

Daniel Johnson
4832 River Avenue
Newport Beach, CA 92663

November 8, 2011

SENT VIA E-MAIL AND U.S.P.S.

City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663
Attention: Patrick Alford

SUBJECT: NEWPORT BANNING RANCH DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Alford,

Thank you for the opportunity to comment on the Newport Banning Ranch Draft Environmental Impact Report (DEIR). Please include the following comments and concerns in the official record.

While I acknowledge all the hard work that was put into the development of this DEIR, I also acknowledge the irreparable and permanent effects of the NBR development as proposed, only some of which are listed here:

- Loss of natural habitat and reduction and/or elimination of local animal and plant species
- Destruction of ever-disappearing natural coastal scenic resources for the general public
- Increase in air, light and noise pollution for existing residents
- Increase in toxic runoff ultimately affecting ocean water quality for existing residents
- Destruction of cultural & historical topography
- Increase in traffic and population density in existing overly dense population area
- Increase in law enforcement activity in adjacent neighborhoods

GENERAL PLAN OBJECTIVES

The Newport Beach General Plan was developed based on a Visioning process that entailed gathering input from thousands of city resident volunteers in a process that spanned several years. As a result of this collective effort 14 major fundamental objectives were established as identified in The Preamble to The General Plan. The applicable objective was listed as "Supporting efforts to acquire Banning Ranch for permanent open space". The General Plan prioritizes the acquisition of Banning Ranch as permanent open space with restoration of oil operation damaged areas and development of nature education interpretive facilities. While development thresholds were included in the General Plan in the event the property was not acquired as open space, it should be noted that the objective and priority of the citizens will not be served by the NBR development. It should also be noted that shortly after the public approval of the General Plan occurred, the development plans for NBR were initialized.

REQUEST #1:

Please provide an extensive listing of specifically what elements of “support” to date has been provided by the City of Newport Beach to acquire Banning Ranch for permanent open space. Short of receiving any information in this regard, I respectfully disagree that the City of Newport Beach staff and council has upheld the stated General Plan commitments to the public they serve in this regard.

NBR DEIR COMMENTS

Background

I have owned a home and resided continuously in West Newport adjacent to the proposed NBR development for the last 19 years, specifically in Lido Sands Community Association (LSCA), and more specifically on River Avenue. I was also fortunate enough to grow up living in LSCA from 1962-1982, so altogether I have been fortunate to live in this area for nearly 50 years. While I have a myriad of concerns as listed at the outset of this letter which span almost every section of the DEIR, most of my questions and comments relate to the validity of the NBR DEIR in terms of properly and realistically measuring a wide variety of impacts on the existing adjacent beach neighborhoods on the coast side of PCH, which I will refer to in this letter as the West Newport Beach Sub Region (WNBSR).

1. Unique Demographics of WNBSR needs examination under different standards

Section 4.7 of the DEIR discusses population impacts of the NBR development and bases its analyses on standardized information from a variety of governmental entity sources, including City, County, & SCAG to derive impact conclusions and validation of compliance to those established standards. West Newport Beach consists of two (2) miles of high quality maintained public beach surrounded by and inundated directly adjacent with an extensive proportion of multi-unit residential housing to the degree that there no longer exists any open land or lots, i.e., the WNBSR is “built out”. It is also an area that is a highly sought “end destination” for public beach access and usage by local non-resident users within the county and by tourists from all over southern California and around the world, to such a degree the City of NB boasts on its website that during the summer months the population “grows by an additional 20,000-100,000 tourists daily”. As a result of this unique character and extremely high usage of this WNBSR, the impact of implementing a residential development that would add an additional 3,000+ permanent residents immediately adjacent, with additional access transportation corridors in an already highly dense population and traffic sub-region **must be examined under different standards than normal development circumstances.**

REQUEST #2

Please provide information as to what considerations, adjustments or modifications have been made to the standardized impact analysis models, to take into consideration the unique existing population and traffic traits as listed above, in order to properly examine the realistic impact conditions in the WNBSR of introducing an additional 3,000+ permanent residents into the immediate area and a new major transportation corridor (Bluff Road) with its adjacent terminus. Barring any analytical conclusions that take into consideration the unique context of the WNBSR in which the proposed development will reside immediately adjacent to, I respectfully disagree that the population and traffic impacts on existing residents are anything less than extremely significant.

2. Current Public Beach Access Deficiencies combined with New Adjacent Terminus of Major Transportation Corridor (Bluff Road)

Based on the unique population density traits as previously described in the WNBSR, the current facilities for traffic and parking remain extraordinarily deficient under normal circumstances, and become exacerbated during the summer months with the addition of non-resident tourist beach and rental property usage. The City has worked hard to deal with balancing the needs of residential parking with non-residential public beach access, but because of history of over permitting an inordinate percentage of multi-unit residential within the WNBSR, the area remains mired with density levels too extreme to accommodate both needs (residential parking & public access). Section 4.9 of the DEIR discusses the Transportation and Circulation impacts which again basis its analyses on resources that do not address the specific impacts that will occur in reality within the WNBSR as a result of the NBR development. One of the main components of the NBR development project is a new transportation corridor (Bluff Road) with a terminus on PCH directly adjacent to the existing most heavily impacted areas of the WNBSR for parking and traffic, as discussed above. The references to resources that form the basis for rationalization of this new major transportation corridor have little relevance when the current traffic and parking conditions are taken into account. The DEIR cites a plethora of governmental programs, such as Congestion Management Plan, SCAG Regional Comprehensive Plan, Regional Transportation Plan, and the Orange County Master Plan of Arterial Highways; however, once again, based on the unique character of the WNBSR as previously discussed, the introduction of this new major transportation corridor **must be examined under different standards than normal development analysis circumstances.**

REQUEST #3

Please provide information as to what considerations, adjustments or modifications have been made to the standardized impact analysis models, similar to #2 above, but that also take into consideration the current existence of the parking and traffic problems described above as the City of Newport Beach attempts to balance the current (pre-NBR Development) levels of population density. Unless there are modifications made to the existing standards to take into consideration the existing density levels and current parking and traffic deficiencies, I respectfully disagree that the traffic impacts on existing residents are anything less than extremely significant.

REQUEST #4

Please provide information as to what alternatives have been explored within the proposed NBR Development that exclude the development of a major transportation corridor terminus onto PCH in the densely populated WNBSR.

3. Issues Related to Beach Access via River Avenue West of Balboa Blvd

Within the WNBSR, River Avenue west of Balboa, the street I live on, serves as a major beach access route to some of the world's most popular beaches and surfing areas, from 47th Street to Prospect Street, a 2/3 mile stretch of beach spanning 16 Blocks of multiple rows of mainly multi-unit residential. Based on the "lay of the land" this particular street (River Avenue) provides the easiest access from the

intersection of PCH & Balboa Blvd to this large stretch of beach because it parallel's the beach, provides easier access to Seashore Drive via the "through" streets at 51st & 54th Streets; and, also because the beach access 16 blocks to the west via Seashore Drive is not accessible easterly from the intersection of PCH & Prospect Street because of its one-way westerly orientation. As such, there exists extraordinarily high traffic usage and high vehicle speeds relative to the physical width and original intent for River Avenue, as a residential street. Even in the non-Summer months, a large proportion of the usage in the WNBSR area is by non-resident visitors accessing the beach along the 16 blocks, which include three separate City of NB public parking lots; demonstrating that regardless of the bicycle and pedestrian amenities of the area, most non-resident local users will opt to access the WNBSR by vehicle. Additionally, beach access usage increases considerably during the summer months. As was referred to previously, this is an exclusively residential area which as a result of the aforementioned "lay of the land" dynamics, has become a major beach access route and is plagued by excessive vehicle speeds, wrong-way drivers, and a high preponderance of stop sign violators subjecting residents (including a high number of children) to dangerous conditions.

REQUEST #5

As the new transportation corridor proposed in the NBR DEIR (Bluff Road) has its terminus on PCH approximately 1,000 feet from the intersection of Balboa Boulevard & River Avenue and will significantly increase the level of beach access traffic via River Avenue, which is already too heavy for its designed residential usage from a safety standpoint, please provide a listing of mitigation solutions dealing with traffic and parking along this major beach access route that will be implemented as a result of the proposed NBR development. In the absence of any substantive mitigation measures in this regard, I respectfully disagree that the traffic impacts on existing residents along River Avenue are anything less than extremely significant as a result of the NBR development.

REQUEST #6

Please provide information on what studies have been performed relating to the additional traffic congestion, unsafe vehicle usage and parking deficiencies in the 16 block area from 47th Street to Prospect Street that will occur as a result of the proposed major transportation corridor (Bluff Road) with it terminus approximately 1,000 feet from the intersection of Balboa Boulevard & River Avenue.

4. Law Enforcement & Safety Issues in West Newport

With the proposed NBR development increasing population by 3,000+ permanent residents combined with the increased visitor access provided by the new major transportation corridor (Bluff Road), another element of impact is the increased need for law enforcement & safety in the WNBSR. As standardized studies of new development impacts makes the assumption that related lifestyle activities impacts will take place within the bounds of the development and be serviced by the development's amenities and specified internal mitigation devices, Section 4.14 the DEIR related to Public Services and Facilities does not address the resultant increased level of realistic impacts on the adjacent WNBSR, which is an "end destination" for non-residents because of the beach/surfing related lifestyle environment, particularly attractive for teens and young adults. The reality is that this beach/surfing related lifestyle ("partying") environment, and all its related law enforcement and safety issues, will not exist within the NBR development itself, yet will be easily accessible by teen/young adult demographic

proportion of the new NBR permanent residents. This will result in a significant increase of influx into the WNBSR of the teen/young adult demographic via NBR residents (plus non-residents accessing the WNBSR via the new major transportation corridor) resulting in an increased need for law enforcement in the WNBSR related to resultant higher levels of vandalism, burglary, assault & battery, loitering, property damage, littering, vehicle towing and other like activities predominant with this particular teen/young adult demographic in the WNBSR.

REQUEST #7

Please provide information on what analyses have been performed to measure the impact of the increased illegal activities and behavior that would occur in the WNBSR as a result of the addition of 3,000+ permanent residents in the adjacent NBR development and increased visitor access via the new major transportation corridor (Bluff Road).

REQUEST #8

Please provide specific detail on what mitigation solutions to address the increased criminal and illegal activity as discussed that will be implemented in the WNBSR as a result of the influx of the addition of 3,000+ permanent residents in the adjacent NBR development and increased visitor access via the new major transportation corridor (Bluff Road).

5. Emergency & Law Enforcement Vehicle Siren Noise Impacts on the WNBSR

As previously defined, the WNBSR is located adjacent to PCH and Balboa Boulevard, which appropriately serve as major corridors for emergency and law enforcement vehicle routing. While emergency and law enforcement vehicle noise (sirens) is an expected impact given the existing population density, the level of siren activity incidents and associated noise nuisances will increase substantially with the addition of the proposed new major transportation corridor (Bluff Road) intersection less than 1000 feet from the major intersection of PCH and Balboa Boulevard. The intersection of PCH and Bluff Road which will serve 3,000+ new permanent residents in the proposed NBR development will become another major corridor for emergency and law enforcement vehicle routing given its path to the closest fire station and to Hoag hospital. In addition, increased law enforcement activities in the WNBSR as a result of the NBR development, as described in Item 4 above, will also add to the increased number of incidents necessitating the use of siren activity.

REQUEST #9

Please provide information on what analyses have been performed to measure the impact on the WNBSR neighborhoods of the increased number of emergency and law enforcement vehicle incidents and resultant increase in siren noise disturbances.

REQUEST #10

Please provide specific detail on what mitigation solutions for the WNBSR residents to address the increased incidents of emergency and law enforcement vehicle siren noise nuisance activity as a result of the NBR development.

6. Impacts on Lido Sands Community Association (LSCA) private property

As previously mentioned I reside in LSCA, an 82-homeowner association tract directly adjacent to the coastal side boundary (other side of PCH) from the proposed NBR development, situated laterally between 47th & 56th streets and north to south between River Avenue and PCH. Since its inception in 1957, LSCA has been a self-funded/self-managed homeowner association, and a steward of responsible high quality neighborhood upkeep in an otherwise unkempt high density transient multi-unit residential renter environment within the WNBSR. As such, LSCA has been proud to act as long-term allies with the City its efforts to steadily improve the WNBSR area. Still, the resident homeowners in this area have been historically burdened with the inherent dynamics of a heavily accessed beachside community due to its transient rental and “end destination” nature. Specifically, LSCA has historically been burdened with intrusive impacts such as non-resident illegal parking on the private streets, trespassing into LSCA Pool/Recreation Center, vandalism of LSCA amenities, and burglary of LSCA homes. These conditions will be significantly exacerbated by the increased usage load on the WNBSR as a result of the NBR development, which will introduce 3,000+ new permanent residents adjacent PLUS provide a major transportation corridor (Bluff Road) with terminus on PCH adjacent to LSCA enabling additional access from the inland communities.

REQUEST #11:

Please provide specific detail on what analyses has been performed to identify and measure intrusion impacts as referenced above on LSCA and its homeowner residents as a result of the proposed NBR development,

REQUEST #12:

Please provide specific detail on what mitigation solutions the City and/or NBR will make available to LSCA in order to manage the increased burdens that will be placed upon LSCA as a result of the proposed NBR development with regards to the increased levels of illegal non-resident parking, private property trespassing, vandalism of amenities, and drastically heightened levels of exposure to air pollution, noise pollution and light pollution on an ongoing and permanent basis.

7. Construction and Other Issues Related to PCH Pedestrian Bridge at 56th Street

The NBR DEIR includes the construction of a pedestrian bridge over PCH that spans from the NBR development into West Newport Park at 56th Street, which will enable non-vehicle (pedestrian & bicycle) traffic access into the WNBSR from the proposed NBR development. This proposed construction project is adjacent to the west end of the LSCA housing tract. As previously mentioned, LSCA was developed in 1957 and pre-dates several roadway improvement projects of PCH which have caused significant impact upon the neighborhood. Historically, one negative aspect of the road improvements on LSCA has been positively mitigated by the City in installing a 10' sound wall with landscaping, which mitigated the negative noise and safety impacts of the road expansion. Other aspects of adjacent construction have not been mitigated to date, such as the destruction of the LSCA street drainage system caused by the construction of the roadway improvements resulting in properly working street drains being inadvertently converted to sumps(i.e., “French drains”). The impact of this particular lack of mitigation was that storm water surface runoff now pools up during heavy storm seasons, and has historically

created flood incidents, one of which within the last 10 years flooded several LSCA homes and required federal flood assistance from FEMA. With the completion of the PCH pedestrian bridge at 56th Street there may be other possible impacts that affect portions of LSCA including, but not limited to, ongoing elements such as safety, noise, visual, vandalism, trespassing, littering, and inadvertent and unanticipated future negative impacts (e.g., akin to the street drainage system destruction issue mentioned above).

REQUEST #13:

Please provide specific detail on what analyses have been performed to identify impacts of building a pedestrian bridge over PCH at 56th Street on LSCA related to construction elements and any on-going post-construction impacts, including inadvertent or potential unanticipated negative impacts

REQUEST #14:

Please provide specific detail on what mitigation solutions the City and/or NBR will make available to LSCA in order to manage the increased burdens related to the construction of the pedestrian bridge over PCH at 56th Street and any ongoing post-construction negative impacts, including any future inadvertent or unanticipated negative impacts.

CONCLUDING CONCEPTS & COMMENTS

Again, I would like to thank you for the opportunity to provide comments on the Newport Banning Ranch Draft Environmental Impact Report.

As a 50-year resident of West Newport I obviously have strong feelings about this how the landscape of this area is managed as we move into the future, and have front-line experience in living in this area, experiencing the impact of past changes, and the realities of the significant population density, traffic, parking and safety/criminal issues we now live with today. The citizens of this City and particularly those that reside in the WNBSR are the ones that experience the real three-dimensional conditions and realities of living in this unique portion of Newport Beach, and have more valid and applicable concerns about the introduction of a huge percentage increase in population, as opposed to those that are contracted and well paid to put forth nearly 10,000 pages of speculations which are based on invalid and inapplicable standards that justify an d rationalize the major development of our last remnant of precious open space. The citizens are also the ones that have overwhelmingly voiced their desire to retain the Banning Ranch property as Permanent Open Space, as has been clearly identified in the City's 2006 General Plan. The prospect of maxing out the development thresholds (as is detailed in the DEIR) is the exact opposite direction of what the citizens of Newport Beach communicated to the City during the Visioning Process and that is what they voted for with the General Plan that was ultimately developed. As for the City's role, their duty in this regard is listed as a fundamental tenant of the General Plan, which is to support efforts to acquire Banning Ranch property for permanent open space. As this NBR development moves forward it reinforces the overwhelming evidence that the City of Newport Beach Staff and City Council are failing to uphold their stated General Plan commitments to the public they serve in this regard.

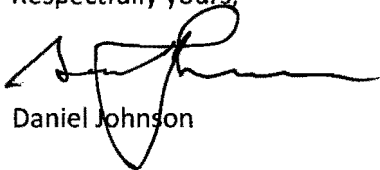
Alford, Patrick
November 8, 2011
Page 8 of 8

As for the task at hand, the NBR DEIR document in question is theoretically required in order to identify project specifics, resultant environmental impacts, and mitigation solutions to those impacts. I have consistently referred to the unique demographics of the WNBSR and understand that an impact report of substance and value must take into consideration these specifics when measuring real impact. Despite the extreme volume of the 9/9/11 NBR Draft Environmental Impact Report, it appears to fail on every level in addressing the real impacts on the existing community, and in particular the densely populated WNBSR. Not only does it fail to utilize applicable standards of measure, it fails in even acknowledge the presence of the existing WNBSR community. This is akin to studying New York City and not acknowledging the existence of Manhattan. How is it that the City constantly struggles in addressing overwhelming traffic and density problems of the WNBSR, and there is barely a mention of this reality in the document? This DEIR has essentially been prepared in a vacuum. The impact of adding 3,000+ permanent residents and a major transportation regional corridor (Bluff Road) that dumps onto PCH right into the middle of the WNBSR is more extreme than the most significant level on the scale of impacts.

As a hard working citizen, I do not have the time or resources to address every issue and make comments on every aspect of this extraordinarily voluminous report, as there are numerous more elements I have comments and concerns about.

In conclusion, I feel that this report is woefully inadequate in accomplishing the objective of stating impacts on the environment.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Daniel Johnson', with a long horizontal flourish extending to the right.

Daniel Johnson