

## Alford, Patrick

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**Sent:** Monday, November 07, 2011 10:42 AM  
**To:** Alford, Patrick  
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**Subject:** Newport Banning Ranch DEIR Comment IV  
**Attachments:** Caltrans Sunset Ridge Park Comment.pdf; NBR DEIR Traffic Study Area.pdf; NBR DEIR State Highway LOS.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

November 7, 2011

Patrick J. Alford, Planning Manager  
City of Newport Beach, Community Development Department  
3300 Newport Boulevard  
P.O. Box 1768  
Newport Beach, CA 92658-8915

Re: Newport Banning Ranch DEIR Comment IV

Dear Mr. Alford:

On Pgs. 1-5-1.6 of the Newport Banning Ranch (NBR) draft Environmental Impact Report (DEIR) Executive Summary Section 1.0 it is stated that among the State Agencies involve in "Project Implementation" approvals, permits and/or actions is the California Department of Transportation (Caltrans). According to the Executive Summary the NBR Project requires from Caltrans:

"Encroachment Permit for activities in Caltrans' rights-of-way, including modification of the reinforced concrete box under West Coast Highway and construction of the pedestrian and bicycle bridge."

The Executive Summary and, indeed, the entire NBR DEIR completely ignores state legislation which has authorized the transfer of jurisdiction of West Coast Highway from Jamboree Road north to the Santa Ana. This includes the proposed Bluff Road entrance to the NBR Project from West Coast Highway. Specifically, Streets & Highways Code 301.3 enacted in 2009 and codified in 2010 states:

## "Section: 301.3

- (a) The (California Transportation Commission) commission may relinquish to the City of Newport Beach the portion of Route 1 that is located between Jamboree Road and the Santa Ana River, within the city limits of the City of Newport Beach, upon terms and conditions the commission finds to be in the best interests of the state.
- (b) A relinquishment under this section shall become effective immediately following the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.
- (c) On and after the effective date of the relinquishment, both of the following shall occur:
- (1) The portion of Route 1 relinquished under this section shall cease to be a state highway.
  - (2) The portion of Route 1 relinquished under this section shall be ineligible for future adoption under Section 81.
- (d) The City of Newport Beach shall ensure the continuity of traffic flow on the relinquished portions of Route 1, including, but not limited to, any traffic signal progression.
- (e) For those portions of Route 1 that are relinquished, the City of Newport Beach shall maintain within its jurisdiction signs directing motorists to the continuation of Route 1."

As stated in Streets & Highways Code 301.3(c)(1) after the date of relinquishment the portion of West Coast Highway concerning the NBR Project "shall cease to be a state highway." Any permits involving construction of a pedestrian and bicycle bridge shall come from the City of Newport Beach. The significance of this change of control over West Coast Highway is best illustrated by the issue between Caltrans and the City which occurred over the traffic signal proposed at the park entrance road for the City's Sunset Ridge Project. The DEIR for Newport Banning Ranch indicates that the project would include the widening of the access road proposed for Sunset Ridge Park.

At any rate, during the review of the Sunset Ridge Park under the California Environmental Quality Act (CEQA) Caltrans as a responsible agency objected to the installation of the traffic signal at the West Coast Highway entrance to Sunset Ridge Park. Attached is Caltrans' Sunset Ridge Park CEQA comment letter dated December 9, 2009. In it Caltrans specifically objects to the installation of the traffic signal on grounds it would "seriously disrupt progressive traffic flow." (Emphasis added)

With the change of jurisdiction from Caltrans to the City of the pertinent section of West Coast Highway, the City will be free to install the traffic signal to serve both its Park and the NBR regardless of the traffic consequences on West Coast Highway. This "position" of the City was confirmed by Councilman Rosansky in a conversation with members of the Banning Ranch Conservancy. When asked about Caltrans' objection if or when the City obtained jurisdiction Councilman Rosansky stated City would probably not follow Caltrans recommendation and that the City would try to place the spotlight on West Coast Highway.

The transfer of control from Caltrans to the City of Newport Beach over West Coast Highway renders misleading the use in the NBR DEIR Transportation and Circulation Section 9. of Caltrans "methodology" to judge NBR Project traffic impacts on that section of State Highway 1 -West Coast Highway-that is the subject of the transfer under Streets & Highways Code 301.3. NBR DEIR Exhibit 4.9-3 shows the "Traffic Study Area" the subject of Section 9. The Exhibit depicts all intersections on West Coast Highway beginning with Bayshore Dr. in the south to Orange St. in the north with Newport Blvd. and Superior Ave. included in between as part of the "Study Area." Attached is a copy of Exhibit 4.9-3 for your review. Thus on Pg. 4.9-9 the NBR DEIR states:

"Caltrans requires the use of the HCM intersection methodology to analyze the operation of signalized intersections on a State Highway controlled by Caltrans (Caltrans Guide for the Preparation of Traffic Impact Studies dated December 2002)...Therefore, traffic study intersections on State Highway facilities are also analyzed using the HCM intersection analysis methodology."

Under Streets & Highways Code 301.3 the NBR DEIR "Traffic Study Areas" of West Coast Highway described above will no longer be a "State Highway." Caltrans "HCM" methodology is not required to measure NBR Project traffic impacts on

those sections of West Coast Highway involved. Instead, City of Newport Beach "standards" regarding traffic impacts is the only criteria that might be required to review the NBR Project. In the City of Newport Beach General Plan Circulation Element on Pgs. 7-5-7-6 it is stated:

"Intersections that do not perform well are a major constraint to the efficient operation of the circulation system, and the traffic study focuses on the level of service at primary intersections in Newport Beach. Generalized definitions of level of service are as follows:

- **LOS "A"**-Minimal delay (less than 10 seconds on average) is experienced.
- **LOS "B"** -Vehicles at signalized intersections experience between 10 and 20 seconds of. delay on average, while vehicles on the side street STOP controlled approaches at unsignalized intersections experience between 10 and 15 seconds of average delay.
- **LOS "C"**-Delays at signalized intersections range from 20 to 35 seconds and from 15 to 25 seconds for side street / STOP controlled traffic at unsignalized intersections.
- **LOS "D"**-Delays at signalized intersections range from 35 to 55 seconds and from 25 to 35 seconds for side street / STOP controlled approaches at unsignalized intersections.
- **LOS "E"**-Delays at signalized intersections range from 55 to 80 seconds on average, while delays for side street / STOP controlled traffic at unsignalized intersections range from 35 to 50 **seconds.**
- **LOS "F"**-All vehicles at signalized intersections can be expected to wait through more than a single signal cycle with average delays in excess of 80 seconds, while delays to side street / STOP controlled approaches at unsignalized intersections will exceed 50 seconds on average." (Emphasis added)

Further on Pg. 7-6, the City of Newport Beach discusses its application of the above "levels of service" to judge intersection performance. It is stated:

"The City of Newport Beach has traditionally set LOS "D" as its goal for intersection performance, whenever possible. At the same time, the City has recognized that achieving this goal in every case would require a circulation system with oversized elements to accommodate summer beach traffic or regional through traffic. The City has chosen to provide a circulation system that is sized to meet the needs of residents and local businesses and respects the character of Newport Beach. This Circulation Element continues that longstanding practice. The vast majority of intersections in Newport Beach will continue to function at or better than LOS "D" with implementation of the improvements included in this Element, and policy establishes LOS "D" as the standard for most intersections. LOS "E" is the established standard for a limited number of intersections discussed below." (Emphasis added)

By contrast, on Pg. 4.9-9 of the NBR DEIR Transportation and Circulation Section Table 4.9-3 identifies the levels of service description for State Highway facilities using HCM methodology. It states:

**"TABLE 4.9-3  
STATE HIGHWAY FACILITIES LEVEL OF SERVICE DESCRIPTIONS**

<b>Level of Service</b>	<b>Description</b>
<b>A</b> .....	Excellent - No vehicle waits longer than one red light and no approach phase is fully used .
<b>B</b> .....	Very Good - An occasional approach phase is fully utilized; drivers begin to feel somewhat restricted within groups of vehicles.
<b>C</b> .....	Good - Occasionally drivers may have to wait through more than one red light; backups may develop behind turning vehicles
<b>D</b> .....	Fair - Delays may be substantial during portions of the rush hours, but enough lower volume periods occur to permit clearing of developing lines, preventing excessive back-ups.
<b>E</b> .....	Poor- Represents the most vehicles that the intersection approaches can accommodate; may be long lines if waiting vehicles through several signal cycles.
<b>F</b> .....	Failure - Back-ups from nearby locations or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Tremendous delays with increasing queue lengths."

Further, on Pg. 4.9-9 it is stated:

"The EIR Traffic Impact Analysis assumes a significant Project impact at a State Highway study intersection when the addition of project-generated trips causes the study intersection's peak LOS to change from acceptable operations (LOS A, B, or C) to deficient operations (LOS D, E or F)." (Emphasis added) A copy of Pg. 4.9-9 is attached for your review.

From the above, it is clear that the City General Plan's LOS standard of "D" or better at most Newport Beach intersections with LOS standard "E" at a "limited number of intersections" shows the City's willingness to accept "deficient operations" (LOS D or E) for intersections under Caltrans HCM criteria. Worse, the City's intention to install a traffic signal at the West Coast Highway-Bluff Rd. entrance to the NBR Project and the City's Sunset Ridge Park despite Caltrans' objection that the signal's installation will "seriously disrupt progressive traffic flow" shows the City's likely willingness to accept a Caltrans LOS" F" "Failure" standard on West Coast Highway intersections. This once jurisdiction to West Coast Highway is transferred to the City under Streets & Highways Code 301.3 as discussed above.

In short, from the above the City of Newport Beach will be able to do what it wants regarding traffic intersection "levels of service" on West Coast Highway once Streets & Highways Code 301.3 is implemented. None of this appears in the NBR DEIR. Nothing regarding the jurisdiction transfer under Streets & Highways Code 301.3; nothing regarding the differences between the Caltrans' HCM LOS standards and the City of Newport Beach General Plan's intersection LOS "standards"; and nothing regarding Caltrans' objection to the installation of a traffic signal at the West Coast Highway-Bluff Rd. entrance to the NBR Project and the City's Sunset Ridge Park.

As I have said before, in NBR DEIR Section 2.2.1 "Standards of Adequacy Under CEQA" it is stated in pertinent part:

"The courts have not looked for perfection but for adequacy (in an EIR), and good faith effort at full disclosure."(Emphasis added).

In conclusion, the omissions in the NBR DEIR described above demonstrate a complete lack of a "good faith effort at full disclosure" of the environmental impacts of the NBR Project.

Very truly yours,

Bruce Bartram

2 Seaside

Circle

Newport Beach, CA 92663

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December 9, 2009

Janet Johnson Brown  
City of Newport Beach  
3300 Newport Blvd.  
Newport Beach, CA 92685-8915

File: IGR/CEQA  
SCH#: 2009051036  
Log #: 2285A  
SR-1

Subject: Sunset Ridge Park

Dear Ms. Brown,

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR) for the Sunset Ridge Park Project**. The project proposes construction of a City park with active and passive recreational uses and an access road to the park through the contiguous private property to the west (Newport Banning Ranch, SCH #2009031061). No nighttime lighting, other than for public safety, is proposed. No nighttime park uses are proposed. The project would include the following uses and facilities: 1 baseball field; 2 soccer fields; playground/picnic area; memorial garden; overlook area with shade structure; pedestrian pathways and bike rack; restroom facilities; up to 119 parking spaces. A signal is proposed on West Coast Highway at the park access road. The City also proposes to widen a portion of the northern side of West Coast Highway from Superior Avenue to a point west of the park access road. The nearest State route to the project site is SR-1.

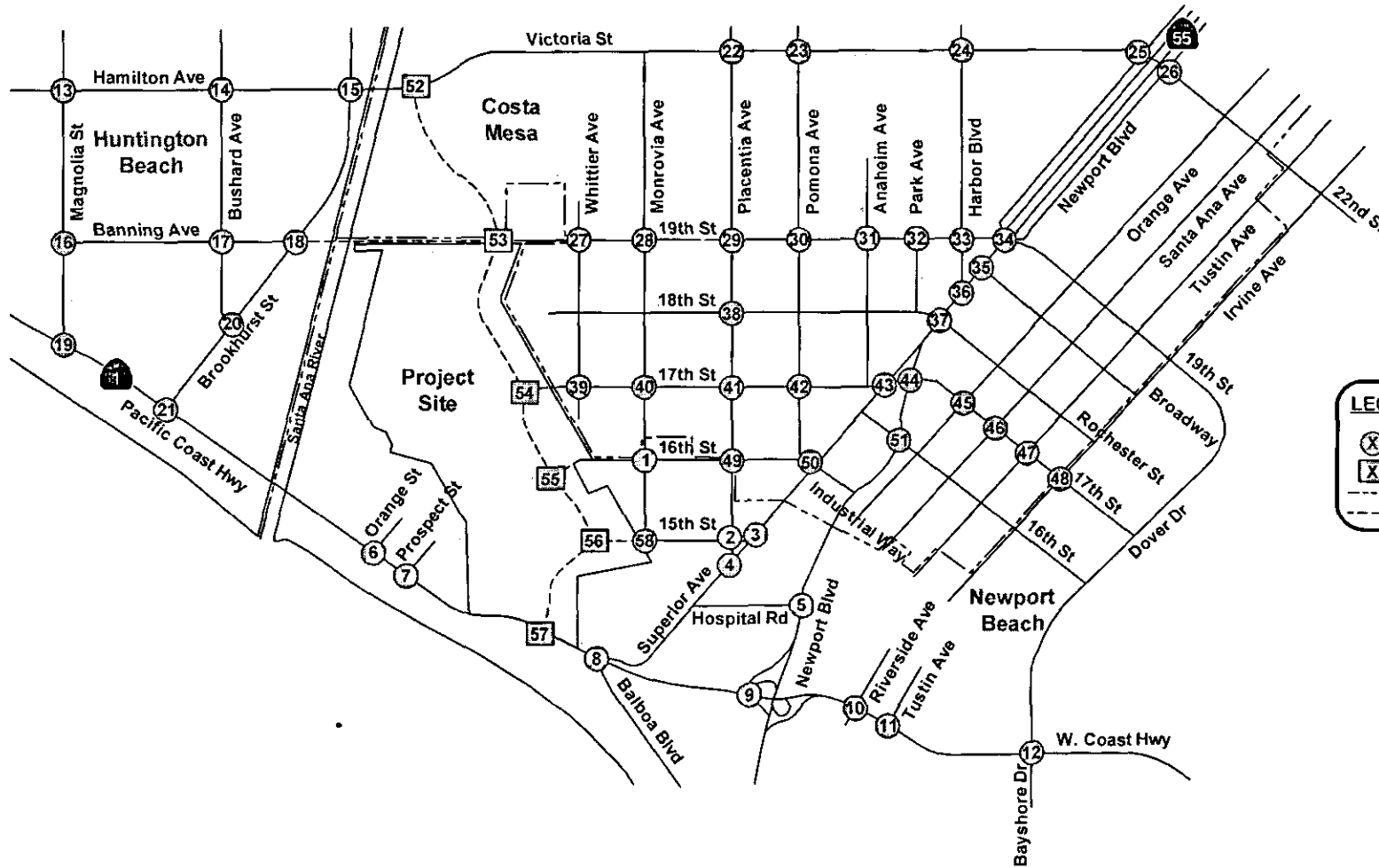
The California Department of Transportation (Department), District 12 is a responsible agency on this project and has the following comment:

1. Table 1-1, Threshold 4.3-3 in the Level of Significance After Mitigation column should read, "Less than significant impact with mitigation incorporation".
2. The proposed signalized intersection is not recommended based on the MUTCD, chapter 4, which reads, "a traffic control signal should not be installed if it shall seriously disrupt progressive traffic flow".

Please continue to keep us informed of this project and any future developments, which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to call Damon Davis at (949) 440-3487.

Sincerely,

*Maryam Molavi*  
Maryam Molavi, Acting Branch Chief  
Local Development/Intergovernmental Review



Source: Kimley-Horn and Associates, Inc. 2011

### Traffic Study Area

### Exhibit 4.9-3

Newport Banning Ranch EIR



and that “for developments which will directly access a CMP Highway System link, the threshold for requiring a TIA should be reduced to 1,600 or more trips per day” (Kimley-Horn 2011). Within the Project vicinity, the CMP Highway System includes two arterials: Newport Boulevard and Pacific Coast Highway/West Coast Highway. The intersection of Newport Boulevard at West Coast Highway is the only CMP intersection within the Project’s traffic study area. Because the Project’s daily trips would exceed these volumes, the Project is required to comply with the CMP Traffic Impact Analysis guidelines. The LOS standard for CMP facilities states that “in no case shall the LOS standards established be below the Level of Service E or the base year level, whichever is farthest from Level of Service A” (Kimley-Horn 2011).

State Highway Facilities Signalized Intersections

Table 4.9-3 identifies level of service descriptions for State Highway facilities. Caltrans requires the use of the HCM intersection analysis methodology to analyze the operation of signalized intersections on a State Highway controlled by Caltrans (*Caltrans Guide for the Preparation of Traffic Impact Studies* dated December 2002). The HCM methodology measures average seconds of delay per vehicle based on a number of technical parameters, such as peak hourly traffic volumes, number of lanes, type of signal operation, signal timing, and signal phasing in the calculations. In the vicinity of the project, Pacific Coast Highway/West Coast Highway and Newport Boulevard are Caltrans facilities (see Table 4.9-1). Therefore, traffic study intersections on State Highway facilities are also analyzed using the HCM intersection analysis methodology.

Caltrans does not have established significance criteria for State Highway intersections. The EIR Traffic Impact Analysis assumes that a significant Project impact occurs at a State Highway study intersection when the addition of project-generated trips causes the study intersection’s peak hour LOS to change from acceptable operations (LOS A, B, or C) to deficient operations (LOS D, E, or F). If an existing State Highway facility is operating at a level that is lower than the target level of service, the existing level of service is to be maintained.

**TABLE 4.9-3  
STATE HIGHWAY FACILITIES LEVEL OF SERVICE DESCRIPTIONS**

Level of Service	Signalized Intersection Delay (sec)	Description
A	≤10	<b>Excellent</b> – No vehicle waits longer than one red light and no approach phase is fully used.
B	> 10 and ≤ 20	<b>Very Good</b> – An occasional approach phase is fully utilized; drivers begin to feel somewhat restricted within groups of vehicles.
C	> 20 and ≤ 35	<b>Good</b> – Occasionally drivers may have to wait through more than one red light; back-ups may develop behind turning vehicles
D	> 35 and ≤ 55	<b>Fair</b> – Delays may be substantial during portions of the rush hours, but enough lower volume periods occur to permit clearing of developing lines, preventing excessive back-ups.
E	> 55 and ≤ 80	<b>Poor</b> – Represents the most vehicles that the intersection approaches can accommodate; may be long lines of waiting vehicles through several signal cycles.
F	> 80	<b>Failure</b> – Back-ups from nearby locations or on cross streets may restrict or prevent movement of vehicles out of the intersection approaches. Tremendous delays with continuously increasing queue lengths.

HCM: Highway Capacity Manual; sec: seconds.  
a. HCM 2000.  
Source: Kimley-Horn 2011.