

Mr. Patrick Alford

City of Newport Beach

3300 Newport Beach, Newport Beach, Ca.

Re: Banning Ranch DEIR

Section 4-3

Geological

4.3 – 1

Grading of Bluff – Primary goal of Newport Beach is to reduce the potentialproperty damage from human induced hazards. The possibility of earth movement and damage to the structures close to the areas that have heavy grading have not been addressed. Notice from an occupant at 11 Summerwind Court has given notice to the city regarding earth movement and resulting in damage to the unit. The DEIR does not address the possible damage to the units from subsidence and ground movement from the extensive grading in close proximity to the units in Newport Crest.

4.3-1 The section mentions habitable should be a minimum of 60 feet from the bluff top. Does the proposed alignment of bluff road meet this standard to the wall of Newport Crest and adjacent patios? Would it not be prudent to have a separation of more than the minimum standard of setbacks from a bluff area including the roads ?

4.3-6 Could the soil become more unstable because of this project and subsidence occur in nearby homes?

Noise 4.12

4-12-3 The city cities noise policy is to protect residents from excessive noise intrusions, yet why does it state the guidelines primarily used to assess noise impacts to new development when the major impacts would be to the Newport Crest community which are repeatedly stated as “significant and unavoidable”. The information states that the Title 24 regulations for interior CNEL with windows closed is 45dba, yet the next paragraph states that a 60-65dbL is compatible with noise levels. Would the noise levels would exceed 60-70dbL in Newport Crest for heavy grading with large earth movers and the alarms for reverse on the heavy equipments over long periods of time? Why are there not clear guide lines for heavy equipment when it will have a significant effect and noise levels for homeowners? This effect of noise over 8-9 months is too important to be exempted. Why would this not be an important element in the DEIR, as affect so many people for so long? Possibly 10 houses a day 6 days a week for 8-9 months.

4.12-3 The Deir does not address the amplified noise levels in the Newport Crest development. The development is built in courtyards which amplify noise entering the courts and more so to residents

having master bedrooms on the court. This issue has not been addressed in the DEIR and what measurements will be made to address this problem.

4.12-8 all these dbL numbers exceed the standards of acceptable noise levels of under 65 dbL and they are expected to continue for 8 months! What studies will be done for the excessive noise for an extended time. What data on the effect of this level of noise for long periods will do to the existing residences and most of courtyards in Newport Crest with approximately 460 units?

Exhibit 4.12-4 why have alternative alignments not been proposed for Bluff road? This appears to be a clear oversight on the part of the DEIR. If the city is actually concerned with noise and pollution impacts should not other alignments be considered? Why has the movement of Bluff road to the north and the entrance into the already graded roadway by Caltrans been considered? Would this mitigate some noise for the Crest and use the already partially graded Caltrans trench? Would this save the city the cost of excessive grading of the existing Bluff? Why has the proposal of a two lane road since all the roads that are proposed to free into Bluff road are 2 lane roads and the "throw away" road to the park is 2 lanes? Why has the Caltrans trench been used rather than cutting the bluff?

4.12-13 Most all residences have the master bedroom on the second floor which they have suggested would not exceed 65dbL. few have any air conditioning and need to have open windows. What data takes this into consideration and the amplified noise in the courtyard configuration?

Page 4.12-27 The paragraph states that realignment would further impact open space. The DEIR does not address the actual impacts. The consideration is for the new homes and not the existing homes. Would not the actual grading be less as the roadway would utilize the roadway that was actually graded by Caltrans and there would be no grading of the Bluff top which is significant? Would this not significantly mitigate the noise, pollution and damages to the existing communities? Why was this not deemed feasible? Will the Caltrans trench be graded and filled in to accommodate the NEW communities?

4.12.4 Where are the proposals that have studied to mitigate noise in the Crest? The simple statement of significant and unavoidable would appear to be an inadequacy of planning and what further studies are going to be done to address the issues on the DEIR regarding this development.

Page 4.12.32 Impact summary. Has the noise generated by the commercial entities been evaluated for the Crest residences with specific decibel levels at times of highest use?

4.12-4 It would appear that the bulldozers would come within 25-30 feet of the walls of Newport Crest if the alignment of Bluff road cuts the existing bluff?

Mm4.12-6 Many Crest residents have ocean views. How will this barrier affect these views and how will these noise barriers affect noise to the second story master bedrooms?

Why has the DEIR contained no health information on the impacts of the noise levels produced from remediation, continued grading and construction? Including, but not limited to stress levels from long

term exposure to heightened noise levels over extended periods of time, insomnia, hearing impairment and impacts of vibrations on the body, loss of quality of life to name a few.

4.11 Greenhouse Gas Emissions

Endangerment finding – Where are the specific levels of green house gases and the levels of each that will effect the existing communities next to the construction and what will the emissions be separated for for the remediation process, the grading process, the construction phase and the continuing levels for the roads and the built out phase for the residents most affected by the project – Newport Crest, Newport Shores, Lido Sands and Costa Mesa locations? I am sure there will be varying levels of impacts for each area and very significant in the analysis of the impacts to this development to the people surrounding it.

4.11.2 Page 4.11.5 The mitigation measure appears to be inadequate and very vague. Should the measures be outlined in an actual plan to mitigate the problems based on actual concrete programs and planned measures by the city in the DEIR?

The recommended measures on the table on page 4.11.1 and in the data do not address the actual project that is being considered and the actual impact to these communities. Is it the responsibility to the residents on the specific areas to go in depth to analyze what the gas emission will be for each area and the impact on the continuing health of the residents?

4.11.1 The estimated gas emission are an average and do not address the specific community of the Crest residents. The impact study says the project would make a cumulative considerable impact and a significant impact to global climate change. Will it outline specific plans to reduce the emissions - electric vehicles, trucks with significantly reduced emissions, shorter hours of operation, more separation from existing communities – actual concrete information on how the developers will mediate this issue?. Will each building permit for mitigation procedures be open to public scrutiny?

Sincerely,

Natalie Fogarty

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