

**FINAL  
MITIGATED NEGATIVE DECLARATION  
SUPERIOR AVENUE PEDESTRIAN AND BICYCLE  
BRIDGE AND PARKING LOT PROJECT  
Newport Beach, CA  
(Orange County)**

***Prepared for:***

**CITY OF NEWPORT BEACH**  
100 Civic Center Drive  
Newport Beach, CA 92660

***Prepared by:***

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**November 5, 2019**

**TABLE OF CONTENTS**

	<u>Page</u>
<b>SECTION 1.0 – PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING .....</b>	<b>4</b>
1.1 PROJECT OVERVIEW .....	4
1.2 CEQA REQUIREMENTS .....	4
1.3 PURPOSE OF INITIAL STUDY .....	4
1.4 INCORPORATION BY REFERENCE.....	4
1.5 LOCATION AND EXISTING CONDITIONS.....	6
1.6 PROJECT PURPOSE AND OBJECTIVES.....	6
1.7 PROJECT DESCRIPTION .....	7
1.7.1 Superior Avenue Pedestrian and Bicycle Bridge.....	7
1.7.2 Superior Parking Lot.....	8
1.7.3 Dog Park.....	9
1.7.4 Construction.....	9
1.8 REQUIRED PERMITS AND APPROVALS.....	9
<b>SECTION 2.0 – FINDINGS.....</b>	<b>11</b>
<b>SECTION 3.0 – MITIGATION MEASURES .....</b>	<b>12</b>
<b>SECTION 4.0 – CIRCULATION.....</b>	<b>15</b>
<b>SECTION 5.0 – COMMENTS AND RESPONSES .....</b>	<b>16</b>
5.1 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES.....	16
5.2 COMMENTS AND RESPONSE TO COMMENTS RECEIVED ON THE DRAFT IS/MND .....	16
<b>SECTION 6.0 – REVISIONS TO THE DRAFT MITIGATED NEGATIVE DECLARATION .....</b>	<b>148</b>
<b>SECTION 7.0 – MITIGATED NEGATIVE DECLARATION .....</b>	<b>153</b>
<b>SECTION 8.0 – REFERENCES .....</b>	<b>154</b>

**LIST OF TABLES**

Table 1: Commenting Individuals and Agencies ..... 16

## **SECTION 1.0 – PROJECT DESCRIPTION AND ENVIRONMENTAL SETTING**

### **1.1 PROJECT OVERVIEW**

The City of Newport Beach (City) proposes the construction of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot with a range of 100 to 128 parking spaces and a fenced dog park (Project) on an approximately 3.4-acre site. The proposed bridge will connect Sunset Ridge Park to the new asphalt parking lot located at the northeast corner of West Coast Highway and Superior Avenue.

### **1.2 CEQA REQUIREMENTS**

In accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Sections 2100-21177) and pursuant to Section 15063 of Title 14 of the California Code of Regulations (CCR), the City, acting in the capacity of Lead Agency, is required to undertake the preparation of an Initial Study (IS) to determine if the proposed project would have a significant environmental impact. If the Lead Agency finds that there is no evidence that the project, either as proposed or as modified to include the mitigation measures identified in the IS, may cause a significant effect on the environment, the Lead Agency must find that the project would not have a significant effect on the environment and must prepare a Negative Declaration or Mitigated Negative Declaration for that project. Such determination can be made only if, “there is no substantial evidence in light of the whole record before the Lead Agency” that such impacts may occur (Section 21080(c), Public Resources Code).

This environmental documentation is intended as a formal document undertaken to provide an environmental basis for subsequent discretionary actions upon the project. The resulting documentation is not, however, a policy document and its approval and/or certification neither presupposes nor mandates any actions on the part of those agencies from whom permits, and other discretionary approvals would be required. The environmental documentation and supporting analysis are subject to a public review period.

Following review of any comments received, the City of Newport Beach will consider these comments as part of the Project’s environmental review and include them with the IS documentation for consideration by the City.

### **1.3 PURPOSE OF INITIAL STUDY**

The City has prepared this IS to provide the public and responsible agencies with information about the potential environmental impacts associated with implementation of the proposed Project. This IS includes a project-level analysis of the potential effects associated with the Project.

### **1.4 INCORPORATION BY REFERENCE**

Pursuant to the CEQA Guidelines 15150 – Incorporation by Reference, this Initial Study / Mitigated Negative Declaration shall incorporate by reference all or portions of other technical documents and reports as a matter of public record. The documents listed below relate to the proposed Project or provides additional materials related to the proposed Project setting. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of this Initial Study/Mitigated Negative Declaration. The information incorporated

into this document is referenced in Section 5. References. The information is based on the following technical studies and/or planning documents.

City of Newport Beach General Plan (Approved on November 7, 2006)

The General Plan Environmental Impact report addresses the potential environmental effects of the City of Newport Beach's proposed General Plan Updates. This is a comprehensive plan that discusses the future potential growth and development within the City. The General Plan consists of ten of elements that covers the following areas:

- Land Use Element
- Harbor and Bay Element
- Housing Element
- Historical Resources Element
- Circulation Element
- Recreation Element
- Arts and Cultural Element
- Natural Resources Element
- Safety Element
- Noise Element

Each element discusses specific goals and policies to maintain the natural and built environments within the City. Since its adoption, sections of the General Plan have been updated including the 2008 Safety Element and the 2014-2021 Housing Element Update. The proposed Project is located within the City of Newport Beach and would be subject to the general plans' goals, policies, and guidelines to maintain the City's long-term vision.

Coastal Land Use Plan (Adopted on July 26, 2016)

The Coastal Land Use Plan was prepared in accordance with the California Coastal Act of 1976. The plan sets for the objectives and policies of land and water use within the coastal zone of the City of Newport Beach. The proposed Project is located within the coastal zone of the City of Newport Beach and would be subject to the guidelines and policies under the plan.

Local Coastal Implementation Plan (Approved on November 22, 2016).

The Local Coastal Implementation Plan is also available at the City of Newport Beach Municipal Code website which is updated as of 2019. The Local Coastal Implementation Plan is the primary tool used by the City of Newport Beach to carry out the objectives and policies of the Coastal Land Use Plan and ensure activities and other proposed development are consistent with the Coastal Land Use Plan. The proposed Project is located within the coastal zone of the City of Newport Beach and would be subject to the guidelines and policies in the Coastal Land Use Plan.

City of Newport Beach Municipal Code (Approved on April 23, 2019)

The City of Newport Beach Municipal Code covers all aspects of regulations including zoning, vehicle requirements, planning and zoning, local coastal program implementation, ordinance listing, and other development related requirements. Approved on October 26, 2010, the purpose of the Zoning Code is to carry out the policies identified in the City of Newport Beach General Plan. The Zoning Code also promotes the development of the City, protection of public health, safety, peace, comfort and general welfare. It provides guidance in the protection of the character, social, and economic vitality of the neighborhoods.

The proposed Project is located within the City of Newport Beach and would be required to comply with the objectives and policies relating to construction land uses, and development within the City of Newport Beach.

## **1.5 LOCATION AND EXISTING CONDITIONS**

The proposed Project is located within the City of Newport Beach and is located approximately 1,000 feet from the coastline (Figure 2-1). Due to the proximity to the coast, the area receives a significant amount of pedestrian and bicycle traffic. Sunset Ridge Park, constructed in December 2014, is a 13.7-acre active park with a baseball field and two soccer fields. Visitors to Sunset Ridge Park use the existing parking lot across Superior Avenue and cross at the at-grade Superior Avenue/West Coast Highway intersection because no on-site parking is provided at Sunset Ridge Park.

Currently, an existing City-owned parking lot with 64 metered parking stalls is located at the northeast corner of this intersection. The existing Superior Parking Lot is approximately 0.64 acres, with the driveway to the parking lot at approximately 0.17 acres. Access to the existing parking lot is available via an entrance off Superior Avenue for vehicles, and via a concrete pathway from the intersection of Superior Avenue and Coast Highway for pedestrians and bicyclists. Directly east of the existing parking lot is an undeveloped piece of land with steep slopes with ground elevations ranging from approximately 10 feet near West Coast Highway to approximately 75 feet near Sunset View Park based on the North American Vertical Datum of 1988 (NAVD 88), with some existing vegetation. Properties and land uses adjacent to the Project site include Sunset Ridge Park, Sunset View Park, Villa Balboa and Newport Crest residential communities, and the lower campus of Hoag Hospital. A shopping center and the Lido Sands residential community are located to the south across West Coast Highway from the Project site.

The entire Project site is within the boundary of the coastal zone as established by the California Coastal Act and is therefore under the land use planning and regulatory jurisdiction not only of local government agencies but also the California Coastal Commission (Commission). The City of Newport Beach Local Coastal Program includes a Coastal Land Use Plan and Local Coastal Program Implementation Plan (City of Newport Beach 2017a, City of Newport Beach 2017b). The Coastal Land Use Plan sets the goals, objectives, and policies that administers uses of the land and water within its sphere of influence (excluding Newport Coast and Banning Ranch). The Coastal Land Use Plan is divided in subsections for land use and development, public access and recreation, and coastal resource protection (City of Newport Beach 2017a). The purpose of the Local Coastal Program Implementation Plan is to implement policies of the California Coastal Act to protect, maintain, enhance, and restore the coastal zone environment. Site development must be consistent with the requirements of the Local Coastal Program and Coastal Act.

## **1.6 PROJECT PURPOSE AND OBJECTIVES**

West Coast Highway and Superior Avenue are major arterials with a high volume of vehicular traffic. The purpose of the bridge is to improve safety and access to Sunset Ridge Park and to improve the vehicular efficiency of the Superior Avenue/West Coast Highway intersection. Specifically, the objectives of the Project are:

- To improve safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk.
- To provide additional parking spaces to better serve both passive uses and organized sporting events (mostly youth) at Sunset Ridge Park in an area where parking is limited.

- To reduce traffic signal wait times by shifting pedestrian and bicycle traffic from the at-grade crosswalk to the bridge.
- To expand recreational options in this part of the City by developing a small dog park just below Sunset View Park, adjacent to the expanded parking lot.

## **1.7 PROJECT DESCRIPTION**

The City proposes the construction of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot and a fenced dog park approximately 3.4 acres in size. Individual Project components are outlined below.

### **1.7.1 Superior Avenue Pedestrian and Bicycle Bridge**

The Steel Truss bridge option would span Superior Avenue and would be approximately 240 feet long, approximately 12 to 16 feet wide, and 16 feet tall. The bottom of the bridge's superstructure would be approximately 17 to 25 feet above the asphalt surface. The Steel Truss bridge would have steel members across the top of the bridge. This bridge option will be a single span bridge with steel piles to support the superstructure.

The Concrete Cast-in-Place bridge option would span Superior Avenue and would be approximately 280 feet long, approximately 12 to 16 feet wide, and 8 feet tall. The bottom of the bridge's superstructure would be approximately 17 to 25 feet above the asphalt surface. The Concrete Cast-in-Place bridge would be open and not include any ceiling or roof. This bridge option will be a 3-span structure with deep concrete foundations to structurally support the superstructure.

Minimal lighting would be provided along the bridge for safety and security. The security lighting would be down-shielded to prevent light scatter.

A new staircase will provide access to the parking lot and bridge from the north side of West Coast Highway. Additionally, the proposed Project would include the construction of a new sidewalk/bike path from the modified parking lot entrance to the proposed bridge. Access to the bridge from Sunset Ridge Park will be from the southeastern edge of the park, adjacent to the intersection of the path from Superior Avenue to the park and the bike/pedestrian path surrounding the park. The bridge access from the Sunset Ridge Park side will be approximately 145 feet from the intersection of Coast Highway and Superior Avenue. Due to the installation of the bridge, the location of the traffic signal at the intersection of West Coast Highway and Superior Avenue will need to be moved in order to provide proper height and visibility.

The proposed bridge would help facilitate movement of pedestrians and bicyclists across Superior Avenue. The bridge is being designed to be mindful of view lines and the potential for visual obstruction. The two options being considered for the bridge design include either a steel truss bridge or a concrete cast-in-place bridge as shown in the images below.



### Steel Truss Bridge Concept (Single Span)



### Concrete Cast-in-Place Bridge Concept (3-Span)



#### 1.7.2 Superior Parking Lot

The proposed bridge would connect Sunset Ridge Park to a new, larger asphalt parking lot with a range of 100 to 128 parking spaces approximately 3.4 acres in size. The total area of impervious surface will include the parking lot and sidewalks, which totals approximately 65,000 square feet. Minimal additional security lighting would be provided within the parking lot for safety purposes. The security lighting would be down-shielded to prevent light scatter. Drought tolerant landscaping will be provided, and new trees will be planted. The parking lot will be operated in the same manner as the existing parking lot with paid metered parking spaces from 8 a.m. to 6 p.m.; and the parking lot would remain open for 24 hours per day.

The construction of the proposed parking lot will require demolition of the existing parking lot and significant grading and earthwork. Excavation would be greatest (up to 27 feet) at the east side of the Project site. The construction of the new parking lot would also require installation of several retaining walls with a height of up to 25 feet on the southern border of the Project site along West Coast Highway. The existing Project site is on a relatively steep slope with ground elevations ranging from approximately 10 feet by West Coast Highway to approximately 75 feet by Sunset View Park per NVAD 88. Construction of the parking lot may include a bicycle node (fix-it station) and a drinking water fountain.

#### **Optional Road Extension to Adjacent Property**

The City is currently working with the adjacent land owner (Hoag Memorial Hospital) to determine the feasibility of extending an access road through the redeveloped parking lot to connect to the lower campus of Hoag Memorial Hospital. If this option is to be exercised, the entrance from Superior Avenue will be extended to connect with the existing parking lot within Hoag Memorial Hospital.



### **1.7.3 Dog Park**

Construction of the proposed Project would also include the installation of a fenced dog park with 6-foot tall fences, separating large and small dogs, which may include benches and trash cans. The dog park will be 0.2 to 0.3 acres in size. The dog park would require a new water service for the water fountain and for irrigation. Security lighting at the dog park would be down-shielded to prevent light scatter. Hours at the dog park would be consistent with the Municipal Code which restricts park hours to between 6:00 a.m. and 11:00 p.m. In addition, a shade structure may be installed at the dog park, approximately 10 to 15 feet in height. The top of the shade structure would be below the Sunset View Park ground elevation and would be designed to protect public coastal views.

### **1.7.4 Construction**

Construction of the proposed Project is scheduled to begin in early 2021 and reach completion in approximately 14 to 18 months. Since existing recreational activities occur at Sunset Ridge Park (soccer in the Fall and baseball in the Spring), construction activities would be scheduled during low usage months to avoid recreational events, or these events could be relocated to an alternate location temporarily if alternate/temporary parking cannot be allowed closer to the park.

The work will occur predominantly during daytime work hours (7:00 a.m. to 4:30 p.m.); however, occasional nighttime work may be required depending on bridge design to minimize public inconvenience and provide public safety. If the City decides to proceed with the steel truss bridge option, it is anticipated that Superior Avenue would be closed at night to accommodate the installation of the proposed bridge superstructure. For nights where street closures would occur, alternate traffic routes and detour signage would be posted so as not to interfere with the public's access to the beach per Section 21101 of the Vehicle Code and Section 21.44.055 Temporary Street Closures of the Local Coastal Program Implementation Plan (City of Newport Beach 2107b). In addition, depending on the bridge design, temporary re-striping of Superior Avenue may need to occur to construct the bridge supports. Construction equipment would include a grader, excavator, dozer, loader, crane, pile driver or drilling rig, grinder, dump trucks, rollers, and asphalt paving machine. Construction staging for the proposed Project would occur within the existing parking lot. After construction of the proposed Project, Superior Avenue may need pavement rehabilitation or restoration.

Construction of the proposed Project may require intermittent sidewalk closures on Superior Avenue and the north side of West Coast Highway for the construction of bridge abutments, grading, and modifying the existing entrance to the new parking lot and landscaping.

Construction will result in the excavation of excess soil, beyond what is required for fill purposes. This excess soil of approximately 20,000 to 25,000 cubic yards will be used to fill the need for soil in local projects and is expected to be transported to locations within a radius of approximately 50 miles. Any other construction debris would be disposed of by the construction contractor consistent with City disposal requirements and those of the receiving site.

## **1.8 REQUIRED PERMITS AND APPROVALS**

A public agency, other than the Lead Agency, that has discretionary approval power over a project is referred to under the *CEQA Guidelines* as a "Responsible Agency." Reviewing Agencies include those agencies that do not have discretionary powers but may review the IS/MND for adequacy and accuracy. Potential Reviewing Agencies and Responsible Agencies include the following:

## **Responsible Agencies**

### *State of California*

- California Coastal Commission – Coastal Development Permit Amendment
- Caltrans – NEPA document lead agency

### *Local*

City of Newport Beach– CEQA document Lead Agency Coastal Development Permit, Grading and Building Permits

## **SECTION 2.0 – FINDINGS**

An Initial Study has been prepared to assess the Proposed Project's potential impacts on the environment and the significance of those impacts and was incorporated in the Draft MND. Based on this Initial Study, it has been determined that the Proposed Project would not have any significant impacts on the environment once all proposed mitigation measures have been implemented. This conclusion is supported by the following findings:

- No potential was found for adverse impacts on agriculture and forestry resources, land use and planning, mineral resources, recreation, wildfire threats associated with the Proposed Project.
- Potential adverse impacts resulting from the Proposed Project were found to be less than significant in the following areas: aesthetics, air quality, energy, greenhouse gas emissions, hydrology and water quality, noise, population and housing, public services, transportation, utilities and service systems,
- Full implementation of the proposed mitigation measures included in this MND would reduce potential project-related adverse impact on biological resources, cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources to a less than significant level.

### SECTION 3.0 – MITIGATION MEASURES

The following mitigation measures and project conditions have been incorporated into the scope of work for the Proposed Project and will be fully implemented by the District to avoid or minimize adverse environmental impacts identified in this MND. These mitigation measures will be included in the Mitigation Monitoring and Reporting Program (MMRP) prepared for this project.

**MM BIO-1:** Project-related activities likely to have the potential to disturb suitable bird nesting habitat shall be prohibited from February 15 through August 31, unless a Project Biologist acceptable to the City of Newport Beach surveys the Project area prior to disturbance to confirm the absence of active nests. Disturbance shall be defined as any activity that physically removes and/or damages vegetation or habitat or any action that may cause disruption of nesting behavior such as loud noise from equipment and/or artificial night lighting. Surveys shall be conducted weekly, beginning no earlier than 30 days and ending no later than 3 days prior to the commencement of disturbance. If an active nest is discovered, disturbance within a particular buffer shall be prohibited until nesting is complete; the buffer distance shall be determined by the Biologist in consideration of species sensitivity and existing nest site conditions. Limits of avoidance shall be demarcated with flagging or fencing. The Biologist shall record the results of the recommended protective measures described above and shall submit a memo summarizing any nest avoidance measures to the City of Newport Beach to document compliance with applicable State and federal laws pertaining to the protection of native birds. Similarly, for preserved vegetation that occurs within 50 to 100 feet of construction activities, if construction is occurring during the nesting season, preserved vegetation shall be surveyed for the presence of nesting birds.

**MM BIO-2:** Flag or install construction fencing or silt fencing along the proposed Project boundaries to delineate construction limits and to prevent encroachment into adjacent natural communities. The limits of both the Superior and West Coast Highway wetlands will be clearly demarcated in the field and all on-site construction personnel will be informed about the wetland avoidance area prior to the commencement of construction activities. The construction contractor will install a solid protective barrier that is clearly visible to construction personnel, particularly any construction equipment operators, and that prevents any incidental discharge of soil or debris into the jurisdictional wetlands. Furthermore, a biologist will monitor the construction work to ensure that encroachment into the wetlands does not occur.

**MM BIO-3:** Gravel bags should be placed along the tops of the v-ditches in order to minimize erosion and to prevent construction debris and potentially hazardous materials from entering the waterway during a rain event.

**MM BIO-4:** *Artemisia californica-Eriogonum fasciculatum* Shrubland located within the proposed Project footprint should be avoided to the greatest extent feasible.

- *Artemisia californica-Eriogonum fasciculatum* Shrubland located within the proposed Project footprint, that may be avoided, shall be flagged or construction or silt fencing should be installed along the avoidable vegetation to delineate construction limits and to prevent encroachment into adjacent natural communities.
- Any impacts to *Artemisia californica-Eriogonum fasciculatum* Shrubland which cannot be avoided will be mitigated through one of the following, in order of priority:
  - Onsite Mitigation: Any temporary impacts to CSS will be revegetated within the Sunset Ridge planted area, in areas that are not currently vegetated. Specifically, there is an

opportunity for revegetation in an area outside of the delineated wetlands that, with approval from the Commission, could provide additive benefits to the Sunset Ridge Park planted area, immediately to the northeast of the Project site. This will provide a continuation of the CSS habitat previously revegetated onsite. The City will replant the area to be equivalent to existing conditions, which consists of superior high-quality native vegetation with coverage of primarily CSS. If this area is not approved for revegetation by the Commission, alternative onsite mitigation opportunities will be evaluated.

- Offsite Mitigation: Additive habitat assessment in the area adjacent to the project site within the replanted CSS would be provided to mitigate impacts from direct disturbance from the bridge structure and potential impacts from shading.

**MM BIO-5:** Following completion of the construction activities, the City will conduct monthly monitoring of the West Coast Highway wetlands to evaluate and document the associated conditions to determine if any unforeseen impacts from the proposed construction activities are occurring. This monthly monitoring will continue for up to one year, or until such time as it can be sufficiently demonstrated that the wetlands will continue to persist in perpetuity. If it is determined during post-construction monitoring that construction has resulted in an unexpected impact to the wetlands, appropriate remedial actions will be implemented by the City. For instance, an unforeseen disruption or obstruction of subsurface hydrology to the wetlands may warrant the City's provision of an alternative water source that would continue to supply sufficient water to sustain the wetlands.

**MM CUL-1:** If archaeological or paleontological resources are discovered during construction, all construction activities in the general area of the discovery shall be temporarily halted until the resource is examined by a qualified monitor, retained by the Developer. The monitor shall recommend next steps (i.e., additional excavation, curation, preservation, etc.). Therefore, impacts would be less than significant with mitigation incorporated.

**MM CUL-2:** During proposed Project construction, activities will be halted, and an archaeologist must be available to evaluate the find. If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

**MM PALEO-1:** All project-related ground disturbance that could potential impact the Monterey Formation and the Old Paralac Deposits will be monitored by a qualified paleontological monitor on a full-time basis, as these geologic units are determined to have a high paleontological sensitivity. Project-related excavations that occur in surficial younger alluvial deposits (not mapped in the current study area but existing in the vicinity) will be monitored on a part-time basis to ensure that underlying paleontologically sensitive sediments are not being impacted. Excavations exceeding 5 feet in depth in Quaternary alluvium will be monitored on a full-time basis.

**MM PALEO-2:** A qualified paleontologist will be retained to supervise monitoring of construction excavations and to produce a Paleontological Monitoring and Mitigation Plan for the proposed project. Paleontological resource monitoring will include inspection of exposed rock units during active excavations within sensitive geologic sediments. The monitor will have authority to temporarily divert grading away from exposed fossils and halt construction activities in the immediate vicinity in order to professionally and efficiently recover the fossil specimens and collect associated data. The qualified paleontologist will prepare progress reports to be filed with the lead agency.

**MM PALEO-3:** At each fossil locality, field data forms will be used to record pertinent geologic data, stratigraphic sections will be measured, and appropriate sediment samples will be collected and submitted for analysis.

**MM PALEO-4:** Matrix sampling would be conducted to test for the presence of microfossils. Testing for microfossils would consist of screen-washing small samples (approximately 200 pounds) to determine if significant fossils are present. If microfossils are present, additional matrix samples will be collected (up to a maximum of 6,000 pounds per locality to ensure recovery of a scientifically significant microfossil sample).

**MM PALEO-5:** Recovered fossils will be prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and repositied in a designated paleontological curation facility. The most likely repository is the SDNHM.

**MM HAZ-1:** Any contaminated soils or other hazardous materials removed from the proposed Project site shall be transported only by a Licensed Hazardous Waste Hauler who shall be in compliance with all applicable State and federal requirements, including U.S. Department of Transportation regulations under Title 49 of the CFR (Hazardous Materials Transportation Act), California Department of Transportation standards, Occupational Safety and Health Administration standards, and the Resource Conservation and Recovery Act (42 United States Code §6901 et seq.). The City of Newport Beach Public Works and Community Development Departments shall verify that only Licensed Haulers who are operating in compliance with regulatory requirements are used to haul hazardous materials.

**MM TCR -1:** Prior to issuance of any grading permit, the Applicant shall provide satisfactory evidence that a Native American monitor (i.e., Gabrieleño Band of Mission Indians-Kizh Nation), has been retained to observe ground disturbance activities during grading and excavation. In the event that tribal cultural resources are discovered, the Native American monitor shall be included in the consultation on the recommended next steps.

## **SECTION 4.0 – CIRCULATION**

On September 23, 2019, the City of Newport Beach circulated a Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study to responsible agencies, trustee agencies, interest groups, and the general public. In accordance with the California Environmental Quality Act (CEQA) Section 21091 and State CEQA Guidelines Section 15073, a 30-day public review period for the Final IS/MND was provided from September 23, 2019 to October 23, 2019. Copies of the Initial Study, Mitigated Negative Declaration and supporting materials were made available for review online at <http://www.newportbeachca.gov/index.aspx?page=1347> and at the following City public facilities during regular business hours:

### **Newport Beach City Hall**

Community Development Department  
100 Civic Center Drive  
Newport Beach, CA 92660

### **Newport Beach Public Library Central Library**

1000 Avocado Avenue  
Newport Beach, CA 92660

### **Newport Beach Public Library Balboa Branch**

100 East Balboa Boulevard  
Newport Beach, CA 92660

### **Newport Beach Public Library Mariners Branch**

1300 Irvine Avenue  
Newport Beach, CA 92660

### **Newport Beach Library Corona Del Mar Branch**

41 O Marigold Avenue  
Corona Del Mar, CA 92625



## SECTION 5.0 – COMMENTS AND RESPONSES

### 5.1 CEQA REQUIREMENTS REGARDING COMMENTS AND RESPONSES

*CEQA Guidelines Section 15204 (b) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of negative declarations should be, “on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should: (1) Identify the specific effect; (2) Explain why they believe the effect would occur, and; (3) Explain why they believe the effect would be significant.”*

*CEQA Guidelines Section 15204 (c) further advises, “Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to Section 15064, an effect shall not be considered significant in the absence of substantial evidence.” Section 15204 (d) also states, “Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency’s statutory responsibility.” Section 15204 (e) states, “This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.”*

In accordance with Public Resources Code 21092.5 (b) of the *CEQA Guidelines*, the lead agency shall notify any public agency which comments on a negative declaration of the public hearing or hearings, if any, on the project for which the negative declaration was prepared. If notice to the commenting public agency is provided pursuant to Section 21092, the notice shall satisfy the requirement of this subdivision.

### 5.2 COMMENTS AND RESPONSE TO COMMENTS RECEIVED ON THE DRAFT IS/MND

This section provides responses to written comments received during the 30-day public review period.

**Table 1: Commenting Individuals and Agencies**

Comment Letter No.	Commenting Individual/Agency	Date of Comment
1	Jack Rose	September 23, 2019
2	Jack Rose	September 24, 2019
3	Michael Call, Mark Wilser, Deborah Gero	September 25, 2019
4	REO Nationwide	September 25, 2019
5	REO Nationwide	September 25, 2019
6	REO Nationwide	September 25, 2019
7	David Tanner	September 26, 2019
8	Sandy Frizzell	September 26, 2019
9	Surish Parikh	October 1, 2019
10	Tinnelly Law Group (Villa Balboa Attorney)	October 1, 2019
11	Michael Call, Mark Wilser, Deborah Gero	October 2, 2019
12	Mali Satchi	October 4, 2019
13	REO Nationwide	October 5, 2019
14	Sandy Frizzell	October 5, 2019

15	Wendy Kaiser	October 14, 2019
16	Sudhir Banker	October 15, 2019
17	Ryan Darby	October 18, 2019
18	Ryan Darby	October 18, 2019
19	Sudhir Banker	October 18, 2019
20	City of Irvine	October 21, 2019
21	Barry Macpherson	October 22, 2019
22	Deborah Gero	October 22, 2019
23	California Department of Fish & Wildlife	October 22, 2019
24	California Department of Transportation	October 22, 2019
25	Michael Call	October 22, 2019
26	Sandy Frizzell	October 22, 2019
27	Doug Tamkin	October 23, 2019

Comment Letter #1 – Jack Rose

**COMMENT LETTER#1**

**From:** Jack <[yankee1jack@sbcglobal.net](mailto:yankee1jack@sbcglobal.net)>  
**Sent:** Monday, September 23, 2019 8:06 PM  
**To:** Tran, Andy  
**Subject:** Fwd: City of Newport Beach: Notice of Availability and Intent to Adopt a Mitigated Negative Declaration

Hi MrTran

Would this include a bridge over PCH?

I Comment  
1-1

Sent from my iPhone

Begin forwarded message:

**From:** City of Newport Beach News <[noreply@newportbeachca.gov](mailto:noreply@newportbeachca.gov)>  
**Date:** September 23, 2019 at 5:27:31 PM PDT  
**To:** <[yankee1jack@sbcglobal.net](mailto:yankee1jack@sbcglobal.net)>  
**Subject:** City of Newport Beach: Notice of Availability and Intent to Adopt a Mitigated Negative Declaration  
**Reply-To:** <[noreply@newportbeachca.gov](mailto:noreply@newportbeachca.gov)>

**Notice of Availability and Intent to Adopt a Mitigated Negative Declaration**

**Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project (PA2019-014)**

Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project

Post Date: 09/23/2019 5:00 pm



Planning Division News Splash:

**NOTICE OF AVAILABILITY AND INTENT TO ADOPT A MITIGATED  
NEGATIVE DECLARATION FOR THE**

**SUPERIOR AVENUE PEDESTRIAN AND BICYCLE BRIDGE AND  
PARKING LOT PROJECT**

**(PA2019-014)**

Notice is hereby given that the City of Newport Beach (Lead Agency) has completed an Initial Study and intends to adopt a Mitigated Negative Declaration for the Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project, prepared in accordance with the California Environmental Quality Act (CEQA), and the CEQA Guidelines.

**Project Title:** Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project

**Project Applicant:** City of Newport Beach

**Project Location:** The proposed Project is located within the City of Newport Beach and is located approximately 1,000 feet from the coastline in Orange County, California. The entire Project site is within the boundary of the coastal zone as established by the California Coastal Act. Currently, an existing City-owned parking lot with 64 metered parking stalls is located at the northeast corner of this intersection. Directly east of the existing parking lot is an undeveloped piece of land with steep slopes. The Project site is surrounded by the Pacific Ocean, Sunset View Park, Sunset Ridge Park, vegetated hillsides, major roads, and residential homes. Superior Avenue runs along the western boundary and the West Coast Highway runs along the southern boundaries of the Project site, respectively.

**Project Description:** The City proposes the construction of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot and a fenced dog park totaling approximately 3.4 acres in size. Due to the proximity to the coast, the area receives a significant amount of pedestrian and bicycle traffic. Sunset Ridge Park, constructed in December 2014, is a 13.7-acre active park with a baseball field and two soccer fields. Currently, visitors to Sunset Ridge Park use the existing parking lot across Superior Avenue and cross at the at-grade Superior Avenue/West Coast Highway intersection because no on-site parking is provided at Sunset Ridge Park. The new pedestrian and bicycle ramp will provide access to the parking lot and bridge from the north side of West Coast Highway. Additionally, the proposed Project would include the construction of a new sidewalk/bike path from the modified parking lot entrance to the proposed bridge. The proposed bridge would help facilitate movement of pedestrians and bicyclists across Superior Avenue. The proposed bridge would connect Sunset Ridge Park to a new, larger asphalt parking lot with a range of 100 to 128 parking spaces. Construction of the proposed Project would also include the installation of a fenced dog park, separating large and small dogs, which may include benches and trash cans. The dog park will be 0.2 to 0.3 acres in size. The dog park would require a new water service for the water fountain and for irrigation. Security lighting at the dog park would be down-shielded to prevent light scatter. Hours at the dog park would be consistent with the Municipal Code which restricts park hours to between 6:00 a.m. and 11:00 p.m. In addition, a shade structure may be installed at the dog park, approximately 10 to 15 feet in height. The top of the shade structure would

be below the Sunset View Park ground elevation and would be designed to protect public coastal views.

Development of the proposed project would require the following approvals from the City of Newport Beach:

- **Coastal Development Permit (CDP)** – To allow development of the project including the parking lot, dog park, and pedestrian/bicycle bridge in the Coastal Zone.
- **Mitigated Negative Declaration (MND)** – To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals pursuant to CEQA.

Development of the proposed project would require the following approval from the California Coastal Commission:

- **Coastal Development Permit Amendment** – To amend the Sunset Ridge Park Coastal Development Permit No. 5-11-302 to allow the bridge development at the existing park.

On the basis of the Initial Study, City staff has concluded that the project would not have a significant impact on the environment and has therefore recommended preparation of a Mitigated Negative Declaration (MND). The Mitigated Negative Declaration is based on the finding that, by implementing the identified mitigation measures, the project's potential significant adverse impacts will be reduced to a less than significant level.

The Initial Study is available for a 30-day public review period beginning **September 20, 2019, and ending October 21, 2019**. Copies of the document are available for review in the Newport Beach Community Development Department, 100 Civic Center Drive, Bay B, Newport Beach, CA 92660 between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday, and 7:30 a.m. and 4:30 p.m. on Friday. The document is available online: [www.newportbeachca.gov/ceqa](http://www.newportbeachca.gov/ceqa). Additionally, copies of the document are also available for review at the following City public libraries during regular business hours:

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\*Newport Beach Public Library, Mariners Branch, 1300 Irvine Avenue, Newport Beach, CA 92660

\*Newport Beach Public Library, Corona Del Mar Branch, 410 Marigold Avenue, Corona Del Mar, CA 92625

**Response To Comment Letter #1 – Jack Rose**

**Response to Comment 1-1:**

Thank you for your comment.

As described in Section 2.3 of the Draft IS/MND, the proposed Project includes the construction of a pedestrian and bicycle bridge overcrossing Superior Avenue that would connect Sunset Ridge Park to the Superior Parking Lot at the intersection of West Coast Highway and Superior Avenue. This Project does not include a bridge over Pacific Coast Highway.

Comment Letter #2 – Jack Rose

**COMMENT LETTER#2**

**From:** Jack <[yankee1jack@sbcglobal.net](mailto:yankee1jack@sbcglobal.net)>  
**Sent:** Tuesday, September 24, 2019 8:31AM  
**To:** Tran, Andy  
**Subject:** Re: City of Newport Beach: Notice of Availability and Intent to Adopt a Mitigated Negative Declaration

Is there a space, engineering or financial constraint to doing bridge over PCH? Also, besides improved pedestrian safety it would be an awesome view walking/riding over the “Andy Tran” Bridge to go to beach.

Comment  
2-1  
Comment  
2-2

Jack Rose  
Newport Crest Homeowner  
Ebb Tide Homeowner

Sent from my iPhone

On Sep 24, 2019, at 7:50 AM, Tran, Andy <[ATran@newportbeachca.gov](mailto:ATran@newportbeachca.gov)> wrote:

Good morning Jack,

No, this project does not include the bridge over PCH. It only includes the pedestrian/bicycle bridge over Superior Ave, a new larger parking lot and a dog park.

Thanks,

Andy Tran, P.E.  
Senior Civil Engineer  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660  
Phone: 949-644-3315

---

**From:** Jack <[yankee1jack@sbcglobal.net](mailto:yankee1jack@sbcglobal.net)>  
**Sent:** Monday, September 23, 2019 8:06 PM  
**To:** Tran, Andy <[ATran@newportbeachca.gov](mailto:ATran@newportbeachca.gov)>  
**Subject:** Fwd: City of Newport Beach: Notice of Availability and Intent to Adopt a Mitigated Negative Declaration

Hi Mr Tran



Would this include a bridge over PCH?

Comment  
2-3

Sent from my iPhone

Begin forwarded message:

**From:** City of Newport Beach News  
<[noreply@newportbeachca.gov](mailto:noreply@newportbeachca.gov)>  
**Date:** September 23, 2019 at 5:27:31 PM PDT  
**To:** <[yankee1jack@sbcglobal.net](mailto:yankee1jack@sbcglobal.net)>  
**Subject:** City of Newport Beach: Notice of Availability and Intent to Adopt a Mitigated Negative Declaration  
**Reply-To:** <[noreply@newportbeachca.gov](mailto:noreply@newportbeachca.gov)>

**Notice of Availability and Intent to Adopt a Mitigated Negative Declaration**

**Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project (PA2019-014)**

Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project

Post Date: 09/23/2019 5:00 pm



Planning Division News Splash:

**NOTICE OF AVAILABILITY AND INTENT TO ADOPT A  
MITIGATED NEGATIVE DECLARATION FOR THE**

**SUPERIOR AVENUE PEDESTRIAN AND BICYCLE  
BRIDGE AND PARKING LOT PROJECT**

**(PA2019-014)**

Notice is hereby given that the City of Newport Beach (Lead Agency) has completed an Initial Study and intends to adopt a Mitigated Negative Declaration for the Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project, prepared in accordance with the California Environmental Quality Act (CEQA), and the CEQA Guidelines.

**Project Title:** Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project

**Project Applicant:** City of Newport Beach

**Project Location:** The proposed Project is located within the City of Newport Beach and is located approximately 1,000 feet from the coastline in Orange County, California. The entire Project site is within the boundary of the coastal zone as established by the California Coastal Act. Currently, an existing City-owned parking lot with 64 metered parking stalls is located at the northeast corner of this intersection. Directly east of the existing parking lot is an undeveloped piece of land with steep slopes. The Project site is surrounded by the Pacific Ocean, Sunset View Park, Sunset Ridge Park, vegetated hillsides, major roads, and residential homes. Superior Avenue runs along the western boundary and the West Coast Highway runs along the southern boundaries of the Project site, respectively.

**Project Description:** The City proposes the construction of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot and a fenced dog park totaling approximately 3.4 acres in size. Due to the proximity to the coast, the area receives a significant amount of pedestrian and bicycle traffic. Sunset Ridge Park, constructed in December 2014, is a 13.7-acre active park with a baseball field and two soccer fields. Currently, visitors to Sunset Ridge Park use the existing parking lot across Superior Avenue and cross at the at-grade Superior Avenue/West Coast Highway intersection because no on-site parking is provided at Sunset Ridge Park. The new pedestrian and bicycle ramp will provide access to the parking lot and bridge from the north side of West Coast Highway. Additionally, the proposed Project would include the construction of a new sidewalk/bike path from the modified parking lot entrance to the proposed bridge. The proposed bridge would help facilitate movement of pedestrians and bicyclists across Superior Avenue. The proposed bridge would connect Sunset Ridge Park to a new, larger asphalt parking lot with a range of 100 to 128 parking spaces. Construction of the proposed Project would also include the installation of a fenced dog park, separating large and small dogs, which may include benches and trash cans. The dog park will be 0.2 to 0.3 acres in size. The dog park would require a new water service for the water fountain and for irrigation. Security lighting at the dog park would be down-shielded to prevent light scatter. Hours at the dog park would be consistent with the Municipal Code which restricts park hours to between 6:00 a.m. and 11:00 p.m. In addition, a shade structure may be installed at the dog park, approximately 10

to 15 feet in height. The top of the shade structure would be below the Sunset View Park ground elevation and would be designed to protect public coastal views.

Development of the proposed project would require the following approvals from the City of Newport Beach:

- **Coastal Development Permit (CDP)** – To allow development of the project including the parking lot, dog park, and pedestrian/bicycle bridge in the Coastal Zone.
- **Mitigated Negative Declaration (MND)** – To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals pursuant to CEQA.

Development of the proposed project would require the following approval from the California Coastal Commission:

- **Coastal Development Permit Amendment** – To amend the Sunset Ridge Park Coastal Development Permit No. 5-11-302 to allow the bridge development at the existing park.

On the basis of the Initial Study, City staff has concluded that the project would not have a significant impact on the environment and has therefore recommended preparation of a Mitigated Negative Declaration (MND). The Mitigated Negative Declaration is based on the finding that, by implementing the identified mitigation measures, the project's potential significant adverse impacts will be reduced to a less than significant level.

The Initial Study is available for a 30-day public review period beginning **September 20, 2019, and ending October 21, 2019**. Copies of the document are available for review in the Newport Beach Community Development Department, 100 Civic Center Drive, Bay B, Newport Beach, CA 92660 between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday, and 7:30 a.m. and 4:30 p.m. on Friday. The document is available online: [www.newportbeachca.gov/ceqa](http://www.newportbeachca.gov/ceqa). Additionally, copies of the document are also available for review at the following City public libraries during regular business hours:

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Boulevard, Newport Beach, CA 92660

\*Newport Beach Public Library, Mariners Branch, 1300 Irvine Avenue, Newport Beach, CA 92660

\*Newport Beach Public Library, Corona Del Mar Branch, 410 Marigold Avenue, Corona Del Mar, CA 92625

Written comments on the proposed project must be received no later than **October 21, 2019 at 5:30 p.m.** to the attention of Andy Tran, Senior Civil Engineer, at the address listed below or via email. Your comments should specifically identify what environmental impacts you believe would result from the project, why they are significant, and what changes or mitigation measures you believe should be adopted to eliminate or reduce these impacts. There is no fee to submit comments. You are also invited to attend and testify at the public hearings as to the appropriateness of this document.

The Newport Beach City Council will hold a hearing on the project at a future date in the City Council Chambers, 100 Civic Center Drive, Newport Beach, CA 92660. An additional public hearing notice will be sent out prior to the City Council's consideration of the project.

For further information as to the future schedule of hearings, please check:

<https://www.newportbeachca.gov/government/departments/public-works/superior-avenue-pedestrian-and-bicycle-bridge-and-parking-lot-project>.

For additional information, please contact Andy Tran, Senior Civil Engineer, at (949) 644-3315 or at [atran@newportbeachca.gov](mailto:atran@newportbeachca.gov).

Andy Tran, Senior Civil Engineer  
City of Newport Beach, Public Works Department  
100 Civic Center Drive, Bay D-2  
Newport Beach, CA 92660

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## **Response To Comment Letter #2 – Jack Rose**

### **Response to Comment 2-1:**

Thank you for your comment.

As described in the Draft IS/MND, Section 2.2 Project Purpose and Objectives, West Coast Highway and Superior Avenue are major arterials with a high volume of vehicular traffic. The purpose of the bridge is to improve safety and access to Sunset Ridge Park and to improve the vehicular efficiency of the Superior Avenue/West Coast Highway intersection. Specifically, the objectives of the Project are:

- To improve safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk.
- To provide additional parking spaces to better serve both passive uses and organized sporting events (mostly youth) at Sunset Ridge Park in an area where parking is limited.
- To reduce traffic signal wait times by shifting pedestrian and bicycle traffic from the at-grade crosswalk to the bridge.
- To expand recreational options in this part of the City by developing a small dog park just below Sunset View Park, adjacent to the expanded parking lot.

The provision of a bridge over PCH is outside the scope of this Project; however, your comment will be considered by City Council during their review of the Project and CEQA document.

### **Response to Comment 2-2:**

Please refer to Response to Comment 2-1.

### **Response to Comment 2-3:**

Please refer to Response to Comment 1-1.

Comment Letter #3 – Michael Call, Mark Wilser, Deborah Gero

**COMMENT LETTER #3**

**From:** Tran, Andy  
**Sent:** Wednesday, September 25, 2019 7:42 AM  
**To:** 'Michael Call'  
**Cc:** 'Mark Wilser'; 'Deborah Gero'  
**Subject:** RE: What is the MND public review period? How do we make our comments know to the decision makes?

Good morning everyone,

The MND public review period is an opportunity for the public to comment on the environmental document that was prepared for this project. MND's include many technical studies and mitigation measures to address potential impacts. These technical studies include noise and visual impacts to name a few.

Feel free to send me your written comments via email or letter. We will provide a formal response at the end of the 30-day review period.

Thanks,

Andy Tran, P.E.  
Senior Civil Engineer  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660  
Phone: 949-644-3315

---

**From:** Michael Call <[onecall4all1@verizon.net](mailto:onecall4all1@verizon.net)>  
**Sent:** Tuesday, September 24, 2019 5:13 PM  
**To:** Tran, Andy <[ATran@newportbeachca.gov](mailto:ATran@newportbeachca.gov)>  
**Cc:** 'Mark Wilser' <[mw@globalcapitalmarkets.com](mailto:mw@globalcapitalmarkets.com)>; 'Deborah Gero' <[debigero@gmail.com](mailto:debigero@gmail.com)>  
**Subject:** What is the MND public review period? How do we make our comments know to the decision makes?

Andy,  
What is the MND public review period?  
How do we make our comments know to the decision makes?  
Thank you, Michael Call

| **Comment**  
| **3-1**  
| **Comment**  
| **3-2**

---

**From:** Tran, Andy [<mailto:ATran@newportbeachca.gov>]  
**Sent:** Tuesday, September 24, 2019 11:16 AM  
**Subject:** FW: City of Newport Beach: UPDATED - Notice of Availability and Intent to Adopt a Mitigated Negative Declaration

Would this include a bridge over PCH?

Sent from my iPhone

Begin forwarded message:

**From:** City of Newport Beach News  
<[noreply@newportbeachca.gov](mailto:noreply@newportbeachca.gov)>  
**Date:** September 23, 2019 at 5:27:31 PM PDT  
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**Subject:** City of Newport Beach: Notice of Availability and Intent to Adopt a Mitigated Negative Declaration  
**Reply-To:** <[noreply@newportbeachca.gov](mailto:noreply@newportbeachca.gov)>

**Notice of Availability and Intent to Adopt a Mitigated Negative Declaration**

**Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project (PA2019-014)**

Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project

Post Date: 09/23/2019 5:00 pm



Planning Division News Splash:

**NOTICE OF AVAILABILITY AND INTENT TO ADOPT A  
MITIGATED NEGATIVE DECLARATION FOR THE**

**SUPERIOR AVENUE PEDESTRIAN AND BICYCLE  
BRIDGE AND PARKING LOT PROJECT**

**(PA2019-014)**

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**Project Title:** Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project

**Project Applicant:** City of Newport Beach

**Project Location:** The proposed Project is located within the City of Newport Beach and is located approximately 1,000 feet from the coastline in Orange County, California. The entire Project site is within the boundary of the coastal zone as established by the California Coastal Act. Currently, an existing City-owned parking lot with 64 metered parking stalls is located at the northeast corner of this intersection. Directly east of the existing parking lot is an undeveloped piece of land with steep slopes. The Project site is surrounded by the Pacific Ocean, Sunset View Park, Sunset Ridge Park, vegetated hillsides, major roads, and residential homes. Superior Avenue runs along the western boundary and the West Coast Highway runs along the southern boundaries of the Project site, respectively.

**Project Description:** The City proposes the construction of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot and a fenced dog park totaling approximately 3.4 acres in size. Due to the proximity to the coast, the area receives a significant amount of pedestrian and bicycle traffic. Sunset Ridge Park, constructed in December 2014, is a 13.7-acre active park with a baseball field and two soccer fields. Currently, visitors to Sunset Ridge Park use the existing parking lot across Superior Avenue and cross at the at-grade Superior Avenue/West Coast Highway intersection because no on-site parking is provided at Sunset Ridge Park. The new pedestrian and bicycle ramp will provide access to the parking lot and bridge from the north side of West Coast Highway. Additionally, the proposed Project would include the construction of a new sidewalk/bike path from the modified parking lot entrance to the proposed bridge. The proposed bridge would help facilitate movement of pedestrians and bicyclists across Superior Avenue. The proposed bridge would connect Sunset Ridge Park to a new, larger asphalt parking lot with a range of 100 to 128 parking spaces. Construction of the proposed Project would also include the installation of a fenced dog park, separating large and small dogs, which may include benches and trash cans. The dog park will be 0.2 to 0.3 acres in size. The dog park would require a new water service for the water fountain and for irrigation. Security lighting at the dog park would be down-shielded to prevent light scatter. Hours at the dog park would be consistent with the Municipal Code which restricts park hours to between 6:00 a.m. and 11:00 p.m. In addition, a shade structure may be installed at the dog park, approximately 10

to 15 feet in height. The top of the shade structure would be below the Sunset View Park ground elevation and would be designed to protect public coastal views.

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Development of the proposed project would require the following approval from the California Coastal Commission:

- **Coastal Development Permit Amendment** – To amend the Sunset Ridge Park Coastal Development Permit No. 5-11-302 to allow the bridge development at the existing park.

On the basis of the Initial Study, City staff has concluded that the project would not have a significant impact on the environment and has therefore recommended preparation of a Mitigated Negative Declaration (MND). The Mitigated Negative Declaration is based on the finding that, by implementing the identified mitigation measures, the project's potential significant adverse impacts will be reduced to a less than significant level.

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Written comments on the proposed project must be received no later than **October 21, 2019 at 5:30 p.m.** to the attention of Andy Tran, Senior Civil Engineer, at the address listed below or via email. Your comments should specifically identify what environmental impacts you believe would result from the project, why they are significant, and what changes or mitigation measures you believe should be adopted to eliminate or reduce these impacts. There is no fee to submit comments. You are also invited to attend and testify at the public hearings as to the appropriateness of this document.

The Newport Beach City Council will hold a hearing on the project at a future date in the City Council Chambers, 100 Civic Center Drive, Newport Beach, CA 92660. An additional public hearing notice will be sent out prior to the City Council's consideration of the project.

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<https://www.newportbeachca.gov/government/departments/public-works/superior-avenue-pedestrian-and-bicycle-bridge-and-parking-lot-project>.

For additional information, please contact Andy Tran, Senior Civil Engineer, at (949) 644-3315 or at [atran@newportbeachca.gov](mailto:atran@newportbeachca.gov).

Andy Tran, Senior Civil Engineer  
City of Newport Beach, Public Works Department  
100 Civic Center Drive, Bay D-2  
Newport Beach, CA 92660

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**Response To Comment Letter #3 – Michael Call, Mark Wilser, Debora Gero**

**Response to Comment 3-1:**

Thank you for your comment.

The purpose of the public review period is to allow both agencies and the public to comment on the Draft MND focusing on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which the significant effects may be avoided or mitigated (CEQA Guidelines Section 15204).

On September 23, 2019, the City of Newport Beach circulated a Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study to responsible agencies, trustee agencies, interest groups, and the general public. In accordance with the California Environmental Quality Act (CEQA) Section 21091 and State CEQA Guidelines Section 15073, a 30-day public review period for the Final IS/MND was provided from September 23, 2019 to October 23, 2019.

**Response to Comment 3-2:**

Comments received during the public review period will be part of the public record. These comments will be considered by the City Council during their consideration of the Project.

**Response to Comment 3-3:**

As described in Section 2.3 of the Draft IS/MND, the proposed Project includes the construction of a pedestrian and bicycle bridge overcrossing Superior Avenue that would connect Sunset Ridge Park to the Superior Parking Lot at the intersection of West Coast Highway and Superior Avenue. This Project does not include a bridge over Pacific Coast Highway.

Comment Letter #4 – REO Nationwide

**COMMENT LETTER #4**

**From:** CJ Gehlke <[cj@reonationwide.com](mailto:cj@reonationwide.com)> on behalf of Team  
<[info@reonationwide.com](mailto:info@reonationwide.com)>  
**Sent:** Wednesday, September 25, 2019 6:52 PM  
**To:** Tran, Andy  
**Subject:** PCH and Superior plans

The corner's highest and best use to serve the community best with the least amount of added danger to that high traffic high death rate corner is a police substation as was previously proposed in conjunction with the community center idea last year. The north side of Newport relies on a police station on the south side of the city and with crime and accidents up in our area, a police substation established prior to the added new development destined to proceed in the future (Banning Ranch) this will greatly help to serve our community.

Comment  
4-1

Comment  
4-2

A dog park or other "social" plan will add more traffic and pedestrian's to this already dangerous corner.

Comment  
4-3

Thankyou.

## **Response To Comment Letter #4 – REO Nationwide**

### **Response to Comment 4-1:**

Thank you for your comment.

The purpose of the proposed Project is a construction of a pedestrian and bicycle bridge overcrossing Superior Avenue that would connect Sunset Ridge Park to the Superior Parking Lot at the intersection of West Coast Highway and Superior Avenue.

As described in the Draft IS/MND, Section 2.2 Project Purpose and Objectives, the Proposed Project aids in improving safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk. This is an improvement from the present conditions where pedestrians and bicyclists typically cross the busy, major arterial roadways, West Coast Highway and Superior Avenue, to reach Sunset Ridge Park.

### **Response to Comment 4-2:**

Please refer to Response to Comment 4-1. Police and other public services will be evaluated if development is proposed for Banning Ranch in the future. Currently there is no application on file proposing development of Banning Ranch.

The development of the proposed bridge would also result in a beneficial impact because the bridge would provide increased safety and direct access from the parking lot to Sunset Ridge Park. For pedestrians traveling along the eastern sidewalk along Superior Avenue, the access point to the parking lot would remain in the same location, therefore the Project would not result in a change in traffic patterns over what is already expected along the roadway. Thus, no negative impacts related to access and safety along Superior Avenue is anticipated due to the Project.

### **Response to Comment 4-3:**

There are no traffic trip rates in the Institute of Transportation Engineers (ITE) Manual for dog parks. To determine the potential trips associated with a dog park, a comparison to a similar dog park in Laguna Beach was reviewed. The dog park in Laguna Beach is 2.5 acres in size and generates 480 trips per day. By comparison, the proposed 0.2-0.3 acre dog park would generate approximately 38 trips per day. Per the City Traffic Phasing Ordinance, a traffic impact study is required when there are more than 300 trips per day generated by a project. Given the estimated trips, it was determined that there is less than significant impact with the dog park portion of the Project.

As described in the Draft IS/MND, Section 4.14.1 Impact a) the proposed Project, including the dog park, would not indirectly induce population growth and is intended to serve the existing population in the area. No roadways, transit, or bicycle lanes would be significantly modified as a result of the proposed Project and therefore, would not conflict with applicable circulation plans. As discussed in Section 4.17.1 Impact a) of the MND, the proposed Project would not result in a substantial increase of users that would generate a significant increase in traffic because no construction of businesses or residences would occur and no expansion of park facilities other than the small dog park are proposed.



Comment Letter #5 – REO Nationwide

**COMMENT LETTER#5**

**From:** CJ Gehlke <[cj@reonationwide.com](mailto:cj@reonationwide.com)>  
**Sent:** Wednesday, September 25, 2019 6:51 PM  
**To:** Tran, Andy  
**Cc:** 'Mark Wilser'; [dgero@gmail.com](mailto:dgero@gmail.com); [OneCall4all1@verizon.net](mailto:OneCall4all1@verizon.net)  
**Subject:** See attached letter re: Proposed Dog Park on Superior Ave.  
**Attachments:** Scan.pdf

Please note attached letter regarding the dog park.

NOTE: Highest and best use for this property --Can a police substation please be considered as it was brought up as a possibility last year in conjunction with the possibility of a community center.

1. Less additional traffic on an already dangerous corner
2. Better response time for police to the entire north side of Newport
3. Police presence that will be in place when Banning Ranch starts development

Thank you.. CJ Gehlke

*Thanks for letting me help you today!*

**CJ Gehlke, CEO/Founder**

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REO Nationwide, Inc.  
Beneficial RE Inc.  
DRE No. 01334672  
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CJ

Comment  
5-1  
Comment  
5-2  
Comment  
5-3  
Comment  
5-4

September 4, 2019

Ms. Diane Dixon, Newport Beach Mayor  
Mr. Brad Avery, City Council Member  
Mr. Duffy Duffield, City Council Member  
Mr. Kevin Muldoon, City Council Member  
Mr. Jeff Hardman, City Council Member  
Ms. Joy Brenner, City Council Member  
Mr. Will O'Neill, City Council Member  
100 Civic Center Drive  
Newport Beach, CA 92660

Via email: [citycouncil@newprtbeachca.gov](mailto:citycouncil@newprtbeachca.gov)

Recreation & Senior Services Director  
[LDetweiler@newportbeachca.gov](mailto:LDetweiler@newportbeachca.gov)

CC:  
Villa Balboa Home Owner's Association  
C/O Ryan Darby  
[RDarby@actionlife.com](mailto:RDarby@actionlife.com)

**Re: Proposed Dog Park on Superior Avenue**

Dear Ms. Dixon and City Council Members:

I have recently become aware of the proposed dog park on Superior Avenue that is included in the project to add more parking for and a bridge to Sunset Ridge Park.

**Important Note:** The following text is an example but should be replaced or modified with your personal thoughts...for ideas see "Talking Points for Sunset View Dog Park".

Comment  
5-5

I want to go on record with you and the Villa Balboa HOA in opposing the dog park. For its entire 40-year existence the Villa Balboa community has prohibited dogs. This has been the basis for many residents to purchase homes there. The HOA Board has gone to considerable length to not modify any regulations as this would jeopardize this grandfathered "no dogs" regulation. It is hard to see the logic of putting a dog park so close to such a housing community when the city has other potential sites for a dog park. Research presented by a local resident at the Parks, Beaches and Recreation Department hearing on August 6<sup>th</sup> confirmed other dog parks in our area (10 were profiled on google earth) have a material buffer zone between the dog park and residences. In this case the proposed dog park is immediately adjacent to a building with 54 homes (200 Paris Lane) and a complex (Villa Balboa) with 400 homes as well as being next to a hospital property all connected to the proposed site by a walking path. While the existing Newport Beach Civic Center dog park is shorter in distance to the few nearest homes it also has the busy MacArthur Boulevard with four lanes and a

Comment  
5-6

Comment  
5-7

median with trees providing a meaningful buffer and containment of the dogs that leave the dog park.

It is my understanding that Villa Balboa homeowners who have emotional support or other medically prescribed dogs and attended a Villa Balboa HOA meeting regarding the agenda item of adding a bridge did so as they look forward to walking their dog in the large Sunset Ridge Park across the street.

Comment  
5-8

There are a number of other very practical reasons why this is not the right place nor time for a dog park at this location.

- Superior Avenue is already a dangerous road with many accidents, including cars veering onto the sidewalk and even crashing through the Villa Balboa fence, in the vicinity of this location heading up hill from Pacific Coast Highway. The additional cars, people, and dogs (some of whom will inevitably get-off leash outside the dog park) will add distractions to drivers on an already dangerous road.
- Smells, sounds, and pathogens carry, and those who enjoy the Sunset View Park and live near it will suffer.
- Newport Beach already fails to enforce leash laws in Sunset View Park.
- The shade and benches essential to making this a usable dog park will also attract more homeless; there is already a homeless problem in the very parking lot that is being expanded. We know that neighbors near the existing Civic Center dog park, which is also near a homeless encampment, complain of finding needle caps at the dog park.

Comment  
5-9

Comment  
5-10

Comment  
5-11

Comment  
5-12

For those of us who live near and use Sunset View Park, we know what a great job the City has done making that a tranquil vista for those seeking ocean, sunset, and even fireworks views. If you have been to Sunset View Park you will see that its many visitors de facto have expanded the park into an area now slated to become part of the dog park. There are many uses for this valuable land with a unique and beautiful view. And we encourage the City to consider expanding Sunset View Park or at a minimum providing further green space as part of its bridge and parking lot development.

Comment  
5-13

Sincerely,



Ms. Carol Jean Gehlke  
200 Paris Lane Apt. 106  
Newport Beach, CA. 92663

[cj@reonationwide.com](mailto:cj@reonationwide.com)

949-500-9434

## **Response To Comment Letter #5 – REO Nationwide**

### **Response to Comment 5-1:**

Thank you for your comment. As described in the Draft IS/MND, Section 2.2 Project Purpose and Objectives, the Proposed Project aids in improving safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk. This is an improvement from the present conditions where pedestrians and bicyclists typically cross the busy, major arterial roadways, West Coast Highway and Superior Avenue, to reach Sunset Ridge Park.

### **Response to Comment 5-2:**

Please refer to Response to Comment 5-1.

All traffic trips associated with Sunset Ridge Park (land use) are generated by the park visitors. The proposed parking lot expansion and bridge are not land uses and do not generate new trips. The parking lot and bridge are ancillary to the land use. The addition of the dog park has the potential to add 38 trips per day. Currently, the Sunset Ridge visitors park their vehicles where there are available parking spaces in the area. If the existing parking lot is full, park visitors find alternate parking places in the area, or drop off visitors and users. The addition of the 38 trips per day as a result of the dog park would be accommodated within the parking lot expansion. This additional traffic anticipated from the dog park is not expected to increase traffic hazards along the existing roadways.

### **Response to Comment 5-3:**

Please refer to Response to Comment 5-1. Police service impacts were analyzed based on the proposed Project. Response time for police to other areas of Newport Beach is outside the scope of CEQA analysis, however your comments will be included as a part of City Council's consideration of the project.

### **Response to Comment 5-4:**

Please refer to Response to Comment 5-3. Police presence during the development of Banning Ranch is outside the scope of CEQA analysis and impacts to Police Services would be evaluated if development is proposed for Banning Ranch.

### **Response to Comment 5-5:**

Thank you for your comment. Comment noted.

### **Response to Comment 5-6:**

As described in the Draft IS/MND, Section 4.13.2 Impact a) the noise from the proposed dog park, from both dogs barking and dog-owners talking, would be well below (at least 30 dB below) ambient noise levels. Noise is only additive if the noise source is within 10 dB of ambient noise levels. Since noise from the proposed dog park would be at least 30 dB below ambient noise levels, it would not provide a quantitative contribution to existing ambient noise levels and will not be discernible at the nearby homes. A noise study was conducted for the Proposed Project to compare noise levels for similar activities at



other comparable facilities; and these noise measurements are presented in detail in Table 4-24 of the Draft IS/MND. Additionally, the proposed Project is anticipated to generate approximately 38 additional daily trips above current conditions, which would have a negligible impact to the nearby roadway noise levels. Therefore, it has been determined that the noise levels generated at the dog park would be within the City's exterior daytime and nighttime residential noise standards. The Proposed Project would not result in a significant impact to the nearest homes in the vicinity of the Project.

**Response to Comment 5-7:**

Please refer to Response to Comment 5-6. In addition, tree planting within the proposed Project site is included to provide a visual buffer around the Project site. The dog park is at a lower elevation than Sunset View Park and will be in a separate area. As described in the Draft IS/MND, Section 2.3.3, the design of the proposed 0.2-0.3 acre dog park includes the installation of 6-foot tall fences, separating large and small dogs, thus clearly designating a space, specifically catered towards dogs and the pet owners. Installation of the fences would prevent dogs from exiting the designated park area and prevent dogs from entering any private properties or public roadways.

**Response to Comment 5-8:**

Thank you for your comment. Comment noted.

**Response to Comment 5-9:**

Thank you for your comment. Signage will be included that off-leash dogs must remain within the dog park area.

Please refer to response to Comment 5-1.

As outlined in the City's Municipal Code Chapter 7.04.020: "No person having the care, charge or control of any dog shall cause or allow, either willfully or through failure to exercise due care or control, such dog to be present upon any beach, street, alley, or public place, or upon any private property or premises other than his or her own without written consent of the owner or lessee of such land unless such dog is securely restrained by a substantial leash or chain not exceeding six feet in length and controlled by a person competent to restrain such dog. This section shall not be construed as allowing dogs on leashes in the areas from which dogs are prohibited as designated by Sections 7.04.025, 7.04.030, and 7.04.050. (Ord. 89-8 § 1, 1989; Ord. 1230 § 1, 1967; Ord. 796 (part), 1956; 1949 Code § 4107)." Park users shall comply with the City's code for use of dog restraints in public places.

There are no traffic trip rates in the Institute of Transportation Engineers (ITE) Manual for dog parks. To determine the potential trips associated with a dog park, a comparison to a similar dog park in Laguna Beach was reviewed. The dog park in Laguna Beach is 2.5 acres in size and generates 480 trips per day. By comparison, the proposed 0.2-0.3 acre dog park would generate approximately 38 trips per day. Per the City Traffic Phasing Ordinance, a traffic impact study is required when there are more than 300 trips per day generated by a project. Given the estimated trips, it was determined that there is less than significant impact with the dog park portion of the Project.

As described in the Draft IS/MND, Section 4.14.1 Impact a) the proposed Project, including the dog park, would not indirectly induce population growth and is intended to serve the existing population in the area.

No roadways, transit, or bicycle lanes would be significantly modified as a result of the proposed Project and therefore, would not conflict with applicable circulation plans. As discussed in Section 4.17.1 Impact a) of the MND, the proposed Project would not result in a substantial increase of users that would generate a significant increase in traffic because no construction of businesses or residences would occur and no expansion of park facilities other than the small dog park are proposed.

As described in the Draft IS/MND, Section 2.3.3, the design of the proposed 0.2-0.3 acre dog park includes the installation of 6-foot tall fences, separating large and small dogs, thus clearly designating a space, specifically catered towards dogs and the pet owners. Installation of the fences would prevent dogs from exiting the designated park area and prevent dogs from entering any private properties or public roadways.

**Response to Comment 5-10:**

As described in the Draft IS/MND, Section 4.3.3 Impact d) a regular maintenance schedule, including proper handling and removal of pet waste will be established to prevent accumulation of dog waste at the park thus preventing the generation of odor. Additionally, as part of the design, the dog park would include conveniently-sited waste receptacles away from residences, and provision of waste bags for owners' use. In addition, with the use of synthetic turf specifically designed for dog parks, the ease of cleaning and maintenance is increased.

The appropriate disposal of dog waste onsite would minimize odors perceptible to people. Pursuant to Section 7.20.020 of the City of Newport Beach Municipal Code, it is unlawful for a person in charge of any animal "to permit such animal to defecate and to allow the feces to thereafter remain on any public sidewalk, public beach or park or on any other public property or on any private property other than that of the owner..." The Project's provision and maintenance of bags for the disposal of dog waste and of trash receptacles at the dog park would facilitate compliance with Municipal Code Section 7.20.020.

Thus, the dog park is not expected to result in any significant impacts in relation to odor from pet waste. The Project site is not anticipated to introduce any other objectionable odors.

**Response to Comment 5-11:**

Thank you for your comment. Please refer to Response to Comment 5-9.

**Response to Comment 5-12:**

Park hours will be enforced per the Municipal Code. A regular maintenance schedule will be maintained to ensure needles and other refuse are cleaned out of the dog park and proposed Project site. Park rangers will make regularly scheduled visits to parks.

As outlined in the City's Municipal Code Chapter 7.04.020: "No person having the care, charge or control of any dog shall cause or allow, either willfully or through failure to exercise due care or control, such dog to be present upon any beach, street, alley, or public place, or upon any private property or premises other than his or her own without written consent of the owner or lessee of such land unless such dog is securely restrained by a substantial leash or chain not exceeding six feet in length and controlled by a person competent to restrain such dog. This section shall not be construed as allowing dogs on leashes in the areas from which dogs are prohibited as designated by Sections 7.04.025, 7.04.030, and 7.04.050.

(Ord. 89-8 § 1, 1989; Ord. 1230 § 1, 1967; Ord. 796 (part), 1956; 1949 Code § 4107).” Park users shall comply with the City’s code for use of dog restraints in public places.

**Response to Comment 5-13:**

Thank you for your comment. Comment noted.

Comment Letter #6 – REO Nationwide

**COMMENT LETTER#6**

**From:** CJ Gehlke <[cj@reonationwide.com](mailto:cj@reonationwide.com)>  
**Sent:** Wednesday, September 25, 2019 6:53 PM  
**To:** Tran, Andy  
**Cc:** 'Mark Wilser'  
**Subject:** Signage on PCH and Superior

Thank you for your work on this dog park issue. I consult by profession on highest and best use issues for developers and lenders nationwide, and have done so for over 30 years. So I bring some experience to my suggestion.

Again, the highest and best use for that corner with both present fatalities and accidents on that corner and the future Banning Ranch projects:

Police Sub-station. There is no police presence on this side of Newport. The quick response to the accidents and thefts here would be such a great thing for the community. A sub station was previously proposed as part of the community center idea. At that time, the voices from the neighborhood were loudly hoping that if anything proposed were resisted, the corner might be left alone. That corner is too expensive and high value dirt to leave alone. It will be developed. So to suggest what might service the community best with the dangerous corner in mind would be a far better response than simple and repeated opposition.

It is my understanding that the Police Dept could be approached again, as they were involved previously on the prior plan to incorporate a substation there, asking for support for a substation.

Less traffic, less pedestrians, presence both at the ready when needed and a visual deterrent to the problems currently occurring on that corner. Not one day goes by that on my twice daily walk I am nearly run down by a car blowing through a red and cars speeding through nearly hitting pedestrians. A cash infusion could be the result of the ticket potential from both unleashed dogs in both adjacent parks and the constant traffic infractions on thatcorner.

Please redirect attention to a police substation as an alternate concept which would be highly useful, life saving and provide much needed support for the upcoming development next to the Ridge Park as well.

Comment  
6-1

Comment  
6-2

Comment  
6-3

Comment  
6-4

*Thanks for letting me help you today!*

*CJ Gehlke, CEO/Founder*  
*licensed since 1979 DRE No. 00803243*  
*REO Nationwide, Inc.*  
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*BPO and APPRAISAL Services - Individual or Volume Bulk*  
*BULK Sale Facilitation*



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*CJ*

## **Response To Comment Letter #6 – REO Nationwide**

### **Response to Comment 6-1:**

Thank you for your comment.

As described in the Draft IS/MND, Section 2.2 Project Purpose and Objectives, the objectives of the Project are:

- To improve safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk.
- To provide additional parking spaces to better serve both passive uses and organized sporting events (mostly youth) at Sunset Ridge Park in an area where parking is limited.
- To reduce traffic signal wait times by shifting pedestrian and bicycle traffic from the at-grade crosswalk to the bridge.
- To expand recreational options in this part of the City by developing a small dog park just below Sunset View Park, adjacent to the expanded parking lot.

As described in the Draft IS/MND, Section 2.2 Project Purpose and Objectives, the Proposed Project aids in improving safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk. This is an improvement from the present conditions where pedestrians and bicyclists typically cross the busy, major arterial roadways, West Coast Highway and Superior Avenue, to reach Sunset Ridge Park. For pedestrians traveling along the eastern sidewalk along Superior Avenue, the access point to the parking lot would remain in the same location, therefore the Project would not result in a change in traffic patterns over what is already expected along the roadway.

### **Response to Comment 6-2:**

Please refer to Response to Comment 6-1. Police services were analyzed for potential impacts created by this particular project. Provision of a police substation at this site is outside the scope of this CEQA analysis; however, this comment will be considered by City Council during the review of this Project.

### **Response to Comment 6-3:**

Please refer to Response to Comment 6-1.

### **Response to Comment 6-4:**

Thank you for your comment. Police and other public services will be evaluated if development is proposed in the area in the future. Currently there is no application on file proposing development of Ridge Park. Signage will be included that off-leash dogs must remain within the dog park area.

As outlined in the City's Municipal Code Chapter 7.04.020: "No person having the care, charge or control of any dog shall cause or allow, either willfully or through failure to exercise due care or control, such dog to be present upon any beach, street, alley, or public place, or upon any private property or premises other than his or her own without written consent of the owner or lessee of such land unless such dog is

securely restrained by a substantial leash or chain not exceeding six feet in length and controlled by a person competent to restrain such dog. This section shall not be construed as allowing dogs on leashes in the areas from which dogs are prohibited as designated by Sections 7.04.025, 7.04.030, and 7.04.050. (Ord. 89-8 § 1, 1989: Ord. 1230 § 1, 1967: Ord. 796 (part), 1956: 1949 Code § 4107).” Park users shall comply with the City’s code for use of dog restraints in public places.

As described in the Draft IS/MND, Section 2.3.3, the design of the proposed 0.2-0.3 acre dog park includes the installation of 6-foot tall fences, separating large and small dogs, thus clearly designating a space, specifically catered towards dogs and the pet owners. The dog park would also have ancillary facilities like a water fountain, benches, shade structure, security lighting, trash cans and waste bag dispensers for the pet owners’ convenience and use. Some of these features would be absent in Sunset Ridge Park, namely the ability to allow dogs off-leash, thus acting as an incentive for pet owners to remain within the dog park. Installation of the fences would prevent dogs from exiting the designated park area and prevent dogs from entering any private properties, or public roadways.

As noted above, provision of a police substation is outside the scope of the CEQA analysis for this project

Comment Letter #7 – David Tanner

**COMMENT LETTER #7**

**From:** Brine, Tony  
**Sent:** Thursday, September 26, 2019 12:19PM  
**To:** 'dave@earsi.com'  
**Cc:** Jurjis, Seimone; Webb, Dave (Public Works); Tran, Andy  
**Subject:** RE: Clarification of Updated CEQA Guidelines

Dear Mr. Tanner,

I have been asked to respond to your question regarding CEQA analysis of transportation/traffic impacts with City CIP projects, or private development projects.

As I'm sure you are aware, Senate Bill 743 contains Guidelines regarding assessment of projects using VMT as the measure of transportation impacts. The CEQA Guidelines that implement SB 743 were approved on December 28, 2018. July 1, 2020 is the statewide implementation date and agencies may opt-in use of new metrics prior to that date. Prior to that July date, the city will determine our most appropriate thresholds.

For the Superior Bridge project, the CEQA Transportation analysis was appropriate because there is no trip generation associated with the project.

For the Newport Village Mixed Use development project, there will be a traditional traffic level of service (LOS) analysis and a CEQA vehicle miles travelled (VMT) analysis. The traffic analysis "Traffic Study" will use LOS as the impact threshold and will be prepared per the city's Traffic Phasing Ordinance (TPO) guidelines. The CEQA analysis will be prepared using the Governor's Office of Planning and Research (OPR) guidelines.

The use of both LOS and VMT will be model for traffic and transportation analysis for CEQA documents. I hope this helps answer your questions.

**Tony Brine, P.E., T.E.**  
City Traffic Engineer  
100 Civic Center Drive  
Newport Beach, CA 92660  
Phone: (949) 644-3329  
e-mail : [tbrine@newportbeachca.gov](mailto:tbrine@newportbeachca.gov)

---

**From:** Jurjis, Seimone  
**Sent:** Tuesday, September 24, 2019 3:00 PM  
**To:** Webb, Dave (Public Works) <[DAWebb@newportbeachca.gov](mailto:DAWebb@newportbeachca.gov)>; Brine, Tony <[tbrine@newportbeachca.gov](mailto:tbrine@newportbeachca.gov)>  
**Subject:** FW: Clarification of Updated CEQA Guidelines



**SEIMONE JURJIS, P.E., C.B.O.**  
**Community Development Department**  
Community Development Director  
[sjurjis@newportbeachca.gov](mailto:sjurjis@newportbeachca.gov)  
949-644-3282

**From:** [dave@earsi.com](mailto:dave@earsi.com) [mailto:[dave@earsi.com](mailto:dave@earsi.com)]  
**Sent:** Tuesday, September 24, 2019 2:39 PM  
**To:** Jurjis, Seimone <[sjurjis@newportbeachca.gov](mailto:sjurjis@newportbeachca.gov)>  
**Cc:** Harp, Aaron <[aharp@newportbeachca.gov](mailto:aharp@newportbeachca.gov)>  
**Subject:** Clarification of Updated CEQA Guidelines

Hi Seimone,

I intent to make the following request for clarification at today's City Council meeting.

**Non-Agenda Item**

Clarification on the City's position regarding the implementation of the Resource Agencies Updated CEQA Guidelines

On December 28, 2018 the Resources Agency adopted updated Guidelines for compliance with the California Environmental Quality Act. The Updated Guidelines made significant changes reflecting recent court decisions and changes to streamline the CEQA process. One of these changes was the elimination of an analysis of a project's "Traffic" impacts and the inclusion of an analysis of a project's "Transportation" impacts. In simple terms "Traffic" is the evaluation of a project's vehicular delay and congestion. "Transportation" is the evaluation of a project's vehicular trip lengths and vehicle miles traveled.

Comment  
7-1

The City has published a Notice of Availability and Intent to Adopt a Mitigated Negative Declaration for the Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project (Pa2019-014). (I support this project but feel that the parking capacity should be increased by one or more underground parking levels due to the scarcity of areas available for such uses.) The Draft CEQA document for this project does not contain an evaluation of the project's "traffic" impacts. It includes a discussion of the project's "Transportation" impacts.

Comment  
7-2

In contrast Consent Calendar Items 13 on today's Agenda is the award of a contract for CEQA services for the Proposed Newport Village Mixed-Use Project Located in the 2000 Block of West Coast Highway (PA2017-253). (I support Staff's conclusion an EIR be prepared for this project). However, the scope of work for this EIR includes a TrafficStudy.

Comment  
7-3

Therefore, I request the City clarify its position on this important element of CEQA.

How will "Traffic" be considered in CEQA documents?

Feel free to call if you have questions.

Cheers,  
Dave

David J. Tanner, President  
Environmental & Regulatory Specialists, Inc.  
223 62nd Street  
Newport Beach, CA92663  
949 646-8958 wk  
**949 233-0895 cell**

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## **Response To Comment Letter #7 – David Tanner**

### **Response to Comment 7-1:**

Thank you for your comment. Comment noted.

### **Response to Comment 7-2:**

The Draft IS/MND does contain analysis for transportation impacts, which includes a discussion on traffic patterns in the area and potential construction and operational impacts.

### **Response to Comment 7-3:**

Senate Bill 743 (SB 743) was certified, adopted, and was included in the updated CEQA Guidelines. Under SB 743, auto delays in traffic (intersection Level of Service) would not be considered a significant impact under CEQA, rather, vehicle miles traveled (VMT) would be the metric for analyzing transportation impacts.

There are no traffic trip rates in the Institute of Transportation Engineers (ITE) Manual for dog parks. To determine the potential trips associated with a dog park, a comparison to a similar dog park in Laguna Beach was reviewed. The dog park in Laguna Beach is 2.5 acres in size and generates 480 trips per day. By comparison, the proposed 0.2-0.3 acre dog park would generate approximately 38 trips per day. Per the City Traffic Phasing Ordinance, a traffic impact study is required when there are more than 300 trips per day generated by a project. Given the estimated trips, it was determined that there is less than significant impact with the dog park portion of the Project.

As described in the Draft IS/MND, Section 4.14.1 Impact a) the proposed Project, including the dog park, would not indirectly induce population growth and is intended to serve the existing population in the area. No roadways, transit, or bicycle lanes would be significantly modified as a result of the proposed Project and therefore, would not conflict with applicable circulation plans. As discussed in Section 4.17.1 Impact a) of the MND, the proposed Project would not result in a substantial increase of users that would generate a significant increase in traffic because no construction of businesses or residences would occur and no expansion of park facilities other than the small dog park are proposed.

All traffic trips associated with Sunset Ridge Park (land use) are generated by the park visitors. The proposed parking lot expansion and bridge are not land uses and do not generate new trips. The parking lot and bridge are ancillary to the land use. Because there is no change to the park site with the Project area, there are no additional traffic trips that could be associated with the bridge and parking lot Project. The traffic trips associated with the park visitors, that will use the proposed bridge and expanded parking lot, already exist in the roadway system. Currently, the Sunset Ridge visitors park their vehicles where there are available parking spaces in the area. If the existing parking lot is full, park visitors find alternate parking places in the area, or drop off visitors and users.

As described in the Draft IS/MND, Section 4.17.1 Impact a), the expanded parking lot associated with the proposed Project would serve existing park users and would not generate a significant increase in traffic because no businesses or residences are being constructed and no additional park facilities besides the dog park will be introduced. In fact, the parking lot would provide a designated parking area to diverge parking-related traffic from surrounding residential and commercial areas. Furthermore, there would be

no conflict with applicable circulation plans due to no significant proposed modifications to roadways, transit, or bicycle lanes.



Comment Letter #8 –Sandy Frizzell

**COMMENT LETTER#8**

**From:** Sandy <[sandyfrizzell@roadrunner.com](mailto:sandyfrizzell@roadrunner.com)>  
**Sent:** Thursday, September 26, 2019 9:19 PM  
**To:** Tran, Andy  
**Subject:** Lower Sunset View Park/Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project

Dear Mr. Tran,

I live at 200 Paris on the second floor at the far corner of Superior Avenue and PCH in Villa Balboa. Sunset View Park is my front yard. I can see it from most rooms in my condo. I love it here. I enjoy the people, activities and of course the awesome views. These changes will greatly affect my life. I have read the Initial Study that is on line, not all of it, of course, but the parts that interest me. I have a few concerns. Would it be possible for us to meet, either in your office or even better at the site? I highly commend the city for both Sunset View and Sunset Ridge (except for the parking) Parks. They are both great additions to Newport Beach. I want to like this project, but I need to understand it better. Let me know if meeting is possible and if so when.

Comment  
8-1

Comment  
8-2

Thank you,  
Sandy Frizzell  
949-646-3248

## **Response To Comment Letter #8 – Sandy Frizzell**

### **Response to Comment 8-1:**

Thank you for your comment; this comment has been noted.

### **Response to Comment 8-2:**

As described in the Draft IS/MND, Section 2.2 Project Purpose and Objectives, the Proposed Project aids in improving safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk. This is an improvement from the present conditions where pedestrians and bicyclists typically cross the busy, major arterial roadways, West Coast Highway and Superior Avenue, to reach Sunset Ridge Park. Due to West Coast Highway and Superior Avenue being major arterials with a high volume of vehicular traffic, the purpose of the bridge would not only improve safety and access to Sunset Ridge Park, but also improve the vehicular efficiency of the Superior Avenue/West Coast Highway intersection. Specifically, the objectives of the Project are:

- To improve safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk.
- To provide additional parking spaces to better serve both passive uses and organized sporting events (mostly youth) at Sunset Ridge Park in an area where parking is limited.
- To reduce traffic signal wait times by shifting pedestrian and bicycle traffic from the at-grade crosswalk to the bridge.
- To expand recreational options in this part of the City by developing a small dog park just below Sunset View Park, adjacent to the expanded parking lot.

The City has met with multiple local community groups to discuss the proposed Project, and appreciates the community's interest in the proposed Project.

Comment Letter #9 – Suresh Parikh

**COMMENT LETTER #9**

**From:** Detweiler, Laura  
**Sent:** Tuesday, October 1, 2019 1:43 PM  
**To:** Tran, Andy  
**Subject:** FW: Proposed Dog Park on Superior Avenue

Andy, making sure you received this as part of the public comment period.

**LAURA DETWEILER, MA** | Director  
**Recreation & Senior Services Department**  
City of Newport Beach  
City Hall - 100 Civic Center Drive, Bay E, Newport Beach CA 92660  
p: 949-644-3157 | f: 949-644-3155 | e: [ldetweiler@newportbeachca.gov](mailto:ldetweiler@newportbeachca.gov)  
visit us: [www.newportbeachca.gov/recreation](http://www.newportbeachca.gov/recreation)



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**From:** SURESH PARIKH <[suresh\\_parikh@hotmail.com](mailto:suresh_parikh@hotmail.com)>  
**Sent:** Friday, September 27, 2019 3:53 PM  
**To:** [citycouncil@newprtbeachca.gov](mailto:citycouncil@newprtbeachca.gov); Detweiler, Laura <[LDetweiler@newportbeachca.gov](mailto:LDetweiler@newportbeachca.gov)>  
**Cc:** Ryan Darby <[rdarby@actionlife.com](mailto:rdarby@actionlife.com)>; SURESH PARIKH <[suresh\\_parikh@hotmail.com](mailto:suresh_parikh@hotmail.com)>  
**Subject:** Proposed Dog Park on Superior Avenue

Date: September 27, 2019

To:

Ms. Diane Dixon, Newport Beach Mayor  
Mr. Brad Avery, City Council Member  
Mr. Duffy Duffield, City Council Member  
Mr. Kevin Muldoon, City Council Member  
Mr. Jeff Hardman, City Council Member  
Ms. Joy Brenner, City Council Member  
Mr. Will O'Neill, City Council Member

City of Newport Beach, CA  
100 Civic Center Drive  
Newport Beach, CA 92660

**Re: Proposed Dog Park on Superior Avenue**

Dear Ms. Dixon and City Council Members,

We have just recently become aware of the proposed dog park on Superior Avenue, which will be a part of or next to Sunset View Park (SSVP).

We would like to go on record for expressing our COMPLETE OPPOSITION to this proposed Dog Park.

Comment  
9-1

(1) We moved into Villa Balboa (VBB) in 2016 with an assurance that VBB does not allow dogs in the Community Association. This was one of our basis to move into VBB.

(2) We enjoy the use of SSVP, for an evening walk or for a daytime visit to the greens and seating benches.

Comment  
9-2

(3) The proposed Dog Park is so CLOSE to SSVP, without any buffer area between.

Comment  
9-3

(4) We have never seen any enforcement of Leash Laws at SSVP or Sunset Ridge Park (SSRP).

Comment  
9-4

(5) Many dog owners HARDLY pick up after their dogs have excreted, leaving smell and stench of feces and urine.

Comment  
9-5

(6) There could be harmful pathogens, parasites and diseases left from the dog feces and urine in the air near by, which could adversely affect health of the residents living next door.

Comment  
9-6

We live JUST A FEW FEET AWAY. We certainly disapprove of this proposal.

Sincerely,

Suresh Parikh  
Usha Parikh  
220 Nice Lane, # 315  
Newport Beach, CA 92663

(949) 873-5656

[suresh\\_parikh@hotmail.com](mailto:suresh_parikh@hotmail.com)

## **Response To Comment Letter #9 – Suresh Parikh**

### **Response to Comment 9-1:**

Thank you for your comment; this comment noted.

### **Response to Comment 9-2:**

Comment noted.

### **Response to Comment 9-3:**

The proposed dog park will be approximately 50 feet downslope of Sunset View Park, and approximately 100 feet to the southwest of Sunset View Park. .

### **Response to Comment 9-4:**

Signage will be included that off-leash dogs must remain within the dog park area. As outlined in the City's Municipal Code Chapter 7.04.020: "No person having the care, charge or control of any dog shall cause or allow, either willfully or through failure to exercise due care or control, such dog to be present upon any beach, street, alley, or public place, or upon any private property or premises other than his or her own without written consent of the owner or lessee of such land unless such dog is securely restrained by a substantial leash or chain not exceeding six feet in length and controlled by a person competent to restrain such dog. This section shall not be construed as allowing dogs on leashes in the areas from which dogs are prohibited as designated by Sections 7.04.025, 7.04.030, and 7.04.050. (Ord. 89-8 § 1, 1989; Ord. 1230 § 1, 1967; Ord. 796 (part), 1956; 1949 Code § 4107)." Park users shall comply with the City's code for use of dog restraints in public places.

### **Response to Comment 9-5:**

Thank you for your comment. As described in the Draft IS/MND, Section 2.3.3, the design of the proposed 0.2-0.3 acre dog park includes the installation of 6-foot tall fences, separating large and small dogs and enclosing the dog park, thus clearly designating a space, specifically catered towards dogs and the pet owners. Installation of the fences would prevent dogs from exiting the designated area and prevent dogs from entering any private properties, or public roadways. The dog park would also have ancillary facilities like a water fountain, benches, shade structure, security lighting, trash cans and waste bag dispensers for the pet owners' convenience and use.

As described in the Draft IS/MND, Section 4.3.3 Impact d) a regular maintenance schedule, including proper handling and removal of pet waste will be established to prevent accumulation of dog waste at the park thus preventing the generation of odor. Additionally, as part of the design, the dog park would include conveniently-sited waste receptacles away from residences, and provision of waste bags for owners' use. In addition, with the use of synthetic turf, the ease of cleaning and maintenance is increased.

The appropriate disposal of dog waste onsite would minimize odors perceptible to people. Pursuant to Section 7.20.020 of the City of Newport Beach Municipal Code, it is unlawful for a person in charge of any animal "to permit such animal to defecate and to allow the feces to thereafter remain on any public sidewalk, public beach or park or on any other public property or on any private property other than that

of the owner...” The Project’s provision and maintenance of bags for the disposal of dog waste and of trash receptacles at the dog park would facilitate compliance with Municipal Code Section 7.20.020.

Thus, the dog park is not expected to result in any significant impacts in relation to odor from pet waste. The Project site is not anticipated to introduce any other objectionable odors. In addition, as noted above, the proposed dog park is located downslope from the nearest residents.

**Response to Comment 9-6:**

Please refer to Response to Comment 9-5.

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**Comment Letter #10 – Tinnelly Law Group (Villa Balboa Attorney)**

**COMMENT LETTER #10**



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matt@tinnellylaw.com

**Via U.S. Mail & Certified Mail. Return-Receipt Requested**

ORANGE COUNTY

September 19, 2019

LOS ANGELES

Sean Levin, Deputy Director  
Recreation and Senior Services Department  
City of Newport Beach  
PO Box 1768  
Newport Beach, CA 92658

RIVERSIDE COUNTY

**RE: The Villa Balboa Community Association  
Objections to Proposed Sooset View Dog Park**

Ref.#: 7428

SAN DIEGO

Dear Mr. Levin:

Our office is general counsel to The Villa Balboa Community Association ("Association"), a 449-unit condominium community located immediately north east of the Sunset View Park off of Superior Blvd. in Newport Beach.

SAN FRANCISCO BAY AREA

We are aware that the City of Newport Beach has proposed to construct a public dog park adjacent to Sunset View Park, directly next to the Association's community. The Association believes that this proposed dog park will have a significant and continuing negative impact on the Association, its residents, and surrounding property values. To date, the City of Newport Beach has not indicated any willingness to minimize the harmful consequences of this proposed dog park to neighboring communities.

Comment  
10-1

As a preliminary matter, the Association already suffers from an influx of trespassers who regularly abuse the Association's private amenities, such as parking, to access the City's public parks and beaches located near the community. Despite the Association's diligent mitigation and enforcement measures, individuals routinely take advantage of the Association's private parking to use the City's public amenities. These violations come with significant administrative costs required to deter this harmful conduct and to protect the Association's community. Adding a new public dog park next to the community will further cause irreparable harm to the Association and its residents as the indiscriminate abuse of the parking facilities will continue to mount and increase with new public amenities being added so close to the Association.

Comment  
10-2

Comment  
10-3

Comment  
10-4

In addition to the increase in trespass, the proposed dog park will constitute a nuisance to the Association and its residents as feces (including airborne fecal matter), urine, noxious odors, and incessant dog barking will plague the residents. The Association already experiences routine lapses in pet owner obligations to clean up after their pets as they walk through the public access path of Sunset View Park. Nearly every single day, afternoon onshore winds travel from the ocean towards and up the interior of peninsula. With the development of the proposed dog park, these winds will pass

Comment  
10-5

Comment  
10-6





**Response To Comment Letter #10 – Tinnelly Law Group (Villa Balboa Attorney)**

**Response to Comment 10-1:**

Thank you for your comment. Comment noted. The City of Newport Beach has met multiple times with the Villa Balboa community to hear concerns regarding the proposed Project.

**Response to Comment 10-2:**

Comment noted. This is outside the scope of CEQA analysis for this Project, but your comment will be included for City Council’s consideration.

**Response to Comment 10-3:**

Comment noted. The proposed Project will provide additional parking for users of the proposed dog park, Sunset View Park, and Sunset Ridge Park.

**Response to Comment 10-4:**

As described in the Draft IS/MND, Section 4.17.1 Impact a), the expanded parking lot associated with the proposed Project would serve existing park users and would not generate a significant increase in traffic because no businesses or residences are being constructed. In addition, the only park facility being introduced is the proposed 0.2-0.3-acre dog park expected to only generate approximately 38 vehicle trips per day. In fact, the expanded parking lot would provide a parking area to divert parking-related traffic from surrounding residential and commercial areas, as well as provide designated parking for the proposed dog park.

**Response to Comment 10-5:**

As described in the Draft IS/MND, Section 4.3.3 Impact d) a regular maintenance schedule, including proper handling and removal of pet waste will be established to prevent accumulation of dog waste at the park thus preventing the generation of odor. Additionally, as part of the design, the dog park would include conveniently-sited waste receptacles away from residences, and provision of waste bags for owners’ use.

The appropriate disposal of dog waste onsite would minimize odors perceptible to people. Pursuant to Section 7.20.020 of the City of Newport Beach Municipal Code, it is unlawful for a person in charge of any animal “to permit such animal to defecate and to allow the feces to thereafter remain on any public sidewalk, public beach or park or on any other public property or on any private property other than that of the owner...” The Project’s provision and maintenance of bags for the disposal of dog waste and of trash receptacles at the dog park would facilitate compliance with Municipal Code Section 7.20.020. Thus, the dog park is not expected to result in any significant impacts in relation to odor from pet waste. The Project site is not anticipated to introduce any other objectionable odors.

As described in the Draft IS/MND, Section 4.13.2 Impact a) the noise from the proposed dog park, from both dogs barking and dog-owners talking, would be well below (at least 30 dB below) ambient noise levels. Noise is only additive if the noise source is within 10 dB of ambient noise levels. Since noise from

the proposed dog park would be at least 30 dB below ambient noise levels, it would not provide a quantitative contribution to existing ambient noise levels and will not be discernible at the nearby homes. A noise study was conducted for the Proposed Project to compare noise levels for similar activities at other comparable facilities; and these noise measurements are presented in detail in Table 4-24 of the Draft IS/MND. Additionally, the proposed Project is anticipated to generate approximately 38 additional daily trips above current conditions, which would have a negligible impact to the nearby roadway noise levels. Therefore, it has been determined that the noise levels generated at the dog park would be within the City's exterior daytime and nighttime residential noise standards. The Proposed Project would not result in a significant impact to the nearest homes in the vicinity of the Project.

**Response to Comment 10-6:**

Please refer to Response to Comment 10-5.

As described in the Draft IS/MND, Section 4.3.3 Impact d) a regular maintenance schedule, including proper handling and removal of pet waste will be established to prevent accumulation of dog waste at the park thus preventing the generation of odor. Additionally, as part of the design, the dog park would include conveniently-sited waste receptacles away from residences, and provision of waste bags for owners' use. With the use of artificial turf at the Civic Center dog park in the City, the maintenance schedule has ensured that no waste or odors remain. The City plans to use artificial turf for the proposed Project's dog park as well.

The southwest edge of Sunset View Park will block the line-of-sight between the proposed dog park and the Villa Balboa Condos. In fact the proposed dog park will be located more than 20 feet lower than the elevation at Sunset View Park. Since sound travels in straight lines, the southwest edge of Sunset View Park will effectively act like a 20 foot high sound wall between the proposed dog park and the condos. As such, only nominal construction noise impacts are anticipated to occur from the proposed project at the Villa Balboa Condos and no operational noise impacts from the proposed dog park or any other noise sources are anticipated to occur at the Villa Balboa Condos.

**Response to Comment 10-7:**

Thank you for your comment. Comment noted.

Comment Letter #11 – Michael Call, Mark Wilser, Deborah Gero

**COMMENT LETTER #11**

**From:** Tran, Andy  
**Sent:** Wednesday, October 2, 2019 7:54 AM  
**To:** 'Michael Call'  
**Cc:** 'Mark Wilser'; 'Deborah Gero'; Ryan Darby (rdarby@actionlife.com)  
**Subject:** RE: Could you keep us informed as to any meetings or general communications with Ryan Darby? It is my understanding that you will be contacting all the association for a follow-up and discussion on the environmental document (Mitigation Negative Declarati

Good morning Michael, Mark and Deborah,

I contacted Ryan Darby late yesterday afternoon to arrange for another community meeting with only Villa Balboa residents. Ryan has the tentative meeting information and will confirm with the HOA and get back to me this week. To avoid confusion, please check with Ryan as he is my single point of contact for Villa Balboa in regards to community meetings. With that said, I am always available to answer questions regarding the City's proposed improvements. You are welcome to email me your written comments on the environmental document with is a Mitigated Negative Declaration. We will provide a formal written response at the end of the 30-day public review period. This is the California Environmental Quality Act (CEQA) process that the City is required to follow for this type of project.

Thank you,

Andy Tran, P.E.  
Senior Civil Engineer  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660  
Phone: 949-644-3315

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**From:** Michael Call <[onecall4all1@verizon.net](mailto:onecall4all1@verizon.net)>  
**Sent:** Tuesday, October 1, 2019 2:54 PM  
**To:** Tran, Andy <[ATran@newportbeachca.gov](mailto:ATran@newportbeachca.gov)>  
**Cc:** 'Mark Wilser' <[mw@globalcapitalmarkets.com](mailto:mw@globalcapitalmarkets.com)>; 'Deborah Gero' <[debiger@gmail.com](mailto:debiger@gmail.com)>  
**Subject:** Could you keep us informed as to any meetings or general communications with Ryan Darby? It is my understanding that you will be contacting all the association for a follow-up and discussion on the environmental document (Mitigation Negative Declaration)

Hello Andy Tran,

Could you keep us informed as to any meetings or general communications with Ryan Darby? It is my understanding that you will be contacting all the association for a follow-up and discussion

Comment  
11-1

on the environmental document (Mitigation Negative Declaration) for the Superior Ave Ped Bridge, Parking Lot and Dog Park.

Us means:

Mark Wilser [mw@globalcapitalmarkets.com](mailto:mw@globalcapitalmarkets.com)  
Deborah Gero [debigero@gmail.com](mailto:debigero@gmail.com)  
Michael Call [onecall4all1@verizon.net](mailto:onecall4all1@verizon.net)

Comment  
11-1  
continued

Thank you,  
Michael Call  
210 Lille Lane 208  
Newport Beach, CA 92663  
Cell (714) 791-1102

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**From:** Michael Call [<mailto:onecall4all1@verizon.net>]  
**Sent:** Tuesday, October 01, 2019 11:24 AM  
**To:** 'Tran, Andy'  
**Cc:** 'Mark Wilser'; 'Deborah Gero'  
**Subject:** Where is the link to the report? What is the MND public review period? How do we make our comments know to the decision makes?

Where is the link to the report?  
What is the MND public review period?  
How do we make our comments know to the decision makes?  
When will you be at Villa Balboa for comments on the report?

Comment  
11-2  
11-3  
11-4  
11-5

---

**From:** Tran, Andy [<mailto:ATran@newportbeachca.gov>]  
**Sent:** Wednesday, September 25, 2019 7:42 AM  
**To:** 'Michael Call'  
**Cc:** 'Mark Wilser'; 'Deborah Gero'  
**Subject:** RE: What is the MND public review period? How do we make our comments know to the decision makes?

Good morning everyone,

The MND public review period is an opportunity for the public to comment on the environmental document that was prepared for this project. MND's include many technical studies and mitigation measures to address potential impacts. These technical studies include noise and visual impacts to name a few.

Feel free to send me your written comments via email or letter. We will provide a formal response at the end of the 30-day review period.

Thanks,

Andy Tran, P.E.  
Senior Civil Engineer

City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660  
Phone: 949-644-3315

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**From:** Michael Call <[onecall4all1@verizon.net](mailto:onecall4all1@verizon.net)>  
**Sent:** Tuesday, September 24, 2019 5:13 PM  
**To:** Tran, Andy <[ATran@newportbeachca.gov](mailto:ATran@newportbeachca.gov)>  
**Cc:** 'Mark Wilser' <[mw@globalcapitalmarkets.com](mailto:mw@globalcapitalmarkets.com)>; 'Deborah Gero' <[debiger@gmail.com](mailto:debiger@gmail.com)>  
**Subject:** What is the MND public review period? How do we make our comments know to the decision makes?

Andy,  
What is the MND public review period? How do we make our comments know to the decision makes?  
Thank you,  
Michael Call

Comment  
11-6

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**From:** Tran, Andy [<mailto:ATran@newportbeachca.gov>]  
**Sent:** Tuesday, September 24, 2019 11:16 AM  
**Subject:** FW: City of Newport Beach: UPDATED - Notice of Availability and Intent to Adopt a Mitigated Negative Declaration

Good morning everyone,

I wanted to inform everyone that our environmental document (Mitigation Negative Declaration) is currently available for public review (see below). Some of you will be receiving a notice in the mail regarding this matter. During our community meetings back in May and June of this year, I may have mentioned that City Council will consider the adoption of this document and the conceptual design on October 22, 2019. This date has been tentatively postponed to November 19, 2019. The exact date of this meeting is largely dependent on the comments that the City may during the MND public review period. Please check the project webpage ([www.newportbeachca.gov/superiorbridge](http://www.newportbeachca.gov/superiorbridge)) regularly for up-to-date project information. Also, please share this email with your community members.

Thank you,

Andy Tran, P.E.  
Senior Civil Engineer  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660  
Phone: 949-644-3315

**From:** [NoReply@newportbeachca.gov](mailto:NoReply@newportbeachca.gov)  
**Sent:** Tuesday, September 24, 2019 10:04 AM  
**To:** Tran, Andy <[ATran@newportbeachca.gov](mailto:ATran@newportbeachca.gov)>  
**Subject:** City of Newport Beach: UPDATED - Notice of Availability and Intent to Adopt a Mitigated Negative Declaration

**Content Updated:** This News has been previously sent out.

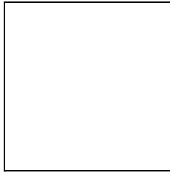
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**UPDATED - Notice of Availability and Intent to Adopt a Mitigated Negative Declaration**

**Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project (PA2019-014)**

*Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project. The Initial Study is available for a 30-day public review period beginning September 23, 2019, and ending October 23, 2019.*

**Post Date:** 09/24/2019 9:00 am



Planning Division News Splash:

## UPDATED REVIEW PERIOD

**NOTICE OF AVAILABILITY AND INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE**

**SUPERIOR AVENUE PEDESTRIAN AND BICYCLE BRIDGE AND PARKING LOT PROJECT**

**(PA2019-014)**

Notice is hereby given that the City of Newport Beach (Lead Agency) has completed an Initial Study and intends to adopt a Mitigated Negative Declaration for the Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project, prepared in accordance with the California Environmental Quality Act (CEQA), and the CEQA Guidelines.

**Project Title:** Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project

**Project Applicant:** City of Newport Beach

**Project Location:** The proposed Project is located within the City of Newport Beach and is located approximately 1,000 feet from the coastline in Orange County, California. The entire Project site is within the boundary of the coastal zone as established by the California Coastal Act. Currently, an existing City-owned parking lot with 64 metered parking stalls is located at the northeast corner of this intersection. Directly east of the existing parking lot is an undeveloped piece of land with steep slopes. The Project site is surrounded by the Pacific Ocean, Sunset View Park, Sunset Ridge Park, vegetated hillsides, major roads, and residential homes. Superior Avenue runs along the western boundary and the West Coast Highway runs along the southern boundaries of the Project site, respectively.

**Project Description:** The City proposes the construction of a pedestrian and bicycle bridge overcrossing Superior Avenue, a new larger parking lot and a fenced dog park totaling approximately 3.4 acres in size. Due to the proximity to the coast, the area receives a significant amount of pedestrian and bicycle traffic. Sunset Ridge Park, constructed in December 2014, is a 13.7-acre active park with a baseball field and two soccer fields. Currently, visitors to Sunset Ridge Park use the existing parking lot across Superior Avenue and cross at the at-grade Superior Avenue/West Coast Highway intersection because no on-site parking is provided at Sunset Ridge Park. The new pedestrian and bicycle ramp will provide access to the parking lot and bridge from the north side of West Coast Highway. Additionally, the proposed Project would include the construction of a new sidewalk/bike path from the modified parking lot entrance to the proposed bridge. The proposed bridge would help facilitate movement of pedestrians and bicyclists across Superior Avenue. The proposed bridge would connect Sunset Ridge Park to a new, larger asphalt parking lot with a range of 100 to 128 parking spaces. Construction of the proposed Project would also include the installation of a fenced dog park, separating large and small dogs, which may include benches and trash cans. The dog park will be 0.2 to 0.3 acres in size. The dog park would require a new water service for the water fountain and for irrigation. Security lighting at the dog park would be down-shielded to prevent light scatter. Hours at the dog park would be consistent with the Municipal Code which restricts park hours to between 6:00 a.m. and 11:00 p.m. In addition, a shade structure may be installed at the dog park, approximately 10 to 15 feet in height. The top of the shade structure would be below the Sunset View Park ground elevation and would be designed to protect public coastal views.

Development of the proposed project would require the following approvals from the City of Newport Beach:

- **Coastal Development Permit (CDP)** – To allow development of the project including the parking lot, dog park, and pedestrian/bicycle bridge in the Coastal Zone.
- **Mitigated Negative Declaration (MND)** – To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals pursuant to CEQA.

Development of the proposed project would require the following approval from the California Coastal Commission:

- **Coastal Development Permit Amendment** – To amend the Sunset Ridge Park Coastal Development Permit No. 5-11-302 to allow the bridge development at the existing park.

On the basis of the Initial Study, City staff has concluded that the project would not have a significant impact on the environment and has therefore recommended preparation of a Mitigated Negative Declaration (MND). The Mitigated Negative Declaration is based on the finding that, by implementing the identified mitigation measures, the project's potential significant adverse impacts will be reduced to a less than significant level.

The Initial Study is available for a 30-day public review period beginning **September 23, 2019, and ending October 23, 2019**. Copies of the document are available for review in the Newport Beach Community Development Department, 100 Civic Center Drive, Bay B, Newport Beach, CA 92660 between the hours of 7:30 a.m. and 5:30 p.m., Monday through Thursday, and 7:30 a.m. and 4:30 p.m. on Friday. The document is available online: [www.newportbeachca.gov/ceqa](http://www.newportbeachca.gov/ceqa). Additionally, copies of the document are also available for review at the following City public libraries during regular business hours:

\*Newport Beach Public Library, Central Library, 1000 Avocado Avenue, Newport Beach, CA 92660

\*Newport Beach Public Library, Balboa Branch, 100 East Balboa Boulevard, Newport Beach, CA 92660

\*Newport Beach Public Library, Mariners Branch, 1300 Irvine Avenue, Newport Beach, CA 92660

\*Newport Beach Public Library, Corona Del Mar Branch, 410 Marigold Avenue, Corona Del Mar, CA 92625

Written comments on the proposed project must be received no later than **October 23, 2019 at 5:30 p.m.** to the attention of Andy Tran, Senior Civil Engineer, at the address listed below or via email. Your comments should specifically identify what environmental impacts you believe would result from the project, why they are significant, and what changes or mitigation measures you believe should be adopted to eliminate or reduce these impacts. There is no fee to submit comments. You are also invited to attend and testify at the public hearings as to the appropriateness of this document.

The Newport Beach City Council will hold a hearing on the project at a future date in the City Council Chambers, 100 Civic Center Drive, Newport Beach, CA 92660. An additional public hearing notice will be sent out prior to the City Council's consideration of the project.

For further information as to the future schedule of hearings, please check:

<https://www.newportbeachca.gov/government/departments/public-works/superior-avenue-pedestrian-and-bicycle-bridge-and-parking-lot-project>.



For additional information, please contact Andy Tran, Senior Civil Engineer, at (949) 644-3315 or at [atran@newportbeachca.gov](mailto:atran@newportbeachca.gov).

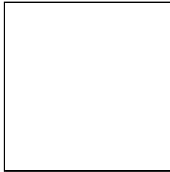
Andy Tran, Senior Civil Engineer  
City of Newport Beach, Public Works Department  
100 Civic Center Drive, Bay D-2  
Newport Beach, CA 92660

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**Response To Comment Letter #11 – Michael Call, Mark Wilser, Deborah Gero**

**Response to Comment 11-1:**

Thank you for your comment. Comment noted.

**Response to Comment 11-2:**

The link to the report was posted at:

<https://www.newportbeachca.gov/government/departments/community-development/planning-division/projects-environmental-document-download-page/environmental-document-download-page>

**Response to Comment 11-3:**

On September 23, 2019, the City of Newport Beach circulated a Notice of Intent to Adopt a Mitigated Negative Declaration and Initial Study to responsible agencies, trustee agencies, interest groups, and the general public. In accordance with the California Environmental Quality Act (CEQA) Section 21091 and State CEQA Guidelines Section 15073, a 30-day public review period for the Final IS/MND was provided from September 23, 2019 to October 23, 2019.

**Response to Comment 11-4:**

Written comments were accepted via mail, or email between September 23, 2019 to October 23, 2019 as posted in the Notice of Availability. In addition, comments on the proposed Project as a whole may be made to City Council as a part of the public hearing process

**Response to Comment 11-5:**

The Draft MND was made available at public locations including City Hall and local library branches. Comments were received via mail and email.

**Response to Comment 11-6:**

Please refer to Response to Comment 11-3. The purpose of the public review period is to allow both agencies and the public to comment on the Draft MND focusing on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which the significant effects may be avoided or mitigated (CEQA Guidelines Section 15204).

Comment Letter #12 – Mali Saatchi

**COMMENT LETTER #12**

From the Desk of Mali Saatchi

200 Paris Lane Unit 314 | Newport Beach, CA | 92666

October 3, 2019

Newport Beach City Council  
100 Civic Center Dr  
Newport Beach CA 92660

*Re: Proposed Dog Park at Sunset View Park*

To Whom It May Concern:

My name is Mali Saatchi and I have been a resident of Newport Beach since 2005. Since that time I have resided at the Villa Balboa condominium complex directly across to the Sunset View Park. I am a dog owner and animal lover.

For decades, Sunset View Park was nothing but a strip of dirt. It was only after fruitful cooperation of the community that we were able to successfully encourage the City of Newport Beach to convert the space into a peaceful and tranquil public space for all to enjoy.

Despite the larger Sunset Ridge Park being across Superior Ave, Sunset View Park is daily visited by families, Doctors, nurses and patients of HOAG Hospital, and others seeking to enjoy the tranquility of the park, fresh air and breathtaking views. Every Fourth of July hundreds of people line the park to enjoy the fireworks from near and far and spending time in this amazing space with best unobstructed views. During the Huntington Beach airshows, again hundreds use this park to enjoy the spectacular aerial shows our brave armed forces put on.

My home is directly above the park, and from every room in my home I am able to see the diverse people that enjoy what the park has to offer. Every Saturday group of ex- patients from the HOAG who otherwise have no access to expansive green spaces are able to walk, by wheelchairs or getting support from a friend come to the park and safely take in the scenery and fresh air. Families frequently come with their young children because this park is safe and away from the street,. Community members use the park as part of their exercise or relaxation routines.

I am writing this letter to the respected City Council and Mayor of Newport Beach in Opposition to the proposed dog park at Sunset View.

The neighboring communities along Superior Avenue already must contend with heavy traffic and the air pollution and noise caused by this traffic. By extending the parking lot and converting portion of the Sunset View Park to a dog park, the City will be creating a public burden.

The homes immediately surrounding the park are mainly condominiums, and at this very few large dogs frequent the park. There is a large Sunset Ridge park across the Superior Avenue and every day the dog owners take advantage of the long walk with their dogs. considering a dog

Comment  
12-1

Comment  
12-2

## From the Desk of Mali Saatchi

10 Paris Lane Unit 314 | Newport Beach, CA | 92663

park on the beach and another park 10 minutes away near the Orange County Fairgrounds. A dog park at Sunset View would not benefit the local community as the park itself is situated in such a way as to be inconvenient to reach, with no immediately accessible parking. Expansion of the parking lot would serve beach goers more than the proposed dog park itself. This will create increased traffic congestion on an already congested road, and also create a situation where non-residents will use the residential streets to park their vehicles.

**Comment  
12-2  
continued**

**Comment  
12-3**

This proposed dog park also creates a health and safety hazard for the community. Superior Avenue, as it meets Pacific Coast Highway, is already traffic jammed and accident prone. Nearly weekly there are significant accidents on this two block stretch of road due to the curvature.

**Comment  
12-4**

**Comment  
12-5**

Placement of a dog park at this juncture is a public safety hazard as dogs may dart into oncoming traffic. Animals that may not otherwise be aggressive may be startled by the constant vehicle traffic, horns, and other loud noises, creating a liability for the City and residents. It is unlikely that the City can enforce or otherwise secure the park 24/7 without creating a further burden on the City's police department. Dog parks that are so enclosed, and "off the beaten path" may become a target for crime and vandalism.

**Comment  
12-6**

**Comment  
12-7**

**Comment  
12-8**

Further, there is a health hazard created by a dog park in such close proximity to homes. Even at the construction of Sunset View Park, myself and my neighbors had to make repeated calls to the City of Newport Beach to have the lid of the one and only trash can installed on SSV reoriented so that the smell of the trash did not blow directly into our homes. Despite this, in the heat of the summer, the overwhelming smell of garbage is still pervasive. Even the most well-maintained dog parks have significant odor and bacterial issues. Maintaining dog parks are expensive and a cost burden to the community over the long term. The smell and presence of urine and feces will create an environmental hazard as well as a health hazard in the hot summer months for the local community. Dog parks have limited life spans, and must be constantly maintained and renovated.

**Comment  
12-9**

**Comment  
12-10**

By converting this already limited open space to a single use dog park, only suitable for a very specific population of residents who are not underserved, the City will be removing the public access to open spaces with clean air and removing public enjoyment.

**Comment  
12-11**

Creation of this dog park will place an undue burden on the local community via increased vehicle and foot traffic, hazardous conditions, and a decline in property values in the immediate vicinity.

**Comment  
12-12**

Dog parks do not create local jobs nor do they serve a larger community purpose by functioning as an open and welcoming community space, considering there is ample space at the sunset ridge for the owners to chit chat and dogs socialise in small groups. The current Sunset View Park does function as an open and welcoming space for all in the community.

**Comment  
12-13**

I propose the space should be converted to a green and beautiful space, not only to help the incredible amount of environment and air pollution, but to beautify the Superior Avenue.

**Comment  
12-14**

From the Desk of Mali Saatchi

00 Paris Lane Unit 314 | Newport Beach, CA | 92663

I thank the respected City Council for consideration of my statements as a community member who will be directly affected by the creation of a dog park.

With most sincere regards,

Malakeh Saatchi

-(

200 Paris Lane, Number 314  
Newport Beach, 92663

## **Response To Comment Letter #12 – Mali Saatchi**

### **Response to Comment 12-1:**

Thank you for your comment.

There are no traffic trip rates in the Institute of Transportation Engineers (ITE) Manual for dog parks. To determine the potential trips associated with a dog park, a comparison to a similar dog park in Laguna Beach was reviewed. The dog park in Laguna Beach is 2.5 acres in size and generates 480 trips per day. By comparison, the proposed 0.2-0.3 acre dog park would generate approximately 38 trips per day. Per the City Traffic Phasing Ordinance, a traffic impact study is required when there are more than 300 trips per day generated by a project. Given the estimated trips, it was determined that there is less than significant impact with the dog park portion of the Project.

As described in the Draft IS/MND, Section 4.14.1 Impact a) the proposed Project, including the dog park, would not indirectly induce population growth and is intended to serve the existing population in the area. No roadways, transit, or bicycle lanes would be significantly modified as a result of the proposed Project and therefore, would not conflict with applicable circulation plans. As discussed in Section 4.17.1 Impact a) of the MND, the proposed Project would not result in a substantial increase of users that would generate a significant increase in traffic because no construction of businesses or residences would occur and no expansion of park facilities other than the small dog park are proposed.

All traffic trips associated with Sunset Ridge Park (land use) are generated by the park visitors. The proposed parking lot expansion and bridge are not land uses and do not generate new trips. The parking lot and bridge are ancillary to the land use. Because there is no change to the Sunset Ridge Park site, there are no additional traffic trips that could be associated with the bridge and parking lot Project. The traffic trips associated with the park visitors, that will use the proposed bridge and expanded parking lot, already exist in the roadway system. Currently, the Sunset Ridge Park visitors park their vehicles where there are available parking spaces in the area. If the existing parking lot is full, park visitors find alternate parking places in the area, or drop off visitors and users.

As described in the Draft IS/MND, Section 4.17.1 Impact a), the expanded parking lot associated with the proposed Project would serve existing park users and would not generate a significant increase in traffic because no businesses or residences are being constructed and no additional park facilities besides the dog park will be introduced. In fact, the parking lot would provide a designated parking area to diverge parking-related traffic from surrounding residential and commercial areas. Furthermore, there would be no conflict with applicable circulation plans due to no significant proposed modifications to roadways, transit, or bicycle lanes. These factors would prevent increased traffic generation due to the construction of the large parking lot.

### **Response to Comment 12-2:**

Thank you for your comment. Comment noted.

### **Response to Comment 12-3:**

Please see Response to Comment 12-1.

**Response to Comment 12-4:**

As described in the Draft IS/MND, Section 2.2 Project Purpose and Objectives, the Proposed Project aids in improving safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk. This is an improvement from the present conditions where pedestrians and bicyclists typically cross the busy, major arterial roadways, West Coast Highway and Superior Avenue, to reach Sunset Ridge Park. For pedestrians traveling along the eastern sidewalk along Superior Avenue, the access point to the parking lot would remain in the same location, therefore the Project would not result in a change in traffic patterns over what is already expected along the roadway. Thus, no negative impacts related to access and safety along Superior Avenue are anticipated due to the Project.

**Response to Comment 12-5:**

Please see Response to Comment 12-4

**Response to Comment 12-6:**

As described in the Draft IS/MND, Section 2.3.3, the design of the proposed 0.2-0.3 acre dog park includes the installation of 6-foot tall fences, enclosing the dog park and also separating large and small dogs, thus clearly designating a space, specifically catered towards dogs and the pet owners. Installation of the fences would prevent dogs from exiting the designated park area and prevent dogs from entering any private properties or public roadways.

**Response to Comment 12-7:**

Please see Response to Comment 12-6. As described in the Draft IS/MND, Section 2.3.3, hours at the dog park would be consistent with the Municipal Code which restricts park hours to between 6:00 a.m. and 11:00 p.m. As noted in the Draft IS/MND, Section 4.15, the Newport Beach Police Department is located at 870 Santa Barbara Drive, and is approximately 5 miles northeast from the proposed Project (Google Maps 2019). The proposed Project would not result in increased populations that would require additional public services, nor would it impact the nearest police station.

**Response to Comment 12-8:**

Please see Response to Comment 12-7. Assessment of crime and vandalism is outside the scope of CEQA; however, this comment will be considered by the City Council in their review of the Project and CEQA document.

**Response to Comment 12-9:**

As described in the Draft IS/MND, Section 4.3.3 Impact d) a regular maintenance schedule, including proper handling and removal of pet waste will be established to prevent accumulation of dog waste at the park thus preventing the generation of odor. Additionally, as part of the design, the dog park would include conveniently-sited waste receptacles away from residences, and provision of waste bags for

owners' use. In addition, with the use of synthetic turf specifically designed for dog parks, the ease of cleaning and maintenance is increased.

The appropriate disposal of dog waste onsite would minimize odors perceptible to people. Pursuant to Section 7.20.020 of the City of Newport Beach Municipal Code, it is unlawful for a person in charge of any animal "to permit such animal to defecate and to allow the feces to thereafter remain on any public sidewalk, public beach or park or on any other public property or on any private property other than that of the owner..." The Project's provision and maintenance of bags for the disposal of dog waste and of trash receptacles at the dog park would facilitate compliance with Municipal Code Section 7.20.020.

**Response to Comment 12-10:**

Please refer to Response to Comment 12-9.

**Response to Comment 12-11:**

Comment noted. Please refer to Response to Comment 12-4. The objective of the proposed Project is to provide connectivity between the parking lot and park uses.

**Response to Comment 12-12:**

Comment noted. Please refer to Response to Comment 12-1.

**Response to Comment 12-13:**

Comment noted.

**Response to Comment 12-14:**

Comment noted.



Comment Letter #13 – REO Nationwide

**COMMENT LETTER #13**

**From:** CJ Gehlke <[cj@reonationwide.com](mailto:cj@reonationwide.com)>  
**Sent:** Saturday, October 5, 2019 3:56 PM  
**To:** Tran, Andy  
**Subject:** FW: Air Show and PCH/Superior

Andy Tran... Please consider utilizing this view and the safety of the corner and neighborhood..see below....thank you! CJ

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**From:** Dixon, Diane [<mailto:ddixon@newportbeachca.gov>]  
**Sent:** Saturday, October 05, 2019 3:49 PM  
**To:** CJ Gehlke  
**Subject:** Re: Air Show and PCH/Superior

Great ideas! Thank you!

Diane

Diane B Dixon, Mayor  
Council Member  
District 1  
949.287.9211

On Oct 5, 2019, at 3:35 PM, CJ Gehlke <[cj@reonationwide.com](mailto:cj@reonationwide.com)> wrote:

PS.. Just an additional thought.. the Air Show was this weekend.. that corner is used by residents to maximize the incredible view opportunity with the elevation being so high there.. this weekend, the fourth of July.. and most every weekend.. along with every time there is a beautiful sunset. People can easily park in the lot of Superior, and they bring chairs, towels.. soft drinks and food.. The residents are telling us what they want there..

Consider: a police substation as that corner and surrounding area is in need of a police presence both for traffic and thefts.. an extended grassy area with picnic tables and places to sit and enjoy the view with friends and a gathering that is too big for a small park bench further down the walkway.

That area has the most magnificent view due to its elevation ... far better than any place in the park across the street. Dogs in a dog park do not appreciate the view... Please consider making this area view and safety based... a police substation and a place for people to gather to enjoy the view and sunsets year round. View is far superior to the parks all lower elevation.

Thank you!

Comment  
13-1

Hello Diane Dixon... thank you for your work on behalf of our City. By way of introduction, I consult by profession on highest and best use issues for developers and lenders nationwide, and have done so for over 30 years. So I bring some experience to my suggestion.

A request for consideration for the highest and best use for the corner of PCH and Superior with both present fatalities and accidents on that corner and the future Banning Ranch project is:

Police Sub-station. There is no police presence on this side of Newport. The quick response to the accidents and thefts here would be such a great thing for the community. A sub station was previously proposed as part of the community center idea. At that time, the voices from the neighborhood were loudly hoping that if anything proposed were resisted, the corner might be left alone. That corner is too expensive and high value dirt to leave alone. It will be developed. So to suggest what might service the community best with the dangerous corner in mind would be a far better response than simple and repeated opposition.

It is my understanding that the Police Dept could be approached again, as they were involved previously on the prior plan to incorporate a substation there, asking for support for a substation.

Less traffic, less pedestrians, presence both at the ready when needed and a visual deterrent to the problems currently occurring on that corner. Not one day goes by that on my twice daily walk I am nearly run down by a car blowing through a red and cars speeding through nearly hitting pedestrians. A cash infusion could be the result of the ticket potential from both unleashed dogs in both adjacent parks and the constant traffic infractions on that corner.

Please redirect attention to a police substation as an alternate concept which would be highly useful, life saving and provide much needed support for the upcoming development next to the Ridge Park as well.

*Thanks for letting me help you today!*

*CJ Gehlke, CEO/Founder*

*licensed since 1979 DRE No. 00803243*

*REO Nationwide, Inc.*

*Beneficial RE Inc.*

*DRE No. 01334672*

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*REO Disposition Outsource Services*

*BPO and APPRAISAL Services - Individual or Volume Bulk*

*BULK Sale Facilitation*

**Response To Comment Letter #13 – REO Nationwide**

**Response to Comment 13-1:**

Thank you for your comment. Comment noted. As noted in the Draft IS/MND, Section 4.15, the Newport Beach Police Department is located at 870 Santa Barbara Drive, and is approximately 5 miles northeast from the proposed Project (Google Maps 2019). The proposed Project would not result in increased populations that would require additional public services, nor would it impact the nearest police station. The provision of a police station is outside the scope of CEQA analysis for this Project, but your comment will be included for City Council's consideration.

Comment Letter #14 – Sandy Frizzell

**Comment Letter 14**

October, 2019

To our city planners,

I was unable to attend the Aug. 6 meeting regarding the plans for Lower Sunset View Park. On Sept. 11 I attended the Speak Up meeting and found out where the planned Dog Park is to be build. The mailer is deceiving. I was in disbelief! I live in Villa Balboa at 200 Paris Lane #214 on the second floor of the most NW corner of the Paris building, Superior and PCH. From my unit I can see the Sunset View Park from most rooms in my unit. Sunset View Park is my "front yard." And you want to build a dog park on one of the most prized viewing locations of West Newport Beach!!! There are many better locations for a dog park.

Comment  
14-1

Regarding use of Lower Sunset View Park, adding parking is good use of this property for people to better use Sunset Ridge Park. **The most valuable part of Sunset View Park is the dirt mound.** It is enjoyed by residence every day, all day; morning, noon and especially at Sunset. People walk, ride their bikes, put up tripods, stand and sit there to take in the beautiful views. **I call it Inspiration Point.** I have many photos to show you. It would be **a crime** to do anything other than to enhance this small space for its best use, THE VIEW. Let the people continue to enjoy the spectacular views from this prime property. **Please do not obstruct the view in any way.**

Comment  
14-2

I love dogs, but this is not the place for a dog park. We do not want the added noise, traffic and smells of a dog park. It seems to me an easy solution is to move the Dog Park to a lower area in the lower part of Sunset View Park toward PCH. I understand the city envisions a road to the Hoag parking lot. It is highly unlikely Hoag will ever allow this. It is a win-win without ruining the view for visitors and residence to put the dog park in the lower part of SVP. There should be nothing built or added to obstruct the view. **I suggest enhancing the dirt mound** by adding a little walk way and some sturdy grass, maybe even expanding it toward the CoGent Plant.

Comment  
14-3

Comment  
14-4

Please do not take away Inspiration Point from the residence of Newport Beach, visitors and residents of Villa Balboa. Let us continue to enjoying our treasured views.

Comment  
14-5

Sandy Frizzell  
200 Paris Ln #214  
Newport Beach, CA 92663  
949-646-3248  
[sandyfrizzell@roadrunner.com](mailto:sandyfrizzell@roadrunner.com)

## **Response To Comment Letter #14 – Sandy Frizzell**

### **Response to Comment 14-1:**

Thank you for your comment. Comment noted.

### **Response to Comment 14-2:**

The City of Newport Beach General Plan designates public viewpoints for coastal views within the city. Areas near the Project site that have such designation include Sunset Ridge Park, Sunset View Park, and along the trail above the current parking lot, including the designated point where a bench was installed. The City's Local Coastal Plan also designates the same public view points in the designated parks and along the paved trail that fronts the Villa Balboa Community. Further, the bridge associated with the Project will provide safer unobstructed views of the coast.

### **Response to Comment 14-3:**

As described in the Draft IS/MND, Section 4.13.2 Impact a) the noise from the proposed dog park, from both dogs barking and dog-owners talking, would be well below (at least 30 dB below) ambient noise levels. Noise is only additive if the noise source is within 10 dB of ambient noise levels. Since noise from the proposed dog park would be at least 30 dB below ambient noise levels, it would not provide a quantitative contribution to existing ambient noise levels and will not be discernible at the nearby homes. A noise study was conducted for the Proposed Project to compare noise levels for similar activities at other comparable facilities; and these noise measurements are presented in detail in Table 4-24 of the Draft IS/MND. Additionally, according to the CalEEMod model run, the proposed Project is anticipated to generate nine or fewer additional daily trips above current conditions, which would have a negligible impact to the nearby roadway noise levels. Therefore, it has been determined that the noise levels generated at the dog park would be within the City's exterior daytime and nighttime residential noise standards. The Proposed Project would not result in a significant impact to the nearest homes in the vicinity of the Project.

As described in the Draft IS/MND, Section 4.3.3 Impact d) a regular maintenance schedule, including proper handling and removal of pet waste will be established to prevent accumulation of dog waste at the park thus preventing the generation of odor. Additionally, as part of the design, the dog park would include conveniently-sited waste receptacles away from residences, and provision of waste bags for owners' use. In addition, with the use of synthetic turf specifically designed for dog parks, the ease of cleaning and maintenance is increased.

The appropriate disposal of dog waste onsite would minimize odors perceptible to people. Pursuant to Section 7.20.020 of the City of Newport Beach Municipal Code, it is unlawful for a person in charge of any animal "to permit such animal to defecate and to allow the feces to thereafter remain on any public sidewalk, public beach or park or on any other public property or on any private property other than that of the owner..." The Project's provision and maintenance of bags for the disposal of dog waste and of trash receptacles at the dog park would facilitate compliance with Municipal Code Section 7.20.020.

Thus, the dog park is not expected to result in any significant impacts in relation to odor from pet waste. The Project site is not anticipated to introduce any other objectionable odors.

There are no traffic trip rates in the Institute of Transportation Engineers (ITE) Manual for dog parks. To determine the potential trips associated with a dog park, a comparison to a similar dog park in Laguna Beach was reviewed. The dog park in Laguna Beach is 2.5 acres in size and generates 480 trips per day. By comparison, the proposed 0.2-0.3 acre dog park would generate approximately 38 trips per day. Per the City Traffic Phasing Ordinance, a traffic impact study is required when there are more than 300 trips per day generated by a project. Given the estimated trips, it was determined that there is less than significant impact with the dog park portion of the Project.

As described in the Draft IS/MND, Section 4.14.1 Impact a) the proposed Project, including the dog park, would not indirectly induce population growth and is intended to serve the existing population in the area. No roadways, transit, or bicycle lanes would be significantly modified as a result of the proposed Project and therefore, would not conflict with applicable circulation plans. As discussed in Section 4.17.1 Impact a) of the MND, the proposed Project would not result in a substantial increase of users that would generate a significant increase in traffic because no construction of businesses or residences would occur and no expansion of park facilities other than the small dog park are proposed.

**Response to Comment 14-4:**

As noted in the Draft IS/MND, the proposed Project will not include any elements that obstruct views.

**Response to Comment 14-5:**

Thank you for your comment. Comment noted.

Comment Letter #15 – Wendy Kaiser

**COMMENT LETTER#15**

**From:** Wendy Kaiser <[wendyhkaiser@yahoo.com](mailto:wendyhkaiser@yahoo.com)>  
**Sent:** Monday, October 14, 2019 4:15 AM  
**To:** Tran, Andy  
**Cc:** Wemail  
**Subject:** Dog Park and Development at Superior and PCH

Hi -

I am opposed to a dog park in this location. It is too small of a space, too close to residences, and Villa Balboa complex has decades of history of no dogs. Many of us moved here because we are allergic or have asthma or other reasons for not wishing to be around dogs. There are a few service/companion dogs only at Villa Balboa.

Comment  
15-1  
Comment  
15-2

It would make more sense to locate the dog park near the planned playing fields on the far side (other side of Superior) toward Huntington Beach (spaced also away from Newport Crest). It would also be better to locate parking by the existing community center on 15th Street and connect it up to the playing field area.

Comment  
15-3

I do not see a need to have a bridge over Superior or further development or grading of Superior at PCH at this time.

Comment  
15-4

Please forward my email to the pertinent committee and the city council. Thank you.

Wendy Kaiser  
[wendyhkaiser@yahoo.com](mailto:wendyhkaiser@yahoo.com)  
[270 Cagney Ln](#) #115  
Newport Beach Ca 92663  
[949-202-7273](tel:949-202-7273)  
Sent from my iPad

Sent from my iPhone

## **Response To Comment Letter #15 – Wendy Kaiser**

### **Response to Comment 15-1:**

Thank you for your comment. Comment noted.

### **Response to Comment 15-2:**

This comment has been noted. The proposed dog park is located downslope of the adjacent residential communities, As described in the Draft IS/MND, Section 2.3.3, the design of the proposed 0.2-0.3 acre dog park includes the installation of 6-foot tall fences, enclosing the dog park and separating large and small dogs, thus clearly designating a space, specifically catered towards dogs and the pet owners. Installation of the fences would prevent dogs from exiting the designated park area and prevent dogs from entering any private properties or public roadways.

### **Response to Comment 15-3:**

The purpose of the proposed Project is a construction of a pedestrian and bicycle bridge overcrossing Superior Avenue that would connect Sunset Ridge Park to the Superior Parking Lot at the intersection of West Coast Highway and Superior Avenue.

The objectives of the project are:

- To improve safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk.
- To provide additional parking spaces to better serve both passive uses and organized sporting events (mostly youth) at Sunset Ridge Park in an area where parking is limited.
- To reduce traffic signal wait times by shifting pedestrian and bicycle traffic from the at-grade crosswalk to the bridge.
- To expand recreational options in this part of the City by developing a small dog park just below Sunset View Park, adjacent to the expanded parking lot.

As described in the Draft IS/MND, Section 2.2 Project Purpose and Objectives, the Proposed Project aids in improving safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk. This is an improvement from the present conditions where pedestrians and bicyclists typically cross the busy, major arterial roadways, West Coast Highway and Superior Avenue, to reach Sunset Ridge Park.

### **Response to Comment 15-4:**

Comment noted. Please refer to Response to Comment 15-3.



Comment Letter #16 – Sudhir Banker

**COMMENT LETTER#16**

**From:** Rajeshbanker <[bankerfmly@aol.com](mailto:bankerfmly@aol.com)>  
**Sent:** Tuesday, October 15, 2019 12:34 PM  
**To:** Dixon, Diane; Dept - City Council; Tran, Andy; Detweiler, Laura; Levin, Sean  
**Cc:** Darby Ryan #313 Hoa  
**Subject:** DOG PARK/PARKING EXPANSION next to Sunset Ridge park  
**Attachments:** DOG PARK/PARKING EXPANSION.pdf

Honorable. Mayor Diane, respected city council members, city engineer and staff at large:

As a resident of Villa Balboa community of 449 mostly senior householders, please review our attached letter and following and consider and approve Our request:

-We are totally against the proposed Dog Park. This is immediately adjacent to our building (200 Paris Lane) with 54 homes and our Villa Balboa complex of 449 homes, as well as, next to Hoag Hospital Property.

**Comment  
16-1**

- This was thrust and forced upon us by a stroke of a pencil on map, immediately adjacent to our community of 449 units residents Villa Balboa (with no Dogs policy for 40 years) and practically placed into our front yard. There is no buffer zone, period. This will have perhaps unintentional but severe adverse consequences to health, quiet and peaceful enjoyment by our community, as well as, annually more than 25,000 visiting people, including Hoag staff and patients in wheel chairs, enjoying daily walks, meditation, playing with children and most importantly enjoying fresh ocean breezes and fantastic sunrise and sunsets in a quiet and peaceful environment, etc...

**Comment  
16-2**

-Sunset View park, a tiny park, only a block away from ocean, was named and created for enjoyment by public to enjoy fresh ocean breezes, fantastic sunsets, fireworks, air show, boat race in a very quiet, peaceful environment with loved ones. Instead, adjacent proposed dog park will bring lot of unhealthy air with foul smell and lots of barking noise pollution and create a very unsafe location for dogs, people and traffic in and out and slow down or block emergency vehicle traffic on Superior to and from Hoag.

**Comment  
16-3**

-Noise pollution of loud barking, smell, unhealthy air conditions (replacing refreshing clean ocean breezes) from my and surrounding units will be unacceptable and any "study" city puts it in question.

WE RESPECTFULLY REQUEST:

- We consider you all, city fathers, as parents, using your wisdom and long range thinking to protect and enhance the interests and rights of us public for quiet, peaceful enjoyment for generations to come.

**Comment  
16-4**

- The land for proposed dog park is very precious and unique real estate and should be used for the benefit of people FIRST.

- Suggest, let us create something very valuable for our many generations to come by increasing the size of tiny Sunset View Park and provide more green space for meditation, exercise circuit, playing with children, mini picnics, enjoying refreshing clean ocean air breezes, fabulous sunsets, fireworks, boat and air shows in a quiet peaceful way.

**Comment  
16-5**

-relocate proposed dog park to a huge SUNSET RIDGE Park right across with lot of idle land with buffer zone and near the community where HOA has dogs accepted policy.

**Comment  
16-6**

-Concurrently, in addition to reallocating the land for dog park to Sunset View

**Comment  
16-7**

Park,Reallocate land for additional parking,to expand the tiny Sunset View Park  
With more green area for ever increasing and growing need for public use above.  
(ARE YOU AWARE OF HOMELESS TENT WITH LOTS OF TRASH IN THE EXISTING  
PARKING LOT WITH ABUSIVE USE OF BUSHES AND TREES IN ADJOINING  
HOAG HOSPITAL FOR DAILY SANITARY NEEDS?)

I must mention that WE LOVE DOGS, especially we spend fun time with two dogs Buboo nearby And Lolla our  
sons have .

THIS IS NOT APPROPRIATE LOCATION FOR DOG PARK, PLEASE.

WISH YOU WOULD HAVE PLANNED THE MEETING ON 15th October at SUNSET VIEW PARK, IN  
ORDER TO GET FIRST HAND KNOWLEDGE OF THE ISSUES ON HAND.

RESPECTFULLY,

Sudhir Banker  
OWNER:  
200 Paris Lane #313  
Newport Beach CA 92663

Phone: 818-694-1777

Email: [bankerfmly@aol.com](mailto:bankerfmly@aol.com)

-

-

Sent from my iPad

**Comment  
16-7 Contd.**

**Comment  
16-8**

**Comment  
16-9**

\*\*\*\*\*URGENT AND IMPORTANT\*\*\*\*\*

Laura Detweiler  
Recreation & Senior Services Director  
[LDetweiler@newportbeachca.gov](mailto:LDetweiler@newportbeachca.gov)

CC:  
Villa Balboa Home Owner's Association  
C/O Ryan Darby  
[RDarby@actionlife.com](mailto:RDarby@actionlife.com)

SUBJECT: URGENT - Please STOP and defer ALL decisions on your PUBLIC NOTICE and consider and approve our request.

Dear Ms. Detweiler:

I received notice of an August 6 meeting regarding the proposed dog park on Superior. I will not be able to attend that meeting.

As a resident of Villa Balboa community of 449 householders, please review and address our request as follows:

- o Move dog park to Newport crest side in huge park and redesignate the same land and , more, by not expanding parking and use that same allocated land for parking expansion to make that bigger green lawn,as green lawn area for the benefit of our immediately adjoining communities of our 449 householders of Villa Balboa and 230 householders of Scultz , currently with disproportionately very little and LOPSIDED VERY LOW allocation of land for us compared to Newport Crest, where there is a HUGE PARK, baseball playground,children's playground, rest rooms, walking and bicycle path, huge general purpose playground and with green belt, very large undeveloped idle land, etc. etc...
- o I want to go on record with you and the HOA in opposing the dog park. Sounds, smells, and germs do travel and as we in adjoining 200 Paris building are directly upwind from the park, it will most certainly impact our day to day environment. Any environmental study that doesn't recreate the dog barking (which you can clearly hear as you drive by Newport Beach's existing dog park) and noise, smell, and air quality conditions from my unit will be unacceptable and call any "study" city put it into question.
- o. For its entire 40 Year existence Villa Balboa has prohibited dogs. This has been the basis for many residents to purchase homes there. The HOA Board has gone to considerable length to NOT modify any regulations as this would jeopardize this grandfathered "no dogs" regulation. IN contrast, Across Superior, where there is considerably more space, Newport Crest does allow dogs. In fact, after considerable research I was unable to find any other dog park in our area (I looked at 10 on google earth) that did not have a material buffer zone between the dog park and any residence. In this case the proposed dog park is immediately adjacent to our building

Comment  
16-10

Comment  
16-11

Comment  
16-12

(200 Paris Lane) with 54 homes and our Villa Balboa complex with 449 homes, as well as, next to a hospital property.

o. It is my understanding that Villa Balboa homeowners who have emotional support or other medically prescribed dogs attended a Villa Balboa HOA meeting regarding the agenda item of adding a bridge did so as they look forward to walking their dog in the HUGE park that already exists across the street in front of NEWPORT CREST.

Comment  
16-13

Sincerely,



SUDHIR BANKER  
Owner:  
200 Paris Lane #313  
Newport Beach, CA. 92663

Contact Information:

Mailing address:  
10132 Wystone ave  
Northridge, ca 91324

Phone:  
818 694 1777

Email:  
bankerfmly@aol.com



CITY OF NEWPORT BEACH  
Parks, Beaches & Recreation Commission  
Tuesday, August 6, 2019 – 6pm  
City Council Chambers – 100 Civic Center Drive  
Newport Beach, CA 92660

**PUBLIC NOTICE**



**Lower Sunset View Park Conceptual Design**

The Lower Sunset View Park conceptual design includes a new pedestrian and bicycle bridge across Superior Avenue, additional parking and a small dog park. The project is located on the north side of West Coast Highway at the Superior Avenue intersection. The intent of this project is to improve pedestrian safety and access the Sunset Ridge Park from Sunset View Park. Public Works staff will be presenting the leading conceptual design to the Parks, Beaches & Recreation (PB&R) Commission.

Please join us to share your thoughts.

For more information, please call the Recreation Office at 949-644-3158. If you are unable to attend the meeting but would like to provide comments to the Commission, please email [recreation@newportbeachca.gov](mailto:recreation@newportbeachca.gov).



## **Response To Comment Letter #16 – Sudhir Banker**

### **Response to Comment 16-1:**

Thank you for your comment. Comment noted.

### **Response to Comment 16-2:**

The southwest edge of Sunset View Park will block the line-of-sight between the proposed Dog Park and the Villa Balboa Condos. In fact the proposed dog park will be located more than 20 feet lower than the elevation at Sunset View Park. Since sound travels in straight lines, the southwest edge of Sunset View Park will effectively act like a 20 foot high sound wall between the proposed dog park and the condos. As such, only nominal construction noise impacts are anticipated to occur from the proposed project at the Villa Balboa Condos and no operational noise impacts from the proposed dog park or any other noise sources are anticipated to occur at the Villa Balboa Condos.

As described in the Draft IS/MND, Section 4.13.2 Impact a) the noise from the proposed dog park, from both dogs barking and dog-owners talking, would be well below (at least 30 dB below) ambient noise levels. Noise is only additive if the noise source is within 10 dB of ambient noise levels. Since noise from the proposed dog park would be at least 30 dB below ambient noise levels, it would not provide a quantitative contribution to existing ambient noise levels and will not be discernible at the nearby homes. A noise study was conducted for the Proposed Project to compare noise levels for similar activities at other comparable facilities; and these noise measurements are presented in detail in Table 4-24 of the Draft IS/MND. Additionally, according to the CalEEMod model run, the proposed Project is anticipated to generate nine or fewer additional daily trips above current conditions, which would have a negligible impact to the nearby roadway noise levels. Therefore, it has been determined that the noise levels generated at the dog park would be within the City's exterior daytime and nighttime residential noise standards. The Proposed Project would not result in a significant impact to the nearest homes in the vicinity of the Project.

### **Response to Comment 16-3:**

Please refer to Response to Comment 16-2.

As described in the Draft IS/MND, Section 4.3.3 Impact d) a regular maintenance schedule, including proper handling and removal of pet waste will be established to prevent accumulation of dog waste at the park thus preventing the generation of odor. Additionally, as part of the design, the dog park would include conveniently-sited waste receptacles away from residences, and provision of waste bags for owners' use. In addition, with the use of synthetic turf specifically designed for dog parks, the ease of cleaning and maintenance is increased.

The appropriate disposal of dog waste onsite would minimize odors perceptible to people. Pursuant to Section 7.20.020 of the City of Newport Beach Municipal Code, it is unlawful for a person in charge of any animal "to permit such animal to defecate and to allow the feces to thereafter remain on any public sidewalk, public beach or park or on any other public property or on any private property other than that

of the owner...” The Project’s provision and maintenance of bags for the disposal of dog waste and of trash receptacles at the dog park would facilitate compliance with Municipal Code Section 7.20.020.

As described in the Draft IS/MND, Section 2.2 Project Purpose and Objectives, the Proposed Project aids in improving safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk. This is an improvement from the present conditions where pedestrians and bicyclists typically cross the busy, major arterial roadways, West Coast Highway and Superior Avenue, to reach Sunset Ridge Park. The development of the proposed bridge would also result in a beneficial impact related to emergency response because the bridge would provide increased safety and direct access from the parking lot to Sunset Ridge Park. For pedestrians traveling along the eastern sidewalk along Superior Avenue, the access point to the parking lot would remain in the same location, therefore the Project would not result in a change in traffic patterns over what is already expected along the roadway.

**Response to Comment 16-4:**

Comment noted.

**Response to Comment 16-5:**

Comment noted.

**Response to Comment 16-6:**

Comment noted.

**Response to Comment 16-7:**

Comment noted. Dog park relocation is outside the scope of CEQA analysis; however, the City Council will consider public review comments in their review of the Project and CEQA document.

**Response to Comment 16-8:**

Park hours will be enforced per the Municipal Code.

**Response to Comment 16-9:**

Thank you for your comment. Comment noted.

**Response to Comment 16-10:**

Dog park relocation is outside the scope of CEQA analysis; however, the City Council will consider public review comments in their review of the Project and CEQA document.

**Response to Comment 16-11:**

As described in the Draft IS/MND, Section 4.13.2 Impact a) the noise from the proposed dog park, from both dogs barking and dog-owners talking, would be well below (at least 30 dB below) ambient noise levels. Noise is only additive if the noise source is within 10 dB of ambient noise levels. Since noise from the proposed dog park would be at least 30 dB below ambient noise levels, it would not provide a quantitative contribution to existing ambient noise levels and will not be discernible at the nearby homes. A noise study was conducted for the Proposed Project to compare noise levels for similar activities at other comparable facilities; and these noise measurements are presented in detail in Table 4-24 of the Draft IS/MND. Additionally, according to the CalEEMod model run, the proposed Project is anticipated to generate nine or fewer additional daily trips above current conditions, which would have a negligible impact to the nearby roadway noise levels. Therefore, it has been determined that the noise levels generated at the dog park would be within the City's exterior daytime and nighttime residential noise standards. The Proposed Project would not result in a significant impact to the nearest homes in the vicinity of the Project.

As described in the Draft IS/MND, Section 4.3.3 Impact d) a regular maintenance schedule, including proper handling and removal of pet waste will be established to prevent accumulation of dog waste at the park thus preventing the generation of odor. Additionally, as part of the design, the dog park would include conveniently-sited waste receptacles away from residences, and provision of waste bags for owners' use. In addition, with the use of synthetic turf specifically designed for dog parks, the ease of cleaning and maintenance is increased.

The appropriate disposal of dog waste onsite would minimize odors perceptible to people. Pursuant to Section 7.20.020 of the City of Newport Beach Municipal Code, it is unlawful for a person in charge of any animal "to permit such animal to defecate and to allow the feces to thereafter remain on any public sidewalk, public beach or park or on any other public property or on any private property other than that of the owner..." The Project's provision and maintenance of bags for the disposal of dog waste and of trash receptacles at the dog park would facilitate compliance with Municipal Code Section 7.20.020.

Thus, the dog park is not expected to result in any significant impacts in relation to odor from pet waste. The Project site is not anticipated to introduce any other objectionable odors.

Response to Comment 16-12:

The proposed dog park is located 50 feet downslope and approximately 220 feet away from the Villa Balboa community. Dog park design and proximity to specific communities is outside the scope of CEQA analysis; however, the City Council will consider public review comments in their review of the Project and CEQA document.

Response to Comment 16-13:

Please refer to Response to Comment 16-12.



**Comment Letter #17 – Ryan Darby**

**COMMENT LETTER #17**

**From:** Tran, Andy  
**Sent:** Friday, October 18, 2019 11:19 AM  
**To:** 'Ryan Darby'  
**Cc:** Carleen  
**Subject:** RE: Ambient Noise

Hi Ryan,

Since this is a question on our environmental document (MND) and we are currently in our 30-day public review period, I will have our environmental consultant prepare a formal written response to your question at the end of the review period. This is standard California Environmental Quality Act (CEQA) procedure.

With that said, Table 4-21 of the MND does list existing noise levels at the 3 locations. I would also suggest reviewing Appendix H.

Hope this helps.

Andy Tran, P.E.  
Senior Civil Engineer  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660  
Phone: 949-644-3315

---

**From:** Ryan Darby <[rdarby@actionlife.com](mailto:rdarby@actionlife.com)>  
**Sent:** Friday, October 18, 2019 7:58 AM  
**To:** Tran, Andy <[ATran@newportbeachca.gov](mailto:ATran@newportbeachca.gov)>  
**Cc:** Carleen <[challstead@aol.com](mailto:challstead@aol.com)>  
**Subject:** Ambient Noise

Hello Andy,

I went through the Noise Report and I see where it says it is only an additive if the noise source is within 10 dB of ambient noise levels, however I don't see where it lists what the ambient noise levels are at Villa Balboa and that there weren't any tests done on the property like we do for Hoag Hospital to obtain those noise levels. Can you let me know what they found the ambient noise level to be?

Comment  
17-1

The point that I was trying to bring up at the meeting is that the noise levels at Villa Balboa is already significantly higher than most of the rest of Newport Beach with the Co-Gen Plant, PCH and Superior. The dog park, would be raising an already elevated ambient noise level for the residents.

Comment  
17-2



**RYAN DARBY | COMMUNITY MANAGER**  
ACTION PROPERTY MANAGEMENT  
2603 MAIN STREET, SUITE 500, IRVINE, CA 92614  
OFFICE | (949) 450-0202  
[WEBSITE](#) | [VCARD](#) | [RDARBY@ACTIONLIFE.COM](mailto:RDARBY@ACTIONLIFE.COM)



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## **Response To Comment Letter #17 – Ryan Darby**

### **Response to Comment 17-1:**

Thank you for your comment. Appendix H of the Draft IS/MND provides the noise measurement printouts and a photo index of the noise measurement locations. The noise measurement locations were selected in order to obtain the ambient noise measurements at the locations that would experience the greatest noise increase from construction and/or operation of the proposed Project. No noise measurements were taken in the vicinity of the Villa Balboa Condos, since the grade is relatively flat in the Sunset View Park area that covers the nearest 200 feet to the Villa Balboa Condos and then there is a steep slope to the Project site. The southwest edge of Sunset View Park will block the line-of-sight between the proposed Dog Park and the Villa Balboa Condos. In fact the proposed dog park will be located more than 20 feet lower than the elevation at Sunset View Park. Since sound travels in straight lines, the southwest edge of Sunset View Park will effectively act like a 20 foot high sound wall between the proposed dog park and the condos. As such, only nominal construction noise impacts are anticipated to occur from the proposed project at the Villa Balboa Condos and no operational noise impacts from the proposed dog park or any other noise sources are anticipated to occur at the Villa Balboa Condos.

As described in the Draft IS/MND, Section 4.13.2 Impact a) the noise from the proposed dog park, from both dogs barking and dog-owners talking, would be well below (at least 30 dB below) ambient noise levels. Noise is only additive if the noise source is within 10 dB of ambient noise levels. Since noise from the proposed dog park would be at least 30 dB below ambient noise levels, it would not provide a quantitative contribution to existing ambient noise levels and will not be discernible at the nearby homes. A noise study was conducted for the Proposed Project to compare noise levels for similar activities at other comparable facilities; and these noise measurements are presented in detail in Table 4-24 of the Draft IS/MND. Additionally, according to the CalEEMod model run, the proposed Project is anticipated to generate nine or fewer additional daily trips above current conditions, which would have a negligible impact to the nearby roadway noise levels. Therefore, it has been determined that the noise levels generated at the dog park would be within the City's exterior daytime and nighttime residential noise standards. The Proposed Project would not result in a significant impact to the nearest homes in the vicinity of the Project.

### **Response to Comment 17-2:**

Please refer to Response to Comment 17-1.

**Comment Letter #18 – Ryan Darby**

**COMMENT LETTER #18**

**From:** Tran, Andy  
**Sent:** Friday, October 18, 2019 12:47 PM  
**To:** 'Ryan Darby'  
**Cc:** Carleen  
**Subject:** RE: Ambient Noise

I will forward your following question to the environmental consultant.

Thanks,

Andy

---

**From:** Ryan Darby <[rdarby@actionlife.com](mailto:rdarby@actionlife.com)>  
**Sent:** Friday, October 18, 2019 12:34 PM  
**To:** Tran, Andy <[ATran@newportbeachca.gov](mailto:ATran@newportbeachca.gov)>  
**Cc:** Carleen <[challstead@aol.com](mailto:challstead@aol.com)>  
**Subject:** RE: Ambient Noise

Hello Andy,

The three locations are not by Villa Balboa though.

1<sup>st</sup> location is on PCH.

2<sup>nd</sup> location is on PCH and Superior.

3<sup>rd</sup> location is the park on the other side of Superior.

If I could get a response stating how the ambient noise level stated in the report was within 10 dB of the current ambient noise dB.

Thanks!

Comment  
18-1



**RYAN DARBY | COMMUNITY MANAGER**

ACTION PROPERTY MANAGEMENT  
2603 MAIN STREET, SUITE 500, IRVINE, CA 92614  
OFFICE | (949) 450-0202

[WEBSITE](#) | [VCARD](#) | [RDARBY@ACTIONLIFE.COM](mailto:RDARBY@ACTIONLIFE.COM)



---

**From:** Tran, Andy <[ATran@newportbeachca.gov](mailto:ATran@newportbeachca.gov)>  
**Sent:** Friday, October 18, 2019 11:19 AM  
**To:** Ryan Darby <[rdarby@actionlife.com](mailto:rdarby@actionlife.com)>  
**Cc:** Carleen <[challstead@aol.com](mailto:challstead@aol.com)>  
**Subject:** RE: Ambient Noise

Hi Ryan,

Since this is a question on our environmental document (MND) and we are currently in our 30-day public review period, I will have our environmental consultant prepare a formal written response to your question at the end of the review period. This is standard California Environmental Quality Act (CEQA) procedure.

With that said, Table 4-21 of the MND does list existing noise levels at the 3 locations. I would also suggest reviewing Appendix H.

Hope this helps.

**Andy Tran, P.E.**

Senior Civil Engineer  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660  
Phone: 949-644-3315

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**Sent:** Friday, October 18, 2019 7:58 AM  
**To:** Tran, Andy <[ATran@newportbeachca.gov](mailto:ATran@newportbeachca.gov)>  
**Cc:** Carleen <[challstead@aol.com](mailto:challstead@aol.com)>  
**Subject:** Ambient Noise

Hello Andy,

I went through the Noise Report and I see where it says it is only an additive if the noise source is within 10 dB of ambient noise levels, however I don't see where it lists what the ambient noise levels are at Villa Balboa and that there weren't any tests done on the property like we do for Hoag Hospital to obtain those noise levels. Can you let me know what they found the ambient noise level to be?

The point that I was trying to bring up at the meeting is that the noise levels at Villa Balboa is already significantly higher than most of the rest of Newport Beach with the Co-Gen Plant, PCH and Superior. The dog park, would be raising an already elevated ambient noise level for the residents.



**RYAN DARBY | COMMUNITY MANAGER**  
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2603 MAIN STREET, SUITE 500, IRVINE, CA 92614  
OFFICE | (949) 450-0202  
[WEBSITE](#) | [VCARD](#) | [RDARBY@ACTIONLIFE.COM](mailto:RDARBY@ACTIONLIFE.COM)



**Response To Comment Letter #18 – Ryan Darby**

**Response to Comment 18-1:**

Thank you for your comment.

As described in Section 4.13.1 of the Draft IS/MND, long-term (24-hour) noise measurements were taken in the vicinity of the proposed Project. Results of the noise level measurements are presented in Table 4-21 and the noise measurement printouts and photos of the noise measurements sites are provided in Appendix H.

The noise measurement locations were selected in order to obtain the ambient noise measurements at the locations that would experience the greatest noise increase from construction and/or operation of the proposed Project. No noise measurements were taken in the vicinity of the Villa Balboa Condos, since the grade is relatively flat in the Sunset View Park area that covers the nearest 200 feet to the Villa Balboa Condos and then there is a steep slope to the Project site. The Southwest edge of Sunset View Park will block the line-of-sight between the proposed dog park and the Villa Balboa Condos. In fact the proposed dog park will be located more than 20 feet lower than the elevation at Sunset View Park. Since sound travels in straight lines, the southwest edge of Sunset View Park will effectively acts like a 20 foot high sound wall between the proposed dog park and the condos. As such, only nominal construction noise impacts are anticipated to occur from the proposed Project at the Villa Balboa Condos and no operational noise impacts from the proposed dog park or any other noise sources are anticipated to occur at the Villa Balboa Condos.

Comment Letter #19 – Sudhir Banker

**COMMENT LETTER #19**

**From:** Sudhir Banker <[bankerfmy@aol.com](mailto:bankerfmy@aol.com)>  
**Sent:** Friday, October 18, 2019 12:34 PM  
**To:** Dixon, Diane; Dept - City Council; Tran, Andy; Detweiler, Laura; Levin, Sean  
**Cc:** Darby Ryan #313 Hoa  
**Subject:** Re: DOG PARK/PARKING EXPANSION next to Sunset Ridge park

Honorable Mayor Diane, respected city council, Mr. Tran, Ms. Detweiler and all staff

Thank u very much for giving myself and all of us at Villa Balboa to giving us opportunity to meet with u all at dog park and listen and hear us about:

-Our very strong objection to placement of Dog Park right in our front yard for specific reasons our request to place it totally somewhere else .

- SUNSET VIEW PARK IS SUCH A UNIQUE PARK , A MOST EXPENSIVE PIECE OF REAL ESTATE ,WHERE ANNUALLY MORE THAN 25000 People from our property of 459 units, HOAG staff and patients, neighboring residents and local and out of city/state 'Visitors' to enjoy incredible Ocean views, fresh ocean breezes and unmatched Sunsets !!!!

-PLEASE DONOT PLACE DOG PARK AND INSTEAD USE SAME LAND TO EXPAND SUNSET VIEW PARK.

-LEAVE A LEGACY FOR GENERATIONS TO COME AND GET COMPLIMENTS TO CITY OFFICIALS AND BLESSINGS FROM ALL FOR GIVING MORE GREEN SPACE FOR PUBLIC USE.

Hoping to hear from you and staff a very favorable decision .

Respectfully,

Sudhir Banker  
8186941777 cell  
200 Paris lane #313  
Newport Beach Ca 92663

Sent from my iPhone

>On Oct 15, 2019, at 12:33 PM, Rajeshbanker <[bankerfmy@aol.com](mailto:bankerfmy@aol.com)> wrote:

>

>Honorable. Mayor Diane, respected city council members, city engineer and staff at large:

>

>As a resident of Villa Balboa community of 449 mostly senior householders, please review our attached letter and following and consider and approve Our request:

>

>

Comment  
19-1

Comment  
19-2

Comment  
19-3

Comment  
19-4

- >-We are totally against the proposed Dog Park.This is immediately
- >adjacent to our building (200 Paris Lane) with 54 homes and our Villa Balboa complex of 449 homes , as well as, next to Hoag Hospital Property.
- >
- >- This was thrust and forced upon us by a stroke of a pencil on map ,immediately adjacent to our community of 449 units residents Villa Balboa (with no Dogs policy for 40 years)and practically placed into our front yard .There is no buffer zone,period. This will have perhaps unintentional but severe adverse consequences to health , quiet and peaceful enjoyment by our community, as well as, annually more than 25,000 visiting peoGmail.comple , including Hoag staff and patients in wheel chairs, enjoying daily walks, meditation, playing with children and most importantly enjoying fresh ocean breezes and fantastic sunrise and sunsets in a quiet and peaceful environment, etc...
- >
- >-Sunset View park ,a tiny park, only a block away from ocean, was named and created for enjoyment by public to enjoy fresh ocean breezes ,Fantastic sunsets , fireworks,air show,boat race in a very Quiet,peaceful environment with loved ones.
- >Instead, adjacent proposed dog park will bring lot of unhealthy air with foul smell and lots of barking noise pollution and create a very unsafe location for dogs, people and traffic in and out and slow down or block emergency vehicle traffic on Superior to and from Hoag.
- >
- >-Noise pollution of loud barking,smell,unhealthy air conditions (replacing refreshing clean ocean breezes)from my and surrounding units will be unacceptable and any “study” city puts it in question.
- >
- > WE RESPECTFULLY REQUEST:
- >
- > - We consider you all , city fathers, as parents, using your wisdom and long range thinking To protect and enhance the interests and rights of us public for quiet, peaceful Enjoyment for generations to come.
- >
- >- The land for proposed dog park is very precious and unique real estate and should be used for the benefit Of people FIRST.
- >
- >- Suggest, let us create something very valuable for our many generations to come
- > By increasing the size of tiny Sunset View Park and provide more green space for
- > Meditation, excercise circuit, playing with children, mini picnics, enjoying
- > Refreshing clean ocean air breezes ,Fabulous sunsets ,fireworks,boat and air shows in a quiet peaceful way.
- >
- >-relocate proposed dog park to a huge SUNSET RIDGE Park right across
- > With lot of idle land with buffer zone and near the community where HOA has dogs
- > Accepted policy.
- >
- >-Concurrently, in addition to reallocating the land for dog park to Sunset View
- > Park,Reallocate land for additional parking,to expand the tiny Sunset View Park
- > With more green area for ever increasing and growing need for public use above.
- > (ARE YOU AWARE OF HOMELESS TENT WITH LOTS OF TRASH IN THE EXISTING
- > PARKING LOT WITH ABUSIVE USE OF BUSHES AND TREES IN ADJOINING HOAG HOSPITAL FOR DAILY SANITARY NEEDS?)
- >



>I must mention that WE LOVE DOGS, especially we spend fun time with two dogs Buboo nearby And Lolla our sons have .

>

> THIS IS NOT APPROPRIATE LOCATION FOR DOG PARK, PLEASE.

>

>WISH YOU WOULD HAVE PLANNED THE MEETING ON 15th October at SUNSET VIEW PARK, IN ORDER TO GET FIRST HAND KNOWLEDGE OF THE ISSUES ON HAND.

>

>

> RESPECTFULLY,

>

> Sudhir Banker

> OWNER:

> 200 Paris Lane #313

> Newport Beach CA 92663

>

> Phone: 818-694-1777

>

> Email: [bankerfmly@aol.com](mailto:bankerfmly@aol.com)

>

>

> -

>

> -

>

> <DOG PARK

>

>

> Sent from my iPad

**Response To Comment Letter #19 – Sudhir Banker**

**Response to Comment 19-1:**

Thank you for your comment. Comment noted.

**Response to Comment 19-2:**

Comment noted.

**Response to Comment 19-3:**

The purpose of the proposed Project is a construction of a pedestrian and bicycle bridge overcrossing Superior Avenue that would connect Sunset Ridge Park to the Superior Parking Lot at the intersection of West Coast Highway and Superior Avenue.

The objectives of the project are:

- To improve safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk.
- To provide additional parking spaces to better serve both passive uses and organized sporting events (mostly youth) at Sunset Ridge Park in an area where parking is limited.
- To reduce traffic signal wait times by shifting pedestrian and bicycle traffic from the at-grade crosswalk to the bridge.
- To expand recreational options in this part of the City by developing a small dog park just below Sunset View Park, adjacent to the expanded parking lot.

**Response to Comment 19-4:**

Comment noted.

Comment Letter #20 – City of Irvine

**COMMENT LETTER #20**



Community Development

cityofirvine.org

1 Civic Center Plaza, Irvine, CA 92606-5208

949-724-6000

October 21, 2019

Mr. Andy Tran  
City of Newport Beach  
Public Works Department  
100 Civic Center Drive  
Newport Beach, CA 92660

**Subject: Notice of Availability and Intent to Adopted a Mitigated Negative Declaration for the Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project in the City of Newport Beach**

Dear Mr. Tran:

City of Irvine staff is in receipt of a Mitigated Negative Declaration for the Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project in the City of Newport Beach. The project is adjacent to Sunset Ride Park and Sunset View Park, and approximately 1,000 feet away from the coastline. The project proposes a new pedestrian and bicycle bridge overcrossing Superior Avenue, a 3.4 acre dog park, and a parking lot expansion. The project is intended to facilitate movement for pedestrians and bicyclists across Superior Avenue and provide more parking opportunities for Sunset Ridge Park. Staff reviewed the project and has no comments.

Comment  
20-1

If you have any questions, you may contact me at 949-724-6364 or by email at [jequina@cityofirvine.org](mailto:jequina@cityofirvine.org).

Sincerely,



Justin Equina  
Associate Planner

cc: Kerwin Lau, Manager of Planning Services  
Marika Poynter, Principal Planner

**Response To Comment Letter #20 – City of Irvine**

**Response to Comment 20-1:**

Thank you for your comment. Comment noted.

Comment Letter #21 – Barry Macpherson

**COMMENT LETTER #21**

To: Andy Tran, Senior Civil Engineer, City of Newport Beach, Public Works 10/21/19  
Dear Mr. Tran,

I am a long time resident of Newport Beach, California. I have lived at Newport Crest for the past thirty years. I use Sunset Ridge Park on a daily basis. As you are aware the Sunset Ridge Park was originally conceived as a "passive" park for visitors to enjoy walking trails and views from the park. The baseball diamond and soccer field was added as an adjunct at the behest of the Newport Beach Parks and Recreation Department.

Currently, Sunset Ridge Park is being used exactly as intended. Visitors come from surrounding communities to enjoy the views, walk the trails, walk their dogs and use the recreational facilities. Adults and youths involved in competitive sports use the park. Sunset Ridge Park and Sunset View Park are perfect just the way are now. There is absolutely no need to expand the parking lot, construct a new dog park or build a pedestrian bridge. This project will be a huge cost to the taxpayer.

The Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project is a solution looking for a problem. There is no problem. The Project should be opposed for a number of reasons, some of which include the following:

1. A major reason to oppose this proposed Project is the cost. There is no need to spend five million or more dollars of taxpayer funds on this Project. It does not matter if the money is local, state or federal. It is still taxpayer funds.
2. The parking lot below Sunset View Park has 64 parking spaces and does NOT need to be enlarged or modified. The current parking lot is never full and infrequently used. The only time the lot is full is on the Fourth of July and Labor Day. When there are sporting events at Sunset Ridge Park the lot is not full. Many of the parents who have youth playing at sporting events drop their youths off and do not park in the lot.
3. There is no need to build a .3 acre dog park. Currently, there is ample opportunity for visitors at both Sunset Ridge Park and Sunset View Park to walk their dogs. Any visitor to Sunset Ridge Park and Sunset View Park will see a number of visitors walking their dog(s) and enjoying the park. Visitors do not typically drive to a park to walk their dog. They walk from surrounding neighborhoods with their dog to the park.
4. The proposed Superior Avenue Pedestrian and Bicycle Bridge is not needed. The proposed bridge is not needed because it will not significantly decrease the time to get to the park or decrease the distance to access the park from the parking lot. Visitors typically walk to Sunset Ridge Park and Sunset View Park from surrounding communities. The majority of visitors do not access Sunset Ridge Park from the parking lot. Visitors can park in the current parking lot and easily access Sunset Ridge Park via Pacific Coast Highway.

Comment  
21-1

Comment  
21-2

Comment  
21-3

Comment  
21-4

5. To address the safety concerns for visitors accessing the Sunset Ridge Park from the parking lot, it is suggested that the duration of time for the signal for crossing the intersection at Pacific Coast Highway and Superior Avenue be increased. Additionally, warning lights should be embedded in the asphalt at the intersection. The lights then could be activated by a pedestrian. For a very modest cost, this would greatly improve pedestrian safety and visibility.

Comment  
21-5

6. According to the Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot plan, there will need to be extensive grading and earthwork which will contribute to air pollution. The elevated area at the base of Sunset View Park will be leveled. In the process of the building and completion of the dog park, native flora and vegetation will be destroyed. The existing slope that is used by many visitors to relax, view sunsets and take pictures will be destroyed. The local wildlife including squirrels, jack rabbits, cotton tail rabbits, coyotes, etc will be displaced. Protected species including the coastal California gnatcatcher and burrowing owl may be affected by the Project. The negative environmental impact resulting from this project would be irreparable. The result could include possible loss of animal life and disruption of the adjacent ecosystem. The project will significantly alter the local habitat. The addition of a dog park near Sunset View Park will increase noise pollution, light pollution, and possibly increase the spread of disease from dog feces.

Comment  
21-6

In summary, the City of Newport Beach should not approve a Coastal Development Permit (CDP) or approve a Mitigated Negative Declaration (MND) for the Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot. The project is costly and unnecessary. The California Coastal Commission should not approve a Coastal Development Permit Amendment for this project.

Comment  
21-7

Please notify me by US mail of any future public meeting regarding the Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project.

Sincerely yours,

Barry Macpherson  
15 Mojo Court  
Newport Beach Ca 92663

**Comment Letter #21 – Barry Macpherson**

**Response to Comment 21-1:**

Thank you for your comment. Comment noted. The cost of the Project is outside the scope of CEQA, however your comment will be included for City Council’s consideration of the project.

**Response to Comment 21-2:**

The purpose of the proposed Project is a construction of a pedestrian and bicycle bridge overcrossing Superior Avenue that would connect Sunset Ridge Park to the Superior Parking Lot at the intersection of West Coast Highway and Superior Avenue.

The objectives of the project are:

- To improve safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk.
- To provide additional parking spaces to better serve both passive uses and organized sporting events (mostly youth) at Sunset Ridge Park in an area where parking is limited.
- To reduce traffic signal wait times by shifting pedestrian and bicycle traffic from the at-grade crosswalk to the bridge.
- To expand recreational options in this part of the City by developing a small dog park just below Sunset View Park, adjacent to the expanded parking lot.

**Response to Comment 21-3:**

Comment noted. Please refer to Response to Comment 21-2.

**Response to Comment 21-4:**

Please refer to Response to Comment 21-2.

As described in the Draft IS/MND, Section 2.2 Project Purpose and Objectives, the Proposed Project aids in improving safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk. This is an improvement from the present conditions where pedestrians and bicyclists typically cross the busy, major arterial roadways, West Coast Highway and Superior Avenue, to reach Sunset Ridge Park.

**Response to Comment 21-5:**

Please refer to Response to Comment 21-4.

**Response to Comment 21-6:**

As described in the Draft IS/MND, Section 4.3.3, the data shows that construction-related emissions would not exceed SCAQMD’s local air concentration thresholds. In addition, construction emissions would be

short-term, limited only to the period when construction activity is taking place. As such, construction related local air concentrations would be less than significant for the proposed Project. As described in the Draft IS/MND, Section 4.13.2 Impact a) the noise from the proposed dog park, from both dogs barking and dog-owners talking, would be well below (at least 30 dB below) ambient noise levels. Noise is only additive if the noise source is within 10 dB of ambient noise levels. Since noise from the proposed dog park would be at least 30 dB below ambient noise levels, it would not provide a quantitative contribution to existing ambient noise levels and will not be discernible at the nearby homes. A noise study was conducted for the Proposed Project to compare noise levels for similar activities at other comparable facilities; and these noise measurements are presented in detail in Table 4-24 of the Draft IS/MND. Additionally, according to the CalEEMod model run, the proposed Project is anticipated to generate nine or fewer additional daily trips above current conditions, which would have a negligible impact to the nearby roadway noise levels. Therefore, it has been determined that the noise levels generated at the dog park would be within the City's exterior daytime and nighttime residential noise standards. The Proposed Project would not result in a significant impact to the nearest homes in the vicinity of the Project.

As described in the Draft IS/MND, Section 4.3.3 Impact d) a regular maintenance schedule, including proper handling and removal of pet waste will be established to prevent accumulation of dog waste at the park thus preventing the generation of odor. Additionally, as part of the design, the dog park would include conveniently-sited waste receptacles away from residences, and provision of waste bags for owners' use. In addition, with the use of synthetic turf specifically designed for dog parks, the ease of cleaning and maintenance is increased.

The appropriate disposal of dog waste onsite would minimize odors perceptible to people. Pursuant to Section 7.20.020 of the City of Newport Beach Municipal Code, it is unlawful for a person in charge of any animal "to permit such animal to defecate and to allow the feces to thereafter remain on any public sidewalk, public beach or park or on any other public property or on any private property other than that of the owner..." The Project's provision and maintenance of bags for the disposal of dog waste and of trash receptacles at the dog park would facilitate compliance with Municipal Code Section 7.20.020. Thus, the dog park is not expected to result in any significant impacts in relation to odor from pet waste. The Project site is not anticipated to introduce any other objectionable odors.

As described in Section 4.4.1 (f) of the Draft IS/MND, the proposed Project is not located within an environmental study area and there are no potentially significant impacts anticipated to the habitats or species that have the potential to occur. In addition, avoidance and mitigation efforts would result in direct and indirect impacts to be less than significant to habitats, natural communities, and wildlife. A Biological Technical Report was prepared for the proposed Project which evaluated impacts to wildlife species including burrowing owl. In addition, a coastal California gnatcatcher protocol level survey was performed to evaluate potential impacts to this sensitive species. Based on these reports, mitigation measures were provided to reduce potential impacts to nesting birds, wetlands, and sensitive plant species, as outlined in mitigation measures MM BIO-1 through MM BIO-5. With implementation of these mitigation measures, impacts would be reduced to less than significant.

**Response to Comment 21-7:**

Thank you for your comment. Comment noted.



Comment Letter #22 – Deborah Gero

**COMMENT LETTER #22**

Andy Tran, P.E.  
Senior Civil Engineer  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA. 92660

October 22, 2019

Deborah A. Gero  
1341 Berea Place  
Pacific Palisades, CA. 90272  
Owner of:  
200 Paris Lane 112  
Newport Beach, CA 93663  
[debiger@gmail.com](mailto:debiger@gmail.com)

RE: Draft/Initial Study/Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project

Andy:

I would like to take you up on your offer to submit questions that I have regarding the above report. My questions are from the perspective of the closest building at Villa Balboa (200 Paris Lane) to the dog park and from the perspective of Sunset View Park, which will be immediately adjacent to the dog park, as I have had the occasion to make personal observations and see preferences from many others in the community who currently use and appreciate Sunset View Park. When I use the word "City", I am referring broadly to the City of Newport Beach, which would include all departments, such as Recreation and Senior Services.

Generally:

**Distance from the proposed dog park to nearest homes:**

What is an official and accurate measure of the closest distance of the nearest Villa Balboa unit to the dog park? It looks like three different measures used for how close residents are to the dog park. On page 52, it states that residents in the northeast are 220 feet away, page 105 states that they are 260 feet away, and the presentation dated August 6, 2019 titled "Lover Sunset View Park Conceptual Design" indicates that the distance is 250 feet.

Comment  
22-1

**Measurement points for the study:**

Why were there no measurement points at Sunset View Park and Villa Balboa in the proximity of the project?

Comment  
22-2

For a multi story residence, should there be measurement points at various heights?

Even with the existing measurement points, why doesn't the City feel that the area is over the noise limit for residential already, when the closest measuring point to the residential Villa Balboa complex measuring 67.0 (dBA Leq) (Table 4-21)?

Comment  
22-3

**Visitors to the parking lot and dog park:**

What has the City (not Chambers but the City) assumed (increased daily visits) for:

Usage of the parking lot in order to justify the spend?

The dog park?

Does the City plan to increase scheduled activities at Sunset Ridge Park?

How do Chamber's assumptions on usage compare to the City's?

Comment  
22-4

**What's not in the report:**

Why is there is no reference to the traffic record on the stretch of Superior Blvd., particularly the side of the road where traffic heads inland from PCH to Ticonderoga?

Comment  
22-5

How would the development impact the safety record?

Comment  
22-6

Why is there no assessment of the City's current enforcement of leash laws or rules at the existing dog park?

Comment  
22-7

Was there a survey taken of the sentiment toward a dog park of the immediately adjacent 450 home Villa Balboa Community?

Comment  
22-8

Was the fact the Villa Balboa community has been a "no dog" community for forty (40) years considered in location selection?

Comment  
22-9

Was there any survey taken of the sentiment toward a dog park of the large number of current users of Sunset View Park (ex. Those who aggregate in the evening?)

Comment  
22-10

Specifically:

**4.1 Aesthetics**

—Why weren't any photos taken from Sunset View Park? This park will now look directly down on the dog park.

Comment  
22-11

— Why hadn't the City previously maintained "large mound of dirt"?

Comment  
22-12

—Why wasn't it acknowledged that the "large mound of dirt" offers the best views in the area and has functioned as a de facto extension of Sunset View Park?

Comment  
22-13

— Lighting

Comment  
22-14

— How will this impact Sunset View Park?

— What hours will each of the bridge, the parking lot, and the dog park be lit?

Comment  
22-15

### 4.3 Air Quality

On page 51, the document notes that “The proposed pedestrian bridge and parking lot are not anticipated to create any additional vehicle trips...”.

Comment  
22-16

—Is this the City’s assumption?

—If beachgoers are now aware of additional parking in Superior, why would that not generate additional trips on Superior?

Comment  
22-17

—How does this reconcile with what is posted at [newportbeachca.gov](http://newportbeachca.gov) which states: “The existing parking lot only has 64 parking stalls and does not provide adequate parking for large organized sporting events. The primary goals of this project are to increase parking and improve pedestrian and bicycle safety and access to Sunset Ridge Park”?

Comment  
22-18

—In Section 4.16.1 on “Recreation”, the document notes that the plan “The proposed Project includes additional parking facilities for the uses of the dog park and accommodates users of Sunset Park”. 36 - 64 new spaces noted on page 6 (in reference to total spaces of 100 to 128 spaces): how can this not be generating more pollution and noise in the immediate area (addressed in a subsequent section)?

Comment  
22-19

—When determining additional trips for the dog park, what hours of operation were assumed? 6 am to dusk (as posted on the City’s website), as are the hours at the existing Newport Beach dog park or 6 am to 11 pm, noted on page 7 as hours that the dog park operation would fall within, or other?

Comment  
22-20

Section 4.3.3 question on page 53 regarding impact of emissions and odors of the dog park:

Comment  
22-21

— Can the City or Chamber site scientific analysis?

—What are the odors and biological contaminants that build up in dog parks over a day, particularly one with anticipated usage such as this one? (I assume usage is assumed to be extensive or why would the city consider spending tax dollars on building out the requisite infrastructure and providing daily maintenance). consider conditions where visitors to the dog park fail to respect all the rules and appropriately considers the “Atmospheric Setting” set out in section 4.3.2. These conditions don’t seem to be considered in any way as there seems to be an assumption of perfect behavior by dog owners and the City in the Section 4.3.3.

Comment  
22-22

—Can the Chambers group site studies of what actually happens at dog parks regarding human behavior, particularly when the dog park is not near the dog owners home (since the nearest housing doesn’t allow dogs)?

Comment  
22-23

—What methodology did the City use in determining use of the dog park? Does this differ from Chambers Group assumptions, methodologies, and conclusion that there will be nine or fewer vehicular trips in a day to the dog park?

Comment  
22-24

— Will the turf will be watered daily as noted in the report?

22-25

— Will the entire park be made out of natural turf as stated?

22-26

—The current Newport Beach dog park is closed for cleaning Wednesdays from 7 am to 9 am. What is the nature of this cleaning and how does it differ from the daily cleaning?

Comment  
22-27

### 4.11. Land Uses and Planning

Comment  
22-28

—Why isn’t the impact on Sunset View Park considered?

—Why didn’t the report note that the “mound of dirt” has de facto become an extension of the park, offering some of the best coastal views around?

Comment  
22-29

—Why does the report conclude that “The uses will be consistent with what is currently onsite” when Sunset View Park is not considered? Is this conclusion realistic if users of Sunset View Park value a quiet, serene environment with fresh air and unobstructed ocean views (currently free of fences, caged animals, and shade structures)?

Comment  
22-30

**4.13. Noise**

<p>—Why wasn't at least one noise measurement taken at Villa Balboa or Sunset View Park?</p>	<p>Comment 22-31</p>
<p>—Why do you feel confident that a reading taken on the opposite side of the street and near the street (based on the mislabeled photos in Appendix H) is appropriate to the places where people either live or sit (when visiting the park)?</p>	<p>Comment 22-32</p>
<p>—Why was one twenty four hour period in summer used for measurement in a highly seasonal community?</p>	<p>Comment 22-33</p>
<p>—Why was the approach that uses summary data and averages deemed appropriate? Are there other methods that use more detailed data?</p>	<p>Comment 22-34</p>
<p>—Did the study consider impact on sound that the change in shape, slope, and surface of the area where the dog park will be, even absent the noise generated by the dog park?</p>	<p>Comment 22-35</p>
<p>—The study seems to assume that ambient noise and noise from the new development is constant when it compares the each of the new project's noise level to that of the existing ambient noise. Are there other common approaches that would make different assumptions?</p>	<p>Comment 22-36</p>
<p>— How is the study for the Beverly Hills Dog Park relevant, given that it is a park that:</p> <ul style="list-style-type: none"> <li>— is located largely in a commercial area</li> <li>— requires registration of dogs by Beverly Hills residents and is for the use of Beverly Hills residents                             <ul style="list-style-type: none"> <li>— requires key fob access</li> <li>— limits the number of dogs that can be at the park at any one time</li> <li>— is a park 2 to 3 times the size of the proposed Newport Dog Park</li> <li>— is not in proximity to a multi family housing complex that does not allow dogs</li> </ul> </li> <li>— potentially has different hours than the proposed Newport Dog Park (6 am to 11 pm in Newport Beach (unless some other hours not noted in the study are being used) vs. 6 am to 9 pm in Beverly Hills)?</li> <li>— has different topological considerations — Beverly Hills is flat while the proposed Newport Dog Park is up a hill?</li> <li>— Rincon thought another dog park study was relevant to it, which doesn't seem to be the case here?</li> </ul>	<p>Comment 22-37</p>
<p>—Is there any study that shows the noise impact of a given number of barking dogs spread in various area sizes? At .2 - .3 acres, this park is substantially less than the 1 acre minimum recommendation of the National Kennel Association and the Humane Society of the United States since "smaller parks may experience overcrowding problems" (found at <a href="http://humanesociety.org">humanesociety.org</a>).</p>	<p>Comment 22-38</p>
<p>— Does dog barking behavior change depending on the space for a given number of dogs?</p>	<p>Comment 22-39</p>
<p>—According to an August 1, 2019, article in the "Whole Dog Journal: "Parks that are small, overcrowded and boring greatly increase the likelihood of inappropriate canine behavior (fights)." How was this considered for this park of this size?</p>	<p>Comment 22-40</p>
<p>—What are the range of assumptions reasonable to test for the standard attenuation rate, given the topography and atmospheric conditions at the site?</p>	<p>Comment 22-41</p>
<p>—Am I reading the document correctly and we assume that the Superior Avenue measurement (Table 4-21) is a good one for the adjacent areas, at a level of 67, isn't this already in excess of residential noise limits?</p>	<p>Comment 22-42</p>
<p>— What is the formula and result for adding the dog park noise to the existing noise at Sunset View Park?</p>	<p>Comment 22-43</p>
<p>On page 104, there is reference to a CalEEMod estimating the trips to the dog park.</p>	
<p>—On page 51, it states that they used the assumption of trips to parks of similar small size. Why is that a reasonable assumption since a park is not a dog park?</p>	<p>Comment 22-44</p>

—What did the City of Newport Beach assume when making the decision to pursue a dog park?	Comment 22-45
— Appendix H:	Comment 22-46
— Are the photos mislabeled?	Comment 22-47
— Where is the CalEEMod work done and referenced on page 104 that indicates nine of fewer new visitors for the dog park?	Comment 22-48
— What will be the process to measure the real impact of noise after the park is complete?	Comment 22-49
—Will the City replace the dog park or eliminate parking if actual impact (assuming appropriate and consistent measurement) on Sunset View Park or Villa Balboa is worse than assumed in this report?	Comment 22-49
 <b>4.16. Recreation</b>	Comment 22-50
—Why was Sunset View Park not considered in the assessment in this section?	22-51
—Were local residents in Villa Balboa surveyed regarding the desired use?	Comment 22-52
—How will the homeless be patrolled in a dog park that has attributes desirable to the homeless — shaded benches, protected areas?	Comment 22-53
<b>Safety — NOT INCLUDED IN THE ENVIRONMENTAL</b>	Comment 22-54
How has traffic safely been considered by the additional visitors to the parking area?	Comment 22-55
—Could I be provided analysis the City has done on this? If it has not done this work, why not?	Comment 22-56
—How are actual traffic incidents on Superior considered when additional trips are considered?	Comment 22-57
—How will the bridge help to mitigate the acceleration and speeding that already occurs on Superior as vehicles head away from the beach (driving behaviors that have lead to cars jumping the curb)?	Comment 22-58
 <b>Oversight and Supervision — NOT INCLUDED IN THE ENVIRONMENTAL</b>	Comment 22-59
—What is the the record of the City in providing citations (other than at the high profile area at the end of Newport Beach near Huntington Beach) broadly and specifically at Sunset View Park for violations separately regarding dogs off leash and failure to pick up dog waste?	Comment 22-60
—What is the history and patrol and removals for violations at the existing Newport Beach dog park?	Comment 22-61

...

I look forward to hearing from you.

Thank you.

Sincerely,

Deborah A. Gero

## **Response to Comment Letter #22 – Deborah Gero**

### **Response to Comment 22-1:**

Thank you for your comment. The Draft MND analyzed in the context of the nearest sensitive receptors, and provided approximate measurements from the edge of the proposed Project site (and not necessarily from the dog park itself) to the nearest sensitive receptor. The air quality analysis on page 52 found that the nearest sensitive receptors to the proposed Project site are multi-family homes located as near as 165 feet to the south and 220 feet to the northeast and single-family homes located as near as 300 feet to the southwest of the proposed area to be disturbed as part of the proposed Project. The noise analysis discussion on page 105 noted the nearest sensitive receptors, which would be the multi-family homes to the south of the proposed Project site, which are as near as 165 feet away.

### **Response to Comment 22-2:**

Thank you for your comment. The noise measurement locations were selected in order to obtain the ambient noise measurements at the locations that would experience the greatest noise increase from construction and/or operation of the proposed Project. No noise measurements were taken in the vicinity of the Villa Balboa Condos, since the grade is relatively flat in the Sunset View Park area that covers the nearest 200 feet to the Villa Balboa Condos and then there is a steep slope to the Project site. The southwest edge of Sunset View Park will block the line-of-sight between the proposed Dog Park and the Villa Balboa Condos. In fact the proposed dog park will be located more than 20 feet lower than the elevation at Sunset View Park. Since sound travels in straight lines, the southwest edge of Sunset View Park will effectively act like a 20 foot high sound wall between the proposed dog park and the condos. As such, only nominal construction noise impacts are anticipated to occur from the proposed project at the Villa Balboa Condos and no operational noise impacts from the proposed dog park or any other noise sources are anticipated to occur at the Villa Balboa Condos.

As described in Section 4.13.1 of the Draft IS/MND, long-term (24-hour) noise measurements were taken in the vicinity of the proposed Project. Results of the noise level measurements are presented in Table 4-21 and the noise measurement printouts and photos of the noise measurements sites are provided in Appendix H.

### **Response to Comment 22-3:**

Please refer to Response to Comment 22-2. The CEQA analysis analyzed impacts of increased noise from the Project in addition to the ambient noise levels.

### **Response to Comment 22-4:**

There are no traffic trip rates in the Institute of Transportation Engineers (ITE) Manual for dog parks. To determine the potential trips associated with a dog park, a comparison to a similar dog park in Laguna Beach was reviewed. The dog park in Laguna Beach is 2.5 acres in size and generates 480 trips per day. By comparison, the proposed 0.2-0.3 acre dog park would generate approximately 38 trips per day. Per the City Traffic Phasing Ordinance, a traffic impact study is required when there are more than 300 trips per day generated by a project. Given the estimated trips, it was determined that there is less than significant impact with the dog park portion of the Project.



As described in the Draft IS/MND, Section 4.14.1 Impact a) the proposed Project, including the dog park, would not indirectly induce population growth and is intended to serve the existing population in the area. No roadways, transit, or bicycle lanes would be significantly modified as a result of the proposed Project and therefore, would not conflict with applicable circulation plans. As discussed in Section 4.17.1 Impact a) of the MND, the proposed Project would not result in a substantial increase of users that would generate a significant increase in traffic because no construction of businesses or residences would occur and no expansion of park facilities other than the small dog park are proposed.

The cost of a project is outside the scope of CEQA analysis for this Project, but your comment will be included for City Council's consideration. In addition, the proposed Project is limited to the bridge, parking lot, and dog park, and would not increase any scheduled activities at Sunset Ridge Park.

**Response to Comment 22-5:**

The purpose of the proposed Project is a construction of a pedestrian and bicycle bridge overcrossing Superior Avenue that would connect Sunset Ridge Park to the Superior Parking Lot at the intersection of West Coast Highway and Superior Avenue.

Please refer to Response to Comment 22-4.

All traffic trips associated with Sunset Ridge Park (land use) are generated by the park visitors. The proposed parking lot expansion and bridge are not land uses and do not generate new trips. The parking lot and bridge are ancillary to the land use. Because there is no change to the park site with the Project area, there are no additional traffic trips that could be associated with the bridge and parking lot Project. The traffic trips associated with the park visitors, that will use the proposed bridge and expanded parking lot, already exist in the roadway system. Currently, the Sunset Ridge visitors park their vehicles where there are available parking spaces in the area. If the existing parking lot is full, park visitors find alternate parking places in the area, or drop off visitors and users.

**Response to Comment 22-6:**

As described in the Draft IS/MND, Section 2.2 Project Purpose and Objectives, the Proposed Project aids in improving safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk. This is an improvement from the present conditions where pedestrians and bicyclists typically cross the busy, major arterial roadways, West Coast Highway and Superior Avenue, to reach Sunset Ridge Park. The development of the proposed bridge would also result in a beneficial impact related to emergency response because the bridge would provide increased safety and direct access from the parking lot to Sunset Ridge Park. For pedestrians traveling along the eastern sidewalk along Superior Avenue, the access point to the parking lot would remain in the same location, therefore the Project would not result in a change in traffic patterns over what is already expected along the roadway.

**Response to Comment 22-7:**

Signage will be included that off-leash dogs must remain within the dog park area. As outlined in the City's Municipal Code Chapter 7.04.020: "No person having the care, charge or control of any dog shall cause or allow, either willfully or through failure to exercise due care or control, such dog to be present

upon any beach, street, alley, or public place, or upon any private property or premises other than his or her own without written consent of the owner or lessee of such land unless such dog is securely restrained by a substantial leash or chain not exceeding six feet in length and controlled by a person competent to restrain such dog. This section shall not be construed as allowing dogs on leashes in the areas from which dogs are prohibited as designated by Sections 7.04.025, 7.04.030, and 7.04.050. (Ord. 89-8 § 1, 1989: Ord. 1230 § 1, 1967: Ord. 796 (part), 1956: 1949 Code § 4107).” Park users shall comply with the City’s code for use of dog restraints in public places.

As described in the Draft IS/MND, Section 2.3.3, the design of the proposed 0.2-0.3 acre dog park includes the installation of 6-foot tall fences, separating large and small dogs, thus clearly designating a space, specifically catered towards dogs and the pet owners. The dog park would also have ancillary facilities like a water fountain, benches, shade structure, security lighting, trash cans and waste bag dispensers for the pet owners’ convenience and use. Some of these features would be absent in Sunset Ridge Park, namely the ability to allow dogs off-leash, thus acting as an incentive for pet owners to remain within the dog park. Installation of the fences would prevent dogs from exiting the designated park area and prevent dogs from entering any private properties, or public roadways.

**Response to Comment 22-8:**

The City has held meetings with surrounding neighborhoods to discuss the proposed Project. This issue is outside the scope of CEQA analysis; however, the City Council will consider public review comments in their review of the Project and CEQA document.

**Response to Comment 22-9:**

Dog park design and proximity to specific communities is outside the scope of CEQA analysis; however, the City Council will consider public review comments in their review of the Project and CEQA document.

**Response to Comment 22-10:**

Please refer to Response to Comment 22-7.

**Response to Comment 22-11:**

As described in Section 4.1.1 of the Draft IS/MND, photographs are provided from various viewpoints from the proposed Project area.

**Response to Comment 22-12:**

This is outside the scope of CEQA analysis for this Project, but your comment will be included for City Council’s consideration.

**Response to Comment 22-13:**

The City of Newport Beach General Plan designates public viewpoints for coastal views within the city. Areas near the Project site that have such designation include Sunset Ridge Park, Sunset View Park, and along the trail above the current parking lot, including the designated point where a bench was installed.



The City's Local Coastal Plan also designates the same public view points in the designated parks and along the paved trail that fronts the Villa Balboa Community. Further, the bridge associated with the Project will provide safer unobstructed views of the coast.

**Response to Comment 22-14:**

As described in Section 4.1.1 Impact d), security lighting at the park and parking lot, as well as bridge lighting, would be down-shielded to prevent light scatter. The proposed Project would comply with the City of Newport Beach Municipal Code 21.30.070 and 20.30.070 Outdoor Lighting standards for parking lots and other manmade objects to reduce the impacts of glare, light trespass, over lighting, sky glow, and poorly shielded or inappropriately direct lighting fixtures.

**Response to Comment 22-15:**

Thank you for your comment. As described in the Draft IS/MND, Section 2.3.3, hours at the dog park would be consistent with the Municipal Code which restricts park hours to between 6:00 a.m. and 11:00 p.m. The parking lot will be operated in the same manner as the existing parking lot with paid metered parking spaces from 8 a.m. to 6 p.m.; and the parking lot would remain open for 24 hours per day. [Low \(42" tall\) down-shielded safety lights to light up walkways will remain on throughout the night \(sundown to sunup\), similar to Sunset Ridge Park.](#)

**Response to Comment 22-16:**

See Response to Comment 22-4. All traffic trips associated with Sunset Ridge Park (land use) are generated by the park visitors. The proposed parking lot expansion and bridge are not land uses and do not generate new trips. The parking lot and bridge are ancillary to the land use. Because there is no change to the park site with the Project area, there are no additional traffic trips that could be associated with the bridge and parking lot Project. The traffic trips associated with the park visitors, that will use the proposed bridge and expanded parking lot, already exist in the roadway system. Currently, the Sunset Ridge visitors park their vehicles where there are available parking spaces in the area. If the existing parking lot is full, park visitors find alternate parking places in the area, or drop off visitors and users.

As described in the Draft IS/MND, Section 4.17.1 Impact a), the expanded parking lot associated with the proposed Project would serve existing park users and would not generate a significant increase in traffic because no businesses or residences are being constructed and no additional park facilities besides the dog park will be introduced. In fact, the parking lot would provide a designated parking area to diverge parking-related traffic from surrounding residential and commercial areas. Furthermore, there would be no conflict with applicable circulation plans due to no significant proposed modifications to roadways, transit, or bicycle lanes. These factors would prevent increased traffic generation due to the construction of the large parking lot.

**Response to Comment 22-17:**

Please refer to Response to Comment 22-16.

**Response to Comment 22-18:**

Please refer to Response to Comment 22-16.

**Response to Comment 22-19:**

Please refer to Response to Comment 22-16.

**Response to Comment 22-20:**

Please refer to Response to Comment 22-4. Hours at the dog park would be consistent with the Municipal Code which restricts park hours to between 6:00 a.m. and 11:00 p.m.

**Response to Comment 22-21:**

As described in the Draft IS/MND, Section 4.3.3 Impact d) a regular maintenance schedule, including proper handling and removal of pet waste will be established to prevent accumulation of dog waste at the park thus preventing the generation of odor. Additionally, as part of the design, the dog park would include conveniently-sited waste receptacles away from residences, and provision of waste bags for owners' use. In addition, with the use of synthetic turf specifically designed for dog parks, the ease of cleaning and maintenance is increased.

The appropriate disposal of dog waste onsite would minimize odors perceptible to people. Pursuant to Section 7.20.020 of the City of Newport Beach Municipal Code, it is unlawful for a person in charge of any animal "to permit such animal to defecate and to allow the feces to thereafter remain on any public sidewalk, public beach or park or on any other public property or on any private property other than that of the owner..." The Project's provision and maintenance of bags for the disposal of dog waste and of trash receptacles at the dog park would facilitate compliance with Municipal Code Section 7.20.020.

Thus, the dog park is not expected to result in any significant impacts in relation to odor from pet waste. The Project site is not anticipated to introduce any other objectionable odors.

**Response to Comment 22-22:**

Please refer to response to Comment 22-21.

**Response to Comment 22-23:**

Please refer to response to Comment 22-7. Human behavior at dog parks is outside the scope of CEQA analysis for this Project, but your comment will be included for City Council's consideration.

**Response to Comment 22-24:**

Please refer to Response to Comment 22-4 and Response to Comment 22-16.

**Response to Comment 22-25:**

Artificial turf will be used for the dog park, and will be irrigated to break down dog waste, similar to what currently exists at the Civic Center dog park.

**Response to Comment 22-26:**

Please refer to Response to Comment 22-25.

**Response to Comment 22-27:**

The proposed Project will include an established cleaning schedule once construction is complete. The current Newport Beach dog park is outside the scope of this Project; however, this comment will be considered by the City Council in their review of the Project and CEQA document.

**Response to Comment 22-28:**

The City of Newport Beach General Plan designates public viewpoints for coastal views within the city. Areas near the Project site that have such designation include Sunset Ridge Park, Sunset View Park, and along the trail above the current parking lot, including the designated point where a bench was installed. The City's Local Coastal Plan also designates the same public view points in the designated parks and along the paved trail that fronts the Villa Balboa Community. The proposed Project will not impact views from Sunset View Park.

**Response to Comment 22-29:**

Please refer to Response to Comment 22-28.

**Response to Comment 22-30:**

As described in the Draft IS/MND Section 4.3.3 Impact a), the proposed Project is consistent with the existing land use designations and would not require a General Plan Amendment or zone change. As described in Section 4.11.1 Impact b), the proposed Project will maintain the current land uses.

**Response to Comment 22-31:**

The noise measurement locations were selected in order to obtain the ambient noise measurements at the locations that would experience the greatest noise increase from construction and/or operation of the proposed Project. No noise measurements were taken in the vicinity of the Villa Balboa Condos, since the grade is relatively flat in the Sunset View Park area that covers the nearest 200 feet to the Villa Balboa Condos and then there is a steep slope to the Project site. The southwest edge of Sunset View Park will block the line-of-sight between the proposed Dog Park and the Villa Balboa Condos. In fact the proposed dog park will be located more than 20 feet lower than the elevation at Sunset View Park. Since sound travels in straight lines, the southwest edge of Sunset View Park will effectively act like a 20 foot high sound wall between the proposed dog park and the condos. As such, only nominal construction noise impacts are anticipated to occur from the proposed project at the Villa Balboa Condos and no operational noise impacts from the proposed dog park or any other noise sources are anticipated to occur at the Villa Balboa Condos.

As described in the Draft IS/MND Section 4.13, noise measurement locations are provided in Appendix H. See Response to Comment 22-2.

As described in the Draft IS/MND, Section 4.13.2 Impact a) the noise from the proposed dog park, from both dogs barking and dog-owners talking, would be well below (at least 30 dB below) ambient noise

levels. Noise is only additive if the noise source is within 10 dB of ambient noise levels. Since noise from the proposed dog park would be at least 30 dB below ambient noise levels, it would not provide a quantitative contribution to existing ambient noise levels and will not be discernible at the nearby homes.

A noise study was conducted for the Proposed Project to compare noise levels for similar activities at other comparable facilities; and these noise measurements are presented in detail in Table 4-24 of the Draft IS/MND. Additionally, according to the CalEEMod model run, the proposed Project is anticipated to generate nine or fewer additional daily trips above current conditions, which would have a negligible impact to the nearby roadway noise levels. Therefore, it has been determined that the noise levels generated at the dog park would be within the City's exterior daytime and nighttime residential noise standards. The Proposed Project would not result in a significant impact to the nearest homes in the vicinity of the Project.

**Response to Comment 22-32:**

Please refer to Response to Comment 22-2 and Response to Comment 22-31.

**Response to Comment 22-33:**

Please refer to Response to Comment 22-31.

**Response to Comment 22-34:**

Please refer to Response to Comment 22-31.

**Response to Comment 22-35:**

Please refer to Response to Comment 22-31.

**Response to Comment 22-36:**

Please refer to Response to Comment 22-31.

**Response to Comment 22-37:**

Please refer to Response to Comment 22-31. It is standard practice for CEQA documents to reference other CEQA documents that analyzed similar projects, such as the proposed dog park. Since the CEQA analysis for the Beverly Hill's Dog Park, utilized scientific methods and accepted noise analysis methodologies, the noise assumptions provided in the Beverly Hills Dog Park analysis provides a reasonable estimate of the noise impacts from the proposed dog park. It should be noted that the dog park noise at the nearest home was calculated based on the distance to the nearest Villa Balboa condo, however as detailed above, the line-of-sight between the Villa Balboa condos and the proposed dog park is blocked by the topography, as such the calculated dog park noise would actually be much lower at the nearest homes than what was presented in Table 4-24 of the Draft IS/MND.

**Response to Comment 22-38:**

Please refer to Response to Comment 22-4 and Response to Comment 22-31. Dog park size and design is outside the scope of CEQA analysis; however, the City Council will consider public review comments in their review of the Project and CEQA document.

**Response to Comment 22-39:**

Please refer to Response to Comment 22-4. Dog park size and design is outside the scope of CEQA analysis; however, the City Council will consider public review comments in their review of the Project and CEQA document.

**Response to Comment 22-40:**

Please refer to Response to Comment 22-4. Dog park size and design is outside the scope of CEQA analysis; however, the City Council will consider public review comments in their review of the Project and CEQA document.

**Response to Comment 22-41:**

Please refer to Response to Comment 22-31. The noise analysis utilized the most conservative attenuation rate assumptions, which are based on flat ground. As detailed above, if topography is taken into account, the dog park noise impacts at the nearest homes would be much lower than the 37 dB reported, since the line-of-sight between the nearest homes at Villa Balboa is blocked by an approximately 20 foot elevation grade difference, which would provide similar noise reduction as if there was a 20 foot high wall located between the nearest homes and the proposed Dog Park.

**Response to Comment 22-42:**

Please refer to Response to Comment 22-31. The CEQA analysis analyzed impacts of increased noise from the Project in addition to the ambient noise levels.

**Response to Comment 22-43:**

Please refer to Response to Comment 22-31.

**Response to Comment 22-44:**

Please refer to Response to Comment 22-5.

**Response to Comment 22-45:**

Please refer to Response to Comment 22-4. Dog park location selection is outside the scope of CEQA analysis; however, the City Council will consider public review comments in their review of the Project and CEQA document

**Response to Comment 22-46:**

Comment noted.

**Response to Comment 22-47:**

The CalEEMod model results are provided in Appendix A for air quality emissions. In terms of traffic impacts, there are no traffic trip rates in the Institute of Transportation Engineers (ITE) Manual for dog parks. To determine the potential trips associated with a dog park, a comparison to a similar dog park in Laguna Beach was reviewed. The dog park in Laguna Beach is 2.5 acres in size and generates 480 trips per day. By comparison, the proposed 0.2-0.3 acre dog park would generate approximately 38 trips per day. Per the City Traffic Phasing Ordinance, a traffic impact study is required when there are more than 300 trips per day generated by a project. Given the estimated trips, it was determined that there is less than significant impact with the dog park portion of the Project.

**Response to Comment 22-48:**

The CEQA document addresses potential noise impacts and found that no significant impacts would occur. Therefore, no noise monitoring is required for the proposed Project. Ongoing noise monitoring is outside the scope of CEQA; however, City Council will consider public review comments in their review of the Project and CEQA document.

**Response to Comment 22-49:**

Thank you for your comment; City Council will consider public review comments in their review of the Project and CEQA document.

**Response to Comment 22-50:**

As noted in the Draft IS/MND, Section 4.16, the analysis does consider construction impacts at the edge of Sunset View Park due to the bridge discussion. After construction of the proposed Project, the expanded parking lot and pedestrian and bike bridge would provide increased connectivity by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk.

**Response to Comment 22-51:**

The City held community meetings with Villa Balboa and other local community groups to discuss the proposed Project.

**Response to Comment 22-52:**

Park hours will be enforced per the Municipal Code.

**Response to Comment 22-53:**

Please refer to Response to Comment 22-6.

**Response to Comment 22-54:**

Please refer to Response to Comment 22-6.

**Response to Comment 22-55:**

Please refer to Response to Comment 22-6. There are no traffic trip rates in the Institute of Transportation Engineers (ITE) Manual for dog parks. To determine the potential trips associated with a dog park, a comparison to a similar dog park in Laguna Beach was reviewed. The dog park in Laguna Beach is 2.5 acres in size and generates 480 trips per day. By comparison, the proposed 0.2-0.3 acre dog park would generate approximately 38 trips per day. Per the City Traffic Phasing Ordinance, a traffic impact study is required when there are more than 300 trips per day generated by a project. Given the estimated trips, it was determined that there is less than significant impact with the dog park portion of the Project.

**Response to Comment 22-56:**

Please refer to Response to Comment 22-4. The Draft IS/MND was prepared in accordance with CEQA to analyze the proposed Project impacts to the environment. As described in the Draft IS/MND, Section 2.2 Project Purpose and Objectives, the Proposed Project aids in improving safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk. This is an improvement from the present conditions where pedestrians and bicyclists typically cross the busy, major arterial roadways, West Coast Highway and Superior Avenue, to reach Sunset Ridge Park.

**Response to Comment 22-57:**

Please refer to Response to Comment 22-7 and Response to Comment 22-21. This is outside the scope of CEQA analysis for this Project, but your comment will be included for City Council's consideration.

**Response to Comment 22-58:**

Please refer to Response to Comment 22-4. The proposed Project is to analyze the environmental impacts within the designated project area as identified in Figure 2-2 of the Draft IS/MND. This is outside the scope of CEQA analysis for this Project, but your comment will be included for City Council's consideration.

Comment Letter #23 – California Department of Fish and Wildlife



**COMMENT LETTER #23**

State of California - Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123  
(858) 467-4201  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM**, Governor  
**CHARLTON H. BONHAM**, Director



October 22, 2019

Mr. Andy Tran  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660  
[atran@newportbeachca.gov](mailto:atran@newportbeachca.gov)

**Subject: Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Superior Avenue Pedestrian and Bicycle Bridge Parking Lot Project, Newport Beach, CA (SCH#2019099074)**

Dear Mr. Tran:

The California Department of Fish and Wildlife (Department) has reviewed the above referenced Notice of Intent to Adopt a Mitigated Negative Declaration (MND) for the Superior Avenue Pedestrian and Bicycle Bridge Parking Lot, dated September 2019. The following statements and comments have been prepared pursuant to the Department's authority as Trustee Agency with jurisdiction over natural resources affected by the project (California Environmental Quality Act [CEQA] Guidelines § 15386) and pursuant to our authority as a Responsible Agency under CEQA Guidelines section 15381 over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code § 2050 *et seq.*) and Fish and Game Code section 1600 *et seq.* The Department also administers the Natural Community Conservation Planning (NCCP) program. The City of Newport Beach (City) is a participating landowner under the Central/Coastal Orange County NCCP/Habitat Conservation Plan.

The project will construct a pedestrian and bicycle bridge over Superior Avenue, connecting Sunset Ridge Park to a new asphalt parking lot located at the northeast corner of West Coast Highway, as well as create a new larger parking lot and a fenced dog park on 3.4 acres. Habitats observed on site include *Artemisia californica* *Eriogonum fasciculatum* shrubland (0.01 acre), ornamental landscaping (1.19 acres), disturbed/ruderal (1.16 acres), and developed area (1.09 acres). Protocol surveys for coastal California gnatcatcher (*Polioptila californica californica*; Endangered Species Act-listed threatened) were conducted.

We offer the following comments and recommendations to assist the City in avoiding or minimizing potential project impacts on biological resources.

1. With regard to burrowing owl (*Athene cunicularia*; California Species of Special Concern): The MND states that, "[d]ue to the level of disturbance in the area of the

Comment  
23-1

*Conserving California's Wildlife Since 1870*



Mr. Andy Tran  
City of Newport Beach  
October 22, 2019  
Page 2 of 5

proposed [p]roject and the high level of human activity directly adjacent to the *Artemisia californica-Eriogonum fasciculatum* shrubland, the sensitive wildlife species with a potential to occur are not expected on the proposed project footprint; therefore, no project impacts to the species are expected." (page 57) The Department disagrees that proximity to human activity is a valid rationale for not conducting burrowing owl surveys. Tolerance to disturbance and/or human activities is highly variable amongst individual and pairs of burrowing owls. Some individuals and/or pairs are highly adapted to heavily altered habitats such as golf courses, airports, business complexes, and athletic fields (e.g., Sunset Ridge Park), particularly if there is foraging habitat in proximity (Gervais et al 2008). We recommend that the Biological Technical Report be amended to include protocol surveys as described in the Department's 2012 Staff Report on Burrowing Owl Mitigation.

Comment  
23-1  
Contd.

2. The Biological Technical Report associated with the MND (Chambers Group 2019) describes the disturbed/ruderal habitat within the project area as, "devoid of vegetation due to recent disturbances," (page 15). The description of the native plants that are found within the disturbed/ruderal polygon, in addition to the polygon's placement within the project area (Biological Technical Report; Figure 4: Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project Vegetation Communities), the Department requests that the MND discuss in greater detail the nature of the "recent disturbance" which occurred in this area; we also request confirmation that the polygon in question was not mitigation for any previous project impacts.

Comment  
23-2

We appreciate the opportunity to comment on the draft MND for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. The Department requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of the forthcoming hearing date for the project (CEQA Guidelines; §15073(e)). If you have any questions or comments regarding this letter, please contact Jennifer Turner at (858-467-2717), or via email at [jennifer.turner@wildlife.c.agov](mailto:jennifer.turner@wildlife.c.agov).

Sincerely,



Gail . Sevens  
Environmental Program Manager

cc: Christine Medak (U.S. Fish and Wildlife Service)  
Scott Morgan (State Clearinghouse)

Mr. Andy Tran  
City of Newport Beach  
October 22, 2019  
Page 3 of 5

### References

CDFG (California Department of Fish and Game). 2012. Staff Report on Burrowing Owl Mitigation. Sacramento, California, USA.

Gervais, J. A., D. K. Rosenberg, and L. A. Comrak. Burrowing Owl (*Athene cunicularia*) in Shuford, W.D. and T. Gardali, editors. 2008. California Bird Species of Special Concern: A ranked assessment of species, subspecies, and distinct populations of birds of immediate conservation concern in California. Studies of Western Birds 1. Western Field Ornithologists, Camarillo, California, and California Department of Fish and Game, Sacramento, California, USA.

## **Response to Comment #23 – California Department of Fish and Wildlife**

### **Response to Comment 23-1:**

Thank you for your comment. The Biological Technical Report provides further information on why burrowing owl are assumed to have a low potential to occur at the site. As noted in Section 4.3.1 of the Biological Technical Report, “This species inhabits dry, open, native or non-native grasslands, deserts, and other arid environments with low-growing and low-density vegetation. It may occupy golf courses, cemeteries, road rights-of way, airstrips, abandoned buildings, irrigation ditches, and vacant lots with holes or cracks suitable for use as burrows. Burrowing owls typically use burrows made by mammals such as California ground squirrels (*Spermophilus beecheyi*), foxes, or badgers. When burrows are scarce, the burrowing owl may use man-made structures such as openings beneath cement or asphalt pavement, pipes, culverts, and nest boxes. Burrowing owls often are found within, under, or in close proximity to man-made structures. Prey sources for this species include small rodents; arthropods such as spiders, crickets, centipedes, and grasshoppers; smaller birds; amphibians; reptiles; and carrion. Threats to the burrowing owl include loss of nesting burrows, habitat loss, and mortality from motor vehicles. Low quality habitat occurs within the eastern portion of the proposed Project footprint; however, the proposed Project site lacks connectivity to additional suitable habitat for this species. Therefore, this species has a low potential to occur within the proposed Project footprint.

The low-quality habitat located within the proposed Project site is composed primarily of hard and compact soils and lacked the soft soils preferred by burrowing owl. No burrows were observed, which are typically utilized by this species. In addition, focused surveys for coastal California gnatcatcher were conducted within the project footprint and included a 500-foot buffer and no burrowing owl or signs of burrowing owls were observed throughout the surveys.

### **Response to Comment 23-2:**

The Biological Technical Report provides a general definition of “disturbed/ruderal” habitat as, “mostly devoid of vegetation due to recent disturbances. The small amount of vegetation that begins to reclaim the soil is dominated by non-native, weedy species that are adapted to frequent disturbances. Soils in Disturbed/Ruderal areas are also typically characterized as heavily compacted.” This is a general definition and the “recent disturbances” discussion is not specific to the Project site. While the placement of fill material that comprises the earthen mound and original associated heavy groundwork was performed in 1980’s, persistent and ongoing lower levels of disturbance have created compaction and soil conditions mostly suitable for weedy species.

The proposed Project site was not previously used as a mitigation site, nor would the proposed activities impact any mitigation lands. As described in Section 4.4.1 (f) of the Draft IS/MND, the proposed Project is not located within an environmental study area and there are no potentially significant impacts anticipated to the habitats or species that have the potential to occur. In addition, avoidance and minimization efforts would result in direct and indirect impacts to be less than significant to habitats, natural communities, and wildlife.

The location of the bridge abutment on the Sunset Ridge Park side of Superior Avenue is within a 5.15-acre CSS planting area that was required as a special condition of the Sunset Ridge Park CDP (Special Condition 2.1.a). There may be some temporary construction impacts to this planting area, which will be mitigated onsite (MM BIO-4), with the impacted area replanted equivalent to existing conditions.

Permanent impacts due to abutment location and shading from the bridge is calculated to be 0.02 acres (886 square feet). Permanent impacts to the CSS planting area will be mitigated offsite, but within Sunset Ridge Park. This will be at a 1:1 ratio with the intent of continuing to comply with the Special Condition of the Sunset Ridge Park CDP.

**Comment Letter #24 – California Department of Transportation**

**COMMENT LETTER #24**

STATE OF CALIFORNIA CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom Governor

**DEPARTMENT OF TRANSPORTATION**  
**DISTRICT 12**  
1750 EAST FOURTH STREET, SUITE 100  
SANTA ANA, CA 92705  
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*Making Conservation  
a California Way of Life.*

October 22, 2019

Mr. Andy Tran  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660

File: IGR/CEQA  
SCH#: 2019099074  
IGR# 2019-01233  
SRI  
PM 20.37

Dear Mr. Tran,

Thank you for including the California Department of Transportation (Caltrans) in the review of the Notice of Completion (NOC) for the Initial Study (IS) for the Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project in Newport Beach. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

The City of Newport Beach (City) proposes the construction of a pedestrian and bicycle bridge over crossing Superior Avenue, a new larger parking lot with a range of 100 to 128 parking spaces and a fenced dog park on an approximately 3.4-acre site. The proposed bridge will connect Sunset Ridge Park to the new asphalt parking lot located at the northeast corner of West Coast Highway and Superior Avenue.

The proposed Project is located within the City of Newport Beach and is located approximately 1,000 feet from the coastline. Currently, an existing City-owned parking lot with 64 metered parking stalls is located at the northeast corner of this intersection. The existing Superior Parking Lot is approximately 0.64 acres, with the driveway to the parking lot at approximately 0.17 acres. Access to the existing parking lot is available via an entrance off Superior Avenue for vehicles, and via a concrete pathway from the intersection of Superior Avenue and Pacific Coast Highway (SRI) for pedestrians and bicyclists. Directly east of the existing parking lot is an undeveloped piece of land with steep slopes with ground elevations ranging from approximately 10 feet near SR1, to approximately 75 feet near Sunset View Park. Properties and land uses adjacent to the Project site include Sunset Ridge Park, Sunset View Park, Villa Balboa and Newport Crest residential communities, and the lower campus of Hoag Hospital. A shopping center and the Lido Sands residential community are located to the south across SR1 from the Project site. SRI is owned and operated by Caltrans. Caltrans is a responsible agency and has the following comments:

*"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"*

City of Newport Beach  
October 22, 2019  
Page 2

**Traffic Operations:**

1. In the Initial Study, Section 2.3.4 mentions that construction will take 14-18 months for completion and it will avoid the fall and spring months. Please note that temporary lane closure or significant increase in construction traffic along Pacific Coast Highway between Memorial Day and Labor Day is not recommended.
2. In the Initial Study, Section 2.3.4 also mentions that construction will occur during the daytime hours of 7am to 4:30pm. Please note that temporary closures on Pacific Coast Highway should only be between the hours of 9am to 3pm.

Comment  
24-1

Comment  
24-2

**Project Management**

1. There is a Safety Improvement project by Caltrans (OQ830K) that proposes to modify traffic signals and add safety lighting at the intersection of SRI and Superior Avenue. Caltrans' project may conflict with the City's future improvement project at this intersection. Please contact Caltrans Project Manager, Bob Bazargan at [bob.bazargan@dot.ca.gov](mailto:bob.bazargan@dot.ca.gov) or (657) 328-6298, in order to coordinate all project stages and development for the Superior Avenue Pedestrian and Bicycle Bridge and Parking Lot Project.

Comment  
24-3

**Transportation Planning**

1. Consider including wayfinding signage for pedestrians and bicyclists in the project vicinity. This will encourage the use of Active Transportation and improve safety for Active Transportation users.
2. Consider providing secure bicycle storage on the project site, especially near Sunset Ridge Park. This will encourage visitors to utilize Active Transportation to access the site, thus improving air quality and reducing congestion.
3. Ensure that the project will be accessible to ADA-reliant visitors. In the subsequent phases, consider discussing how ADA-reliant users will access the proposed parking lot from the intersection of Superior Avenue and West Coast Highway. Providing ADA-compliant accessibility will ensure that all visitors, regardless of ability, will have access to the site and its services, as well as access to the coastal zone.
4. There are existing pedestrian, bicycle, and transit facilities near or adjacent to the site, including regionally significant trails and corridors like the Santa Ana River Trail, Banning Channel Bikeway, and Pacific Coast Highway. During construction, Caltrans recommends that appropriate detours and safety measures are in place that prioritize the mobility, access, and safety of bicyclists, pedestrians, and transit users. If sidewalks, bike lanes, or transit stops need to be

Comment  
24-4

Comment  
24-5

Comment  
24-6

Comment  
24-7

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City of Newport Beach  
October 22, 2019  
Page 3

close during construction, please ensure that closures and detours are clearly signed.

Comment  
24-7  
Contd.

5. Should any existing bike lanes be closed during construction, we recommend the use of "May Use Full Lane" (MUTCD R4-11) signage rather than "Share the Road" (W16-1P) signage to more clearly indicate to both drivers and bicyclists that bicyclists may ride in the center of the travel lane while the bike lane is closed.

Comment  
24-8

**Permits:**

- An project work proposed in the vicinity of the State right of way will require an encroachment permit, and all environmental concerns must be adequately addressed. Please coordinate with Caltrans in order to meet the requirements for an work within or near State Right-of-Way. A fee may apply. If the cost of work within the State right of way is below one Million Dollars, the Encroachment Permit process will be handled by our Permits Branch; otherwise the permit should be authorized through the Caltrans's Project Development Department. When applying for Encroachment Permit, please incorporate all Environmental Documentation, SWPPP/WPCP, NPDES, Hydraulic Calculations, R/W certification and all relevant design details including design exception approvals. For specific details for Encroachment Permits procedure, please refer to the Caltrans's Encroachment Permits Manual. The latest edition of the Manual is available on the web site: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Comment  
24-9

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Julie Lugaro at 657-328-6368 or [Julie.lugaro@dot.ca.gov](mailto:Julie.lugaro@dot.ca.gov).

Sincerely,



Scott Sheehey  
Branch Chief, Regional-IGR-Transit Planning  
District 12

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

**Response to Comment #24 – California Department of Transportation**

**Response to Comment 24-1:**

Thank you for your comment; this comment has been noted. The City will limit lane closures from Memorial Day to Labor Day.

**Response to Comment 24-2:**

If a lane needs to be closed on Pacific Coast Highway it will be closed only between 9am and 3pm.

**Response to Comment 24-3:**

Thank you for this information, the City will coordinate with Bob Bazarga.

**Response to Comment 24-4:**

Wayfinding signs will be considered by the City.

**Response to Comment 24-5:**

The City currently has bike racks at Sunset Ridge Park; in addition, as part of the project a bike node with fix-it station will be installed.

**Response to Comment 24-6:**

All proposed improvements will be ADA compliant.

**Response to Comment 24-7:**

Appropriate detours and safety measures will be in place during construction.

**Response to Comment 24-8:**

The City concurs and will provide signage as suggested.

**Response to Comment 24-9**

Comment noted; appropriate State permitting will be coordinated prior to Project construction.



Comment Letter #25 – Michael Call

**COMMENT LETTER #25**

Andy Tran, P.E.  
Senior Civil Engineer  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660  
Phone: 949-644-3315

October 19, 2019

Michael Call  
Cell (714) 791-1102  
210 Lille Lane 208  
Newport Beach, CA 93663  
[onecall4all1@verivon.net](mailto:onecall4all1@verivon.net)

There are 4 total pages.

The following questions are unless otherwise indicated in reference to the proposed dog park included in the Lower Sunset View Park Conceptual Design located in Newport Beach California and the word “City” refers to the City of Newport Beach. When there is a reference to “the report” this means any reports or documentation produced by the City including the Mitigation Negative Declaration and any other environmental documentation provided by the City.

Your timely response to these questions is requested so as to provide adequate time for follow up questions and/or responses.

1. Very specifically describe the public demand by any individual or group for dog parks?
  - A. In Newport Beach?
  - B. In west Newport Beach?
  - C. At the specific location cited in the Sunset View Park proposal?
  - D. How were these specific demands made and recorded?
  - E. Has there been any survey of nearby residents or current visitors to Sunset View Park?

**Comment  
25-1**

2. Is the proposed dog park in some way to provide an alternative to the illicit dog park located in and alongside of the Santa Ana river?

**Comment  
25-2**

3. Is the proposed dog park being considered an alternative to the enforcement of the present leash laws?

**Comment  
25-3**

4. Are there any statistics for?
  - A. The number of persons that reside in Newport Beach that use dog parks?
  - B. The number of injuries to dogs and humans at the existing dog park?

**Comment  
25-4**

C. The numbers of individual dogs and humans that have contracted a disease or a parasite at the existing dog park?	<b>Comment 25-4</b>
5. Have the contributors to the Environmental Study demonstrated expertise in the size and structure of the Dog Park?	<b>Comment 25-5</b>
6. Can the contributor's site studies from the scientific literature which discuss the volume of noise from given projected numbers of barking dogs concentration in given spaces?	<b>Comment 25-6</b>
7. What expertise do the contributors have as to dog park design in general and specifically to space requirements as it relates to safety of the dogs and human users?	<b>Comment 25-7</b>
8. What is the minimum safe dog park size? A. What studies did the contributors rely on to make this conclusion? B. How does park size effect dog crowd behavior?	<b>Comment 25-8</b>
9. Why is it the environmental report does not recommend safe guards for overcrowding and proper separation distances for extremely small parks of this size?	<b>Comment 25-9</b>
10. What guarantees and enforceable promises are there that the staff, designers and/or engineers will not increase size of the dog park without further review or public comment?	<b>Comment 25-10</b>
12. What are the assumptions and/or the methods used for the standard attenuation rate, given the topography and atmospheric conditions at the site?	<b>Comment 25-11</b>
13. Are there any studies of the effect of the removal of the mound of dirt? A. Would the removal of the mound of dirt cause an increase of noise at the park and at in the Villa Balboa Community?	<b>Comment 25-12</b>
14. Is the City staff aware, as cited in the environmental study, at the proposed location of the dog park, the sound levels are already in excess to the City's existing permissible levels?	<b>Comment 25-13</b>
15. Will the City proposal for the dog park likely magnify the noise level with its present design?	<b>Comment 25-14</b>
16. Will the City be taking this opportunity to mitigate the noise levels that have already been determined to be in excessive by the Cities environmental report?	<b>Comment 25-15</b>
17. Is the City aware that almost all other dog parks are on commercial or industrial sites NOT immediately adjacent to (and as importantly accessible to) a densely populated residential community on highly valuable land long treasured for other uses?	<b>Comment 25-16</b>
18. Why is there no discussion of the health hazards of a critical care hospital in close proximity to the proposed dog park? A. Why is there no discussion in the report of the constant use of the existing parks walkway by Hoag Hospital doctors, nurses, technicians, administrators often wearing their scrubs and patients as a probable transportation of pest and infectious diseases to this critical care hospital and even directly to patients with compromise immune systems?	<b>Comment 25-17</b>

19. Why does the report not address the fact that the proposed dog park will disrupt existing recreational activities?

A. Why does the report not discuss the interference of the proposed dog park with the present terrain and continuity of park and recreation from Sunset Ridge Park on the west all the way to Hoag Hospital on the east?

B. Many individuals enjoy the view the Huntington Beach Air Show and celebrate Independence Day by watching the fireworks all along the coast from Huntington Beach all the way to Laguna Beach from our favorite park. People enjoy the view and serene environment most every evening of the year. Why does the report not discuss the present natural and cultural resources and recreational usage includes all the citizens of Newport Beach and surrounding communities' visiting the park?

**Comment  
25-18**

20. Is the City aware that the Villa Balboa Community, the predominate nearby community, is now and has always been a no dog development?

A. Is the City aware that the original CCRs which are still in effect prohibit dogs in the Villa Balboa development?

B. Is the City aware that the Villa Balboa association as obtained an attorney's letter stating the opposition to the proposed dog park?

C. Has it been considered that the current quite enjoyment by humans (including hopefully compliant dog owners with their dogs) does not diminish the enjoyment of this unique and widely used location by others?

**Comment  
25-19**

21. Why does the report not discuss the negative impact on property values caused by the loss of the quiet enjoyment of nearby homeowners?

A. Why does the report not have any proximity study of the impact of the lack of substantial buffers to significant residential communities?

B. Why does the report not discuss or study the impact of a dog park being super-imposed on the highly valued ocean view home in direct proximity?

**Comment  
25-20**

22. Why does the report not compare and contrast other uses to determine the highest and best use?

A. Why does the report not analyze the highest and best use for the public good comparing a dog park to alternative recreational activities at the property like workout trails and courses?

B. Why does the report no explore completing the View Park to enhance the viewing experience for visitors?

**Comment  
25-21**

23. Why does the report not explore or discuss the overburden and abusive allocation of services in west Newport Beach as exemplified by the: 1. New Homeless Shelter and SOS Kitchen, 2. PCH Noise, 3. Illegal Dog Beach, 4. Nightly Police helicopter flyovers?

**Comment  
25-22**

24. Why does the report not explore or discuss the overburden and abusive allocation of services on the Villa Balboa Community as exemplified by the: 1. Cogent Plant presently out of compliance noise, plums of gases and negative effect on homeowner views and the continuing cost of damages to the exterior of the Villa Balboa Structures, 2. Hoag future campus expansion, 3. Ambulance noise, 4. Night time

**Comment  
25-23**

required helicopter flights over head to meet the contractual fly over time, 5. Superior Bridge (Prospective) and 6. Expanded Adjacent Parking (Prospective)?

**Comment**  
**25-23**  
**Contd.**

## **Response To Comment Letter #25 – Michael Call**

### **Response to Comment 25-1:**

Thank you for your comment.

The City held community meetings with Villa Balboa and other local neighborhood groups to discuss the proposed Project.

The purpose of the proposed Project is a construction of a pedestrian and bicycle bridge overcrossing Superior Avenue that would connect Sunset Ridge Park to the Superior Parking Lot at the intersection of West Coast Highway and Superior Avenue.

The objectives of the project are:

- To improve safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk.
- To provide additional parking spaces to better serve both passive uses and organized sporting events (mostly youth) at Sunset Ridge Park in an area where parking is limited.
- To reduce traffic signal wait times by shifting pedestrian and bicycle traffic from the at-grade crosswalk to the bridge.
- To expand recreational options in this part of the City by developing a small dog park just below Sunset View Park, adjacent to the expanded parking lot.

### **Response to Comment 25-2:**

Please refer to response to Comment 25-1. This is outside the scope of CEQA analysis, however your comment is included for City Council's consideration.

### **Response to Comment 25-3:**

Please refer to response to Comment 25-2.

Signage will be included that off-leash dogs must remain within the dog park area. As outlined in the City's Municipal Code Chapter 7.04.020: "No person having the care, charge or control of any dog shall cause or allow, either willfully or through failure to exercise due care or control, such dog to be present upon any beach, street, alley, or public place, or upon any private property or premises other than his or her own without written consent of the owner or lessee of such land unless such dog is securely restrained by a substantial leash or chain not exceeding six feet in length and controlled by a person competent to restrain such dog. This section shall not be construed as allowing dogs on leashes in the areas from which dogs are prohibited as designated by Sections 7.04.025, 7.04.030, and 7.04.050. (Ord. 89-8 § 1, 1989; Ord. 1230 § 1, 1967; Ord. 796 (part), 1956; 1949 Code § 4107)." Park users shall comply with the City's code for use of dog restraints in public places.

### **Response to Comment 25-4:**

Please refer to Response to Comment 25-1. Design of the size and structure of the dog park is outside the scope of CEQA analysis, however this comment is included for City Council's consideration.

**Response to Comment 25-5:**

Please refer to response to Comment 25-1; this is outside the scope of CEQA analysis for this Project, but your comment will be included for City Council's consideration.

**Response to Comment 25-6:**

The noise analysis of the proposed Dog Park utilized published data of the noise level measured at an existing dog park.

As described in the Draft IS/MND, Section 4.13.2 Impact a) the noise from the proposed dog park, from both dogs barking and dog-owners talking, would be well below (at least 30 dB below) ambient noise levels. Noise is only additive if the noise source is within 10 dB of ambient noise levels. Since noise from the proposed dog park would be at least 30 dB below ambient noise levels, it would not provide a quantitative contribution to existing ambient noise levels and will not be discernible at the nearby homes. A noise study was conducted for the Proposed Project to compare noise levels for similar activities at other comparable facilities; and these noise measurements are presented in detail in Table 4-24 of the Draft IS/MND. Additionally, according to the CalEEMod model run, the proposed Project is anticipated to generate nine or fewer additional daily trips above current conditions, which would have a negligible impact to the nearby roadway noise levels. Therefore, it has been determined that the noise levels generated at the dog park would be within the City's exterior daytime and nighttime residential noise standards. The Proposed Project would not result in a significant impact to the nearest homes in the vicinity of the Project.

**Response to Comment 25-7:**

Dog park design is outside the scope of CEQA analysis; however, the City Council will consider public review comments in their review of the Project and CEQA document.

**Response to Comment 25-8:**

Please refer to Response to Comment 25-1; dog park design and crowd behavior are outside the scope of CEQA analysis for this Project, but your comment will be included for City Council's consideration.

**Response to Comment 25-9:**

Thank you for your comment; dog park design is outside the scope of CEQA analysis for this Project, but your comment will be included for City Council's consideration.

**Response to Comment 25-10:**

According to CEQA Guidelines Section 15088.5 and 15162, if there are substantial changes to an approved Project that could result in significant impacts, additional CEQA documentation would be required.

**Response to Comment 25-11:**

Thank you for your comment. The noise measurement locations were selected in order to obtain the ambient noise measurements at the locations that would experience the greatest noise increase from construction and/or operation of the proposed Project. No noise measurements were taken in the vicinity of the Villa Balboa Condos, since the grade is relatively flat in the Sunset View Park area that covers the nearest 200 feet to the Villa Balboa Condos and then there is a steep slope to the Project site. The southwest edge of Sunset View Park will block the line-of-sight between the proposed Dog Park and the Villa Balboa Condos. In fact the proposed dog park will be located more than 20 feet lower than the elevation at Sunset View Park. Since sound travels in straight lines, the southwest edge of Sunset View Park will effectively act like a 20 foot high sound wall between the proposed dog park and the condos. As such, only nominal construction noise impacts are anticipated to occur from the proposed project at the Villa Balboa Condos and no operational noise impacts from the proposed dog park or any other noise sources are anticipated to occur at the Villa Balboa Condos.

The noise analysis utilized the most conservative attenuation rate assumptions, which are based on flat ground. As detailed above, if topography is taken into account, the dog park noise impacts at the nearest homes would be much lower than the 37 dB reported, since the line-of-sight between the nearest homes at Villa Balboa is blocked by an approximately 20 foot elevation grade difference, which would provide similar noise reduction as if there was a 20 foot high wall located between the nearest homes and the proposed dog park.

**Response to Comment 25-12:**

See Response to Comment 25-11.

**Response to Comment 25-13:**

The City of Newport Beach Municipal Code does not provide any noise standards for public parks. As such, the existing noise level at the proposed Dog Park does not violate the City's noise standards. The CEQA analysis analyzed impacts of increased noise from the Project in addition to the ambient noise levels.

As described in the Draft IS/MND, Section 4.13.2 Impact a) the noise from the proposed dog park, from both dogs barking and dog-owners talking, would be well below (at least 30 dB below) ambient noise levels. Noise is only additive if the noise source is within 10 dB of ambient noise levels. Since noise from the proposed dog park would be at least 30 dB below ambient noise levels, it would not provide a quantitative contribution to existing ambient noise levels and will not be discernible at the nearby homes. A noise study was conducted for the Proposed Project to compare noise levels for similar activities at other comparable facilities; and these noise measurements are presented in detail in Table 4-24 of the Draft IS/MND. Additionally, according to the CalEEMod model run, the proposed Project is anticipated to generate nine or fewer additional daily trips above current conditions, which would have a negligible impact to the nearby roadway noise levels. Therefore, it has been determined that the noise levels generated at the dog park would be within the City's exterior daytime and nighttime residential noise standards.

**Response to Comment 25-14:**

Please refer to response to Comment 25-13. The proposed design of excavating the location for the proposed dog park and lowering the elevation by approximately 20 feet will provide additional sound reduction for the nearest homes located to the northeast of the proposed dog park.

**Response to Comment 25-15:**

Please refer to response to Comment 25-13. The Proposed Project would not result in a significant impact to the nearest homes in the vicinity of the Project. The residential exterior noise standards provided in the Municipal Code only apply to non-transportation noise sources. As such, there is no evidence provided in the Draft IS/MND that shows that any of the nearby homes currently exceed the City's residential exterior noise standards. The CEQA analysis analyzed impacts of increased noise from the Project in addition to the ambient noise levels.

**Response to Comment 25-16:**

Dog park design is outside the scope of CEQA analysis; however, the City Council will consider public review comments in their review of the Project and CEQA document.

**Response to Comment 25-17:**

The Draft IS/MND focuses on the impacts of the proposed Project to the existing environment. As described in the Draft IS/MND, Section 4.3.3 Impact d) a regular maintenance schedule, including proper handling and removal of pet waste will be established to prevent accumulation of dog waste at the park thus preventing the generation of odor. Additionally, as part of the design, the dog park would include conveniently-sited waste receptacles away from residences, and provision of waste bags for owners' use. In addition, with the use of synthetic turf specifically designed for dog parks, the ease of cleaning and maintenance is increased.

The appropriate disposal of dog waste onsite would minimize odors perceptible to people. Pursuant to Section 7.20.020 of the City of Newport Beach Municipal Code, it is unlawful for a person in charge of any animal "to permit such animal to defecate and to allow the feces to thereafter remain on any public sidewalk, public beach or park or on any other public property or on any private property other than that of the owner..." The Project's provision and maintenance of bags for the disposal of dog waste and of trash receptacles at the dog park would facilitate compliance with Municipal Code Section 7.20.020.

Potential infectious diseases from pests is outside the scope of CEQA analysis for this Project, but your comment will be included for City Council's consideration.

**Response to Comment 25-18:**

The purpose of the proposed Project is a construction of a pedestrian and bicycle bridge overcrossing Superior Avenue that would connect Sunset Ridge Park to the Superior Parking Lot at the intersection of West Coast Highway and Superior Avenue.

The objectives of the project are:



- To improve safety and access to Sunset Ridge Park for pedestrians and bicyclists by eliminating the need to cross Superior Avenue via the existing at-grade crosswalk.
- To provide additional parking spaces to better serve both passive uses and organized sporting events (mostly youth) at Sunset Ridge Park in an area where parking is limited.
- To reduce traffic signal wait times by shifting pedestrian and bicycle traffic from the at-grade crosswalk to the bridge.
- To expand recreational options in this part of the City by developing a small dog park just below Sunset View Park, adjacent to the expanded parking lot.

The proposed Project would not obstruct the views of the coastal area, or views from Sunset View Park. Views of the coastline from Sunset View Park will be unaffected.

**Response to Comment 25-19:**

The City held community meetings with Villa Balboa and other local neighborhood groups to discuss the proposed Project.

Please refer to Response in Comment 25-7.

**Response to Comment 25-20:**

Please refer to Response to Comment 25-7. Property values are outside the scope of CEQA analysis, however your comment will be included for City Council's consideration.

The proposed dog park will be approximately 50 feet downslope of Sunset View Park, and approximately 100 feet to the southwest of Sunset View Park. **Response to Comment 25-21:**

Please refer to the Response to Comment 25-2. The purpose of CEQA is to analyze a proposed project's impact on the environment.

**Response to Comment 25-22:**

Please refer to Response to Comment 25-11 and Response to Comment 25-13. The Draft IS/MND analyzed the proposed Project's impacts in addition to existing ambient conditions. However, the new homeless shelter, SOS kitchen, and illegal dog beach are outside the scope of the Project; however, this comment will be considered by City Council in their review.

**Response to Comment 25-23:**

Please refer to Response to Comment 25-18. In order to determine the existing noise environment, 24-hour noise measurements were taken in the project vicinity. Noise Measurement Site 3 was located as near as 250 feet from the Villa Balboa condos and captured all large scale noise sources and would have captured any noise created from ambulances and helicopters that operated in the Project vicinity. The Hoag Hospital Cogen Plant and future Hoag Hospital campus expansion are outside the scope of this project; however, this comment will be considered by City Council in their review of the Project and CEQA document.

Comment Letter #26 – Sandy Frizzell

**COMMENT LETTER #26**

October 18, 2019

Newport Beach City Council  
100 Civic Center Dr.  
Newport Beach, CA 92660

Re: Follow-up Proposed Dog Park at Sunset View Park

To Whom It May Concern,

Thank you for having the meeting Tuesday, Oct. 15 with those concerned about the proposed Dog Park at Sunset View Park. Many could not attend because of the venue and other issues. We appreciate each of you taking your time, providing valuable information; and listening and responding to our concerns and thoughts. **As was abundantly clear, we do not want a dog park in lower Sunset View Park or anything else other than additional parking.** Parking is very much needed for Sunset Ridge Park and parking in general for beach access.

Comment  
26-1

**It was brought up at the meeting that the dirt mound is a place where visitors and residents alike go to enjoy the fabulous views. I have dozens of pictures of people enjoying the magnificent views from this dirt mound. We urge you to consider enhancing it with a sturdy grass or ground covering to increase enjoyment of this special area.**

Comment  
26-2

In regard to the bridge, it seems a good idea, rather extravagant but with the added parking helpful to get people safely across the street to Sunset Ridge Park. I think it is important to keep the bridge the lowest profile possible in style and color. I much prefer the Concrete Pedestrian Bridge as apposed to the Steel Truss.

Comment  
26-3

**What is most important is preserving the dirt mound for residents and visitors to continue to enjoy the incredible views. Please do not take this away.**

Comment  
26-4

Sandy Frizzell (Villa Balboa resident)  
200 Paris Lane #214  
Newport Beach, CA 92663

**Response To Comment Letter #26 – Sandy Frizzell**

**Response to Comment 26-1:**

Thank you for your comment. Comment noted.

**Response to Comment 26-2:**

The City of Newport Beach General Plan designates public viewpoints for coastal views within the city. Areas near the Project site that have such designation include Sunset Ridge Park, Sunset View Park, and along the trail above the current parking lot, including the designated point where a bench was installed. The City's Local Coastal Plan also designates the same public view points in the designated parks and along the paved trail that fronts the Villa Balboa Community. Further, the bridge associated with the Project will provide safer unobstructed views of the coast.

**Response to Comment 26-3:**

The bridge options associated with the proposed Project were designed specifically to protect view lines and prevent visual obstruction of valuable coastal views.

**Response to Comment 26-4:**

Please refer to Response to Comment 26-2. Comment noted.

Comment Letter #27 – Doug Tamkin

**COMMENT LETTER #27**

**From:** Doug Tamkin <dtamkin@artivation.com>  
**Sent:** Wednesday, October 23, 2019 10:07 AM  
**To:** Tran, Andy  
**Subject:** Dog Park Initial Study Comments  
**Attachments:** BH Dog Park.JPG

Dear Mr. Tran,

The Draft Initial Study for the proposed dog park at lower Sunset View Park admits that it obtained its dog park noise data from the study that Beverly Hills did for their dog park. This “Draft Initial Study-Mitigated Negative Declaration City of Beverly Hills Dog Park Project” reveals that its author, Rincon Consultants, Inc., took its noise measurements at a “comparable off-leash dog park in Santa Barbara, California.” So we have Newport Beach borrowing its assumptions from Beverly Hills, which based its assumptions on a dog park (at Tucker’s Grove Park) in Santa Barbara. The six nearest residences to that Santa Barbara dog park range in distance from 150 feet to 300 feet, but are single-family homes that are shielded by abundant mature tree growth between them and the park. Of most concern, however, is that Newport Beach’s assumptions are in essence only theoretical projections of how the noise from barking dogs is predicted to combine with ambient noise levels. A real-world noise study has yet to be conducted by NB that takes into account the actual perceptual impact the noise from the dog park will have on the residents adjacent to this unique location. Most of the data and conclusions compiled by all of these reports, including that of Newport Beach, appear to focus primarily on the impact of construction-related noise during a project’s development, but then become more speculative with respect to the project’s actual use. They fail to acknowledge the annoyance of, for example, barking dogs on a Sunday morning. Furthermore, ambient background noise levels are not constant, and frequently diminish enough for transient sounds, i.e. barking, to become prominent.

Comment  
27-1

The Beverly Hills dog park is surrounded almost completely by buildings that are commercial in nature, including an auto dealership, a city vehicle and facility maintenance center, an animal shelter/hospital and other businesses. The nearest residences are no closer than 650 feet from the dog park. All of this is on level ground, and the commercial buildings create a sound-blocking shield around the dog park that protects the residences from line-of-sight sound transmission. The only line-of-sight path is northward along Foothill Rd., but the very few homes at the end of that path are in excess of 700 feet away and are across heavily-traveled Santa Monica Blvd. This situation is hardly analogous the proposed location at lower Sunset View Park. The uphill location of the facing residences at Villa Balboa presents numerous unimpeded, line-of-sight opportunities for nuisance noise to be experienced by a large number of people. It will not be fair to these residents if their peace and quiet is ultimately compromised by assumptions drawn from a borrowed report on a very dissimilar set of specifics. At the very least, Newport Beach needs to devise their own testing methodology that attempts to replicate the actual conditions of the proposed site.

Comment  
27-2

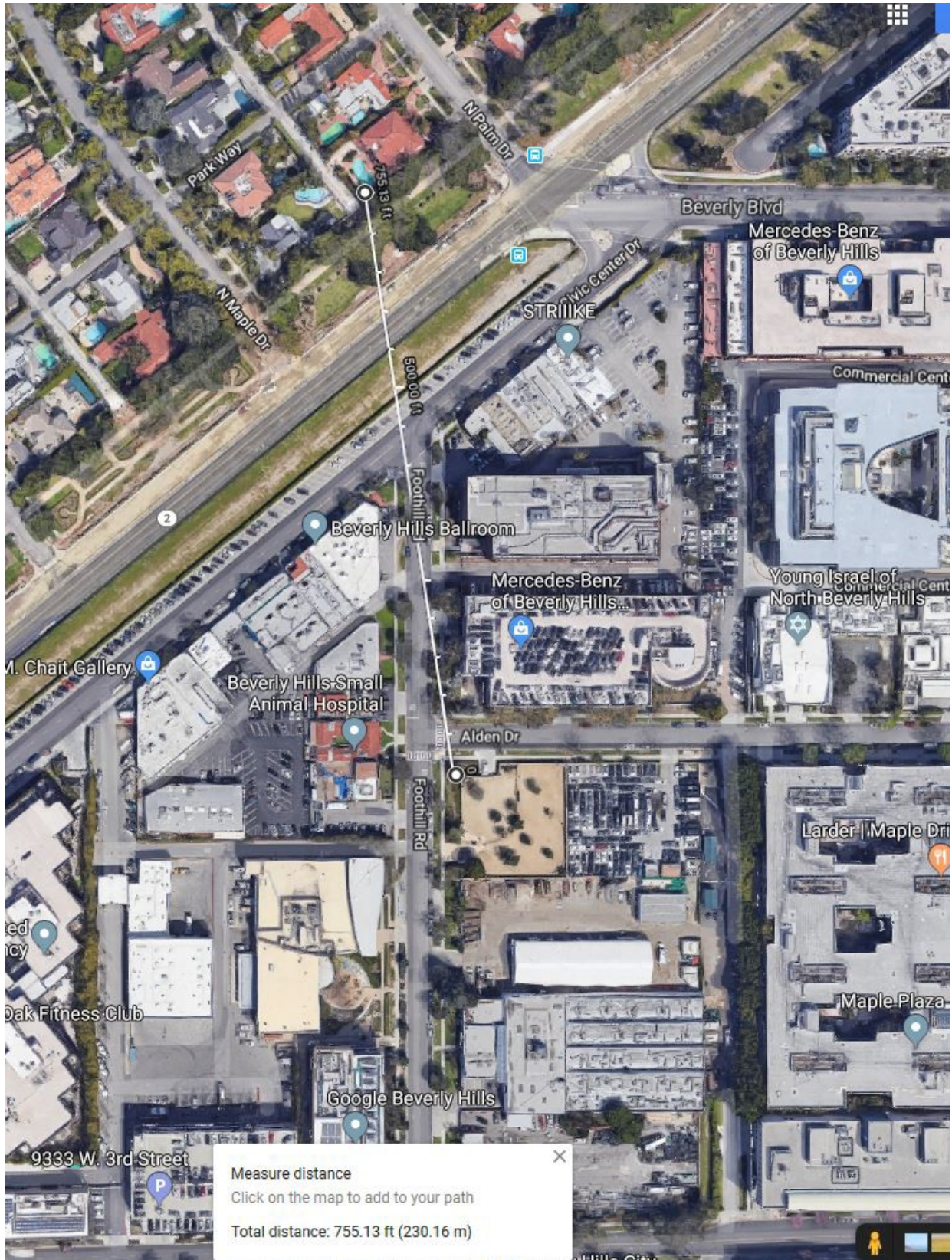
(Attached is an image from Google Maps depicting the above-described line-of-sight sound path at Beverly Hills Dog Park.)

Respectfully,

Douglas Tamkin  
Villa Balboa



BH Dog Park.JPG



**Response to Comment Letter #27 – Doug Tamkin**

**Response to Comment 27-1:**

Thank you for your comment. The noise measurement locations were selected in order to obtain the ambient noise measurements at the locations that would experience the greatest noise increase from construction and/or operation of the proposed Project. No noise measurements were taken in the vicinity of the Villa Balboa Condos, since the grade is relatively flat in the Sunset View Park area that covers the nearest 200 feet to the Villa Balboa Condos and then there is a steep slope to the Project site. The southwest edge of Sunset View Park will block the line-of-sight between the proposed Dog Park and the Villa Balboa Condos. The proposed dog park will be located more than 20 feet lower than the elevation at Sunset View Park. Since sound travels in straight lines, the southwest edge of Sunset View Park will effectively act like a 20 foot high sound wall between the proposed dog park and the condos. As such, only nominal construction noise impacts are anticipated to occur from the proposed project at the Villa Balboa Condos and no operational noise impacts from the proposed dog park or any other noise sources are anticipated to occur at the Villa Balboa Condos.

**Response to Comment 27-2:**

It is standard practice for CEQA documents to reference other CEQA documents that analyzed similar projects, such as the proposed dog park. Since the CEQA analysis for the Beverly Hill's Dog Park, utilized scientific methods and accepted noise analysis methodologies, the noise assumptions provided in the Beverly Hills Dog Park analysis provides a reasonable estimate of the noise impacts from the proposed dog park. It should be noted that the dog park noise at the nearest home was calculated based on the distance to the nearest Villa Balboa condo, however as detailed above, the line-of-sight between the Villa Balboa condos and the proposed dog park is blocked by the topography, as such the calculated dog park noise would actually be much lower at the nearest homes than what was presented in Table 4-24 of the Draft IS/MND.



## SECTION 6.0 – REVISIONS TO THE DRAFT MITIGATED NEGATIVE DECLARATION

This errata section identifies changes made to the Draft MND to correct or clarify the information contained in the document. Changes made to the Draft MND are identified here in ~~strikeout~~ text to indicate deletions and **bold italics** to signify additions.

### Section 2.3.3, Dog Park

Construction of the proposed Project would also include the installation of a fenced dog park with 6-foot tall fences, separating large and small dogs, which may include benches and trash cans. The dog park will be 0.2 to 0.3 acres in size. The dog park would require a new water service for the water fountain and for irrigation. Security lighting at the dog park would be down-shielded to prevent light scatter. Hours at the dog park would be consistent with the Municipal Code which restricts park hours to between 6:00 a.m. and 11:00 p.m. In addition, a shade structure may be installed at the dog park, approximately 10 to 15 feet in height. The top of the shade structure would be below the Sunset View Park ground elevation and would be designed to protect public coastal views.

***Based on comments received during the public review period for the Proposed Project, the City has developed some alternative designs for the dog park including the following:***

- ***Option 1: Providing a passive recreation area adjacent to the parking lot, with similar earthwork and grading to the proposed Project. This alternative proposes a level area with natural turf adjacent to the parking lot. The 2:1 sloped area between the turf and upper Sunset View Park will be landscaped. The proposed fencing and shade structure and artificial turf included in the Dog Park alternative would also be eliminated with Option 1.***
- ***Option 2: Providing a passive recreation area adjacent to upper level Sunset View Park that involves constructing terraced walls at the edge of the proposed parking location order to create a level, natural grass area adjacent to Upper Sunset View Park. The terraced areas in front of the walls would be sloped and landscaped. The proposed grass area will be an extension of Upper Sunset View Park and would be accessed from the existing walkway. This alternative requires less grading and earthwork than the proposed Project and Option 1, and reduces the amount of soil export.***

***These alternatives concept designs are only for the recreational area element and will not impact the proposed conceptual design of the pedestrian and bicycle bridge or the parking lot, Section 4.1, Aesthetics***

a) *Would the project have a substantial adverse effect on a scenic vista?*

**Less than Significant Impact.** The proposed Project is construction of a bicycle and pedestrian bridge, new asphalt parking lot, and fenced dog park. The proposed bridge will span Superior Avenue from east to west by approximately 240 to 280 feet long, and 12 to 16 feet wide. The superstructure will be approximately 8 to 16 feet tall. The bottom of the superstructure will be approximately 17 to 25 feet above the asphalt surface of Superior Avenue. Depending on the structure type selection, the bridge may either be a single-span structure or a 3-span structure. Two intermediate bridge supports on Superior Avenue will be required if a 3-span structure is selected. The dog park may include a shade

structure 10 to 15 feet in height and would be designed to protect public coastal views. **Alternatively, if the City chooses to move forward with an option that keeps the knoll in place, a 20-foot high retaining wall would be required to support the new parking lot and existing knoll. This 20-foot high retaining wall will introduce a taller wall than was planned for the Proposed Project (an 8-foot tall retaining wall). Although the higher retaining wall would introduce a larger man-made structure to the Project site, the introduction of retaining walls is largely consistent with the viewshed, which already contains views of the build environment.** The City of Newport Beach provides a variety of coastal and scenic viewpoints. These views include open waters, sandy beaches, rocky shores, wetlands, canyons, and coastal bluffs. Because of the grid-like pattern of the streets and highways, coastal views can be seen in these areas, especially for north-south tending streets (City of Newport Beach 2017a). According to the City's General Plan, Coastal Land Use Plan, and Local Coastal Program, public viewpoints have been identified on southern end of Sunset Ridge Park along West Coast Highway (also known as State Route 1 or Pacific Coast Highway) and the northern perimeter of the proposed parking lot. Superior Avenue is also identified as a Coastal View Road (City of Newport Beach 2006). Policy 4.4.1-6 from the Local Coastal Program states that public coastal views must be protected from several roadway segments within the City of Newport Beach. This includes the roadway segment of Superior Avenue from Hospital Road to Coast Highway (City of Newport Beach 2017a).

### Section 4.3, Air Quality

- d) *Would the project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?)*

**Less than Significant Impact.** Any diesel equipment used during construction of the proposed Project would consist of mobile equipment that would be changing locations, allowing the odors to disperse rapidly and not impact any nearby receptors. Should diesel equipment be required during maintenance at the proposed Project site, it would also change locations, allowing the odors to disperse rapidly and not impact any nearby receptors. Construction and operation of the proposed dog park could result in accumulation of pet waste; however, a regular maintenance schedule will ensure proper handling and removal of pet waste such that objectionable odors will not be allowed to accumulate. Similarly, as part of the dog park design, waste receptacles and bags will be provided for owners' use in maintaining the dog park. Use of bags to contain pet waste limit odors from penetrating beyond the boundaries of the dog park. Further, waste receptacles will be sited to avoid locations closest to residences, while maintaining convenient locations for dog park users. In addition, the proposed dog park would include ~~natural~~ **synthetic turf specifically designed for dog parks**, that would be ~~watered daily~~ **irrigated**, and the regular watering ~~and the organic processes of the turf~~ would quickly break down any waste remnants including urine that would limit any remaining odors from penetrating the boundaries of the dog park. The Project site would not introduce any other objectionable odors. Therefore, construction and operation of the proposed Project would not create objectionable odors affecting a substantial number of people, and impacts would be less than significant.

### Section 4.4, Biological Resources

***The location of the bridge abutment on the Sunset Ridge Park side of Superior Avenue is within a 5.15-acre CSS planting area that was required as a special condition of the Sunset Ridge Park CDP (Special Condition 2.1.a). There may be some temporary construction impacts to this planting area,***



**which will be mitigated onsite (MM BIO-4), with the impacted area replanted equivalent to existing conditions. Permanent impacts due to abutment location and shading from the bridge is calculated to be 0.02 acres (886 square feet). Permanent impacts to the CSS planting area will be mitigated offsite, but within Sunset Ridge Park. This will be at a 1:1 ratio with the intent of continuing to comply with the Special Condition of the Sunset Ridge Park CDP.**

Mitigation measures for direct impacts that may occur to sensitive plant species that may be present within the proposed Project footprint are listed below.

- MM BIO-4: *Artemisia californica-Eriogonum fasciculatum* Shrubland located within the proposed Project footprint should be avoided to the greatest extent feasible.
  - *Artemisia californica-Eriogonum fasciculatum* Shrubland located within the proposed Project footprint, that may be avoided, shall be flagged or construction or silt fencing should be installed along the avoidable vegetation to delineate construction limits and to prevent encroachment into adjacent natural communities.
  - Any impacts to *Artemisia californica-Eriogonum fasciculatum* Shrubland which cannot be avoided will be mitigated through one of the following, in order of priority:
    - Onsite Mitigation: Any temporary impacts to CSS will be revegetated within the Sunset Ridge planted area, in areas that are not currently vegetated. Specifically, there is an opportunity for revegetation in an area outside of the delineated wetlands that, with approval from the Commission, could provide additive benefits to the Sunset Ridge Park planted area, immediately to the northeast of the Project site. This will provide a continuation of the CSS habitat previously revegetated onsite. The City will replant the area to be equivalent to existing conditions, which consists of superior high quality native vegetation with coverage of primarily CSS. If this area is not approved for revegetation by the Commission, alternative onsite mitigation opportunities will be evaluated.
    - Offsite Mitigation: Additive habitat assessment in the area adjacent to the project site within the replanted CSS would be provided to mitigate impacts from direct disturbance from the bridge structure and potential impacts from shading.

The proposed Project will not result in significant impacts to sensitive plant species, as both temporary and permanent impacts will be mitigated as outlined above. Implementation of the listed mitigation measures will result in less than significant impacts to sensitive plant species and habitats within the proposed Project site. Impacts to areas determined by the Coastal Commission to be wetlands are discussed in item (b), below.

(c) *Would the project have a substantial adverse effect on state or federally protected wetlands (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

**Less than Significant Impact.** There are no riparian/riverine areas, vernal pools, or waters of the United States or State are present within the proposed Project footprint. Within the survey area

conducted for the jurisdictional delineation surveys, wetlands, as defined by the Coastal Act and the City's LCP were identified both on and off the Project site.

### Superior Avenue Wetlands

There is one distinct wetland area located off site within relatively close proximity to the Proposed Project site, along the slope on the north side of Superior Avenue. The Superior Avenue wetland area is approximately 115 feet from its closest point to the **permanent structures of the proposed bridge impact boundary** is approximately 0.15-acre in size. **Staging, worker access, and vehicle movement would occur within the 100-foot boundary of the wetland area; however, this activity would be similar to existing vehicular and pedestrian traffic in the Project area.**

Per Title 21, Section 21.30B.040.C of the City of Newport Beach Local Coastal Program (LCP) Implementation Plan:

C. Wetland Buffers. A protective open space buffer shall be required to horizontally separate wetlands from development areas. Wetland buffers shall be of a sufficient size to ensure the biological integrity and preservation of the wetland. Wetlands shall have a minimum buffer width of one hundred (100) feet wherever possible.

1. Exception: Smaller wetland buffers may be allowed only where it can be demonstrated that:

a. A one hundred (100) foot wide buffer is not possible due to site-specific constraints; and

b. The proposed narrower buffer would be amply protective of the biological integrity of the wetland given the site-specific characteristics of the resource and of the type and intensity of disturbance."

The Superior Avenue wetlands is outside of the 100-foot buffer **from the bridge's permanent structures**. Further, the existing wetlands are already surrounded by a variety of on-going disturbances, primarily attributed to recreational and maintenance activities associated with the Sunset Ridge Park above and immediately adjacent to the wetlands, as well as the pedestrian and vehicle traffic adjoining the wetlands below. These on-going urban activities are less than 20 feet (and in some cases only a few feet away) from the wetlands. In addition, the wetlands are upslope from the proposed impact area, and moreover, the ~~intensity of the bridge construction impacts~~ **bridge's permanent structures** would be strictly confined to the identified impact area, which would be approximately 115 feet from the nearest point to the wetlands. **Staging, worker access, and vehicle movement would occur within the 100-foot boundary of the wetland area; however, this activity would be similar to existing vehicular and pedestrian traffic in the Project area.**

To further obviate concerns regarding any unforeseen impacts to the wetlands, the limits of the wetlands will be clearly demarcated in the field prior to the commencement of construction activities, and a biologist shall monitor the construction work to ensure that encroachment into the wetlands does not occur. Also, the construction contractor should install a suitable barrier (e.g., snow fencing) that is clearly visible to construction personnel, particularly any construction equipment operators, to prevent any incidental construction impacts to these jurisdictional wetland areas.

Therefore, given the information above, it is reasonable to conclude that the proposed bridge construction activities would not temporarily or permanently impact those wetlands nor jeopardize the biological integrity or preservation of the wetlands.

Following its completion, the pedestrian and bicycle bridge over Superior Avenue is not expected to create any adverse shading impacts to the existing wetlands identified upslope along the north side of Superior Avenue because of the distance the bridge will be from the nearest point to the wetlands (i.e., 115+ feet).

**SECTION 7.0 – MITIGATED NEGATIVE DECLARATION**

This document, along with the Draft Initial Study/Mitigated Negative Declaration; Mitigation Monitoring and Reporting Program; and the Notice of Determination, constitute the Final Mitigated Negative Declaration for the Rincon Development Project in the City of Chino Hills.

Pursuant to Section 21082.1 of the California Environmental Quality Act, the City has independently reviewed and analyzed the Initial Study and Mitigated Negative Declaration for the Proposed Project and finds that these documents reflect the independent judgment of the City. The City of Chino Hills, as lead agency, also confirms that the project mitigation measures detailed in these documents are feasible and will be implemented as stated in the MND and MMRP.

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Signature

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Date

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Printed Name

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Title

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