

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

Confirmation should be sent to : mycarmail@yahoo.com

**City Council Members**

Dated May 25, 2015

City of Dana Point

33282 Golden Lantern, Suite 203

Dana Point, Ca 92629-3568

Attention: City Clerk Kathy Ward,

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**REF: Appeal of Coastal Development Permit CDP04-11; Conditional Use Permit CUP04-21; Site Development Permit SDP04-31; and Environmental Impact Report for South Shores Church Master Plan Project located at 32712 Crown Valley Parkway, City of Dana Point, SCH No. 2009041129**

**Hearing date June 2, 2015**

**Subject: Responses to Appeal of Master Plan Project for South Shores Church Expansion**

In preparation for the City Council Review of the Dana Point Point Planning Commission approval and subsequent Appeal of the South Shores Church Expansion Project we submit the following Comments and documentation. We are attempting to address finding a balance between the needs of the church and the impact on the neighborhood. Additional Rationale, Information and Comments pertinent to the Project are included after the main body.

**1. South Parking Garage Ramp only 20 Feet from Closest Neighbors**

South Parking Structure and Ramp location is still only 20 feet from homes. The lower 30 feet of the Garage Ramp and wall did not move north in the Revised Alternative 2, as stated by Applicant. See Figure R and P below. There are many areas in which the large concrete Parking Structure and Ramp will impact our lives, Noise, Air Quality, Light pollution and Thermal Heating, only 20 feet from our home. The impact of these were not separately analyzed in EIR by LSA. Specifics are identified in Documentation section below.

**2. Reduce 10 year Construction Timeframe.** Eliminate the non construction time (3 1/2 years) and have a redesigned slightly smaller (4-5%) South Parking Garage built as part of phase 1A (year 2) rather than in Phase 2 (at year 5, following a 2 year break). This would finish construction near homes at the earliest possible date. See Fig S below

**3. Reduce size of Parking Structure 4-5% and move it 15 feet further north from nearest homes.** By eliminating only 16 spaces in the structure out of 364 spaces, parking structure can be reduced in size by 15 feet. There are 12 extra spaces identified at 10 years, so only 4 required spaces would be eliminated (As defined in the Parking study). See Figure P1 below

**4. Geotechnical Stability and Retaining Wall Integrity (12-15 ft Crib Wall).** A Crib wall analysis was not completed for the additional weight of Detention basin, which was moved closer to existing Retaining wall in Revised Alternative 2. This weight along with weight of the Parking structure on the wall increases the risk that the wall could fail under a seismic event or an excessive rain year.

**5. Bonds Required to Protect Nearest Homeowners.** To Protect residents of the City of Dana Point, due to the protracted construction schedule, from 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.

**6. Project Scope Excessive Impact.** While the Revised Alternative 2 Project (same size as Alternative 2 ) reduced the project size from the Original Project, it is in fact a 110,000 sq. ft. Project (52, 651 sq. ft. of new useable space and a 58,000 sq. ft. area parking structure, loosely equivalent to a commercial warehouse with roof parking), it is planned to be accomplished over ten years. Producing excessive disruption to the city streets and the neighborhood for a decade.

**7. EIR Documentation Issues.** The EIR Documentation package was incomplete, contained errors and was missing drawings. It was difficult to review in its earliest form, and continued to be, while the Planning Department updated the documentation throughout the review period. There were 4400 pages of the FEIR and 2800 pages of the DEIR which were all referenced by LSA in their Responses to Comments. Was unclear if all approving entities were able to review that level of documentation in the allowed timeframe.

**8. Mitigation On-Going Follow Up.** A Large percentage of Significant impacts are stated to be Mitigated by plans to be written for each phase, or by existing City Ordinances. They will require significant oversight by many contractors and City and local agencies during the Phases due to the large number of Mitigations required to reduce the Significant Impacts identified in the EIR. This will place the burden on the City of Dana Point Point and the neighborhood to ensure the "Approved Mitigation Plans" are followed on a daily basis over such a long term project.

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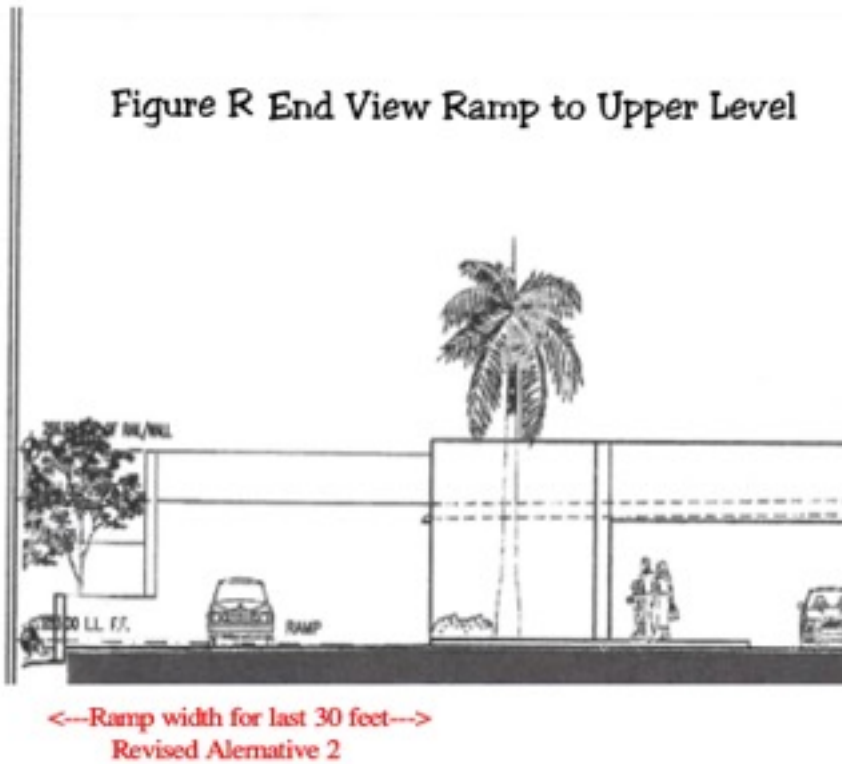


Figure P - 20 Feet From Property Line- View from Nearest Residences Toward Parking Garage Ramp Wall

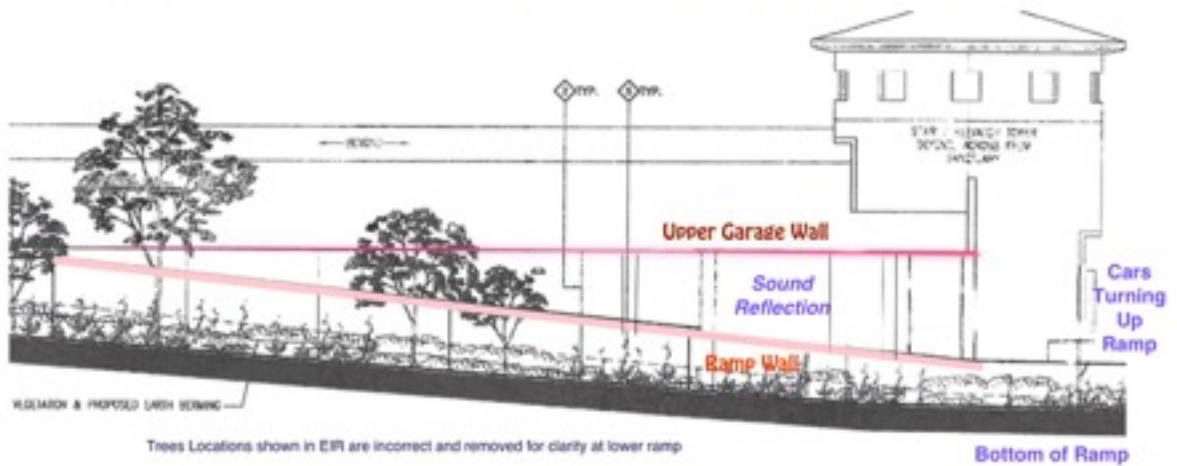
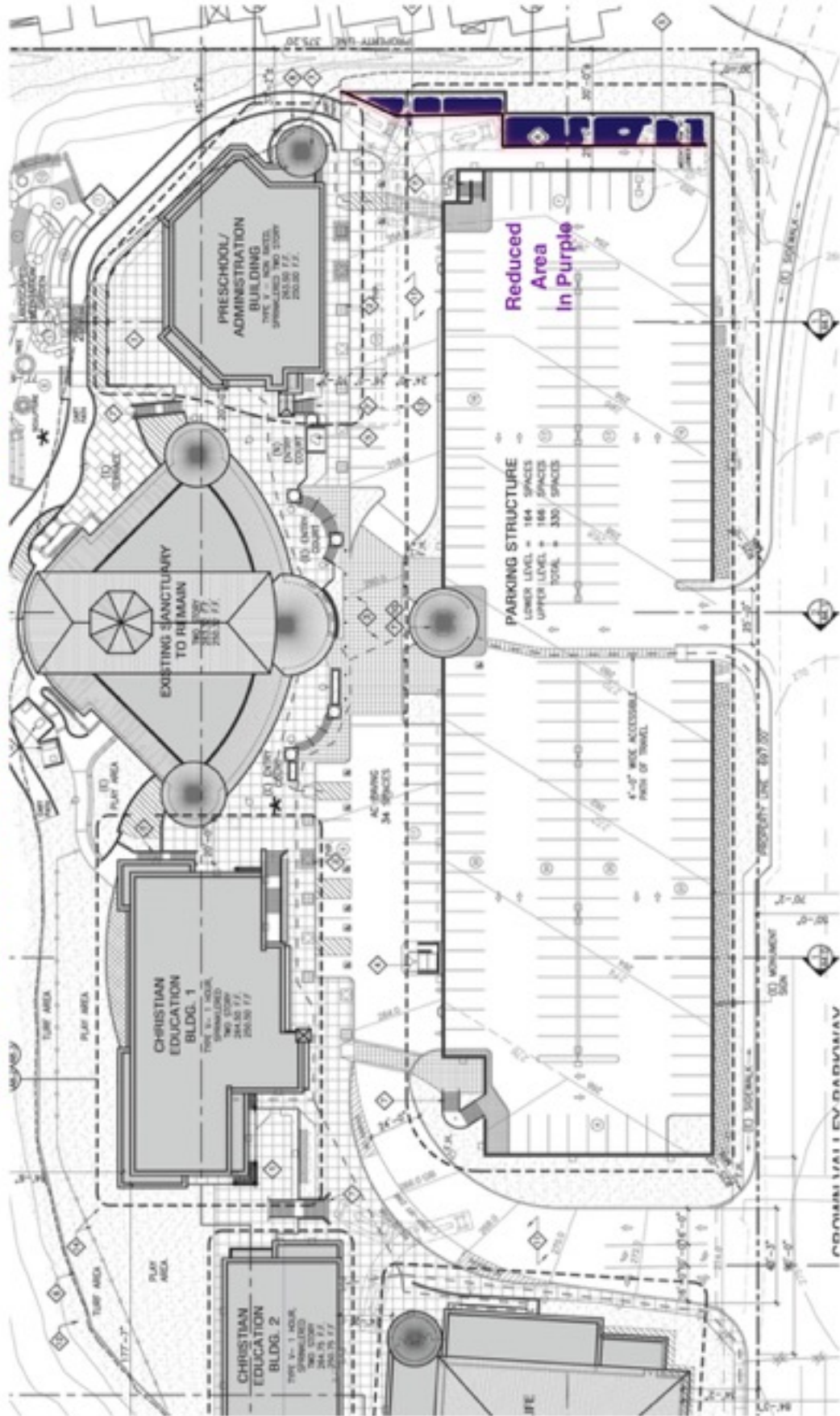




Figure P1-Requested Reduced Parking Garage Footprint-Moved North 15 Feet



**Additional Rationale, Information and Comments Pertinent to the Project:****1. South Parking Garage Ramp only 20 Feet from Closest Neighbors**

The portion of Ramp not moved **remains** 20 feet from property lines and at 30 feet from bedroom, for first 30 feet of Ramp length.

See Figure P- 20 Feet From Property Line- View from Nearest Residences Toward Parking Garage Ramp Wall

See Figure R- End View Ramp to Upper Level

The Ramp location presents an increased localized effect due to vehicles utilizing it to go up/ down and to/from the second level. The EIR does not take into account the unique characteristics of the Ramp and the problems it presents.

The LSA analysis of various Noise, Air Quality, Light Pollution and Heat Projection analyses, and others presented in the EIR for approval, incorrectly indicates that all conditions have been Mitigated to a Level of Less Than Significant, by utilizing , in all four cases, overall general Garage analysis, leaving out the Ramp's "unique" properties. Stating further that the total garage analysis is "appropriate and applicable".

Location of lower portion of Ramp has an approximately 8 foot wall behind it which will reflect sound back into residences bedrooms. From engine noise, and tires turning to enter and exit Ramp. Additionally any tire to Ramp noise will be amplified by the same structure wall.

Those vehicles also will produce a high concentration of exhaust and reduced Air Quality, similar to a freeway on-Ramp.

Those vehicles turning to enter at night and go up the Ramp will produce light pollution into our homes and bedrooms. LSA's mitigation was that there are trees which are, unfortunately not in that optimum area. Existing trees (shown on drawings in incorrect position and density on drawings) do not block the Ramp light shed unless tall vegetation is placed north of the crib wall.

The Trees are not adequate to block potential noise and air pollution from the Ramp impinging on the property or bedrooms.

The large concrete structure will absorb and retain a significant amount of heat which will be reradiated. There also is a reflected effect that will occur.

## 2. Reduce 10 year Construction Timeframe

Construction should be continuous to minimize impacts to the neighborhood. A Lengthy project of this type is usually reserved for areas of a city, like whole neighborhoods, not just one localized project, i.e. Town Center or Harbor Revitalization.

3 1/2 years of no construction is a disadvantage to neighborhood and only draws out the impacts of construction. Currently the South Parking Structure is planned to be started at 5 years. It is requested that Applicant not wait for year 5, which follows 2 years of no construction time, to start South Parking Garage.

Complete South Parking Structure immediately following or included in Phase 1, to minimize impact on the Southerly Neighbors. Possible grading while grading Administration building, as equipment is on site at that time and the Detention Basin will be dug.

Starting the garage as part of Phase 1A.1, even with the lost Parking spaces, while doing the South Parking Structure, is possible if the Offsite Parking permits negotiated with overflow locations, (while still in place), may be negotiated for this additional 7 months. Particularly the Laguna Niguel County of Orange empty lot.

See Figure S- South Shores Church Expansion Phasing Estimate for Alternative 2 Revised (Estimated within a month from PC Agenda Report dated 3/30/15 page 13)

## 3. Reduce size of Parking Structure 4-5% and move it 15 feet further north from nearest homes

### Significant Benefits of moving the South Parking Structure North 15 feet:

1. Expand a natural bio filter by creating an additional approximately 1800 sq ft of permeable soil
2. Reduce length of the south end of the west facing Parking perimeter wall 15 running feet (facing Crown Valley), now 6 1/2 feet high, thus Improving aesthetics of Project., Possibly lowering it due to grade drop off at south end of project?
3. Reduce Light pollution of Southerly residences from vehicles turning onto the Ramp. California Vehicle Code allows Headlamps to be as high as 54 inches and Lower ram wall is not that high to block those headlamps.
4. Reduce Air Quality pollution of Southerly residences from vehicles turning and accelerating up or down the Ramp
5. Reduce Noise level from vehicles utilizing the Ramp, directly and also amplified by the Ramp north wall to the Southerly residences.
6. Reduce the Noise impact on closest residences of the Equipment Room in the lower South Garage, by moving it 15 feet north..

**Applicant Parking Requirements-** Revised Alternative 2 Table A Comparison of Parking Summaries, indicates there are now 12 surplus unused spaces at 10 years. The garage size is predicated on "planned growth" estimates, with a Sunday Service growth of 38% and 72% growth for Wednesday Bible Study at 10 years

The Applicant has sized the parking requirements out through ten years. This sizing has many known variables, and as such how accurate might it be, or driven by positive thinking. It is difficult to define average parking requirements, over a years timeframe which include several peak times like Easter and Christmas season.

There is no statistically accurate forecast that can be closer than 10-20% at best going out to 10 years. The current Parking Summaries in Revised Alternative 2 states at 10 years there will be 12 "Surplus" Parking Spaces on Sunday and 31 on Weekdays.

If the Parking Demand projection at 10 years can be reduced by only 4 spaces, the South Parking Structure and Ramp could to be moved north approximately 15 "additional" feet from the current Revised Alternative 2 plan.

A solution would be for the Applicant to accept a very slight downward estimation variance (of 4 spaces) on the future Parking needs at 10 years, in addition to eliminating the 12 Surplus spaces currently identified in the parking Summaries. This would allow the South Parking Structure to be reduced in size the width of two spaces. If the applicant removed the 16 spaces, the Parking Garage could be reduced by closer to 18 feet, as each space is sized at 9 feet wide.

Reducing the size would allow the South Parking Structure to move North 15 feet. This solution would almost double the distance from the residences to the south and many existing issues would be mitigated.

See Figure P1- Requested Reduced Parking Garage Footprint-Moved North 15 Feet

#### **4. Geotechnical Stability and Retaining Wall Integrity (12-15 ft Crib Wall)**

The Revised Preliminary WQMP and the Master Plan Hydrology Report moves the underground detention basin 20 feet south to within a few feet of the Crib Wall immediately behind existing homes. This is sized to hold 5420 cu ft of water amounting to 163 tons of weight. The Geotechnical Evaluation stated "Recommendations...are required in order to ensure no additional "structural loads" are placed on the wall" (Crib Wall). This recommendation was prior to moving the Detention basin south an additional 20 feet, thus it is imperative this issue be given a complete review prior to approving the current Revised Alternative 2 Project.

#### **5. Bonds Required to Protect Nearest Homeowners.**

Due to the past slides in the immediate areas we are gravely concerned about the construction activity and additional weight on the hillside behind our homes and the Geotechnical stability issues. Thus the request for an Indemnity Bond.

#### **6. Project Scope Excessive Impact.**

The Applicant states "No expansion or changes are proposed to the main Sanctuary Building. The church is not expanding the pre-school enrollment or the capacity of the main Sanctuary building for Sunday services. Additionally Applicant states under CUP (Shared Parking Permit (Planning Commission Agenda Report page 17), they expect no growth in Preschool attendance nor Sanctuary size and also that "church activities and schedules are not anticipated to change".



The Project adds the Community Life Center (11,738 sq ft) for potential sports activities and church events, and 2 Christian Education buildings totaling 27,046 sq ft. Pre-School facilities increase from 6,717 sq ft. to undefined portion of the (38,784 sq ft) new Christian Education and Community Life Center buildings.

The size of this expansion is inconsistent with the Objectives stated above for the Project. which is demolition of 23,467 sq ft, and adding (Revised Alternative 2) 52,651 sq ft. of inhabitable building space and a two level Parking Structure consisting of 115,000 sq ft of parking facilities.

Parking will be increased from 228 to 364 spaces at 10 years. This indicates Growths of 124% in inhabitable Building square footage and 60% in Parking Space capacity for Sundays and Weekdays.

We recognize that for FAR calculations the Parking spaces/Structure are not counted as inhabitable space, but the Parking Structure is in fact a structure similar to a tip- up or poured-in-place structure much like a warehouse which has electricity, ventilation, elevator, stairs, equipment room and lighting, at the minimum.

This is the scope of the project before the City Council that the Applicant is asking the nearest residents to contend with over a ten year period.

## **7. EIR Documentation Issues.**

The Planning Department was not able to post complete and navigable thousands of pages of documents, drawings received March 19, 2015, by the Planning Department, and continued to update and change the documentation as the week progressed. The printed copy at the Dana Point Library consisted of a CD indicating it had Volumes 1,2 3, and 4 and many new pages of the EIR, but did not include the DEIR material that was referenced in the EIR and DEIR Responses by LSA. Additionally an Appendix that was at the library which we did not find (until notified by staff the afternoon of March 26, was scattered in three places in the Volumes posted on the Website by the Planning Commission. The EIR, as posted, is missing several pages of the Plan Drawings.

Questions to the Planning Department could not be answered in a timely manner to help in this review and the Senior Planner, with the most knowledge of this project, was out of the office for the review week.

### **1. Examples of incomplete and an apparent rushed preparation of the package for review:**

The Proposed Master Plan-Revised Alternative dated March 9,2015 and posted on the website and stamped received by the city (dated March 19,2015 ) is missing drawing A5.1 which includes phases 2,3,and 4.

The Proposed Master Plan-Revised Alternative dated March 9,2015 is also missing drawings A8.2 and A8.4 the lower levels of the Christian Education Buildings

The Proposed Master Plan-Revised Alternative dated March 9,2015 drawing C 2.1 and C2.3 are mis-marked Alternative rather that “Revised Alternative”

The Proposed Master Plan-Revised Alternative dated March 9,2015 A 3.0 is missing and is not clear what information we might not have for our review.

We were unable to reference the Responses from LSA to our Comments submitted, due to lack of clear Annotations and support.

Planning Department Numbers on Responses by LSA in the Planning Department were easily legible but the posted PDF File was upside down and difficult to read

2. The LSA Responses make Multiple References and Layers of References to other documents, Comment submittals, as well as FEIR and DEIR. Not easily identified as to where in the Volumes posted on the Website.

i.e. Responses: i.e.The LSA Response to I-30-96 refers to Comments made to I-9-7, I-18-3, I-25-41,I-30-95, and Common Response No. 12. And refers to Appendix E, Geotechnic Reports of the DEIR

Some LSA Responses took you to another response which in turn takes you to another response., The response to our I-30-93 points to I-29-80 which points to I-29-72 and I-29-73 and the Traffic Impact Analysis Appendix J of DEIR and others.

Many LSA Responses point to Documents in either the DEIR or FEIR and it is not made clear as to in what Volume, or where in the Volume of the DEIR or FEIR (on the Website) that they might be found. The Volumes were posted in some sequential pattern, unfortunately not identified on the Planning Department website

References to Appendices or Attachments were made in a multitude of LSA Responses without any clear indication of where they would be found in the FEIR or DEIR, as posted on the website in 24 Volumes and 4,470 pages of documentation, and 21 Volumes and 2813 pages, respectively.

3. Many LSA Responses did not answer the comments or only partially answered them. Additionally some of the LSA Responses were incorrect.

Comment I-30-90 indicates the Plan drawings incorrectly identify the types and locations of the trees. Our attempt was to tell them their drawing was incorrect.The LSA Response said we did not tell them what exactly was wrong. That is not our job.

Comment I-30-10 asks for a quantification of the light reduction as a result of the garage wall being above our bedrooms and blocking the light. LSA Response referenced to Common Response 9, which does not address this question at all.

Comment I-30-22 questions fencing duration. The LSA Response references fencing during Phase IA which LSA states includes the Parking Structure. This is incorrect, we believe South Parking Structure is stated as Phase 2.

Comment I-30-48 questions maintenance of the trees to remain on South side of the crib wall. The LSA Response was “this is beyond the scope of the DEIR”. These are the same trees that are referred to as Mitigation for several elements, so must be maintained.

Comments I-30-84 to I-30-85 requested noise data on the Garage ramp. LSA Response did not address the Garage Ramp noise levels. Only the overall garage noise levels.

Comment I-30-95 requested information on heat projection and reflection from the new South Parking Structure wall. LSA Response stated “heating affect from the new built structures would be similar to those of the existing structures”. There will be a new Parking Garage structure 20 feet from our property as well as new Administration Building that do not exist now, so that is an incorrect statement. to say that it is similar to existing structures. That question was not answered.