

**Patricia McCarroll
Dana Point, CA 92629**

February 8, 2010

Dana Point City Council:

Re: Notice of Preparation ["NOP"]
Draft Environmental Impact Report ["EIR"] and Public Scoping Meeting
South Shores Church Proposed Development Plan (the "Project")
[SCH#2009041129]

Good evening.

I'm Pat McCarroll, a resident of Dana Point and a member of the Voices of Monarch Beach. I'm here because of process irregularities in the City's handling of this project -- and difficulties in getting the City to provide answers to our questions.

For example, last fall the City Council voted to hire the LSA consulting firm to prepare the environmental impact report ("EIR"). On Nov. 20 the *Dana Point Times* reported DP Community Development Director Kyle Butterwick stating that the City had been waiting for the Project applicant to deliver the check for its first deposit so that the process could begin with LSA as the independent consultant on the Project.

Concerned residents and our consultant have repeatedly asked the City for a copy of the contract with LSA. But on Feb. 4, the City was still replying the contract was not signed.

Yet the City issued the NOP referenced at the beginning of this document

scheduling a Mar. 4 Scoping Session – despite having no independent third-party consultant under contract.

The City gave its residents only 28 days' notice of the Scoping Session. But the more serious issue is: by not timely providing a copy of the contract with the consultant, the City deprives taxpayers (and other agencies who may participate in the Scoping Session) of time for due diligence review. The City has not explained why it's taking this rushed approach.

Further, the NOP recycles the flawed contents of the discarded Mitigated Negative Declaration (“MND”). It accepts the tainted MND, which was discredited for corruption and errors, as the basis of the EIR. Among other things, it continues to ignore the residences directly to the east of the Project, it misstates/understates the project size, and overstates the site size. It is precisely fruit of that poisonous MND tree.

Finally, we find it hard to figure out what to say about the “Initial Study” that has appeared on the City's website. It's the Hodge Study/MND -- the same MND that was so discredited the City agreed, after much time and effort, to do an EIR. But the City never explains why an EIR had to be undertaken. The only difference we found [other than a new contact person] was the addition of CEQA section 15063 [on p. 13, “Earlier Analyses]. But these CEQA provisions are not relevant here: they refer to “adequate” earlier analyses” – effects adequately analyzed; impacts adequately addressed. And the manifest failing of the original

discredited MND – in addition to its corrupt origin -- was that its analyses were demonstrably inadequate and erroneous. This attempt to bootstrap the discredited 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 CEQA so clearly requires.