

## Alford, Patrick

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**From:** snicksdad [snicksdad@verizon.net]  
**Sent:** Monday, November 07, 2011 9:43 PM  
**To:** Alford, Patrick  
**Subject:** Banning Ranch DEIR  
**Attachments:** Comments to DEIR D B#63CA68.pdf

Hello Patrick,

Thank you for the links to the web site for the DEIR – Banning Ranch. I have attached comments as a resident of Newport Beach and Costa Mesa and the concerns I see with the project in its current form. Please provide to Bonterra so they can add to the DEIR and evaluate at your planning commission .

Thank you for the opportunity to comment.

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**Introduction/Overview:**

The purpose of this review is to comment on the DEIR prepared for the City of Newport Beach and a Project known as Banning Ranch (State Clearinghouse No. 2009031061). The notes below identify the section of the DEIR that have negative impacts onto a neighboring City (Costa Mesa) and the neighboring communities. This DEIR puts off mitigation to the developer and the neighboring City. The DEIR should analyze lesser densities and development alternatives that will bring the project into a less than significant impact versus unavoidable impacts. The project alternative as proposed would require right of way dedications, eminent domain potentially upon private property owners and expose residents to excess GHG that is defined as unavoidable. The project needs to be redesigned so as to bring the project into conformity with State mandated GHG requirements and local City and County roadway networks. This may include the discontinued discussion regarding the West Coast Highway connection that is currently not considered necessary. After review of the DEIR the West Pacific Coast Highway connection is necessary to reduce the project impacts to less than significant.

**Section 1.0, Page 1-2 and 1-3 – Alternative Use**

City may have a Development Agreement that allows the city to acquire property as open space.

**Request/Comment:**

Copy of the Development Agreement/Agreement with the property owner and the City/County for purchase rights.

**Section 1.0, Page 1-3 – Second roadway connection to West Coast Highway is being determined not to be necessary for the project.**

**Request/Comment:**

**Reject the determination that the West Coast Highway connection is not necessary.** The impacts to not placing this roadway into the roadway network will impact existing narrower streets in neighboring areas in Costa Mesa and the neighboring City should not burden these impacts on existing and proposed developments. The West Coast Highway connection should be included as a relieving impact to other roadway networks regardless of the traffic studies. (Refer to Section 4.9 – Transportation and Circulation)

**Section 1.0, Page 1-3 – Removal of second connection to West Coast Highway. The Project is requesting that the City of Newport Beach recommend that the West Pacific Coast Highway connection not occur as follows:**

“As proposed, the Project requires an amendment to the General Plan Circulation Element to delete a second road connection to West Coast Highway through the Project site from 15th Street. The traffic analysis done for the Project demonstrates that this roadway is not needed to serve the traffic demand associated with the proposed Project and sub regional development. Therefore, construction of this second road to West Coast Highway has not been identified as a component of the Project. For further discussion of the travel demand, please see Section 4.9, Transportation and Circulation.”

**Request/Comment:**

**Reject the project as proposed** to remove the second roadway connection to West Coast Highway. Review of the County of Orange document regarding the Master Plan for Arterial Highways (MPAH) is needed. Additional review needs to be completed so as to better understand the impact before discounting a secondary access point to the Major Arterial that would better facilitate traffic flows known as the Pacific Coast Highway. This review needs to be completed before the DEIR is adopted. {Draft Environmental Impact Report (EIR) (State Clearinghouse No. 2009031061)}

**Section 1.0, Page 1-3 – States that the Orange County MPAH designates North Bluff Road as a Primary (four-lane divided) to 17th Street and a Major (six-lane divided) between 17th Street and 19th Street. An amendment to the Orange County MPAH is required to change the designation from a Major to a Secondary (four-lane undivided) between 17th Street and 19th Street.**

**Request/Comment:**

A **Review of North Bluff Road** and the designation of 16<sup>th</sup>, 17<sup>th</sup> and 19<sup>th</sup> streets and the potential impacts on future and proposed projects that are currently under consideration needs to be evaluated.

**Section 1, Page 1-4 - Tentative Tract Map (TTM) No. 17308 is requested. There is also a Development Agreement (DA) between the Developer and the City of Newport Beach. This should be reviewed by the City of Costa Mesa.**

**Request/Comment:**

**Deem TTM incomplete** in that the impacts have not been mitigated to a level of less than significant. Any TTM, PM or land use entitlement needs to be fully reviewed for potential impacts to both the surrounding communities and the potential damage to

wetlands and endangered and listed species both plant life and animal life and potential migration territories. Therefore a complete review of resource agencies that are affected will need to be evaluated before finalization of the DEIR. See Section 3.0 for additional information.

The DA between the Developer and the City of Newport Beach promises certain development rights on each side (City/Developer). This DA needs to be reviewed by the City of Costa Mesa, as the development is seeking acceptance of unavoidable impact to the City of Costa Mesa Community and neighborhoods that will have long-range and permanent impacts.

**Section 1, Page 1-9 and 1-10 – Project Alternative “A” is a no project alternative. As stated if the project did not move forward the following would be the result at this time:**

“This alternative would not have any impacts that are significant and unavoidable, whereas the proposed project would have significant unavoidable impacts associated with land use compatibility (due to noise, and night lighting), aesthetics, transportation, air quality, greenhouse gas emissions, and noise.”

**Request/Comment:**

That the City of Newport Beach support Alternative “A:” at this time and allow the developer to re-design and lower the impacts to “less than significant” as defined by CEQA. Additionally, that the City not adopt over-riding considerations. There are other project alternatives that have not been explored. Additionally, that the City of Costa Mesa should make the same recommendations that the City of Newport Beach accept Alternative “A” at this time in that the local and regional impacts have not been mitigated to a level of less than significant. Additionally, that additional right-of ways and private property impacts that affect the City of Costa Mesa be reduced so as not to be required or impacted upon such areas as Newport Boulevard and 17<sup>th</sup> Street, 15<sup>th</sup> Street, 18<sup>th</sup> Street and Monrovia Street. This is not intended to be an all inclusive impact listing but rather the indentifying factors of impacts that are unacceptable even with the proposed project mitigation measures.

**Section 1, Page 1-10 and 1-11 – Project Alternative “B” This project is deemed acceptable by the DEIR; some of the impacts are as follows:**

“There would be land use incompatibility with respect to night illumination associated with the Community Park and long-term noise impacts on those Newport Crest residences immediately contiguous to the Project site. In addition, there would be a potential long-range noise impacts for residents on 17th Street west of Monrovia Avenue. For noise, though mitigation is proposed, noise impacts would remain

significant if the residents of Newport Crest elect not to implement the mitigation measures to reduce the increased interior noise levels and if the City of Costa Mesa does not implement the recommended measure of resurfacing the street with rubberized asphalt (Threshold 4.1-1).

- Alternative B would introduce nighttime lighting into a currently unlit area. The Community Park is anticipated to have night lighting of active sports fields, which could result in light spillover onto adjacent properties. The night lighting impacts are considered significant and unavoidable. The City of Newport Beach General Plan Final EIR found that the introduction of new sources of lighting associated with development of the site would be considered significant and unavoidable. In certifying the General Plan Final EIR and approving the General Plan project, the City approved a Statement of Overriding Considerations, which notes that there are specific economic, social, and other public benefits that outweigh the significant and unavoidable impacts associated with the General Plan project (Threshold 4.2-3).”

**Request/Comment:**

**Reject Project Alternative “B”** at this time. The City should not adopt over riding considerations on any project. Especially this project, there are alternatives that with a re-design would lessen the impacts. These can be resolved and mitigated to a level of less than significant as defined by the State of California CEQA guidelines. The City of Newport Beach and the City of Costa Mesa should adopt this policy and not rely on over riding considerations. With this project there are alternatives that just have not been considered or need to be re-evaluated.

**Section 1, Page 1-12 and 1-13 – DEIR Project Alternative C describes impacts that are in control by Newport Beach and will negatively impact the City of Costa Mesa (i.e., Extension of Bluff Road to 17<sup>th</sup> Street). The Section is as follows:**

“Alternative C would have impacts on intersections in the City of Costa Mesa. Implementation of MM 4.9-2 would mitigate the impacts to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, if the Applicant is unable to reach an agreement with the City of Costa Mesa that would ensure that Project impacts occurring in Costa Mesa would be mitigated concurrent with or preceding the impact, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable. Pursuant to Threshold 4.9-2, the following impacts were identified with the various traffic scenarios evaluated:

- Existing Plus Alternative C: Alternative C would significantly impact four intersections in Costa Mesa, whereas the proposed Project would significantly impact three intersections in Costa Mesa.
- Year 2016 With Alternative C Transportation Phasing Ordinance (TPO).

Comments to DEIR – Newport Banning Ranch – City of Newport Beach  
State Clearinghouse No. 2009031061

Alternative C would significantly impact five intersections, compared to seven for the proposed Project.

– Year 2016 Cumulative With Alternative C. Alternative C would significantly impact six intersections; the proposed Project would significantly impact seven intersections: – General Plan Build out with Alternative C. Alternative C would significantly impact four intersections compared to the proposed Project would significantly impact two intersections.

- Without mitigation, regional (mass) emissions of nitrogen oxides (NO<sub>x</sub>) are forecasted to exceed applicable thresholds in some construction years. Though MM 4.10-1 would reduce the emissions to a less than significant level, the availability of sufficient Tier 4 diesel engine construction equipment cannot be assured. Therefore, for purposes of this EIR, the impacts are found to be significant and unavoidable impact (Threshold 4.10-2).

- Long-term operational emissions of criteria pollutants would not exceed the SCAQMD mass emissions thresholds from initial occupancy through 2020. However, as Alternative C development continues beyond 2020, emissions of volatile organic compounds (VOC) and carbon monoxide (CO) would exceed the significance thresholds, principally due to vehicle operations. Therefore, the impacts remain significant and unavoidable (Threshold 4.10-2).

- Alternative C would have cumulatively considerable contributions to regional pollutant concentrations of ozone (O<sub>3</sub>) (Threshold 4.10-3).

- Alternative C would emit quantities of greenhouse gases (GHGs) that would exceed the City's 6,000 metric tons of carbon dioxide equivalent per year (MTCO<sub>2</sub>e/yr) significance threshold. Development associated with Alternative C would make a cumulatively considerable contribution to the global GHG inventory affecting global climate change (Threshold 4.11-1).

- For the Existing Plus Project, 2016 with Project, and General Plan Build out scenarios, the increased traffic volumes on 17th Street west of Monrovia Avenue would expose sensitive receptors to noise level increases in excess of the City of Newport Beach's standards for changes to the ambient noise levels. At build out, noise levels would also exceed significance thresholds in the City of Costa Mesa. MM 4.12-5 requires the Applicant to provide funds to the City of Costa Mesa to resurface the street with rubberized asphalt; however, the City of Newport Beach has no ability to ensuring that the mitigation would be implemented. Therefore, the forecasted impact to residents of 17th Street west of Monrovia is considered significant and unavoidable (Threshold 4.12-2).

- For portions of the Newport Crest development, there would be a significant increase in the ambient noise level due to the projected traffic volumes in the build out condition of Alternative C. MM 4.12-6 would reduce impacts to levels within the

Comments to DEIR – Newport Banning Ranch – City of Newport Beach  
State Clearinghouse No. 2009031061

“Clearly Compatible” or “Normally Compatible” classifications but would remain above the 5 dBA significance criterion in the General Plan. MM 4.12-7 would provide interior noise attenuation but because the City of Newport Beach does not have the authority to mandate the implementation of mitigation on private property that is not on the Project site, the impact would be significant and unavoidable (Thresholds 4.12-4).

- Use of construction equipment would result in a substantial temporary increase in ambient noise levels to nearby noise-sensitive receptors in the vicinity of the Project. Due to the low existing ambient noise levels, the proximity of the noise-sensitive receptors, and duration of construction activities, the temporary noise increases would be significant and unavoidable (Threshold 4.12-2).”

**Request/Comment:**

That the City of Costa Mesa should **Reject** any Project **Alternative “C”** the will negatively impact the City even if mitigated. The City of Newport Beach should require that all impacts be retained within their jurisdiction and sphere of influence. Therefore, the roadways and intersections within the City of Newport Beach should be widened accordingly (West Pacific Coast Highway connection should be re-instituted as part of the project alternatives.

**Section 1.0, Page 1-14 and 1-15 describes unavoidable impacts unless City of Costa Mesa accepts mitigation and some impacts are unavoidable as follows:**

“• When compared to the proposed Project, Alternative D would have a reduction of average daily trips (ADT) and PM peak hour trips, but an increase in AM peak hour trips. Based on the lower volume of ADT and PM peak hour volumes, Alternative D would not create additional roadway or intersection deficiencies. Both Alternative D and the proposed Project would be expected to result in a significant impact at one intersection in the City of Newport Beach and seven intersections in the City of Costa Mesa. Impacts to the intersection of Newport Boulevard at West Coast Highway in the City of Newport Beach can be mitigated to a level considered less than significant. Alternative D would impact the following Costa Mesa intersections: Newport Boulevard at 19th Street, Newport Boulevard at Harbor Boulevard, Newport Boulevard at 18th Street/Rochester, Newport Boulevard at 17th Street, Monrovia at 19th Street, Pomona Avenue at 17<sup>th</sup> Street, and Superior Avenue at 17th Street. Implementation of MM 4.9-2 would mitigate the impact to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, if the Applicant is unable to reach an agreement with the City of Costa Mesa that would ensure that Alternative D impacts occurring in Costa Mesa would be mitigated concurrent with or preceding the impact, for purposes of this EIR, the impacts to be would remain significant and unavoidable (Threshold 4.92).

Alternative D would emit quantities of GHGs that would exceed the City’s 6,00 MTCO<sub>2</sub>e/yr significance threshold. Similar to the Project, Alternative D would make cumulatively considerable contribution to the global GHG inventory affecting global climate change (Threshold 4.11-1).

- The increased traffic volumes on 17th Street west of Monrovia Avenue would expose sensitive receptors to noise levels in excess of the City of Newport Beach’s standards for changes to the ambient noise levels. At build out, noise levels would also exceed significance thresholds in the City of Costa Mesa (Threshold 4.12-2).”

**Request/Comment:**

**Reject** Project **Alternative “D”** and that the DEIR and Projects cannot pass-on its reasonability into an adjoining City and if not accepted it is unavoidable. There should be no project until these mitigations can be all approved and considered. GHG’s need to be in compliance and development alternatives developed before adoption of the DEIR. Noise impacts need to be considered prior to build out of the project. These impacts need to be mitigated prior to consideration of the DEIR.

**Section 1, Page 1-16 and 1-17 describe project alternate E and negative impacts to intersections in the City of Costa Mesa that they say are out of their control as well as GHG and unacceptable noise levels as follows:**

“Alternative E is expected to have an increase in ADT and peak hour traffic volumes when compared to the proposed Project. However, this increase in peak hour volumes is not anticipated to cause any of the intersections operating at an acceptable level of service with the Project to operate at an unacceptable level of service this alternative. Both Alternative E and the proposed Project would be expected to result in deficiencies at the intersection of Newport Boulevard at West Coast Highway in the City Newport Beach, which can be mitigated to a level considered less than significant. Both Alternative E and the proposed Project would be expected to significantly impact seven intersections in Costa Mesa: Newport Boulevard at 19th Street, Newport Boulevard at Harbor Boulevard, Newport Boulevard at 18th Street/Rochester, Newport Boulevard at 17th Street, Monrovia at 19th Street, Pomona Avenue at 17th Street, and Superior Avenue at 17th Street. Implementation of MM 4.9-2 would mitigate the impacts to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, if the Applicant is unable to reach an agreement with the City of Costa Mesa that would ensure that Alternative E impacts occurring in Costa Mesa would be mitigated concurrent with or preceding the impact, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable (Threshold 4.9-2).



Alternative E would emit quantities of GHGs that would exceed the City’s 6,000 MTCO<sub>2</sub>e/yr significance threshold. Similar to the Project, Alternative E would make a cumulatively considerable contribution to the global GHG inventory affecting global climate change (Threshold 4.11-1).

- The increased traffic volumes on 17th Street west of Monrovia Avenue would expose sensitive receptors to noise levels in excess of the City of Costa Mesa’s standards. MM 4.12-5 requires the Applicant to provide funds to the City of Costa Mesa to resurface the street with rubberized asphalt; however, the City of Newport Beach has no ability to assure that the mitigation would be implemented. Therefore, the forecasted impact to residents of 17th Street west of Monrovia is considered significant and unavoidable (Threshold 4.12-4).”

**Request/Comment:**

**Reject Project Alternative “E”.** Alternative “E” should not be considered as unavoidable and outside of the City of Newport Beach jurisdiction. All impacts should be contained within the Municipal boundary of Newport Beach. If the impacts are not reduced to less than significant than the project should not be approved in its current form.

**Section 1.0, Page 1-17 and 1-18 - Project Alternative “F” has unavoidable impacts as follows and should be rejected. The listed impacts are as follows:**

“• Alternative F would be projected to result in a decrease in ADT and peak hour traffic volumes when compared to the proposed Project. This decrease in peak hour volumes would not cause any of the intersections operating at an acceptable level of service with the Project to operate at an unacceptable level of service. Both Alternative F and the proposed Project would be expected to result in deficiencies at the intersection of Newport Boulevard at West Coast Highway in the City of Newport Beach that can be mitigated to a level considered less than significant. Alternative F and the proposed Project would significantly impact seven intersections in Costa Mesa: Newport Boulevard at 19th Street, Newport Boulevard at Harbor Boulevard, Newport Boulevard at 18th Street/Rochester, Newport Boulevard at 17th Street, Monrovia at 19th Street, Pomona Avenue at 17th Street, and Superior Avenue at 17th Street. Implementation of MM 4.9-2 would mitigate the impact to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, if the Applicant is unable to reach an agreement with the City of Costa Mesa that would ensure that Alternative F impacts occurring in Costa Mesa would be mitigated concurrent with or preceding the impact, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable (Threshold 4.9- 2). Alternative F would emit quantities of GHGs that would exceed the City’s 6,000 MTCO<sub>2</sub>e/yr significance threshold. Similar to the Project, Alternative F would make a cumulatively considerable contribution to the global GHG inventory affecting global climate change (Threshold 4.11-1).

Comments to DEIR – Newport Banning Ranch – City of Newport Beach  
State Clearinghouse No. 2009031061

- The increased traffic volumes on 17th Street west of Monrovia Avenue would expose sensitive receptors to noise levels in excess of the City of Newport Beach’s standards for changes to the ambient noise levels. At build out, noise levels would also exceed significance thresholds in the City of Costa Mesa. MM 4.12-5 requires the Applicant to provide funds to the City of Costa Mesa to resurface the street with rubberized asphalt; however, the City of Newport Beach has no ability to ensuring that the mitigation would be implemented. Therefore, the forecasted impact to residents of 17th Street west of Monrovia is considered significant and unavoidable (Threshold 4.12-2).”

**Request/Comment:**

**Reject** Project **Alternative “F”** as the impacts into the neighboring community/city are unacceptable and puts the impacts onto the neighboring city to rectify not the City of Newport Beach and the Project Developer.

**Conclusions/Summary:**

As proposed the Newport Banning Ranch – City of Newport Beach State Clearinghouse No. 2009031061 should be continued and or rejected as currently proposed based on the impacts that have long-range implications and should be redesigned for further study and consideration. Below is a summary of the residential component and how it can be re-designed to lessen the impact on the community and existing planned, proposed projects that exist not only in Newport Beach but Costa Mesa and the County un-incorporated areas.

The project as proposed is seeking 1,375 residential units to be placed in 84 acres for both commercial and residential land area. If we were to only consider residential that average would be 2,300 square feet of land area (Alternative E and F) per unit. This is very dense. A high-end community to retain a high property value and lessen the impact on adjacent community’s and neighborhoods the land area allocation for residential units should be adjusted accordingly. Detailed below is a brief summary of land square footages that will allow a higher-end community with large land area and open space by lessening the amount of residential units. This will also lessen the impact on the existing roadway network. These need to be considered before moving forward with the DEIR.

Comments to DEIR – Newport Banning Ranch – City of Newport Beach  
 State Clearinghouse No. 2009031061

Residential land area Density Table  
 Residential component only

<b>Lot Size or Land Area per Residential Unit</b>	<b>Dwelling Units</b>	<b>Sq. Ft Total</b>	<b>Acres</b>	<b>Notes</b>
8,000	456	3,648,000	84	Not being considered
10,000	365	3,648,000	84	Not being considered
12,000	304	3,648,000	84	Not being considered
2,653	1,375	3,648,000	84	Proposed Project – Alt “E” and “F”
3,536	1200	4,242,744	97.4	Proposed Project – Alt “” and “D”

Project Alternative “D” is still too high of a residential unit count for the proposed land area. This also is shown in the aforementioned table above. The density should not be calculated over the entire project. The density is based on the acreage for residential units and the square footage average per unit on the acreage used. The entire project will give the reader a skewed understanding on density and impacts associated with the generation of traffic and impacts on GHG, etc. The project needs to break out land area for commercial and residential separately. This will provide the reader and elected official to better understand the impacts. As proposed the project is too dense regarding the populated land uses (commercial & residential) excluding the park elements/open space.