

October 24, 2011



Patrick J. Alford, Project Manager  
City of Newport Beach  
Community Development Department  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915

**RE: Banning Ranch EIR  
Comments and Concerns From a Long Time Resident of Newport Shores**

Dear Mr. Alford,

I am a long time resident of the 550 home (not 440 Residences 4.1-3), Newport Shores neighborhood. I have reviewed the EIR for this proposed development and do not believe the environmental mitigation measures, as proposed, are sufficient to meet the impacts this project will impose on our community. Additional measures must be included. I have listed these on the attached "Specific Concerns" document. Also, some documentation in the draft EIR seems to be unclear, specifically, clarification on the following items must be conclusively resolved:

1. The document states that "The bridge over PCH will be implemented as a part of the development; regulatory approvals must be pursued and received." If this bridge is not implemented many of the transportation and public access mitigation measures that specifically rely on its construction will not be met. How will the project be modified if this bridge is not implemented? The project, as currently configured, requires that the bridge be built.
2. Connectivity of wildlife corridors and visual considerations within the report somewhat address the removal of existing and construction of new fences. Please confirm that project fencing will be installed only where shown in the exhibits provided. To be clear, if a fence now exists but is not shown in the proposed project exhibits, it will be removed and construction of new fences will only be in places identified on the project exhibits in report section number 4.
3. Utility lines will all be in-ground installations, including utilities currently running across the bluff and the lowland areas, i.e. the overhead electrical line that currently runs from the toe of the bluff trail to and across the Santa Ana River.

4. Clean up and remediation of the lowlands will address: a) ongoing measures to stop sediment from entering the Seminole slue and b) the project will address the sedimentation from the project property that has contributed and will continue through construction and after to the partial filling of the Seminole Slue and the ACOE wetlands.
  
5. Will ongoing open space maintenance and monitoring cost be the responsibility of the project developer?

In addition to these clarifications I would like to have the attached specific items addressed.

Thank you.



David Volz

203 Canal Street, Newport Beach, CA 92663

## Banning Ranch EIR

### Specific Concerns:

- A. Access to parks and open spaces and trails, connections to existing trails and parks, public facilities distribution, connection to existing regional trail systems and other parks (4.1-61 section 30212) report sections do not adequately address the public's right to enter and have access to the proposed public spaces, parks and connections through the project. Specifically, the public and residences who would like to access the public project areas as well as move through the project property from the south west boundaries, have not been adequately accommodated.

From the Newport Shores neighborhood to the public interpretive trail the Toe of the Bluff Trail, and South Bluff Park, have not been accommodated. All public facilities should be easily accessible via direct trail connections across and around the Seminole Slue.

Also, a direct connection from the south west for pedestrian and bike riders to access the new nature center, Talbert Trail Head, 19<sup>th</sup> Street, the community park facilities, and Sunset Ridge Park should be a part of the project's environmental mitigation measures, as should direct access to the CCC Learning Center and public and commercial facilities north and east of the project.

Access points from existing public properties should be included at the small public park next to the Newport Shores Community Center Tennis Courts (bridge across the Seminole Slue). Another access to the toe of the bluff trail at the terminus of Cedar Street, and an access across the end of the Seminole Slue to connect the existing Newport Shores public park (not shown on Exhibit 4.1 -2j) directly to the toe of the bluff trail just north of the oil facilities along PCH. Requiring pedestrians and bikes to travel along PCH to the Banning Ranch Road, then up the road, is not adequate access to these public facilities from the West Newport area. The public benefit of these public facilities cannot be realized if the project does not provide the connections as part of the project.

- B. Parkland L.U. Policy 4.1-60, 6.5.2 Active Community Park 20 to 30 acres required, is not adequately met, in the net 21.5 acres identified as north, central, and south community park properties. The community park should be contiguous with no bifurcation by project roads. The portion of the central community park parcel south of North Bluff Road is less than a ball field in width and should not be considered active community park land. The south community park parcel does not meet the community park land description. It is too narrow and is bifurcated by the Sunset Ridge Park Road, therefore, should not be counted as contribution acreage to the community park requirement. Likewise, the parking facilities required to replace lost parking at 15<sup>th</sup> Street should not be included in the community park acreage count, as this parking is not fully dedicated to the community park. The project must provide the 20 to 30 areas required in one parcel of adequate width to provide active community park amenities.

- C. The fence shown on 4.2-2a “Open space fence at top of bluff” is not aesthetically appropriate nor does it meet the environmental consideration for connectivity of wild life corridors. Fences are not included on other sections/exhibits, and none should be included here. If absolutely required at this reach of the bluff top, it should be only a low rail type fence.
  
- D. Sports field lighting and after dark lighting of all community park facilities must be included as part of the project according to the report text. Exhibits 4.1-2f and 4.1-2e should be updated to show field and park lighting.
  
- E. The oil facilities should all be visually screened from all points of public view. The identified perimeter screening should be much wider and continuous around each oil facility compound and at the entry points. In particular, Exhibit 4.1-6 does not show any screening of the west side of this compound, an existing unsightly mess of machinery that will be made worse by the consolidation of oil facilities proposed to be added to the compound.
  
- F. All manmade constructions within the natural areas must be screened or aesthetically treated to match the proposed natural setting. Stand pipes, bollards, signs, markers, roads, fences, etc. must be screened or painted to blend into the setting. Specifically, yellow protective bollards around constructed facilities should not be allowed, or if absolutely needed, must be painted to match the background colors of the natural areas.