "25% Solution" or something of similar size and site design wasn't included in the DEIR. It is within a reasonable range, it's feasible logistically, it doesn't bankrupt the APPLICANT trying to finance such gross sums, it doesn't dislocate or disrupt biota, it doesn't impact beyond significant levels that cannot be mitigated easily via existing technologies or other BMPs, etc. etc. etc.

Where CEQA carries legal language ("must," "shall", etc.) that precludes voluntary options, the APPLICANT fails to conform to simple mandated language.

It is the contention of CWN that the APPLICANT and Local Lead agency intentionally avoided these CEQA prescriptions via an offering we've provided continuously since 2009.

CWN attempted to meet privately, one-on-one with the APPLICANT'S representative (G.G. Kohlhagen) and the APPLICANT'S attorney (Mark McGuire Esq.), plus we testified at public hearings in 2009—2010 proposing what it is offering herein.

I-29-90

In fact, contemporaneously, Mr. Robert and Mrs. Deanna Saint-Aubin eventually

brokered then hosted what we thought was to be an informal arbitration gathering with Mssrs. Kohlhagen and McGuire at the Saint-Aubin residence across the corridor from the PROJECT during the MND/Scoping Session review period.

Mr. Saint-Aubin is a retired environmental attorney of great renown, with a very impressive career portfolio that features his ongoing commitment to negotiated settlements.

I-29-90

He is now actively working as a professional arbitrator, and coupled with his astute knowledge of environmental law and its nuances, was an ideal candidate to help work out a compromise. He asked for no compensation regarding his services and neither did CWN.

Together, CWN and the Saint-Aubins offered to both champion what is basically being proposed as ALTERNATIVE #3 and assist the APPLICANT in progressing their desires without neighborhood acrimony. A truce that allowed the APPLICANT to achieve what CEQA acknowledges: The South Shores Church's future goals and objectives.

The APPLICANT'S representatives summarily rejected that olive branch, that offer, as without merit and not subject to debate. Said Mssrs. Kohlhagen and McGuire refused to discuss anything other than the PROJECT as described in the MND, i.e., what is still proposed today.

Our "Master Plan" is a viable alternative, one that is far less physically invasive, complies readily with the California Coastal Act, SDRWQCB NPDES Permit R9-2015-001, CEQA, and other protectionist regulations that apply to this PROJECT.

I-29-91

Section 15126.6. Consideration and Discussion of Alternatives to the Proposed Project.

(a) Alternatives to the Proposed Project. An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project.

Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. (Citizens of Goleta Valley v. Board of Supervisors(1990) 52 Cal.3d 553 and Laurel Heights Improvement Association v. Regents of the University of

California(1988) 47 Cal.3d 376).

(b) Purpose. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, **even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly.**

(c) Selection of a range of reasonable alternatives. The range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

The EIR should briefly describe the rationale for selecting the alternatives to be discussed. The EIR should also identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination. Additional information explaining the choice of alternatives may be included in the administrative record.

I-29-91

Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are:(i) failure to meet most of the basic project objectives, (ii) infeasibility, or (iii) inability to avoid significant environmental impacts.

(f) Rule of reason. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project.

Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision-making."

Here then is our 25% solution, what we're offering as ALTERNATIVE #3, including mandates and requirements the APPLICANT be rigidly held to if and when the PROJECT is ratified by the Local Lead Agency under CEQA, if and when the CUP is approved, and if and when the CDP is certified and accepted without alterations by the California Coastal Commission:

I-29-92

(1) Absolutely no administration building (no edifices) shall be built in the southeast quadrant. That quadrant will only feature an updated (to present industry

and regulatory standards) the existing onsite, natural feature detention & bio-filtration basin, a pollutant/peak flow reduction BMP. It should be required to be in harmony (compliant) with the NPDES Permit circa 2014-15.

I-29-92

This is both an aesthetically and functionally superior alternative, with no building improvements in this southeast quadrant this reduces visual blight and the imposing, Scenic Corridor view-blocking, proposed PROJECT 2 story edifice. It's eventual presence hovering over the rear yards and looking into the bedrooms of Pompeii residents (MBVHOA) cannot be mitigated under present APPLICANT site design.

(2) CWN would support an approximate 25% floor area increase above the existing 42,000, dispersed among the rehabbed edifices sorely needing upgrades, even if a variance is required. (Hence our ALTERNATIVE #3 typified as the 25% Solution).

This roughly equals a completed PROJECT in the 52–55,000 sq. ft. range (increased by 10–13,000 sq. ft.). At approximately 50% of what the APPLICANT wants in its ALT.#2, this is not only a fair argument standard compromise, but provides more than ample achievement of the PROJECT'S own purported goals and objectives.

I-29-93

The Sanctuary stays as is, and as a suggestion, combining the Administration and Education complex originally proposed for the southeast quadrant, placing it in the northern quadrant, has a great deal of merit. It leaves the green buffer as we've proposed intact and not intruded upon.

(3) The APPLICANT **must** promise, **must** guarantee a **MAXIMUM** (excavation to occupancy) 5-year cap on their Master Plan buildout.

I-29-94

Meanwhile, the APPLICANT **must** retain the three (3) indemnification and performance bonds that Mr. Rod Hatter of MBVHOA introduced in testimony at the DPPC SS on 10/13/2014.

These covenants and deed restrictions were previously broached, noted and analyzed in detail by Ms. Pat McCarroll (MBVHOA) & Ms. Kerri Krasher (Corniche Sur Mer) 4.5 years ago during the MND/Scoping Session. They do not, therefore, come as any surprise to the APPLICANT or the CITY.

I-29-95

Inexplicably overlooked, not mentioned, addressed or responded to in the DEIR is another reason why CWN has alleged blatant dismissive behavior on the aforementioned two (2) entities part. By not addressing these indemnification and construction bonding requests these two entities intentionally avoid a critical topic.

Massive, monolithic projects in known hazardous slide zones should require such items to assure other residents that they as tax paying citizens, i.e., the CITY, aren't left **"holding the bag,"** become the **"deep pockets"** if the PROJECT either stalled, runs out of funds or something catastrophic occurs that is either directly or



contributory in nature.

Regardless, the project still has catastrophic potential, hence the indemnification metrics (amounts). SSC alleges it has a very deep pocket, \$\$\$ is no object—Then building it out in 5 years should be no problem.

I-29-95

Although estimates in the \$25—35 million dollar range have been rumored, the APPLICANT has repeatedly boasted of readily available funds, of the economic viability of funding without fiscal deficiency delays

This maximum 5 year buildout proposition puts the PROJECT into compliance with CEQA Chapter 9 Section 15126.6 (C)(f)(1):

I-29-96

(1) Feasibility. Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability....."

(4) The APPLICANT must procure off-site parking at construction's inception, openly divulged contractual agreements with satellite stalls that travel with these properties for the duration of the buildout as deed covenants.

I-29-97

NO ministerial (over-the-counter) or **"As Built"** internal building department changes, signed off by inspectors, without a public hearing.

(5) The APPLICANT shall build a dual level parking structure, but an approximately 2/3 sized one than presently proposed. Setbacks of approximately 40 ft. should suffice from the slope, those setbacks made continuous and parallel to Pompeii, i.e., nearest to MBVHOA's property line.

I-29-98

(6) The open space or buffer zone should feature a tiered and terraced effect. This greenscape, should be unbroken, physically linked and connected. It then becomes an extension of the lower existing ONSITE detention basin in the southeast quadrant (already described) plus OFFSITE basin already in place below MBVHOA as proposed in my previous comments.

I-29-99

This strategy fulfills many CEQA and Cal/EPA prescriptions regarding the minimizing disturbances to land forms and altering existing surface hydrology characteristics (hydromodification et al).

The PROJECT shall reflect site design that includes swales with mini-detention and pollutant reducing depressions, sloped away from the crib wall behind MBV. An aerial view provided by the APPLICANT reveals the potentiality, the easily achieved mitigation buffer zone (see below).

I-29-100

The APPLICANT shall remove about 25 feet from the existing open-air lot, NOT to be replaced with impervious surfaces of any nature or composition (for point of reference see bow-shaped, painted white insignias closest to

I-29-101

those existing spaces adjacent to MBVHOA property line).

To assist analysts, draw a line upwards, away from the existing walkway down-gradient (below the lot), the new buffer zone **ALTERNATIVE #3** offers basically aligns with, is consistent and is a logical extension of this buffers dedicated demarcation.

It keeps, it retains both biological and surface hydraulic connectivity, thus performing multiple mitigations in compliance with not only CEQA but with the NPDES Stormwater Permit mandates themselves—regardless if the R9-2009-0002 or R9-2015-0001 version is eventually deemed applicable.

The **APPLICANT** shall replace the concrete stalls the **PROJECT** proposes with about a 40-foot wide greenscape swath (an extension of the southeast quadrant) and all of the NPDES performance metrics are met without further need for mitigation:



I-29-101

That sets aside a green swath (known as a buffer), mid-value habitat, but still uninterrupted down to the **ESA (WILDLIFE ENHANCEMENT PROJECT AREA)**. Plus grass/drought tolerant native plantings are cooler in moderating ambient high temperatures, do not exhibit "**solar gain**" (the heating aspect of asphalt/concrete).

This reconfigured parking structure will need to be offset from the current centralized dynamic feature to maximize setback from MBVHOA (Pompeii homes). Shrubs and small trees will also buffer lighting and noise.

I-29-102

The APPLICANT should eliminate the ramp altogether. It is unnecessary and rife with impacts that do not comply with mitigation standards. The APPLICANT can, through advisory and warning signs, require drivers to access and egress the upper level via CVP.

The lower level access/egress configuration via an onsite, mid-point intake/outlet for traffic is possible. This results in keeping vehicular intrusions (light, noise and pollution) much further away from the MBVHOA property.

With both access/egress points for the 2 levels centrally placed in the parking structure site design layout, a mitigated buffer zone occurs. Migratory air pollutants will be captured or reduced in part by shrubs and greenscape in the buffer.

It also mitigates impacts by providing more distance between Lumeria Lane and PROJECT access/egress facilities.

The present configuration as proposed is too close to Pompeii residents bedrooms, most of which are in the rear of their homes. This reduced structure, coupled with a green buffer and relocated traffic pattern would constitute true mitigation, fulfills reduction below levels of significance metrics.

Peak flow retention cistern sub grade should still be 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.

This onsite bio-filtration, the retention potentialities, coupled with flooding plus erosion reduction complies with Maximum Extent Practicable (MEP) parameters for meeting water quality objectives under the R9-2009-0002 NPDES stormwater Permit.

It also, to the MEP, assists compliance with the South Orange County **Hydromodification Management Plan (HMP)** as agreed upon (October 25, 2012) by copermittees.

It should be noted and firmly emphasized that this is another instance of antiquated analyses being introduced as applicable metrics. The APPLICANT'S vendor, Adams-Streeter Engineering was well aware of the nuances and updates for the negotiated HMP in South OC.

Adams-Streeter's **Water Quality Management Plan (WQMP)** is in fact dated November 21, 2012, verbiage includes compliance so sufficient time was left to amend or revise before the DEIR was completed and released.

As the DEIR wasn't launched until September 15, 2014, additional time was ample.

The parking structure must be constructed first, not as the penultimate and ultimate phases as proposed below:

I-29-102

I-29-103

I-29-104

I-29-105

- **Phase 1A (Construction of New Preschool/Administration Building): 20 workers, 4 delivery trucks, 25 dump trucks, 25 concrete trucks, and 13-month duration**
- **Phase 1B (Demolition of Existing Buildings [Preschool, Administration and Fellowship Hall, and the Chapel]): 15 workers, 4 dump trucks, and 3-month duration**
- **Phase 1B-E1 (Earthwork): 15 workers, 8 dump trucks, and 3-month duration**
- **Phase 1B-E2 (Grading): 15 workers, 4 delivery trucks, 12 dump trucks, 12 concrete trucks, and 3-month duration**
- **Phase 1C (Construction of New Community Life Center Building): 20 workers, 4 delivery trucks, 25 dump trucks, 25 concrete trucks, and 12-month duration**
- **Phase 2 (Construction of New Christian Education Building 1): 20 workers, 4 delivery trucks, 25 dump trucks, 25 concrete trucks, and 12-month duration**
- **Phase 3 (Construction of New Christian Education Building 2): 20 workers, 4 delivery trucks, 25 dump trucks, 25 concrete trucks, and 12-month duration**
- **Phase 4 (Construction of the South Half of the Parking Structure): 15 workers, 4 delivery trucks, 20 dump trucks, 20 concrete trucks, and 7-month duration**
- **Phase 5 (Construction of the North Half of the Parking Structure): 15 workers, 4 delivery trucks, 20 dump trucks, 20 concrete trucks, and 7-month duration**

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105

The following is the written testimony submitted to the Dana Point Planning Commission. CWN feels that it has relevance and needs to be part of the DEIR record.

PART IV: City of Dana Point Planning Commission Comments

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106

**Re: "Study Session" for South Shores Church Project
Master Plan DEIR SCH#2009041129**

Date: October 13, 2014

Time: 6 pm

Venue: 34052 Del Obispo Street

Dana Point, CA 92629

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

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

— Philip K. Dick

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

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

(3) Why, although amended/revised several times between the rescinded **Mitigated Negative Declaration** (MND), previous Scoping Session in the spring of 2010, weren't any **AMENDED** Master Plan, publicly noticed revisions placed on a City docket?

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

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

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

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

(5) Why is this project getting preferential treatment regarding timelines and updated **Industry & Regulatory Performance Standards**? 10-year or more

MEIRs are acceptable for public works projects, specific area management plans, et al.

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

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

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

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

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

The following is the corrected CEQA Checklist that CWN submitted regarding the now rescinded MND of 2009. It provided our assessment then and the present DEIR offering is as fatally flawed in our opinion

Neither the PROJECT as described and/or proposed in the more recent NOA, or the ALT. #2 offered yet barely described in the DEIR, persuades CWN that anything has changed in 5 years. Both PROJECTS are objectionable and should be summarily rejected.

CWN profoundly believes that numerous CEQA notification violations by the CITY have taken place. The September 15, 2014 PROJECT description fails any reasonable, fair or substantial issue argument standard.

That NOA falsely identifies the PROJECT in a minimalist manner and CWN believes with intent via glaring omissions and incorrect project component sizes.

Failing to offer what CWN has in ALT. #3, the APPLICANT needs to re-think its master strategy.

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V. CEQA CHECKLIST AS ANALYZED BY CWN (Submitted on March 22, 2010) Original analyst's determinations carry checkmarks, ours are inked out solidly:

Appendix A -
Environmental Checklist Form

**City of Dana Point
Environmental Checklist**

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
I. AESTHETICS				
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
II. AGRICULTURE RESOURCES				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES				
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. CULTURAL RESOURCES				
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI. GEOLOGY AND SOILS				
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. HAZARDS AND HAZARDOUS MATERIALS				
Would the project:				
a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VIII. HYDROLOGY AND WATER QUALITY				
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical storm water pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l) Result in significant alteration of receiving water quality during or following construction?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m) Could the proposed project result in increased erosion downstream?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n) Result in increased impervious surfaces and associated increased runoff?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
o) Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
p) Tributary to an already impaired water body, as listed on Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
q) Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
r) Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
s) Have a potentially significant adverse impact on groundwater quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
t) Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
u) Impact aquatic, wetland, or riparian habitat?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
IX. LAND USE AND PLANNING				
Would the proposal:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. MINERAL RESOURCES				
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. NOISE				
Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
XII. POPULATION AND HOUSING				
Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIII. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XIV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XV. TRANSPORTATION/TRAFFIC				
Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less than Significant Impact	No Impact
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVI. UTILITIES & SERVICE SYSTEMS				
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVII. MANDATORY FINDINGS OF SIGNIFICANCE.				
A) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major period of California history or prehistory?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

From the desk of:

Roger E. Bütow

Founder & Executive Director

Landline Office Phone: (949) 715.1912 (No texting)

Mailing Address: PO Box 4711 Laguna Beach CA 92652

Email: roger@clean-water-now.org or rogerbutow@me.com

Web: www.clean-water-now.org

CLEAN WATER NOW (est. 1998) *is an innovative, science-based organization committed to solution-oriented collaboration as a means of developing safe, sustainable water supplies and preserving healthy ecosystems.*

CLEAN WATER NOW (ROGER BUTOW)

LETTER CODE: I-29

DATE: October 30, 2014

RESPONSE I-29-1

This comment is introductory and requests that the City or LSA Associates respond to the comments on the Draft EIR submitted on October 30, 2014.

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

RESPONSE I-29-2

This comment states that previous comments by Clean Water Now (CWN) and other commenters were not answered or directly addressed in the Draft EIR. Additionally, the comment asserts that comments from the previous 2009 Mitigated Negative Declaration (MND) and 2010 Scoping Session were cut and pasted into the Draft EIR. The comment expresses concern that these comments were intentionally omitted despite the requirements of the California Environmental Quality Act (CEQA).

In accordance with the *State CEQA Guidelines* Section 15088, this Final EIR includes responses to comments on the Draft EIR. As discussed in Common Response No. 2, after the MND was prepared, the City decided to table the project and prepare an EIR. Therefore, any comments on the IS/MND have no bearing on the EIR and are not required to be included in the Draft EIR.

Section 2.2.2 of the Draft EIR includes a summary of comments received at the March 4, 2010 Scoping Meeting. The comments are addressed, as applicable, in the environmental analysis sections in Chapter 4 of the Draft EIR. The oral comments and comment letters are included in Appendix A of the Draft EIR. As discussed in Section 15084(c) of the *State CEQA Guidelines* "...*The Lead Agency must consider all information and comments received. The information or comments may be included in the draft EIR in whole or in part.*" While CEQA does not require that comments received at public forums and made prior to the release of the Draft EIR be formally responded to, every effort has been made to respond to any and all comments made by members of the public. (*See*, pp.1-4 of Draft EIR, Executive Summary.)

RESPONSE I-29-3

This comment cites Section 1.5, Areas of Controversy, from the Draft EIR and states the commenter's opinion about the Draft EIR's responses to the cited areas of controversy. The comment also notes that the commenter has reviewed the Draft EIR and finds it to be deficient and flawed.

This comment does not include any specific concerns with respect to how Areas of Controversy were addressed in the Draft EIR. The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-4

This comment suggests that the October 13, 2014 Planning Commission was a “scoping session” in disguise. The comment also expresses concern for the manner in which the City has fulfilled its requirements as a Lead Agency.

Please refer to Common Response No. 1.

RESPONSE I-29-5

This comment expresses concern about the information presented in the Draft EIR and the responsiveness of the document to previous submissions. The comment notes that insufficient or non-existent studies were cited in the document, and that stakeholders cannot understand the proposed project as it is described in the Draft EIR.

Please refer to Common Response No. 2 regarding previous submissions and the new or updated technical studies prepared for the Draft EIR. The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-6

This comment includes an excerpt from *State CEQA Guidelines* Section 15126.3, Consideration and Discussion of Significant Environmental Impacts. It appears that the commenter is suggesting that the discussions of significant impacts were not adequately analyzed according to the *CEQA Guidelines*.

The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-7

This comment states that the Applicant violated CEQA requirements because the Pointe Monarch Homeowner’s Association (HOA) and property management company were not notified of the proposed project’s intention to abandon a 20-year old detention basin. The comment asserts that the effects of hydrological changes have not been addressed in the Draft EIR. The comment also asserts that the detention basin does not connect, transport, nor convey runoff down-gradient to Pointe Monarch. The comment concludes in asserting that engineering reports indicated that millions of gallons of runoff will be directly conveyed to the detention basin exclusively from the project site.

The residents of Pointe Monarch were all notified by mail of the preparation and availability of the Draft EIR. The purpose of a Draft EIR is to inform the public about a proposed project and its potential environmental impacts. Section 4.8.2 of the Draft EIR describes the existing drainage pattern on the project site. Section 4.8.6 of the Draft EIR describes changes to the drainage system including the on-site retention system which would replace the drainage basin in the southeast corner of the property. Section 4.8.6 of the Draft EIR also explains that the underground detention system would reduce peak flows to below that of existing conditions, reducing the potential for downstream flooding or erosion. Flows leaving the detention system would discharge directly into the existing concrete v-ditch. Therefore, the Draft EIR has adequately described future hydrologic conditions resulting from implementation of the proposed project.

As explained in the Draft EIR, to implement the requirements of the MS4 Permit, the copermitees 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).)

See Common Response No. 6 and also Common Response No. 13 for additional information regarding hydrologic and water quality issues related to the proposed project.

RESPONSE I-29-8

This comment asserts that the existing detention basin reduces pollutant loading in the Wildlife Enhancement Project Area under the Monarch Beach Resort Specific Plan. The comment asserts that the project will not reduce Fecal Indicator Bacteria. Additionally, the comment indicates that vortex separation systems have the potential to create vectors for disease.

The Monarch Beach Resort Specific Plan (MBRSP) does not designate the lot located to the east and south of the project site as "Wildlife Enhancement Project Area." It is designated as MBR/RSF-14 in the MBRSP to allow for residential projects with a maximum density of 14 dwelling units per acre. This property was later dedicated as "Open Space" at the time of approval of discretionary permits for residential neighborhood currently referred to as "Pointe Monarch."

Section 4.8.6 of the Draft EIR states that the primary pollutant of concern is indicator bacteria. The proposed project's Retention/Biofiltration BMPs include roof drain planter boxes, storm

water planters, proprietary biofilters, and biofiltration swales/depressed landscape to address indicator bacteria. Regular BMP maintenance is required and specified in Mitigation Measure 4.8.3 in order to ensure that the systems continue to operate properly over time and do not serve as vectors for diseases.

RESPONSE I-29-9

This comment asserts that the existing detention basin has biological sustainability functions. It appears that the commenter is asserting that removal of the detention basin will create impacts to both flora and fauna down gradient from the project site.

The existing detention basin was constructed for drainage control, not for bio retention. The existing detention basin was constructed by the Applicant and was always envisioned to be temporary. The vegetation within the basin is removed on a regular basis, nor is there any basis for a claim that the basin makes significant contributions to the growth of vegetation down gradient of the basin. Therefore, the proposed project would not result in any significant impacts on biological resources as a result of eliminating the basin. The existing detention basin will be removed with the proposed project due to the establishment of a new larger detention basin on the project site.

RESPONSE I-29-10

This comment expresses concern that property managers for Pointe Monarch were not notified about the re-direction of runoff, and therefore, allowing the project Applicant to divert runoff that may cause or create flooding or erosion near the Pointe Monarch property line.

As described in Response to Comment I-29-7, Section 4.8.6 of the Draft EIR describes changes to the drainage system including the on-site retention system which would replace the drainage basin in the southeast corner of the property. Section 4.8.6 of the Draft EIR also explains that the underground detention system would reduce peak flows to below that of existing conditions, reducing the potential for downstream flooding or erosion. Flows leaving the detention system would discharge directly into the existing concrete v-ditch. Therefore, the Draft EIR has adequately described future hydrologic conditions resulting from implementation of the proposed project.

See Common Response No. 6 and also Common Response No. 13 for additional information regarding hydrologic and water quality issues related to the proposed project.

RESPONSE I-29-11

This comment states that CWN supported the hiring of LSA Associates and suggests that the Draft EIR is a recycling of the previous environmental review. The comment also suggests that the project Applicant has ignored the project site's neighbors' quality of life and has received preferential treatment in interactions with the City. The comment expresses concern that the time spent on the proposed project does not necessarily ensure a quality product.

Please refer to Common Response No. 1 and No. 2 regarding the comment related to previous environmental review. The remaining portion of the comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-12

This comment states that there have been seven Master Plan iterations since 2003, and the words Draft Master, Tiered, or Program EIR have not been utilized in the environmental document.

Please refer to Common Response No. 7. The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-13

This comment expresses concern as that project has not been described as a Tiered, Program, or Master EIR. The comment further asserts that the label of “Master Plan” has been used incorrectly and suggests that description is removed. The comment suggests that the transition from an MND to an EIR indicates both favoritism and prejudice by the City.

Please refer to Common Response No. 2 and Common Response No. 7. The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-14

This comment gives background on the 1989 South Shores Baptist Church renovation and CEQA documentation prepared by the County of Orange Environmental Management Agency (OCEMA). The Coastal Development Permit and OCEMA documentation are attached to this comment.

The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-15

This comment expresses the commenter’s concern on many topics. The comment stated that the City should have done more to facilitate oversight and review of the proposed project by state and federal Public Trustee and Resource Agencies. Additionally, the comment also suggests that money and time were wasted where Alternative No. 2 also contains too much expansion on a questionable unstable location. The comment concludes in expressing CWN’s plan to challenge to the 9/12/14 Notice of Availability (NOA), 2009 MND, and 2010 Notice of Preparation (NOP).

Please refer to Common Response No. 1 and Common Response No. 12. The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-16

This comment expresses CWN's objection to the use of "Master Plan" to describe the proposed project. Additionally, the comment requests the use of a Master EIR to evaluate the project under CEQA requirements.

Please refer to Common Response No. 7. The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-17

This comment states that the Draft EIR describes the project site as a 6-acre parcel, which is based on the total size of the parcel owned by the Applicant. The comment requests that the parcel be described according to the amount of buildable land, which the commenter asserts to be 5 acres.

In an EIR, it is typical to describe a project site based on the acreage of the parcel and then to describe the area of project features on the site, which is provided in Chapter 3.0 of the Draft EIR. As shown on the project plans and described in the Title Report for the project site dated March 28, 2006, the project site is 6.0 acres.

RESPONSE I-29-18

This comment requests that the Applicant demonstrate sufficient capital to finance the entire project before proceeding.

The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-19

This comment expresses concern about the potential for construction delays that might extend the build-out period beyond the 10-years outlined in the Master Plan and Draft EIR. The comment suggests a 5-year build out to reduce what the commenter refers to as "exploitation by the Applicant." The comment also recommends that the Applicant is not exempted from updated building standards during the 10-year construction period.

Please refer to Common Response No. 3. The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-20

This comment expresses concern that the utilization of the "Master Plan" designation will exempt the project from certain legal and development requirements. The comment uses hydrology and

storm water runoff requirements as an example of this concern. The comment requests the use of the Master EIR format.

As indicated on page 2-2 of the Draft EIR and described further in Common Response No. 7, according to *State CEQA Guidelines* Section 15161, a Project EIR is appropriate for specific development projects in which information is available for all phases of the project, including planning, construction, and operation. Because this type of information was available for the proposed project at the time of the preparation of the Draft EIR, the City made the decision to prepare the Draft EIR as a Project EIR. The Draft EIR is a project specific planning document, and should not be construed as a conceptual or programmatic planning document.

The proposed project is required to comply with all applicable water regulations, inclusive of NPDES requirements, effective at the time building permits are issued. Therefore, the Draft EIR does not function as a Development Agreement or other vested right that precludes the proposed project from future Regional Board MS4 and NPDES permit changes.

RESPONSE I-29-21

This comment states that the project should not be allowed more than a 5-year construction period. The comment expresses concern that the project Applicant will stretch out construction the construction phase to be 4-5 years of construction during the 10-year period. The comment concludes in stating that since only 72 months of actual demolition and construction is required, a 5-year timeline to project completion would not be impossible to achieve.

Please refer to Common Response No. 3.

RESPONSE I-29-22

This comment suggests that the Study Session held on October 13, 2014 was in fact a Study Session. The comment also states that scoping sessions are voluntary under CEQA, but should have occurred prior to beginning the Draft EIR process.

Please refer to Common Response No. 1.

RESPONSE I-29-23

This comment states that there was much confusion about the “project” as portrayed at the October 13, 2014 Study Session meeting. The comment notes that Alternative No. 2 was presented as the preferred project, and the commenter requests clarification on the meaning of that designation. In addition, the comment expresses concern why the study session occurred during the public review period, rather than prior to the posting of the Draft EIR.

Please refer to Common Response No. 1. Alternative 2 is an alternative to the proposed project in the Draft EIR and is therefore discussed in Chapter 5.0, Alternatives, of the Draft EIR. The Applicant has indicated its willingness and preference for the City to approve a revised version of Alternative 2. While Alternative 2 and Revised Alternative 2 do not avoid any significant

unmitigated impacts of the proposed project because there are no significant unmitigated impacts associated with the proposed project, Alternative 2 and Revised Alternative 2 are reduced development alternatives that attempt to respond to certain comments and concerns associated with the proposed project.

RESPONSE I-29-24

This comment expresses concern for the reason why the October 13, 2014 study session occurred during the public review period and not prior to the posting of the Draft EIR. The comment questions if the Master Plan updates and revisions were shared with the stakeholders.

Please refer to Common Response No. 1. The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-25

This comment expresses concern that amendments to the Master Plan were not fully disclosed to the stakeholders, specifically regarding revisions to geotechnical information, hydrology/water quality analyses, and the Water Quality Management Plan (WQMP).

The implied assertion that somehow the proposed project has not been subjected to public review is false. The revisions to the proposed project related to geotechnical, water quality and construction issues (which preceded the environmental analysis in the Draft EIR) were a direct result of the comments received during the public processes. The members of the public have had and will continue to have extensive public participation opportunities with respect to the proposed project.

As stated, proposed construction methods resulting from revised geotechnical approaches were modified over the past several years as a result of the Applicant wanting to ensure that the proposed project would result in the least impacts possible and reflect state of the art best management practices. However, it should also be noted that the proposed project analyzed in the Draft EIR is nearly identical to the project described in the Notice of Preparation (NOP). Further, there is no requirement that revisions be brought forward for public review prior to releasing a Draft EIR. The proposed project analyzed in the Draft EIR now includes several modifications to geotechnical information and water quality issues. See also Response to Comment I-8-4 and Common Response No. 1.

RESPONSE I-29-26

This comment suggests that the avoidance of a Master EIR, holding a study session after the posting of the Draft EIR, and the allowance of a South Shores Church member to prepare the original MND indicate wrongdoings by the City.

Please refer to Common Responses No. 1, Common Response No. 5, and Common Response No. 7. The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-27

This comment states that the square footage cited in the NOA does not include the 19,000 square feet that will remain intact on the project site. The comment also states that the project Applicant stated preference for Alternative No. 2 during the October 13, 2014 Study Session meeting, and the commenter requests clarification about the accuracy of the project description.

The NOA includes a discussion of the new building space in order to describe how the project site would change. Please refer to Response to Comment I-29-23.

RESPONSE I-29-28

This comment states that all vehicular parking stalls should be completed at the initiation of construction during Phase I.

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-29-29

This comment expresses CWN's preference for Alternative No. 3, despite the need for clarification about the time needed for completion. The comment also states that the project's square footage should include both the parking structure and the occupied building space. The comment asserts that the parking structure is not adequately described in the NOA.

Common Response No. 8 addresses comments regarding the way the Parking Structure is described in the Draft EIR's Project Description. As discussed in Common Response No. 8, it is standard planning practice to describe parking facilities in terms of the number of stalls they provide rather than their square footage. This practice is based on the fact that most jurisdictions, including the City of Dana Point, set forth parking requirements in their Zoning Ordinances that require the provision of a minimum number of parking stalls based on the proposed uses to be included as part of a project. Because such parking requirements are primarily concerned with the number of stalls provided to serve the planned uses, the gross square footage of a parking facility is considered an ancillary use and is not calculated as building square footage.

Therefore, the description of the proposed project's Parking Structure included in the NOA and the Draft EIR is consistent with standard planning practice. Pages 3-13 and 3-14 in Chapter 3.0, Project Description, of the Draft EIR include a detailed description of the various design features of the Parking Structure, including its access points, building materials, and the heights of its elevator tower and perimeter walls.

The environmental impacts related to the proposed Parking Structure are analyzed throughout the Draft EIR. The CalEEMod emissions model prepared in support of the Draft EIR's air quality and greenhouse gas analysis considered the demand for electricity generated by the Parking Structure's lighting and ventilation systems. The aesthetic impacts of the proposed Parking Structure are analyzed in Section 4.1, Aesthetics, of the Draft EIR. As described on page 4.1-14 of the Draft EIR, although the height and massing associated with the proposed project would be an increase from the existing structures on the project site, the proposed project would not be visually inconsistent with the heights and massing of the current development in the surrounding area which is generally characterized by low- to medium-density uses comprising one and two-story buildings.

RESPONSE I-29-30

This comment inquires why Alternative No. 2 did not receive equal attention in the Draft EIR if it is the project Applicant's preferred alternative. The comment asks if entitlements will be granted for the entire Master Plan even if Alternative No. 2 is chosen. The comment concludes in stating CWN's objection to the October 13, 2014 Study Session.

Please refer to Response to Comment I-29-23. The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-31

This comment states that if Alternative No. 2 is preferred, CWN opposes the preferred alternative due to its "monolithic" design, inadequate mitigation, and negative environmental impacts.

This comment will be forwarded to the decision-makers for their review and consideration. Please refer to Common Response No. 10. The comment does not contain any specific substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-32

This comment states that while Alternative No. 2 reduces the building square footage, increased hardscape would continue to impact site hydrology and water quality.

Please refer to Responses to Comments I-29-7 and I-29-8. As discussed in Chapter 5.0 of the Draft EIR, Alternative 2 would create less impervious area than the proposed project; therefore, the potential for hydrology and water quality impacts is less than that of the proposed project.

Under Revised Alternative 2, the alternative that the Applicant now seeks City approval of, the impervious area on the project site would increase by a lesser amount than the proposed project (0.87 acre increase rather than 1.25 acre increase) and the total peak flows from the project site would be further reduced.

RESPONSE I-29-33

This comment expresses concern that the square footage of Alternative No. 2 is not presented clearly in the Draft EIR.

As shown on page 5-10 of the Draft EIR, Table 5.C identifies the square footage of Alternative 2 and delineates the square footage by new construction (51,651 sf) and total master plan building area, which includes the existing sanctuary building (71,729 sf).

RESPONSE I-29-34

This comment describes the Applicant's project as a minimalist offering that merely complies with the California Green Building Code. The comment also notes that the California Green Building Code is not mitigation; rather, it is the law.

The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-35

This comment questions why the Applicant did not pursue Leadership in Energy & Environmental Design (LEED) certification if the goal of the project is to rehabilitate the buildings on the project site. The comment includes a description of the benefits of LEED certification.

The City does not require any projects to be LEED certified, and the proposed project was not designed to achieve LEED certification. The proposed project would meet or exceed the California Green Building Code requirements, and would not result in significant and unavoidable impacts.

RESPONSE I-29-36

This comment expresses concern why there is not mechanism to recycle the storm water runoff or volumes collected in the subterranean cistern, in addition to other practices to reduce the proposed project's carbon footprint.

These optional requests have been considered. The Revised Preliminary WQMP indicates that there is not sufficient landscape irrigation needs to justify rainwater harvesting and reuse. Disinfection treatment and plumbing code regulations would make indoor use economically infeasible. Redundant systems would be required to address uncertainty in rainwater supply is

also prohibitive. Drought tolerant and native landscaping is required to reduce water requirements.

Therefore, the proposed project was not designed to recycle storm water. Further, as described on page 4.6-13 of the Draft EIR, the total net increase in GHG emissions from the proposed project would be less than the SCAQMD interim tiered GHG emissions threshold for mixed-use projects (the land use category most applicable to the proposed church use). The total net increase in GHG emissions from the proposed project would include both direct (amortized construction, area source, and mobile) and indirect (electricity, solid waste, and water usage) GHG emissions. Therefore, the operation proposed project would not result in significant generation of GHGs, either directly or indirectly, would not have a significant impact on the environment due to GHG emissions, and no mitigation, including storm water recycling, is required.

RESPONSE I-29-37

This comment expresses concern why LEED certification was not pursued by the project Applicant in the efforts to “modernize” the buildings.

See Response to Comment I-29-35.

RESPONSE I-29-38

This comment expresses concern about who will monitor and enforce the conditions of the Conditional Use Permit (CUP).

The CUP will allow for specific pre-school enrollment levels and the occupancy of the Sanctuary building/size of Sunday services is controlled by the size of the building itself. The City will enforce the conditions of approval via its Code Enforcement staff. If there are any violations in use in the future, the CUP can be brought back to the Planning Commission for further review or to amend provisions of the permit.

RESPONSE I-29-39

This comment asks why the Orange County Transportation Authority (OCTA) and the California Coastal Commission (CCC) were not included in Table 3.F, Probable Future Actions by Responsible Agencies.

OCTA has no jurisdiction over the project site and is not a responsible agency under CEQA. As discussed in Section 4.9 of the Draft EIR, the City of Dana Point has the authority to approve the proposed project and issue the Coastal Development Permit under its Local Coastal Program. Because the site is not within the CCC appeal jurisdiction, discretionary actions made by the City are not appealable to the CCC and the CCC is not a responsible agency under CEQA. However, both the OCTA and the CCC were included in the distribution of the NOA for the Draft EIR in order to solicit their comments.

RESPONSE I-29-40

This comment expresses concern that the project would block scenic ocean and inland views from the Scenic Vista along Crown Valley Parkway. The comment also expresses concern that the project would block natural sunlight from the Monarch Bay Villas HOA.

As discussed in Section 4.1 of the Draft EIR, the proposed project would partially obstruct/block views of the surrounding hills from nearby roads and sidewalks, including the City-designated scenic roadway (i.e., Crown Valley Parkway), but would include architectural design elements that would help to enhance the visual character of views from Crown Valley Parkway. The Draft EIR found that the proposed project would not result in significant adverse impacts on views of the Pacific Ocean from Crown Valley Parkway and that motorists along Crown Valley Parkway would continue to enjoy dramatic ocean views as they head west toward Pacific Coast Highway following project implementation. The City has not adopted a threshold under CEQA for impacts to natural sunlight. See also Common Response No. 9.

RESPONSE I-29-41

This comment expresses concern that the project design is not consistent with surrounding development and will dominate the bluff from the perspective of viewers along the Salt Creek Corridor.

As discussed in Section 4.1 of the Draft EIR, no views of the open space or undeveloped Salt Creek Canyon or Salt Creek Trail would be obstructed by the proposed project. The proposed project would be architecturally consistent with the existing surrounding development, and views of the Salt Creek Canyon and the Salt Creek Bike Trail would continue to be visible. See also Common Response No. 9.

RESPONSE I-29-42

This comment expresses concern for new nighttime light sources and extended use of those sources due to the proposed project. The comment also cites concern for nighttime light to contribute to urban light pollution, interfere with night sky views, and inhibit wildlife migration. The comment also states concern for the use of LED lighting within new fixtures on the project site. The comment asserts that light impacts are under-valued and that the Draft EIR does not mitigate these impacts below a level of significance.

As discussed in Section 4.1 of the Draft EIR, lighting on the project site would not illuminate areas off site because it will be shielded and directed downward. Therefore, it is anticipated that lighting associated with the proposed project would not create a substantial new source of light affecting nighttime views in the area or illuminate areas outside the project boundary.

RESPONSE I-29-43

This comment expresses concern that the Draft EIR did not consider the possibility that breeding gnatcatchers, which were formerly acknowledged in the MND (2009), retreated to the

northeastern quadrant of the site. The comment is concerned that the gnatcatcher could be affected by the new sources of light and noise.

As discussed in Section 4.3 of the Draft EIR, it was determined that the coastal California gnatcatcher is known to occur in coastal sage scrub east of the project site, at least occasionally utilizes the undisturbed coastal sage scrub in the lower northeastern corner of the project site, and may use the disturbed coastal sage scrub further up the slope on the project site. Please refer to Response to Comment I-29-42 regarding nighttime lighting.

As discussed in Section 4.10 of the Draft EIR, potential on-site noise sources generated by the proposed project would primarily include activities associated with the children's play areas. This would be a similar type of noise as that generated by children playing in the existing preschool courtyard.

RESPONSE I-29-44

This comment states that the reaction wall at the base of the project is monolithic and physically intrusive.

As shown in Figures 3.6 a through 3.6 c, Site Plan Cross Sections, in Chapter 3.0, Project Description, of the Draft EIR, the reaction wall would be below grade and is not visible. The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-29-45

This comment states that the cumulative impacts of the new lighting installations will not be reduced below a level of significance.

Please refer to Response to Comment I-29-42. Section 4.1 of the Draft EIR states none of the cumulative projects considered in the Draft EIR are in the area surrounding the project site; therefore, they would not contribute to a cumulative lighting impact.

RESPONSE I-29-46

This comment expresses concern for the origins of the topsoil on the project site and whether it will be imported from an off-site location. Additionally, the comment asks if there will be stockpiling or hauling off-site, and whether these construction activities will affect air quality over the 10-year construction phase.

Import and export of soil is discussed for each phase of construction in Chapter 3.0 of the Draft EIR. These values were used in calculating emissions associated with construction activities in Section 4.2 of the Draft EIR. No exceedances of any criteria pollutants are expected during construction activities for the proposed project and therefore no significant impacts would occur.

RESPONSE I-29-47

This comment questions potential California gnatcatcher and cactus wren habitat disruptions in light of previous biological studies conducted for the MND. The comment expresses opposition to the use of an in-lieu fee for disruption of the area.

The statewide NCCP program was developed with the guidance of a Scientific Review Panel, with the coastal California gnatcatcher and San Diego cactus wren as target species. The specific Central/Coastal Orange County NCCP/HCP was developed with extensive input and concurrence by the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife, and subject to analysis and public input through a joint Environmental Impact Statement/Environmental Impact Report. The Plan as originally adopted included preservation of over 18,500 acres of Coastal Sage Scrub (CSS) habitat; approximately 300 acres of additional CSS have been included in the Nature Reserve of Orange County since that time and the Irvine Company has dedicated more than 15,000 acres of preserved open space in addition to the NROC. The purpose of the identified mitigation fee is to provide additional funding to NROC for the management and enhancement of the preserved open space. Utilization of the mitigation fee option is limited to impacts on land that is not considered by the wildlife agencies to essential to the conservation of the target and identified species. Therefore, Mitigation Measure 4.3.1 is consistent with the requirements of the adopted NCCP/HCP for the area that includes the project site, and will reduce potential impacts to a less than significant level.

RESPONSE I-29-48

This comment express concern that the restored habitat established in the Monarch Beach Resort Specific Plan has failed to be monitored and maintained over the years. The comment adds that runoff from the existing site has contributed to these conditions in the restored habitat.

The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary. See Common Response No. 6.

RESPONSE I-29-49

This comment states that the NPDES permit recommends minimal compaction, and the project and Alternative No. 2 essentially excavate the entire top of the hillside.

The general NPDES permit encourages minimizing soil excavation and compaction, which can reduce the potential for sediment remaining offsite and allow percolation of water in less densely compacted soil. However, that general recommendation is no substitute for geotechnical engineering analysis and bluff construction where stability is critical. The geotechnical recommendations regarding compaction of soils discussed in the Geotechnical Reports (refer to Appendix E, Geotechnical Reports, of the Draft EIR) are intended specifically for development activities associated with the proposed project and Alternative 2 on the project site. Adherence to the specific recommendations of the Geotechnical Reports in Appendix E, as described in Mitigation Measure 4.5.1, will be necessary.

As discussed in Section 4.8, Hydrology and Water Quality, of the Draft EIR, the proposed project will comply with the City's Model WQMP, which is consistent with the Municipal NPDES Permit for the San Diego Region, Order No. R9-2009-0002, and will be updated to comply with the most recently adopted NPDES MS4 Permit, R9-2015-0001, adopted on February 11, 2015 and becomes effective on April 1, 2015. The proposed project will comply with the requirements set forth in the most recent Permit, R9-2015-0001 as well as future updates.

RESPONSE I-29-50

This comment expresses concern that the soil borings did not test for subterranean pollutants.

The purpose of the geological subsurface borings was to determine the geologic and engineering characterization of the subsurface conditions that may affect the proposed development of the site from a geotechnical standpoint. Specific stratigraphic and structural geologic features were stratigraphically and structurally identified in order to create a refined geologic model for engineering analysis (see Appendix E of the Draft EIR). A Phase I Environmental Site Assessment (ESA) was prepared for the proposed project (Appendix F of the Draft EIR) in conformance with the scope and limitations of American Society for Testing and Materials (ASTM) Practice E 1527-05, 40 Code of Federal Regulations (CFR) Part 312. The Phase I ESA reviewed standard regulatory record sources which included Federal, State and local environmental databases, pertaining to documented and/or suspected releases of regulated hazardous substances and/or petroleum products within specified search distances. The Phase I ESA revealed no evidence of recognized environmental conditions in connection with the project site. Therefore, additional environmental investigation at the site, including soil borings, was not warranted.

RESPONSE I-29-51

This comment cites the Hydrology Report and Section 4.8 from the Draft EIR, and states that the acreage of the parcel, as described, is misleading. As a result, the comment asserts that the hydrology and impervious area calculations are incorrect.

The hydrology and impervious acreage calculations discussed in the *Master Plan Hydrology Report* and the Draft EIR for the proposed project are correct. In addition, a Supplemental Hydrology Report and a Revised Preliminary WQMP have been prepared by Adams-Streeter Engineers to address Revised Alternative 2, the reduced development alternative that the Applicant seeks City approval for at this time (refer to Attachments A and B to this Final EIR for copies of these reports). The impervious area on the project site would increase by a lesser amount under Revised Alternative 2 than the proposed project (0.87 acre increase rather than 1.25 acre increase) and the total peak flows from the project site would be further reduced.

RESPONSE I-29-52

This comment asserts that the hydrology analysis included in the Draft EIR is incorrect and misleading due to lack of evidence and quantifiable information. The comment states that the Draft EIR in its entirety lacks the supporting evidence necessary to arrive at the conclusions.

Project-specific technical studies were prepared in support of the Draft EIR. A complete list of these is provided in Common Response No. 2. Section 4.8, Hydrology and Water Quality, of the Draft EIR relied 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 the Draft EIR. Both hydrology documents contained specific evidence and quantified analysis, including calculations of before and postproject runoff discharge rates and durations.

In addition, a Supplemental Hydrology Report and a Revised Preliminary WQMP have been prepared by Adams-Streeter Engineers to address Revised Alternative 2, the reduced development alternative that the Applicant seeks City approval for at this time as well as to address certain hydrology and water quality questions raised in comments to the Draft EIR (refer to Attachments A and B to this Final EIR for copies of these reports). Included in the Supplemental Hydrology Report is a detailed assessment of the capability of the off-site v-ditch and Pointe Monarch flow-through retention basin to handle adequately the storm water proposed to be discharged at the north east corner of the project site. Additional analysis at the time of final engineering to ensure that the on-site detention system is constructed in a manner that ensures that the drainage system adequately conveys all storm water up to and including during 100-year storm events will be required as a part of the permit process. See Common Response No. 6.

RESPONSE I-29-53

This comment expresses concern that the Draft EIR's CEQA threshold significance determinations are made through circular reasoning rather than evidentiary support.

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. This comment will be forwarded to the decision-makers for their review and consideration.

RESPONSE I-29-54

This comment states that the Draft EIR's reliance on the Boyle Engineer (1991) hydrology report and lack of in situ field observations result in an inadequate analysis of peak discharge impacts to stormwater drainage facilities and downstream networks.

See Response to Comment I-29-52 above.

RESPONSE I-29-55

This comment asserts that the intake system near Point Monarch has not been adequately analyzed as to whether it could handle peak drainage flow from the existing Monarch Bay Villas,

the nearby habitat area, and the proposed project. The comment also inquires as to the peak flow containment potential of the v-ditch. The comment further suggests that the Applicant does not have easement rights to the v-ditch in its title documents.

See Response to Comment I-29-52 above.

RESPONSE I-29-56

This comment inquires as to when the project site was rezoned from a residential to a commercial use for the purposes of determining the appropriate jurisdictional and regulatory review and compliance parameters for a land use of its type.

The project site is designated Community Facilities (CF) on both the City's General Plan Land Use Map and the zoning map, which are the adopted, current City planning documents applicable to the project site. See also Response to Comment I-21-9.

RESPONSE I-29-57

This comment inquires as to whether or not the Applicant retains any entitlement/easement rights to the v-ditch adjacent to the Monarch Bay Villas for drainage flows from the project site, as the Monarch Bay Villas are currently the only discharge contributor to this storm water conveyance system.

As documented in the *Master Plan Hydrology Report*, dated February 29, 2012, the Applicant has an easement agreement with the owner of the property on which the v-ditch in question is located that permits the Church to discharge up to all six acres of the project site's storm water runoff at the southeast corner of the project site. Included in the *Supplemental Hydrology Report*, dated February 17, 2015, is a detailed assessment of the capability of the off-site v-ditch and Pointe Monarch flow-through retention basin to handle adequately the storm water proposed to be discharged at the northeast corner of the project site. Additional analysis at the time of final engineering to ensure that the on-site detention system is constructed in a manner that ensures that the drainage system adequately conveys all storm water up to and including during 100-year storm events will be required as a part of the permit process.

RESPONSE I-29-58

This comment addresses the proposed Continuous Deflection System (CDS unit) and suggests that the CDS unit has been mischaracterized in the Draft EIR as having greater pollutant treatment potential and capacity than the unit is able to provide. Furthermore, the comment states that allowing the Applicant to divert flows into the v-ditch currently designated for the Monarch Bay Villas will violate the Priority Development Project (PDP) of the National Pollutant Discharges Elimination System Permit (NPDES) in relation to Maximum Extent Practicable Best Management Practices (BMPs).

The CDS/hydrodynamic separation unit is proposed to provide pre-treatment of the underground detention basin only, which is industry standard. The biofiltration BMPs, which are the only

acceptable BMPs, as mandated in the NPDES MS4 Permit, where infiltration is not feasible, will address the priority pollutant, indicator bacteria.

RESPONSE I-29-59

This comment asserts that postponing construction of the proposed project's parking structure will only extend the proposed project's non-compliance with previously discussed stormwater discharge standards and entitlement to use the v-ditch that has shared use with Monarch Bay Villas.

In response to public comments, the construction phasing has been updated to provide for construction of the southern half of the Parking Structure earlier in the Master Plan construction sequence (refer to Revised Alternative 2). The proposed on-site underground detention system and modular wetland treatment system are proposed to be constructed in Phase 1 of the proposed project to assure compliance with water quality objectives. See Common Response No. 6 and the construction phasing plans for Revised Alternative 2, which are provided in Figures 2a through 2c of this Final EIR.

See also Response to Comment I-9-8.

RESPONSE I-29-60

This comment states that Salt Creek is designated federally as a 303(s) impaired water body, and as such, the Applicant has failed to reduce or remove fecal bacterial indicators (FIB) under Total Maximum Daily Loads (TMDL) on-site before discharging run-off to this water body. Furthermore, the comment asserts that the proposed project would result in violations to the 2009 NPDES Permit (R9-2009-0002), and alteration of surface flows on the bluff would result in impacts to the detention basin.

See Response to Comment I-12-11 for a list of potential BMPs that may be implemented as part of the proposed project. The Construction BMPs provided are industry standard and have been shown to be effective at reducing or eliminating sediment and other pollutants in storm water as well as nonstorm water discharges and that implementation of all applicable water quality requirements will reduce the discharge of storm water pollutants from the MS4 to the maximum extent possible and prevent runoff discharges from the MS4 from causing or contributing to a violation of water quality standards. Therefore, compliance with applicable water quality requirements will thus mitigate all potential impacts to water quality to less than significant levels. The Applicant's Preliminary WQMP provides for an on-site detention basin to reduce surface flows and biofiltration BMPs to address bacteria (for which the federal 303 impairment is listed) to address these concerns and reduce impacts to a level below significance.

See Common Response No. 6 and also Common Response No. 13 for additional information regarding hydrologic and water quality issues related to the proposed project.

RESPONSE I-29-61

This comment suggests implementation of an on-site Advanced Waste Treatment (AWT) facility that would reduce to the Maximum Extent Practicable all potential pollutants that could affect Salt Creek. The comment also requests that this AWT facility utilize reverse osmosis, ultraviolet, and ozone treatment potential.

This optional request has been considered. See Response to Comment I-29-60 above.

RESPONSE I-29-62

This comment provides supporting water quality monitoring and testing information for the South Coast Water District (SCWD) Salt Creek Beach facility, and asserts that the facility has performed poorly due to the Best Management Practices (BMPs) and the Best Emerging Technology (BET) utilized at the facility.

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-29-63

This comment asserts that due to the poor performance of the SCWD Salt Creek Beach facility in treating water flows to prevent impacts to water quality, the Applicant must utilize AWT BMPs in its cistern filtration system to avoid further impacts to water quality, and to do so, the Applicant must obtain a NPDES permit from the San Diego Regional Water Quality Control Board (SDRWQCB).

Results for the Salt Creek Treatment facility have been completely effective in treating bacteria coming from Salt Creek. The commenter's assertion is inaccurate in that any test results for bacteria that have failed are due to beach-related bird and other influences after leaving the treatment facility. That said, appropriate selection and design of treatment BMPs would be in accordance with the requirements set forth in the NPDES MS4 Permit, R9-2015-0001, adopted on February 11, 2015 and effective April 1, 2015. The City's Model WQMP, dated December 2013 will be updated to reflect these requirements that will apply to the proposed project. Because of the timing of the proposed project, the Applicant has been following the new NPDES MS4 development requirements and has planned and designed the proposed project accordingly so that the project would comply with the appropriate Federal, State and City regulations. The Revised Preliminary WQMP for Revised Alternative 2, which is included as Attachment B to this Final EIR, takes into account the new rules that will be in effect April 1, 2015, and, therefore, the proposed project is in compliance with the most current and up-to-date regulations for development. Since infiltration has been determined to be infeasible on the project site, the Applicant has included various biofiltration BMPs for bacteria that meet the pre-filter detention and volume sizing as dictated by R9-2015-0001. See Response to Comment I-12-11 for a list of potential BMPs that may be implemented as part of the proposed project. The Construction BMPs provided are industry standard and have been shown to be effective at reducing or eliminating sediment and other pollutants in storm water as well as nonstorm water discharges and that implementation of all applicable water quality requirements will reduce the discharge of storm

water pollutants from the MS4 to the maximum extent possible and prevent runoff discharges from the MS4 from causing or contributing to a violation of water quality standards. Therefore, compliance with applicable water quality requirements will thus mitigate all potential impacts to water quality to less than significant levels. There is no regulatory requirement to utilize AWT BMP in its cistern filtration system.

RESPONSE I-29-64

The comment suggests that the current detention basin drainage system allows sediments to overflow downslope and that the Applicant does not have rights to discharge runoff to the adjacent v-ditch system.

The current detention system is being replaced with a larger detention basin on-site. The reduced flow from storm water will utilize the existing v-ditch on the adjacent property for which the Applicant has an easement.

RESPONSE I-29-65

This comment describes different types of easements and contractual rights as they pertain to the Applicant's potential abandonment of its historic detention basin for utilization of the v-ditch system that is also utilized by the Monarch Bay Villas.

See Common Response No. 6 regarding the v-ditch. 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-29-66

This comment asserts that the Applicant has not provided adequate supporting documentation or evidence in reaching its conclusion that the catch basin and intake conveyance system would be able to handle runoff from both the Monarch Bay Villas and the proposed project.

The Draft EIR relied on the analysis contained in the *Preliminary Water Quality Management Plan* and the *Master Plan Hydrology Report*, both prepared by Adams-Streeter Civil Engineers, Inc., in 2012. These reports concluded that the proposed an on-site detention system consisting of a pretreatment Continuous Deflection Separation (CDS) Unit and underground detention system would reduce peak flow during storm events to below that of existing conditions.

Also included in the *Supplemental Hydrology Report* is a detailed assessment of the capability of the off-site v-ditch and Pointe Monarch flow-through retention basin to adequately handle the storm water proposed to be discharged at the northeast corner of the project site. Additional analysis at the time of final engineering to ensure that the on-site detention system is constructed in a manner that ensures that the drainage system adequately conveys all storm water up to and including during 100-year storm events will be required as a part of the future permit process. See Common Response No. 6.

RESPONSE I-29-67

This comment requests that the name and addresses of church attendees be taken to determine whether the project will serve Dana Point residents, or whether it is a corporate franchise.

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-29-68

This comment questions whether attendees at South Shores Church functions are residents of Dana Point, or if these attendees are from another religious facility in San Juan Capistrano that recently merged with South Shores Church.

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-29-69

This comment suggests that there may be potential increases in noise levels as a result of the proposed project. The comment further asserts that the Salt Creek Corridor amplifies and carries sound, thereby increasing decibel levels in the surrounding area. The commenter seeks to clarify how residences in the surrounding area will address excessive noise impacts.

See Response to Comment I-11-5.

As stated in the Draft EIR, with the implementation of Mitigation Measure 4.10.1 and compliance with Standard Condition 4.10.1, all long-term traffic and operational impacts would be reduced to a less than significant level. Additionally, the City's Code Enforcement staff carries sound monitors to measure noise levels and would be responsible for the enforcement of the Noise Ordinance.

RESPONSE I-29-70

This comment re-states language from Section 4.12 Transportation/Traffic of the Draft EIR.

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-29-71

This comment asserts that the Lumeria Lane entrance to the Monarch Bay Villas from Crown Valley Parkway could result in safety hazards at this ingress/egress point due to the slope and

curvature of the street. Furthermore, the comment suggests that these safety hazards could increase and states the potential danger to cyclists along Crown Valley Parkway.

See Responses to Comments I-17-3 and I-20-13. The existing slope and curvature of Crown Valley Parkway is not due to the existing church or the proposed project. However, at project completion, parking along Crown Valley Parkway will be removed/restricted, resulting in improved safety and sight distance for both drivers and bicyclists.

RESPONSE I-29-72

This comment asserts that the northern line of sight from Pacific Coast Highway is not adequately addressed in the Draft EIR, and that the Draft EIR also lacks a “real time, real use,” consideration.

See Response to Comment I-25-37. The TIA was prepared using real-life, real-time data for weekday a.m. peak-hour, weekday p.m. peak-hour, and Sunday peak-hour traffic conditions (refer to Appendix J of the Draft EIR). These observations were conducted by an independent car count company. Based on the results of the TIA, the project would not create any significant impacts along Crown Valley Parkway, including Sea Island Drive–full-access project driveway. Therefore, excessive delay or gridlock would not result from the project.

RESPONSE I-29-73

This comment suggests that the traffic analysis provided in the Draft EIR is inadequate due to a reliance on modeling instead of in situ real-time observation of traffic conditions near the Sea Island and Crown Valley intersection. The comment asserts that the potential for changing of the signal at Sea Island Drive could result in a significant adverse impact that will adversely impact traffic patterns in the surrounding area.

See Responses to Comments I-25-37 and I-29-72.

RESPONSE I-29-74

This comment asserts that more residents, especially those living in Monarch Terrace, should have been notified about the proposed project. The comment also states that vehicles do not typically turn left onto Crown Valley Parkway, but rather turn right onto Lumeria Lane, and make a U-turn.

Appropriate notification of the project was provided, in compliance with CEQA Guidelines Sections 15082 and 15087.

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-29-75

This comment states that the proposed off-site parking mitigation measure should be evaluated for actual projected usage. The comment also asserts that further traffic analysis is needed to evaluate the construction traffic during the 10-year construction period.

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

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

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

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

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

As described above, both potential off-site parking locations would be convenient to the project site. Further, the frequency of shuttle bus pick-ups and drop-offs would be determined based on the needs of the Applicant’s congregation. Because the proposed project would include conveniently located off-site parking and frequent shuttle headways as part of the off-site parking program, there is no reason to believe it would not be successful.

The project will be required to develop a Construction Management Plan in coordination with the City to ensure impacts to the surrounding street system are kept to a minimum (refer to page 4.12-18 of the Draft EIR). See Response to Comment I-17-4 for further description of the Construction Management Plan.

RESPONSE I-29-76

This comment suggests that the Orange County Transportation Authority (OCTA) should replace speed limit signage near the Crown Valley Parkway/Coast Highway intersection, install speed limit signage along the right side of Lumeria Lane, and implement increased speed-limit enforcement along Lumeria Lane.

The 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-29-77

This comment asserts that potential hazards to bicyclists exist along Crown Valley Parking due to the tendency of South Shores Church attendees to park in the designated bikeway along the street. The comment further states that the Draft EIR failed to address or provide mitigation for this potential hazard.

Parking is currently permitted along portions of Crown Valley Parkway between Camino Del Avion and PCH and has been since before the City incorporated in 1989. The City Bicycle Master Plan shows installation of a Class II bicycle lane on Crown Valley Parkway, which would simply be a change of function in the roadway. Any decision to eliminate public parking on Crown Valley Parkway is not part of the proposed project and would be considered independently by the City.

Some visitors to South Shores Church currently utilize on-street public parking near the project site; however, the Applicant has prepared a parking management plan that does not assume public street parking will be available and capable of meeting part of the Church's parking demands, either during construction or at buildout of the Master Plan. Further, there is no history of accidents or evidence from the traffic study that supports the contention.

RESPONSE I-29-78

This comment asserts that the proposed project could potentially worsen unsafe and/or hazardous condition along Crown Valley Parkway, especially on weekends during South Shores Church peak periods. The comment suggests that the traffic study does not adequately address traffic concerns that could result from intensification of uses on the project site.

See Response to Comment I-25-37.

RESPONSE I-29-79

This comment expresses concern regarding increased traffic impacts and safety hazards along Lumeria Lane as a result of the proposed project. The comment also inquires as to whether or not the Orange County Transportation Authority (OCTA) has been contacted to determine if improvements to Crown Valley Parkway and/or Lumeria Lane would be possible as part of potential mitigation for the proposed project.

As demonstrated in the Traffic Impact Analysis (Appendix J of the Draft EIR) the project would not create a significant impact to Crown Valley Parkway/Lumeria Lane. Therefore, the proposed project is not required to provide improvements/alterations to this intersection, and is not required to contact OCTA regarding unrelated improvements.

The proposed 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-29-80

This comment suggests that additional traffic analysis be conducted based on real-time observations and not modeling. The comment further requests assessment of safety hazards for bikers and weekend afternoon traffic on Crown Valley Parkway traveling north.

See Responses to Comments I-29-71 and I-29-73. Traffic modeling is the accepted professional methodology to assess potential traffic impacts. The Traffic Impact Analysis (Appendix J of the Draft EIR) utilized Traffix (Version 8.0 R1) computer software to determine the study area intersection LOS based on the intersection capacity utilization (ICU) methodology for signalized intersections and the 2000 Highway Capacity Manual (HCM) methodology for unsignalized intersections.

RESPONSE I-29-81

This comment asserts that the subterranean cistern does not have diversion capacity and asserts that a written agreement with the South Orange County Wastewater Authority is required to allow diversion to the sewer system.

No diversion to sewer is proposed as the Applicant is not proposing nuisance dry weather flows to run off the project site. Therefore, no written agreement with the South Orange County Wastewater Authority would be required.

RESPONSE I-29-82

This comment suggests that the Applicant obtain a separate NPDES Permit for an on-site Advanced AWT due to the inadequacy of the CDS unit in meeting pollutant removal/reduction standards.

The CDS is not proposed to meet pollutant removal standards, it is proposed as a pre-treatment component to the underground detention basin. No Advanced AWT is proposed and no separate NPDES permit is required.

RESPONSE I-29-83

This comment asserts that the project requires a Notice of Intent and NPDES Permit for Low Threat Discharges due to construction activities that may affect a federally listed 303 (d) water body.

This comment claims that coverage under the Waste Discharge Requirements for Low Threat Discharges would be required. As discussed on page 4.8-14 in Section 4.8, Hydrology and Water Quality, of the Draft EIR, due to the depth to the groundwater table (approximately 90 ft bgs), groundwater dewatering during construction would not be required. Minor amounts of groundwater seepage may be present at the bottom of the deepest proposed caissons. However, any displaced groundwater would be minor and would be collected and evaporated on site. Therefore, coverage under a groundwater discharge permit would not be required.

Stormwater discharge is authorized 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* (Construction General Permit). The Construction General Permit also authorizes non-storm water discharges, including those from de-chlorinated potable water sources such as: fire hydrant flushing, irrigation of vegetative erosion control measures, pipe flushing and testing, water to control dust, and uncontaminated ground water dewatering. As specified in Mitigation Measure 4.8.1 on page 4.8-25 of the Draft EIR, coverage under the Construction General Permit will be obtained prior to issuance of a grading permit.

Coverage under the *Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality* is required for low volume discharges with minimal pollutant concentrations discharges, such as discharges from wells/boring waste; clear water discharges from pipelines, hydrants, storage tanks, and water mains; and small or temporary groundwater dewatering during excavation. As stated above, groundwater dewatering during construction would not be required. In addition, the proposed project would not require discharges from wells/boring waste and clear water discharges from pipelines, hydrants, storage tanks, and water mains. Any non-storm water discharge during construction of the proposed project would be covered under the General Construction Permit. Therefore, coverage under the WDRs for low threat discharges would not be required.

RESPONSE I-29-84

This comment suggests that the hydrological impacts of the proposed project have not been adequately mitigated as proposed in the Draft EIR, and that the burden is upon the Applicant to disprove the commenter's assertions.

The comment does not contain any substantive, specific 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-29-85

This comment states that the commenter, Clean Water Now, finds that the project does not comply with Article 5, Section 15065 of CEQA due to the Lead Agency's and Applicant's failure to address both cumulative and incremental significant adverse impacts.

Cumulative impacts were discussed for each topical section in the Draft EIR and specifically for water quality and hydrology under Section 4.8.7 (page 4.8-24) of the Draft EIR. As stated in Section 4.8.7, cumulative impacts are the incremental effects of an individual project when viewed in connection with the effects of past, current, and probable future projects within the cumulative impact area for hydrology and water quality. Cumulative projects were listed in Table 4.A (page 4-3) and these projects were considered in each cumulative discussion, as required in CEQA Guidelines Section 15065. The cumulative study area for hydrology and water quality is the Salt Creek Watershed. The project's contribution to cumulative impacts to hydrology and water quality was determined to be less than significant.

RESPONSE I-29-86

This comment is an introduction to Clean Water Now's (commenter's) proposed Alternative No. 3, which has a 5 year buildout.

The commenter's suggestion of an alternative 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-29-87

This comment states the Applicant's primary objectives 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.

RESPONSE I-29-88

This comment cites language from the Executive Summary of the Draft EIR. It appears that the commenter has placed emphasis on the description of the proposed Community Life Center in reference to its location and proposed activities.

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-29-89

This comment asserts that the Lead Agency has failed to implement the *State CEQA Guidelines* expressed in Chapter 9, Section 15126.6 regarding the consideration of alternatives.

The comment suggests that their proposed 25 percent Alternative still meets the Applicant's goals and objectives of the project with fewer impacts to the environment and surrounding community.

The Draft EIR complied with 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. As discussed in Chapter 5.0, Alternatives, of the Draft EIR, Alternative 2 reduces the square footage associated with the Proposed Project and therefore reduces physical impacts associated with the proposed project. Therefore, Alternative 2 meets the requirements to consider a reduced project that would lessen the environmental impacts of the proposed project, while attaining the basic project objectives, but to a lesser extent than the original 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.

RESPONSE I-29-90

This comment discusses the commenter's previous meeting with the Applicant's representative (G.G. Kohlhagen), the Applicant's attorney (Mark McGuire Esq.), testimony at public hearings in 2009-2010, and arbitration with Mr. Robert and Mrs. Deanna Saint-Aubin. The comment also discusses Mr. Saint-Aubin's qualification as an arbitrator and environmental attorney.

The 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-29-91

This comment discusses the commenter's collaboration with Mr. Saint-Aubin in developing and proposing Alternative No. 3 to the project Applicant. The comment further asserts that their alternative was summarily dismissed by the Applicant. The comment also includes a citation of CEQA Guidelines Section 15126.6.

The 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-29-92

This comment introduces the commenter's proposed Alternative No. 3. The comment requests that no Administration building or Meditation Garden should be constructed in the southeast quadrant of the project site as part of the suggested alternative.

As described in Response to Comment I-29-89, 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-29-93

The comment states support for 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-29-94

This comment states that the Applicant must comply with a maximum 5-year construction period for the Master Plan build-out per Alternative No. 3.

See Common Response No. 3.

RESPONSE I-29-95

The comment requests indemnification/performance bonds to protect adjacent homeowners from potential damages.

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

RESPONSE I-29-96

This comment suggests that the project would comply with CEQA Chapter 9 Section 15126.6 if a 5 year build-out period is adopted.

The length of construction or implementation of a project is not addressed in CEQA Guidelines Section 15126.6; this section discusses the purpose, range and evaluation of alternatives. The Draft EIR did include a reduced project alternative that would attain the basic project objectives. Refer to Chapter 5.0, Alternatives, for a discussion of the alternatives to the proposed project that were considered and analyzed.

RESPONSE I-29-97

This comment requests that the Applicant obtain its off-site parking arrangement at the start of construction. Furthermore, this comment requests that no ministerial building permits are issued without a public hearing.

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

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

In addition, the County of Orange has provided the Applicant with a "Letter of Intent" for the use of the parking lot in Laguna Niguel located off of Pacific Island Drive near the vicinity of the signalized intersection with Alicia Parkway for Phase 1A construction as well. This property is also conveniently located in route to South Shores Church. The County of Orange has

acknowledged that one hundred (100) parking spaces would be available for future use during construction of the proposed project.

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

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

RESPONSE I-29-98

This comment suggests that the proposed project’s parking structure should be two-thirds of its current proposed size, with 40 ft setbacks.

See Common Response No. 11 regarding the project’s compliance with setbacks.

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-29-99

This comment suggest an open space/buffer zone with nexus to basins both on and off the project site in order to fulfill requirements to reduce disturbances to land forms and decrease alterations to existing hydrological patterns.

The commenter’s suggestion of an alternative design 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-29-100

This comment requests that the site design include pollutant reducing depressions mini-detention basins and swales in an easily achieved mitigation buffer zone.

The commenter's suggestion of an alternative design 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-29-101

This comment suggests a green swath (buffer zone) as part of suggested Alternative No. 3 in order to maintain biological and hydrological connectivity. The comment also includes an aerial photograph.

The commenter's suggestion of an alternative design 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-29-102

This comment suggests redesign of the proposed project's parking structure, including removal of the proposed ramp from the parking structure plans, maximized setbacks from the Monarch Bay Villa Homes along Pompeii Avenue, and provision of vegetation within the buffer zone in order to minimize impacts to Lumeria Lane and residents of Monarch Bay Villas along Pompeii Avenue.

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. As described in Chapter 5.0, Alternatives, of the Draft EIR, Alternative 2 would reduce the new proposed 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-29-103

This comment suggests that the proposed below ground retention cistern basin should still be required along with implementation of the suggested green swath/buffer zone in order to comply with the R9-2009-0002 NPDES Stormwater Permit and the HMP.

See Response to Comment I-29-104 below.

Further, the commenter's suggestion of an alternative design 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-29-104

This comment suggests that the Water Quality Management Plan (WQMP) prepared by Adam-Streeter for the proposed project is outdated.

The Preliminary WQMP included in the Draft EIR (Appendix G) addressed the proposed project components as analyzed in the Draft EIR.

A Revised Preliminary WQMP has been prepared by Adam-Streeter in order to address Revised Alternative 2, the reduced development alternative that the Applicant seeks City approval for at this time and to address certain Draft EIR comments concerning water quality management measures. The Revised Preliminary WQMP, which is included as Attachment B to this Final EIR, supports the same conclusions concerning water quality impacts that were reached in the Draft EIR, namely that water quality will be improved from existing conditions and that all water quality impacts of the proposed Master Plan will be mitigated to a level of insignificance and consistent with all applicable laws and regulations. The Revised Preliminary WQMP has been prepared to comply with the most recent NPDES MS4 Permit, R9-2015-0001, adopted February 11, 2015.

RESPONSE I-29-105

This comment requests that construction of the parking structure occur prior to the proposed project's other construction phases.

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-29-106

This comment provides the commenter's testimony to the Dana Point Planning Commission dated October 13, 2014.

This comment is a duplicate of comment letter I-15. See Responses to Comments I-15-1 through I-15-7.

RESPONSE I-29-107

This comment provides a corrected CEQA checklist prepared in association with the 2009 MND. The comment further asserts that there have been CEQA noticing violations, and that the project description in the Notice of Availability falsely represented the project's true size.

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. Appropriate notification of the project was provided in compliance with CEQA Guidelines Sections 15082 and 15087. See Common Response No. 8 regarding the description of the Parking Structure and the project components.

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

RECEIVED

OCT 29 2014

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

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

Confirmation should be sent to : mycarmail@yahoo.com

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

Dated October 22, 2014

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

Subject: Response to DEIR, South Shores Church Expansion Project

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

I-30-1

The neighborhood of Monarch Bay Villas consisting of 52 units is located immediately south of the proposed Project (and within 8 feet of the project at closest points), and we are extremely concerned and under duress because the project will impose a high impact on our daily lives for a protracted period of 10 years. It will subject us to undue Aesthetics, Noise, Vibration, Air Quality and Geology, Hydrology and Traffic issues on a daily basis both during Construction Phases and On going Operation of the Project after completion.

I-30-2

We have reviewed the DEIR and included comments for many sections that we expect to impact us, even though they were considered Less Than Significant by LSA. We contend that Mitigation is not a complete solution in some areas, contrary to what the DEIR has implied. The project has been portrayed as an additional 70,000 sq ft project when in fact it is an additional 133,000 sq ft (or 195,000 sq ft) project, because the Parking Structure (a two story commercial equivalent building) was totally ignored in sizing the project.

I-30-3

I-30-4

Due to the huge impact that the Parking Garage structure (125,000 sq ft of parking) will have on us and that the Preschool/Administration Building location will have on our immediate neighbors, we propose a new smaller Alternate Project. A Project with a smaller footprint overall. Replacing aging buildings and only adding 50% (35,000 sq ft of new buildings maximum) to the site square footage, increased Garage setback, and a reduced Parking Garage footprint (less than 62,500 sq ft), as well as elimination of the south Garage tower. This would minimize the visual impact from Crown Valley Parkway and the southerly residences of Monarch Bay Villas. Perhaps applicant could combine the Preschool/Administration Building with the Christian Education Building(s) at the north end. Elimination of the southeast garage tower, and a setback of the Parking Garage at least 35 feet (to the nearest garage wall from the top of the crib wall) with appropriate south garage wall landscaping, would reduce or eliminate many of our concerns regarding noise, pollution, vibration and lighting blight. We propose that the Parking Garage ramp be relocated to the middle of the garage or entirely eliminated from the project final design, significantly reducing the high noise levels of the garage ramp.

I-30-5

Also note that in the DEIR excessive impacts to the Villas are not fully considered, and must be fully and accurately defined in the Final EIR, to protect the quality of life, not only of the residents of the 52 units of Monarch Bay Villas, but of the citizens of the City of Dana Point, as well. Additionally, a 10-year project and the resulting duress upon the neighborhood is unreasonable for a Project this size. If the project cannot be completed in 3-4 years it should not be attempted due to the many future variables and uncertainties.

I-30-6

I-30-7

With that please review and respond to the comments that follow to the DEIR. Please keep us posted of additional developments related to this project,

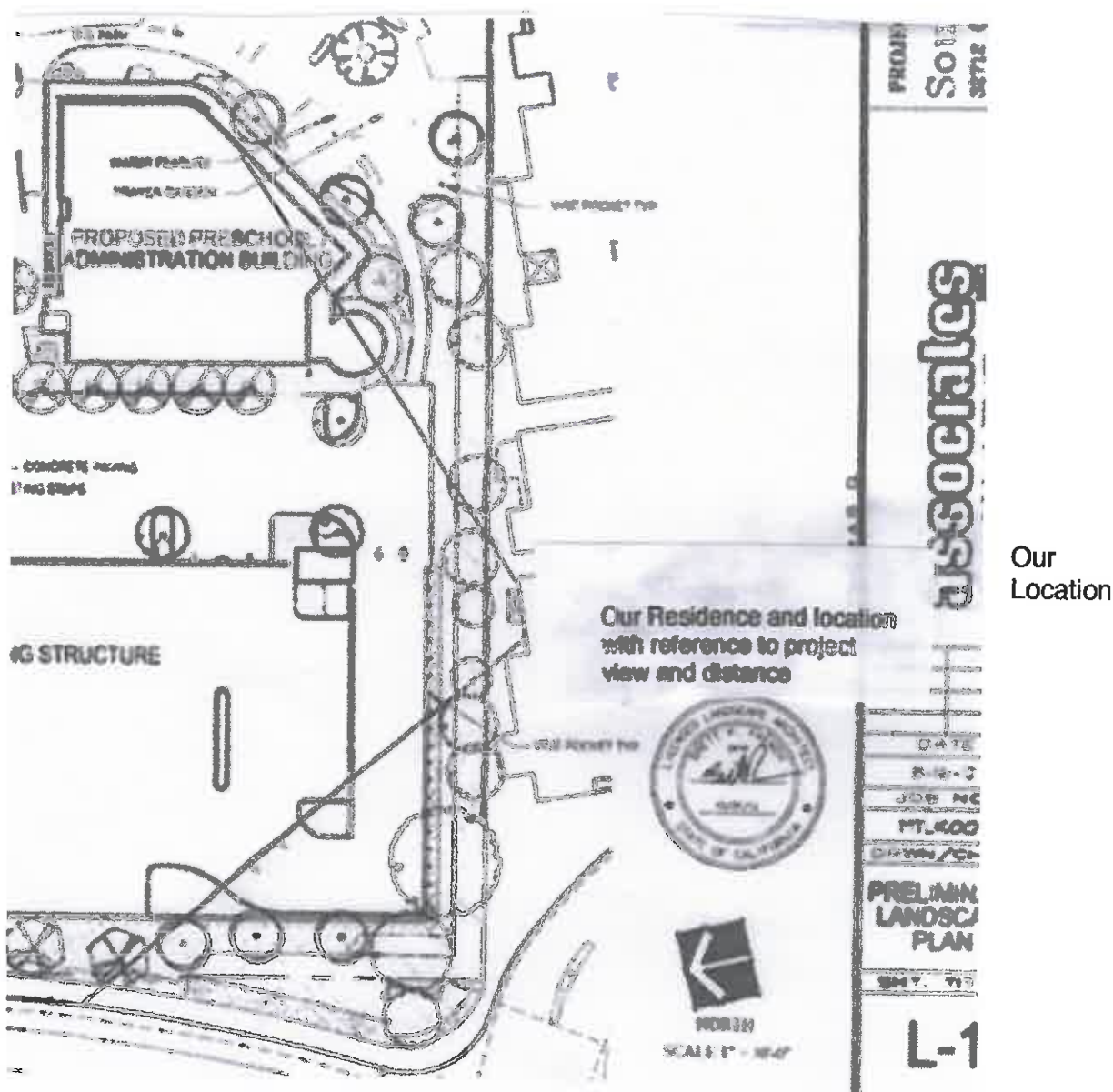


Gary and Lynn Frye
23281 Pompeii Dr
Dana Point, Ca, 92629

Preface to the DEIR Comments that follow:

In order to fully understand the comments, I have included, 1) plot plan showing our location and, 2, 3) view north (& north east) towards the project from our bedroom.

1) PLOT PLAN



I-30-8

Our Location

Note this

is from the DEIR Landscape Drawing, and is incorrect as to the types of trees and the locations of same in some respects. It is suggested that these corrections be made before any full analysis by LSA is attempted in areas where that may be significant.

I-30-9

DEIR Preface- Page 2

2) VIEW NORTH TOWARDS THE PROJECT FROM OUR BEDROOM



I-30-10

This attempts to show the resulting impact to our view of the distant hills and houses across Crown Valley Parkway, as well as note the immensity of this garage Parking structure and ramp.

The lower line represents the garage ramp wall which declines down from approximately 13 feet above present grade at the left to approximately 4-5 feet above grade at the right.

The upper line is an attempt to portray the full garage end wall which will run parallel across the property at 13 to 15 feet above present grade.

The distant hill view and light reduction can be estimated from this and it is requested that those calculations be included in the final LSA report.

3) VIEW NORTH NORTH EAST TOWARDS THE PROJECT FROM OUR BEDROOM

Story Pole Top



I-30-10

The upper line is an attempt to portray the full garage southeast corner which will run parallel across the property at 13 to 15 feet and have a 26 foot tower above present grade.

The light reduction can be estimated from this and it is requested that those calculations be included in the final LSA report.

**South Shores Church Master Plan SCH no. 2009041129, DEIR
comments for inclusion in LSA's preparation of the EIR
Dated October 22, 2014**

Several areas of the South Shores Expansion Project (referred to subsequently as Project) are of grave concern to the residents of Monarch Bay Villas as well as myself. The comments below address some of those concerns specifically and others more generally. I will rely on the expertise of LSA to further develop the answers and impacts to each and every one of these concerns, subsequently including those conclusions in the Final EIR. I have reviewed the DEIR document and found errors and omissions in the assumptions of contractors involved in this study. LSA has the opportunity and legal and moral obligation to the City of Dana Point and it's residents to eliminate those oversights and incorrect evaluations presented in this DEIR. It is incumbent upon LSA to provide full disclosure of all the missing design details of this 195,000 sq ft 10-year Project.

I-30-11

My property (specifically bedrooms) are on the South side of the Project property line. The nearest major element of the Project will be the Parking Garage Ramp which will only be 20 feet from the Property Line and 28 feet away from nearest bedrooms. The Parking Garage and Stairway Tower will be 45 feet from the Property Line. Additionally a HVAC Maintenance Room in the southwest corner of the Garage is slated to be only 30 feet from the nearest residence.

I-30-12

Additionally, the construction fencing and the the parking structure tall wall at the south west end of the garage will block the view of the church and the distant hills from both passenger vehicles as well as pedestrians. This will present an image of a large commercial building wall degrading the character of the neighborhood.

I-30-13

The Preschool/Administration building and South east Garage tower will block the Ocean view as one drives south on Crown Valley Parkway, just past the intersection of Sea Island Drive.

I-30-14

It is requested that LSA include those south west corner views in the EIR to aid in an complete and accurate evaluation of the Project. It is further requested that the Project Architect provide sufficient drawing views to show these dimensions and elements from the south and west.

I-30-15

Threshold 4.1.1: Have a substantial adverse effect on a scenic vista.

I-30-16

Less than Significant Impact .

Construction fencing on and off for a period of ten years will impact the view both behind us to the north and from Crown Valley to the east and will be a significant impact for visitors to the City of Dana Point and the residences of Monarch Bay Villas. It will impact the views and quality of life of the neighborhood over the 10 year life of the construction due to the proximity of the project.

I-30-16

It is Requested that LSA define type of Construction fencing, height and location by Phase of the construction that will be in place over the 10 year period and how the Project will impact the Scenic vista views.

The addition of a ramp and wall for the Parking Garage of approximately 13 feet above existing grade level and a 26 foot Tower behind my residence will totally cut out a around 40-50% of the morning light now reaching my property. The current ramp wall is planned to be 28 feet from the closest residences bedrooms. The garage setback needs to be increased to minimize this impact which will be significant. There is no mention or consideration given to this impact or an alternate position of the garage south end nor the garage ramp or tower relocation.

I-30-17

There will be an ongoing Adverse impact on blockage of the view of the Hills and Ocean because of the Preschool/Administration and Parking Garage wall (10 feet high) facing west towards Crown Valley Parkway. See photo below of Story poles taken from along Crown Valley Parkway sidewalk.

I-30-18



I-30-18

Another impact will be on our view looking north which will now be mostly blocked by the South Garage wall (13 feet high) and South Ramp wall (13-5 feet high). Also the View looking north north east will be blocked considerably by the Garage Stairway Tower (26 feet high).

See Photos above for these views from our residence: Preface to the DEIR Comments -2,3) VIEW NORTH (& NORTH EAST) TOWARDS THE PROJECT FROM OUR BEDROOM

LSA is requested to evaluate the considerable degree of view impact to Monarch Bay Villas looking North West, North, and North East and the view impact to Crown Valley Parkway looking south and east.

Threshold 4.1.2: Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Less than Significant Impact

I-30-19

It is not a state highway but is a city scenic highway and would be impacted by the garage wall which blocks the hills and if in the future the Highway was designated as a State Scenic Highway it would have an impact.

I-30-19

Threshold 4.1.3: Substantially degrade the existing visual character or quality of the site and its surroundings.

Less than Significant Impact

I-30-20

Ten years of construction Fencing impacting both Crown Valley and our Monarch Bay Villas vista view will degrade the community.

It is requested that LSA provide the Mitigation of that concern by a defining a plan to minimize the Fence blockage issue.

The addition of a 62,000 sq ft two tiered Parking Garage with mostly existing large tree landscaping, (as defined in Landscape plans) are within a few feet of the residences and will enclose the area as if were next to a large Urban Structure and Tall Forest. That is not the intent of the General Plan pertaining to residential property in Dana Point. The current Ficus trees are extremely dirty and the church does not clean up the leaves now. The area between the Project property line and the looming retaining wall is littered with old dying vines and mounds of leaves (the leaves continually block the V-ditch meant to drain the Project property.) that are not removed by the maintenance group of the Project gardeners. The existing Ficus trees (treetops that extend over 60 feet or higher above the Bedrooms) along with the proposed garage walls, ramp and tower will result in blockage of even more light and close in the backyards. There is no mention or consideration given to these two items in the DEIR, which results in a significant impact to the Southerly residences.

I-30-21

It is requested that LSA quantify this impact of the loss of light and what the residents will be subjected to on a daily basis with the non going operation of the Project. Alternative mitigation for existing landscaping projected growth and the garage wall, are also requested. Along with future plans for maintaining the area between our property and the existing crib wall.

The Tree type and location are incorrect in the landscape plans and do not reflect the accurate view information.

It is requested that LSA ensure that the plans are correct and the present and accurate tree type be depicted on the Design package, allowing correct assessment of the project.

The Ten years of Construction Fencing along both Crown Valley and the southern end of the current parking lot will impact both our our view and the view from Crown Valley Parkway, and as such will degrade the entrance to the City of Dana Point over the period of ten years.

I-30-22

Threshold 4.1.4: Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Less than Significant Impact

“Construction of the proposed project would occur only during daylight hours; therefore, construction activities would not adversely impact day or nighttime views in the area.”

I-30-23

During the construction phase it is anticipated that there will be night lighting on the equipment to protect it, and possibly a guard and trailer. no mention is made of night equipment servicing, typical in construction operations. The impact of Construction equipment Staging within a few feet of the property line in phase 1 should be considered.

It is requested that LSA define the night lighting plan and the degree of impact as well a sight equipment servicing impact to the closest residences.

Additional lighting is going to be installed for the Administration Building, and the parking lot lighting and stairway lighting will be taller because the garage surface is taller so therefore there will be additional light and glare on our home.

The tall 13 foot garage wall and 26 foot tower facing south will increase the reflected light intensity directed toward our homes. There is no Mitigation indicated for those walls and the reflected light or glare.

I-30-24

It is requested that LSA provide quantification and mitigation of reflected light and glare from the garage walls, lighting of garage towers, and Preschool/Administration building lighting.

Car lights entering the ramp at night or leaving the ramp on top and coming down the ramp or entering the ramp going up as the cars come south towards the Monarch Bay Villas will shine into our homes, unless substantial blockage is provided. No foliage or hard scape is identified in enough detail to evaluate this. The mitigation needs to be succinct in this area. The small wall may be insufficient without mature foliage to block the lights of tall vehicle headlamps, like on trucks, when turning to come down the ramp.

I-30-25





The DEIR is incomplete in that it does not address these conditions and it is requested that LSA evaluate this Garage traffic generated Headlamp light pollution condition and define the mitigation plan .

I-30-25

4.2 Air Quality

Threshold 4.2.1: Conflict with or obstruct implementation of the applicable air quality plan.

I-30-26

Insufficient data or information regarding future plan, to respond at this time

Less than Significant Impact

Threshold 4.2.2: Violate any air quality standard or contribute to an existing or projected air quality violation.

Less than Significant Impact. Standard Code SCMD 403/4.2.2 Calif Energy Commission Applies

“The Project impacts related to fugitive dust during construction would be reduced to a less than significant level, and no mitigation is required.

I-30-27

“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 implies two times is sufficient. That is not possible with the amount of soil to be moved in the given time. Additional watering is necessary to keep fugitive dust in check and not contaminate the adjoining residences during phase 1.

Request that LSA define a plan to control fugitive dust that is supportive of the amount of soil be moved, removed, relocated or replaced.

“Therefore, project-related long-term air quality impacts would be less than significant, and no mitigation is required.”

High density of traffic in 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 pollution is increased by the back up of idling cars waiting to enter and leave the garage, or enter and exit the ramp.

I-30-28

Request LSA Analysis of the impact to the south residences air quality from the garages peak emissions and determine if it would constitute an air quality violation.

Threshold 4.2.4: Expose sensitive receptors to substantial pollutant concentrations.

Less than Significant Impact

Localized Construction Emissions for the southerly residences which are close to the Phase 1 Staging area and Construction Phase 4 are requested to be reviewed to determine the degree of substantial pollutant concentrations.

I-30-29

The DEIR does not identify emissions impact during the Grading and Construction of the Preschool/Administration Building activity nor Grading and Construction of the Parking structure and the impact on the southerly residences.

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

I-30-30

Request LSA obtain and provide actual impact data, and extrapolate it for the close proximity of this traffic to the above residences. An alternate solution to increased pollutants would be to relocate the ramp further to the west to provide a larger buffer for both Air Quality and Noise.

No data on emissions while grading and on-going traffic in to and out of Garage ramp has been provided.

Equipment emissions levels during construction grading for the Administration building and the Parking 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.

I-30-31

Request LSA provide analysis and predictions of peak emissions in both cases above to sensitive receptors.

Threshold 4.2.5: Create objectionable odors affecting a substantial number of people.

Less than Significant Impact

I-30-32



Due to the extensive amount of construction, objectionable odors will impact all the residences on the south side, due to the proximity of work. We would consider it a significant impact. As this is a ten year project, full analysis is requested to define the degree of exposure to objectionable odors over the projected ten years construction phase.

I-30-32

The high density of construction traffic operating at this inefficient mode of driving up and down the site at low speeds will also produce objectionable odors.

Request LSA provide an analysis of above conditions for the southerly residences using actual construction data. Consideration should be given to wind direction from the project to the southerly receptors.

Operation.

High density of traffic on the ramp during church services and activities could produce objectionable odors due to the inefficiency of the automobile engine entering and exiting the garage ramp.

I-30-33

Requested that LSA evaluate this condition and identify the degree of objectionable odors.

4.3 Biological Resources

Threshold 4.3.1: Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Less than Significant Impact with Mitigation

Insufficient data or information regarding future plan, to respond at this time

I-30-34

Threshold 4.3.2: “Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.”

Less than Significant Impact with Mitigation

Insufficient data or information regarding future plan, to respond at this time

Threshold 4.3.3: Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited, marsh,

I-30-35

vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Less than Significant Impact

The Monarch Bay Villas residences are concerned about the additional project run off from the larger Project property into Salt Creek and ultimately the ocean since many residents utilize the corridor and the ocean in this vicinity.

The ocean pollution was highlighted by Gena McCarthy, the administrator of the Environment Protection Agency in recent visit to San Clemente in October, 2014. The purpose of the visit was to: 1. "Raise awareness of proposed EPA Waters of the United States rule change that would alter the definition of Headwaters to include rivers, streams and wetlands", 2." If you want to have healthy oceans, you have got to have healthy river and streams to have coastlines like this to stay healthy and vibrant," McCarthy said.

It is requested that LSA review the new Waters of the United States rule change and ensure and present that the Project will comply with these forthcoming regulations, to protect the Ocean at Salt Creek during the 10 year construction and changing project discharge.

Threshold 4.3.4: Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Less than Significant Impact with mitigation

Insufficient data or information regarding future plan, to respond at this time

After the initial survey, will the nesting status be monitored continually during construction, since construction is slated to start in May. Where in the DEIR does it indicate the monitoring process and how often will that be done over the 10 year construction project.

Threshold 4.3.5: Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Less than Significant Impact with mitigation

Insufficient data or information regarding future plan, to respond at this time

I-30-35

I-30-36

I-30-37

Threshold 4.3.6: Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

I-30-38

Less than Significant Impact with mitigation

What is the cumulative loss habitat impact and where is that stated in the DEIR?

4.4 Cultural Resources

Threshold 4.4.1: Cause a substantial adverse change in the significance of a historical resource pursuant to *State CEQA Guidelines* Section 15064.5.

I-30-39

Less than Significant Impact

With a ten year build out planned, if there is an archeological find that delays the project, what are the alternate plans to complete the project within the schedule.

4.5 Geology and Soils

Threshold 4.5.1: Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

Less than Significant Impact with Mitigation

“Grading plan review shall also be conducted by the Director of Public Works, or designee, prior to the start of grading to verify that the requirements developed during the geotechnical evaluation have been appropriately incorporated into the project plans. Design, grading, and construction shall be conducted in accordance with the specifications of the project geotechnical.”

I-30-40

“On-site inspection during grading shall be conducted by the project geotechnical consultant and the Director of Public Works, or designee, to ensure compliance with geotechnical specifications as incorporated into project plans.”

There is extreme nervousness and concern for life and property relevant to this Project by the community in total due to previous and current stability issues occurring in other areas of the project and in the local Laguna Niguel and Dana Point area.

The addition of the 62,000 Sq Ft two level all Concrete Parking Structure immediately behind our residence is of grave concern. Especially with the addition of the Water Detention System immediately adjacent to the Concrete garage structure. The addition of that extreme amount of weight (Parking Structure and a “full” Detention System pressing



on unstable soil, as well a stye Preschool/Administration Building could be a recipe for a major slippage of the crib wall and hillside above our residences..

It is requested LSA evaluate the total load on the soil and consider the geological history and actual conditions of the soil to withstand that amount of weight from the above three additions to the property.

It is requested that LSA thoroughly evaluate the impact of the Project Construction and usage on the southerly Residences that are only a few feet away from the Project. Construction Vibration grading and contouring, planned for this project for both the Preschool/Administration Building, the Parking Garage, and Detention System should be examined in detail and collectively. It is requested that a very detailed analysis of ground shift and stability as well as underground water routing be undertaken and the results evaluated with regard to the potential impact on nearby residences.

I-30-40

Threshold 4.5.1: Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

iv) Landslides

Less than Significant Impact with mitigation

“Geotechnical Evaluation Appendix E”

I-30-41

Request LSA to provide the method to review the results of these evaluations

The Southeast corner of the Project does not appear to be evaluated in detail.

It is Requested that LSA provide that detailed evaluation.

Insufficient data or information regarding future plan, to respond in detail at this time

Threshold 4.5.2: Result in soil erosion or the loss of topsoil.

Less than Significant Impact with mitigation

“Refer to Mitigation Measures 4.8.1 and 4.8.2”

I-30-42

Overflow from the existing parking lot cascades down the crib wall eroding the integrity of the crib wall and subsequent downstream topsoil. The project maintenance department has a history of not cleaning out parking lot collection point, and therefore, there is an on going concern that there will be further erosion during the ten year construction cycle and until the Detention System is in place.

It is requested that LSA provide mitigation to minimize top soil erosion in this area during the project life.

I-30-42

Threshold 4.5.3: Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in an on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

Less than Significant Impact with mitigation

‘Public Works director has to approve soil report beginning to construction.’

I-30-43

There is no mention of the south side potential for damage or slippage. Does the City of Dana Point take responsibility and have the liability if our property becomes unstable as a result of approving the soil report prior to the start construction?

It is requester that LSA provide assessment of the liability in this situation.

Threshold 4.5.4: Be located on expansive soil, as defined in Section 1803.5.3 of the 2013 California Building Code, creating substantial risk to life or property.

Less than Significant Impact with Mitigation.

“ Expansive soil potential at the site is anticipated to range from low to moderate. Therefore, impacts related to expansive soils are considered potentially significant.”

I-30-44

No reference to impact on south adjoining property with regard to predictions or monitoring.

LSA is requested to provide data to insure that our home remains stable due to the expansive soil in the area and that the Mitigation is adequate for the potentially significant criteria.

4.6 Greenhouse Gas Emissions

Threshold 4.6.1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment

I-30-45

Less than Significant Impact

No monitoring plan or data presented to determine peak emissions.

It is requested that LSA provide data on peak emissions and a plan to protect the southerly residences from peak emissions.

I-30-45

Threshold 4.7.1: Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Less than Significant Impact with mitigation

“Air monitoring during these pre-demolition surveys shall be completed by appropriately licensed and qualified individuals in accordance with applicable regulations both to ensure adherence to applicable regulations (e.g., South Coast Air Quality Management District [SCAQMD]) and to provide safety to workers and the adjacent community.””

I-30-46

City provides documentation to Co of Orange Environmental Healthy Division showing abatement of any ACM LBP or PCB”

It is requested that LSA identify the plan to notify the closest residences of hazardous material transport.

Threshold 4.7.2: Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Less than Significant Impact with mitigation

Request that LSA provide method by which the release of hazardous materials is identified to the nearby residences.

Threshold 4.7.3: Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one- quarter mile of an existing or proposed school.

Less than Significant Impact with mitigation

I-30-47

The southerly residences are closer that the schools mentioned and there are several school age children in Monarch Villas during the day. How will the project mitigate the exposure to those children?

Threshold 4.7.8: Expose people or structures to a significant risk of loss, injury, or death involving wildfires, including where wild lands are adjacent to urbanized areas or where residents are intermixed with wild lands.

I-30-48

Less than Significant Impact

The trees along the southern project property line are seldom trimmed and are within a few feet of our property line. What mitigation is in place to prevent a wildfire spreading from the project trees to Monarch Bay Villas wooden patio covers?

I-30-48

It is requested that LSA define the fire prevention mitigation for southerly residences or provide an on-site Cal Fire inspection and subsequent report that the Project is safe.

4.8 Hydrology and Water Quality

Threshold 4.8.1: Violate any water quality standards or waste discharge requirements.

I-30-49

Less than Significant Impact with mitigation

The DEIR provides no evidence of direct control of Project runoff to the Salt Creek Wetlands.

It is requested that LSA provide a plan of how the Salt Creek Wetlands will be protected from project runoff, both during construction and on going phases.

Threshold 4.8.3: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site.

Less than Significant Impact with mitigation

I-30-50

It is not clear that drainage onto the salt Creek corridor will not modify the natural terrain, since there exist damaged hillsides at this point.

It is Requested that LSA review the existing hillside condition below Monarch Bay Villa and the Project property to the east and identify the mitigation planned to prevent further erosion.

Threshold 4.8.4: Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site.

Less than Significant Impact with mitigation

I-30-51

“During construction activities, the project site would be graded, excavated soil would be exposed, and there would be an increased potential for soil erosion compared to existing

conditions. During a storm event, soil erosion and sedimentation could occur at an accelerated rate.”

I-30-51

It is requested that LSA provide monitoring procedures to mitigate above soil erosion, and impact on the southerly residences.

Threshold 4.8.6: Otherwise substantially degrade water quality.

Less than Significant Impact with mitigation

I-30-52

Insufficient data or information regarding future plan, to respond at this time

Threshold 4.8.9: Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

I-30-53

No Impact

Requested that LSA provide analysis of the potential for a failed crib wall due to the excess water overflow from the parking lot. The overflow as has occurred in the past.

Threshold 4.8.10: Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of inundation by seiche, tsunami, or mudflow.

Less than Significant Impact with Mitigation

“Landslides have been documented within and adjacent to the project site. Therefore, there is a potential for mudslide or mudflow to occur on the undeveloped slopes of the project site. Practices such as establishing plants, avoiding concentration of water to the subsurface, discouraging rodent activity, and repairing erosion rills would help limit potential for failure of unimproved areas. With implementation of Mitigation Measure 4.5.2, project impacts relating to mudflow would be less than significant.”

I-30-54

Insufficient data or information regarding future plan, to respond to mud flow threats at this time

Threshold 4.8.11: Result in an increase in pollutant discharges to receiving waters.

Less than Significant Impact with Mitigation

Insufficient data or information regarding future plan, to respond at this time

Threshold 4.8.12: Result in significant alteration of receiving water quality during or following construction.

Less than Significant Impact with Mitigation

Insufficient data or information regarding future plan, to respond at this time

Threshold 4.8.14: Result in increased impervious surfaces and associated increased runoff.

Less than Significant Impact

Project will have increased impervious surface and is a concern that there is insufficient data or information regarding future plans, for the removal of water to defuse risk.

Threshold 4.8.15: Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes.

Less than Significant Impact.

“ The project would increase impervious area by 1.25 ac, which would increase the runoff volume and velocity from the site. However, the underground detention system would reduce peak flow to below that of existing conditions. Therefore, project impacts related to increased impervious surfaces and associated runoff or changes in runoff flow rates or volume would be less than significant, and no mitigation is required.”

Due to the location near the coast, there have been significant high volume rain events that were not contained by the current project property.

It is requested that LSA evaluate that risk both during construction and on an ongoing basis and provide those results.

Since the Detention System is not clearly defined it is difficult to determine the impact when it is filled with water and how that will protect the hillside below Monarch Bay Villas.

Insufficient data or information regarding future plan, to respond at this time.

It is requested that LSA define the equipment that allow the DEIR to conclude that there is accurate and sufficient mitigation, and also provide details that indicating that the filled Detention System will not place undue stress on adjoining hillside behind the Monarch Bay Villas.

I-30-54

I-30-55

Threshold 4.8.16: Be tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list. If so, can it result in an increase in any pollutant for which the water body is already impaired.

Less than Significant Impact with mitigation

“Operation of the proposed project has a potential to contribute to the total coliform impairment. Implementation of Mitigation Measure 4.8.3 would reduce potential operational impacts related to contribution to receiving water impairments to less than significant levels.”

I-30-56

Request LSA to provide information and a plan to correctly address Salt Creek pollution. Pollution evidenced by overflow to the ocean of the existing Detention basin. The current Detention basin below the Project property was only recently cleaned out after a period of excess of ten years, thereby allowing pollutants to enter Salt Creek.

LSA is requested to provide mitigation to prevent a future occurrence.

Threshold 4.8.17: Be tributary to other environmentally sensitive areas, and if so, exacerbate already existing sensitive conditions.

Less than Significant Impact with mitigation

“Runoff from the project site is tributary to Salt Creek at the Pacific Ocean, which is designated as an Environmentally Sensitive Area in the City of Dana Point Local Implementation Plan (LIP). The project would comply with the requirements of the Construction General Permit, as specified in Mitigation Measure 4.8.1. In addition, as specified in Mitigation Measure 4.8.2, erosion control plans would be prepared annually during construction and submitted to the City Department of Public Works. Implementation of Mitigation Measures 4.8.1 and 4.8.2 would reduce construction-related impacts to environmentally sensitive areas to less than significant levels.”

I-30-57

Operation.” Runoff from the project site is tributary to San Juan Creek, which is designated as an Environmentally Sensitive Area in the City of Dana Point LIP. Implementation of Mitigation Measure 4.8.3 would reduce potential operational impacts related to Environmentally Sensitive Areas to a less than significant level.”

It is requested that LSA provide the on going operational monitoring plan to prevent damage to the environmentally sensitive areas of Salt Creek.

Threshold 4.8.18: Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters.

I-30-58



Less than Significant Impact with Mitigation

Insufficient data or information regarding future plan, to respond at this time

It is requested that LSA provide analysis to identify any environmental impact of wetland waters and subsequent impact on wetland and marine waters.

I-30-58

Threshold 4.8.19: Have a potentially significant adverse impact on groundwater quality

Less than Significant Impact with Mitigation

Insufficient data or information regarding future plan, to respond at this time

Threshold 4.8.20: Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses

Less than Significant Impact with Mitigation

“State Water Resources Control Board approval with a Permit”

“Sept 1 Erosions control plan to the City Director of Public Works”

“Oct 15 all drainage devices have to be paved and in place”

Due to the length of the protracted project schedule, there is a neighborhood concern of the control of the surface ground water during the various phases of construction.

LSA is requested to provide details of that control plan.

I-30-59

I-30-60

Threshold 4.8.21: Impact aquatic, wetland, or riparian habitat.

Less than Significant Impact with mitigation

“**Construction.** According to the *Updated General Biological Assessment* letter report (LSA Associates, Inc. [LSA], March 2014), there is no aquatic, wetland, or riparian habitat on the project site. However, runoff from the project site has a potential to impact downstream aquatic, wetland, or riparian habitat.”

I-30-61

LSA is requested to identify the monitoring process to protect Salt Creek Wetlands during the construction phase and on going Project activities planned at the site, i.e. car washes.

Threshold 4.9.1: Physically divide an established community.

Less than Significant Impact

I-30-62

Insufficient data or information regarding future plan, to respond at this time

I-30-62

Threshold 4.9.2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating and environmental effect.

Less than Significant Impact

“City of Dana Point Municipal Code. The proposed project would replace and expand existing church facilities on the project site, but would require a CUP related to the religious uses. With approval of a CUP for the religious uses, the proposed project would not result in a conflict with the existing CF zoning designation on the project site. In addition, due to the fact that the proposed project is located within the City’s Coastal Overlay District, a Coastal Development Permit is required for the proposed project. Therefore, once the Coastal Development Permit of the proposed project is approved by the City’s Planning Commission, the project would be consistent with this provision in the City’s Municipal Code.”

I-30-63

“The proposed project would also require a CUP to allow for the proposed off-site shared parking program that would be in effect during construction phases of the proposed project including periods of time between construction phases, and to allow shared parking on the site following completing on the proposed project. With approval of the CUPs related to the off-site shared parking program prior to project completion and the on-site shared parking after the completion of the proposed project, the project would be consistent with the City’s Municipal Code.”

This Project would be on-going for 10 Years as planned. Disruption to city traffic, visitors and residents trying to park at alternate sites. LSA Evaluation showing that impact to the City of Dana Point is needed. Identify what contractual obligations will be in place to ensure adequate parking without impacting visitors and residents of Dana Point. Identify how those cataracts will be applied as covenants to property owners to ensure future parking is adequate.

Threshold 4.9.3: Conflicts with any applicable habitat conservation plan or natural community conservation plan.

I-30-64

Less than Significant Impact with mitigation

4.10 Noise

I-30-65

Noise is a Significant Impact to the closest Receptors at Monarch Bay Villas both during the 10 year construction phase as well as the On Going Project activity period. Particularly the garage parking, garage ramp, and garage tower proximity to the nearest bedrooms.

This Project area has many unique acoustical characteristics due to the Salt Creek “canyon effect” resulting from both topography and the location of the nearby building’s hard surfaces, and as such requires a unique study of actual noise transmission and reflection.

Errors were also made relevant to distance from source to receptors in the Draft EIR, that must be corrected to obtain realistic projections of noise impact from various locations around the project, particularly relevant to the most southerly receptors nearest to the Garage and Preschool/Administration building.

The following is submitted for insight into the local Project acoustic/topography problems in completing accurate noise analysis:

Actual Acoustics vs Theoretical:

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

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

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

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

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

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

These are examples of “actual unique Acoustic characteristics” relevant to the Proposed Project that were not considered in the Noise Study. As such, the Project requires a specialized Acoustic Engineering study with Actual on-site noise generation and measurements before drawing any final conclusions. This requirement applies to both the periodic Construction level as well as increased Ambient noise levels from On Going site activities. With special consideration of the actual South Boundary of the Project, which is 23 feet from the closest Resident’s bedrooms

Additionally the Project creates a unique additional “canyon” acoustic chamber by

I-30-65

allowing sound to be amplified through a canyon corridor created by the new East garage wall and the Existing Sanctuary and the New Preschool/ Administration building west walls on the property. Sound will travel down that corridor and be directed to the south residences at an amplified level, which has not been addressed in any of the analysis completed to date. Additionally sound amplified within the lower garage chambers will be bouncing off the structures and radiate down the corridor towards southerly residences.

I-30-65

The previous Mestre Greve Associates Study (hereafter referred to as MGA Study) was flawed because the above actual Project proximity to the south residences location and conditions, were not considered in the noise calculations

Included below are two instances of the MGA Study where incorrect statements were utilized for results:

From "Mestre Greve Associates Study dated May 6, 2008

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

I-30-66

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

2- "Short Term Construction Noise

The nearest homes are located across Crown Valley Parkway to the west of the project site. These homes are estimated to be located approximately 173 feet from the nearest potential construction equipment associated with the grading/excavation operations. Based on this distance, the homes would experience a peak noise level of approximately 84 dBA for very short periods. However, most of the project site is located more than 173 feet from these homes."

Note incorrect statement about nearest home is 173 Feet from nearest construction equipment. Also the study states that noise levels during construction of 80-90 dBA are typical and 110 dBA max are possible. The receptor noise level at 8-15 feet proximity must be analyzed.

It is requested that LSA accurately quantify the total noise spectrum, amplitude and period that residents in all directions and proximities will be subjected to on a daily basis for Sections of DEIR 4.10.1, 4.10.2. and 4.10.4

I-30-67

Threshold 4.10.1: Expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Less than significant Impact.

“The nearest residential uses to the south of the project site would potentially be exposed to construction noise up to 94 dBA L_{max} during the Phase 1A construction period, when the Preschool/ Administration building is being constructed. However, construction of the proposed Preschool/ Administration building would not be continuous over the entire Phase 1A period; this phase also involves construction of an underground storm water detention system and construction of the proposed Landscaped Garden in the southeastern corner of the project site. Although this range of construction noise would be higher than the ambient noise, it would cease to occur once the construction of the Preschool/Administration building is completed. Construction of other on-site buildings would result in lower noise levels at the residences to the south.”

I-30-68

These results are questionable because incorrect distances were previously utilized in calculations.

The MGA Study also cited in other areas of the DEIR, indicated up to 110 dBA L_{Max} for Construction phases.

“The construction contractor should locate equipment staging in areas that will create the greatest distance between construction-related noise sources and relatively more noise-sensitive receptors nearest the project site during all project construction.”

MGA Study does mention (see below) the distance to the south Receptors of 10 feet for the noise generated by Phase 1 Construction and Phase 4 construction. Needs to be quantified in EIR and more fully evaluated with the proper distances.

“Phase 1A consists of the grading and construction of a new preschool/ administration building. The nearest homes are located directly adjacent to the south boundary of the project, and could be located as close as 10 feet from the construction area. It is possible that as heavy equipment passes adjacent to these homes noise levels could reach as high as 110 dBA for very short periods.”



It is requested that LSA accurately define the amount of noise generated during this phase which is to 5 months long and the impact to the southerly residences.

I-30-68

“The construction contractor shall limit all grading and equipment operations and all construction-related activities that would result in high noise levels (90 dBA or greater) to between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday. No high noise level construction activities shall be permitted outside of these hours or on Saturdays, Sundays, and federal holidays.”

I-30-69

What is the actual Mitigation of the above to ensure compliance and verification of the actual noise levels during Construction? Who will be monitoring this noise level during this 10 year period and where are results available?

It is requested that LSA provide details of the exact process of monitoring of the Project site over the 10 year period and also the frequency and availability of that data.

No consideration was given for the acoustics of the canyon (topography) on east, solid wall of homes (structures) on south side, nor acoustical properties of subterranean garage solid wall structure.

It is requested that LSA quantify the actual noise levels that residents will be subjected to on a daily basis by utilizing accurate distances and acoustic analysis which include Project and Canyon topography for all phases and elements of the Project.

I-30-70

The MGA Study states “Most of project noise data not pertinent to homes”. Study also states that noise levels will be high during construction with projected noise to be 80-90 dBA (motorcycle at 25 feet) with max at 110 dBA (equivalent to Rock Concert), but actually will be higher due to incorrect distance used in calculation and estimates.

I-30-71

It is requested that LSA quantify the actual construction noise levels and durations that residents will be subjected to on a daily basis during construction phases

Threshold 4.10.2: Expose persons to or generate excessive groundborne vibration or groundborne noise levels.

Less than Significant Impact

I-30-72

“Potential noise impacts would result from typical construction activities, including grading necessary to excavate the site for subterranean parking and structural footings for the proposed structures, and caisson drilling to install the caissons and tieback system to provide structural stability to the site. Caisson drilling generates 0.089 in/sec vibration level at 25 ft; this level of vibration is much lower than the 0.2 in/sec threshold”

Relevant to On Going Groundborne Vibration and noise levels, the DEIR did not address the impact of the roughened garage ramp surface and the actual nearest distance to homes on the south side. It is requested that LSA quantify the actual Ground Borne Noise and Vibration levels generated by the ramp rough surface that residents will be subjected to by utilizing accurate distances and measured vibration and durations for equivalent sources, for the acoustic analysis. Also considering the high traffic volume over a short period of time, L 50-75 for sunday services and day and night events.

I-30-72

“On the south-end of the property, comparable equipment will be located within the southwest corner of the Parking Structure in a Mechanical Equipment Room, located below the top of the vehicular access ramp in the lower level. This location is approximately 30 feet as measured diagonally from the southeast corner of the equipment room to the respective northwest corner of the nearest neighboring residential outdoor area.”

I-30-73

Equipment not totally defined so unable to accurately predict Groundborne Vibration noise levels.

Conclusion that it is not Significant is not correct and LSA is requested to define the actual equipment configuration planned and perform noise analysis on same. What is planned 10 years from now? Define how that analysis can be accurate?

Threshold 4.10.3: Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

Less than Significant Impact with mitigation

Table H: Ambient Noise Level (dBA)

Location	Time Period	L ₉₀	L ₅₀	L ₅	L ₁	L _{max}
60 ft from Monarch Bay Villas and 250 ft from Crown Valley Parkway	2:05 p.m. - 2:20 p.m. (with dog barking/ no dog barking)	54.6	45.2	51.3	66.3	76.8
Sidewalk by the existing Administration and Fellowship Hall, 60 ft from Crown Valley Parkway	3:04 p.m. - 3:19 p.m.	47.8	46.5	51.2	53.2	56.6
		61.6	58.8	65.0	67.9	79.0

I-30-74

Source: LSA Associates, Inc. (March 27, 2014).
 dBA = A-weighted decibels
 ft = feet

The ambient data shown above was obtained at two points of the Project which do not represent actual ambient data for the westerly half of the south receptors. Neither

location is representative of south receptors by Garage Parking Ramp, and as such the data is incomplete and does not accurately reflect the Noise level that the receptors will be subjected to when additional noise sources like construction equipment and activity are additive.

I-30-74

Request that LSA redo the analysis and measurements to accurately reflect the actual expected noise level and include the acoustic reflection effect in this analysis.

“Potential on-site noise sources include activities associated with the children’s play areas and noise from on-site mechanical equipment.”

“The project proposes to have a mechanical room at the lower level at the southwest corner of the parking structure. A noise impact analysis was conducted for the potential noise impacts on the Monarch Bay Villas single-family residences to the south of the project site (Mestre Greve Associates, July 16, 2009) from the mechanical room equipment. It was found that operation of the mechanical room equipment would result in a noise level of 49 dBA at the nearest residence at Monarch Bay Villas when the equipment is running at full capacity.”

“This noise level is less than the City requirement (Municipal Code Section 11.10.010) of 50 dBA during the nighttime period (10 p.m. to 7 a.m.) and City requirement of 55 dBA during the daytime (7 a.m. to 10 p.m.). In addition, since the mechanical equipment is serving the Preschool/Administration Building and the Sanctuary, the mechanical equipment would rarely operate during the nighttime hours.”

I-30-75

This MGA Study actually stated 50dBA, (“The average noise level generated by the cooling tower with mufflers is estimated to be approximately 50 dBA at 50 feet, without the mitigating effects of the masonry enclosure.)

It is requested that an explanation why the data has now changed in the DEIR since LSA has cited that same report. The actual distance to the closest Receptor is incorrect so the sound level is inaccurate. Also since the actual latest equipment has not been defined, the estimated levels are deemed unreliable.

“On the south-end of the property, comparable equipment will be located within the southwest corner of the Parking Structure in a Mechanical Equipment Room, located below the top of the vehicular access ramp in the lower level. This location is approximately 30 feet as measured diagonally from the southeast corner of the equipment room to the respective northwest corner of the nearest neighboring residential outdoor area.”

No consideration was given for the acoustics of the canyon (topography) on east, solid wall of homes (structures) on south side, nor acoustical properties of subterranean garage solid wall structure and sound amplification as a result of the canyon created between the garage wall facing east and the buildings (Sanctuary and Preschool/Administration) facing west.

I-30-76

It is requested that LSA quantify the actual noise levels that residents will be subjected to on a daily basis by utilizing accurate distances and acoustic analysis which include Project and Canyon topography for all phases and elements of the Project.

The study does not consider that residents are generally home during the day and do not have Air Conditioning nor Dual Pane Sound Isolating Windows. These both may be required for mitigation of Noise, Dust, and Emissions.

I-30-77

It is requested that LSA quantify the isolation required to mitigate Construction and On Going Noise, and Emissions affecting air quality and quality of life. Alternative solutions are requested to minimize impact to nearby residences. Also the psychological impact of On Going Project utilization and Construction usage over the 10 year period

Conclusion that it is not Significant is not correct and LSA is requested to define the actual future equipment configuration planned and perform noise analysis on same equipment at 30 feet not 50 feet as stated for equipment in Exhibit 7 .What is planned 10 years from now? Define how that analysis can be accurate?

I-30-78

Threshold 4.10.4: Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Less Than Significant Impact

Construction Noise levels:

From then Mestre Greves Associates Study:

“Phase 1A-Construct a New Preschool/Administration Building

I-30-79

“Phase 1A consists of the grading and construction of a new preschool/ administration building. The nearest homes are located directly adjacent to the south boundary of the project, and could be located as close as 10 feet from the construction area. It is possible that as heavy equipment passes adjacent to these homes noise levels could reach as high as 110 dBA for very short periods.”
However, most of the project site is located more than 100 feet from these homes.

Long-term average noise levels would be in the 80 to 90 dBA range during construction.”

This is incorrect statement and flaws the analysis since the there are homes closer than the 100 feet to the Preschool/Administration grading and construction phases. The period is not short at 5 months of grading and 7 months of build out of the facility.

“Phase 1C-Construct a New Community Life Building

Phase 1C consists of the grading and construction of a new community life building. The nearest homes located west of Crown Valley Parkway could be located approximately 100 feet from the construction area. At this distance, the peak noise level from the construction equipment could be approximately 91 dBA at the nearest homes. Long-term average noise levels would be in the 55 to 78 dBA range during construction.”

“Phase 4 –Construct South Half of New Parking Structure

Phase 4 involves the grading and construction of the new parking structure located on the southwest corner of the project site. The nearest homes are located directly south and could be located approximately 10 feet from the construction area. It is possible that as heavy equipment passes adjacent to these homes, noise levels could reach as high as 110 dBA for very short periods. However, most of the project site is located more than 100 feet from these homes. Long-term average noise levels would be in the 80 to 90 dBA range during construction.”

I-30-79

From DEIR “Maximum combined noise levels from proposed project-related construction activities could reach up to 94 dBA L_{max} at the nearest residential uses to the south of the project site during the Phase 1A construction period, when the Preschool/Administration building is being constructed, and up to 78 dBA L_{max} at the nearest residential uses to the north of the project site during construction of Phase 1C and Phase 2.”

MGA Study states “Most of project noise data not pertinent to homes”. The Study also states that noise levels will be high during construction with projected noise to be 80-90 dBa (motorcycle at 25 feet) with max at 110 dBa (equivalent to Rock Concert), but actually will be higher due to incorrect distance used in calculation and estimates.

The data presented in these documents is considerably inaccurate. The DEIR, mirrored the MGA Study which as can be seen above indicates that the nearest residences (yards) “could be as close as 10 feet to the construction area”. The MGA Study points out

doubling of the distance will decrease the noise level by 6 dBA when moving from 50 feet out to 100 feet. Unfortunately the Residences at 10 feet will be subjected to much higher levels than the report indicates at 100 feet as they also are closer than the 50 feet utilized in the calculations in the MGA Equipment Noise Levels (Exhibit 7) . The levels of noise could easily reach 100+ dBA during the Community Life Building construction and exceed 105+ dBA for the Construction of the parking garage in Phase 4 as noted, depending on the overlapping additive equipment noise generated.

I-30-79

There was no consideration given for the acoustics of the canyon (topography) on east, nor solid wall of homes (structures) on south side.

I-30-80

Periodic noise for extended periods and increased ambient noise, dust, and pollutants will require remediation by dual pane windows and/or air conditioning, which the majority of residences do not currently have.

I-30-81

It is requested that LSA quantify the actual Construction noise levels (based on actual 10 feet acoustic noise proximity measurements, not 50 feet) that residents will be subjected to on a daily basis by utilizing accurate distances and acoustic analysis which include Project and Canyon topography for all phases and elements of the Project.

I-30-82

On Going Noise levels:

The Garage and Parking noise study utilizes the City of Dana Point maximum noise level of (Lmax) of 75 dBa. Parking noise limit period, in reality should be 30-45 minutes (L50%-L75%) for many automobiles traversing a rough surface garage ramp, not instantaneous (Lmax). The number of vehicles (up to 200 per the study) traversing the ramp before and after Services and activities is not collectively instantaneous.

I-30-83

Acceleration of vehicles up the ramp causes increased noise levels as well. The rough surface to be added to decrease the potential of slipping would also be an attractive nuisance for Skateboarders, and will also increase the noise level. Additionally no recognition or plan for late night unauthorized utilization of subterranean garage or ramp to upper deck. Historically there has been noise generated by Early Morning Gymnastics (5:30AM) or late night (12:00 Midnight) cars with squealing tires, partiers, and skateboarders. How will the Project control this facility? No Mitigation of these situations has been presented in DEIR.

I-30-84

Residents were told before the that the Project “cannot control this situation” mentioned above (of security and unauthorized usage of property), at a meeting about project when this subject was brought up. No attempt was made in the DEIR to address these issues.

Alternatives as locking or closing up the garage lower level, during off hours were not addressed in DEIR.

I-30-84

It is requested that LSA quantify the actual noise levels that residents will be subjected by utilizing realistic ramp surfaces, surface noise projections, noise limits, distances, times and acoustic analysis, including reflections off garage wall. Additionally, LSA is requested to address mitigation to eliminate the unauthorized usage of garage and Security measures to be implemented.

I-30-85

It is further requested that LSA quantify the actual noise levels that residents will be subjected to on a daily basis from the garage usage noise and ramp usage noise by utilizing accurate distances and acoustic analysis which “include” Project and Canyon topography for all phases and elements of the Project. Including the additional noise envelope as a result of the new garage “canyon” (previously defined in section 4.10 above) created by the garage and easterly buildings.

It is also requested that alternatives be investigated to minimize the noise within residences, including providing Dual Pane Windows and Air Conditioning for nearby Residences.

I-30-86

The MGA Study nor DEIR provides any analysis or recognition of the extended noise outside of the defined 7AM to 10 PM. Each event starting at 7AM or ending at 10 PM produces significantly more noise as the participants set up for, arrive at, and leave the event. Many times taking up to an additional hour to setup and clear the property. The DEIR does not make any reference to mitigation of these extended timeframes and noise elements.

I-30-87

It is requested that LSA quantify the actual noise levels that residents will be subjected to during actual usage times of 6AM through 11PM and by utilizing accurate acoustic analysis for these activities. Inclusion of the lower maximum noise limits during these extended times in the study is also requested. Additional usage of the property during all hours must be studied, as there has been authorized usage in the past before 6AM.

I-30-88

Threshold 4.11.2: Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.

Less than Significant Impact

With the equipment there at night during construction will there be a watchman? What measures are in place for vandalism at site requiring additional police intervention.

I-30-88

Impact from the subterranean garage would be an attractive nuisance and require more responses, possibly. Has this been considered in Police response?

Threshold 4.11.10: Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.

Less than Significant Impact.

“**Construction.** Impacts associated with short-term demolition and construction activities would not require or result in the construction of new water treatment facilities or the expansion of existing facilities, and construction of the proposed project would not require the need for new or expanded water entitlements. No mitigation is required.”

I-30-89

Two times a day watering may need to be expanded to mitigate fugitive dust and may need additional water resources. Possible new water entitlements.

Insufficient data or information regarding future plan, to respond at this time

Threshold 4.11.11: Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.

Less than Significant Impact

“Latham Plant, which currently accepts 62.5 percent of its capacity and is projected to be operating at 62.5 percent of its capacity at the time of project build out. Therefore, project impacts related to the construction of wastewater treatment or collection facilities and the capacity of the wastewater treatment provider are less than significant, and no mitigation is required.”

I-30-90

Is that usage for ten years from now, and are they are going to be at the same capacity? Not clear why number is same with city growth? Please explain this statement.

Threshold 4.11.9: Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

I-30-91

Less than Significant Impact with Mitigation

“In the existing condition, storm water runoff from the project site drains in a southeasterly direction, away from Crown Valley Parkway. The proposed project would result in a permanent increase in impervious surface area of 1.25 ac (an increase of 54 percent to 75 percent of the project site), which could increase the volume of runoff during a storm. However, the proposed on-site detention basin would reduce runoff volumes. 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.”

I-30-91

Yet to be determined, assume City of Dana Point takes responsibility by accepting this plan.

Threshold 4.12.1: Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

I-30-92

Less than Significant Impact with Mitigation

Where is the off site parking plan and what congestion does it cause in addition to limited parking at the project during construction over the 10 year period?

It is requested that LSA define that traffic load with the off site parking shuttles and the impact of them arriving and leaving between events held at the project.

Threshold 4.12.2: Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.

Less than Significant Impact.

I-30-93

“Crown Valley Parkway and PCH are both designated as part of the Congestion Management Plan (CMP) Highway System. Because the proposed project does not directly access a CMP facility, does not generate 2,400 or more daily trips, and would not result in, or contribute to, a significant impact on Crown Valley Parkway or PCH, the proposed project would not conflict with the Orange County CMP and impacts would less than significant. No mitigation measures are required.”

The Lumeria Lane entrance is shown on the maps in the study, but minimal consideration to ingress or egress requirements for Lumeria Lane were addressed. The volume of traffic currently on Crown Valley at the same time as the Project events and services makes it dangerous to both egress and ingress to Crown Valley due to the slope of the street. Additionally when all the cars are parked on or backing up on Crown Valley there is a very dangerous situation with bikers required to come into the street as the Vehicles are parked in the "Bike Lanes". The Mitigation measure of the previously proposed offsite parking and trams does not seem realistic and should be reevaluated as to actual projected usage in other similar situations. This will require lengthy times to arrive and leave the Project. Further study is necessary to completely evaluate the Construction traffic planned for the 5 phases over the 10 year period, as this will aggravate an already unsafe situation.

I-30-93

Additionally and more importantly, currently now when lot is not full many attending the project events, park on the Crown Valley Bike Lane, for a quick exit. Recently the traffic on sunday afternoon was backing up repeatedly past Lumeria Lane as the light at Sea Island changed to red. Preventing exiting from the property. With the added potential of Traffic for events on sunday evening, it would be impossible to exit Lumeria Lane without a traffic light.

It is requested that LSA complete a thorough and up to date traffic study and analyze the impact on both traffic flow at the Lumeria Lane intersection and the safety aspects of forcing bikers to enter fast moving traffic on a hill (Crown Valley Parkway) with limited site. Request particular attention be directed to sunday afternoon traffic on Crown Valley going north from the beach areas.

It is also requested that a thorough evaluation of offsite parking be reevaluated as many of the church visitors/members do not park in the lot when it is empty (wanting to arrive late and leave early to avoid the traffic of the current lot), causing the study to be flawed. Forward projections of this behavior for 10 years of the Project during Construction phases is also requested with accurate realistic projections for where visitors/members will park and the associated impact on traffic flow in and around the immediate area of Lumeria Lane exit.

I-30-94

Additional Comments to DEIR SCH No. 2009041129 South Shores Church Master Plan

The DEIR is deficient in addressing the situation of heat projection. The parking garage 13 foot south wall, due to the amount of concrete involved in the construction will not only reflect light toward the southerly residences, but additionally will contribute to heating effect during the high sun summer days.

I-30-95

LSA is requested to evaluate this condition and respond with projected data for heating from the Parking Garage concrete. An additional 35 foot buffer zone (between the garage and the crib wall) planted with vegetation would diminish this effect significantly if not completely. Additionally that vegetation area would be effective in absorbing a significant amount of runoff and ground water flow. The weight of the Garage and a "full" Detention basin are of a grave concern to soil stability, and as such, moving the Parking Garage north would minimize that issue to some degree.

I-30-96


The previous comments are directed toward the Original presented proposed Project, but also in their entirety apply to Alternative 2 presented in section 5.6. The movement of the Preschool/Administration Building and slight de-scoping of the Parking Garage, do not materially affect these comments as the areas of concern to our residence are universally still applicable as the garage lower wall is still the same distance from the property line. Primarily, since the data analysis that is flawed in the DEIR, needs to be recalculated, that obviates the need to comment on the Alternative 2 in detail. Noise calculations for the Parking Garage generated noise may be slightly affected.

I-30-97

To Protect both the residences of Monarch Bay Villas and the residents of the City of Dana Point, due to the protracted construction schedule, and the liability the City of Dana Point is undertaking with this Project, it is requested that both an Indemnity Bond and Completion Bond be required to protect the properties and the City of Dana Point and to ensure the project is completed within the scheduled time.

I-30-98

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


 Gary and Lynn Frye
 23281 Pompeii Dr
 Dana Point, Ca 92629

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GARY AND LYNNE FRYE

LETTER CODE: I-30

DATE: October 22, 2014

RESPONSE I-30-1

This comment is introductory and states that the commenter may provide additional comments at a later date.

As indicated in the Notice of Availability of a Draft Environmental Impact Report (EIR) for the South Shores Church Master Plan, the Draft EIR was made available for public review and comment between September 15, 2014 and October 30, 2014. In accordance with CEQA Guidelines Section 15088, a lead agency is only required to respond to comments received during the public comment period and any extensions thereto, but may respond to late comments. Therefore, the City may, but is not required, to respond to any comments submitted by the commenter following the close of the public comment period on October 30, 2014.

RESPONSE I-30-2

This comment is introductory and states that the proposed project will result in impacts over a period of 10 years and will result in aesthetics, noise, vibration, air quality, geology, hydrology, and traffic issues during construction and operation.

See Common Response No 3. This comment does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-30-3

This comment is introductory and states that the commenter is providing comments for many issue areas where the Draft EIR concluded that the proposed project would result in less than significant impacts. The commenter also contends that the mitigation included in the Draft EIR may not adequately reduce all of the identified significant impacts to less than significant levels.

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

RESPONSE I-30-4

This comment states that the size of the proposed project has been misrepresented as smaller than its actual size because the square footage of the parking structure was not included in the calculation of the total project square footage.

See Common Response No 8.

RESPONSE I-30-5

This asserts that an alternative project of smaller size and scale, including a reduction in the size of the parking garage with greater setbacks and no garage ramp, would reduce environmental impacts associated with the proposed project.

The alternative suggested by the commenter is not required to impact any unmitigated significant environmental impacts, as all impacts from the proposed project are able to be mitigated to a level of insignificance. This alternative also appears to preclude a key objective of the proposed project: continuation of existing operations, including the pre-school, during the remediation of geotechnical issues on the northeastern corner of the project site. As described in Chapter 3.0, Project Description, of the Draft EIR, the proposed project involves the construction of a caisson and tieback system to address geological hazards on the project site. Construction of the planned caisson and tieback system cannot commence until the existing structures on the northern portion of the project site are demolished, which would result in the loss of critical building space used for preschool, meeting, and administrative functions. In order to compensate for the temporary loss of such space, the Applicant has proposed the construction of the proposed Preschool/Administration building on the southeastern portion of the project site, which would remain unaffected by the construction of the geotechnical features on the northeastern portion of the project site. If the Preschool/Administration building were to be combined with the Christian Education Building(s), the Applicant would be forced to find suitable off-site locations for the preschool, meeting, and administration functions for several years while the new facilities on the northern portion of the project site are being constructed.

Further, the Applicant has designed the proposed Parking Structure in an effort to provide adequate on-site parking and circulation for the church congregation and visitors of the new South Shores Church facilities. Reducing the size of the Parking Structure would reduce the number of available parking stalls and may affect the Applicant's ability to comply with City parking requirements and result in parking shortages during peak attendance periods.

In addition, a Reduced Project Alternative (Alternative 2) was analyzed in Chapter 5.0, Alternatives, of the Draft EIR. 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. The Applicant has subsequently submitted a revised version of Alternative 2 (Revised Alternative 2) that moves the landscape garden away from the northeast corner of the project site and moves forward completion of the southern half of the Parking Structure in the project phasing.

The alternative suggested in this comment will be forwarded on to the Applicant and decision makers for their consideration.

RESPONSE I-30-6

This comment asserts that the Draft EIR has not adequately addressed the environmental impacts associated with the proposed project.

The proposed project's environmental impacts on the Monarch Bay Villas are identified throughout the Draft EIR. This comment expresses an opinion and does not contain any specific, substantive statements or questions about the Draft EIR or the analysis therein; therefore, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. No further response is necessary.

RESPONSE I-30-7

This comment asserts that a 10-year construction period is unreasonable for the proposed project, and that if the proposed project cannot be completed within 3-4 years, it should not be implemented.

See Common Response No. 3.

RESPONSE I-30-8

This comment is a Plot Plan rendering of the commenter's location relative to the project site.

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

RESPONSE I-30-9

This comment indicates that the Draft EIR landscape drawing incorrectly identifies the types and locations of the trees on the project site.

The Draft EIR includes the Preliminary Landscape Plan provided by the Applicant as Figure 4.1.9 on page 4.1-39 of the Draft EIR. This comment claims that the location and type of some of the trees shown in Figure 4.1.9 are incorrect; however, the commenter fails to identify which trees are labeled incorrectly on the figure. Figure 4.1.9 provides an inventory of the proposed landscaping as well as the existing landscaping to remain on the project site. Because the commenter does not identify which trees are labeled incorrectly, it is possible that the "incorrectly labeled" trees represent proposed rather than existing landscaping.

RESPONSE I-30-10

This comment provides photographs of the commenter's view north towards the project site in order to demonstrate the commenter's concerns regarding visual impacts associated with the proposed project. This comment requests that the Final EIR provide calculations identifying impacts to light reduction as a result of the proposed project.

See Common Response No. 9.

RESPONSE I-30-11

This comment expresses concern regarding the proposed project, and asserts that the Draft EIR contains errors and omissions that should be addressed in the Final EIR in order to eliminate any oversights or incorrect evaluations.

This comment expresses an opinion and does not contain any specific, substantive statements or questions about the Draft EIR or the analysis therein; therefore, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. No further response is necessary.

RESPONSE I-30-12

This comment describes the location of the commenter's property in relation to the structures associated with the proposed project, and indicates that the structure nearest to the commenter's property will be the parking garage ramp, parking garage, and HVAC maintenance room.

Figure 3.5, Proposed Master Plan, in Chapter 3.0, Project Description, of the Draft EIR, shows the ultimate layout of the project site upon completion of the Master Plan, including the locations of the proposed Preschool/Administration building, Christian Education buildings, Community Life Center, and Parking Structure. This comment does not contain any specific, substantive statements or questions about the Draft EIR or the analysis therein; therefore, no further response is necessary.

RESPONSE I-30-13

This comment states that the construction fencing and wall at the south west end of the parking garage will obstruct view of the church and hills for passenger vehicles and pedestrians, similar to a large commercial building.

Aesthetic impacts related to view obstructions and massing are analyzed in Section 4.1, Aesthetics, of the Draft EIR. As described on pages 4.1-11 through 4.1-21, the proposed project would result in less than significant impacts with respect to views during construction and operation, including those from Crown Valley Parkway (refer to key View 3). Further, the third paragraph on page 4.1-14 of the Draft EIR notes that the height and massing associated with the proposed project would be an increase from the existing structures on the project site, but would not be visually inconsistent with the heights and massing of the current development in the surrounding area, which is generally characterized by low- to medium-density uses comprising one and two-story buildings.

RESPONSE I-30-14

This comment asserts that the Preschool/Administration building and southeast garage tower would block ocean views from southbound Crown Valley Parkway.

Refer to Response to Comment I-30-13 above.

RESPONSE I-30-15

This comment requests that LSA analyze views of the southwest corner of the project site, and that the Project Architect provide renderings of the southwest corner of the project site.

Refer to Response to Comment I-30-13 above and Common Response No. 9. The Draft EIR already includes one representative visual simulation from Crown Valley Parkway.

RESPONSE I-30-16

This comment asserts that construction fencing during the duration of the proposed project's 10-year construction period would result in a significant impact to the City of Dana Point and residences of the Monarch Bay Villas. This comment requests that LSA define the type, height and location of construction fencing by phase for the next 10-years, and describe how this construction fencing will affect Scenic vista views.

The potential visual impacts during construction of the proposed project are analyzed in Section 4.1, Aesthetics, of the Draft EIR. As described on pages 4.1-12 and 4.1-14, the installation of temporary construction fencing during demolition, grading, and construction activities would minimize potential visual impacts to scenic vistas and the visual surroundings during construction. Construction fencing is typically erected to screen construction activities from nearby viewers and is widely regarded in the planning field as a solution to, rather than a source for, visual impacts on a construction site. Construction fencing, such as, but not limited to, six foot high chain link with green vinyl mesh, would be erected around the construction site and all staging areas during each construction phase.

RESPONSE I-30-17

This comment discusses the location of the proposed project's parking garage ramp and tower in relation to the commenter's property, and suggests that the garage setbacks be increased to minimize impacts shade and shadow impacts to the commenter's property.

The proposed project meets or exceeds required setbacks. See Common Response No. 9 and Common Response No. 11.

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-30-18

This comment asserts that the Preschool/Administration and Parking Garage structures would block views of the hills and ocean, thus resulting in a permanent adverse visual impact. This comment provides a photo of the commenter's view looking north. This comment requests that LSA evaluate views looking north, northwest, and northeast and the view impact to Crown Valley Parkway looking south and east.

See Common Response No. 9.

RESPONSE I-30-19

This comment suggests that the proposed project would impact a city scenic highway, and indicates that if the city scenic highway were to be designated as a State Scenic Highway in the future, the proposed project would result in a visual impact.

Refer to Response to Comment I-30-14 above.

RESPONSE I-30-20

This comment asserts that fencing during the 10-year construction period would degrade views from both Crown Valley Parkway and the Monarch Bay Villas, and requests that LSA provide a specific plan to minimize impacts from construction fencing.

Refer to Response to Comment I-30-16 above.

RESPONSE I-30-21

This comment asserts that the two-level parking garage and landscaping associated with the proposed project would result in shade and shadow impacts to residences south of the project site. This comment also states that the area between the proposed project's property line and retaining wall is not well-maintained. This comment requests that LSA quantify the shade and shadow impact associated with the proposed project and also provides plans for maintaining the area between the commenter's property and the existing crib law. This comments also restates that the landscape plans are incorrect, and requests that LSA ensure that the landscape plans be revised to accurately reflect tree types.

Refer to Response to Comment I-30-9 above. See also Common Response No. 9.

RESPONSE I-30-22

This comment asserts that the construction fencing associated with the proposed project would impact views from the Monarch Bay Villas as well as the view from Crown Valley Parkway, and would also degrade the entrance to the City of Dana Point.

See also Common Response No. 9.

Temporary construction fencing would only be required around the construction site and staging areas used during each construction phase. Therefore, temporary construction fencing would only be erected along Crown Valley Parkway where construction or staging activities would occur. Similarly, temporary construction fencing would only be required on the southern portion of the project site during Phases 1A, which involve the construction of the Preschool/Administration building and the south half of the Parking Structure.

RESPONSE I-30-23

This comment states that the Draft EIR indicates that no nighttime construction would occur, and as such, there would be no impacts to nighttime views. This comment suggests that nighttime construction lighting could for the purposes of security could potentially result in impacts to adjacent properties during Phase 1 of the construction period. This comment requests that LSA analyze any impacts from night lighting, and provide a night lighting plan.

While not explicitly described in the Draft EIR, the proposed project would not require nighttime security lighting on the project site. The staging area would be fenced and screened from public view. Compliance with the construction hours specified in the City's Noise Ordinance and Standard Condition 4.10.1 would ensure that nighttime construction or servicing of vehicles would be prohibited on the project site. Therefore, due to the absence of anticipated light sources at night, a night time lighting plan is not required.

RESPONSE I-30-24

This comment asserts that the proposed project would result in additional lighting and glare impacts from the Administration building, parking lot, and parking garage; therefore, this comment requests that LSA analyze and provide mitigation for reflected light and glare from these sources.

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 it will 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.

RESPONSE I-30-25

This comment states that cars entering and exiting the parking garage via the garage ramp at night would result in light and glare impacts without hardscape or foliage to block light emitted from car headlamps. This comment asserts that the Draft EIR has not evaluated this potential light and glare impact, and requests that LSA evaluate impacts from car headlamps in the Final EIR.

As shown in Figure 3.5, Proposed Master Plan, in the Draft EIR, the proposed Parking Structure would be set back approximately 20 feet from the property line separating the project site from the neighboring Monarch Bay Villas to the south. The design of the proposed Parking Structure includes a wall along the south side of the ramp. Further, the Preliminary Landscape Plan for the proposed project, which is included as Figure 4.1.9 in the Draft EIR, indicates that the existing mature trees along the southern border of the project site would remain. Together, the setback, the proposed Parking Structure wall, and the mature trees would shield the Monarch Bay Villas to the south of the project site from glare impacts associated with headlights from cars and trucks using the ramp to access the Parking Structure. No mitigation would be required.

RESPONSE I-30-26

This comment states that the commenter does not currently have enough data or information to respond at this time.

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

RESPONSE I-30-27

This comment suggests that fugitive dust impacts during construction of the proposed project have not been adequately analyzed in the Draft EIR, and that the proposed mitigation measure would not sufficiently address fugitive dust emissions given the amount of soil disturbance and timeframe for the proposed project.

See Response to Comment I-13-4.

RESPONSE I-30-28

This comment asserts that parking garage ramp traffic during peak periods has not been analyzed, and requests that LSA provide analysis of impacts as a result of traffic on the parking garage ramp, and determine whether or not it would result in an air quality violation.

See Response to Comment I-9-5. The Traffic Impact Analysis included traffic during all peak periods and included traffic entering and exiting the project site. Therefore, the air quality analysis included these vehicle trips when analyzing air quality impacts. While not explicitly included in the air quality analysis, the Operational Localized Impacts Analysis does analyze if the on-site emissions could result in a significant concentration of NO_x, CO, PM₁₀, or PM_{2.5} 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. As the 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.

RESPONSE I-30-29

This comment asserts that localized construction and grading emissions to residences south of the project site have been evaluated.

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_x, CO, PM₁₀ or PM_{2.5} 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). All pollutants would be well below the thresholds set by the SCAQMD (refer to Table 4.2.H on page 4.2-20 of the Draft EIR).

RESPONSE I-30-30

This comment states that garage ramp peak traffic volumes would increase air pollution and exhaust emissions from vehicles, and requests that LSA provide and analyze actual data that may be extrapolated to determine impacts to residences in close-proximity to parking garage ramp traffic. This comment also suggests locating the parking ramp further to the west in order to provide a larger buffer to decrease impacts to air quality and noise.

See Response to Comment I-30-28.

RESPONSE I-30-31

This comment asserts that localized operational emissions and construction equipment emissions have not been analyzed for residences south of the project site, and requests that LSA provide analysis and peak emissions predictions for both cases.

While not explicitly included in the air quality analysis, the Operational Localized Impacts Analysis does analyze if the on-site emissions could result in a significant concentration of NO_x, CO, PM₁₀, or PM_{2.5} 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. As the 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.

RESPONSE I-30-32

This comment suggests that the proposed project would result in objectionable odors to residences in close proximity to potential construction activities during the duration of the 10-year construction period, and requests that LSA analyze odor impacts to residents south of the project site using construction data and with consideration of prevailing southerly wind direction.

The impacts of odor are difficult to quantify, as the effects are subjective. 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-30-33

This comment asserts that the proposed project would result in objectionable odors due to inefficient operation of the parking garage ramp, and requests that LSA evaluate potential objectionable odors as a result of the parking garage ramp traffic.

See Response to Comment I-25-29.

RESPONSE I-30-34

This comment states that the commenter currently has insufficient data or information regarding the future plan to respond at this time.

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

RESPONSE I-30-35

This comment expresses concern over water quality impacts to Salt Creek and the Pacific Ocean as a result of the proposed project, and requests that LSA ensure that the proposed project would be in compliance with the Waters of the United States rule change and additional regulations during the proposed project's 10-year construction period.

As discussed in the *Facts About the Waters of the U.S. Proposal* and *Questions and Answers-Waters of the U.S. Proposal* (available at <http://www2.epa.gov/uswaters>), the proposed rule would not expand waters subject to jurisdiction under the Clean Water Act, instead it clarifies which waters are protected under the Clean Water Act. When the proposed rule is compared to existing regulations, the proposed rule reflects a substantial reduction in waters protected by the

Clean Water Act as a consequence of recent Supreme Court decisions. In addition, the proposed rule change would not change the definition of headwaters, as claimed in the comment. As stated on page 4.3-5, in Section 4.3, Biological Resources, of the Draft EIR, there are no jurisdictional drainages or associated riparian habitat or adjacent wetlands within the study area, which consists entirely of upland vegetation. The proposed rule change would not change the conclusion that there are no jurisdictional waters on the project site. See also Common Response No. 13 for a discussion of water quality protection measures for the proposed project.

RESPONSE I-30-36

This comment states that the commenter currently has insufficient data or information regarding the future plan to respond at this time. This comment additionally inquires as to whether after the initial survey if nesting status would be continuously surveyed during the 10-year construction period.

Mitigation measures 4.3.1 and 4.3.3 are designed to protect nesting birds during the clearing and grading processes, especially during the nesting season associated with initial grading and construction activity. Following establishment of the construction limits, vegetation clearing and the initial nesting season, birds will presumably nest in suitable locations relative to ongoing construction activity and no further monitoring of nesting activity is required. Nevertheless, if any nesting activity occurs within the construction limits, it is still subject to the protections of the Migratory Bird Treaty Act.

RESPONSE I-30-37

This comment states that the commenter currently has insufficient data or information regarding the future plan to respond at this time.

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

RESPONSE I-30-38

This comment inquires as to the cumulative habitat loss impact, and where discussion of cumulative habitat loss impacts is discussed in the EIR.

The potential cumulative impacts of the proposed project with respect to biological resources, included habitat losses, are analyzed on page 4.3-16 of the Draft EIR. As described on page 4.3-16, implementation of the proposed project would not result in potentially significant adverse cumulative impacts to native habitats and associated wildlife. The discussion also notes that payment of NCCP/HCP in-lieu fees as required in Mitigation Measure 4.3.1 has been deemed acceptable mitigation for the cumulative loss of habitat within the NCCP/HCP planning areas.

RESPONSE I-30-39

This comment inquires as to alternate plans for completion of the project on-schedule if an archaeological find delays the proposed project.

The portions of the project site that will be graded as part of the proposed project have largely if not entirely been subject to previous ground disturbance, so it is unlikely that significant archaeological remains will be discovered during project construction. Nevertheless, monitoring will occur and should any artifacts be discovered, the monitor will be authorized to flag off the area containing deposits until they are recovered. Temporary containment areas typically do not delay project construction for prolonged periods.

RESPONSE I-30-40

This comment expresses concern regarding slope stability for areas surrounding the project site in Laguna Niguel and Dana Point, especially in regards to the potential for the proposed parking structure, water detention basin, and preschool/administration building to result in slippage above the Monarch Bay Villa Residences. This comment requests that LSA evaluate the total load on the soil and consider the geologic history and actual conditions of the soil. This comment also requests that LSA analyze the impact of the proposed project construction on residents to the south of the project site, especially construction impacts associated with grading and contouring and ground shift and stability.

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).

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

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

RESPONSE I-30-41

This comment requests that LSA provide the method of review for the Geotechnical Evaluation included in Appendix E of the Draft EIR, and asserts that the southeast corner of the project site be evaluated in detail. This comment states that the commenter has insufficient data or information regarding future plan, to respond in detail at this time.

Differences in the geologic conditions between the northeast and southeast portions of the project site and the hillside terrain adjacent to the project site are described and supported with detailed

geotechnical analyses in the Geotechnical Reports (refer to Appendix E, Geotechnical Reports, of the Draft EIR). The Geotechnical Reports address site geotechnical concerns and demonstrate an acceptable Factor-of-Safety with respect to the southeast slope adjacent to the Monarch Bay Villas.

See Common Response No. 12 and Response to Comment I-30-40.

RESPONSE I-30-42

This comment states that overflow from the existing parking on the project site erodes the existing crib wall and subsequent downstream topsoil, and asserts that the parking lot collection point is not well-maintained which could result in additional erosion during the proposed project's construction period until the detention system is in place. The comment requests that LSA provide mitigation to minimize topsoil erosion in this area during operation of the proposed project.

The Preliminary WQMP included as Appendix G to the Draft EIR and the Revised Preliminary WQMP included as Attachment B to this Final EIR require control of erosion to meet NPDES per unit requirements. This document goes into effect at the time a project is approved, so it would apply throughout the proposed project's construction period and will be updated if NPDES permit regulations require. This is in addition to the specific erosion control plan requirements contained in Mitigation Measure 4.8.2.

See Common Response No. 6.

RESPONSE I-30-43

This comment states that the Draft EIR does not discuss potential for slippage or damage on the southern portion of the project site, and inquires as to whether the City of Dana Point would be liable if properties adjacent to the proposed project become unstable as a result of approval of the soil report prior to the start of construction. This comment requests that LSA assess liability for potential damage or slippage.

Hydrology issues were addressed in detail in Section 4.8, Hydrology and Water Quality, of the Draft EIR. Specifically, as stated on Page 4.8-22 of the Draft EIR, the project would increase impervious area by 1.25 acres, which would increase the runoff volume and velocity from the site. However, the underground detention system would reduce peak flow to below that of existing conditions. A *Supplemental Hydrology Report* further addressing this important issue has been provided as Attachment A to this Final EIR. As described in the *Supplemental Hydrology Report*, under Revised Alternative 2, the alternative that the Applicant now seeks City approval of, the impervious area on the project site would increase by a lesser amount than the proposed project (0.87 acre increase rather than 1.25 acre increase) and total peak flow from the site would decrease from 26.6 cubic feet per second (cfs) to 11.3 cfs for a 25-year storm and from 33.9 cfs to 14.4 cfs for a 100-year storm. Because the project would reduce off-site discharge, and the downstream areas are not currently prone to flooding or erosion, the proposed project would not contribute to off-site flooding, erosion, or siltation. Therefore, project impacts related to runoff or

changes in runoff flow rates or volume would be less than significant, and no mitigation is required.

Further, differences in the geologic conditions between the northeast and southeast portions of the project site and the hillside terrain adjacent to the project site are described and supported with geotechnical analyses in the Geotechnical Reports prepared for the proposed project (refer to Appendix E, Geotechnical Reports, of the Draft EIR). The Geotechnical Reports address site geotechnical concerns and demonstrate an acceptable Factor-of-Safety with respect to the southeast slope adjacent to the Monarch Bay Villas.

See also Common Response Nos. 4 and 12 and Response to Comment I-30-3.

RESPONSE I-30-44

This comment asserts that the Draft EIR does not address impacts to expansive soil on properties to the south of the project site, and requests that LSA provide adequate data and mitigation to ensure that properties are not affected by this potentially significant impact.

The investigation and evaluation of expansive soil conditions within properties located beyond the limits of the project site are beyond the scope of the Draft EIR. The Geotechnical Reports prepared for the proposed project (refer to Appendix E, Geotechnical Reports, of the Draft EIR) contain specific geotechnical recommendations to reduce project impacts associated with expansive soils to a less than significant level. Mitigation Measure 4.5.1 incorporates the recommendations related to expansive soils from the Geotechnical Evaluation and would reduce project impacts related to expansive soils to a less than significant level. The proposed project reduces the impacts of storm water runoff to adjacent properties with the new detention basin.

RESPONSE I-30-45

This comment states that no monitoring plan or data to determine peak greenhouse gas emission is provided, and requests that peak emission are analyzed.

GHG emissions are not measured as peak period emissions. Although the proposed project is expected to emit GHGs, the emission of GHGs by any single project into the atmosphere is not itself necessarily an adverse environmental effect. Rather, it is the increased accumulation of GHGs from more than one project and many sources in the atmosphere that may result in GCC. The resultant consequences of that climate change could cause adverse environmental effects. A project's GHG emissions typically would be very small in comparison to State or global GHG emissions and, consequently, they would, in isolation, have no significant direct impact on climate change. Due to the complex physical, chemical, and atmospheric mechanisms involved in GCC, it is speculative to identify the specific impact, if any, to GCC from one project's incremental increase in global GHG emissions. As such, a project's GHG emissions and the resulting significance of potential impacts are more properly assessed on a cumulative basis. Thus, the project-specific analysis conducted in the Draft EIR is essentially already a cumulative analysis because it takes into consideration statewide GHG reduction targets and demonstrates that the proposed project would be consistent with those targets.

RESPONSE I-30-46

This comment requests that LSA identify a plan to notify the residents near the project site of hazardous material transport.

As stated on page 4.7-16 of the Draft EIR, with the implementation of standard BMPs for water quality and Mitigation Measure 4.7.1, which requires pre-demolition surveys, any risks associated with the storage, handling, or disposal of hazardous materials would be reduced to a level that is less than significant during construction. In addition, there are no reported releases on-site or off-site that would pose a potential concern during construction activities. Mitigation Measure 4.7.2, outlining the use of a contingency plan, would reduce impacts related to the possible discovery of unknown wastes or suspect materials during construction activities.

With the implementation of Mitigation Measures 4.7.1 and 4.7.2, the proposed project would result in a less than significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment during construction. Therefore, there is no need to prepare a plan notifying residents near the project site of hazardous material transport.

RESPONSE I-30-47

This comment states that the Monarch Bay Villas are closer to the project site than any schools discussed in the Draft EIR, and indicates that school-aged children within the Monarch Bay Villas are presently on site (i.e., at the Monarch Bay Villas) during the day.

As described on page 4.7-17 of the Draft EIR, implementation of Mitigation Measure 4.7.1 would reduce any risks associated with the storage, handling, or disposal of hazardous materials during construction to a level that is less than significant, while implementation of Mitigation Measure 4.7.2, which outlines the preparation and use of a contingency plan, would reduce impacts related to the possible discovery of unknown hazardous materials, substances, or waste during construction activities. Therefore, with implementation of Mitigation Measures 4.7.1 and 4.7.2, the proposed project would result in a less than significant hazard to the public or the environment, including Monarch Bay Montessori Academy and South Shores Christian Preschool & Kindergarten as well as all other adjacent uses, including the Monarch Bay Villas.

Page 4.7-17 of the Draft EIR also states that the proposed project would involve the use of potentially hazardous materials (e.g., solvents, cleaning agents, paints, and pesticides) typical of church and education facilities that, when used properly, would not produce hazardous emissions or handle acutely hazardous materials, substances, or waste. Therefore, compliance with applicable regulations would ensure that operation of the proposed project would result in a less than significant hazard to the public or the environment, including Monarch Bay Montessori Academy and South Shores Christian Preschool and Kindergarten as well as all other adjacent uses, including the Monarch Bay Villas.

RESPONSE I-30-48

This comment describes existing property maintenance issues, which are beyond the scope of the Draft EIR, and does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-30-49

This comment states that the Draft EIR does not demonstrate that runoff from the proposed project to Salt Creek Wetlands is directly controlled, and request that LSA provide a plan demonstrating how the Salt Creek Wetlands will be protected from project runoff, during construction and operation.

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

See also Common Response Nos. 6 and 13.

RESPONSE I-30-50

This comment states that it is unclear as to whether drainage to the Salt Creek Corridor would modify the natural terrain, and requests that LSA review the existing hillside condition below the Monarch Bay Villas east of the project site to identify mitigation to prevent additional erosion.

The proposed project design intends to avoid additional erosion by reducing the peak storm water flow from the project site.

See Common Response Nos. 6 and 13.

RESPONSE I-30-51

This comment requests that LSA provide monitoring procedures to mitigate soil erosion and impacts to residences south of the project site.

Specific details regarding the monitoring procedures for the erosion control work will be provided in the erosion control plan and compliance with the Construction General Permit and the project's Storm Water Pollution Prevention Plan (SWPPP) and Final WQMP required to be prepared as part of Mitigation Measure 4.8.2. Monitoring procedures will include periodic compliance site inspections by City inspectors during construction.

Please also refer to Common Response Nos. 6 and 13.

RESPONSE I-30-52

This comment states that the commenter currently has insufficient data and information regarding future plan to respond at this time.

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

RESPONSE I-30-53

This comment requests that LSA provide analysis of the potential for a failed crib wall due to the excess water overflow from the parking lot that has occurred in the past.

Mitigation measures presented in the Geotechnical Reports prepared for the proposed project (refer to Appendix E, Geotechnical Reports, of the Draft EIR) consisting of deepened foundations (caissons) would be used to address impacts to the existing crib wall along the southern boundary of the project site. It should be noted that the surface parking lot referenced in the comment would be removed as part of the proposed project.

RESPONSE I-30-54

This comment states that the commenter currently has insufficient data and information regarding future plan to respond at this time.

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

RESPONSE I-30-55

This comment states that the proposed project's proximity to the coast could result in high volume rain events that drainage systems on the project site would not be able to accommodate, and requests that LSA evaluate the impact of high volume rainfall events during construction and operation of the proposed project. In addition, this comment states that the Detention System is currently undefined, and therefore, the commenter has insufficient data or information to respond at this time. This comment requests that LSA specify the types of equipment that would be installed to handle stormwater runoff as part of the proposed project in determining that adequate mitigation has been implemented to address impacts from stormwater runoff.

See Common Response Nos. 6 and 13, the Preliminary WQMP (Appendix G of the Draft EIR), and the Revised Preliminary WQMP (Attachment B to this Final EIR).

RESPONSE I-30-56

This comment describes existing property maintenance issues, which are beyond the scope of the Draft EIR, and does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-30-57

This comment requests that LSA provide an operational monitoring plan to prevent damage to the Salt Creek ESA.

As described in the Draft EIR, implementation of Mitigation Measure 4.8.3 would reduce operational impacts related to Environmentally Sensitive Areas to a less than significant level (refer to page 4.8-27 of the Draft EIR). Therefore, an operational monitoring plan is not required.

RESPONSE I-30-58

This comment requests that LSA provide analysis to identify any environmental impact of wetland waters and subsequent impact on wetland and marine waters.

The requested analysis is provided in Section 4.8, Hydrology and Water Quality, of the Draft EIR. As described on pages 4.8-13 through 4.8-17 of the Draft EIR, with implementation of Mitigation Measures 4.8.1, 4.8.2, and 4.8.3, the proposed project would result in less than significant short-term or long-term impacts related to violation of water quality standards, degradation of water quality, increase in pollutant discharge, alteration of receiving water quality, adverse impacts on water and groundwater quality, and degradation of beneficial uses to less than significant levels.

RESPONSE I-30-59

This comment indicates that the commenter has insufficient data or information to respond at this time.

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

RESPONSE I-30-60

This comment expresses concern over control of surface ground water during the various phases of construction, and requests that LSA provide details regarding a surface ground water control plan.

The discussion of the environmental impacts of the proposed project related to “surface ground water control” 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. Further, Appendix G of the Draft EIR contains the Hydrology Study, which specifically addresses the existing and proposed drainage systems. Mitigation Measure 4.8.2 requires the Applicant to prepare a detailed erosion control plan. City inspectors will make inspections to insure compliance as grading permits are issued.

Also, as described on pages 4.8-14 through 4.8-17 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.

See Common Response No. 6 and the *Supplemental Master Plan Hydrology Report* included as Attachment A to this Final EIR.

As discussed on page 4.8-14 in Section 4.8, Hydrology and Water Quality, of the Draft EIR, due to the depth to the groundwater table (approximately 90 ft bgs), groundwater dewatering during construction would not be required. Minor amounts of groundwater seepage may be present at the bottom of the deepest proposed caissons. However, any displaced groundwater would be minor and would be collected and evaporated on site. Therefore, coverage under a groundwater discharge permit would not be required.

Stormwater discharge is authorized 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* (Construction General Permit). The Construction General Permit also authorizes non-storm water discharges, including those from de-chlorinated potable water sources such as: fire hydrant flushing, irrigation of vegetative erosion control measures, pipe flushing and testing, water to control dust, and uncontaminated ground water dewatering. As specified in Mitigation Measure 4.8.1 on page 4.8-25 of the Draft EIR, coverage under the Construction General Permit will be obtained prior to issuance of a grading permit.

RESPONSE I-30-61

This comment requests that LSA provide a monitoring plan to protect Salt Creek Wetlands during construction and operation of the proposed project.

As described in the Draft EIR, the Erosion Control Plan required as part of Mitigation Measure 4.8.2 will include information about the individuals responsible for performing emergency erosion control work and inspection and monitoring of the erosion control work during construction. 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. Similarly, the Water Quality Management Plan required as part of Mitigation Measure 4.8.3 describes an operations and maintenance plan for the prescribed BMPs to ensure their long-term performance.

RESPONSE I-30-62

This comment indicates that the commenter has insufficient data or information to respond at this time.

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

RESPONSE I-30-63

This comment requests that LSA identify specific plans to provide adequate parking during the proposed project's 10-year construction period per the City of Dana Point Municipal Code.

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

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

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

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

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

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 the off-site parking program included in 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-30-64

This comment restates Threshold 4.9.3.

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

RESPONSE I-30-65

This comment states that the area surrounding the project site has a unique “canyon effect” due to the topography and location of nearby building’s hard surfaces, and therefore requests that a specialized Acoustic Engineering study be prepared. In addition, the comment asserts that the Draft EIR provides inaccurate distances between sources and sensitive receptors at various locations around the project site.

Please refer to the Response to Comment I-11-5 for issues related to construction noise impacts and cumulative noise and canyon effect in the vicinity of the project site. Please refer to the Response to Comment I-24-40 for discussion related to construction noise impacts on residents at the Monarch Bay Villas.

RESPONSE I-30-66

This comment asserts that the MGA Study prepared for the proposed project used incorrect distances between the project site and the residences south of the project site in preparing its noise calculations.

The *Noise Impact Study* (Appendix H) prepared for the Draft EIR did not rely on the construction analysis contained in the previously prepared MGA Noise Study. The LSA *Noise Impact Study* evaluated potential construction noise impacts based on the nearest distance to the Monarch Bay Villas to the south, which is 25 ft at the closest residences to the south; it was not based on the distances provided in the MGA report. Please refer to the Response to Comment I-24-40 for discussion related to construction noise impacts on residents at the Monarch Bay Villas.

RESPONSE I-30-67

This comment requests that LSA accurately quantify the total noise spectrum, amplitude, and period that neighboring residents would experience on a daily basis as a result of the proposed project.

Because all exterior and interior noise standards adopted by government agencies are measured in terms of the A-weighted decibels (dBA) to resemble human hearing, it is not warranted for the *Noise Impact Study* to quantify the total noise spectrum for construction or operations. The *Noise Impact Study* disclosed the potential maximum noise levels that would be experienced at the nearest off-site residences to the south, west, and north during project construction. Please refer to the Response to Comment I-11-5 for discussion related to noise impacts and cumulative noise and sound amplification in the vicinity of the project site. Please refer to the Response to Comment I-24-40 for discussion related to construction noise impacts on residents at the Monarch Bay Villas.

RESPONSE I-30-68

This comment asserts that incorrect distances were used in analyzing construction noise impacts to the residential uses nearest to the project site, and therefore, the significance determinations concluded by the Draft EIR may be inaccurate.

The *Noise Impact Study* (Appendix H) evaluated potential construction noise impacts based on the nearest distance to the Monarch Bay Villas to the south. It was not based on the distances provided in the MGA report. In addition, the *Noise Impact Study* identified several pieces of construction equipment anticipated to be used on-site during project construction, and identified the maximum noise level (L_{max}) that would be generated by each piece of the equipment, then combined the noise levels assuming the equipment would be operated close together for a receptor at 50 ft from the active construction area. It was then projected to a distance of 25 ft to represent the distance to the nearest residences to the south. Please refer to the Response to Comment I-11-5 for discussion related to noise impacts and Response to Comment I-24-40 for discussion related to construction noise impacts on residents at the Monarch Bay Villas.

RESPONSE I-30-69

This comment inquires as to what mitigation would be provided to ensure compliance verifications for noise levels during constructions. This comment requests that LSA provide details regarding the monitoring process for the 10-year construction period.

Noise impacts resulting from project construction are addressed in Section 4.10, Noise, of the Draft EIR. 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. Therefore, no mitigation is required.

RESPONSE I-30-70

This comment states that acoustic analysis was not conducted for the canyon, solid walls of homes, or the proposed subterranean parking garage, and requests that LSA quantify the noise levels residents would experience on a daily basis for construction and operation of the proposed project.

The *Noise Impact Study* (Appendix H) evaluated potential construction noise impacts based on the nearest distance to the Monarch Bay Villas to the south. Because all of these noise sources and receivers are at close distances, any acoustical amplification effect is anticipated to be small and negligible. Please refer to the Response to Comment I-24-40 for discussion related to construction noise impacts on residents at the Monarch Bay Villas.

RESPONSE I-30-71

This comment requests that LSA quantify actual construction noise levels and duration that would occur on a daily basis for all phases of construction.

The *Noise Impact Study* (Appendix H) evaluated potential construction noise impacts based on the nearest distance to the Monarch Bay Villas to the south. Because all of these noise sources and receivers are at close distance, any acoustical amplification effect is anticipated to be small and negligible. In addition, the *Noise Impact Study* identified several pieces of construction equipment anticipated to be used on-site during project construction, and identified the maximum noise level (L_{max}) that would be generated by each piece of the equipment, then combined the noise levels assuming the equipment would be operated close together for a receptor at 50 ft from the active construction area. It was then projected to a distance of 25 ft to represent the distance to the nearest residences to the south. Please refer to the Response to Comment I-24-40 for issues related to construction noise impacts on residents at the Monarch Bay Villas.

RESPONSE I-30-72

This comment asserts that the Draft EIR did not address ground borne noise and vibration levels from the rough surface of the parking garage ramp.

Because the rubber tires and suspension systems of on-road vehicles provide vibration isolation, it is unusual for on-road vehicles to cause groundborne noise or vibration problems, even for Parking Structures and roughened garage ramp surfaces. Most problems with on-road vehicle-related vibration can be directly related to a pothole, bump, expansion joint, or other discontinuity in the road surface. Smoothing the bump or filling the pothole will usually solve the problem. Since the proposed garage and associated ramps would not have such potholes or bumps, vibration associated with vehicles using the Parking Structure would not result in any significant impacts to residences south of the project site, including those at the Monarch Bay Villas.

RESPONSE I-30-73

This comment states that the specific equipment to be located within the proposed Mechanical Equipment Room in the southwest corner of the Parking Structure is not defined; therefore, accurate prediction of noise and ground borne vibration would occur is incorrect, and requests that LSA define the actual equipment to be used in determining impact significance.

Section 4.10, Noise, of the Draft EIR included the following analysis for the equipment in the Mechanical Room: The project proposes to have a mechanical room at the lower level at the southwest corner of the Parking Structure. A noise impact analysis was conducted for the

potential noise impacts on the Monarch Bay Villas residences to the south of the project site (Mestre Greve Associates, July 16, 2009) from the mechanical room equipment. It was found that operation of the mechanical room equipment would result in a noise level of 49 dBA at the nearest residence at Monarch Bay Villas when the equipment is running at full capacity. This noise level is less than the City requirement (Municipal Code Section 11.10.010) of 50 dBA during the nighttime period (10 p.m. to 7 a.m.) and City requirement of 55 dBA during the daytime (7 a.m. to 10 p.m.). In addition, since the mechanical equipment is serving the Administration/Preschool Building and the Sanctuary, it is rare that the mechanical equipment would operate during the nighttime hours. Indoor noise levels would be at least 12 dBA lower than the exterior noise level with windows open. Therefore, indoor noise levels would be no higher than 37 dBA which is well below the City's daytime limit of 55 dBA and the nighttime limit of 45 dBA (Municipal Code Section 11.10.012). No mitigation is required. This analysis provided the potential noise levels that would be experienced at the Monarch Bay Villas from the mechanical equipment. Results of this analysis concluded that the operation of mechanical equipment on site would not result in a significant noise impact on sensitive users south of the project site (i.e., Monarch Bay Villas).

RESPONSE I-30-74

This comment states that the data for ambient noise levels on the southern portion of the project site does not accurately reflect noise levels that receptors would be subjected to during construction activity. This comment request that LSA reanalyze ambient noise impacts to receptors south of the project site in order to accurately reflect the potential noise levels.

Ambient noise measurements, especially for short durations (less than 8 hours) represent noise levels in a snapshot of time at the measurement locations. They are used to document the existing noise environment. For noise analysis purposes, they are based on the projected worst-case scenario, with the highest noise level under the worst-case operational conditions. This worst-case scenario for both construction and operations on the project site has been included in the *Noise Impact Study*. Mitigation measures, when necessary, have been adequately identified.

RESPONSE I-30-75

This comment requests explanation of a noise level discrepancy between the Draft EIR and the MGA Study, and states that the actual distance to the closest receptor inaccurate. The comment asserts that estimated construction noise levels are unreliable because specific construction equipment for the proposed project has not yet been identified.

Please refer to the Response to Comment I-20-17 for noise impacts related to the Children's Play Area and the Response to Comment I-30-73 for mechanical equipment noise impacts. Since, as noted in the comment, "the average noise level generated by the cooling tower with mufflers is estimated to be approximately 50 dBA at 50 ft, without the mitigating effects of the masonry enclosures," the noise level with the mitigating effects of the masonry enclosures would be 45 dBA at 50 ft, assuming the masonry enclosure would provide 5 dBA noise reduction. At a distance of 30 ft, the noise level would increase by 4 dBA when compared to the noise level at 50 ft. Therefore, noise levels would reach "49 dBA at the nearest residences at Monarch Bay Villas when the equipment is running at full capacity."

RESPONSE I-30-76

This comment states that acoustic analysis was not conducted for the canyon, solid walls of homes, or the proposed subterranean parking garage, and requests that LSA quantify the noise levels residents would experience on a daily basis for construction and operation of the proposed project.

Please refer to the Response to Comment I-11-5 for discussion regarding the so called "canyon effect" or "sound amplification."

RESPONSE I-30-77

This comment states that residences in the surrounding area may not have dual pane windows or air conditioning that would mitigate noise, dust and emissions. In addition, this comment requests that LSA provide alternative mitigation to minimize impacts to nearby residents.

Because no significant construction 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-30-78

This comment asserts the Draft EIR finding that no significant noise impacts would occur is incorrect, and request that LSA specify future construction equipment in determining construction noise impacts.

Please refer to the Response to Comment I-30-73 for discussion regarding the potential noise impacts associated with the operation of the proposed mechanical equipment inside the Mechanical Room within the Parking Structure.

RESPONSE I-30-79

This comment provides a comparison between the Noise Study prepared by (MGA) in May 2008 for a different project on the project site than the proposed project contemplated in the Draft EIR and the Noise Study prepared by LSA Associates, Inc. (LSA) in July 2014.

Because the MGA Noise Study cited by the commenter analyzed the potential noise impacts of different site plan, it is possible that study reached different conclusions than the Noise Study prepared by LSA. Therefore, no further response is necessary.

RESPONSE I-30-80

This comment states that acoustic analysis was not conducted for the canyon, solid walls of homes, or the proposed subterranean parking garage, and requests that LSA quantify the noise levels residents would experience on a daily basis for construction and operation of the proposed project.

Refer to Response to Comment I-30-76 above.

RESPONSE I-30-81

This comment asserts that many residents adjacent to the project site do not have dual pane windows or air conditioning that could reduce impacts from ambient noise, dust, and pollutants.

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.

RESPONSE I-30-82

This comment requests that LSA quantify construction noise levels based on accurate distance measurements that residents would experience on a daily basis for construction and operation of the proposed project.

The Noise Impact Study (Appendix H) evaluated potential noise impacts based on the nearest distance to the Monarch Bay Villas to the south. Because all of these noise sources and receivers are at close distance, any acoustical amplification effect is anticipated to be small and negligible. In addition, the Noise Impact Study identified several pieces of construction equipment anticipated to be used on-site during project construction, and identified the maximum noise level (L_{max}) that would be generated by each piece of the equipment, then combined the noise levels assuming the equipment would be operated close together for a receptor at 50 feet from the active

construction area. It was then projected to a distance of 25 feet to represent the distance to the nearest residences to the south.

RESPONSE I-30-83

This comment states that the operational noise impacts from the parking garage uses instantaneous maximum noise levels when 30-45 minute maximum noise levels (L_{50} percent to L_{75} percent) should be utilized due to the fact that vehicle traffic in the parking garage is not instantaneous.

The City's Municipal Code states that, for Noise Zone 1, which includes the entire City, the exterior noise levels shall not exceed 55 dBA for more than 30 minutes in any hour (L_{50}) during daytime hours between 7:00 a.m. and 10:00 p.m. For events occurring within shorter periods of time, the noise levels are adjusted upward accordingly. For events lasting equal to or less than 30 minutes but more than 15 minutes (L_{25}), the exterior noise shall not exceed 60 dBA during daytime hours. For events lasting equal to or less than 15 minutes but more than 5 minutes ($L_{8.3}$), the exterior noise shall not exceed 65 dBA during daytime hours. For events lasting equal to or less than 5 minutes but more than 1 minute ($L_{1.7}$), the exterior noise shall not exceed 70 dBA during daytime hours. At any time during daytime hours, the exterior noise shall not exceed 75 dBA (L_{max}). During the nighttime hours between 10:00 p.m. and 7:00 a.m. the following day, the above noise standard levels are reduced by 5 dBA. There are no adopted City standards that use L_{75} percent. Because the vehicles entering and leaving the garage would be intermittent, it is usually not assessed with the L_{50} noise standard. However, 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's noise standards in the Municipal Code noise ordinance.

RESPONSE I-30-84

This comment asserts that no plan for addressing unauthorized or off-hours utilization of the parking garage has been included in the Draft EIR.

Restriction of potential future use of project facilities by skateboarders and others is not an environmental issue. 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. Therefore, noise impacts associated with the authorized usage of garage by skateboarders and other transients are not anticipated. 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-30-85

This comment request that LSA quantify noise levels from the parking garage during construction and operation of the proposed project, and requests that LSA provide mitigation to eliminate unauthorized usage of the parking garage.

Noise impacts due to project construction and operation were addressed in detail in Section 4.10 of the Draft EIR. Refer to Response to Comment I-30-84.

RESPONSE I-30-86

This comment requests that LSA analyze alternatives to minimize noise impacts to nearby residences.

No significant noise impacts were identified from project-related mobile and stationary sources for off-site uses in the Noise Impact Study. In addition, Alternative 2 would incrementally reduce noise impacts as compared to the propose project. Therefore, because no significant noise impacts were identified, discussion of another alternative is not required under CEQA.

RESPONSE I-30-87

This comment requests that LSA quantify noise levels outside of the 7 a.m. to 10 p.m. time frame indicated in the Draft EIR, and provide lower maximum nose limits for these extended time frames.

The Noise Impact Study evaluated noise impacts from project-related mobile and stationary sources for off-site uses, and did not identify any significant noise impacts, whether the sources occur between 7 a.m. and 10 p.m. or outside of this time period (refer to page 4.10-12 of the Draft EIR). Therefore, no mitigation measures are required for the proposed project.

RESPONSE I-30-88

This comment inquires as to whether additional police protection would be required as a result of the proposed project.

Potential impacts related to police protection during construction and operation of the proposed project were addressed on page 4.11-18 of the Draft EIR. Appendix I of the Draft EIR includes a letter, dated October 2, 2013, from the Orange County Sherriff's Department (OCSD) indicating that the proposed project would not substantially increase response times, or create a substantial increase in demand for staff, facilities, equipment, or police services. The letter also stated that the OCSD would be able to adequately service the proposed project. Therefore, the proposed project would not result in significant impacts related to police protection.

No night watchman would be required during construction. No vandalism prevention measures would be required. Further, it is anticipated that the Applicant would prohibit trespassing on its property. Therefore, criminal activities associated with the unauthorized usage of the Parking Structure and other facilities are not anticipated.

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

RESPONSE I-30-89

This comment states that additional water entitlements may be required to mitigate fugitive dust impacts.

The potential impacts of the proposed project related to water treatment facilities and water supplies/entitlements are analyzed on pages 4.11-24 and 4.11-25 of the Draft EIR. As described on page 4.11-24, short-term demolition and construction activities, including soil watering related to fugitive dust control, would require minimal water and are not expected to have any adverse impacts on the existing water system or available water supplies. Therefore, impacts associated with demolition and construction activities would not require or result in the construction of new water treatment facilities or the expansion of existing facilities, and construction of the proposed project would not require the need for new or expanded water entitlements. No mitigation is required.

RESPONSE I-30-90

This comment requests clarification regarding wastewater treatment and collection facility capacity with respect to population growth during the 10-year construction period.

The Final EIR clarifies that the capacity of the South Orange County's Wastewater Authority's (SOCWA) J.B. Latham Treatment Plant would be reduced by approximately 20 percent at the time of project build out due to future growth associated with the planned Rancho Mission Viejo project and other proposed development within SOCWA's service area. However, the Final EIR states that the increase of wastewater generated by the proposed project is anticipated to be accommodated within the existing and anticipated design capacity of the J.B. Latham Plant, which currently accepts 72.6 percent of its capacity and is projected to be operating at 78.1 percent of its capacity at the time of project build out as the estimated increase in wastewater associated with the proposed project would represent 0.14 percent of the J.B. Latham Plant's anticipated available daily capacity in 2024.

RESPONSE I-30-91

This comment states that the City of Dana Point would be responsible for storm water drainage facilities if the plan is accepted.

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

RESPONSE I-30-92

This comment requests that LSA identify the traffic impacts that would occur as a result of the proposed project's off-site parking plan.

See Response to Comment I-9-5. The Traffic Impact Analysis conducted for the proposed project addressed all project-related traffic including trips generated during Sunday peak hours when the off-site parking would be utilized.

RESPONSE I-30-93

This comment requests that LSA analyzes traffic and safety concerns for bicyclists at the intersection of Lumeria Lane and Crown Valley Parkway, especially for northbound traffic on Sunday afternoons.

See Responses to Comments I-29-71 through I-29-75 and I-29-80.

RESPONSE I-30-94

This comment states that the traffic analysis is flawed and requests that LSA reevaluate offsite parking, due to the fact that much of the South Shores Church traffic parks on the street rather than in the parking lot on the existing project site, even when parking spaces are available on the project site.

The parking data and analysis are not flawed. The on-site and on-street parking demand of all church members and visitors is included in the parking surveys/observations, as they were conducted before, during, and after church services.

RESPONSE I-30-95

This comment asserts that the Draft EIR does not adequately address heat projection from the south wall of the proposed parking garage.

See the Response to Comment I-25-41. The impact of any heating effect from the new built structures would be similar to those from the existing structures. While the new structures may be positioned closer to existing residences than any existing structures, there is no evidence that the heat effect would result in a significant impact to anyone living near the project site.

RESPONSE I-30-96

This comment requests that LSA evaluate heat projection from the parking garage. This comment also discusses a buffer zone between the garage and crib wall to reduce runoff and heat projection. The comment suggests that the parking garage and detention basin should be moved north to address soil stability concerns.

See the Responses to Comments I-9-7, I-18-3, I-25-41, I-30-95, and Common Response No. 12.

The technical criteria used to analyze the proposed project's impacts of the proposed project and Alternative 2 related to seismic and geologic hazards are described in detail in the Geotechnical Reports prepared for the proposed project (refer to Appendix E, Geotechnical Reports, of the

Draft EIR). Further, the weight of a full detention basin is less than the weight of equivalent soil, so it poses a lesser concern.

RESPONSE I-30-97

This comment indicates that Comments I-30-95 and 96 also apply in their entirety to Alternative 2 presented in Section 5.6 of the Draft EIR.

It should also be clarified that, as described on page 5-9 of the Draft EIR, the Parking Structure proposed as part of Alternative 2 would be 10 feet north of the proposed Parking Structure included in the proposed project; therefore, it would be located farther away from the Monarch Bay Villas bordering the southern perimeter of the project site.

RESPONSE I-30-98

This comment requests that both an Indemnity and Completion Bond required for the proposed project.

See Common Response No. 4.

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

RECEIVED
OCT 29 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

October, 16, 2014

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

RE: South Shores Proposed Expansion Project

- | | |
|---|---------|
| <p>My name is Marjorie Anderson and I live directly below South Shore Church on Pompeii Drive. I have lived here since 1987 and as a member of the "Voices of Monarch Beach" (VOMB) I would like to express a partial list of my concerns with the Draft EIR.</p> | I-31-1 |
| <p>The Draft EIR failed to adequately acknowledge the City's documented history of poor soil conditions, landslides and destruction to the apartments near the proposed project site.</p> | I-31-2 |
| <p>The Draft EIR does not address the impact to neighbors if mitigation measures and business practices fail.</p> | I-31-3 |
| <p>The Draft EIR does not address the impacts to neighbors if there is defective grading or defective workmanship.</p> | I-31-4 |
| <p>The Draft EIR does not adequately address the risk of the hill collapsing on top of the homes below (on Pompeii Drive) if there is an earthquake or heavy rainfall.</p> | I-31-5 |
| <p>The Draft EIR did not provide an "approved" plan to stabilize the ground, foundation or grading making it impossible for the City to "guarantee" that a landslide, slippage or collapse of soil is preventable.</p> | I-31-6 |
| <p>In closing, during each of the proposed stages that the demolition and grading work commences there will be a significant impact to our health because of additional air pollution, additional noise and potential vibration. Also, there will be additional disruption to the existing and horrific</p> | I-31-7 |
| <p>flow of traffic and safety along Crown Valley Parkway, already known as the "Crown Valley Speedway." Sadly, my back yard will no longer provide me with tranquility and sunlight as a</p> | I-31-8 |
| <p>result of the large building proposed to be erected directly above my beautiful home. Construction delays and possible complications is another huge concern to all of us in the neighborhood.</p> | I-31-9 |
| | I-31-10 |

Sincerely,



Marjorie Anderson

23287 Pompeii Drive

Dana Point, CA 92629

MARJORIE ANDERSON

LETTER CODE: I-31

DATE: October 16, 2014

RESPONSE I-31-1

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

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

RESPONSE I-31-2

This comment opines that the Draft EIR failed to acknowledge the documented history of poor soils and landslides on the project site, which have previously impacted the apartments adjacent to the project site.

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

RESPONSE I-31-3

This comment opines that the Draft EIR did not analyze impacts to neighbors in the apartment complex adjacent to the project site and correspondingly failed to prescribe adequate mitigation measures and businesses practices to alleviate potential impacts of the proposed project.

See Common Response No. 12.

RESPONSE I-31-4

This comment opines that the Draft EIR did not adequately address impacts resulting from project-related grading activities in the event that such grading activities are defective or are carried out with poor workmanship.

See Response to Comment I-30-40 and Common Response Nos. 4 and 12.

RESPONSE I-31-5

This comment opines that the Draft EIR did not adequately address the risk of soil collapse on the existing hill located north of the residential uses on Pompeii Drive in the event of an earthquake or heavy rainfall.

Rainfall impacts have been reviewed as part of Section 4.8, Hydrology and Water Quality, of the Draft EIR. The proposed project will be designed to meet 100 year storm criteria. A *Supplemental*

Master Plan Hydrology Report by Adams-Streeter, dated February 17, 2015, has been prepared for Revised Alternative 2 and is included as Attachment A to this Final EIR.

See Response to Comment I-30-40 and Common Response No. 12.

RESPONSE I-31-6

This comment opines that the Draft EIR did not provide an adequate site plan that addresses on-site geological constraints, particularly those related to ground stability (i.e., landsliding and soil collapse), and the resulting impacts it may have on foundation stability and grading activities.

Section 4.5, Geology and Soils, of the Draft EIR discusses the potential impacts of the proposed project. As described under Thresholds 4.5.2 and 4.5.4 in Section 4.5 of the Draft EIR, potential landslide impacts associated with the proposed project would be addressed through proper site preparation and design, including on-site geotechnical investigations and implementation of site-specific grading recommendations and structural engineering design criteria. Incorporation of the recommendations included in the Geotechnical Evaluation, as described in Mitigation Measure 4.5.1, and the ongoing implementation of slope maintenance procedures on the unimproved slopes on the project site, as described in Mitigation Measure 4.5.2, would reduce the proposed project's impacts related to landslides to a less than significant level.

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

RESPONSE I-31-7

This comment states a concern for health impacts to nearby homeowners as a result of the construction phases. The comment specifically stated impacts related to air quality, noise, and vibration related to construction.

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. As described on pages 4.2-18 and 4.2-19, construction emissions associated with the proposed project are not anticipated to exceed the South Coast Air Quality Management District (SCAQMD) daily emissions thresholds. However, the proposed project may result in impacts associated with fugitive dust. Therefore, with implementation of the required construction emissions control measures required in Standard Conditions 4.2.1 and 4.2.2 (compliance with SCAQMD standard conditions and Rule 403), project impacts related to fugitive dust during construction would be reduced to a less than significant level, and no mitigation is required.

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 of Dana Point (City) Noise Ordinance and Standard Condition 4.10.1, which require specific measures to reduce short-term construction-related noise impacts, would reduce the proposed project's construction noise levels in the project vicinity to a less than significant level. No additional mitigation is required.

See Response to Comment I-11-7.

RESPONSE I-31-8

This comment expresses concern that project-related increases in traffic would adversely impact vehicular circulation and safety on Crown Valley Parkway.

See Response to Comment I-17-4.

RESPONSE I-31-9

This comment expresses a concern regarding the impact of the proposed project on views from the commenter's backyard.

See Common Response No. 9.

RESPONSE I-31-10

This comment expresses concern that project-related increases in construction traffic would adversely impact vehicular circulation in the existing neighborhoods surrounding the project site.

See Response to Comment I-17-4.

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

RECEIVED
OCT 29 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Petition in Opposition to the South Shores Church Expansion

SCH: 200941129
CDP: 04-11
CUP: 04-21
SDP: 04-31

The undersigned resident of Monarch Bay Villas (MBV) hereby objects to the South Coast Master Plan, SCH No. 200941129, ("the Church") at 31712 Crown Valley Parkway, Dana Point, CA 92629. The Undersigned objections are based in part on the following.

I-32-1

Section 3.4.1

The draft EIR does not satisfactorily address the impact of the proposed Construction phases lasting 10 years, the Preschool/Administration Building, and the proposed Landscaped Garden to the existing homeowners of MBV who have lived 41+ years directly below the Churches' southern property line.

I-32-2

1. The Proposed Construction Phases (Table 3.D) for the Master Plan over 10 years is unacceptable. Ten years is half a generation! Imagine your child starting first grade and the project not concluding until they finished 10th grade. This is too long of a period for the surrounding neighbors to suffer through all of the negative impacts caused by construction. It also questions whether the church has the necessary resources to fund the project, and thus must drag it out over a 10 year period. I recommend that the project plan be limited to 5 years or less.

I-32-3

2. The proposed Preschool/Administration Building will negatively impact homeowner values because:

a. The building is set too close to the property line (top of the embankment) and will be an "eye sore" for existing MBV homeowners on the southern property line and encroach on our privacy. The proposed building will also ruin the quiet, private, tranquil, landscaped embankment and block the clear sky and morning sunrises we enjoy now.

I-32-4

b. The building will sit directly outside the patio, kitchen, family room and bedroom windows of existing MBV homeowners, and will allow people in the Preschool/Administration Building to look directly into homes and invade the privacy of existing homeowners.

c. Having such a large building so close to existing homeowners will create excessive noise "from morning to evening for the administrative functions". Allowing the offices and meetings to be used until 10 pm at night, 7 days per week (Table 3.A) is unacceptable for existing homeowners of MBV.

I-32-5

d. The proposed interim preschool has no designated playground, (see figure 3.5) and if the children are not escorted to the playground on the north side of the campus each playtime, it is possible they will be allowed to play along the embankment, or in the proposed Landscaped Garden, which sits directly on top

I-32-6



- existing homeowners in the southeast corner, creating unacceptable noise levels. This could also create a safety hazard for the preschoolers during construction. I-32-6
- e. I recommend that the proposed Preschool/Administration Building be scrapped, or the size of the proposed building be reduced significantly (50% reduction) and moved further away from the top of the embankment (a buffer zone of 25 to 35 feet), and administrative functions and meetings be required to conclude by 9 pm every night, in order to reduce the negative impact to existing MBV homeowner values addressed in the above points (a. through d.). I-32-7
- 3. The proposed Landscaped Garden is outrageous and it will negatively impact MBV homeowner values along the property line near the southeast corner because:
 - a. The proposed Landscaped Garden will drop down the side of the hill and face directly into the patio, kitchen, family room, and back bedroom windows of existing MBV homeowners directly below the southeast corner and will invade our privacy. I-32-8
 - b. The proposed Landscaped Garden is close to the Salt Creek corridor and known paths that run very close to the proposed garden and will very likely be frequented at night by truants and homeless people bringing trouble to an accessible hidden hangout. I-32-9
 - c. There will be unacceptable noise levels caused by people gathering in the landscaped garden so close to existing MBV homes. It is naïve to think the church will be able or willing to monitor and restrict its' use to prayer and meditation over time. Rather, it is more likely to be a place for people to gather, take breaks, talk, laugh, smoke, and carry on as people do. But this will occur directly in the face of existing homeowners, which is unacceptable. I-32-10
 - d. The draft EIR does not mention security for this "hidden" garden and the Church property as a whole. The proposed Landscaped Garden, hidden behind and below the proposed Preschool/Administration building, next to the Salt Creek Corridor, will invite "trouble" at night, and the scope of this master plan is so large, there should be mandatory on-site security for the entire campus 24/7 through the entire construction phase and thereafter. I-32-11
 - e. I recommend the proposed Landscaped Garden be scrapped entirely or be moved to the northeast corner of the proposed Preschool/Administration Building, which will alleviate the issues (a. through d.) mentioned above. This will also allow members of the church to enjoy the aesthetic beauty of the garden and waterfall when they enter and leave the Church Sanctuary. I-32-12

NAME & SIGNATURE

DATE:

ADRESS:

Donald R. Benno
Donald R Benno

10-24-14

23291 Pompeii Dr
Dana Point CA 92629

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DONALD BENNO

LETTER CODE: I-32

DATE: October 24, 2014

RESPONSE I-32-1

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

RESPONSE I-32-2

This comment states that the Draft EIR does not satisfactorily analyze the construction impacts upon the existing homeowners of Monarch Bay Villas.

See Response to Comments I-31-7 and I-11-7. See also Common Response No. 10.

RESPONSE I-32-3

This comment expresses concern related to the construction phasing as the project proposes to develop the proposed uses over a period of 10 years. As such, the commenter states that a period of ten years for construction is unacceptably long, despite the Applicant's need to lengthen the construction time due to limited financial reasons, and goes on to recommend a construction period of 5 years as an acceptable alternative for project construction.

See Common Response No. 3. The commenter's suggested revisions to the proposed project will be forwarded to the decision-makers for their review and consideration.

RESPONSE I-32-4

This comment claims that the location of the proposed Preschool/Administration building near the property line will result in potential impacts related to aesthetics, views, and privacy.

See Common Response No. 9.

RESPONSE I-32-5

The comment expresses concern related to the placement of the Preschool/Administration building near the existing residential uses located south of the project site due to potentially excessive noise increases associated with the administrative functions proposed for this building.

The potential noise impacts of the proposed project on surrounding uses, including the adjacent Monarch Bay Villas, during operation are analyzed in Section 4.10, Noise, of the Draft EIR. As

described in Section 4.10 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. Activities like administrative functions and meetings would take place inside the buildings and would not create significant noise impacts on surrounding land uses.

RESPONSE I-32-6

This comment expresses concern for the safety of the children who would attend the interim preschool if they are not escorted to the playground on the north side or if they play near the embankment. In addition, this comment expresses concern that children would be allowed to play on the embankment or in the proposed Landscaped Garden and create unacceptable noise levels.

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.

RESPONSE I-32-7

The comment suggests eliminating or substantially reducing the Preschool/Administration building from the proposed project, providing a larger setback between the proposed Preschool/Administration building and the adjacent residential, and requiring the Applicant to conclude administrative and meeting functions by 9 p.m.

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

RESPONSE I-32-8

This comment states that the proposed Landscaped Garden will negatively impact Monarch Bay Villas home values. In addition, the commenter notes that the location of the Landscaped Garden will encroach on the privacy of the homeowners.

See Common Response No. 9. This comment expresses an opinion and does not contain any substantive statements or questions about the Draft EIR or the analysis therein; therefore, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. No further response is necessary.

RESPONSE I-32-9

This comment expresses concern that the location of the Landscaped Garden will attract truants and homeless people.

This comment expresses an opinion and does not contain any substantive statements or questions about the Draft EIR or the analysis therein; therefore, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. No further response is necessary.

RESPONSE I-32-10

This comment notes concern that the Landscaped Garden will not be monitored, and, as a result, become a gathering place and a source of noise adjacent to the Monarch Bay Villas.

This comment expresses an opinion and does not contain any substantive statements or questions about the Draft EIR or the analysis therein; therefore, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. No further response is necessary.

RESPONSE I-32-11

This comment expresses concern for security of the proposed Landscaped Garden. The commenter suggests mandatory on-site security for the entire campus during the construction phase and operation.

This comment expresses an opinion and does not contain any substantive statements or questions about the Draft EIR or the analysis therein; therefore, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. No further response is necessary.

RESPONSE I-32-12

This comment suggests removing the proposed Landscaped Garden or moving its location to the northeast corner of the Preschool/Administration building.

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

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

RECEIVED
OCT 29 2014
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Petition in Opposition to the
South Shores Church Expansion

To: Saima Qureshy, AICP, Senior Planner
 Re: SCH#200941129
 CDP: 04-11
 CUP: 04-21
 SDP: 04/31

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

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

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

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

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

I-33-1

I-33-2

I-33-3

I-33-4

I-33-5



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

I-33-5

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

I-33-6

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

REFERENCES

STATE CLEARINGHOUSE EMAIL

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

To: Roxanne Willinger: Roxannewillinger@cox.net

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

Date: October 22, 2013 5:22 PM

I-33-7

Sorry for the delay in getting back to you.

I located the NOP for the project in question.

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

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

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

We advise that lead agencies "redo" the NOP distribution if it has been several years because many times circumstances have changed at the project location, or with the project itself, that warrant getting new feedback prior to developing the DEIR.

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

Scott Morgan

State Clearinghouse Director

Deputy Director, Administration

Governor's Office of Planning and Research

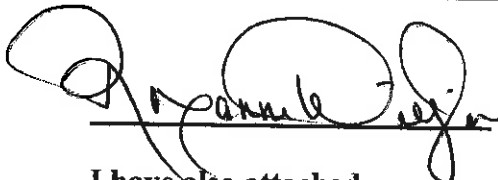
ph (916)445-0613 fax (916)323-3018

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

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

I-33-7

NAME & SIGNATURE :	DATE :	ADDRESS :
<u>Roxanne Willinger</u>	<u>10/24/2014</u>	<u>23286 Pompeii Drive, Dana Point, CA 92629</u>



I have also attached my comments from Planning Commission meeting July 15, 2009 that the City never responded to.

I-33-8

Roxanne Willinger
 23286 Pompeii Drive – Cell 949-632-6150
 Monarch Beach, CA 92629
 roxannewillinger@cox.net

July 15, 2009

To: Dana Point City Council / Planning Commission
 Community Development Department

Project# CDP04-11; SDP04-31 and CUP04-21

32712 Crown Valley Pkwy (South Shores Baptist Church)

Attention Mr. Kyle Butterwick, Director and Erica Demkowicz, Sr. Planner

My name is Roxanne Willinger and I live at 23286 Pompeii Drive in Monarch Bay Villas, Track 7900. I'm presenting these comments in **opposition** to the Proposed Master Plan for the South Shores Church (PMP) dated April 2009

Policy 4.5: Consider the environmental impacts of development decision. (Coastal Act/30240, 30241, 30242, 30243, 30244)

Page 3-41: My concern is that South Shores Church is to build large structures in a limited space. The land area is unstable. It is unsuitable for such a massive project.

There is a documented slippage on the south east corner of the property. If building on the first phase were done before stabilization of the slopes, it could cause irreparable damage to our buildings along Pompeii and even beyond. That would also devastate our property values. The proposed project this size, in such a sensitive area adjacent to a watercourse should require a full-blown Environmental Impact Report, not a MND

Appendix A
 Environmental Checklist Form

XI Noise

I disagree with report. I feel that the noise would potentially significant impact for

I-33-8

all residents in Monarch Bay Villas. I was unable to locate anything in the Master Plan to indicate that they were/are planning a butter barrier between South Shores Church project and the residents of Monarch Bay Villas, especially the residents along Pompeii Drive.

Community Life Center

I feel this facility should be built elsewhere. Noise generating activities will take place from 7am to at least 10 pm. 7 days a week. This will cause heavy traffic, noise and congestion. Several of our residents are retired will have the use of our homes severely restricted. Traffic and noise will be an issue as it will add to the already high traffic levels and increase activates that are Non Church related.

Financing and completion:

I'm very concerned about the funding for this project. Unless funding is in place in advance, there is no assurance the project will be finished once they desecrate the hillside. The potential issues regarding the ridiculous plan to create a subterranean parking garage on this highly volatile property and its impact to the hill MUST be addressed successfully prior to doing anything. If approved it must be certain there are NO RISKS to our homes and the hillside and an ability to deal with what may be? MAJOR issues once started- this is in later phases but must be done first and not later in the plans as stated!

Monarch Bay Villas is immediately impacted by this project and are requesting South Shores Church provide a bond to indemnify Monarch Bay Villas residents in case of damage caused by the project.

Thank you for your assistance in allowing us to be heard.

Roxanne Willinger
Roxanne Willinger

ROXANNE WILLINGER

LETTER CODE: I-33

DATE: October 24, 2014

RESPONSE I-33-1

This comment expresses concern that the City has pursued compliance with CEQA in a manner that necessitated minimized review. The commenter also stated that the City filed for a Mitigated Negative Declaration (MND) in 2009 due to reasons relating to the aforementioned minimal review. The commenter also states the original MND did not have adequate noticing because only Caltrans responded as a reviewing agency.

Refer to Common Response No. 1 and Common Response No. 2.

RESPONSE I-33-2

This comment states that while there is no statutory time limit on a Notice of Preparation (NOP), the Lead Agency (City) did not “redo” the NOP upon the preparation of the Draft EIR.

Refer to Common Response No. 1

RESPONSE I-33-3

This comment states that the same SCH number was used for the original IS/MND (2009) and the Draft EIR (2014).

Refer to Common Response No. 1

RESPONSE I-33-4

This comment states that while the proposed project is a “Master Plan”, the City never pursued the preparation of a “Master EIR”.

Refer to Common Response No. 7.

RESPONSE I-33-5

This comment claims that the Draft EIR for the proposed project should have been identified as a program, tiered, or master EIR for purposes of CEQA.

Please refer to Response to Comment I-33-4.

RESPONSE I-33-6

This comment expresses concern that the Orange County Transportation Authority (OCTA) and the California Coastal Commission (CCC) were not included in Table 3.F, “Probable Future Actions by Responsible Agencies”.

See response to Comment I-29-39.

RESPONSE I-33-7

This comment is email correspondence between SCH and the commenter regarding the filing information for the 2010 NOP.

See Common Response No. 1 and Common Response No. 2. This comment does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

RESPONSE I-33-8

This comment is an attachment and was submitted in 2009 on the MND.

See Common Response No. 2. This comment does not contain any specific statements or questions about the Draft EIR or the analysis therein. Therefore, no further response is necessary.

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

RECEIVED

OCT 29 2014

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Comments to City of Dana Point/LSA
DEIR re: South Shores Church Master
Plan SCH#2009041129

Gordon G. Montgomery

I hold a General Engineering and General Building Contractors license in the State of California # 212503.

I-34-1

My wife and I own the property at 23284 Pompeii Drive in Tract 7900 Dana Point, Ca

My concern is the enormity of the proposed development on the Church property.

This tract was built around 1974. The grading and building codes were not as stringent then as they are today. I am concerned these facts were not used in their design

"Footprint" is a word used to determine what can be built on a lot. The footprint of the Church property is In question? The property is on the high point, on the south side of

Crown Valley Pkwy. Geological and Structural engineering plans prepared for the Church property are in my estimation inadequate for the foot print. I cannot find in their planning

I-34-2

where they have considered the total bearing (load) on the adjacent property. I question if their design has included the load of the under ground parking garage and an

underground resevoir to store water from a 100 year storm run off. They also in my estimation have not taken in to consideration, the faults on the south side of the property.

Their design shows the use of buttresses and tie backs. I have not seen evidence in their design that they have incorporated the depth and length needed for tie backs due to the depth of the parking structure and underground reservoir.

For a contractor to bid this job they would have to ask for a minimum of 11 months. This would mean at least three move ins. The reason for this is because of the different soil conditions and the amount of excess soil that will have to be removed. How they can ignore that Salt Creek will not accept excess storm run off and totally overlooking the existing neighboring property that actually lost buildings due too slides.

I-34-3

Their plan does not conform to any reasonable aspects to the surrounding areas.The

I-34-4

Planning Commission should not consider this obvious improper over building use of property.



I-34-4

Sincerely ,


Gordon G, Montgomery

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GORDON MONTGOMERY

LETTER CODE: I-34

DATE: October 29, 2014

RESPONSE I-34-1

This comment is introductory and states that the commenter has a General Engineering and General Building Contractor's license. The comment also states the commenter's address and his concern for the size of the proposed project.

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-34-2

This comment expresses concern for the consideration of past grading and building codes that were adhered to during the initial development of the Church. The comment also questions the geological and structural engineering plans, and whether they considered the total bearing on the adjacent properties. Furthermore, the comment is concerned the project did not consider the load of the underground parking garage, underground reservoir, and the faults on the south side of the property. In the commenter's opinion, the design of the buttresses and tie backs does not show adequate depth and length needed.

The geologic characteristics of the project site and geotechnical conclusions/recommendations relative to the proposed project and hillside terrain adjacent to the project site were investigated and evaluated in detail by the Applicant's geotechnical consultant. 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 Report were shown to adequately address site geotechnical concerns and demonstrated an acceptable Factor-of-Safety with respect to slope stability for the proposed project.

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

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

RESPONSE I-34-3

This comment expresses concern related to the length of construction phases due to the excessive soil that would have to be removed offsite. The comment also states that Salt Creek would not accept excess stormwater runoff during project construction. The comment goes on to express concern that construction activities could result in the loss of residential buildings adjacent to the site due to landslides.

Refer to Common Response Nos. 6 and 12.

RESPONSE I-34-4

This comment states that the proposed Master Plan does not conform to the existing conditions of the surrounding areas and recommends that the Planning Commission should not consider the proposed project.

This comment expresses an opinion and does not contain any substantive statements or questions about the Draft EIR or the analysis therein; therefore, this comment is noted for the record and will be forwarded to the decision-makers for their review and consideration. No further response is necessary.

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

RECEIVED

OCT 29 2014

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Roberta Margolis
23296 Pompeii Drive
Dana Point, Ca 92629

I-35

October 13, 2014

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

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

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

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

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

The traffic studies in section 4.12 of the DEIR Volume 1, South Shores Church Master Plan, did not include any reference to the impact on the 52 units in Monarch Bay Villas. The entire focus of their report has been on the two access routes to the church parking, primarily the northern most, controlled access intersection at Crown Valley Parkway and Sea Island Drive.

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

I would request that the City of Dana Point specifically include the requirement that a left turn out median shelter from Lumeria Lane to Southbound Crown Valley Parkway be constructed along the Crown Valley median, as part of this project. The County of Orange Traffic Engineer's proposal of 1986 must now come to fruition.

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

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


Roberta Margolis

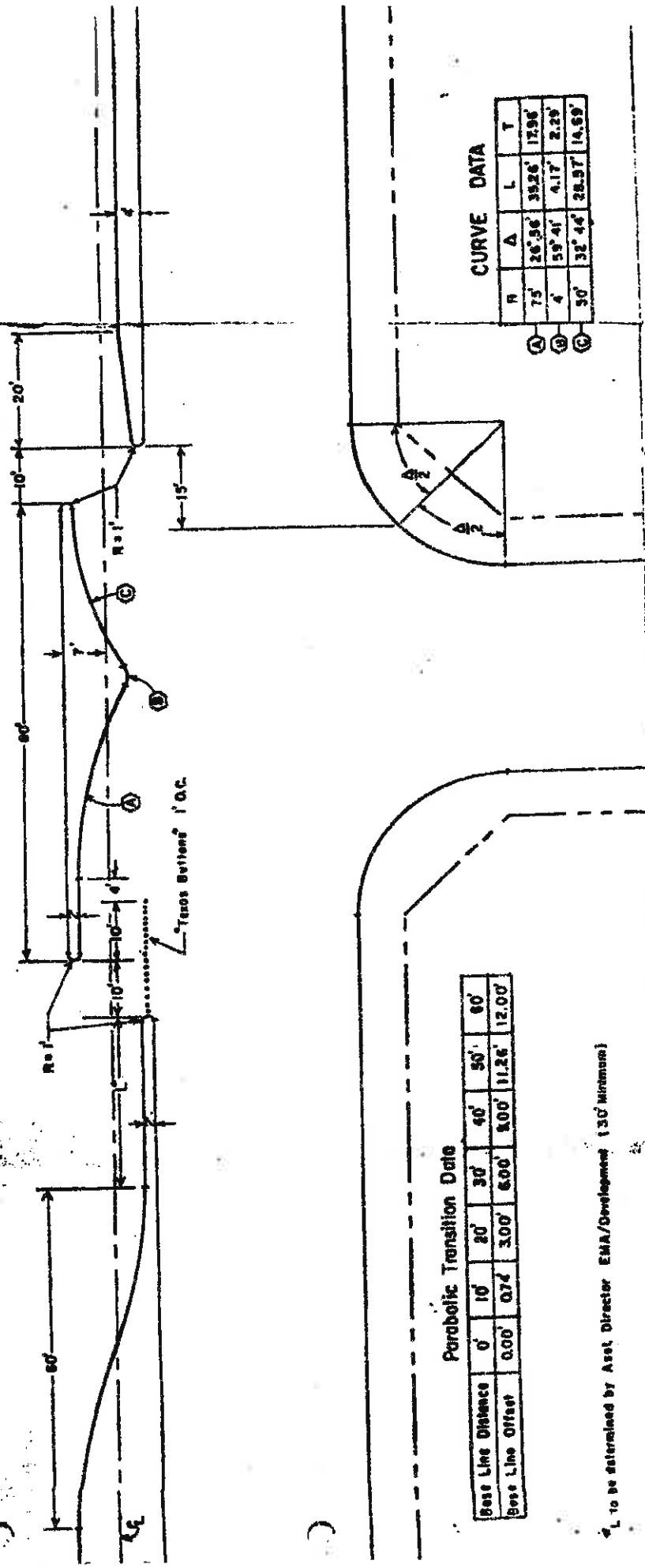
Encl: Left Turn Out Median Shelter Plan

I-35-1



Left Turn Out Median Shelter

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



Parabolic Transition Data

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

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

CURVE DATA

R	Δ	L	T
75'	26° 36'	39.26'	17.96'
4'	59° 41'	4.17'	2.29'
50'	32° 44'	28.97'	14.89'

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ROBERTA MARGOLIS

LETTER CODE: I-35

DATE: October 13, 2014

RESPONSE I-35-1

This comment begins by providing historical context in stating that residents of the Monarch Bay Villas were previously made aware of plans for development of the Monarch Bay Resort, located east of these residences. The comment also states that previous proposals for the area included a median shelter with turn pockets on Crown Valley Parkway due to traffic increases associated with previous proposals for development in the area (configuration of the previously proposed turn pockets is attached to the comment letter). The comment notes that although this shelter with turn pockets was never constructed, previous development proposals for the area were greatly scaled back during the planning process, which negated traffic concerns expressed by residents of the Monarch Bay Villas. However, unlike previous development proposals, the comment goes to express concern that the proposed project would result traffic impacts on the Monarch Bay Villas, which the commenter claims was no analyzed in the Traffic Impact Analysis and the corresponding Draft EIR traffic section (4.12). Further, the comment opines that construction traffic will cause significant impacts on Crown Valley Parkway near the Monarch Bay Villas community, and as such, requests that the City require a left turn out median shelter from Lumeria Lane to Southbound Crown Valley Parkway, consistent with the aforementioned previous proposal to include a median shelter with turn pockets on Crown Valley Parkway.

It should be noted that this comment requests LSA acknowledge receipt of this comment by sending confirmation to the address listed on the letter.

Please refer to Responses to Comments I-17-1 through I-17-5.

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From: **Binnie** ibrem@cox.net
 Subject: **Fwd:**
 Date: **October 26, 2014 at 9:47 AM**
 To: **Irv Rem** irvr@cox.net



Sent from Binnie and Irv 's iPad

Begin forwarded message:

From: Gary M <lastwrd@msn.com>
Date: October 25, 2014 at 4:30:46 PM PDT
To: IRV Rem <ibrem@cox.net>, Todd Glen <tvglen@cox.net>

IRV I KNOW THAT TRAFFIC CONCERNS WERE BROUGHT UP BUT DON'T KNOW IF THE FOLLOWING SPECIFICS WERE MENTIONED.

1. W/B CROWN VALLEY (DOWNHILL) LEFT TURN LANE INTO CHURCH WILL ONLY ACCOMODATE 3-4 CARS-ADDITIONAL CARS WOULD BACK UP THE # 1 (LEFT THRU LANE). THIS NOT ONLY IMPEEDS THROUGH TRAFFIC IT CREATES A HAZARD FOR TRAFFIC COMING DOWN THE HILL. THIS SECTION OF ROADWAY HAS BEEN THE LOCATION OF SEVERAL SERIOUS TRAFFIC COLLISIONS INCLUDING SEVERAL FATALITIES. EXTENDING THE LEFT TURN LANE WILL SOMEWHAT MEDICATE THIS BUT WITH THE INCREASED USE DENSITY IT WILL NOT ELIMINATE IT.

I-36-1

2. W/B CROWN VALLEY PKY. LEFT TURN LANE INTO MONARCH BAY VILLAS-NO SIGNAL. SAME SITUATION AS ABOVE BUT WITH EVEN INCREASED HAZARD AS DOWNHILL TRAFFIC HAS A LIMITED VIEW. IF THE LEFT TURN LANE IS OCCUPIED WITH THREE VEHICLE ADIITIONAL VEHICLES WOULD BE STOPPED IN THE #1 THRU LANE WITH DOWNHILL VEHICLES HAVING LIMITED VIEWS AND WOULD SUDENLY ENCOUNTER A STOPPED VEHICLE AHEAD OF THEM. IN ADDITION TO THE SAFETY HAZARD THIS WOULD OVERWELM THE CAPACITY OF THIS LANE EXTREMELY REDUCING OR ELIMINATING ITS USE FOR MONARCH BAY VILL RESIDENTS TO USE IT TO ENTER THE DEVELOPEMENT. PEVENTING U TURNS AT THE LOCATION WOULD NOT SERVE AS A SOLUTION AS MANY DRIVERS WOULD USE THE ENTRANCE TO MONARCH BAY VILLAS MORE AT A TURN IN/TURN OUT AND BLOCK THE DRIVEWAY.HAVING THIS LANE BACK UP WOULD PREVENT AND OR INCREASE THE HAZARD OF ANY VEHICLES TURNING LEFT FROM MONARCH BAY VILLAS.

I-36-2

WHILE NOT BEING A TRAFFIC ENGINEER I HAVE INVESTIGATED THOUSANDS OF TRAFFIC COLLISIONS AND WORKED CLOSELY WITH MUNICIPAL TRAFFIC ENGINEERS IN THE PAST. THE ONLY WAY TO HAVE CONSIDERABLE MITIGATION IS TO HAVE UNIFORMED DEPUTIES OR OTHER SHERIFF'S DEPARTMENT PERSONEL PRESENT TO PLACE AND REMOVE TRAFFIC CONES AND DIRECT TRAFFIC. THE CHURCH SHOULD BE REQUIRED TO CONTRACT THESE SERVICES AT THEIR EXPENSE.

I-36-3

FEEL FRE TO PASS THIS ON. AS YOU KNOW MY COMMENT FORM WAS ALLREAD SUBMITTED BUT MAYBE THIS COULD BE INCLUDED OR INCORPORATED IN SOMEONE ELSE'S IF IT MIGHT BE HELPFUL..

In Opposition

to

South Shores Church Master Plan, SCH No. 200941129**RECEIVED**

OCT 29 2014

The undersigned resident of Monarch Bay Villas hereby objects to the South Coast Master Plan, SCH No. 200941129, ("the Church"), both the original and the alternate projects as proposed and/or any structural or operational expansion thereof. The Undersigned objections are based in part on the following:

1) **Geological Integrity.** The church property is geologically strategic to the Monarch Bay Villas (MBV) in that it supplies the primary structural footing for our hillside community and the adjacent hillsides. The continuing slippage, erosion, and subsidence of the properties immediately adjacent to the north of the Church demonstrate the existing instability of the angle of repose of the underlying property. This condition is characteristic of much of the property along Crown Valley Parkway. The alluvial fill along Salt Creek and immediately below the Church lends little or no structural support to the steep up-slopes. Acerbating the concerns of the undersigned is the fact that the slopes are composed primarily of rubble with little or no strata formation and laced with numerous underground water flows. A cursory review of the geological facts compels a conclusion that any material grading may trigger damaging earth movement. Accordingly, an expressed agreement of the indemnification running in favor of the MBV residents is mandated under the circumstance. Furthermore, there is landfill and no one knows what pollutants are therein contained.

2) **A Decade of Construction.** It is patently unreasonable to burden this community with an on and off construction process spanning over a period of 10 years. The prospect of living with the roar of heavy equipment, and other disconcerting construction noises echoing thought out the community for at least a decade and concomitantly fighting off the dust, noxious fumes and other pollutants that inevitably sift through the doors and windows of adjacent residents is simply intolerable and unacceptable. I request a performance bond be required in order to protect the community from delayed and/or unfinished construction work.

3) **Ingress/Egress:** Egress and ingress to the church premises is limited to the single driveway at Sea Island Drive and Crown Valley Parkway. The multiple daily operations contemplated by the applicant along with a decade of construction would overload an already busy parkway. For example, there are three uncontrolled right and left turn lanes between PCH and the entrance to the Church premises, a distance less than a tenth of a mile. Traversing through such turn lanes will become Greater challenges as well as greater safety hazards for all vehicular traffic. Likewise, ingress/egress from Monarch Bay Villas will be compromised, as the community has only one point of entry, on Crown Valley Parkway at Lumeria Lane. The intersection is frequently compromised by vehicles making u-turns and others speeding up and down Crown Valley Parkway.

I-36-4



4) **Salt Creek Corridor:** Salt Creek is a designated view corridor. The height and size of the structure as depicted in the South Shores Church General Plan, both the proposed and alternate proposed project, would materially impair and /or interfere with the existing views. This was demonstrated by the "Staking of the proposed project" in July of 2009. See VoMB's website.

5) **Wildlife and Water:** Salt Creek harbors many species of wildlife, including an endangered bird species. The noise and pollutants emanation from the Church property during and after construction will adversely and materially impact such wildlife as well as much of the natural vegetation. The area, which is serving as drainage for South Shores Church, is both mitigation for another project and habitat for an endangered species. Currently, the storm water runoff from existing site is eroding this protected area. Plans for post-construction storm water management are inadequate for the proposed and alternate proposed project.

6) **Transformational General Plan.** The undersigned protests any attempt by the Planning Commission, the Dana Point City Council and/or the City of Dana Point to approve the proposed project, or alternate proposed project, without a thorough review by City Engineers, independent engineers and Regional Water Authorities. The proposed expansion and commercialization of South Shores Church beyond serving the congregants would be grossly invasive and transformational in a multitude of ways. It would dramatically and irrevocably alter the character of the area and adversely and materially impact and impair the ambience and quality of life historically enjoyed by nearby residents.

NAME:

DATE:

ADDRESS

GARY MCERLAIN 10-16-14 23288 ATLANTIS WAY
Greg McEwan DANA POINT 92629

Email: lastword@msn.com Telephone: 714 335-4998

See attached re: traffic concerns.

I-36-4

I-36-5

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PETITION-GARY MCERLAIN

LETTER CODE: I-36

DATE: October 25, 2014

RESPONSE I-36-1

This comment states that the turn lane into the church off westbound Crown Valley Parkway only accommodates 3 to 4 cars, which impedes through traffic and creates a safety hazard for motorists traveling down Crown Valley Parkway. This comment suggests that the proposed project include the extension of this left turn lane to partially mitigate car stacking at this access point, but also notes that the extension of this lane would not completely eliminate car stacking.

The Traffic Impact Analysis (TIA) (Appendix J) prepared for the proposed project included a queuing analysis for the southbound left-turn movements from Crown Valley Parkway into the full-access project driveway. The length of the southbound left-turn pocket at Crown Valley Parkway/Sea Island Drive–full-access project driveway is approximately 110 feet (ft). The southbound left-turn queues would not exceed four vehicles (or 88 ft at 22 ft per vehicle) for any of the analysis time periods or scenarios. Therefore, the 110 ft southbound left-turn pocket is adequate for all existing and project vehicles.

RESPONSE I-36-2

This comment states that along the left turn lane into the Monarch Bay Villas off westbound Crown Valley Parkway is heavily congested, which presents safety hazards for motorists traveling along Crown Valley Parkway. This comment also states that safety issues along this roadway are further exacerbated due to the limited site distance at this access point. This comment claims that increased congestion along Crown Valley Parkway would prevent residents of the Monarch Bay Villas from using this roadway to access the development, even if U-turns were prevented at this location.

The proposed project will not contribute to the southbound left-turn volumes (or queuing [if any]) at Crown Valley Parkway/Lumeria Lane. Church patrons will utilize the full-access driveway as described in Response to Comment I-36-1. Therefore, the project would not increase hazards for vehicles turning in or out of the Monarch Bay Villas.

RESPONSE I-36-3

This comment opines that the only feasible mitigation to alleviate project-related traffic congestion along Crown Valley Parkway would be to have uniformed deputies present on site to direct traffic. As such, the comment expresses that project should be required to contract with uninformed deputies to direct project traffic.

As demonstrated in the TIA, the proposed project would not result in significant traffic impacts along Crown Valley Parkway or Lumeria Lane. Although the request for uniformed Orange

County Sheriff's Department deputies/personnel to direct traffic and placement of traffic cones should not be required for typical operations of the project, additional measures could be explored for special events/activities.

RESPONSE I-36-4

This comment is a petition related to the proposed project and outlines concerns related to geology, construction phasing, ingress/egress, aesthetics, biological resources, and inconsistencies with applicable planning documents and policies.

This comment is identical to those comments included in Comment I-43. As such, please see Responses to Comments I-43-1 through I-43-11.

RESPONSE I-36-5

This comment requests that the reviewer of the comment letter see an attachment outlining traffic concerns associated with the proposed project.

This comment has previously been responded to; please refer to Responses I-36-1 through I-36-3, above.

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

RECEIVED

OCT 29 2014

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Ted Quinn

From: Ted Quinn <tedquinn@cox.net>
Sent: Monday, October 20, 2014 8:28 PM
To: squireshy@danapoint.org
Cc: 'Todd Glen'; 'Ted Quinn'
Subject: Comments on Final EIR for the South Shores Church proposed Master Plan SCH No. 2009041129, as requested by the City of Dana Point at the March 4, 2010 Scoping Meeting

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

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

I am a 17 year resident of Dana Point in Monarch Bay Villas and a 32 year resident of Laguna Niguel/Dana Point and am very familiar with the issues related to the proposed expansion for the South Coast Church. I am also an engineer with 37 years of experience in multiple large projects all over the world. As stated in my public comment, I think highly of South Coast Church and my two daughters both went to the preschool many years ago. I support the church's ability to replace the buildings at the north end. My strong concern is with the new building at the south end of the property which is over the top of the hill coming down to Monarch Bay Villas. The concern I have is with the seismic criteria for the development and the ability of the hill to withstand the development. My basis for concern is in the factual history of the Monarch Coast apartments, which were built approximately 20 years ago at 32400 Crown Valley Parkway. Approximately 5 years after being built, the most southern apartment building slid into the canyon and had to be destroyed. No one was hurt in this case because the slide was into an unoccupied canyon. In the case of the new buildings on the same hill for South Coast Church, the new building at the south end, if it were to slide, would slide right into multiple homes in Monarch Bay Villa's, risking the lives of anyone in the church building as well as the inhabitants of our homes in Monarch Bay Villas. Since the apartment building at Monarch Coast apartments was built to the latest code and still slid down the hill, what guarantee do we have that this won't happen again on the same hill with the new build at the church. The liability for the city is very large in such a case with such a clear history of instability on this hill.

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

Sincerely yours,

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

I-37-1

In Opposition

to

South Shores Church Master Plan, SCH No. 200941129

The undersigned resident of Monarch Bay Villas hereby objects to the South Coast Master Plan, SCH No. 200941129, ("the Church"), both the original and the alternate projects as proposed and/or any structural or operational expansion thereof. The Undersigned objections are based in part on the following:

1) **Geological Integrity.** The church property is geologically strategic to the Monarch Bay Villas (MBV) in that it supplies the primary structural footing for our hillside community and the adjacent hillsides. The continuing slippage, erosion, and subsidence of the properties immediately adjacent to the north of the Church demonstrate the existing instability of the angle of repose of the underlying property. This condition is characteristic of much of the property along Crown Valley Parkway. The alluvial fill along Salt Creek and immediately below the Church lends little or no structural support to the steep up-slopes. Acerbating the concerns of the undersigned is the fact that the slopes are composed primarily of rubble with little or no strata formation and laced with numerous underground water flows. A cursory review of the geological facts compels a conclusion that any material grading may trigger damaging earth movement. Accordingly, an expressed agreement of the indemnification running in favor of the MBV residents is mandated under the circumstance. Furthermore, there is landfill and no one knows what pollutants are therein contained.

I-37-2

2) **A Decade of Construction.** It is patently unreasonable to burden this community with an on and off construction process spanning over a period of 10 years. The prospect of living with the roar of heavy equipment, and other disconcerting construction noises echoing thought out the community for at least a decade and concomitantly fighting off the dust, noxious fumes and other pollutants that inevitably sift through the doors and windows of adjacent residents is simply intolerable and unacceptable. I request a performance bond be required in order to protect the community from delayed and/or unfinished construction work.

3) **Ingress/Egress:** Egress and ingress to the church premises is limited to the single driveway at Sea Island Drive and Crown Valley Parkway. The multiple daily operations contemplated by the applicant along with a decade of construction would overload an already busy parkway. For example, there are three uncontrolled right and left turn lanes between PCH and the entrance to the Church premises, a distance less than a tenth of a mile. Traversing through such turn lanes will become Greater challenges as well as greater safety hazards for all vehicular traffic. Likewise, ingress/egress from Monarch Bay Villas will be compromised, as the community has only one point of entry, on Crown Valley Parkway at Lumeria Lane. The intersection is frequently compromised by vehicles making u-turns and others speeding up and down Crown Valley Parkway.



4) **Salt Creek Corridor:** Salt Creek is a designated view corridor. The height and size of the structure as depicted in the South Shores Church General Plan, both the proposed and alternate proposed project, would materially impair and /or interfere with the existing views. This was demonstrated by the "Staking of the proposed project" in July of 2009. See VoMB's website.

5) **Wildlife and Water:** Salt Creek harbors many species of wildlife, including an endangered bird species. The noise and pollutants emanation from the Church property during and after construction will adversely and materially impact such wildlife as well as much of the natural vegetation. The area, which is serving as drainage for South Shores Church, is both mitigation for another project and habitat for an endangered species. Currently, the storm water runoff from existing site is eroding this protected area. Plans for post-construction storm water management are inadequate for the proposed and alternate proposed project.

6) **Transformational General Plan.** The undersigned protests any attempt by the Planning Commission, the Dana Point City Council and/or the City of Dana Point to approve the proposed project, or alternate proposed project, without a thorough review by City Engineers, independent engineers and Regional Water Authorities. The proposed expansion and ~~commercialization~~ of South Shores Church beyond serving the congregants would be grossly invasive and transformational in a multitude of ways. It would dramatically and irrevocably alter the character of the area and adversely and materially impact and impair the ambience and quality of life historically enjoyed by nearby residents.

NAME:

DATE:

ADDRESS

Edward McGuinn
Ed McGuinn 10/02/14 23292 Porsper Drive DP

Email:

tedguinn@cox.net

Telephone:

(949) 248-7853

I AGREE THAT THE EXISTING BUILDINGS SHOULD BE REPLACED TO SUPPORT THE CHURCH'S GOALS. MY CONCERN IS WITH THE NEW BUILDING AT THE SOUTH END RIGHT OVER THE TOP OF MARRICH BAY VILLAS.

TEDD QUINN

LETTER CODE: I-37

DATE: October 20, 2014

RESPONSE I-37-1

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

This comment is identical to the comments presented in Comment Letter I-18. Refer to Responses to Comments I-18-1 through I-18-4.

RESPONSE I-37-2

With the exception of the deletion of the phrase "and commercialization" from the first sentence under the sixth point, Transformational General Plan, this comment is identical to those presented in the petition submitted in Comment Letter I-43.

Refer to Responses to Comments I-43-1 through I-43-11, below.

RESPONSE I-37-3

This comment expresses support for the replacement of the existing buildings on the project site, but also expresses a general concern about the Preschool/Administration building proposed on the southeastern portion of the project site.

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

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

RECEIVED

OCT 29 2014

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Comments to City of Dana Point/LSA DEIR
re: South Shores Church Master Plan
SCH#2009041129

CITY OF DANA POINT PLANNING COMMISSION

RE: "Study Session" for South Shores Church Project

DATE: October 13, 2014 6 p.m.

LOCATION: 34052 Del Obispo St., Dana Point, CA 92629

Number 2009041129, South Shores Church Master Plan

Attention: Planner Saima Qureshy

I want to go on record and voice my opposition to the "Master Plan" expansion of South Shores Church. My name is Susan Hazelbaker and for 30 years I have owned a home on Pompeii Drive in Dana Point which backs up to the church property. In fact our development "Monarch Bay Villas" sits on the opposite end of the hillside that the church would be developing. The "Villas" were built in 1975. And for 39 years they have rested on "bedrock". We homeowners have been very fortunate to have had absolutely no "slippage" problems whatsoever. Meanwhile developments all around us have had numerous problems. i.e. the major slide on Clubhouse Drive and Crown Valley Parkway, another slide on Niguel Road and Del Avion, and in fact a slide at the base of the hillside behind the church property at the Bluff's Apartments. There is a known slide area at the base of the church property that is clearly marked on their maps. Knowing all these facts, the church is still willing to move forward and for a 10 year period, implement a plan that could have a very risky outcome.

I-38-1

I-38-2

For years there have been issues with water. As you can see if you visit the hillside below the church they have not taken proper care of the V ditches that drain down the hill. Most of them are inoperable with the exception of the Monarch Bay Villas v-ditch that is cleaned out by our maintenance company. Why do we have any faith at all that the church would suddenly start to take care of these issues when they haven't done so in years. And why has the city of Dana Point not checked on this problem and done something about it??? We have little to no faith that the church will properly maintain this undertaking or that they have the money to do so. Anyone who has a 10 year plan seems to be saying that they do NOT have the money to go forward with their "master" plan but they will continually keep "fund raising" and hope that the money will somehow appear during this 10 year time frame. If the money was accounted for then this project could be built in 3 years. We have all seen various developments that were started and the builder ran out of money and the development stood part way finished, causing a blight on the community for years. This situation could easily happen with the enormous budget the church has for this undertaking. And how will that look as we drive down the beautiful "scenic highway" also known as Crown Valley Parkway? What recourse will the city of Dana Point have at that time to correct a situation such as this?

I-38-3

I-38-4

I-38-5

My condominium is located 10 feet from the crib wall that is currently holding up and backing up to the churches parking lot. They plan to drive 90' piles into this area to add support to the subterranean parking structure that they are planning to build. Their plans also show the location of a cistern underneath this structure to handle water issues. Then they will further attempt to shore up this side of their development by diagonally injecting hundreds of feet of casing under the structure to ensure further stability. What will all this drilling and maneuvering of the existing bedrock do to the integrity of the bedrock that our homes currently reside on? Can the Planning Commission or the Dana Point City Council members guarantee that the Monarch Bay Villas development can withstand the augmentation of our existing bedrock?? Could this undertaking cause our development to become unstable resulting in a slide?? If so, could it cause upper Pompeii homes to slide into the lower Pompeii Drive homes causing a slide down to the homes on Atlantis Way. Could our development end up in Gelson's parking lot? I guess anything is possible. There as you know is no way to tell what will or won't happen. The question is this, is it worth the risk?? You the Planning Commission has to decide.

I-38-6

If you allow this master plan to go forward, will we be safe in our homes while this massive undertaking is taking place? Will dishes fall out of our cabinets? Will floors and walls start to move and crack?? Will we be able to breathe with the pollutants in the air?? Will the noise factor be deafening? Landslides don't give much warning. How will we be able to have any quality of life at all with a situation such as this going on for 10 years? The church says they will not continually be in the building process, but the down times don't seem to be many considering the length of the project. Do the 52 families who reside next to this project get no consideration? At the height of the market, our homes were valued at over a million dollars. The values were starting to rise again until recently when the church decided to push forward on this massive construction. Now the church expansion plan has to be disclosed to a future buyer or renter. We are already seeing the impact of such a long plan resulting in one home already falling out of escrow because the prospective buyer did not want to deal with the church issue. So we are stuck as far as values go and the ability to sell our homes for what they were worth. Five days a week this work will begin at 7 a.m. and can, as the city tells me, continue until 8 p.m. Will a homeowner, who has no choice, want to live thru that, much less a tenant who will have a choice as to where they decide to live. Please remember that we the owners of all 52 condominiums pay property taxes and sales taxes that contribute to the county. Please also don't lose sight that our development total with pool, clubhouse, gym etc could easily value our worth at 60 million dollars or more. It seems that the desire for the church expansion has somehow caused a lack of consideration on the impact it will have on our development. The Monarch Bay Villas has been referenced by the church as "tiny little apartments that probably cost \$30,000" and this statement shows total disregard for those of us affected by this massive expansion. I guarantee if the situation was reversed and the church members owned homes in our development they would not be so quick to casually dismiss us and our fight to keep our homes safe. Therefore, you the Planning Commission need to remember that these are "our homes" that some of us have owned for nearly 40 years. We have amazing ocean views and have had a wonderful quality

I-38-7

I-38-8

I-38-9

I-38-10

I-38-11

church can expand and not put our development in harm's way while doing it. This is a KNOWN SLIDE AREA. Please do not put our 52 homes and families at risk and ask us to put our lives on a "TEN YEAR HOLD".

I-38-11

Thank you very much for your time and consideration.

Sincerely,

Susan Hazelbaker
23283 Pompeii Drive
Dana Point, Ca. 92629

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SUSAN HAZELBAKER

LETTER CODE: I-38

DATE: October 13, 2014

RESPONSE I-38-1

This comment is introductory and states that the commenter has owned a home for the past 30 years on Pompeii Drive in the Monarch Bay Villas development, immediately south of the project site, and opposes the completion of the proposed project.

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-38-2

This comment states that several landslides have occurred in the vicinity of the project site and suggests that the Applicant is moving forward despite these risks.

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

RESPONSE I-38-3

The comment expresses concerns related to drainage, runoff and maintenance of the v-ditch.

See Common Responses Nos. 6 and 13.

RESPONSE I-38-4

The comment raises concerns regarding a 10-year construction plan and the ability of the Applicant to raise money and fund the project.

See Common Response No. 3. The comment regarding fund raising does not contain any specific statements or questions about the Draft EIR or the analysis therein, no further response is necessary.

RESPONSE I-38-5

This comment speculates about what the project site might look like from Crown Valley Parkway if it were left in a partially finished condition and what type of recourse the City may have to correct such a condition.

Because this comment does not contain any specific statements or questions about the Draft EIR or the analysis therein, no further response is necessary. However, the Applicant will be required to provide a performance bond so any phase of construction that is begun will be completed. See also Common Response No. 9.

RESPONSE I-38-6

The comment questions what impacts drilling and maneuvering of the bedrock will have on adjacent homeowners. The comment further questions whether construction could cause landslides in the area.

Discussion presented in the Geotechnical Reports prepared for the proposed project (refer to Appendix E, Geotechnical Reports, of the Draft EIR) indicate that construction of the proposed project can be performed without off-site geotechnical impacts. Geotechnical-related monitoring, any drilling and/or excavation process would be performed during construction by the geotechnical consultant.

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

RESPONSE I-38-7

This comment asks whether construction of the proposed project will result in temporary impacts on air quality.

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. As described on pages 4.2-18 and 4.2-19, construction emissions associated with the proposed project are not anticipated to exceed the South Coast Air Quality Management District (SCAQMD) daily emissions thresholds. However, the proposed project may result in impacts associated with fugitive dust. Therefore, with implementation of the required construction emissions control measures required in Standard Conditions 4.2.1 and 4.2.2 (compliance with SCAQMD standard conditions and Rule 403), project impacts related to fugitive dust during construction would be reduced to a less than significant level, and no mitigation is required.

RESPONSE I-38-8

This comment asks whether construction of the proposed project will result in temporary noise impacts.

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 of Dana Point (City) Noise Ordinance and Standard Condition 4.10.1, which require specific measures to reduce short-term construction-related noise impacts, would reduce the proposed project's construction noise levels in the project vicinity to a less than significant level. No additional mitigation is required.

RESPONSE I-38-9

This comment asserts that property values surrounding the project site have already declined as a result of the proposed project and will decline further if the proposed project is approved and constructed.

The issues raised in this comment are purely economical in nature and do not raise any concerns about the proposed project's potential to result in physical impacts on the environment. The comment does not contain any substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-38-10

This comment suggests that the City Noise Ordinance allows construction activities 5 days per week between 7:00 a.m. and 8:00 p.m.

Section 4.10, Noise, of the Draft EIR, describes the City noise regulations and standards. As described on page 4.10-11, the City Noise Ordinance allows construction activities between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday. No construction is permitted outside of these hours or on Sundays and federal holidays. Additionally, Section 8.01.250 (Time of Grading Operations) of the City 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 described on page 4.10-14 of the Draft EIR, construction activities at the proposed project would be required to comply with Standard Condition 4.10.1, which would require the construction contractor to limit all grading and equipment operations and all construction-related activities that would result in high noise levels (90 A-weighted decibels [dBA] or greater) to between the hours of 10:00 a.m. and 4:00 p.m., Monday through Friday. No high noise level construction activities shall be permitted outside of these hours or on Saturdays, Sundays, and federal holidays.

RESPONSE I-38-11

This comment claims that the Applicant has failed to consider the proposed project's impacts on the Monarch Bay Villas and states that the Planning Commission should consider the potential environmental impacts of the proposed project during its decision-making process.

CEQA requires that local government agencies, before taking action on projects over which they have discretionary approval authority, consider the environmental consequences of such projects. This Draft EIR has been prepared by the City of Dana Point to analyze the potential environmental impacts of the proposed project. The Draft EIR will be considered by the City Planning Commission during its decision-making process regarding the proposed project. The comment does not contain any specific, substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

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

RECEIVED

OCT 29 2014

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Sergio & Mara Landau
 Monarch Bay Villas
 23293 Pompeii Drive
 Dana Point, CA. 92629
 949-240-2294
sergio@ondamotion.com

October 26th, 2014

City of Dana Point

Attention: Saima Qureshy, AICP, Senior Planner
 Community Development Department Planning Division
 33282 Golden Lantern
 Dana Point, CA 92629-3568

Re: South Shores Church ("Proponent") Master Plan, City of Dana Point, SCH
 No. 2009041129 ("Project")
 CDP 04-11, CUP 04-21, SDP 04-31.

Subject: Response to DEIR, South Shores Church Expansion Project

HAND DELIVERED TO THE CITY OF DANA POINT – PLEASE SEND COFIRMATION
 OF RECEIPT TO Sergio@ondamotion.com.

Our home at Pompeii Drive, in the Monarch Bay Villas Community is adjacent to the south side of the Proponent's lot. Considering the actual environmental impacts that a project of this magnitude, scope, and duration may cause on the vicinity communities, we do not agree with LSA conclusion that this project has Less Than Significant Impact on our neighborhood. As a project of this magnitude in a coastal area, we believe that more in depth and detail analysis is required than just the mitigation of negative impact to the neighborhood. We are opposed to the project for a number of reasons. Particularly, we are most concerned with the following:

I-39-1

1) Aesthetics and Visual: We feel that this huge project will wipe away the harmony of this beautiful coastal bluff. Salt Creek Canyon will lose its current identity as a pleasant coastal area balancing nature, residences, a golf course and a church. Cramming this massive new construction in such a limited area is an offense to the aesthetic of Dana Point Coastal Community, and in particular to us living in the immediate neighborhood. We have worked all our lives to have the privilege to live along this beautiful Coastal Canyon. Now we are facing the treat of having functional/business buildings – not residences – that will bring traffic of vehicles and people during the days and the evenings, and artificial lighting during the nights. In our particular case, the new proposed administration/pre-school building will be permanently violating our privacy. At Monarch Bay Villas, Pompeii Drive, we have a situation of a new functional/business building put right next to our homes. In our particular case, 2 of our 3 bedrooms and our entire kitchen area face the new proposed building directly. We are positioned at a lower

I-39-2



elevation (about 10 feet lower than the ground floor of the new building), so that anyone looking from the windows of the new administration/pre-school building will have an unobstructed view to most of the inside private areas of our home. For this reason, we believe that the standard set back is not sufficient; we need to see a solution that will reduce the impact of this close proximity and the difference in elevation between the new structure and our home. The way it's been proposed, it leaves us in a complete vulnerable position, where our privacy inside our home can be violated by anybody at any time of the day or night. Enclosed we are sending the simulated views of the new building from the inside of our own bedroom and kitchen area. This is not a passing by perspective; it is the visual perspective from where we live everyday.

I-39-2

2) Noise: The study states that "there is less than significant noise impact in the vicinity above the existing levels without the project". We've been living here since 2006, and we know that the existing noise level measured at the windows of our rear bedrooms is much lower than about 50 decibels estimated by the project. Once the buildings become operational, we have no assurances that the actual noise will be limited to these estimation levels. What would be the remedies the Proponent will have in place if the levels of noise measured from our windows are greater than 50 decibels? We are particular concerned with noise coming from the administration/pre-school building. There are no provisions to limit the use of the building to only weekdays and daytime hours. We may be subject to the new noise levels from early morning to late night, including on the weekends.

I-39-3

Besides the permanent noise impact caused by this project when completed, during the construction period, we will also suffer the consequences of all noise produced by the construction workers, their trucks, tools and machines; on and off for 10 years or more. We didn't see any reasonable explanation for the conclusion that "there is less than significant noise impact in the vicinity above the existing levels without the project". The noise impact will need to be re-evaluated and viable solutions would need to be presented to assure this project will not cause significant noise impact to the surrounding residents, and if there are such solutions they would need to be disclosed in detail in the final EIR.

I-39-4

3) Air Quality: All items regarding air quality were found to cause either "less than significant impact" or "no impact". We find this conclusion to be very unlikely. Over a period of at least 10 years, we will be collecting in our lungs all dust and possible other airborne pollutants from the excavation and movement of over 100,000 cubic yards of earth. How can the project conclude that someone living right next to these excavations, for at least the next 10 years, will suffer "no impact" or "less than significant impact" in the air quality? We, residents of Monarch Bay Villas, live here 24/7, less than 30 feet away from the construction site and the area where all of this dirt needs to be excavated and moved. Most of us living at Monarch Bay Villas are above the age of 65. This is not just a construction next door; it is a mega project, generator of huge amounts of dust and other airborne pollutants, expected to go on for at least 10 years. We think we deserve to preserve our quality of life, and our health and age may demand so.

I-39-5

Presently, the Proponent does not have all financial resources to fund this project all the way to its conclusion, and plan to pay for this project with future donations. We have no assurances that the Proponent will in fact have enough funds to complete this project in 10 years. There is a good chance that they will be unable to do so. This construction could start and remain uncompleted, and go on intermittently for over two decades or

I-39-6

more. We don't think that there are reliable studies concluding that elderly people exposed to decades of dirt excavations at such a close range will have no major health adverse impact as, for instance, cancer?

I-39-6

4) Geology and Hydrology: There is no comprehensive test to confirm that the soil will allow the level of disturbances created by the project, and that there will be no impact or risk to our community in case of a big storm.

This is the item of our greatest concern because it involves our physical safety. We are adjacent to, and at a lower elevation of the church's lot on the south side. Between us there's a slope of earth that will need to be severely disturbed to accommodate the new building structures of admin/pre-school building and parking garage. In the past, some of the residents of Pompeii Drive have had serious water damages in our garages, and the water couldn't come from anywhere else other than the slope on the south side of the Proponent's lot, right contiguous to the back of our garages. We are deeply concerned with what will happen in case of a big rain storm, once these significant soil disturbances take place on that slope. We have good reasons to be concerned because we are downhill from the excavations where the new building foundations will be. There's great concern for severe water damage and landslides. We know that the geology of that entire hilly area surrounding the church's lot is very sensitive to effects of storms and earthquakes. Twenty years ago an earthquake took down an entire block of units of the apartment complex at the north side of the church. These apartments were never rebuilt. We believe that with such significant soil disturbance, there is a greater risk that something similar could happen to the homes located at the north side of Pompeii Drive. That could have catastrophic and tragic consequences. In the lack of absolute proof that there will be no significant added risk to our homes being flooded, the Proponent would need to consider being held liable for these possible consequences; an indemnification bond, which will probably in the tens of millions of dollars, to cover possible losses to the residents of Monarch Bay Villas would be required.

I-39-7

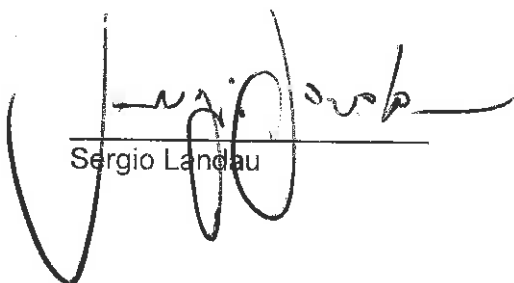
I-39-8

I-39-9

My wife and I are now retired; we are now supposed to live the best and most tranquil remaining years of our lives. Instead we are now facing all these treats. We do not oppose to the church expanding/renovating their facilities; we understand it is their right to build, remodel, and make use of their land in a more productive way. But it is clear to us that this project stretches way too far the physical capacity of their lot. This is a massive overbuilding with lasting consequences in traffic, air quality, and quality of life in general. And it will disfigure a beautiful and sensitive area of coastal bluffs and canyons. Based on what we've seen the impacts of this project on all of us living in this vicinity is not "Less than Significant". We hope that a comprehensive final EIR, with a credible, thorough, and detailed impact analysis will address all the issues raised here (as well as other impacts not mentioned here such as "traffic" and "wildlife preservation").

I-39-10

Sincerely,



Sergio Landau



Mara Landau

SERGIO AND MARA LANDAU

LETTER CODE: I-39

DATE: October 26, 2014

RESPONSE I-39-1

This comment is introductory and explains that the commenter lives immediately to the south of the project site and disagrees with the conclusion in the Draft Environmental Impact Report (EIR) that the proposed project would result in less than significant impacts on the Monarch Bay Villas Community.

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

RESPONSE I-39-2

This comment asserts that the proposed project would result in aesthetic and visual impacts on Salt Creek Canyon and intrude on the privacy of residents at the Monarch Bay Villas. This comment also suggests that the proposed setback would be insufficient.

See Common Response No. 9 and Common Response No. 11.

RESPONSE I-39-3

The comment raises concerns about the noise levels and questions what can be done to ensure noise levels are not exceeded and to limit the use of the buildings.

The Noise Impact Study (Appendix J) evaluated noise impacts from project-related mobile and stationary sources for off-site uses, and did not identify any significant noise impacts, whether the sources occur between 7 a.m. and 10 p.m. or outside of this time period. Ambient noise measurements, especially for short durations (less than 8 hours) represent noise level in a snap shot of time at the measurement locations. They are used to document the existing noise environment. For noise mitigation purposes, it is based on the projected worst-case scenario, with the highest noise level under the worst case operational conditions. This worst case scenario for both construction and operations on the project site has been included in the Noise Impact Study, and compared to the applicable City noise standards (not the ambient noise measurement data).

The proposed project's operational noise impacts would be reduced to a less than significant level with the implementation of Mitigation Measure 4.10.1 and compliance with Standard Condition 4.10.1. However, if future noise levels are not in compliance with the City's Noise Ordinance, the City has the authority to require modifications in any on-site operations or require the Applicant to upgrade the buildings to alleviate adverse noise impacts on surrounding residents.

RESPONSE I-39-4

The comment raises concerns about noise during the 10-year construction period. The comment further questions whether noise impacts are less than significant.

The Noise Impact Study evaluated noise impacts from project-related construction sources for off-site uses, and did not identify any significant noise impacts, when compared to the applicable City noise standards. Standard Conditions have been adequately identified to minimize the potential construction noise impacts. Specifically, compliance with Standard Condition 4.10.1 (page 4.10-27 of the Draft EIR) would reduce construction-related noise impacts resulting from the proposed project to a less than significant level.

RESPONSE I-39-5

This comment expresses disagreement with the Draft EIR findings that the proposed project would result in either “no impact” or a “less than significant impact” to air quality, especially for residents of the adjacent Monarch Bay Villas.

See the Response to Comment I-25-30.

RESPONSE I-39-6

This comment expresses concern over potential on-going construction impacts due to the Applicant’s current lack of funding for completion of the proposed project.

The Draft EIR analyzes the “worst-case” construction schedule that would result in the maximum level of daily construction emissions. As shown in the Draft EIR, even this “worst-case” scenario would not result in any pollutant emissions that would exceed the South Coast Air Quality Management District (SCAQMD) thresholds of significance. These thresholds are designed to be protective of the health of all people. Thus, if the project construction is delayed or extended, the daily emissions would be no greater than those analyzed in the Draft EIR and would likely be lower than those emissions because the daily construction activities would be less.

The comment related to the funding of the project does not contain any specific, substantive comments or questions about the analysis in the Draft EIR, and no further response is necessary.

RESPONSE I-39-7

The comment asserts that there is no comprehensive test to confirm that the soils will allow the disturbances proposed by construction of the project. The comment also raises concerns regarding runoff and the stability of the adjacent slopes.

The geologic characteristics of the project site and geotechnical conclusions/recommendations relative to the proposed project and hillside terrain adjacent to the project site were investigated and evaluated in detail by the Applicant’s geotechnical consultant. 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). These reports provide comprehensive soils analysis.

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

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

RESPONSE I-39-8

The comment raises concerns related to storms and earthquakes due to the landslide associated with an adjacent apartment building.

Section 4.5, Geology and Soils, of the Draft EIR acknowledges that a landslide occurred in 1991 at the Monarch Coast Apartments, located adjacent to and northeast of the project site. Differences in the geologic conditions between the northeast and southeast portions of the hillside terrain adjacent to the proposed construction site are described and supported with geotechnical analyses in the Geotechnical Reports prepared for the proposed project (refer to Appendix E, Geotechnical Reports, of the Draft EIR).

See Response to Comment I-39-7.

RESPONSE I-39-9

The comment requests that the Applicant be held liable for possible flooding and landslide consequences and requests and indemnification bond be required.

See Common Response No. 4.

RESPONSE I-39-10

This comment asserts that the proposed project would exceed the physical capacity of the project site and expresses disagreement with the Draft EIR findings that the proposed project would result in less than significant impacts, especially with respect to traffic, air quality, and visual impacts.

See Common Response No. 10 and Common Response No. 11.

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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.

I-40-1

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.

I-40-2

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

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.

I-40-3

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"**.

I-40-4

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

I-40-5

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.

I-40-6

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.

I-40-7

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

I-40-8

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

TODD V. GLENN

LETTER CODE: I-40

DATE: October 13, 2014

RESPONSE I-40-1

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

RESPONSE I-40-2

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. Further, the comment states that the project should receive the same level of review as any other commercial or corporate business.

See Responses to Comments I-9-3 and I-9-4.

RESPONSE I-40-3

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

See Response to Comment I-9-5.

RESPONSE I-40-4

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

See Response to Comment I-9-6.

RESPONSE I-40-5

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

See Response to Comment I-9-7.

RESPONSE I-40-6

The comment asserts that the project will pollute Salt Creek and further asserts that the WQMP and NPDES permits are inadequate mitigation.

See Response to Comment I-9-8 and Common Response Nos. 6 and 13. The Preliminary WQMP has been revised and can be found in Attachment B to this Final EIR.

RESPONSE I-40-7

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

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

RESPONSE I-40-8

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

See Response to Comment I-9-10.

From: Victoria Lynn O'Toole [<mailto:vickyotoole@hotmail.com>]
Sent: Thursday, October 16, 2014 11:59 AM
To: SAIMA QURESHY
Subject: DEIR South Shores Church Master Plan Project

Saima Qureshyy, AICP, Senior Planner
City of Dana Point
Community Development Department, Planning Division
33282 Golden Lantern, Suite 209
Dana Point, CA 92629
Email: squireshy@danapoint.org

October 16, 2014

To whom it may concern,

I reside at 57 Cassis, Monarch Beach, CA, directly across from the church. I strongly object to the above project as it has direct adverse environmental impact to me. The golf course and canyon that separates our property provides for a sound amplifier and sound pollution. I already suffer from the elevated noise levels of the Church and their various functions. To triple their footprint and to add schools would magnify this problematic situation.

I-41-1

I tried to attend the study session on Oct 13th, 2014 @ 6:00 pm at the Community Center Gym and there was no available parking in any parking lot or adjacent street. A meeting of such importance should be held at a facility that provides full attendance parking.

I-41-2

Please feel free to contact me at (949) 842-5232 for any questions or additional comments.

Sincerely:

Victoria O'Toole

VICTORIA O'TOOLE

LETTER CODE: I-41

DATE: October 16, 2014

RESPONSE I-41-1

This comment expresses objection to the proposed project and states that it has a direct adverse environmental impact on the commenter. The comment states that the canyon and golf course between their residence and the project site results in sound amplification and sound pollution, and that they suffer from elevated noise occurring at Church functions. The comment further states that the Church's plans to triple their footprint and add schools will magnify the problem.

The proposed project increases the overall square footage on the project site from 42,545 square feet to 89,362 square feet, which is not a tripling of the footprint. In addition, the proposed project does not include an increase in the existing preschool's license for 86 preschool students. No additional school capacity is included.

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

As described in the Draft EIR (page 4.10-14, Section 4.10, Noise) potential on-site noise sources would primarily include activities associated with the children's play areas. The majority of other activities at the Church are conducted inside the buildings and would not create significant noise impacts on surrounding land uses. No mitigation was required for noise impacts occurring as a result of Church activities because the maximum noise levels would not exceed the City's 75 dBA L_{max} threshold that is not to be exceeded at any time during the daytime hours for residential areas, or the City's 60 dBA L_{50} threshold that is not to be exceeded for more than 15 minutes (but less than 30 minutes) in any hour during the daytime hours between 7:00 a.m. and 10:00 p.m.

RESPONSE I-41-2

This comment states that the commenter could not attend the October 13, 2014 study session due to limited parking. 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.

South Shores Church Proposed Expansion Project

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

I-42-1

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

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OCT 29 2014



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

I-42-1



Comments from Public Agencies

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

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

I-42-1

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

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

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

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

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

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

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

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

Sincerely,

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

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

RECEIVED

FEB 18 2010

Attention: Siama Quershy

CITY OF DANA POINT
 COMMUNITY DEVELOPMENT DEPARTMENT

Gentlemen:

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

Aesthetic Considerations and Visual Impacts

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

Air Quality

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

Biological Resources

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

I-42-1

Cultural Resources

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

Geology and Soils

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

Hazard Analysis

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

Hydrology and Water Quality.

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

Noise

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

Public Services

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

Traffic Study

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

Infrastructure and other fiscal impacts

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

I-42-1

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

Roger P Herbert

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



Roger Herbert
8603 Tranquil Park Dr.
Spring, TX 77379

HOUSTON TX 770

THE POST OFFICE SPRING TX



200 FEB 18 A 9 45

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

32629-1805



February 25th, 2010

Attn.: Saima Qureshy, AIC, Senior Planner

33282 Golden Latern

Dana Point, CA 92629

RECEIVED

FEB 25 2010

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Dear Mr. Qureshy & City of Dana Point Officials,

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

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

My wife and I strongly oppose this plan.

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

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

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

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

Sincerely,

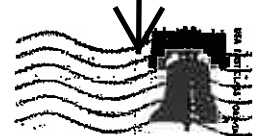
Todd Lipscomb

38 San Raphael

Dana Point, CA 92629

Todd Lipscomb
38 San Raphael
Dana Point, CA
92629

SANTA ANA CA 927
25 FEB 2010 PM 9 T



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

92629



I-42

SAIMA QURESHY

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

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

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

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

Dulcie Pate
Manarch Bay Villas.

I-42-1



SAIMA QURESHY

I-42

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

I-42-1

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

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

Carl Verheyen



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

RECEIVED
2010 MAR 22 A 10:45
CITY OF DANA POINT

March 22, 2010.

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

I-42-1

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

To City of Dana Point Staff:

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

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

Thank you for your assistance.

Todd Glen 3-22-2010



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

I-42-1

2010 MAR 22 AM 10:15
The City of Dana Point Planning Commission and the South Shore Baptist Church, who both stated that not one item in the Environmental Checklist Form had a "Potentially Significant Impact", regarding any of the categories listed in the form, is an insult and a direct affront to the homeowners, residents and tax payers of Dana Point. This recycled and highly flawed document was taken from the original Mitigated Negative Declaration that has been proven to be inaccurate and completely biased. How can this flawed Environmental Checklist Form be used as the basis for the development of the current Draft EIR and not be tainted with the horrible sins of the past MND?

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

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

they attempt to navigate the Crown Valley Parkway access to the freeway. Today, there is a current
Todd V. Glen – 23285 Pompeii Drive, Dana Point, CA 92629
714-819-4685 Cell – tvglen@cox.net



March 4th 2010 – Scoping Session SSBC

construction project blocking Crown Valley and Alicia Parkway intersection, which foreshadows the I-42-1 horror that this project will cause for the next ten years.

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

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

Aesthetics – Would the project:

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

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

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

I-42-1

b) The proposed building substantially damages the scenic resources:

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

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

March 4th 2010 – Scoping Session SSBC

The neighbor hood views for the Fourth of July fireworks celebrations from San Clemente to Laguna Beach use this open location. The initial study failed to examine this fact. I-42-1

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

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

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

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

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

hotel complex will suffer from the blight of bent and damaged chain link fencing with torn and faded, I-42-1
lapping green plastic visual barriers securing this promontory. This surely is an aesthetic blight on the
landscape for all persons looking across the golf course towards the promontory and walking along
the Salt Creek Scenic Corridor. This has not been addressed in the initial study.

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

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

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

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

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

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

I-42-1

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

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

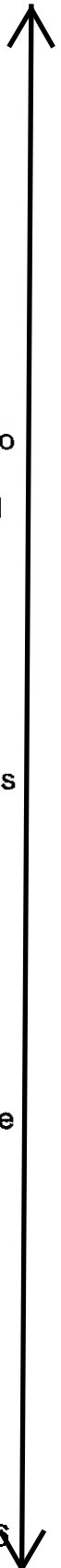
The opening paragraph of alphabet soup in the MND has no significances except to show who is most significant in the chain of command; with the SCAQMD winning out because of it's published guidelines. A statement printed in the MND does not make a fact true. This has not been examined fully in the initial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

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

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

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

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



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

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

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

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

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

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

I-42-1

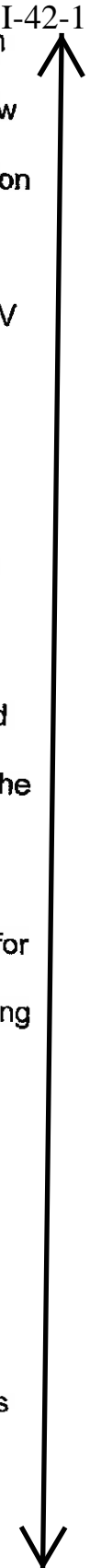
The proposed phase 1B grading at the north end of the site to prepare building pads, and explorations of the site with core borings to see if it is feasible to build is not clearly address. With major excavation where is the dirt to be stockpiled? If as proposed "on site" is not possible where is the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

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

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

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

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



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

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

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

d) Expose sensitive receptors to substantial pollutant concentrations?

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

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

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

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

MND page 75 — Biological Resources: Would the project:

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

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

2010 MAR 22 A 10:46

City of Dana Point

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MND page 79 Cultural Resources: would the project:

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

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

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

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

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

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

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

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

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

MND page 81 Geology and Soils: would the project:

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

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

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

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

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

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

The earliest study listed 1987 for "tentative tract 12590 identified a north-south trending fault which dips about 70 degrees east and crosses the northeast corner of the property". This is the area
Todd V. Glen – 23285 Pompeii Drive, Dana Point, CA 92629
714-819-4685 Cell – tvglen@cox.net

of the site selected to build the gymnasium. When G.A. Nicoll & Associates, Inc. did not encounter the fault, which report can be believed? In the area just Northeast of the site two apartment building slide down the hillside and have not or cannot be rebuilt. This is a fact I can see and know to be a actual and not a guess. In foot note 2 and 3 on page 3-37 of the MND a series of seven different reviews and investigation were completed until "someone" said to SSBC "OK, go ahead and build". Living in close proximity to the building site I feel threatened by the SSBC expansion, and want the proponent to provide an indemnity bond to protect all MBV homeowners' residences during the construction and after completion of construction for ten years from the damage done by the SSBC construction. With a ten-year building permit, I want a ten-year post construction insurance policy protecting my home from any and all damage that is associated with the proposed project. If this cannot be done, because no one will insure this project, then there is an interested third party that says that "is not a reasonable or feasible scaled project". This has not been examined in the MND or the initial study.

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

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

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

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

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

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

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

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

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

The statement that the existing topography is flat is the same as saying the world is flat. Only a center portion of the site is sort of flat more humped. Every edge to the site except Crown Valley drops off steeply. The 25 feet of engineered fill deposit is only on the south west portion of the property or the Todd V. Glen – 23285 Pompeii Drive, Dana Point, CA 92629
714-819-4685 Cell – tvglen@cox.net

south edge of the parking lot next to MBVs and not the entire site as stated. The north, east, and south east edges of the site are the locations planned for the new buildings. All these sloping edges of the site will need retaining wall to maintain the slope and piling to secure the buildings. The company doing the fieldwork was not named only the evaluator of the data G.A. Nicoll. The wet ground of the southeast corner is the low side and the location of the onsite catch basin. With the acknowledgement of the on site and off site landslides it is impossible to accept the statements of "less than significant impact" of the MND and the Initial study. Only with the initial cutting of earth can a more accurate estimate be created. However this is after demolition if several buildings and permits have been issued. What happen if it cannot be mitigated to "less than significant impact"? Is the project stopped? This is not addressed in the MND or initial study. Who cleans up the eye sore of the demolition area?

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

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

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

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

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

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

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

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

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

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

Page 89 3.7 Hazards and Hazardous Materials

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

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

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

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

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

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

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

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

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

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

page 83 3.8 Hydrology and Water Quality:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

page 105 3.9 Land Use and Planning

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

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

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

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

page 109 3.11 Noise

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

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

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

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

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

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

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

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

page 125 **3.14 Recreation**

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

page 127 **3.15 Transportation/Circulation**

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

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

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

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

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

March 4th 2010 – Scoping Session SSBC

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

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

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

COMMENT CARD

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

NAME: Todd Olsen

ADDRESS: _____ CITY: _____ ZIP: _____

EMAIL ADDRESS: T.Olsen@cox.net

REPRESENTING: _____

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

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

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

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

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

- * Undersew sewage water system from parking lot
- * Expose groundwater flow under parking lot of Pompeii Ruins

Please comment by March 22, 2010



COMMENT CARD

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

NAME: Toss V. Glen

ADDRESS: _____ CITY: _____ ZIP: _____

EMAIL ADDRESS: tvglen@cox.net

REPRESENTING: _____

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

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

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

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

*Is the Selva forking lot able to lease
rent - parking spaces? My original
conditional use permit?*

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

Please comment by March 22, 2010

COMMENT CARD

I-42-1

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

NAME: Todd V Glen

ADDRESS: _____ CITY: _____ ZIP: _____

EMAIL ADDRESS: TVGlen@cox.net

REPRESENTING: _____

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

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

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

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

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

Address the topograph which amplifies sound across the SIC corridor -

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

Direction of ventilation of new cooling tower in parking area -

Put dome noise from embalmery building

Turn Park going south from MBUs is required

Please comment by March 22, 2010

COMMENT CARD

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

NAME: Todd GLEN

ADDRESS: _____ CITY: _____ ZIP: _____

EMAIL ADDRESS: TVGlen@cox.net

REPRESENTING: _____

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

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

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

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

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

Grand use - actual size of property available for development - 1.5 acres of site was allocated for widening of Crown Valley - What is the real acreage available?

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

What is the no. of truckloads required for moving 100,000 cubic feet of dirt?

How will this impact the Traffic Count

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

COMMENT CARD

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

NAME: Pat Glyn
ADDRESS: _____ CITY: _____ ZIP: _____
EMAIL ADDRESS: PatGlyn@cox.net
REPRESENTING: _____

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

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

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

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

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

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

Please comment by March 22, 2010

COMMENT CARD

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

NAME: _____

ADDRESS: _____ CITY: _____ ZIP: _____

EMAIL ADDRESS: _____

REPRESENTING: _____

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

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

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

Phone: (949) 248-3568

Fax: (949) 248-7372

Email: sqaureshy@danapoint.org

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

1) ADD TIMELINE TO YOUR ENVIRONMENTAL TOPIC AREAS TO BE ANALYZED.

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

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

Please comment by March 22, 2010



COMMENT CARD

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

NAME: Paul Melby
ADDRESS: 3401 Via Esplanada CITY: Cupert. Ca ZIP: 92024
EMAIL ADDRESS: p-melby@cox.net
REPRESENTING: _____

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

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

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

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

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

Community life center doesn't provide
Arch. Relief.

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

Regards,

Paul

Please comment by March 22, 2010

Roxanne Willinger
23286 Pompeii Drive
Dana Point, CA 92629

March 19, 2010

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

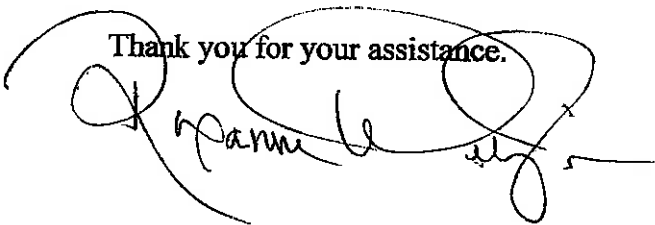
Subject: My comments for LSA Associates' Scoping for EIR re:
South Shores Church Proposed Development Plan - SCH#2009041129

To City of Dana Point Staff:

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

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

Thank you for your assistance.



RECEIVED
MAR 19 2010
CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT



RECEIVED

MAR 19 2010

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENTRoxanne Willinger
23286 Pompeii Drive
Dana Point, CA 92629
March 18, 2010City of Dana Point
Community Development Department
Attention: Saima Qureshy, AICP, Senior Planner, Kyle Butterwick,
Director of Community Development
33282 Golden Lantern
Dana Point CA, 92629**Subject: Transportation/Circulation section of the South Shores Church MND**

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

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

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MAR 19 2010

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

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

Ingress/Egress Point

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

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

- **Strands Beach**

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

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

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



Thank you,

Roxanne Willinger 3-19-10

Roxanne Willinger
23286 Pompeii Drive
Dana Point, CA 92629

Parking Management Plan

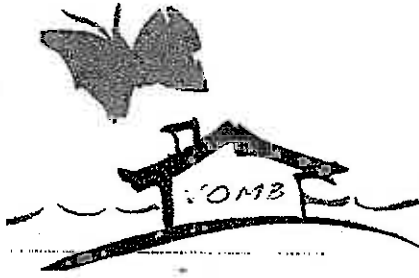
A variety of parking techniques are available to accommodate any excess parking demand not contained by the on-site parking spaces. The church has obtained a letter of intent dated December 27, 2007 from the County of Orange (Resources & Development Management Department) to allow off-site parking in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

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MAR 19 2010

CITY OF DANA POINT





Voices of Monarch Beach
www.VoicesofMonarchBeach.org

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

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

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

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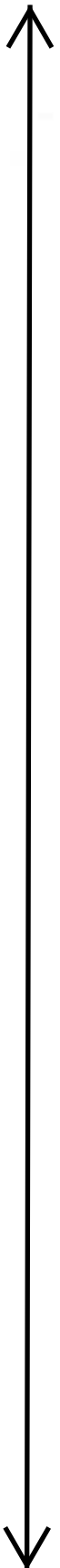
generated by the expansion of South Shores Church, i.e., Community Life Center operated 7 days a week from 8am to 10pm.

- Provide a system of streets that meets the needs of current and future residents and facilitates the safe and efficient movement of people and goods throughout the City (Coastal Act/30252).
- Ingress/Egress Point
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Parking Management Plan

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I-42-1



CAPONE
23266 ATLANTIS WAY
DANA POINT, CA 92629

05 MAR 2010 PM 3 T



I-42

2010 MAR - 9 City of Dana Point
Att: Saima Duresky AIC
Senior Planner
33282 Golden Breeze
Point, Ca
92629-3568

Thank you for the opportunity
to express concerns.

Sincerely,
Celine Capone
Monarch Bay Villas
home owner.

Dear Saima,

Re: Proposal expansion of So.
Shores Church.

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

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

I-42-1

March 9, 2010

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

2010 MAR 12 P 3:38

Dear Saima Qureshy:

SUBJECT: SOUTH SHORES CHURCH EXPANSION PROJECT

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

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

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

Sincerely,



Shannon & David Demas

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

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

I-42-1

March 15, 2010

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

RECEIVED

MAR 18 2010

**CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT**

To the City of Dana Point:

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

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

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

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

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

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

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

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

I-42-1

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

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

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

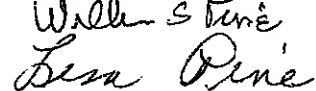
As agreed to by Mr. Kyle Butterwick, Director of Community Development, at the March 4, 2010 scoping session, please provide each of us with proof of receipt directly from LSA attesting that LSA has received these comments in their entirety.

Very truly yours,



Kerry Krisher and John Foley

Bill and Lisa Pine

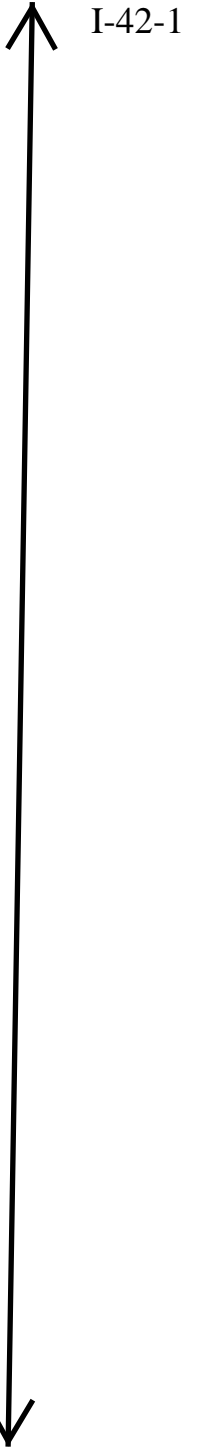


March 17, 2010

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

RECEIVED
2010 MAR 18 AM 10:31
CITY OF DANA POINT

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



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

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

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

General comments relating to the MND and the Draft EIR

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

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

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

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

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

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

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

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

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

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

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

Aesthetics

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

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Project Size

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

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

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

Fencing

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

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

Property Management

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

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

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

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

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

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



Air Quality

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

Pollution

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

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

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

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

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

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

Chronic Respiratory Illness

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

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

Biological Resources

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

Coastal Bluff and Drainage

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

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

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

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

Cultural Resources (Archaeology and Paleontology)

No Comments

Geology/Soils Hazards and Hazardous Materials

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

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

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

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

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

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

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

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

Hydrology and Water Quality

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

Standing Water

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

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

Underground Water

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

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

Drainage

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

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

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

Land Use and Planning

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

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

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

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

Noise

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

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

Heavy Equipment and Construction Noise

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

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

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

Post-construction Noise

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

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

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

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

is being done to mitigate against this disturbance?

Public Services & Utilities

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

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

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

Traffic and Circulation

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

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

Lumeria Lane

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

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

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

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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.

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

Crown Valley Parkway

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

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

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

Pacific Coast Highway

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

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

Project Alternatives

The initial study did not appropriately discuss project alternatives.

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

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

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

Growth Inducing

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

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

Josette S. Hatter
Josette. S. Hatter

March 18, 2010

Rodney R. Hatter

3-18-10

Rodney R. HATTER

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

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

I-42-1



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

By email March 5, 2010

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

Dear City Representatives,

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

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

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

Sincerely,

Josette S. Hatter

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

Josette S. Hatter

March 18, 2010

Josette S. Hatter

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

Aesthetics

2010 MAR 29 10 35 51

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

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Air Quality

There will be pollution from:

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

Biological Resources

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

Cultural Resources

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

Geology/Soils

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

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

Hazards and Hazardous Materials

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

Page 1 of 3
 Robert E. Enock

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

Hydrology and Water Quality

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

Land Use and Planning

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

Noise

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

Public Services & Utilities

The plan would add:

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

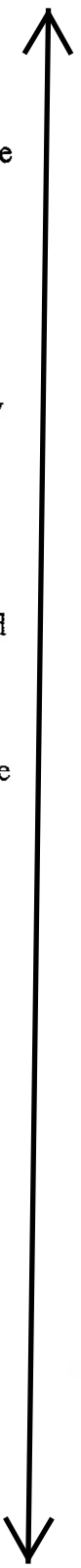
The plan would demolish the existing preschool --- 6,717 sf.

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

Traffic and Circulation

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

Page 2 of 3
Robert E. Enos



Project Alternatives

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

Growth Inducing

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

I-42-1



Respectfully submitted:

Bob Enochs

49 Cassis

Dana Point, CA 92629

Page 3 of 3

South Shores Church Proposed Master Plan
Scoping Comments for EIR

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I-42-1

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

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

AESTHETICS:

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

AIR QUALITY:

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

BIOLOGICAL RESOURCES

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

Linda M Enochs

CULTURAL RESOURCES

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

GEOLOGY/SOILS

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

HAZARDOUS MATERIALS & HAZARDS

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

HYDROLOGY AND WATER QUALITY

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

LAND USE AND PLANNING

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

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

I-42-1

NOISE

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

PUBLIC SERVICES AND UTILITIES

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

I-42-1

TRAFFIC AND CIRCULATION

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

PROJECT ALTERNATIVES

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

4

Linda M Enocks
49 Cassis

GROWTH INDUCING

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

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CONCLUSION

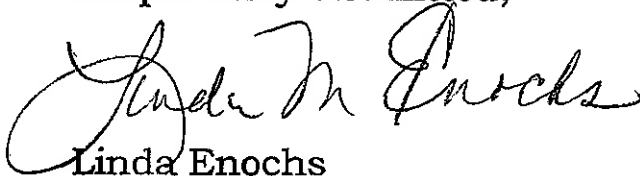
In conclusion, this project seems on a fast track to a long, slow and drawn out ordeal.

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

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

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

Respectfully submitted,



Linda Enochs

49 Cassis

Monarch Beach, CA 92629

I-42

SAIMA QURESHY

From: Eric Fischer [ericfischer123@hotmail.com]
Sent: Monday, March 15, 2010 1:45 PM
To: SAIMA QURESHY
Subject: DENY SOUTH SHORES CHURCH EXPANSION

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

I-42-1



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I-42

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

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CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

March 17, 2010

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

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

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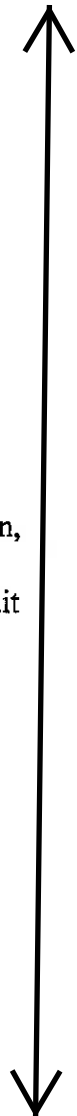
To City of Dana Point Staff:

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

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

Thank you for your assistance.

Patricia McCarroll



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

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CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

March 17, 2010

City of Dana Point

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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accomplish the requisite protection for Dana Point homeowners:

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

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

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

This bond must be adequate for the entire Project and the City must require that the bond remain in place for the 10-year proposed length of the Project and beyond – to protect the neighboring homeowners in MBV.

As provided in the Municipal Code Zoning provisions discussed in section I, A., above,² the Performance Bond must cover both the construction and post-construction phases of the Project and must travel with the ownership of the property, regardless of who owns the property. That is, it must be part of the CUP for the parcel. The Performance Bond must guarantee specific, measurable performance standards that also travel with the CUP, regardless of who owns the property. This bond should also be in the range of \$30-100

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² Section 9.65.100.

million.

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

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

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

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

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

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

⁵ *Id.*

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Insurance for Construction and Maintenance

The City website contains documents on the

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

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

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

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

E. Application of this lesson to the proposed Project:

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

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

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

⁷ Id. at pp. 1-2.

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

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

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

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



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CITY CLERK

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

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



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

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

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

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

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

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



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

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

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

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

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

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⁹ RFP, point 2.

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

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

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

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

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

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

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

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

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



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COMMUNITY DEVELOPMENT
DEPARTMENT

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

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

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

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

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

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



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COMMUNITY DEVELOPMENT
DEPARTMENT

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

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

Thank you.

Patricia McCarroll
Patricia McCarroll



I-42-1

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COMMUNITY DEVELOPMENT
DEPARTMENT

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MAR 19 2010 Dated March 18, 2010

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

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

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

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

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I. Aesthetics

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

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

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

III. Air Quality

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

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

V. Geology and Soils

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

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

XI. Noise

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

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

Actual Acoustics vs Theoretical:

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

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

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

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

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

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

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

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies? – Less than significant with mitigation incorporated.** The Mitigation measures that decrease the Potentially Significant Impacts to Less Than Significant Impact with Mitigation are not clearly delineated in the MND.
- b) **Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? – Less than significant impact.**
- c) **A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? – Less than significant impact**

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

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

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

1-“Mestre Greve Associates dated May 6, 2008

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

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

2-“3.0 NOISE ANALYSIS

Short Term Construction Noise

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

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

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

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3-Quote

**Table A-1
Localized Significance Thresholds at the Nearest Homes**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

XV. Transportation/Traffic Control

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

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

Gary Frye 3/18/10
Gary Frye

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I-42

SAIMA QURESHY

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

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

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

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

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



I-42-1

March 18.2010

I-42

Charles Wagner
23271 Pompeii Dr
Dana Point, CA 92629

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

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

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

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

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

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

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

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

AW 3/18/10

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

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

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

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

The Initial Studies failed to adequately analysis or discuss how to mitigate the noise impact on the communities of a construction project planned to last 10+ years, and I am not just referring to grading/excavation but to 10+years of automatic nail guns, saws, trucks, safety beepers etc. If South Shores Church wants or feels it needs a mega complex/institutional facility what alternative locations has the church explored? I-42-1

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

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

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

Pager 2 of 2

Charles Q. Wagon

March 18, 2010

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MARCH 19 2010

City of Dana Point

Att: Saima Qureshy, AICP, Senior Planner

Kyle Butterwick, Director, Community Development Department

33282 Golden Lantern

Dana Point, CA 92629-1805

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

To City of Dana Point Staff:

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

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

Thank you for your assistance.

Mark and Luann Stander

32781 Lumeria Lane

Dana Point, CA 92629

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

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CITY OF DANA POINT
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March 18, 2010

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

Gentlemen:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,



Mark Stander



Luann Stander

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March 19, 2010

To the staff:

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

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

Sincerely,

Patricia Hunt

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March 19, 2010 I-42

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

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

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Thank you for considering my concerns.

Sincerely,
Patricia Hunt

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Mayor Steven Keimberg
Lara Anderson
Lisa Bartlett
Joel Bishop
Scott Schoeffel

The LSA firm

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CITY OF DANA POINT
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23242 Tasmania Cir.
Dana Point, CA 92629
14 March 2010

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

Re: Expansion South Shores Church

Dear Mr. Qureshy:

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

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

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

Best regards,
cc: South Shores Church

James E Mullen MD
James E Mullen MD

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

SANTA ANA, CA 926
15 MAR 2010 PM 2 T



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

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

2010 MAR 19 PM 2:24

March 19, 2010

CITY OF DANA POINT

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

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

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

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

Traffic and Circulation Element

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

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

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

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Office of District Public

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

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

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

I-42-1

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

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

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

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 CITY OF LUMERIA, CALIF.

I-42-1

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

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

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

2009 Jun 19 P 2:24

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

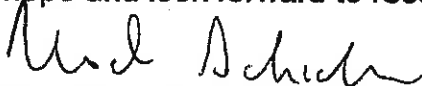
I-42-1

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

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

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

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



Noel Schachner
23254 Atlantis Way
Dana Point CA, 92629

I-42-1

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

FIVED

2010 MAR 19 AM 8:24

March 15, 2009

CITY OF DANA POINT

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

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

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

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

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

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

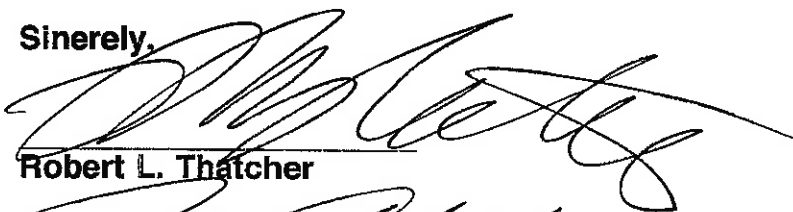
properties during and after construction will adversely and materially impact such wildlife as well as much of the natural vegetation.

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

I-42-1

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

Sincerely,


Robert L. Thatcher


Sally S. Thatcher

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

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

I-42-1

SOUTH COAST CHURCH'S

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

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

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MAR 22 2010

CITY OF DANA POINT
COMMUNITY DEVELOPMENT
DEPARTMENT

FEBRUARY 2 1/4

2. THE PROPOSED PROJECT IS TOO LARGE & SHOULD BE CONFINED TO THE CURRENT SPACE AVAILABLE TO THE CHURCH - I.E. DO NOT EXCLUDE THE "CURRENT FOOTPRINT." THE CHURCH NEEDS TO DEFEND THIS EXPANSION PROPOSAL WITH HARD NUMBERS, EVERYONE KNOWS, AS WAS PRESENTED IN THE LA TIMES ARTICLE ON ORANGE COUNTY THE "NEW BIBLE BELT," THAT IF THE CHURCH DOESN'T EXPAND IT WILL BE CANIBALIZED BY THE OTHER CHURCHS. I.E. DEFENDED THEIR EXPANSION PLANS WITH HARD FACTS NOT DREAMS.

I-42-1

3. THE CHURCH NEEDS TO PROVE IT CAN AFFORD TO FINANCE THIS PROJECT IN A TIMELY MANNER & NOT OVER TEN YEARS. ITS PAST 10 YEAR TAX RETURNS MUST BE PUBLISHED AS PART OF THIS FILE TO PROVE THEY HAVE THE FINANCIAL STRENGTH TO PULL THIS PROJECT OFF. WE OWN PROPERTY IN BEVERLY HILLS & CAN TELL YOU THAT THERE ARE NUMEROUS PROJECTS WHICH HAVE GROWN TO A HALT BECAUSE THEY COULD NOT BE FINANCED. I.E. PROVE FISCAL RESPONSIBILITY & ABILITY TO GO FORWARD!

3 of 4
Fowler

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

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

THIS PROJECT NEEDS HARD FACTS & MEASURING POINTS TO CONTROL WIND BORNE DIRT FROM THE MOVING OF

3000+ EQUIVALENT DUMP TRUCKS OF SOIL. (AIR FLOW STUDIES MUST BE CONDUCTED

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

I-42-1

EG - COMPRESSORS IN PROPOSED PARKING STRUCTURE

FOR AIR CONDITIONERS MUST NOT BE ALLOWED. THE ^{SOUND} DECIBELS WOULD BE TOO LOUD. IF YOU

HAVE ANY DOUBTS OF NOISE LEVELS VISIT THE PARKING OF KAISER'S FACILITY NEAR THE TOLL ROAD IN ALISO VIEJO. PROVIDE FACTS NOT OPINIONS IN ALL ASPECTS OF PROPOSED ACTIVITY.

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

4 of 4
7
GENERAL

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

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

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

THANK YOU Abby & Ron Feiman 3/21/10

C.S. PLEASE CALL ME THAT YOU REC'D FAX 949-443-1336

SAIMA QURESHY

I-42

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

I-42-1

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

March 22, 2010

CITY OF DANA POINT

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

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

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

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

I-42-1

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

2010 MAR 22 A 11: 20

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

March 22, 2010

CITY OF DANA POINT

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

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

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

Retaining walls: Sight, Height and Extent

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

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

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

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

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

2010 MAR 22 A 11: 21

- 8. To comply with the "California Clean Water Act" there will have to be a cistern under the parking structure and it will be an inherent danger if any leaking occurs to the "MBV" units.

Seismic damage is generally less intense in consolidated formations, i.e. bedrock than in unconsolidated materials such as alluvium which underlies the project site.

All building pads should be graded to assure all of the geological problems are solved, before any building construction starts.

- 9. The construction staging area that is proposed to be adjacent to "MBV" is only 30 feet from the units and would generate constant noise.

- 10. This project as it is presented with a ten year build out will create traffic problems.

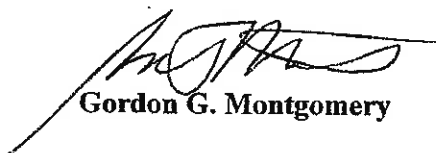
There will be a minimum of 8 "Move ins and Outs" for the contractors especially grading.

Due to the small area and the inability to stockpile it will create the need for trucking, taking out bad material and bringing in acceptable material.

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

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

Thank you,



Gordon G. Montgomery

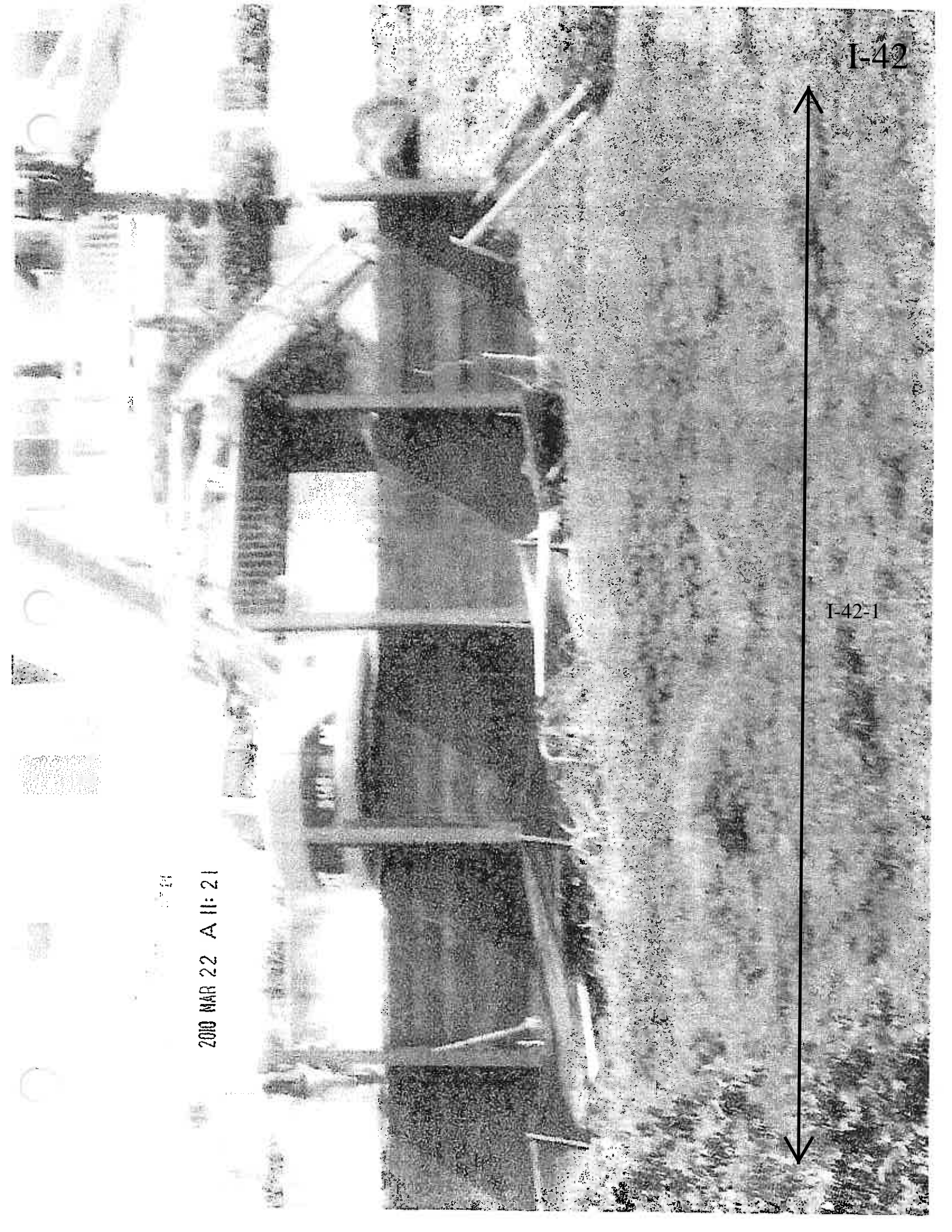
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I-42

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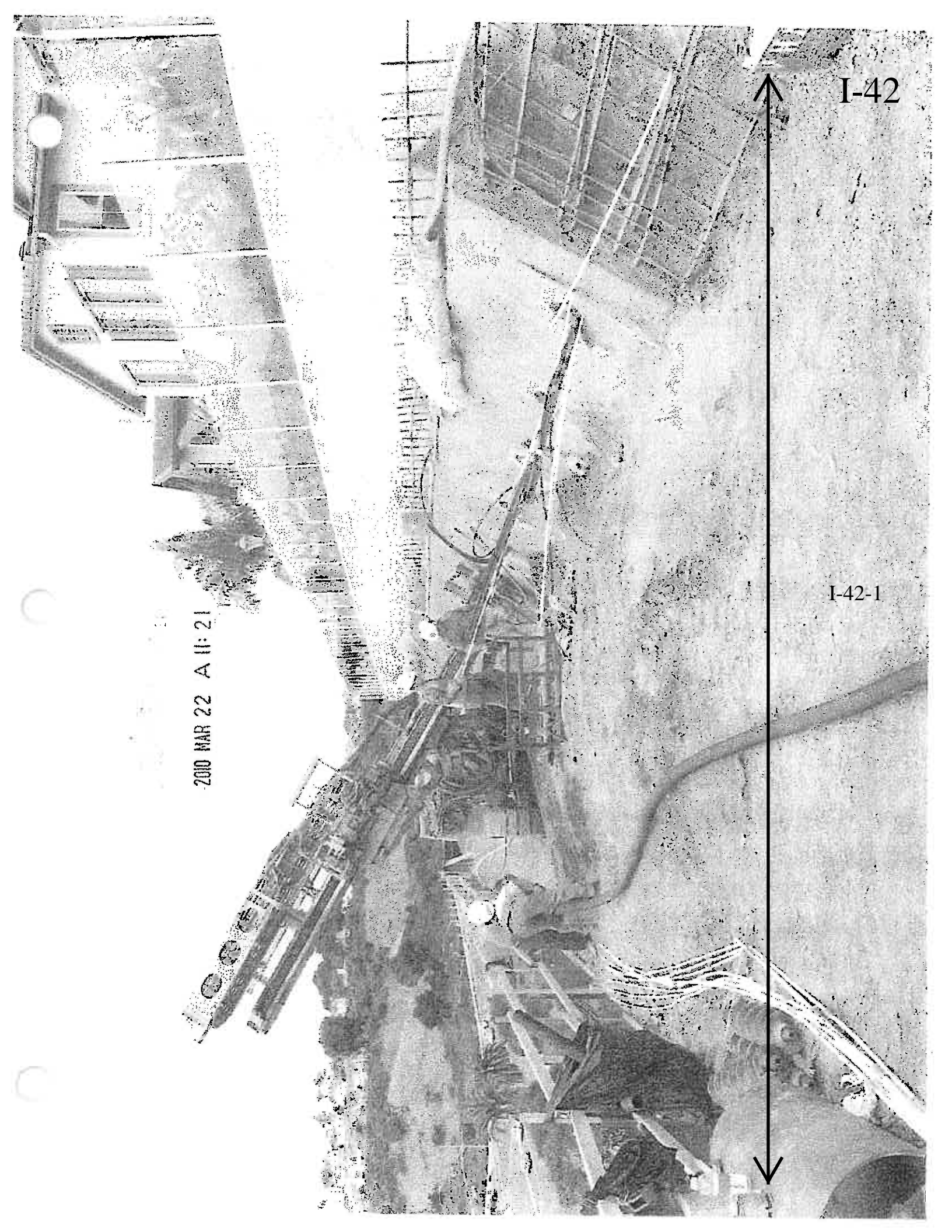
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I-42

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I-42

I-42-1

2009-MAR-22 7A 11:21



I-42

SAIMA QURESHY

From: Tom Knudson [TKnudson@iusd.org]
Sent: Monday, March 22, 2010 4:37 PM
To: SAIMA QURESHY
Subject: Church construction

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

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

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

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

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

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

I-42-1

City of Dana Point, CA. 92629
Attn. Saima Qureshy, AICP, Senior Planner
Kyle Butterwick, Director Community Development Dept.
Dana Point City Council Members

2010 MAR 21 P 10:14 March 18, 2010

LSA ASSOCIATES, INC.
20 Executive Park, suite 200
Irvine, CA. 92614

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

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

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

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

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

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

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

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

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

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

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

Fortunately the residents of Dana Point have protection via a safety net in the city's GENERAL PLAN, LOCAL COASTAL PLAN, MONARCH BEACH PLAN and ZONING ORDINANCES.

Under ISSUE IDENTIFICATION within the NOISE ELEMENT section of the GENERAL PLAN under Community Noise Control for Non-Transportation Noise Sources it states, "*Residential land uses and areas identified as 'noise sensitive' must be protected from excessive noise from non-transportation sources*". and further, "*These impacts are best controlled through effective land use planning and the application of a City Noise Ordinance*".

Within the NOISE ELEMENT under NOISE AND LAND USE PLANNING INTEGRATION Policy 2.2 "*Ensure acceptable noise levels near schools,... and other 'noise sensitive' areas in accordance with Table N-1*".

In the GENERAL PLAN within the NOISE ELEMENT section TABLE N-1 NOISE/LAND USE COMPATIBILITY MATRIX under COMMUNITY FACILITY designation specifically for churches, the matrix clearly shows the acceptable CNEL levels. If the noise level will reach 65-70 CNEL, the existing Zone (CF: churches, schools) is listed as "*NORMALLY INCOMPATIBLE*" and further states, "*new construction or development should be discouraged*". If the noise level will reach 75 CNEL and beyond (which would occur during the decade long construction period) the existing Zone (CF: churches, schools) is listed as "*CLEARLY INCOMPATIBLE*" and further states, "*new construction or development should... not be undertaken*".

~~~~~  
Noise is defined as "unwanted sound" and further as "pollution".

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**Noise pollution** is a type of energy pollution in which distracting, irritating, or damaging sounds are freely audible. As with other forms of energy pollution (such as heat and light pollution), noise pollution contaminants are not physical particles, but rather waves that interfere with naturally-occurring waves of a similar type in the same environment. Thus, the definition of noise pollution is open to debate, and there is no clear border as to which sounds may constitute noise pollution. In the most narrow sense, sounds are considered noise pollution if they adversely affect wildlife, human activity, or are capable of damaging physical structures on a regular, repeating basis. In the broadest sense of the term, a sound may be considered noise pollution if it disturbs any natural process or causes human harm, even if the sound does not occur on a regular basis.

In rural areas, train and airplane noise can disturb wildlife habits, thereby affecting the manner in which animals in areas around train tracks and airports hunt and mate. In urban areas, automobile, motorcycle, and even entertainment noise can cause sleep disruption in humans and animals, hearing loss, heart disease (as a result of stress), and in severe cases even mental instability. (\*)

Study after study has found that community noise is interrupting our sleep, interfering with our children's learning, suppressing our immune systems and even increasing -- albeit just a little -- our chances of having a heart attack. It is also tarnishing the Golden Rule, reducing people's inclination to help one another.

"Everyday noise is under the radar, yet it affects everyone's life," said Louis Hagler, a retired physician in Oakland, Calif., and an advocate for quiet, who published in the Southern Medical Journal a review of studies linking noise exposures to health problems. "We don't say to people, 'You just have to learn to live with sewage in your water,' " Hagler said in an interview. "Why should we tolerate sewage coming into our ears?"

The fundamental purposes of hearing are to alert and to warn. As a result sound directly evokes emotions and actions. The processing of sound by the brain provides a biological and psychological basis for understanding the way in which sound can become a human stressor. The auditory orienting response, startle reflex and defensive response translate sound stimuli into action and sometimes into stress induced bodily changes through "fight or

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flight" neural mechanisms. Research upon, and efforts to prevent or minimize the harmful effects of noise have suffered from the lack of a full appreciation of the ways in which humans process and react to sound. (\*)

[[The damaging effects of noise usually are regarded as limited to the structures of the ear through impairing one's ability to hear sounds such as speech and music. Often unappreciated is the fact that noise has more pervasive physiological effects (1, 2).]]

The direct effects of certain sounds on emotions and attitudes is illustrated by the fact that chalk scraping on a blackboard can cause chill sensations in a listener. The further influence of higher cerebral cortical centers on the emotional reaction to sound stimuli is illustrated by a study of sound in hospitals in which one source of annoyance was staff conversations in the halls, not because of undue loudness but because of the discussion of patients (10).

Sound stimuli also influence the other sensory systems. For example, sound input overload can induce visual changes in color perception, cause nystagmus and vertigo and even act as an analgesic (11).

Sound stimuli play a vital role in maintaining arousal of the brain and thereby influence the basic physiological functioning of the body. Sound may influence the body after cessation of the stimulus through reverberating neural circuits within lower and higher brain centers. In this way sound can produce physiological reactions that develop a momentum of their own independent of the original stimulus.

The defensive response can become the stress that leads to the General Adaptation Syndrome with its alarm, resistance, and exhaustion stages if the sound stressor is of sufficient duration, quantity, and quality (18). When this takes place the hypothalamic-pituitary-adrenal axis is mobilized with resulting increase in adrenal cortisol and epinephrine

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output. During prolonged exposure to intense sounds, these endocrine effects may produce gastroduodenal ulcers and renal changes in laboratory animals (1).

There are critical variables that determine whether or not sound stimuli become stressors that produce human stress.

### Sound as a Stressor

Modern urbanization, crowding, the mass media, information technology, conditions of work and noise are overloading the human sensory environment (19). Of these stimuli our interest is in sound, particularly noise, although sound with meaning, such as speech, also can contribute to overloading an individual's processing capabilities. The progressive increase in noise from industrial, traffic and home sources, both machine and human generated, has reached offensive proportions in the United States (20, 21).

**Noise essentially is unwanted sound.** As such, subjectively experienced noise is any sound that produces annoyance or communication or task performance interference. The same sound stimulus may be perceived subjectively as noise by some and not by others. For this reason it is useful to define objectively experienced noise as sound that produces harmful bodily effects, which may or may not be subjectively perceived. This point is important because noise can be subjectively or objectively stressful, or both. In information processing terms, noise is sound that overloads the central nervous system. This state can be detected by changes in the electroencephalogram(27). During the stage of early sleep, for example, sound can produce orienting and defensive responses and alter the quality of sleep without causing awakening.

A sound's predictability is an important determinant of response. In one study, unpredictable noise resulted in lower tolerance for frustration and greater impairment of performance efficiency than

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predictable noise (32). Furthermore, those investigators found that an individual's ability to control the noise source, and even the belief that one could, reduced the adverse impact of unpredictable noise (8).

**Noise is a commonly used standardized stressor in laboratory testing designed to evaluate human responses to stress (5, 22).**

Another illustration of the use of sound is in stress studies such as the one by Cantrell, who exposed healthy young male volunteers to intermittent noise for several weeks (24). He found significant increases in plasma cortisol and blood cholesterol levels in addition to associated annoyance and sleep disturbance effects during prolonged exposure. In one study, unpredictable noise resulted in lower tolerance for frustration and greater impairment of performance efficiency than predictable noise (32).

#### Psychophysiological Responses

Genetic and constitutional individual differences may increase the likelihood that a particular organ system will respond to stressors more than others and over time lead to disease.

Sleep. Chronic sleep disorders detrimentally affect health and well-being. A major portion of complaints about noise arise from disturbance of rest and sleep (31). The Environmental Protection Agency Urban Noise survey found that 28% of the sampled population experienced sleep disturbance which also was rated as the most annoying effect of noise (20).

**Noise is a stressor and an important, largely unrecognized, pollutant of our environment. Our quality of life generally is eroded by annoyance from noise, and substantial segments of the population are vulnerable to its adverse health effects.**

More specifically, sleep is disrupted, productivity is reduced and the education and development of children is affected by noisy environments.

The prevention and reduction of noise pollution need not await further knowledge. The technology for reducing noise emission, acoustically conditioning environments and protecting hearing now exists.

According to the NOISE ELEMENT section of the City of Dana Point's GENERAL PLAN, **Goal 2: Incorporate noise considerations into land use planning decisions.**

**Policy 2.1: Establish acceptable limits of noise for various land uses throughout the community, in accordance with Table N-2.**

In TABLE N-2 INTERIOR AND EXTERIOR NOISE STANDARDS, the land use designation of COMMUNITY FACILITY allows for the following CNEl: Schools: 45CNEl interior and 65CNEl exterior (limited to the playground) and Churches: 45CNEl interior and 0-CNEl exterior.

COMMUNITY FACILITY land use designation is classified as a "noise sensitive" zoning category and does not allow for a gymnasium, sports club, concert hall auditorium, or indoor amphitheater (all of which comprise the planned "Community Life Center" of the project proponent).

According to the City's GENERAL PLAN NOISE ELEMENT TABLE N-2, those uses indicated above, and comprising the stated intended uses of the proposed "Community Life Center", are allowed only in the following land use categories: NEIGHBORHOOD COMMERCIAL, COMMUNITY COMMERCIAL, VISITOR/RECREATION COMMERCIAL, COMMERCIAL/RESIDENTIAL, PROFESSIONAL/ADMINISTRATIVE, INDUSTRIAL/BUSINESS PARK, RECREATION OPEN SPACE, HARBOR MARINE LAND.

In summary, The proposed "Community Life Center" can not be built on the same site as the current South Shores Church. The only "recreational" activities allowed on the site (if zoned CF), according to the LAND USE ELEMENT of the city's GENERAL PLAN, under LAND USE DESIGNATIONS **Community Facilities** for churches are: libraries, museums, art galleries, community theaters and cultural activities. These "recreational activities" are quiet or "low noise" activities allowed in "*noise sensitive*" zoning classifications.

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In addition, not only will the unstable bluff top not safely allow for the significant grading necessary for an underground parking structure, ( the Dana Point GENERAL PLAN is very clear in the PUBLIC SAFETY ELEMENT under GEOLOGIC HAZARDS Policy 1.6: *“Prevent future development ... of bluff top properties that may pose a hazard to owners, occupants, property and the general public”*. And further, Policy 1.8: *“Encourage development which utilizes the desirable existing features of land such as ... geological features and other features which preserve the site’s significant identity”*, and Policy 1.9: *“ New bluff top development should be designed and located so as to ensure geological stability and to eliminate erosion, or destruction of the site or surrounding area”*.) but also, the site as we have proven in this submission, is NOT ZONED for the noise intensity that an echoing parking structure inherently produces. The surrounding residents are aware that the noise intensity of a parking structure exceeds the allowable noise levels acceptable in the *“noise sensitive”* area, and the City’s GENERAL PLAN Zoning classification for CF (churches and schools) prohibits the building of a facility that creates noise levels beyond its Zoning classification.

Note to City of Dana Point and LSA and Assoc.:

In consideration of significant testimony relative to currently existing noise complaints over the last twelve years or so, (specifically: *amplified music into the night, skateboard park creation and usage (even at 2am), 6am weekend power-washings, 5am weekly screaming work-out routines in the parking lot with bull horns, booming concert events, unsupervised children screaming in the parking lot, the invariable car alarm that seems to go off every Sunday and most recently weekend car washes hosted by a local Marine regimen where members encourage passers-by to honk their horns in support (all day long) and those living closest to the parking lot report enduring amplified music coming from parked cars*) AND keeping in mind that these noise producing activities are coming from a *“noise sensitive” Zone* that is situated on a **natural coastal bluff amphitheater**, one can not in good conscience allow this un-neighborly activity to continue with its current use of *illegal* noise producing activities and certainly not allow any new and undeniably more intense noise producing activities. Even more evident is that this CF Zoning category for a church, as a *“noise sensitive”* area (which needs to be verified for this site with evidence of the appropriate Public Notice request for Zone change from R-1 to CF and its

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accompanying Public Hearing(s) with final approval and acceptance) will NOT allow it.

**The site is not Zoned for the Community Life Center and its stated uses.  
The site is not Zoned to allow for an echoing parking structure.**

(\*) Environmental Health Perspective Oct. 1981  
Jack C. Westman, Dept. of Psychiatry, University of Wisconsin.  
James R. Walters, office of noise abatement, EPA, Washington, DC

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*~ Additionally, if this project as planned is allowed the surrounding Monarch Beach community will unquestionably suffer a significant and permanent loss in value of our properties.*

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Respectfully submitted,

  
*Brian and Lisa Manning*  
32717 Sea Island Drive, Monarch Beach  
ManningMrB@aol.com

*Confirmation requested directly from City of Dana Point and separately from LSA Assoc, Inc. attesting to the fact all parties have received our submission in its entirety.*



Roberta Margolis  
23296 Pompeii Drive  
Dana Point, Ca 92629

2010 MAR 22 A 10:54

March 21, 2010

City of Dana Point  
Att'n: Saima Qureshy, AICP, Senior Planner  
Kyle Butterwick, Director, Community Development Dept.  
33282 Golden Lantern  
Dana Point, CA 92629

Subject: My comments for LSA Associates' Scoping for EIR re:  
South Shores Church Proposed Development Plan-SCH#2009041129

Concerning: Traffic egress & exit from Lumeria Drive onto Crown Valley Parkway

I have lived in my condominium at Monarch Bay Villas since January 1, 1980. The residents at Monarch Bay Villas were always made aware and considered by the various owners of the proposed site plan for Monarch Bay Resort, inc that lies east of our property.

In July of 1986, Stephen M. Hogan, County of Orange Traffic Engineer, proposed that Monarch Bay Villas would need a median shelter with turn pockets to be constructed on Crown Valley Parkway (enclosed is a copy of Mr. Hogan's proposed Median Shelter Plan) due to the building sites and traffic that the Stein-Brief's project would cause. However, once Nippon-Shinpan took over as owners, their revised plan with approvals from the City of Dana Point, was greatly scaled back, which did negate our concern over the traffic problem.

The traffic studies that South Shore Church submitted in their Mitigated Negative Declaration did not include any reference to the impact on the 52 units in Monarch Bay Villas. The entire focus of their report has been on the two access routes to the church parking, primarily the northern most, controlled access intersection at Crown Valley Parkway and Sea Island Drive.

The traffic, once South Coast Church starts moving dirt and building out, will be a constant congestion of regular traffic narrowing to use of one lane going up CVP from the Pacific Coast Hwy. Then, of course, the huge trucks to move the dirt, buildings, etc. and then the construction trucks for the proposed new buildings will be insurmountable on CVP and Pacific Coast Hwy. This will all be happening in front of Monarch Bay Villa's one and only gate to egress or exit onto Crown Valley Parkway.

This is my fear---I will be a prisoner in my home of 30 years. In light of the above circumstances, I would request that the City of Dana Point specifically include the requirement that a left turn out median shelter from Lumeria Lane to southbound Crown Valley Parkway be constructed along the Crown Valley median, as part of this project. Yes, there is definitely room

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to do the median shelter---the planted divider gets a narrower re-do as so many on CVP now have. The County of Orange Traffic Engineer's proposal of 1986 must now come to fruition.

I request that LSA Associates acknowledge their receipt of my comment by sending confirmation to my home address listed on the first page.

Thank you for your time and assistance on this very crucial matter to me.

*Roberta Margolis*

Roberta Margolis

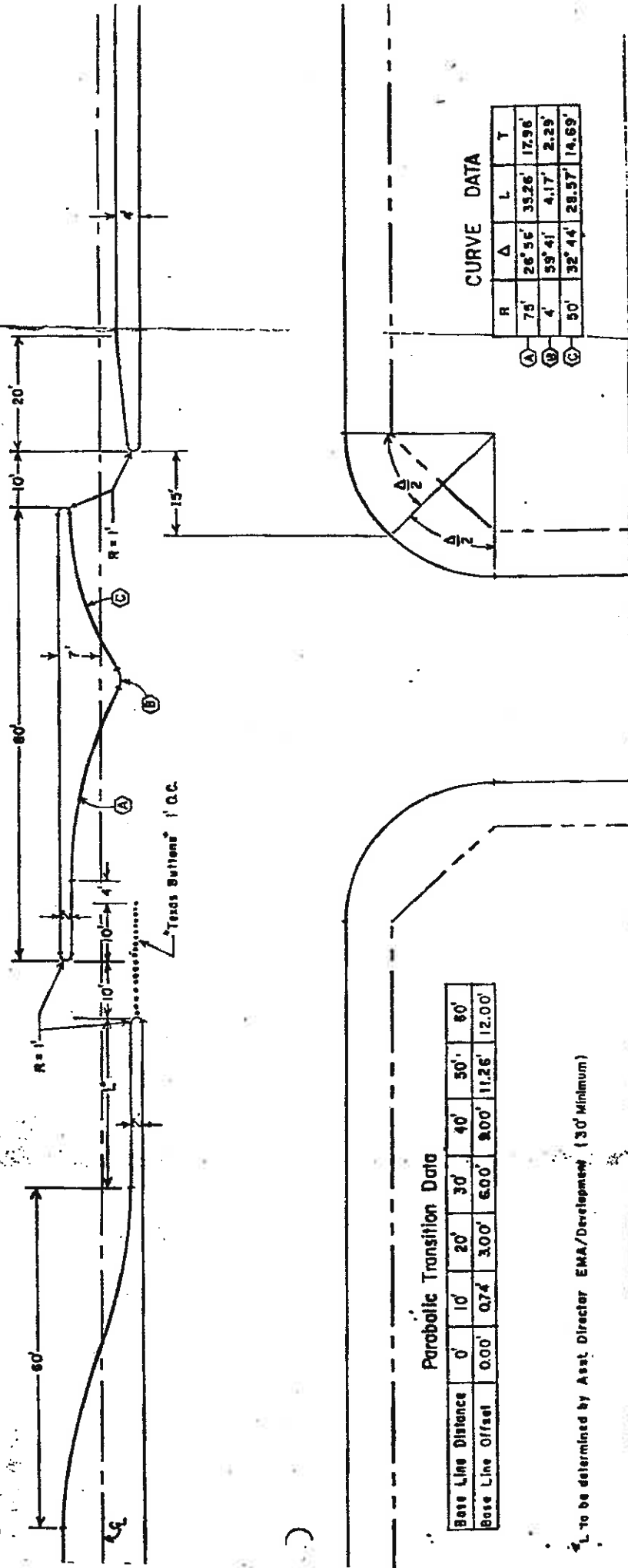
Encl: Left Turn Out Median Shelter Plan

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Left Turn Off Median Shoulder



CURVE DATA

| R   | Δ       | L      | T      |
|-----|---------|--------|--------|
| 75' | 26° 56' | 35.26' | 17.96' |
| 4'  | 59° 41' | 4.17'  | 2.29'  |
| 50' | 32° 44' | 28.57' | 14.69' |

Parabolic Transition Data

| Base Line Distance | 0'    | 10'   | 20'   | 30'   | 40'   | 50'    | 60'    |
|--------------------|-------|-------|-------|-------|-------|--------|--------|
| Base Line Offset   | 0.00' | 0.74' | 3.00' | 6.00' | 9.00' | 11.25' | 12.00' |

L to be determined by Asst Director EMA/Development (30' Minimum)

I-42-1

**EDWARD R. & KAREN A. JANTZEN**  
**51 Cassis**  
**Monarch Beach, CA 92629**

March 20, 2010

**HAND DELIVERED**

City of Dana Point  
Attn: Saima Quershy, AICP, Senior Planner  
33282 Golden Lantern  
Dana Point, CA 92629-1805

Re: South Shores Church Proposed Development Project

To the City of Dana Point:

This letter submits our comments with regard to the Notice of Preparation (NOP) issued by the City of Dana Point (City) for the Environmental Impact Report (EIR) being prepared for the proposed South Shores Church Master Plan Project (the Project).

The NOP dated February 4, 2010 lists *some* of the probable environmental effects of the Project to be analyzed in the Draft EIR: aesthetics, air quality, biological resources, cultural/paleontological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services and utilities, and transportation and circulation.

In addition, the Draft EIR is to be prepared in accordance with the following requirements: California Environmental Quality Act (CEQA) and the CEQA implementing guidelines (Guidelines), and it certainly should take into account the City of Dana Point General Plan. In this context, we submit the following comments:

**Aesthetics**—The size and nature of the proposed structures are substantially inconsistent with the physical site and surrounding neighborhood: the cuts into the hillside will destroy and eliminate dozens of mature trees; views will be altered and substantially reduced and replaced by a massive retaining wall that cannot be disguised to replace the natural beauty; given the great expansion of the facilities and hours of operation, the increased lighting will destroy the existing views.

**Air Quality**—The proposed movement of 100,000 cubic yards of dirt will disburse vast amounts of dust, particles, debris, effluents and other pollutants over the proposed ten-year period. The constant flow of onshore winds will carry these harmful and irritating substances to the golf course, the canyon and the homes and neighborhoods surrounding the proposed Project. Not only will this pollution be harmful to humans, it will also be harmful to domestic animals and wildlife. The enormous amount of earthmoving equipment required to accomplish this massive earth movement will constantly emit pollutants. The proposed expansion will also greatly increase air traffic pollution with the use of the proposed facilities.

**Biological Resources**—Dozens--and possibly more—native and migratory species inhabit and frequent the area surrounding the proposed Project. The Draft EIR must include an analysis of the impact on this wildlife.

**Cultural/Paleontological Resources:** It is well document that historic artifacts have been unearthed in nearby South Orange County coastal communities. This aspect must be investigated in the Draft EIR.

**Geology and Soils**—It is also well documented that the site adjoins areas where landslides have occurred, such as destruction of two large apartment buildings in the Monarch coast Apartment complex. The Draft EIR must analyze the landslide potential of the proposed Project, the impact on the adjoining Monarch Bay Villas, the Salt Creek Corridor, and the surrounding areas. Historically (pre-incorporation of the City?), we recall the long-standing building problems in the Monarch Bay Plaza as a result of building over the aquifer, which runs under the proposed building site.

After closing the movie theatre and then the florist that occupied that section of Monarch Bay Plaza, the structure was razed, and the site has been unsuitable for any building.

Consideration needs to be give to the City's potential liability if this proposed Project is approved, given full knowledge of the landslide/aquifer realities surrounding this property.

**Hazards and Hazardous Materials**—It is well documented that the present use does not reflect the historical use. Oftentimes large quantities of hazardous waste and chemicals unrelated to present uses have been deposited on the site. In addition, the proposed Project may introduce hazards and hazardous materials during the grading, excavation, and construction process.

**Hydrology and Water Quality**—As recently as last month, the storms caused erosion to the slope of the Project and damaged the trail along the Salt Creek Corridor. As proposed, the Project will materially alter the topography of the Project site and storm runoff patterns, which may impact water quality in Salt Creek, which flows to the ocean. If completed as proposed, there will be a substantial increase in water consumption—during these times of drought and water use restrictions.

**Land Use and Planning**—As proposed, the Project is in direct conflict with numerous provisions of the City's General Plan, which provides very specific criteria for land development in the City. Zoning and size of building on the footprint—over a ten-year period—are critical issues to be addressed. In considering approval of a ten-year Project (especially during these economic times) the analysis must include assurance of financial resources and the potential inability to complete the Project as proposed. There is no question that many unforeseen circumstances will occur during this extended time proposal, which should preclude approval of such an extensive plan.

**Noise**—The canyon between the existing facility and homes in all directions surrounding the facility acts as an amphitheater, amplifying the noise across the golf course and into existing homes.

The construction noise will travel the same route over ten years, substantially interfering with the use and enjoyment of many properties. If completed as proposed, the facilities are intended to be used from 7 a.m. to 10 p.m., seven days a week. This is inconsistent with the City's noise standards and the character of the surrounding residential and resort communities—one of the City's major attractions and sources of income.

**Public Services and Utilities**—The proposed substantial increase in the size and scope of this facility, will place increased demands on maintenance of public roadways, public utilities, public lands, law enforcement and fire services, which translate into increased costs to these entities and the City.

**Transportation and Circulation**—The Draft EIR must address the fact that the only access to the site is from Crown Valley Parkway (CVP). This road is highly traveled and the site of many serious accidents. The proposed Project will result in a huge increase of CVP traffic during construction, heavy equipment traffic, and other vehicular traffic if the new and expanded buildings are constructed and used from 7 a.m. to 10 p.m.

Thank you for considering our grave concerns regarding the proposed Project.

Sincerely,

*Edward R. Jantzen*

Edward R. Jantzen

*Karen A. Jantzen*

Karen A. Jantzen



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I-42

DIANNA & JOSEPH BARICH  
19 CORTINA  
DANA POINT, CA 92629  
dianna@baha.com

2010 MAR 22 P 4:11

**FACSIMILE COVER SHEET**

DATE: March 22, 2010  
TO: CITY OF DANA POINT  
ATTN: Saima Qureshy, Sr. Planner  
Kyle Butterwick, Director of Community Development  
FROM: Dianna & Joseph Barich  
RE: South Shores Church Proposed Master Plan, SCH No. 2009041129  
("Project")  
FAX NO.: 949.248.9920  
PAGES: 5 (including Cover)

I-42-1





DIANNA & JOSEPH BARICH  
19 CORTINA  
DANA POINT, CA 92629  
[dianna@bahan.com](mailto:dianna@bahan.com)

2010 MAR 22 P 4:11

March 22, 2010  
*Sent Via Facsimile and E-Mail Only*

CITY OF DANA POINT

Attn: Saima Qureshy, Sr. Planner  
([squireshy@danapoint.org](mailto:squireshy@danapoint.org))

Kyle Butterwick, Director of Community Development  
([kbutterwick@danapoint.org](mailto:kbutterwick@danapoint.org))

33282 Golden Lantern  
Dana Point, CA 92629

Re: South Shores Church Proposed Master Plan, SCH No. 2009041129  
("Project")

Dear Ms. Qureshy and Mr. Butterwick:

Thank you for the opportunity to submit our comments regarding the above-referenced matter, in particular, the recent NOP for the EIR which is being prepared for this Project.

We have resided in Dana Point since 1990 and have experienced the positives and negatives related to the growth of our City. While many projects have been beneficial to the City and its residents, the within Project is not in that there is no question that it negatively impacts the residents of the surrounding communities as well as the City. Moreover, based on the NOP, the numerous issues of concern raised during this process have been overlooked or inappropriately analyzed.

As stated in the NOP, the EIR will be prepared in accordance with the requirements set forth by CEQA and the CEQA implementing guidelines. We also believe that the City has an obligation to assure that the EIR is in full compliance with the City of Dana Point's "General Plan". To that end, we submit the following list of our concerns which must be addressed by the EIR:

➤ **AESTHETICS:**

- Incompatibility with all existing surrounding structures;

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- Oversize in relation to the physical site and surrounding communities;
- Destruction of existing hillside and foliage including mature trees;
- View impact enjoyed by hundreds of residents and visitors to the City's resorts, including the Monarch Beach Golf Course;
- Unsightly massive retaining wall which replaces natural vegetation;
- Lighting issues for surrounding communities; and
- Unsightly massive parking structure

➤ **AIR QUALITY:**

- 10 years of construction activity;
- Removal of 100,000 cubic yards of dirt resulting in immeasurable amounts of dust and other pollutants disbursed in a wind tunnel; and
- Increase in vehicle traffic (both construction vehicles and thereafter by patrons of the facilities) with accompanying emissions

➤ **BIOLOGICAL RESOURCES:**

- Impact on wildlife in the Project area, including migratory species that inhabit and frequent the surrounding regions

➤ **GEOLOGICAL AND SOILS:**

- Prior landslides in contiguous areas destroying prior structures (two large apartment buildings) and public trail through the Salt Creek Corridor which is still ongoing;
- Prior flooding of lower level properties;
- Abandonment of prior building plans below the Project by Makar / CPH believed to be as a result of geological instability; and
- Prior landslides on other properties on Crown Valley Parkway resulting in a multitude of lawsuits which the City of Dana Point must assure is addressed in assessing its potential exposure / liability should the inevitable occur with this Project

➤ **HYDROLOGY AND WATER QUALITY:**

- Recent slope erosion which will be further impacted by the Project;
- Drastic topography change which will without question impact storm runoff;



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- Water quality in the Salt Creek which directly flows into the Pacific Ocean; and
- Water usage in Dana Point which is already dramatically impacted before the project has even begun

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➤ **LAND USE AND PLANNING:**

- Compliance with the City of Dana Point's General Plan, including open space; preservation of natural state of property, including bluffs and natural resources; and restriction on density;
- Compliance with CEQA;
- Compliance with other governing agencies, including zoning ordinances;
- South Shore's Ability to financially complete the Project; and
- Topographical survey that establishes the true buildable space/ acreage

➤ **NOISE:**

- Impact on surrounding communities subjected to 10 years of construction;
- Impact on surrounding communities with expanded facility, including the education center which is in reality most likely a school, resulting in an enormous increase in attendees all of which is exacerbated by the canyon's amphitheater effect; and
- Expanded hours of operation (7 days per week / 7:00 a.m. - 10:00 pm)

➤ **PUBLIC SERVICES AND UTILITIES:**

- Drain on public services and utilities, including increased costs of maintaining public roadways, public utilities and public lands;
- Increased costs associated with law enforcement; and
- Increased costs associated with fire and other services

➤ **TRANSPORTATION AND CIRCULATION:**

- Negative impact to Crown Valley Parkway during construction phases over a 10 year period; and
- Negative impact to Crown Valley Parkway by virtue of the enormous expansion of the facilities resulting in a significant increase in patrons with accompanying street congestion which is already a problem

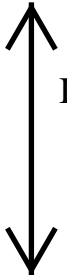
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Thank you in advance for considering and addressing our concerns prior to completing the Draft EIR.

Lastly, please confirm to [dianna@bahan.com](mailto:dianna@bahan.com) that you and LSA have received all 4 pages of this correspondence.



I-42-1

Very truly yours,

*Dianna Barich*  
DIANNA BARICH

*Joseph Barich*  
JOSEPH BARICH

2010 MAR 22 PM 4: 11

Mr. Michael Hazzard  
31902 Via Fiero  
San Juan Capistrano, Ca 92675  
(949) 690-2510

2010 MAR 22 P 4:45

Scoping Session Comments  
South Shores Church Master Project Plan  
March 22, 2010

City of Dana Point, Ca and Consultant LSA, Inc. Re: **SCH 2009041129**

This document addresses **Section VIII: Hydrology and Water Quality Impacts** and related issues that need to be addressed in the upcoming Draft Environmental Impact Report (DEIR).

**Section I** covers the Scoping Session (SS) and its innumerable shortcomings.

**Section II** addresses my field observations and physical evidence of neglect at the existing site.

**Section III** assigns preventive prescriptive remedies as mitigations. They are intended to assess and protect water quality and the aquatic creatures that inhabit the Salt Creek Scenic Corridor's (SCSC) Environmentally Sensitive Area (ESA).

**Section IV** contains my *Curriculum Vitae*, which is split into two distinctive and overlapping environmental specialties. The first is Water Quality Assessment, Monitoring and enforcement of California's Porter-Cologne Act and the federal Clean Water Act. The second is qualities of the waters and focuses on compliance with the federal Endangered Species Act and City of Dana Point Local Implementation Plan (LIP).

**Section I: Scoping Session Comments**

The SS was at best a dismal failure for the citizenry, an F, when it came to informing the general public about the probable impacts to the adjacent neighboring households, the Gnatcatcher, ESHA, the Salt Creek ESA and the overall welfare of our environment.

Sure there were plenty of pretty pictures to view at individual stations but there was no single formal presentation that tied them all together. Nor was there a group question and answer period to give the general public a chance to hear the tough questions and answers from professionals, to professionals, that the public would not know enough about to ask.

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To add insult to injury there was no Water Quality Management Plan (WQMP), no Storm Water Pollution Prevention Plan (SWPPP) nor was there a Low Impact Development plan (LID) to be reviewed and commented upon. Just pie in the sky answers to how water quality and the qualities of the waters might be protected. Once again direct questions about the absence of these plans that would have educated the general public were purposely and pompously avoided.

When the South Shores Church's (SSC) Mitigated Negative Declaration (MND) was rescinded it should have sent a clear picture to the SSC leadership that there are glaring short-comings and major problems associated with this grandiose project. The compartmentalized joke of a SS has shown the SSC leadership to be lacking in regard for their neighbors or their impact on the environment. After personally speaking with SSC neighbors, some of whom formerly attended South Shores Church, SSC leadership have exchanged God's Golden Rule for man's Rule of Gold with a side of vanity and blind ambition.

### **Section II: Observations and Physical Evidence of Environmental Neglect**

I've taken several trip to the South Shore Church and the surrounding properties to survey and assess the existing conditions as they pertain to hydrology and water quality Impacts. I walked the SCSC Trail, the creek bed itself, the hillside behind the church property (sans the ESHA), the slopes on both sides of the church property and the parking lots. I visited the existing sediment control basins, v-ditches and observed the above ground MS4 conveyance system that runs along the SCSC trail.

I conducted several site inspections starting with the sediment control basin at the south- eastern section of the SSC property. It was obvious that it had not been maintained for years, it was almost full of sediment, no Best Management Practices (BMP's) are being performed here, much less to Maximum Extent Practicable (MEP). Looking up from the SCSC I observed massive erosion patterns from the overflow of this device. It's my opinion that failure to properly maintain this device has created a series of crevasses through the Gnatcatcher ESHA and formed a fluvial fan that buried the MS4 system at the toe of the slope in several feet of sediment. When this area was fully engulfed the sediment careened over the beach SCSC trail eroding the slope below the trail carving out another set of crevasses that spewed mud and debris into the creek.

Next I walked the coastal bluff just to the south of the Gnatcatcher ESHA and tried to locate the v-ditches that were installed for erosion and sediment control purposes. Again I found that they were filled with sediment and had not been maintained. Water just flowed over the filled v-ditches carving out gullies and transporting sediment down

the hill and into the creek. It was impossible to locate all of the v-ditches due to the years of neglect and heavy coastal chaparral that has taken root in the system.

Next I walked north along the SCSC trail and inspected the above ground MS4 system and found that it has several breeches with low-flow urban runoff discharging out of it creating pooled areas. At the far northly end of the system a coupling connecting a MS4 subsystem was completely separated from the main. Once again no BMP's being employed.

While inspecting the above ground MS4 system I took a closer look at the pooled area of urban runoff and noticed that not all of the water was coming out of the system, some was flowing out of the coastal bluff. I later found a sinkhole on the creek side of the SCSC Trail leading me to conclude that there must be a subterranean flow of water from an unknown source(s). Just north of this location I found a suspicious sinkhole on the creek side of the SCSC Trail. It is difficult to determine if this is ground water/aquifer or over-use of Title 22 water discharged from the SSC property.

My next site inspection took place in the v-ditches that run along the northern slope of the SSC property that is common to the apartment complex parking lot. About half-way up the coastal bluff I discovered an unusual flow of water coming out of the coastal bluff into the v-ditch which flowed down into the creek. I observed this water flowing for approximately 30 minutes then stop. This leads me to believe that it was a subterranean breach in the sprinkler system that was spewing Title 22 water directly into MS4 and thence directly the creek, in violation of the NPDES permit.

What I observed pertaining to water quality, sediment transport and erosion control is professionally appalling. All water quality and sediment /erosion control devices had failed due to lack of the lack of the most basic maintenance implementation of BMP's.

**Section III: Recommended preventive prescriptive mitigative measures to assess and protect water quality. This includes the coastal bluff ESHA and the aquatic creatures that inhabit the Salt Creek Scenic Corridor's ESA.**

A database should be established **NOW** to provide data prior to any construction activity. Since water quality impairment in Salt Creek (SC) is already probable due to the past failure of SSC to implement required BMP's on its property, water quality testing should not only be limited to just below SSC property lines. A separate test area should be established above SSC's point of impact on the creek to assess any impairment caused by their neglect.

Water quality testing above and below all SSC related MS4 point of discharges into SC should also be established now, before any construction activity begins. It should be

continued during construction and post construction to assess any impairment that may occur.

My recommendations are as followed:

**Water Quality Physical and Chemical Analysis**

I've selected the parameters for the monitoring of Salt Creek to include nutrients and bacteria, and the standard physical parameters including pH, conductivity, dissolved oxygen, temperature and a visual observation of flow. Additionally, I recommend that Total Recoverable Petroleum Hydrocarbons (TRPH), Polycyclic Aromatic Hydrocarbons (PAH) and dissolved metals be tested for, as well as establishing Benthic Macro-Invertebrate monitoring.

Testing for temperature, pH, dissolved oxygen and conductivity shall be done with lab certified, pre-calibrated BAT meters. Bacteria samples shall be done using the IDEXX method using coliert 18 reagent for Total Coliform and E.Coli and Enterolert reagent for Enterococci. Nutrient analysis shall be run with a Hach Colorimeter or similar BAT. Nitrate-Nitrogen samples shall be run through a .45um filter and then tested utilizing Standard Method 4500-NO3E. Ammonia-Nitrogen samples shall be tested using a salicylate method adapted from Clin.Chim. 14 403 (1966). The Orthophosphate test shall use a procedure equivalent to USEPA method 365.2 and Standard Model 4500-PE.

Testing for metals, hardness (asCaCo3), Total Suspended Solids, PAH and TRPH be done by an EPA certified lab using EPA method 6020 for metals, SM2340B for hardness, SM 2540D for TSS and EPA method 418.1 for TRPH.

Monitoring for Benthic Macro-Invertebrates shall use the Surface Water Ambient Monitoring Program (SWAMP) protocols.



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**Section IV: CURRICULUM VITAE****Water Quality Assessment, Monitoring and Enforcement** 200 MAR 22 P 1:56**Citizens Watershed Monitors of Orange County (CWMOC)  
Founding and Current Chairman (2002-2010)**

The CWMOC is the "Official Clean Water Team" for the California State Water Resources Control Board in Orange County and is a matrix of academia, state regulatory agencies, county and city governmental agencies and major environmental NGO's in Orange County.

Our member educational institutions include University of California Irvine, U.C. Riverside Extension, Golden West College and Saddleback College. Governmental agencies include the California Coastal Commission, State Water Resources Control Board, Regional Water Quality Control Boards (Regions 8 & 9 Cal/EPA), State Department of Water Resources, Orange County Public Works, O.C. Watershed and Ocean Resources Department and the O.C. Department of Environmental Health.

Non-Governmental Organizations (NGO's) environmental groups include the Clean Water Now! Coalition, Seal Beach/ Huntington Beach and South Coast Chapters of the Surfrider Foundation, Orange County CoastKeepers, the Saddleback Canyons Conservancy, Clean Aliso Creek Association, Help Blue Water, the Bolsa Chica Wetlands Conservancy, D.I.V.E.R.S., Friends of the Aliso Creek Steelhead and the Southern Steelhead Militia.

The Mission Goal of CWMOC is to establish, promote and sustain high quality water monitoring programs throughout Orange County's 13 watersheds. We provide training and equipment to organized groups who in turn conduct water quality monitoring. We instruct the interns so that they may go into their respective organizations and teach them to conduct water quality testing and benthic macro- invertebrate assessments. These programs are conducted in accordance with a Quality Assurance Program Plan (QAPP) developed through the SWRCB. The QAPP assures procedures and protocols are uniform and conducted with certified intra-calibration session tested equipment ensuring high quality intergraded data is achieved.

**Clean Aliso Creek Association****Executive Director Feb 1999 to present**

As Executive Director of the Clean Aliso Creek Association I've been immersed in direct and extensive exposure to many of the urban runoff and National Pollution Discharge Elimination System (NPDES) permit issues facing the cities and the county. I made

significant contributions to a team effort through my personal reconnaissance and site investigations covering the 11 cities in the 32 Sq. mile Aliso Creek and the 138 sq. mile San Juan Creek Watersheds.

The resulting investigations by the SDRWQCB Northern Watershed Task Force confirmed the extremely high pollution levels in the local creeks that resulted in the CWC 13225 Directive (See attached newspaper article) and heavily influenced the SDRWQCB NPDES Order 2002 – 01 plus future South Orange County NPDES permits.

### **Aliso Creek & San Juan Creek Watershed Management Survey**

#### **March 1998 - 2004**

These parallel study groups met monthly and were conducted between March 1998 and June 2004. The participating governmental agencies included the U.S. Army Corps of Engineers, Federal E.P.A., SWRCB, SDRWQCB, U.S. Fish and Wildlife Service, California Fish and Game, the County of Orange, 11 Watershed Stakeholder Cities, 4 Water Districts and 2 Sanitation Districts.

The main focus of the working groups included existing urban areas, planned urban development, proposed urban development and their independent and cumulative effects on water chemistry, water quality, and qualities of the waters, hydrology and hydraulics of the geographic hydrologic areas. This is where the NPDES, water supply and flood control issues intersect.

The Aliso Creek / San Juan Creek Watershed Studies particularly lay open the fact that the federal Clean Water Act and the Porter-Cologne Act had been largely ignored, not only in these watersheds but all of Southern California. I gleaned invaluable knowledge from the widely varied agencies and the industry experts who participated. It was at these meetings that the entire NPDES permit issues were first brought to my attention. I have gone from not knowing this document existed to being able to speak on its merits and shortcomings.

### **KriStar Enterprise's Drainage Protection Systems Division**

#### **Southern California Territory Manager**

KriStar Enterprises is the oldest continuous manufacturer of storm water control devices in America. These devices are compliance features to the NPDES requirements of the federal CWA. The filtration devices are required to be installed and maintained at all new business and residential development and redevelopment sites.

My duties as So Cal Territory Manager included several aspects of the storm water pollution control business. The territory ranged from San Luis Obispo, CA in the north

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to the southern borders of San Diego and Imperial Valley Counties, then east to Phoenix, Arizona. Over this vast area my crew was responsible for maintenance and service of approximately 4500 stormdrain filtration devices of various makes and models from basic inlet filters to multi-story vortex separator vaults

I was responsible for the recruitment and training of the maintenance and installation crew, and the establishment of an operations yard in Lake Forest, CA. I conducted site evaluations for new installations of KriStar products and maintenance contracts for both company products and a wide variety of storm drain filter systems in the market place and provided cost estimates for the same. I was responsible for the day-to-day management, scheduling of the crew, and coordinating with both public and private sector customers over the entire spectrum of the territory. I also insured that the work was completed according to the high standards of quality, and was responsible for the submittal of completed projects for billing and issuance of compliance certificates to the owners. I was also responsible for interfacing with local, state and federal storm water compliance authorities.

### Qualities of the Waters

**Southern Steelhead Trout Critical Habitat Designation March 1999 to Jan. 2002**

**Reconnaissance Team Leader -Trout Unlimited**

The Southern Steelhead Trout (*Oncorhynchus mykiss*) was thought to be extinct below Malibu Creek in Northern L.A. County until one was caught by my Saddleback College classmate Toby Shackelford on San Mateo Creek. DNA testing in Nov. 1999 confirmed the fish to be a Southern Steelhead Trout. As recon team leader for the South Coast Chapter of this 134,000-member international organization I logged 24 trips over 18 months into the 138 sq. mile San Mateo Wilderness collecting data on habitat and taking over 500 photographs. By the end of 2003 fifty-three (53) Southern Steelhead Trout had been spotted in the creek.

My work included extensive interactions with the Saddleback College Advance Habitat Restoration program, Trout Unlimited of California and fisheries biologists from the U.S. National Forest Service, National Marine Fisheries, U.S. Fish and Wildlife, California Fish and Game, California State Parks and the United States Marine Corps. (LA Times article May 27, 2001)

**Southern Steelhead Trout Restoration Project San Mateo Creek**

**Southern Steelhead Trout Habitat Restoration and Species Recovery Coalition (SSTHRSRC) Technical Advisory Committee (TAC) Stream Team Coordinator (STC)**

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The Southern Steelhead Trout Restoration Project is mainly focused on San Mateo Creek Watershed located in northern San Diego County. Its TAC is made up of members from the National Marine Fisheries/ National Oceanographic Atmospheric Administration, National Forrest Service, Fish & Wildlife Service, US Marine Corps, California Coastal Conservancy, Calif. State Parks, Calif. Fish & Game, Trout Unlimited of California, San Diego Trout and Cal Trout.

As (STC) for the (TAC) my duties included coordinating and leading professional and volunteer teams into this 138 sq. mile wilderness area. During the past 10 years I have led over 250 trips into the San Mateo Wilderness. I was selected for this position because I have personally logged more time on this project in SMC Wilderness than all the above-mentioned agencies personal and other NGO volunteers combined.

During the 16 month period between December 06'- April 07' I conducted single and multi-day operations encompassing the entire watershed. Field operations included locating and mapping all the existing water features in the San Mateo Creek Watershed from the upper reaches including the La Cresta housing development along Los Alamos Creek and Tenaja Falls on the main stem to the Trestles surf break, all of its tributaries and sub-watersheds, the estuary and near off shore ocean environment. Surveys were conducted in all types of weather from snow and freezing rain to scorching heat with temperatures ranging from 18°F to 118°F during this 16 month period.

I conducted over 75 days of biological, environmental and scientific assessments including native and invasive species presence/absence observations, GPS recorded locations and photographed stream segments and pools of water. These studies included but were not limited to water quality monitoring, stream bed mapping, spring location mapping, and identification of native and invasive aquatic species, trapping and removal of invasive species.

In the La Cresta housing development located above the SM Wilderness we accessed the USFS Remote Sensing Center in Salt Lake City, Utah to retask a satellite utilizing digital imagery in the geospatial range to detect and map ponds and waterways that might be contributing to the influx of invasive aquatic species of plants and animals into the SMC critical steelhead habitat. We also conducted Public Service Community Outreach Programs to both inform and include the community in our restoration efforts

My 2005/06-2007/08 work is particularly of historical note and content as it was conducted during the lowest and highest rainfall levels ever recorded in Southern California. This scientific data combined with environmental surveys and habitat observations encompassed the full range of stream flow and weather extremes in this watershed.

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I developed and delivered the year-end work project Power Point presentation titled "75 Days in the San Mateo Wilderness" to the SSTHR SRC TAC. In February 2008 I was also a featured speaker on this subject at that year's US Forrest Service Volunteer Day. There were over 250 people in attendance at the symposium.

**Southern Steelhead Trout Fish Passage Project Trabuco Creek**  
**Southern Steelhead Trout Restoration Task Force, Trout Unlimited**

In June 2004, I partnered with another Trout Unlimited volunteer, George Sutherland, to form the Trabuco Fish Passage Team. This is the largest and most complex single undertaking by Trout Unlimited of California and a flagship project of the Trout Unlimited National Organization. Trout Unlimited is the oldest and largest coldwater fisheries restoration organization in North America.

We chose this location as the first of five fish passage projects because it would be the most difficult to get permitted. The project location is directly under a major bridge structure on Interstate-5. It requires extensive redesign and retro fitting of the existing 600' long concrete footing structure. I-5 is the primary North/South transportation corridor on the West Coast of the United States and is of national strategic importance.

This project permitted close, cooperative interactions with the U.S. Dept. Of Commerce, U.S. Department of Transportation, the U.S. Army Corps of Engineers, National Marine Fisheries, N.O.A.A., Cal Trans, California Dept. of Fish & Game and the C.D.M. Engineering Firm of Irvine, Ca.

We achieved all the necessary planning goals and received grant funding from the Wildlife Conservation Fund for the project on November 18, 2005. The first public Design Rollout event is on April 10, 2006. (See L.A. Times & O.C. Register articles dated **April 12, 2005**)

On Friday, August 12, 2005, N.O.A.A. slashed Salmon and Steelhead Critical Habitat Designation Areas and the associated project funding by 80% in the Western United States. (L.A. Times **August 13, 2005**).

On Monday, August 15, 2005, N.O.A.A. added Trabuco Creek as a Designated Critical Habitat for the Southern Steelhead Trout. (See Register article dated **August 16, 2005**).

Our collaboration with the California Department of Fish & Game and the Wildlife Conservation Board resulted in grant funding to construct a \$1.2 million fish passage ladder for the Southern Steelhead Trout on Trabuco Creek. This fish passage is the first of a series that will be built to allow this endangered species to return to spawning areas in the Cleveland National Forest. (See accompanying newspaper articles from **December 2004, January 2004, November 2005 and March 2008**).

**Record Southern Steelhead Trout Capture & Release on San Juan Creek - March 15, 2008**

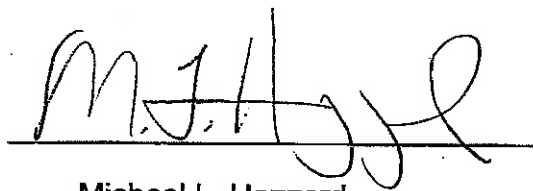
I, along with a team of experts from NOAA, NMFS, Cal Fish & Game, Trout Unlimited and Cal Trout captured and released the largest Southern Steelhead Trout ever taken in So Cal waters. It measured approximately 35" and was released back into the ocean at the mouth of San Juan Creek at Doheny State Beach. On March 22, 2008 the effort was the Orange County Register's center front page story. The article is titled "A Stairway for Steelhead" with a 4"x 6" color picture and a companion story "Big Fish, Bigger Plans" was the dedicated Focus/IN Depth page story taking up virtually all of page 3. (See related newspaper article)

**WATER QUALITY & QUALITIES OF THE WATERS CERTIFICATIONS & WORKSHOPS**


In addition to my formal studies, I have attended many of the workshops put on by the SWRCB'S Stream Team including but not limited to: SWAMP Benthic Macro-Invertebrate Assessment, Water Quality Testing, QAPP and Intra-Calibration Testing certifications.

I attended SDRWQCB & Santa Ana RWCB workshops on SUSMP, SWPPP, DAMP, CEQA, NEPA, TMDLs, NSC and various other R-8/9 96-03, R-8/9 2002-01, R8/9 2009-0002 N.P.D.E.S. related issues.

I-42-1



Michael L. Hazzard



March 22, 2010

Jerry & Virginia Woods  
23262 Atlantis Way  
Monarch Beach, Ca 92629

City Of Dana Point  
Attention Salma Quershy, AICP Senior Planner  
33282 Golden Lantern  
Dana Point, Ca 92629

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CITY OF DANA POINT

To the City of Dana Point:

As a homeowner in the City Of Dana Point Monarch Bay Villa since 1987 we would like to submit our comments with regard to the building proposed plan for South Shores Church..

The size building is inconsistent with the physical site.

Living with years of construction is unacceptable.

The studies that have shown this area to be unsafe to build on.  
The area adjacent to us on the southeast corner of our property that the city wouldn't allow the owners to build on because it was deemed to be unsafe. The apartment building just to the south of their property line was demolished because Of the slipping of the earth which caused damage to the building.  
This area is unsafe to build on.

The thought of a ten year major building project on this property is criminal. To turn our lives upside down and create this fear to some people who have their entire net worth in their homes seems inhumane if not worse. This is not to mention the dirt and other changes to our way of life including major traffic nightmares.

Concerned residents

*Virginia Woods*  
*Jerry Woods*

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Sergio & Mara Landau  
 Monarch Bay Villas  
 23293 Pompeii Drive  
 Dana Point, CA. 92629  
 949-240-2294  
 sergio@pardau.com

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March 19<sup>th</sup>, 2010

City of Dana Point  
 Attention: Saima Qureshy, AICP, Senior Planner,  
 Kyle Butterwick, Director of Community Development  
 33282 Golden Lantern  
 Dana Point, CA 92629-3568

Re: South Shores Church ("the Proponent") of the Master Plan, SCH No. 2009041129  
 ("the Project").

In response to the review of the MND and the Draft EIR of the Project ("Initial Study"), as requested by the City of Dana Point at the March 4, 2010, "Scoping Meeting."

**HAND DELIVERED TO THE CITY OF DANA POINT – PLEASE FORWARD COPY OF THIS RESPONSE TO LSA ASSOCIATES**

Our home at Pompeii Drive, in the Monarch Bay Villas Community is adjacent to the south side of the Proponent's lot. Considering the actual environmental impacts that a project of this magnitude, scope, and duration may cause on the vicinity communities, we found that the conclusions for the potential impacts listed on the Initial Study were biased and tainted, and presented in a very superficial manner. Not surprisingly, the Initial Study concluded that none of the dozens of potential impacts were considered "significant". We do not think that LSA Associates has yet studied this matter in the depth and detail required by the California Environmental Quality Act (CEQA) for projects of this magnitude in a coastal area. As residents of Dana Point and next door neighbors to SS Church, we request that the Proponent or LSA Associates fully disclose the method and analysis to be used for the EIR, before they reach their final conclusions for the potential impacts to the surrounding area. Particularly, we would like to see how the EIR will address the following specific impacts:

**1) Aesthetics and Visual:** The Proponent has done computer view simulations that show that the new structures cause little impact to passing by viewers from Crown Valley. But there's no explanation in the Initial Study to the conclusion that there will be "no significant visual impact" from the Salt Creek Canyon side (East) and from the Monarch Bay Villas side (South).

1.a) The South end of the Salt Creek Canyon comprises of a pleasant walking/bike trail, a well groomed golf course and a grassy slope with the church's sanctuary at the top.

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We think that the 3 additional buildings and parking structure proposed by this Project will wipe away the harmony of this beautiful coastal bluff. Salt Creek Canyon will lose its current identity as a pleasant coastal area balancing nature, residences, a golf course and a church. Cramming this massive new construction in such a limited area is an insult to the aesthetic of Dana Point Coastal Community, and in particular to us living in the immediate neighborhood. We have worked all our lives to have the privilege to live along this beautiful Coastal Canyon. Now we are facing the treat of having functional/business buildings -- not residences -- that will bring traffic of vehicles and people during the days and the evenings, and artificial lighting during the nights. In our particular case, the new proposed administration/pre-school building will be permanently violating our privacy.

1.b) At Monarch Bay Villas, Pompeii Drive, we have a situation of a new functional/business building put right next to our homes. In our particular case, 2 of our 3 bedrooms and our entire kitchen area face the new proposed building directly. We are positioned at a lower elevation (about 10 feet lower than the ground floor of the new building), so that anyone looking from the windows of the new administration/pre-school building will have an unobstructed view to most of the inside private areas of our home. For this reason, we believe that the standard set back is not sufficient; the Proponent needs to present a solution that will reduce the impact of this close proximity and the difference in elevation between the new structure and our home. The way it's been proposed, it leaves us in a complete vulnerable position, where our privacy inside our home can be violated by anybody at any time of the day or night. Enclosed we are sending the simulated views of the new building from the inside of our own bedroom and kitchen area. This is not a passing by perspective; it is a perspective from where we live everyday.

The Initial Study has failed to address the issues above.

**2) Noise:** The Initial Study states that "there is less than significant noise impact in the vicinity above the existing levels without the project". We completely refute this conclusion for the following reasons:

2.a) We've been living here since 2006, and we know that the existing noise level measured at the windows of our rear bedrooms is much lower than the 50-55 decibels estimated by the project. Once the buildings become operational, we have no assurances that the actual noise will be limited to these estimation levels. What would be the remedies the Proponent will have in place if the levels of noise measured from our windows are greater than 55 decibels? We are particular concerned with noise coming from the administration/pre-school building. There are no provisions to limit the use of the building to only weekdays and daytime hours. We may be subject to the new noise levels from early morning to late night, including on the weekends.

2.b) The Community Facility that the Proponent plans to build is also a concern. The "CF" (Community Facility) zoning designation for a church is a "noise sensitive" zoning category, just like "R" (Residential). In the General Plan under Community Noise Contours, "used as a guide for planning", it clearly states the noise level allowed for "noise sensitive land uses ( i.e., residential, hospitals, schools and churches)", and it also states that "Table N-2" should be consulted for determination of noise compatibility

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with existing development. Table N-2 allows for recreation in a "CF" zoning designation, but "recreation" in a "CF" designation consists of galleries/ libraries/ museums; all these are "quiet recreations". "CF" noise sensitive designation does not apply if the Proponent plans to use their Community Facility as a gymnasium, sport court, or concert/performance arts hall; all these are considered "loud recreations" and are not allowed by a CF designation.

2.c) Besides the permanent noise impact caused by this project when completed, during the construction period, we will also suffer the consequences of all noise produced by the construction workers, their trucks, tools and machines; on and off for 10 years or more. We didn't see any reasonable explanation for the conclusion on the MND that "there is less than significant noise impact in the vicinity above the existing levels without the project". The noise impact will need to be re-evaluated by the EIR, and viable solutions would need to be presented to assure this project will not cause significant noise impact to the surrounding residents (as stated in the MND), and if there are such solutions they would need to be disclosed in detail in the EIR.

**3) Air Quality:** In the Initial Study all items regarding air quality were found to cause either "less than significant impact" or "no impact". We don't understand how the Initial Study could have reached these conclusions.

3.a) Over a period of at least 10 years, we will be collecting in our lungs all dust and possible other airborne pollutants from the excavation and movement of over 100,000 cubic yards of earth. How can the project conclude that someone living right next to these excavations, for at least the next 10 years, will suffer "no impact" or "less than significant impact" in the air quality? We, residents of Monarch Bay Villas, live here 24/7, less than 30 feet away from the construction site and the area where all of this dirt needs to be excavated and moved. Most of us living at Monarch Bay Villas are above the age of 65. This is not just a construction next door; it is a mega project, generator of huge amounts of dust and other airborne pollutants, expected to go on for 10 years. We think we deserve to preserve our quality of life, and our health and age may demand so.

3.b) In addition, we've learned from the Proponent that this project will be executed and completed only with funds received from future donations. Presently, the Proponent has just enough funds to get the phase 1 of the project going, and we understand that these funds may have been received from donations over the past several years. What is our assurance that the Church will in fact have enough funds to complete this project in 10 years? A simple estimation shows us that based on this projected cost of the project and rate of incoming donations, these constructions could start and remain uncompleted for many years, and go on intermittently for over a period of 30 years or more. We will probably not live this long, and regardless of the money the Proponent injects in the project, if it is executed as it is proposed, our remaining years of life would be pretty bleak. Why should we be subject to this? Is LSA Associates or the City of Dana Point able to show us any reliable study concluding that elderly people exposed to decades of dirt excavations at such a close range will have no major health adverse impact as, for instance, cancer?

**4) Geology and Hydrology:** Neither the Proponent or LSA Associates have done any detailed tests to confirm that the soil will allow the significant disturbances that will be

I-42-1

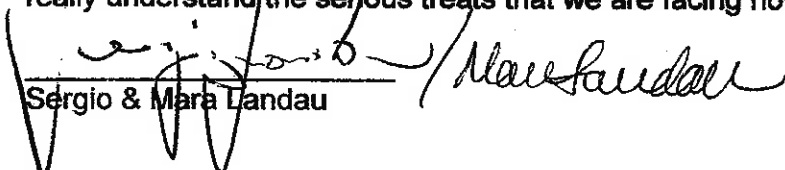
2010 MAR 22 P 4: 53

required by the project, and that there will be no impact or risk to our community in case of a big storm.

This is the item of our greatest concern because it involves our physical safety. We are adjacent to, and at a lower elevation of the church's lot on the south side. Between us there's a slope of earth that will need to be severely disturbed to accommodate the new building structures of admin/pre-school building and parking garage. In the past, some of the residents of Pompeii Drive have had serious water damages in our garages, and the water couldn't come from anywhere else other than the slope on the south side of the Proponent's lot, right contiguous to the back of our garages. We are deeply concerned with what will happen in case of a big rain storm, once these significant soil disturbances take place on that slope. We have good reasons to be concerned because we are downhill from the excavations where the new building foundations will be. There's great concern for severe water damage and landslides. We know that the geology of that entire hilly area surrounding the church's lot is very sensitive to effects of storms and earthquakes. Fifteen years ago an earthquake took down an entire block of units of the apartment complex at the north side of the church. These apartments were never rebuilt. We believe that with such significant soil disturbance, there is a greater risk that something similar could happen to the homes located at the north side of Pompeii Drive. That could have catastrophic and tragic consequences. In the lack of absolute proof that there will be no significant added risk to our homes being flooded, the Proponent would need to consider being held liable for these possible consequences; an indemnification bond, which will probably in the tens of millions of dollars, to cover possible losses to the residents of Monarch Bay Villas would be required.

My wife and I are approaching retirement; we are now supposed to live the best and most tranquil remaining years of our lives. Instead we are now facing all these treats. We do not oppose to the Church expanding/renovating their facilities; we understand it is their right to build, remodel, and make use of their land in a more productive way. But it is clear to us that this project stretches way too far the physical capacity of the Proponent's lot. This is a massive overbuilding with lasting consequences in traffic, air quality, and quality of life in general. And it will disfigure a beautiful and sensitive area of coastal bluffs and canyons. Based on what we've seen, the impacts of this project on all of us living in this vicinity have yet to be considered and mitigated in detail. We hope that a fresh approach to the EIR, with a credible, thorough, and detailed impact analysis will address all the issues raised here (as well as other impacts not mentioned here such as "traffic" and "wildlife preservation"), From a comprehensive and professional EIR, we are pretty sure that LSA and the Proponent would be able to offer viable solutions and necessary modifications to the project that would make their neighbors more comfortable.

As a final suggestion, we ask that the consultants of LSA Associates, as they mitigate the impacts, they try to place themselves (or their own parents) in the situation of us living on Pompeii Drive at Monarch Bay Villas. This may be the most effective way to really understand the serious treats that we are facing now.

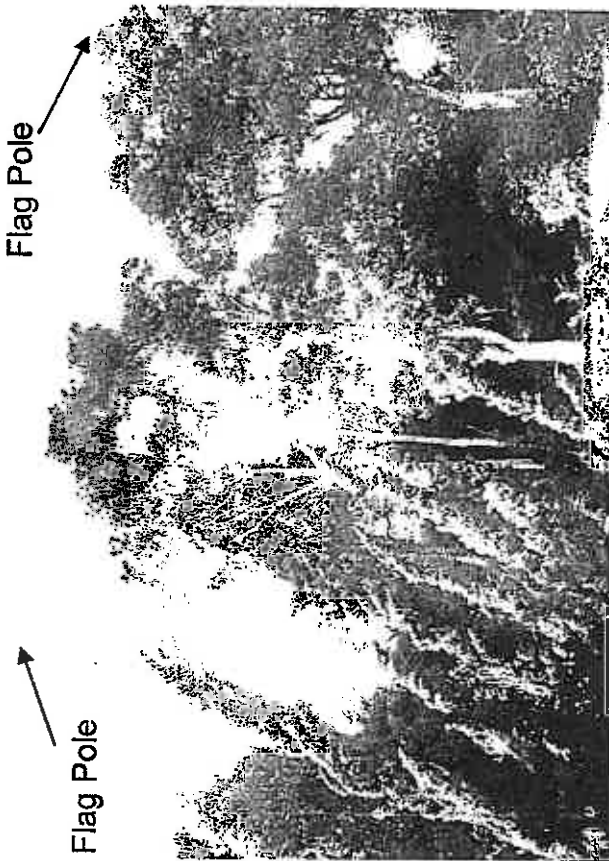
  
Sergio & Mara Landau

I-42-1

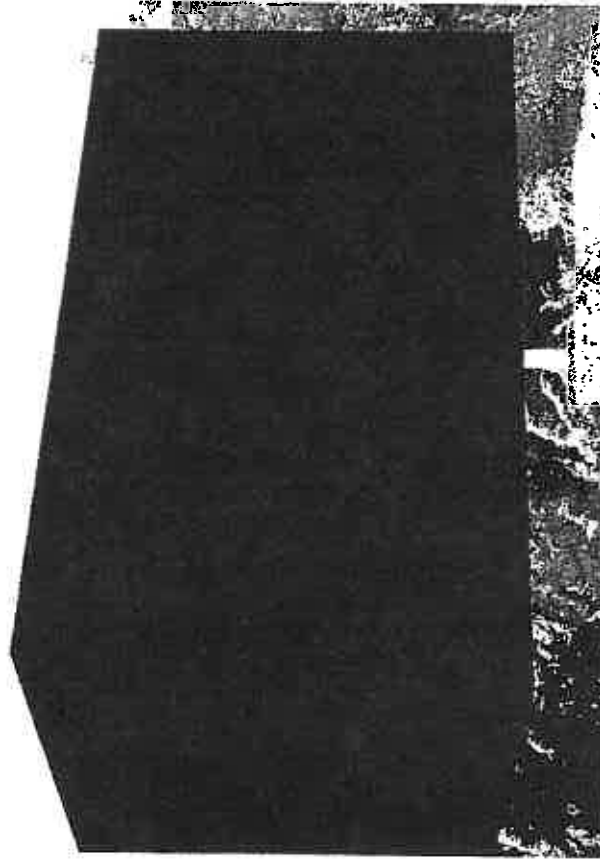


23293 Pompeii Drive - View from bedroom upstairs

Current View



View with proposed building



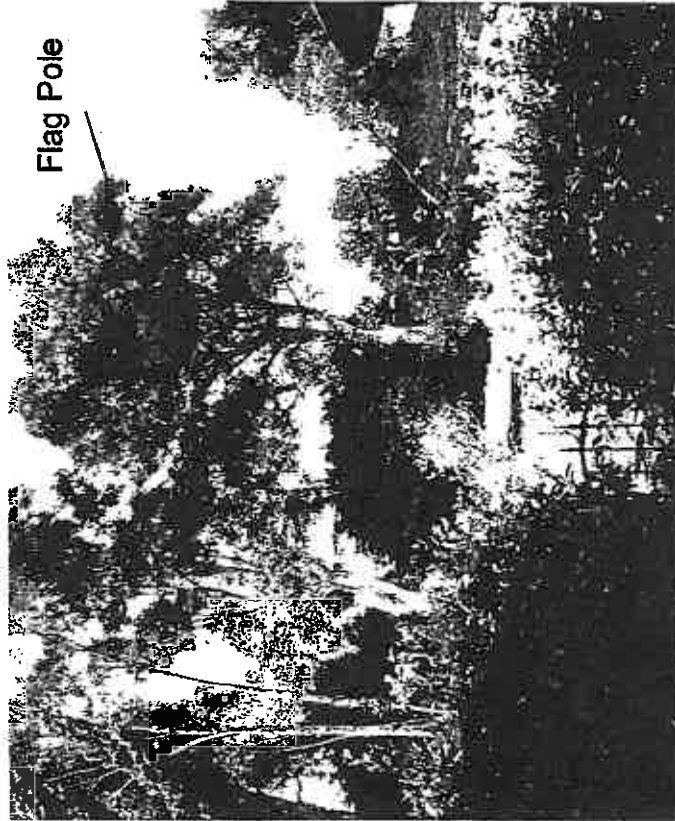
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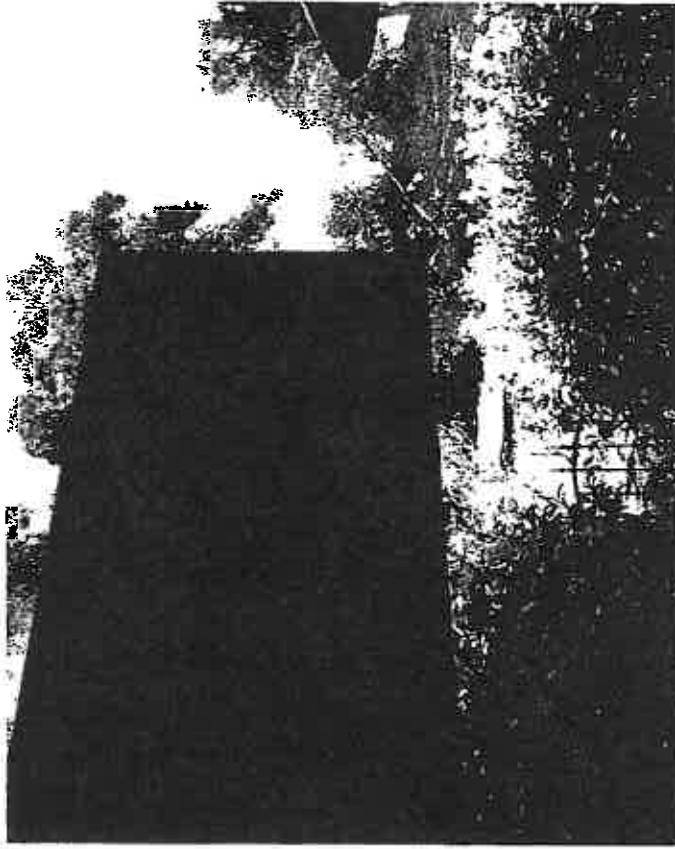
# 23293 Pompeii Drive - View from kitchen downstairs

2:00 MAR 22 PM 4:52

Current View



View with proposed building



I-42-1

2010 MAR 22 P 4: 47

**PETITION OF MONARCH BayTERRANCE RESIDENTS**

In Opposition

TO

**SOUTH SHORES CHURCH EXPANSION**

The undersigned residents of **MONARCH BAY TERRACE** hereby object to the **SOUTH COAST MASTER PLAN**, SCH No. 200941129, ("the Church") and/or any structural or operational expansion thereof. The Undersigneds's objections are based in part on the following:

**1) Geological Integrity.** The Church property is geologically strategic to the Terrace in that it supplies the primary structural footing for the adjacent Terrace hill sides. The continuing slippage and subsidence of the properties immediately adjacent to and North of The Church is demonstrative of the existing instability of the angle of repose of the underlying property. This condition is characteristic of much of the property along Crown Valley. The aluvial fill along Salt Creek and immediately below The Church lends little or no structural support to the steep up-slopes. Ascerbating the concerns of the Undersigns is the fact that the Terrace slopes are composed primarily of rubble with little or no strata formations and laced with numerous underground water flows. A cursory review of the geological facts compel a conclusion that any material grading may trigger damaging earth movement. Accordingly, an express agreement of indemnification running in favor of the Terrace residents is mandated under the circumstances.

**2) A Decade of Constructiion.** It is patently unreasonable and unconscionable to burden this community with a construction process spanning over a period of 10 years. The prospect of living with the roar of heavy equipment and other disconcerting construction noises echoing throughout the community for at least a decade and concomitantly fighting off the dust, noxious fumes and other pollutants that would inevitably sift through the doors and windows of the adjacent residents is simply intolerable and unacceptable.

**3) Egress/Ingress.** Egress and ingress to the Church premises is limited to the single driveway at Sea Island Drive and Crown Valley. The multiple daily operations contemplated by The Church along with a decade of construction wuld overload an already jammed parkway. For example, there are three uncontrolled left turn lanes between Pacific Coast highway and the entrance to The Church premises, a distance less than a tenth of a mile. Traversing through such turn lanes will become greater challenges as well as greater safety hazards for all vehicular traffic.

**4) Salt Creek Corridor.** Salt Creek is a designated view corridor. The height and size of the structures as depicted in the General Plan would materially impair and/or interfere with the existing views.

5) **Wild Life.** Salt Creek harbors many species of wild life, including certain endangered bird species.. The activities, noise and pollutants emanating from the Church properties during and after construction will adversely and materially impact such wildlife as well as much of the natural vegetation.

6) **Transformational General Plan.** Many of the undersigneds were ardent supporters and activists in the formation of the City of Dana Point. The impetus for their support was the vision of a governing body made up of next-door neighbors who would in normal course be sensitive to their views and inherently assume as an obligation the duty to preserve and protect their interest. Commercialization of The Church would be grossly invasive and transformational in a multitude of ways. It would dramatically and irrevocably alter the character of the area and adversely and materially impact and impair the ambience and quality of life historically enjoyed by its residents. The colossal nature of such transformation and the magnitude of detriment to the community resulting therefrom should render the issue of balancing of the equities a non sequitur.

The undersigneds strenuously object to said General Plan or to any expansion of the existing Church operations or structures and urge the Planning Commission as well as the City council to reject the aforesaid General Plan.

I-42-1

NAME:

Date

Address:

Peggy Kay

3/20/10

32602 Crest Rd.  
Monarch Isl. Ca.  
92629

NAME:

ADDRESS:

Linda Comstock

32161 Sea Island Dr  
Dana Pt. Ca. 92629

NAME

ADDRESS

\_\_\_\_\_

\_\_\_\_\_

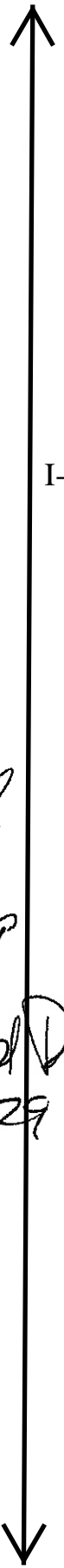
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Address

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2010 MAR 22 P 4:41



COMMENT CARD

R



CITY OF DANA POINT  
PUBLIC SCOPING MEETING  
SOUTH SHORES CHURCH PROPOSED DEVELOPMENT PROJECT  
Thursday, March 4, 2010

MAN...  
CITY OF DANA POINT  
COMMUNITY DEVELOPMENT  
PUBLIC MEETING

NAME: Marjorie Anderson  
ADDRESS: 23287 Pompeii Dr. CITY: DANA POINT ZIP: 92629  
EMAIL ADDRESS: I don't have EMAIL  
REPRESENTING: Monarch Bay Villas

Do you wish to be added to the project mailing list?  YES  NO

Marjorie Anderson  
27 Pompeii Dr.  
Dana Point, CA 92629-3549

RECEIVED

MAR 19 2010

CITY OF DANA POINT  
COMMUNITY DEVELOPMENT

Attention

City of Dana Point  
Salma Gureshy, AICP Senior Planner  
Community Development Department  
33282 Golden Lantern  
DANA POINT, CA 92629-1805

e-mail them by March 22, 2010 to:

iner  
ent

92629+1805



The purpose of this comment card is to solicit input regarding the scope and content of the Environmental Impact Report (EIR). Please submit comments for the record that pertain to the environmental issues to be addressed in the EIR (please print).

I-42-1

The El Niño storms are a reminder of how vulnerable those of us living below the church are to severe erosion flooding and sliding. "Water was and still is the strongest force that causes mud slides." The mudslides cause hillsides to give away, <sup>A run off pouring down the slope behind my home created</sup> three cascading water falls that was most disturbing. I've already had one very bad experience when living in Northern California and most defiantly, do not want a repeat occurrence. Damage to my custom built home was due to underlying expansive and plastic soil. There was damage to the foundation due to pressures from downhill creep of the plastic soil. Subsurface moisture migrated into the soil.

Please comment by March 22, 2010

What is to prevent this same problem from occurring with the soil on the church property behind our condos? Years ago several buildings slid down the hill near the church.



COMMENT CARD

(Page Two Continued)

CITY OF DANA POINT  
PUBLIC SCOPING MEETING  
SOUTH SHORES CHURCH PROPOSED DEVELOPMENT PROJECT  
Thursday, March 4, 2010

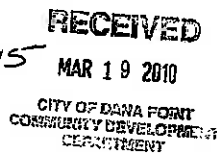
NAME: Marjorie Anderson  
ADDRESS: 23287 Pompeii Dr. CITY: DANA POINT ZIP: 92629  
EMAIL ADDRESS: \_\_\_\_\_  
REPRESENTING: Monarch Bay Villas

Do you wish to be added to the project mailing list?  YES  NO

Mrs. Marjorie Anderson  
13287 Pompeii Dr.  
Dana Point, CA 92629-3549

e-mail them by March 22, 2010 to:

ATTN: City of DANA POINT  
Kyle Butterworth  
Community Development Department  
33282 GoldenLantern  
DANA POINT, CA 92629-1805



The purpose of this comment is to \_\_\_\_\_ ing the scope and content of the Environmental Impact Report (EIR). Please submit comments for the record that pertain to the environmental issues to be addressed in the EIR (please print).

I-42-1

The damage caused shifting of floors and cracking throughout my home. The subdrain system is critical to prevent water seeping beneath foundations. It required seven months to repair, all the damage & to relevel my home. I've put alot of money in to remodeling my present home and the air polution & noise (if and when) the demolition and grading work commences during each phase will have significant impact on property values and our health. Also, Major Frustration of disruption of flow of traffic and safety concerns - Delays and Complications on Crown Valley Parkway will have major consequences. Main concerns are as follows: mitigation of drainage - clay soils - slope stability - landslides soil stability all affecting adjacent condos - health & noise

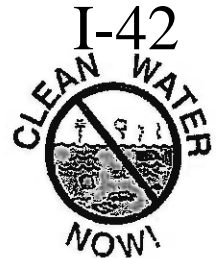
Please comment by March 22, 2010

I would like a confirmation as proof of receipt from  
Thank you!  
LSA & Associates!

# CLEAN WATER NOW! COALITION

P.O. Box 4711, Laguna Beach, CA 92652 - 949.280.2225 - www.cleanwaternow.com

"The Clean Water Now! Coalition is dedicated to the protection, restoration and preservation of aquatic and riparian ecologies worldwide."



## Scoping Session (SS) Comments

Date: March 22, 2010

Re: South Shores Church (SSC) Master Plan Project (SSCMPP)  
31712 Crown Valley Parkway, Dana Point CA 92629

I-42-1

City of Dana Point and EIR Consultant LSA, Inc. Re: SCH No. 2009041129

**Clean Water Now!** (CWN!) welcomes the opportunity to provide comments regarding the proposed 10-year duration, phased SSCMPP by the proponent.

As SSC refused to provide any middle ground, that is a true alternative to their SSCMPP as described in the initial **Mitigated Negative Declaration (MND)**, CWN! has no choice but to oppose the invasive re-development of this site: **NO PROJECT**.

CWN! wishes to first bring attention and focus to several facts we believe germane to LSA responses to the comments herein and other submissions by RFP respondents and project critics.

- (1) Per LSA's own response to the City's RFP for the EIR, LSA vowed to assist in the organization, the egalitarian structure of the **Scoping Session** of (SS) March 4, 2010. That SS was to feature a PowerPoint presentation, followed by interactive dialogue. ALL parties were to be gathered as one body, one singular, civil, interactive entity, *en masse*. Instead, the "divide and conquer" strategy revealed in advance by **Carol McDermott of Government Solutions Inc. (GSI)** in her email exchange with SSC attorney Mark McGuire, Project Manager G.G. Kohlhagen and Pastor Tyler Guy was implemented. This gives the appearance that the City continues to skirt the edge of failing to provide **Legal Defensibility** due to its pro-development tactics. In fact, most of the City's chosen six (6) RFP respondents promised a similar format with a PowerPoint or its equivalent, followed by the same, *en masse*, Q & A format.

The creation of multiple informational stations did NOT follow LSA's proposed contractual guidelines for the SS. NOTE: I personally transmitted CM email to LSA, addressing it to the party I was told by the LSA secretary at the Irvine offices was the point person, Nicole DuBois, and to the Irvine corporate address email for same. Therefore, LSA cannot contend that they do not have this ugly and revealing communication stream. To assure there is no more plausible deniability regarding this information I will attach here as **EXHIBIT A**. There wasn't any confidentiality disclaimer or warning, and as EVERYONE in the City now has a copy it is public domain status.

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(cont.)

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- (1) Per LSA's same RFP, it cites **Section 15126.6 of CEQA**: A maximum of 3 project alternatives or alternative sites should have, by now, been presented. According to LSA's own verbiage, these 3 should NOT include the No build/No project alternative. In spite of SSC vow to negotiate, enter into dialogue with key opposition and consider such alternatives last fall in their Press Release, no such alternatives have ever been mentioned. When challenged at the SS, Project Manager G.G. Kohlhagen stated that it's this project or else. The SSC is pursuing a fatal, zero-sum endgame and ignoring CEQA guidelines regarding alternatives. Due to its failure to present, or even consider alternatives at the SS, SSC has in essence left concerned residents (and CWN!) no choice other than to take the position of **NO PROJECT**.

To wait, to force the public into creating the alternatives instead of proactively presenting at least one (1) middle-ground alternative carries both the SSC and public down a litigious, contentious cul-de-sac. If any alternatives are ever created, the public once again will be burdened, and become resentful, regarding the wasting of their personal time when at least one (1) such alternative **could and should** have been on display at the SS. The "My-Way-or-The Highway" attitude reflects an inflexible and non-negotiable mentality that is contrary to the SSC vows last year.

I-42-1

It is quite possible that SSC, by the time it gets any approval for **any** project, will have drained its congregation's coffers by trying to shove this project down the public's throats, thus leaving the church with zero funds to build. SSC may eventually acquire certain development rights but have permanently alienated itself from its neighbors. Considering the fact that it vowed to mend a fence and negotiate, listen to public concerns then reverse itself, ignore those concerns, is suicidal and reprehensible for a supposed Christian values church. This is obviously the "slippery slope" (literally) the SSC Building Committee refuses to acknowledge they are leading their flock like lemmings over.

CWN! was LSA's strongest, most openly vocal supporter and lobbyist in regards to the choice of consultants by the City for this project last Fall. Having interacted with their fine professional staff both here in Laguna Beach and in the South Orange County watersheds, we felt that they had the most professional resumé and track record of compliance. The SS confounded us, it revealed that even LSA can be manipulated into subverting the spirit of CEQA. We are personally distressed that LSA, for such a relatively small sum of money, would jeopardize the good will of their business by capitulating, by taking in part in the SS charade. It was a deceptive



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farce, the altered, previously promised format ignored, it robbed the citizens of due process.

As for the choice of Meg Waters, didn't anyone realize that her contract with the Transportation Corridor Agency regarding the Toll Road through San Onofre reflects her anti-environment advocacy, her pro-development impartiality? She is hated, she is distrusted and despised by the enviro-community, so by hiring her SSC once again has voluntarily self-inflicted a deep wound, damaged or sabotaged its own project at a delicate time. That the SSC leaders fail to comprehend the ramifications of such choices simply reflects their historical inability, their arrogance, their lapse of intelligent introspection, their ongoing incessant failure to grasp their inexorable potential for self-destruction.

Meg Waters hiring is not only an affront, but CWN! predicts that this will eventually trigger more opposition, more contention, not less. When other eco-NGOs begin coming out of the woodwork, SSC will only have itself to blame as it begins to profusely bleed precious funds that could have been used to tastefully rehab what CWN! feels the best alternative: Rehab what is there now, do not expand.

I-42-1

- (2) CWN! cannot stress strongly enough its opposition to LSA's suggestion that SSC contract independently with technical support preparers. Yes, it could lower SSC expenses but fiscal consideration for a project proponent is irrelevant to this discussion and the CEQA process. SSC, in the now infamous Carol McDermott email exchange, reflects SSC eagerness to control these vendors with the same strategy: Not to save money but to control these vendors ONLY in the SSC's best interest, to become "de facto" supporters via funding. This strategy leaves the fox in charge of the henhouse, it leaves far too much room for manipulation and mischief. Let LSA choose as they are responsible for the final CEQA product, the EIR. And do NOT allow SSC or the City any choice in these selections. Otherwise, the hovering auspice, the appearance of collusion will continue. CEQA is undermined and violated by such overt and covert mechanisms.

We must also contest from the onset our strong opposition to some of the mis and dis-information provided in a handout generated by the City. There was information circulated in hard copy at the SS hosted by the City on March 4, 2010 which is, in our opinion, reprehensibly biased and more importantly, intentionally misleading and erroneous.



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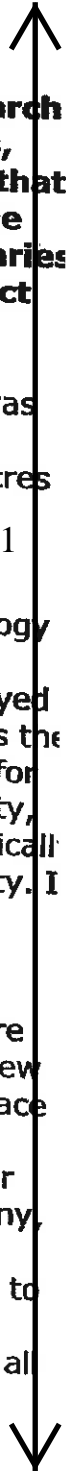
**Examples:**

- (1) **This site must immediately, post haste, have a new survey and Title Search performed to determine ACTUAL, LEGALLY ENFORCEABLE property lines, formal and legally-compliant, agreed upon encroachments/mitigations that were divulged publicly at the appropriate venues. CWN! believes that the City and SSC have incorrectly and intentionally misidentified the boundaries leading to the 6.0 acre computation, and that SSC Sanctuary might in fact already be close to the actual coastal bluff (eastern) property line. We compute the existing buildable portion of this site at approximately 3.5 acres maximum, probably less. It is NOT a 6.0 acres site. Approximately 1.0 acre was granted/deeded over as an easement to the County to facilitate the widening of arterial Crown Valley Parkway (CVP) many years ago. Approximately 1.5+ acres unbuildable on the coastal bluff/slope below the SSC facility.**

I-42-1

Intentionally portraying it as a 6.0 acres site provides erroneous information for public agency comments, and subsequent land use/zoning computations, hydrology analyses, onsite parking, mitigations, etc. If the actual size, position and configuration (site plan) are presently incorrect, then this project is being portrayed as different than its real state. This intentionally misleading calculation massages the density factors so critical to analysts. A review of the Title and Deed documents for the SSC property reveal that the SSC architects, possibly in collusion with the City, somehow claim that the approximate "**God's Little Acre**" given up on CVP magically morphed into its equivalent (1.0 acre) on the coastal bluff below the SSC property. In fact, some type of variance should have been granted, and if so where are the records of this variance?

Did the owners of the property at that time (eventually MAKAR) deed this 1.0 acre over, and if so when, and where is the transfer documentation and subsequent new deeds for BOTH parcels? Was that 1.0 acre part of the "**in perpetuity**" Open Space mitigation for MAKAR under its MBR SAP MND? Was there a Lot Line Adjustment adjudication by the City, and if so when? Were any supporting land use, zoning or CEQA documents generated, and if so where are they? What public hearings, if any, took place regarding this land ownership change, and were neighbors properly notified of the ramifications of this change? Regardless, it is unbuildable land due to the 2:1 slope angle of the coastal bluff, and the total acreage below the SSCMPP should NOT be allowed in **Site Development Permits (SDP)**, including any and all density and/or usage computations.





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- (2) We also wish to challenge the concept that the "**Community Life Center**" would qualify or fulfill the prescriptions regarding its status as a "**Community Facility (CF)**." As SSC is a Baptist, evangelical ministry, this proposed CF will never be open to the community at large per se. The SSC will have sole control of the leasing or renting, and can therefore regulate (read discriminate) as it wishes. There hasn't been any mechanism proposed by the City or the SSC to guarantee a "**first come, first serve**," that is egalitarian potential vis-à-vis monitoring to ensure it is truly available to the community. The SSC may not only get first bite of the apple, but every bite. They may only allow "outsiders" usage at awkward, intentionally unacceptable and/or impossible times and dates. The SSC will rent it to whomever they please, probably members and supporters first. Whereas they are conservatives, anti-gay, anti-abortion, who in their right mind thinks that SSC will rent the facility to NOW, Planned Parenthood, Hare Krishnas, or Queer Nation? Who believes they'll allow gay marriages to be performed there or other liberal, perhaps anti-war gatherings?

I-42-1

And by what instrument(s), what mechanism(s) or monitoring schedule could such equivalent (equal) consideration and availability be confirmed? Usually, this is covered under **Mitigation Monitoring and Report Program (MMRP)** per CPR Cod. Section 21081.6, but in this case the CF designation/status should be challenged, answered legally, that is formally by LSA and the City in advance of EIR certification.

Claiming that it will provide a CF for the greater population's betterment is therefore also absurd. Good deeds may be performed there, but as the present congregation reflects, many of the congregation are from other communities, they are relatively small in numbers, and then too this is NOT a mainstream Christian church that would likely hold a bar or bat mitzvah in the CF, now is it?

We also have become aware that this facility's zoning designation is murky: Its history indicates that the transition, the re-designation of C-1 from R-1 is difficult to ascertain. When and where are the City Planning Commission and City Council documents/minutes that memorialize the change of zoning designation when incorporation occurred some 20+ years ago? Until this conundrum of zoning is addressed, CWN! does not believe that the designation of CF should be allowed to progress until such a time as the City Attorney declares it in FULL compliance with California Municipal Codes and those of the City.



(cont.)

2010 MAR 22 P 1:50

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If the City and SSC cannot clarify the genesis of these zoning and true property line and size conundrums, then this project requires a variance or perhaps variances (plural). This should also be determined ASAP to preclude further EIR compliance progression in futility, all due to self-inflicted misrepresentation. A proper and thorough **Property Site Assessment (PSA)** is required, and CWN! does not feel that this has been done to the extent that professional analyses can be performed on the EIR progressed any further. This project was, under the MND, "Ready, Fire, Aim" and it remains so today, immutably unchanged.

- (3) We also contest City Planner Erica Demkowicz email in response to inquiries regarding whether this project may be appealed to the **California Coastal Commission (CCC)**. It is our opinion that it was built-out, developed and improved upon via such ratification and review processes previously, and it should be scrutinized the same way now for uniformity. Though the property in question is outside of the **Post-Local Coastal Plan (LCP)** Certification boundary lines regarding **Coastal Zone Jurisdiction**, there are many PSI and other adverse ones we'll point out that directly or indirectly affect the **Salt Creek Scenic Corridor (SCSC)** natural resources and more specifically violate the MBRSA that was ratified by the CCC decades ago.

I-42-1

It should be noted that many of the adverse impacts presently originate there and will become PSI when the SSCMPP is completed; many have by-product, cumulative causal factors that do and will affect the neighborhood. These too have been ignored and many of them have been low-balled, that is they are under-valued or appraised, downgraded in their respective categories on the **CEQA Environmental Checklist Forms (ECF)**. There is wording in the Post-LCP that contradicts Ms. Demkowicz statement: **"This plat may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the commission."** Source: City of Dana Point website.

Furthermore, it is obvious that the City has ignored incremental, hence cumulative impacts that should have triggered a more thorough EIR review when the SSC increased building facility space and the parking lot in the mid-90's. Once again, churches should not receive preferential treatment under CEQA. This project should not be viewed in isolation but in its projected, 100% completed state, its totality. Its failed history of full disclosure, inadequate environmental review and insufficient if not outright ignored mitigations reflects that same **"in solitudo"** denial.



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(cont.)

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It should also be mentioned that several of the RFP respondents noted this project a: being within the Coastal Zone and hence appealable to the California Coastal Commission. If the City or SSC claims it is not, then there is an irony here: The City's own chosen potential EIR candidates were wrong, the public will cast a jaundiced eye upon a wedge issue that will become contested litigiously.

Usually, the projects that are this contentious, this complex, that are protracted over such a lengthy period of time and will obviously invoke numerous neighborhood complaints, would provoke the proponent into suggesting an "Ombudsman" which neither the City or SSC has mentioned. This person, a professional agreed upon by a parties as an independent, disinterested 3<sup>rd</sup> arbitrator could act as a trusted intermediary between the SSC and VoMB (SCSC residents).

He/she would then represent a broad scope of interests, investigate and attempt to resolve complaints and/or make recommendations through mutually agreed upon binding mediation techniques. This is a key element in Adaptive Management, therefore a mechanism that results in expeditious conflict resolutions could also save the developer precious time due to the cessation of expensive development activities that could occur without such an ombudsman. Obviously, SSC should pay for this if i truly holds its proximate relationship with its neighbors as precious as it purports.

#### GENERAL COMMENTS:

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CWN! believes that merely changing the cover page of the rescinded MND to reflect contact information regarding new City staff liaison does NOT remedy the deficiencies, biases, and fatal flaws of the original documents. Typifying the EIR process in this particular project as an "Update of the MND" is contestable, fatally flawed and should be dismissed as without merit. As a 39 year builder in South Orange County, I find it ironic that the City doesn't accept the fact that adding onto the existing MND is the equivalent of building a monstrous home upon an already weak, questionably-installed foundation that in turn rests upon a promontory with a significant history of destabilized lateral and vertical movement. It is obvious by the wide range, the gamut of deficiencies noted by the six (6) RFP respondents that the professional consensus is this: Start over from scratch, thus propagating *de novo* ECFs is in fact the only reasonable and equitable remedy.





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Moreover, the **ONLY** way to provide an independent, objective EIR per CEQA is to throw out the entire MND, including vendor studies and analyses. As professional consultants, CWN! clearly understands that the City and SSC have the right to integrate, to cannibalize the previous MND under CEQA. That said, this strategy will be easily challenged in subsequent litigation, public hearings and/or CEQA challenges, and using this tactic of recycling the MND will only slow down the process. Using the same ECFs, the **Initial Analysis (I/A)** and **Mandatory Findings of Significance (MFS)**, the same under-valued MND will only facilitate or invite legal challenges.

Recycling the ECF documents, especially the I/A, is **Legally Indefensible**. ALL of the original ECFs are toxic. In fact, of the six (6) consultant firms the City chose, at least half recommended an independent I/A review/redraft if not an outright "**de novo**" I/A, finding the one now being used as unacceptable.

EX: Michael Brandman Associates, a very prestigious firm, went on record as saying that the Air Quality, Climate Change, Cultural Resource, Parking/Traffic, Noise and Visual/Aesthetics studies provided by SSC previously were NOT acceptable, and demanded NEW STUDIES for these categories.

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Surely there are vendors and consultants OTHER than those used in the MND that are available, and in tough economic times probably very competitively priced? What's needed is a **tabula rasa**, a clean slate and that can only happen via fresh eyes and ears. Re-treading an MND, basically crossing out MND and writing EIR over it is an unacceptable insult to the letter and spirit of CEQA, to City residents and local land use processes.

The City has justified using prior information (ECF) contained in the original assessment. Invoking **CEQA Section 15063**, the City intentionally ignores "**adequacy**" guidelines, deeming a rescinded document adequate. This also points out the circular nature of the City's argument: The MND was withdrawn, yet is still intact, still being used as the measuring device **in toto**. The City is trying to serve two masters in conflict, in opposition. The City has claimed responsibility for the withdrawal of the MND, yet the SSC boasts the same. Both cannot take unilateral credit or responsibility.

It is apparent that the previous analyses and studies were inadequate, and even failed industry standards. One need only read the RFP responses by the very six (6) firms the City cherry-picked as CEQA EIR candidates. The only reasonable explanation is that City



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staff never read these RFPs. This isn't throwing the baby out with the bathwater: This is throwing out polluted water so as not to bathe the baby in tainted, biased substances.

The ridiculous ECF was incorrect at its inception: To propose that there's not one "**Potentially Significant Impact**" (PSI) was suicidal, and to include these findings remains so. Repeating this failed behavior and expecting a different conclusion is, as they say, insane, thus it preemptively sabotages or negates both CEQA and this SSCMPP. **Garbage in, garbage out**, this project was front-loaded poorly and therefore the eventual product, with what little real data has been provided, is relatively worthless.

It should be noted the illogical conundrum the City and SSC put residents in by embracing, by recycling the same tainted, inept, biased and deficient MND: If nothing has changed vis-à-vis the I/A, MFS and ECF the original MND then why pursue and draft an EIR at all? Using the MND logos only an MND review/process is required under CEQA an EIR is unnecessary. Resident's distress is NOT a recognized legal or administrative factor in triggering more a thorough review via an EIR.

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CWN! profoundly believes that the City and SSC, by having embraced this earlier MND, have incorrectly analyzed and are suggesting easy solutions, remedies and murky mitigations. In fact, in an Alfred E. Neuman, "**What me worry?**" mode, neither entity really knows or appears to comprehend the inherent, insurmountable problems and PSI this SSCMPP proposes. This lends credence to the perception that City Hall is biased and pre-disposed, therefore unable to perform its independent fiduciary duties as local lead agency under CEQA.

Malcom Forbes said: "**It's so much easier to suggest solutions when you don't know too much about the problem.**" After years of flawed analyses that led to the MND, that pretty much sums up this project so far. Nowhere was it more evident than the SS of March 4, 2010.

At the SS, City staff seemed unable or unwilling to answer the simplest of inquiries. In particular, I listened as Saima Qureshy admitted to Robert Saint-Aubin that she knows little if anything about this project or for that matter City land use prescriptions, General Plan, SCSC elements, **Monarch Beach Resort Specific Area Plan (MBRSAP)**, etc. As she is the listed City liaison, has supposedly been involved with this project for the past year, this alone represents just cause for alarm by residents. After listening to Ms. Kerr Krisher and Mr. Robert Saint-Aubin ask her specific questions she should have been



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to answer, she inexplicably failed to provide answers to the most basic questions. Why have unknowledgeable, uncooperative and/or incompetent staff at such a gathering? How does this create an aura of trust within the community?

I asked some very specific questions at the HYDROLOGY/WATER QUALITY station. When I inquired as to where any onsite cistern or holding ponds would be placed, where any surface runoff, water quality treatment trains, etc. would be placed and what would be the standard for technologies used, I met blank stares and just **"I don't know, we'll figure that out later, etc."** Therefore, this SCCMPP, a 10 years or more Phased in Plan with so many unknowns, with so little data to analyze, that relies on a **"Reactive"** **"In Progress Revisions"** methodology implies the CEQA prohibited Piecemeal or Sequential Filings, CWN! must conclude that this plan is already in contradiction to and in potential violation of environmental prescriptions.

Having professionals in attendance that are unwilling or unable to answer questions about such methodologies, mechanisms and strategies from other objective professionals begs for redress and it further fanned the flames of existing suspicions by residents towards their own City. This too undermines the entire CEQA process.

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My inquiries with City staff regarding the Hydrology and Water Quality strategies and mitigations, especially the **Water Quality Management Plan (WQMP)** for the SCCMPP, were met with the same shrug of the shoulders, the same **"We'll figure that out later,"** IOU type of mentality. In fact, that sums up the entire project: It will become 10+ years of **"As Built,"** that is an experiment. Start digging, then have the pre-ordained flexibility via the SDPs, **Coastal Development Permit (CDP)** and SCCMPP to alter the project as field information and difficulties arise. Where is the upfront transparency to ensure DEIR responses are reliable? If the proponent and the local lead agency haven't a clue, how can meaningful peer review or critique take place? How can professionals or other interested eco-NGOs peer review or analyze what isn't presented or divulged, what appears to be intentionally kept secret? This too reflects a violation of the transparency goals, the spirit of the CEQA process.

The reality, as pointed out by RFP respondent Ultra Systems, Inc. is that it might take longer than 10 years because the build-out is based upon **"As funds are available."** Translation: If the SSC cannot prove which phases will be funded and completed, and by what dates certain, what is to keep this property from becoming a visual blight, a public and attractive nuisance if it sits fallow at one or more points while the SSC tries to gather funds? Could the SSC go into BK and abandon this SCCMPP, and if so, what then?



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It also begs a question: Shouldn't the Dana Point Board of Realtors brokerages, under the California Real Estate Disclosure Act of January, 1987, be required or ordered to disclose this proposed project NOW in the appropriate disclosure forms, not just to buyers but leasees and renters? It is in our estimation the buyers, leasees or renter's right to know in advance. It could have a potential adverse impact due to the protracted timeline, and if there is no "cap" upon that timeline due to "**As funds are available**", this should be answered NOW and disclosed NOW. To allow SSC to claim a 10-year build-out, then fail to meet that timeframe, then merely get an over-the-counter extension is absurd. Of course so is the fact that no other monolithic project, no matter how complex, in the City EVER required a 10-year Master Plan let alone be allowed an indeterminate one. LSA, SSC and the City should be required to provide any precedent beyond a 5-year phased-in EIR schedule. CWN! has not been able to find even one in the State of California for such a relatively small development parcel.

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It should be stated candidly and up front that the general public cannot be very confident about the conclusions reached up to this point by SSC and the City---It was apparent that enviro-attorney and professional mediator Robert Saint-Aubin and I know more about the project dynamics/impacts, Dana Point land use guidelines and overall environmental impacts than either entity. When the public knows more than the proponents, the proponent is dangerously ignorant, stupid or both. This is probably stupidity, in the sense that they should know more, not less, than their opposition or citizenry. It would explain their inability and their outright refusal to answer specific questions.

This contradicts CEQA: The entire point of the more refined EIR as opposed to an MND to place the ENTIRE project, *in toto*, before the stakeholders and public agencies. This project remains a "concept" as it lacks enough detail to avail itself of professional analysis, let alone the general public. Mr. Kyle Butterwick admitted that HE didn't know the project as well as Robert Saint Aubin and myself---After years of review within his Planning Department, this is abjectly pitiful.

Confounding and contradicting transparency AND civility, the LSA representatives informed SS attendees that they were told by Mr. Butterwick NOT to give attendees the business cards. Moreover, they wore generic badges that did not reveal their names or field(s) of expertise. I have attended many such meetings and NEVER seen this occur.

The dog and pony show atmosphere was exacerbated by a simple fact: SSC and the City are offering NO alternatives. Certainly they won't choose the NO PROJECT one, so we're



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still where we were 9 months ago: The same monolithic, zero sum game SSCMPP. No middle ground, no negotiated compromise as vowed by the SSC last summer. The minister, Pastor Tyler Guy promised that in his Press Release, and has broken that oath. The email forwarded by **Ms. Carol McDermott (GSI)** proves that categorically. The SSC never had any intention of considering anything other than its original submission. Moreover, it is obvious they enjoy biased, pre-disposed, discriminatory status in the City Manager's office.

It is an insult to residents to expect them to create or progress this middle ground of alternatives or consideration thereof. This makes the public and public agencies burdened with, primarily responsible for, re-designing this proposal. The City and SSC should have brought a 3<sup>rd</sup> alternative to that SS on March 4. The fact that this is a church has absolutely no bearing in this matter. This project should be treated as any other development project implemented by a private corporation.

In a sense, the City is FORCING its own taxpayers to assist such a private corporation achieve land use and environmental compliance *gratis*. It's a known fact that the public agencies empowered with regulatory oversight and compliance are on limited budgets, thus they'll be restrained in the time they can dedicate to this analyzing the impacts and submitting criticism of this particular project.

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It appears that the City and SSC are banking on that "*de minimis*" review and resident's ignorance to progress this project. This is also insulting, and it too flies in the face of CEQA's policies, goals, objectives and mission statement. The City should be the gauntlet, the litmus test as local lead agency. The City, by its complicity, has revealed that it hasn't done so for the past few years of the SSCMPP nor does it intend to do so now or ever for that matter. This City has disgraced itself yet appears "*Hell bent*" on continuing down the same fatally flawed path that the MND did previously.

It has become obvious that the reasons the CEQA ECF conclusions written by SSC member Cheryle L. Hodge were so readily, so categorically approved lies in both the ignorance of City staff and the back door lobbying by the SSC that led to preferential status. Even where noted "*Less Than Significant with Mitigation Incorporated*" (LTSMI) neither the proponent or City provided enough discrete information to allow professional analysis or peer review.

It should be noted here that the "*IOU, To Be Determined, To Be Announced*" strategy is a bankrupt one. It places an onerous, overwhelming and unjust burden upon



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a relatively ignorant public to track these alterations/changes over a 10-year period. One element that SHOULD be included in a Final EIR is this: To avoid mischief, over-the-counter, solely administrative approvals MUST be minimized.

The SSC has produced a kind of algorithmic formula, a loose recipe that expects to achieve compliance with land use, water quality and other regulatory requirements and prescriptions in some vague quasi-mathematical mumbo-jumbo way. All without specifics necessary for peer review to determine if together, or separately, as implemented will create a 100% compliant site.

The City and SCSC residents are left in the position of trusting such a myopic, change-it-as-it-progresses, multi-phased plan to achieve long-term objectives with these types of IOU/TBD/TBA elements: How can SSC achieve compliance with an NPDES Permit not yet even written, probably rolled out in rough draft form by the SDRWQCB staff by around 2015?

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If the SSC fails to achieve compliance, what then? There are no benchmarks, no accountability standards other than this EIR. Once approved, SCSC residents will be left holding the proverbial IOU/TBD/TBA bag, suffering the singular or cumulative significant adverse impacts that the City failed to require.

As Mr. Butterwick and his staff have exposed not only pre-disposition but broadly-swathed ignorance about the project in general, the City should NOT be allowed to keep moving the target and endgame surreptitiously at City Hall or via City inspectors in the field. Due to the City's self-inflicted disruption of its fiduciary responsibilities, its massive failure to acknowledge accountability to its other distressed residents, then decisions should trigger hearings. The City hasn't acted responsible or responsive, it was caught red-handed in its complicity, so it has no excuse to continue to do so with more public oversight to remedy that distrust.

The punishment of a liar is that they are no longer believed even when speaking the truth. The City has lied to its own voters, homeowners and taxpayers, it has NOT provided independent or even a thoughtful professional review in the process. It is therefore up to the City to address these lapses maturely and NOT mushroom alterations that residents need to review independently so that they might be allowed the dignity of determining the significance of the changes.



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As for the CEQA ECF itself, a truly independent analyst has no other choice than to refute the entire corrupted original document item-by-item as the City and SSC leave no choice. Once again, forcing their own neighbors and taxpayers to spend the hundreds of hours necessitated by this snub to do so is objectionable in and of its self.

Attached, as **EXHIBIT B**, CWN! will as a courtesy provide our own ECF with what we deem the appropriate "values," assessments of impacts that we feel are more realistic. This should expeditiously assist reviewers of this submission in their appraisal.

CWN! will also attach as **EXHIBIT C** its original MND comments. CWN! was brought aboard only a few weeks prior to the closing of the MND comments date, it reflects the same point we find ourselves in spite of 9 subsequent months: This project remains a concept, there is such a dearth of specifics (especially hydrology/water quality), combined with poorly drafted, inept, biased, pre-disposed, incestuous, insufficient and outdated technical studies as to be difficult (if not impossible) to analyze per CEQA.

**NOTE:**

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CWN! finds literally **DOZENS** of PSIs that have been intentionally under-valued or downgraded by the City-approved Cheryle Hodge ECF analysis, so these require individual mentions supplemented by our "**Adjusted Enviro-Checklist**" which I've attached as Exhibit A. Compare it to the original for glaring disparities. Cheryle L. Hodge used a checkmark----I've completely blackened in the squares that I feel reflect the true levels/values for readily comparative summations.

In fact, it might be easier to just shift the entire matrix over to the left one square/box as literally EVERY box is under-valued, downgraded incorrectly.

It should be noted that due to the dearth of specifics provided, the "**IOU, TBD, TBA**" mentality, CWN! contends that ANY independent, professional consultant would experience the same frustration vis-à-vis if requested to provide a thorough, 3<sup>rd</sup> party, independent analysis. This appears to be intentional on both the City and SSC's part. Little if any information equals few incisive public comments for CEQA processes. It's impossible to critique what the proponent, after years in the local lead agency system, has refused to provide.

A glaring omission by the City, SSC and LSA is **CEQA Section 15093** which CWN! demands be included ASAP as a separate attachment to the EIR verbiage:



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### 15093. Statement of Overriding Considerations

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."**
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.**
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.**

**Discussion: This section is necessary to codify the requirement from case law that when an agency approves a project which will have an adverse environmental effect, the agency must make a statement of its views on the ultimate balancing of the merits of approving the project despite the environmental damage. This requirement was originally traced to case law interpreting NEPA. The San Francisco Ecology Center case clearly established this balancing statement as a requirement under CEQA. The City of Carmel-by-the-Sea decision showed that this balancing statement is required even though an agency makes findings as to the feasibility of mitigation measures under Section 21081 of the Statute.**

**Subsection (c) identifies the importance of preserving the statement in the record of project approval. Mentioning the statement in the Notice of Determination will help anyone concerned with the project to find the notice. The section also helps to show that the statement is not a part of**

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***the EIR. The statement is prepared, if at all, at the end of the process after the final EIR has been completed.***

***The court in Citizens For Quality Growth v. Mount Shasta (1988) 198 Cal. App. 3d 433, held that when an agency approves a project that will significantly affect the environment, CEQA places the burden on the approving agency to affirmatively show that it has considered the identified means (mitigation and/or alternatives) of lessening or avoiding the project's significant effects and to explain its decision allowing those adverse changes to occur. In other words, an agency may only get to overriding considerations after the agency has made the appropriate findings; then, and only then, may an agency go on to explain why a project may go forward notwithstanding its effects.***

***The requirement for a statement of overriding considerations was codified at Public Resources Code section 21081(b) by Chapter 1294 of the Statutes of 1994.***

Source: ***Title 14. California Code of Regulations***

***Chapter 3. Guidelines for Implementation of the California Environmental Quality Act.***

***Article 7. EIR Process***

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CWN! believes that, though advised as voluntary, a **Master Environmental Assessment (MEA)** per **CEQA Section 15169** should be created as encouraged by the State of California. In a sense, the MBR SAP was intended to fulfill that requisite but the actual evolved conditions, the cumulative impacts of SSC and adjacent buildouts in the SCSC, beg for this reassessment or reappraisal. It should be noted that the original MBR SAP triggered an incredibly pitiful CEQA mechanism: It used an MND. How and why this complex a phased development was allowed to use such a ***de minimis*** CEQA document is mind-boggling. How it got through California Coastal Commission and other public regulatory agencies also reflects minimal prior review processes that can be remedied in part, post facto, via such a MEA. The 20+ year old MND, its studies and mitigations attendant to the MBR SAP are for all intent and purposes dinosaur documents and plans.

The MBR SAP is now antiquated and obviously a more updated ***in situ*** inventory of the environmental characteristics, both physical and biological, of the SCSC is necessary. ***"Master Environmental Assessment is suggested solely as an***



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***approach to identify and organize environmental information for a region or area of the state."***

***Section 15169 (c) (1): "A Master Environmental Assessment or inventory may be prepared in many possible ways. For example, a Master Environmental Assessment may be prepared as a special, comprehensive study of the area involved, as part of the EIR on a general plan, or as a data base accumulated by indexing EIRs prepared for individual projects or programs in the area involved."***

It may come to pass that the SSCMPP will require subsequent EIR(s) due to numerous variables as the project progresses over such a lengthy period. Then too the adjacent properties, developed for quite some time, might go through significant rehabilitation(s) themselves during the next 10+ years of the SSCMPP. Rather than wait, it seems intelligent to instigate/initiate an accurate area-wide database that helps the City, other public agencies and its own SCSC residences and businesses.

***Section 15169 (b) "Contents. A Master Environmental Assessment may contain an inventory of the physical and biological characteristics of the area for which it is prepared and may contain such additional data and information as the public agency determines is useful or necessary to describe environmental characteristics of the area. It may include identification of existing levels of quality and supply of air and water, capacities and levels of use of existing services and facilities, and generalized incremental effects of different categories of development projects by type, scale, and location."***

The SSC has been allowed to intensify/alter use upon their site time and again via cursory amendments/addenda to existing CUPs, etc., and it has been allowed Categorical Exemptions per CEQA that CWN! finds questionable if not outright contemptible by their partisanship. In our opinion these have constituted denial of cumulative impacts forbidden per CEQA, and thus it is appropriate that as a formal mitigation the SSC should finally be required to create such an MEA:

**Section 15169**

***Discussion: "The Master Environmental Assessment was developed as a way of providing a data base for use with later EIRs. If an agency***



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**prepared a Master Environmental Assessment, the agency could reduce the amount of work necessary to prepare later EIRs. The environment setting would have been fully analyzed, and the likely environmental effects in the area could be anticipated. Thus, the Master Environmental Assessment could help focus initial studies as well as EIRs."**

CWN! finds the original CEQA ECFs deficient *in extremis* for the following categories: **Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use Planning, Noise, Transportation/Traffic, Utilities & Service Systems**, and obviously the **Mandatory Findings of Significance**. A cursory perusal of the six (6) RFP respondents sustains CWN! contentions regarding the consummately flawed, insufficient and inadequate studies and under-valued ECF allegations embedded in the MND as well.

**I. Aesthetics:**

**Items a), b), c) and d) will have PSI.**

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- (a) The bluff top where the SSC intends to develop has scenic vista attributes. Regardless of the denial, it has been described in previously submitted and certified County, City and Cal Coastal Commission documents as a coastal bluff. The erection of the proposed Pre-School/Administration Building eliminates, actually obliterates a window to the Headlands Promontory and ocean. The CF building will reduce the view of the other bluffs viewed to the East all the way to Casper's Park and beyond. The deceitful allegation by the City and SSC, that this particular site is not a coastal bluff should cease. As for claiming this SSCMPP has "**Less than Significant Impact**" what part of the County's former designation "**Salt Creek View Corridor**" or the City's current "**Salt Creek Scenic Corridor**" don't they get? This project basically creates a wall, permanent partition when observed from Crown Valley Parkway (CVP).
- (b) It DOES have PSI, it does "**Substantially damage scenic resources.**" The massive size and invasive nature are obvious. The glaring omission of views, perspective and vantage points/photos taken from the east side of the SCSC need revisioning---Literally revisioning as the City and SSC must be blind to not comprehend this angle of viewed perspective and its PSI. As one of the consultants responding to the RFP, the firm of **Environmental Science Associates** noted in their RFP response that a revisiting of the visual



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simulations is necessary: **"Existing do not accurately show the proposed expansion."**

- (c) This project will **"Substantially degrade the existing visual character and its surroundings."** The project is over-whelmingly monolithic, when completed it will dominate this bluff unfairly and to the diminishment of adjacent properties.
- (d) The intensification of use and build-out will **"Create a new source of light.....etc."** This is another "no-brainer." Increasing building sizes, doubling the parking lot, more vendors and larger congregation meetings with the attendant increased site visits, coupled with the SSC need to achieve profit to underwrite expenses or meet overhead costs will dramatically increase evening usage---Hence more lights on longer throughout the entire site for night security and safety.

The SSC has yet to provide a Lighting Trespass Analysis, to include the **"Potential To Exceed"** City standards (.20 horizontal foot?).

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### III Air Quality:

**Items a), b), c) and d)** are all sections of the ECF with PSI by our analysis.

**a)** Three of the 6 RFP respondents, Michael Brandman Associates (MBA) , The Planning Center (TPC) and Environmental Science Associates (ESA) found the entire Air Quality section of the MND (Mestre Greve Associates) to have major flaws, deficiencies and held MGA in contempt. All three (3) cited the need for new, updated analyses of **Construction Emission Estimation (CEE), Health Risk Correlations/Assessments (HRC/A), Climate Change and Greenhouse Gas Emission (GGE)** in regards to standards as proposed by the Governor's Office of Planning and Research (OPR) Technical Advisory Committee (June 19, 2008 Report).

MGA used antiquated measuring matrices, their calculations of parameters for compliance are no longer applicable for CEE. They should have used metric tons as unit of measurement for Carbon Dioxide over a projected yearly span. MGA failed to submit Thresholds/Determinations of Significance for GGE.



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TPC notes that Emissions of Reactive Gases (ROG) were not fully explained, and goes on to say that there is a **"Major flaw in the Localized Significance Thresholds."**

What is the plan to mitigate the loss of access to fresh air due to closed doors and windows of SCSC residents? What about the carbon footprint, global climate change guidelines and expenses incurred by the high energy demands required for said SCSC residents to actuate their air conditioning units? As the peak months for grading, excavating, etc, are contemporaneous with the better weather months and consistent with the optimal April 15---October 15 non-rainy season the NPDES encourages, how does the SSC expect to mitigate this extensive intrusion? How will it compensate the SCSC residents regarding increased costs and lower quality of life? Forcing the entire SCSC into their homes as if bunkers, prisons or bomb shelters must be mitigated, but how will SSC do this in a guaranteed fashion?

The protracted, actually indeterminate duration of the proposed multi-phased project means that the SCSC residents will have to incur the expenses of installing upgraded, expensive double-paned windows and air-conditioning systems to attenuate both noise and dust particulates. Aggressive, proactive landscaping and housekeeping maintenance costs will increase in order to maintain a clean, healthy, and safe, low-particulate environs. There are no substantial mitigations discussed in the SSCMPP that addresses these costs and environmental impacts

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**(b)** During construction substantial impairments will occur throughout the SCSC. Especially impacted will be the condos at Monarch Beach Villas, the sub-division at Corniche Sur Mer and the Ritz Pointe subdivision as they lie directly adjacent and downwind in the path of the aforementioned airflow patterns. What will be in the air borne particulates as they are broadcast? The proponent has not provided any proof that there are not hazardous substances in the soil, in fact due to its prior use it is counter-intuitive and disingenuous to assert that none will be found during the extensive, invasive geological and soil remediation "experimental excavation." As land, air and water rapist developer Robert Moses laughingly boasted: **"Hey, once the hole is dug there's no turning back."** This is the same imbecile who was the father of the ill-fated, bloated, astronomically over budget Big Dig in Boston. This is the same mindset of the developer: Once they achieve ratification of their SSCMPP, then there will be no way to stop whatever truncated, haphazard schedule they can afford **"as funds become available."**



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As noted by TPC, the technical study regarding particulate matter (PM10) clearly reflects that even AFTER mitigations were applied the readings will be in excess.

As this site was formerly agricultural, there is no way to ascertain with certitude the exact extent (either by volume and/or concentration) which California Toxic Rule constituents or banned Prop. 65 chemicals that were broadcast, then infiltrated into the soil by the former owners/occupants prior to the 1960's. The fact that the proponent intends to excavate more than 100,000 cubic yards, stockpile it onsite in different locations, then remove it leads any dummy to realize that it will be impossible to guarantee in a 100% manner that no contaminants will become airborne. Alleging that this impact is LTSMI is without merit. More about this hazardous waste potential and its ramifications in the appropriate **HAZARDS** section to follow.

Once again, the air quality analysis initially provided needs updating at minimum. There needs to be a determination of impact regarding Greenhouse Gas Emissions. The Governor's Office of Planning and Research (OPR) requires, due to GGE and climate change) a determination of significance contaminant levels.

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(c) There will be cumulative increases in air pollution during construction and a minor amount of it un-mitigated subsequently. The increased air particulate migration, the fumes from the heavy equipment, the fumes from the soil excavation and replenishment trucks, the material drop off and other construction-related vehicles, all must be staged and waiting on CVP. CWN! cannot see how there is any other staging mechanism/strategy possible than to have said large trucks parked facing the project on the uphill side of CVP (pointed North after turning from Coast Highway). This would place them outside the **Monarch Beach Villas (MBV)** on CVP, which due to the prevailing westerly air pattern and flow will convey their fumes and petrochemical contaminants immediately into the adjacent condo complex. Therefore, a staging plan that appropriately limits standing time with engines and generators running should be mandatory. More about this in the **TRANSPORTATION/TRAFFIC** comments section.

d) This project necessitates a **Health Risk Assessment (HRA)** due to the aforementioned fugitive dust probability and potentiality. Its proximity to sensitive receptors for long durations (elderly/retired residents, families and home office residents, etc.) should trigger **Dispersion Analyses** (plural) that include particulate matter concentrations and their impacts to downwind recipients. These analyses should begin their baseline database NOW (Before the project is initiated) and address project concentrations DURING construction to fully ascertain impacts.



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**IV. Biological Resources:**

The SSCMPP will have substantial adverse effects, will interfere and be in conflict with ALL four (4) of the seven (7) subsections listed in the ECF: **a), b), d) and f).**

The City lists only one, **(a)**, undervalued at LTSMI. In regards to the ESA gnatcatcher and the ESHA, we refer LSA to the **NOISE XI, GEOLOGY AND SOILS VI** and the **HYDROLOGY AND WATER QUALITY VIII**. All 3 Sections will have PSI that will not be mitigated as proposed, all 3 will affect not only the ESHA but gnatcatchers that reside within it.

**V. Cultural Resources:**

Items c) and d) will have PSI.

To paraphrase RFP respondent MBA: ***"Due to the depth of the excavation as proposed (deep trenches, footings, pilings, etc.) the ground will be disturbed to a depth not previously reached. The site is subject to California Coastal Commission review. A Historic Resource Assessment should be performed."***

The MND states:

***"The project site has been previously developed with a single-family residence and then utilized as an existing church. During the construction of prior improvements to the site, there was no discovery of human remains. Therefore, it is not anticipated that the proposed project will disturb any known human remains, including those interred outside formal cemeteries since there are no human remains known to exist within or near the property. No significant impacts to this topical area would occur as a result of the development of the project."***

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A simple search using GOOGLE reflects the conditions that the Juaneños undoubtedly in the past availed themselves of strategic sites like this promontory presents. Perhaps SSC, the City and the consultants never heard of WIKIPEDIA? [http://en.wikipedia.org/wiki/Salt\\_Creek \(Orange County\)](http://en.wikipedia.org/wiki/Salt_Creek_(Orange_County))

***"Like other Orange County creeks south of Aliso Creek and north of San Mateo Creek, the Salt Creek watershed was once part of the territory of the nomadic Acjachemen Indian group, which was later renamed the Juaneño by Spanish missionaries when they founded Mission San Juan Capistrano at the confluence"***



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**of San Juan and Trabuco Creeks farther south, close to the main Juaneño population center. It is possible that Juaneño villages once were located along the lower channel of Salt Creek, as springs feeding the creek provided a small but stable year round flow."**

This lower reach, which is a perennial blue line stream, would have presented an excellent foraging area for game. The Acjachemen would have placed themselves upon elevated vantage points such as the SSC site, watching as small game and their larger predators came to drink. They would have also availed themselves of the bathing potential, washing of garments and utensils and the freshly replenished drinking water. Therefore, it is no stretch to believe that encampments, religious rituals and/or burials took place in the vicinity.

The MND suggests paleontological and archeological supervision for the site. CWN! feels that this person, or persons, should be onsite during ALL excavations to assure proper oversight. The appropriate parties with the contract(s) should be from the Juaneño group known as the Acjachemen Nation in San Juan Capistrano. Anthony Rivera, his brother Jim and Nathan Banda should be hired.

CWN! would refuse to endorse a development greenwasher like outcast David Belardes or his ilk, as the questionable use of such parties to ignore findings and simply get a paycheck is widely known.

**VI. Geology and Soils**

Items a), a (iii), a (iv), b), c), and d) will have PSI.

I-42-1

The following statement from the MND, the sheer audacity of it boggles the mind as we regarding its "**Less Than Significant**" conclusion

**"Seismic-related ground failure, including liquefaction?  
(Less than Significant Impact)**

**The geotechnical reports prepared for the project identified that based on a review of the Dana Point Quadrangle Map of the Seismic Hazard Zones, the site is not located within a potential liquefaction zone, and liquefaction at the site will not occur. The geotechnical report indicated that this conclusion is also based on subsurface conditions of the property. The project site is underlain by engineered fill deposits, to a maximum depth of 25 feet, at the southeast corner of the site, or by**





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**marine, Tertiary age sedimentary rocks of the San Onofre Breccia. Ground water beneath the site is limited to fractures in the bedrock and not to a conventional-type aquifer. The geotechnical reports prepared by G.A. Nicoll & Associates, Inc. noted that a review of moisture contents from samples tested in the laboratory indicated that the samples taken below seepage zones were not saturated. Based on the foregoing data, potential impacts relative to this topic are considered less than significant.**

**The geotechnical reports identified that based on the results of the subsurface testing, it appears that a possible deeper landslide underlies a portion of the northeast area of the site and the down-slope, off-site area to the east and northeast."**

I-42-1

This flies in the face of recent formal complaints made by CWN! to the SDRWQCB staff. CWN! has now proven that there are several instances of ground water daylighting on this coastal bluff below the SSC. The origins of these flows have not been determined as yet, but the two (2) CWN! tracked are several hundred meters apart, one on the most southerly east-facing slope, the other emerging from the northerly one. Once again, SSC consultants claim that there is no substantial aquifer perched beneath the existing SSC site nor do they see any problem in excavating 45 feet down in one area, an additional 55 feet (totaling 100 feet) in another.

To disrupt an aquifer is serious business, and as the consulting engineers at GA Nicholl claims that this is NOT a "Conventional Type aquifer," well, what type is it? Can they diagram the perched depth, the seasonal flow volume regimes, etc. for the site? Considering the depths to which this project invades or incurs, where is the guarantee that this "unconventional aquifer" will be breached, diverted and/or altered, and just what proactive or preemptive logistical strategies are being considered in that regards? Once again, this project exhibits an unacceptable, extremely experimental and reactive methodology. What if major alterations will need to be implemented? Will that allow SSC a longer buildout window for their SSCMPP? Will the SSC hide behind "The hole is already dug" logic?

Perhaps Fuscoe Engineering and SSC can put on their x-ray glasses to assist CWN! in source tracking the origins of these daylighting slope drainages and divulge how they intend to deal with them? What will they put on the table NOW regarding alternatives for the proposed site development BMP strategies and mitigations if the aquifer has any



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chance of being compromised? Disruption could result in lateral spreading, increased risk of liquefaction, off-site sliding (coastal bluff and/or adjacent MBV), subsidence or even monumentally catastrophic collapse.

There is a clear nexus between the geotechnical flaws and water quality and hydrology for this site. The MND declares that there's 25 feet of compacted topsoil over San Onofre Breccia, going as far to declare that the groundwater is limited to fractures in the bedrock. The depths noted in the SSCMPP handout at the SS reveals that there will be a 45 feet deep intrusion in some areas, an additional 55 feet in one other.

Has it occurred to any of these Pollyanna engineers that in order to stabilize these new or rehabbed structures it will require serious intrusion/disturbance and additional deep fractures to that same breccia? This could result in unpredictable alterations of subsurface drainage patterns. This could also destabilize the adjacent bedrock, perhaps not immediately but eventually. Should this be insurmountable, will this site be abandoned and left as blight? There appears to be no realistic assessment, no consideration of the ramifications of this potential. The SSCMPP might result in dangerously, and in a hazardous manner, breaking the breccia catastrophically, irrevocably.

Nowhere can CWN! find any mention of the tremendous amount of additional weight which will be placed upon this bluff, much of it near the SCSC edge. Of particular note is the projected weight of the two-level parking structure and nebulous catchment structure (cistern) mentioned obliquely. Combining the weight of the vehicles when fully parked, the monolithic concrete parking structure components and a concrete, reinforced steel subterranean cistern that will need to detain/hold approximately 100,000 gallons (nearly 1,000,000 pounds) where has the MND addressed this cumulative impact to ensure the safety of MBV?

**A Risk Benefit Analysis** should be provided in the DEIR for this project: A RBA that thoroughly analyzes and compares the substantial known/knownable risks of the SSCMPP development to its related benefits. For substantial re-development projects that involve more than minimal risk of harm to the subjects (SCSC residents), the proponent must assure that the amount of benefit clearly outweighs the amount of risk. Only if there is favorable risk benefit ratio should such a project be considered worthy regarding possible discrete and/or cumulative



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impacts AND ethical consequences.

CWN! concurs 1000% with the submission by Patricia McCarroll who lives in the MBV. We have viewed her submission thoroughly and her demands for the types of bonds that would provide partial remedies for catastrophic failure are appropriate. We would add that CWN! sees liability exposure for the City. Allegations of negligence if approved over legitimate distress, that is of foreseeable fiscal consequences and ultimate responsibilities seem obvious. It is impossible to declare in advance that a judge or jury would give 100% exoneration or shelter to the City. Thus even partial exposure could in this case equal payments in the millions of City taxpayer dollars, all avoidable. Heaven forbid, if a resident on Pompeii is buried in their sleep and dies I'm sure that Gloria Allred will let the City know how much a human life is ultimately worth.

I-42-1

We would add that because of the factors involved, we are concerned that SSC and its construction vendors may be unable to settle such gross sum amounts if the culpability is diffuse, so a thorough, updated check of insurance underwriting for every project vendor should be available to the public for verification and to assuage concerns. Both the public resources of the bluff and the private dwellings (plus residents) should receive this consideration of transparency. Having a major vendor, or SSC go BK due to legal filings would only protract what would be an already ugly human catastrophe if the project "pancaked" and/or slid laterally towards MBV.

CWN! would also like to point out a major flaw, a total failure on the MND's part to mention a key fault line that is very near the project, the **San Joaquin Hills Fault Line**, known to exist for over 15 years as a separate line on the verge of a major seismic event. Once again, how can anyone recycle these MND lapses if a simple GOOGLE search coughs up numerous hits to even laypersons?



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From the LA Times archives:

**"Fault Finding Mission****Research by UCI**

***scientists shows that San Joaquin Hills Fault is significant and could result in South County building code changes. But experts aren't sounding alarms.***

**November 01, 1999 | JENNIFER MENA, TIMES STAFF WRITER**

***"The newly discovered San Joaquin Hills Fault runs along the South County coast and is capable of producing a magnitude 7.3 temblor, UC Irvine researchers reveal today in a scientific journal.***

***The fault line, which stretches from Huntington Beach to Dana Point, could have been the source of California's first recorded earthquake in 1769 and might be one of several faults in the area, according to the researchers."***

I-42-1

From UCI Researchers:

**Seismic Hazard Assessment of the San Joaquin Hills Using GIS****By Daniel E. Raymond****Mentor: Dr. Lisa B. Grant****University of California, Irvine****Department of Environmental Analysis and Design**

***"The San Joaquin Hills region in southern Orange County is an area that is undergoing tremendous growth. Recent studies suggest that the anticlinal structure of the San Joaquin Hills is due to a combination of folding and faulting in the area. The tectonic and seismic hazard significance of the faults is not understood. Considering the rapid development of the region, it is imperative that the seismic hazard of these faults be assessed so regional planning can proceed in an informed manner."***



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Furthermore, the author, Daniel Raymond, acknowledges contributors:

***"I would like to acknowledge the generous help of Steve Martindale of the Orange County PFRD, Rosalind Munro of Leighton & Associates, Eldon Gath of Earth Consultants International, Eric Runnerstrom of the Environmental Geology lab at the University of California, Irvine and James Lawson of the University of California, Irvine in the completion of this project."***

Where was SSC and its cherry-picked consultants, asleep under a rock when a simple online search reveals that this critical, (intentionally?) overlooked information was known and made available over a decade ago to them? Doesn't the City know about this, and if they did why wasn't it revealed earlier when on the verge of ratifying the MND? These contributors, the author and his mentor are highly respected people in the field, yet somehow the MND NEVER mentions the proximate San Joaquin Hills fault line.

Several in-depth articles published around 2000 predicted a 7.3 earthquake along this fault line within 25 years. Now, in 2010, that would just about coincide with completion of the SSCMPP. What didn't the City and SSC know, and when didn't they know it?

## **VII. Hazards and Hazardous Materials**

**Items a) and b) have PSI**

I-42-1

As mentioned, the unprecedented invasive and aggressive multiple excavations accompanying each phase could reveal CTR substances and now banned Prop. 65 chemicals accreted in the soil---All due to the previous agricultural or subsequent ones. The site borings achieved thus far wouldn't have necessarily revealed this contamination. This might require removal as hazardous waste. This topic seems to have been ignored in the MND and ECF.

If unsafe soil, if asbestos and other carcinogenic substances from the numerous demolitions are found, then the removal requires keen oversight, the hauling trucks should take routes that represent the least hazardous to the public. Fugitive dust is a serious concern

Also low-balled is the acknowledged presence of the Montessori School, even the onsite school is given short shrift:



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**"Would the project Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Less Than Significant Impact With Mitigation Incorporated)**

**Although there are no public schools within one-quarter mile of the site, a private Montessori school is located within that radius. In addition, the existing church does operate a pre-school, which will continue to operate during construction of the proposed project. The construction of the project will include short-term use of construction equipment that will generate dust and particulate matter during grading and site preparation activities. These activities will not result in any hazardous emissions that would affect any school in the area."**

The contradictory conclusions embedded in this comment would be funny if not so tragic. If SSC wishes to subject its pre-school staff, children and parents is one thing, although one has to wonder if they'll be made aware of this negligent condition.

To assume that because the Montessori is private that it should have no legitimate rights, that its concerns are invalid because the cherry-picked, biased consultant declares it safe is another instance of blatant stupidity and/or bold-faced lies.

### **VIII. Hydrology and Water Quality**

**Items a), c), d), e), f), k)—u), will all have PSI.**

I-42-1

It is absolutely mandatory that LSA (Fusco Engineering?) provide the COMPLETE WQMP, stormwater permit compliance strategies and other information necessary for professional analysis in their DEIR. In 9 months time, since originally analyzing this project, SSC and the City, though asked, have failed to provide the details necessary to facilitate peer review. This portion is the largest IOU/TBD/TBA in the entire project package.

CWN!'s opinion is that the developmental elements, to include the positioning of eventual drainage patterns, the specific types of technologies to be installed, and general hydrologic regimes and supplementary, are critical infrastructure yet there is little specificity in the generic WQMP in the MND. **In Item III, Site Description, on Page 4, Section 3 of the WQMP** submitted by Mike Maloney and Randall Streeter of Adams-Streeter dated February 8, 2008 they



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described the **"Proposed Condition: The proposed parking structure and other portions of the site above plans will be conveyed via surface sheet flow or gutter flow to a storm drain system that will discharge into the existing outlet structure. Other portions will drain to the existing slope along the easterly side of the property."**

This wasn't even acceptable or consistent with the previous NPDES R9-2002-002, and obviously not in compliance with the new R9-2009-0002 Permit. Moreover, though only 2 year old, this reveals Adams-Streeter's complete failure to acknowledge the emerging requirements already known in early 2008. There was in existence early drafts of the eventually ratified 2009 Permit, so why weren't the LID concepts already being integrated into the project? The SSCMPP will NOT be allowed to direct drainage to the slope as before, nor will the parking structure et al be allowed to discharge directly into the existing, under-valued basin and v-ditch conveyance system.

Without more specificity, it is impossible to provide comments upon Source Control BMPs that require a site plan for review. Where, when and how these SCBMPs are installed and integrated will be crucial.

I-42-1

**Item IV.3 Page 18, Table 4 Treatment Control BMP Options for Consideration:**

SSC checked **"NO"** and is refusing to consider **Constructed Wetlands, Detention Basins/Sand Filters, Infiltration Basins and Infiltration Trenches**. This is another example of their lack of commitment. All four (4), especially if used in tandem or sequentially, can perform in a natural function to reduce and remove pollutants. By building out the property to the 74% impervious projection, SSC has literally eliminated these potential TCBMPs because there's no open space onsite areas left to install them.

In regards to flow regimes and soil permeability/infiltration, the eventual soil respiration is tightly coupled to the hydrologic cycle (precipitation timing, magnitude and movement). A database should be initiated NOW to ascertain hillslope soil respiration across wet and dry seasons for this site. This facilitates a BEFORE, DURING and POST-Construction palette. Recent investigations by CWN! indicate that in spite of the SSC and City allegations, there are numerous points on this bluff that reflect significant subterranean flow(s) that daylight. To wait until excavated, then attempt to track the origins and determine if there are multiple non-point and/or point source contributions once again reflects an experimental attitude.



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Hydro-modification and Low Impact Development (LID) are integral for compliance with the most recent NPDES, the permit this project MUST comply with.

By infrastructure we mean any subterranean culverts or storage tanks (detention and/or retentive), holding ponds (bio-filtration), and wish to oppose using the soil onsite as a transfer medium. Two (2) of the MND respondents mentioned such a culvert, but CWN! to repeat itself was unable to corner City staff or the SSC Project Manager into divulging its actuality or imminence, its dynamics, its position, etc. Once again, this puts peer review in jeopardy: Who can analyze what the SSC fails to explain or provide specificity about? Will it receive, treat/reduce/remove, then drain into the existing v-ditch system? Will the water detained be partially-treated, reduction and/or elimination of pollutants included, then be diverted to the SCWD waste treatment infrastructure?

The MND by Cheryle Hodge also mentions such a subterranean holding tank, yet in another portion of the MND reverses (contradicts) itself and claims no such device is planned. This MND in fact contradicts itself in numerous sections, leading to yet more confusion.

I-42-1

LSA needs to provide, in the DEIR, the exact behavior of this culvert, including its detention/retention capacity, its placement, its projected maintenance schedule, and whether there is a dynamic that could lead to groundwater (subterranean) discharges. CWN! estimates that approximately 100,000 g/d could be directed, that is drained into such a subterranean concrete vault. This vault will of necessity be monolithic, and as such vulnerable to catastrophic failure, discharging into the groundwater table. In a known seismically active and historically slide-prone area, obviously the steep gradient topography would immediately accelerate its emergence downslope and discharge into Salt Creek. Thus a cistern would become a Type V well.

The PAHs, CTRs substances, Prop. 65 chemicals, Emerging Contaminants of Concern (ECC), etc. found in runoff from such a highly impervious site could migrate and transport pollutants to Salt Creek. Salt Creek is already a Federally Listed 303 (d) Impaired Waterbody at the Point of Discharge (POD) at Monarch Beach (Salt Creek mouth), the present impairments are listed as bacterial in nature. That said, it is also listed by Cal/EPA (SDRWQCB) as a candidate for a Total Maximum Daily Load (TMDL) program in the next 10 years--- Basically contemporaneous with the projected SSCMPP buildout.





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As the largest parcel presently proposed to undergo significant alteration (hydromodification) within the City and also the SCSC, it is critical that any BMPs, BCTs, BETs and or BATs proposed by the SSCMPP be given close and careful scrutiny regarding their eventual level(s) of protection.

### **Transfers to Underground Injection Class I Wells**

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***"Underground injection is the subsurface emplacement of fluids through wells. TRI chemicals associated with manufacturing, the petroleum industry, mining, commercial and service industries, and Federal and municipal government related activities may be injected into class I, II, III, IV, or V wells, if they do not endanger underground sources of drinking water (USDW), public health or the environment. Class I wells are industrial, municipal, and manufacturing related wells which inject fluids into deep, confined and isolated formations below potable water supplies. Class II wells are oil and gas related wells which re-inject produced fluids for disposal, enhanced recovery of oil, or hydrocarbon storage. Class III wells are those wells associated with the solution mining of minerals. Class IV wells are those wells which may inject hazardous or radioactive fluids directly or indirectly into USDW, only if injection is part of an authorized CERCLA/RCRA clean up operation. Class V wells, which include all types of injection wells which do not fall under I-IV, may inject only if they do not endanger USDW, public health or the environment. Class V wells are, generally, shallow drainage wells, such as floor drains connected to dry wells or drain fields. Data from Section 6.2, Code M81, on the TRI Form R. Prior to reporting year 2003, these amounts were included in Section 6.2, Code M71 (transfers to underground injection)."***

**Source:** [http://yosemite1.epa.gov/oiaa/explorers\\_fe.nsf/Doc1/Transfer+to+Disposal-Underground+Injection+Class+I+Wells?OpenDocument](http://yosemite1.epa.gov/oiaa/explorers_fe.nsf/Doc1/Transfer+to+Disposal-Underground+Injection+Class+I+Wells?OpenDocument)

CWN! is frustrated by the SSC outright refusal to put the details of these critical components and the other water quality impairment protection elements openly before other eco-NGOs and regulatory agencies. The proposed multi-phased buildout for this site should provide enough information up front, NOW, as to facilitate review and possible improvements/alterations to achieve compliance with the NPDES issued by the SDRWQCB (No. R9-2009-0002).



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Referencing recent complaints lodged by CWN! against SSC and the City, it is obvious that the site doesn't even meet the requirements of the 96-03 NPDES or D.A.M.P. The City has failed to monitor, to demand BMPs or enforce the ongoing violations by SSC. The present holding basin and its overflow mechanisms have resulted in a pond, a vector for West Nile and for rodents.

Will this project, if it isn't built out by the next NPDES Permit renewal ratification, be required to comply with that next, obviously more prescriptive stormwater permit? Or will the SSC plead economic hardship when it occurs? Will SSC claim that they cannot comply with any future NPDES because they, by their own approved EIR and site development, are unable to physically and technologically install/implement that future permit?

Generically promising to comply with the present NPDES Permit without any specificity other than referencing multiple, successive yet "**IOU/TBA/TBD**" Storm Water Pollution Protection Plans (SWPPP) and Water Quality Management Plans that will somehow miraculously (pun intended) result in NPDES compliance throughout the construction phases and beyond is unacceptable, if not outright mindboggling. This adds to CWN!'s view that the SSCMPP remains a concept, a series of experiments. With so little site design specificity, analyses and conclusions by anyone are questionable

I-42-1

The placement and dynamics, the specific technologies and the order in which they will be integrated or instituted is a type of algorithm, one which the developer apparently intends to implement. The infrastructural elements, inadequately described, are the key components in any analysis. The SSC failure to explain or provide exact placement of water quality protection components (LID) leaves CWN! unable to provide peer review.

The MND describes this IOU mentality, declaring that there will be "No Significant Impacts" in advance without knowing the true potential of its phased multiple SWPPPs and WQMPs. It's like a blank check, but the public and peer review specialists need to see the ENTIRE implementation program timeline and infrastructure proposed, not a piece-by-piece series that defies, obfuscates or makes unwieldy analyses NOW.

The project site is located in an area that is tributary to Salt Creek, which ultimately flows to the Pacific Ocean Shoreline, Dana Point HSA that is identified as an Environmentally Sensitive Area (ESA) per the City's Local Implementation Plan (LIP).