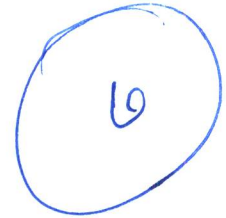


July 31, 2009



Todd Glen
23285 Pompeii Drive
Monarch Beach, CA 92629

Re: *Response to Public Records Request*

Dear Mr. Glen:

This Office serves in the capacity of City Attorney for the City of Dana Point. This letter is in response to several Public Records Act requests that you have recently submitted to the City.

The City has gathered all the documents that the City possesses which are responsive to your requests. Other than a set of plans which are subject to copyright protection, we are now ready to release the remaining responsive records. As to the copyrighted plans, you will have to adhere to our policy for copyrighted materials prior to receiving a copy; however, if you wish to only inspect the plans, you can do so by contacting the City and scheduling a time to inspect.

As to the remaining records, please contact Jennifer Walters (City Clerk Department) at (949) 248-3501 and select between the following two options: (1) the City can make you copies of the requested documents upon your remittance of the cost to make such copies, or (2) the City can schedule a time when you can visit our offices, inspect the responsive documents, and identify those documents, if any, that you wish to have copied (and, at that time, remit payment to the City for any duplication costs).

In light of the public interest in the issues that underlie your requests, we wanted to make you aware of the following facts:

- The City initially made the determination that a Mitigated Negative Declaration ("MND) would be appropriate, not the applicant or Ms. Hodge.
- Ms. Hodge was hired by the church to prepare the MND, after receiving approval and confirmation from the City; the City does not have a contract with Ms. Hodge.
- Sections of the MND, notably the Geotechnical analysis and Traffic analysis were reviewed by independent professionals hired by the City. The fees for this review were paid by the applicant.

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- The completed Draft MND was reviewed by City staff in Community Development and Public Works/Water Quality, with numerous changes made.
- City hired environmental consultant Keeton Kreitzer to conduct an “independent review” of the Draft MND. That review resulted in additional revisions to the document. Mr. Kreitzer’s fees were paid by the applicant.

If you have any questions regarding any of the foregoing, please contact me directly.

Sincerely,

RUTAN & TUCKER, LLP



Noam Duzman

ND:hd