



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

Comment Letter L3

November 8, 2011

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

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR NEWPORT BANNING RANCH

Dear Mr. Alford:

Thank you for the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) prepared for the Newport Banning Ranch Master Plan. Please consider the following comments:

TRANSPORTATION

General comments:

- The report does not have graphics showing traffic volumes at intersections and Average Daily Traffic (ADT) on roadway segments. The City requests that these be provided in order to conduct a complete review of the results of various land use and circulation scenarios.
- At several occasions, the intersections at Newport Boulevard Frontage Road at Victoria and 22nd Street are referred to as State intersections. These intersections are in City of Costa Mesa jurisdiction and control.

Page 4.9-3: In the discussion of Master Plan of Arterial Highways (MPAH), the report incorrectly states that the Orange County Transportation Authority's (OCTA) MPAH defines "Orange County freeway, toll road and arterial circulation system." The MPAH map is limited to arterial highways only and the freeways and toll roads are included for information purposes only and reflect existing conditions. This is based on discussions with OCTA staff and also per the OCTA MPAH map itself, which mentions that the information on freeways, toll roads are provided for reference only.

Page 4.9-20: Standard condition SC 4.9-3 requires review and approval of the City of Newport Beach Traffic Engineer for issuance of a Haul Route permit. The report should include a condition requiring the approval of City of Costa Mesa Transportation Services Manager for use of any routes within the City of Costa Mesa jurisdiction for construction access.

Page 4.9-75: There are several incorrect statements in the discussion of SR-55 Freeway Extension. The report mentions that "The City of Costa Mesa Circulation Element depicts the extension of SR-55 as a freeway between 19th Street and Industrial Way. The Orange County

<p>MPAH depicts the freeway portion of SR-55 ending at its current terminus at 19th Street in Costa Mesa." As mentioned in comment earlier, the OCTA MPAH is limited to arterials only. The SR-55 Freeway is under the jurisdiction of the State of California Department of Transportation (Caltrans). Caltrans has an adopted Route Concept Report (RCR) for SR-55 Freeway that shows the extension of SR-55 Freeway south to Industrial Way. There is no mention of Caltrans RCR in the discussion. As part of the proposed MPAH amendment study for the Banning Ranch project, the City requested that model run and analysis of project with SR-55 Freeway as currently proposed also be included.</p>	<p>4 cont.</p>
<p>Pages 4.9-81 and 4.9-82: The buildout analysis seems to yield significantly lower Intersection Capacity Utilization (ICU) values compared to 2016 conditions. The City requests that the future traffic volume projections at all intersections be provided for review.</p>	<p>5</p>
<p>Page 4.9-93: MM 4.9-2, Costa Mesa Mitigations – The City of Newport Beach should condition that the applicant mitigate the project impacts in Costa Mesa based on terms and conditions as agreed to by the applicant and the City of Costa Mesa.</p>	<p>6</p>
<p>Page 4.9-95: Newport Boulevard – 19th Street Intersection: The recent widening of Newport Boulevard at this location constructed a retaining wall along the west side. The primary access road to parking garage serving the large office building at 1901 Newport Boulevard is located immediately adjacent to this retaining wall. This access roadway will be impacted with any widening.</p>	<p>7</p>
<p>Newport Boulevard – 17th Street Intersection: The proposed mitigation at this location will require undergrounding the existing open channel along southbound Newport Boulevard south of 17th Street to accommodate the fourth through lane. This requires construction of a concrete box structure in the widened area south of 17th Street.</p>	<p>8</p>
<p>Page 4.9-96: Superior Avenue – 17th Street: The note incorrectly states that the improvement is limited to signal operation modifications. The project also includes a westbound right-turn lane, which will require right-of-way from the adjacent parcel. The improvement will also affect drive thru operations of fast food restaurant, which will need to be addressed.</p>	<p>9</p>
<p>Page 4.9-116: Table 4.9-34 shows projected increase in traffic due to project traffic. The project trip distribution exhibit stated that approximately 35% of project traffic uses 17th Street. Considering the project trip generation of approximately 15,000 vehicles per day, this translates to over 5,200 vehicles per day. However, the Table 4.9-34 shows only an increase of 3,912 vehicles. There should be an exhibit that shows clearly the level of redistribution of background traffic with the construction of Bluff Road. Even with the forecast as provided, the volume-to-capacity ratio is over 0.90 for 17th Street as well as 19th Street, resulting in a need for increased capacity on segments west of Placentia Avenue. The need for this widening and timing should be addressed in the DEIR.</p>	<p>10</p>
<p>Page 7-81: The traffic analysis should include graphics showing traffic volumes at intersections for all scenarios. In addition, graphics showing Average Daily Traffic (ADT) volumes for all scenarios should be included.</p>	<p>11</p>
<p>LAND USE</p> <p><i>Section 4.1.7- Environmental Impacts, Page 4.1-31</i> The first paragraph refers that no development or grading is proposed for the open space between North Bluff Road and existing California Seabreeze residential community in Costa Mesa.</p>	<p>12</p>

<p>This area is within the project perimeter where abandoned oil wells exist. Given the significance of the Banning Ranch development and proximity of North Bluff Road to these residences, the City recommends that new grading and landscaping is installed in the area where the existing dirt berm is located. It is important that landscape restoration take into consideration any comments from the Seabreeze community and City of Costa Mesa staff. It is also suggested that any improvements be included with the initial phases of the project development so that these Costa Mesa residents could potentially benefit directly from the revitalized open space area to the fullest extent possible</p>	<p>12 cont.</p>
<p>Exhibit 3-9 The street cross section is only depicting the street and not the adjacent slope. It would be helpful to have additional information on the view impacts for the northern segment of Bluff Road adjacent to the Seabreeze community.</p>	<p>13</p>
<p>AESTHETICS</p> <p>The City recommends that this section address interim aesthetic impacts to Costa Mesa communities. To minimize construction impacts to the Seabreeze community, stock piles, construction staging and material storage shall be located away from the residential properties of Seabreeze and Parkview Circle. It would be important to offer a 24-hour hotline for residents to call with any concerns during construction.</p>	<p>14</p>
<p>NOISE</p> <p><i>Section 4.12.1 (Page 4.12-8)</i></p> <p>The City recommends that the construction hours for the development be consistent with the City's regulations: Permitted Hours of Construction for City of Costa Mesa are from 7:00 a.m. to 7:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturday; no construction is permitted on Sunday or federal holidays.</p>	<p>15</p>
<p>RECREATION AND TRAILS</p> <p><i>Section 4.8.5 Community Parks (Page 4.8-10)</i></p> <p>The DEIR refers to North and South Community Parks with various amenities. The California Coastal Act notes that "lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred." If there are any visitor fees or parking costs associated with proposed public recreational facilities and community parks, the City recommends that Costa Mesa residents be offered a discounted rate.</p>	<p>16</p>

Sincerely,

 KHANH NGUYEN
 Interim Development Services Director

cc: Chief Executive Officer
 Interim Assistant CEO
 City Attorney
 Interim Public Services Director
 Transportation Svs. Manager

Letter L3a City of Costa Mesa
Khanh Nguyen, Interim Development Services Director
November 8, 2011

Response 1

All intersection turning movement volumes are provided in the intersection analysis worksheets for every scenario in the Draft EIR Traffic Impact Analysis; see Appendix F of the Draft EIR (the worksheets are provided in Appendix B to the Traffic Impact Analysis. Average daily traffic (ADT) volumes were not evaluated in the Traffic Impact Analysis for every intersection traffic study area because the impact analysis of all three cities and Caltrans are based on a project's impact on peak hour intersection operation. However, please refer to pages 4.9-114 through 4.9-117 which addresses ADTs for 15th, 16th, 17th, and 19th Streets as well as Exhibits 4.9-24 and 4.9-25. The comment regarding the intersection of Newport Boulevard (frontage road) at Victoria/22nd is acknowledged. This intersection was erroneously included in the list of intersections studied as part of the State Highway analysis.

Response 2

The comment regarding freeways and toll roads on the Orange County Master Plan of Arterial Highways (MPAH) is noted.

Response 3

The standard condition requires the Applicant to obtain a haul route permit from the City of Newport Beach Public Works Department. The commenter's request would require the City to delegate that permit authority to another jurisdiction. This would create unnecessary complications and ambiguities in permit administration and enforcement. The City will make every effort to consult with the City of Costa Mesa in the review of haul routes within the City of Costa Mesa.

Response 4

The comment regarding freeways and toll roads on the Orange County MPAH is noted. The Orange County MPAH classifies Bluff Road/North Bluff Road as a Primary from West Coast Highway to 17th Street and as a Major from 17th Street to 19th Street.

Response 5

All intersection turning movement volumes are provided in the intersection analysis worksheets for every scenario in the technical appendix to the Draft EIR. The future build-out forecasts were developed through the City of Newport Beach citywide traffic model (NBTM), which takes into account local and regional interaction (productions and attractions pairings) between future land uses, and accounts for the effects of internal capture, pass-by, and future network improvements at build-out. The Year 2016 volumes are the result of a straight-line growth increment over existing volumes, plus the addition of project traffic from numerous committed and cumulative projects, and a modest assumption of pass-by for the project. In some cases, this building block approach to developing interim year forecasts results in a higher volume than the gravity model forecasts for build-out.

Response 6

The City of Newport Beach has approval authority over the Project. Should the City take action to approve the proposed Project, the City would need to adopt a Statement of Overriding Considerations to address the significant unavoidable impacts that cannot be mitigated to a level that is considered less than significant including traffic impacts in the City of Costa Mesa. The City of Newport Beach does not have the authority to ensure the City of Costa Mesa implements the mitigation. It should be noted that the Applicant and City of Costa Mesa are working together on a good faith basis to come to an agreement on improvements in Costa Mesa that would meet or exceed the Project's fair share of impacts to Costa Mesa intersections identified in Section 4.9, Transportation and Circulation, of the Draft EIR. The City of Newport Beach understands that discussions between the Applicant and the City of Costa Mesa are ongoing. Please refer to the letter from the City of Costa Mesa to the Applicant which follows these responses.

Response 7

The improvement identified for the intersection of Newport Boulevard at 19th Street is the addition of a second southbound left-turn lane. The Applicant will work with the City of Costa Mesa to adequately mitigate project impacts based on the terms and conditions of their agreement.

Response 8

The improvement identified for the intersection of Newport Boulevard at 17th Street is the addition of a fourth southbound through lane and an exclusive northbound right-turn lane. The Applicant will work with the City of Costa Mesa to adequately mitigate project impacts based on the terms and conditions of their agreement.

Response 9

The commenter is correct; the recommended improvement is not limited to signal modification. As set forth in Mitigation Measure 4.9-2 in the Draft EIR, the improvement identified for the intersection of Superior Avenue at 17th Street is the modification of the westbound approach to provide one left-turn lane, one shared through/left lane, one through lane, and one right-turn lane. This improvement has been identified by and conditioned on the Hoag Health Center project.

Response 10

The trip distribution exhibit (Exhibit 4.9-7) in the Draft EIR presents a general indication of the distribution of Project traffic to/from the Project site to various off-site destinations. However, because the proposed Project consists of several development nodes throughout the Project site (which are coded as separate traffic analysis zones in the distribution model), traffic follows different paths (assignments) to and from its destinations, depending on the roadways that provide the best route relative to each zone. For example, traffic from the resort inn/residential areas toward the south end of the Project site would be more likely to use 15th Street or 16th Street to get to the destinations to the east; the residential areas to the north would be more likely to split up between 16th Street and 17th Street to get to the same destinations to the east; and the mixed-use/residential areas that straddle 17th Street would be most likely to use 17th Street. The final traffic volumes on any particular street represent the sum of the trips assigned to that particular path from each of the traffic analysis zones.

Response 11

Please refer to the response to Comment 1.

Response 12

As shown in Exhibit 4.1-2b in Section 4.1, Land Use and Related Planning Programs, of the Draft EIR, proposed Project does not propose any landform grading or development within this area of the Open Space Preserve near the California Seabreeze neighborhood with the exception of grading for North Bluff Road. North Bluff Road would be approximately 355 feet to the west. Landform grading to remove the existing dirt berm would result in additional impacts not assumed in the Draft EIR.

Exhibit 3-16 in Section 3.0, Project Description, of the Draft EIR identifies that there would be limited soil disturbance between North Bluff Road and California Seabreeze to allow for soil remediation. As depicted on Exhibit 4.14-2 in Section 4.14, Public Services and Facilities, a fuel management zone (Zone C) would be located within the 100 feet of the Project site adjacent to California Seabreeze. Zone C is within the proposed habitat restoration area set forth in the Habitat Restoration Plan. As described in Section 4.14, as proposed in the Upland Open Space north of the Urban Colony and west of the City of Costa Mesa, a 100-foot-wide Zone C would be provided adjacent to existing neighborhoods, including California Seabreeze. Grasses, cacti, succulents, and open rock areas are proposed within the first 30 feet adjacent to the existing residences.

Response 13

The information requested is provided in Exhibit 4.1-2b, Interface with California Seabreeze Community, located in Section 4.1, Land Use and Related Planning Programs, of the Draft EIR. This exhibit contains a cross-section that extends east from Bluff Road to the California Seabreeze residential neighborhood. The cross-section is explained on pages 4.1-30 and -31, under "Existing Land Uses to the East." The text notes that North Bluff Road would be at least 300 feet from all the residences and significantly lower in terms of vertical grade. The Draft EIR also notes that impacts are evaluated in Section 4.2, Aesthetics and Visual Resources; Section 4.9, Transportation and Circulation; Section 4.10, Air Quality; and Section 4.12, Noise.

Response 14

Section 4.2, Aesthetics and Visual Resources, pages 4.2-17 and -18 address grading and construction impacts associated with the proposed Project. Although this discussion does not specify the Seabreeze community, the analysis is applicable to this neighborhood as well as other neighborhoods in both Newport Beach and Costa Mesa.

Please also refer to Section 4.10, Air Quality, of the Draft EIR which includes Mitigation Measure (MM) 4.110-9 which addresses the City's request.

MM 4.10-9 *Construction Complaint Resolution.* The Landowner/Master Developer shall appoint a person as a contact for complaints relative to construction impacts to the adjacent neighborhoods. A contact telephone number and email address shall be posted on signs at the construction site and shall be provided by mail to all residents within 500 feet of the Project site. Upon receipt of a complaint, the designated contact person shall investigate the complaint and shall develop corrective action, if needed. The

designated contact person shall respond to the complainant within two working days to describe the results of the investigation, and submit a report of the complaint and action taken to the City of Newport Beach. The designated contact person shall maintain a log of all complaints and resolutions.

Additionally, security fence would be placed around the construction site during construction; construction equipment and materials would be required to be properly stored on the site when not in use; and a 24-hour hot line number would be displayed on the Project site.

Response 15

The City of Costa Mesa's request for more restrictive hours of construction is noted. However, the City of Newport Beach does not alter the permitted hours of construction on a project-by-project basis. The proposed Project would be subject to the same construction noise regulations as all other construction projects in the City. City of Newport Beach Municipal Code Section 10.28.040, "Construction Activity – Noise Regulations", restricts construction activities on any weekday to between the hours of 7:00 AM and 6:30 PM, and on any Saturday to between the hours of 8:00 AM and 6:00 PM, and prohibits construction activities on Sundays and any federal holiday. The City has determined that the construction noise regulations in effect for the City as a whole are adequate and no additional restrictions are proposed. The City of Costa Mesa has not provided reason why the hours should be changed.

Response 16

Access to City parks, recreation facilities, and parking facilities serving City parks are available to the public at no charge. Park facility rental fees are charged for special group events in accordance with the City's "Park and Facility Rental Policy" for the reservation of community centers, park fields, and picnic areas. Fees are also assessed for instructional activities at recreational facilities and repetitive athletic use of sports fields where permits or agreements are required in accordance with Chapter 11.04 of the Newport Beach Municipal Code. The City, County, and private organizations provide several educational and interpretative facilities and programs that are either free or have a nominal charge. These include the Muth Interpretative Center in the Upper Newport Bay Nature Preserve, the Back Bay Science Center on Shellmaker Island, the Newport Aquatic Center at North Star Beach, and the Newport Harbor Nautical Museum. It is expected that the interpretative parks would be operated in a similar manner.



CITY OF COSTA MESA

P.O. BOX 1200, CALIFORNIA 92620-1200

FROM THE OFFICE OF THE CITY MANAGER

November 21, 2011

Mr. Michael Mohler
Newport Banning Ranch
1300 Quail Street, Suite 100
Newport Beach, CA 92660

RECEIVED
Brooks Street

NOV. 28 2011

By: Wendy Zachry

SUBJECT: NEWPORT BANNING RANCH PROJECT

Dear Mr. Mohler:

The City of Costa Mesa appreciates your participation in the many discussions regarding the mitigation for the Newport Banning Ranch project. This letter summarizes the results of our discussions with the understanding that a more formal means of documentation will be received from your office.

The proposed Newport Banning Ranch Project which includes, 1,375 dwelling units, 75,000 square-feet of commercial uses, 75-room resort hotel and other amenities, is projected to have certain traffic impacts to the Costa Mesa circulation system. The projected impacts and required mitigation were identified in the Draft Environmental Impact Report (DEIR) for the project, which was prepared by the City of Newport Beach. The proposed mitigation includes the following:

- Newport Boulevard – 19th Street: Addition of a southbound left-turn lane;
- Newport Boulevard – Harbor Boulevard: Addition of a southbound through lane;
- Newport Boulevard – 18th Street: Additional of a southbound through lane;
- Newport Boulevard – 17th Street: Additional of a southbound through lane;
- Superior Avenue – 17th Street: Addition of a westbound right-turn lane;
- Pomona Avenue – 17th Street: Signalize intersection; and
- Monrovia Avenue – 19th Street: Signalize intersection.

The City of Costa Mesa and Newport Banning Ranch have discussed the Project's potential share of impacts to the above locations and have reviewed several options for mitigation. There was recognition of a need for a phased approach for implementing the mitigations based on the Project development phasing. It is also understood that any substantial changes to the Project development plans, that would result in elimination of need for mitigation identified above, will require a review of Newport Banning Ranch's responsibility.

77 FAIR DRIVE

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November 21, 2011
Mr. Mohler
Page 2

In order to address the impacts of the Newport Banning Ranch Project as currently proposed, the Newport Banning Ranch Company and the City of Costa Mesa have agreed to a mitigation plan that requires payment of a total of \$4,388,483 to the City of Costa Mesa, per the schedule below:

- Prior to Issuance of 301st residential building permit – \$500,000
- Prior to Issuance of 601st residential building permit – \$500,000
- Prior to Issuance of 901st residential building permit – \$750,000
- Prior to Issuance of 1,201st residential building permit – \$875,000
- Traffic impact fees at \$1,283 per residential unit - \$1,763,483

Total Payment to Costa Mesa – \$4,388,483

The above mitigation plan will need to be documented and also be included as part of the Mitigation Monitoring Program in the Final Environmental Impact Report (FEIR).

The City of Costa Mesa appreciates your cooperation and addressing the Banning Ranch traffic impacts and issues.

We look forward to working with you on this project. If you have any questions, please contact me at (714)754-5182.

Sincerely,



PETER NAGHAVI
Interim Assistant Chief Executive Officer

cc: Chief Executive Officer
City Attorney
Interim Public Services Director
Interim Development Services Director
Transportation Services Manager
Senior Planner

Comment Letter L3b

Special Joint Meeting regarding Banning Ranch
Thursday, October 20, 2011

Question from the Members of the Public who did not speak:

<p><i>Michelle Simpson, Costa Mesa</i></p>	<p><i>I bought my home less than 3 years ago. Why was I not told of the plan to widen the street and take my home at worst or put a traffic signal on my corner?</i></p> <p><i>When will we know what the verdict will be on the 19th Street/Bluff Road to 19th Street? Will it be decided upon soon?</i></p>	
<p>17th Street and 19th Street have been in the City's General Plan Circulation Element as four-lane arterials. The need for traffic signal was identified in Banning Ranch Draft Environmental Impact Report (DEIR) as a potential mitigation. This document was released in September 2011. Therefore, this information was not available 3 years ago.</p> <p>The City of Newport Beach and other agencies such as California Coastal Commission approve the plans for Bluff Road. The schedule for approval is not known at this time.</p>		1
<p><i>Bonnie Copeland, Costa Mesa</i></p>	<p><i>What is the <u>Final Cost to taxpayers</u> in 2011 \$\$'s of ALL land acquisition, demolishing, road-building, resurfacing that will be the result of the Banning Ranch development AND the subsequent implementation of the O.C. Master Plan including resurfacing with sound-deadening asphalt, 19th Street to PCH, widening of 15th, 16th, 17th, 19th and other streets <u>regardless</u> of whether paid through federal, county, city, state or other funding sources fueled by taxes?</i></p> <p><i>How many of the following: Homes, Businesses, Apartments, will be the <u>FINAL</u> Plan, including implementation of the county master roadway plan, require taking through eminent domain or other means?</i></p> <p><i>Will Costa Mesa make the relocation of <u>ALL</u> displaced Costa Mesa residents into the Banning Ranch Development at Newport Beach's expense a part of the deal?</i></p>	2
<p>The final cost being requested is not known at this time. It is estimated that Costa Mesa mitigations could cost approximately \$8 to \$10 million. This does not include the cost for widening of 17th and 19th Streets per the City's General Plan.</p> <p>The number of properties affected by widening of 17th and 19th Streets is now known at this time as design plans are not developed.</p> <p>The City cannot legally condition relocation of displaced Costa Mesa residents to Banning Ranch.</p>		

<p><i>Sandie Frankiewicz, Costa Mesa</i></p>	<p><i>What will happen to our home and us when we are out of a home, (which) will be demolished in order to widen 19th Street to a four lane raceway?</i></p> <p><i>Have you factored in the road maintenance once all this traffic of thousands of cars gain access to Costa Mesa? Answer: Our broke city will pay! We can't afford not to pay attention, let alone take on the cost of road work/maintenance.</i></p>	<p>3</p>
<p>As design plans for 19th Street have not been developed, it is not known what properties would be affected by the widening.</p> <p>The maintenance and issues with additional traffic will need to be addressed during the project design phase.</p>		
<p><i>Gerry Grotenhuis, Costa Mesa</i></p>	<p><i>They speak of oil clean-ups if it is a favor to us. Why can't we require the companies that create the problem to clean it up without trading away our streets?</i></p> <p><i>What is going to be done to handle sewage? Huntington Beach allowed huge developments while their sewage plants were thousands of gallons a day short of capacity (illegible word). I see a lot of toilets planned here.</i></p> <p><i>Comment: Not only does this dump a huge bunch of traffic onto Costa Mesa streets, while giving us nothing, but it coincidentally goes through the poorest neighborhood in the city. This raises some clear questions of social equality.</i></p> <p><i>They allude to "Revitalizing" the West-side. I live on the west-side because I like it. We, the residents, are revitalizing the area the way we want to.</i></p> <p><i>There is a small gated community at the end of 18th Street. Go there some morning to get Banning Ranch in microcosm. A stream of BMW's and Mercedes accelerating to the maximum speed (unreadable word) able to still stop at each stop sign. Do it and report back to me.</i></p>	<p>4</p>
<p>Comments noted. These will be forwarded to Newport Beach for their response.</p>		
<p><i>Terry Koken, Costa Mesa</i></p>	<p><i>The 1375 home/condos proposed: How much will they cost the prospective owners to buy?</i></p> <p><i>What is the "green edge" exactly?</i></p>	<p>5</p>
<p>The price information for Banning Ranch homes is not known. Comment will be forwarded to Newport Beach for their response.</p>		

<p>Steve Lang, Costa Mesa</p>	<p>Please address cut through traffic volumes.</p> <p>In regards to the percentage of open land: How much is water? In acres please. If you've been there it is a large amount! I am worried the open land is minimal.</p> <p>We have a great neighborhood coming about in the freedom homes. Many young families and kids. Please help your residents preserve it. We're not all bums and illegals!!</p> <p>P.S. Who cares about soccer fields.</p>	6
<p>Comments noted. These will be forwarded to Newport Beach for their response.</p>		
<p>Casey Evans-Lang, Costa Mesa</p>	<p>How much of Banning Ranch is comprised of water? Would that water stay? Is that water considered as part of the <u>Open Space</u>?</p> <p>Who pays for all the mitigation costs for the traffic, infrastructure, signals, and up keep of?</p> <p>Why are we helping Newport Beach with all their traffic needs to support <u>their</u> development?</p> <p>All those homes (1375) and residents of would be the users of the proposed parks and ball fields – how would Costa Mesa residents be guaranteed use of such fields? Sounds like bait and switch!</p> <p>Only supporters of seem to be business owners? Statistics?</p>	7
<p>Comments noted. These will be forwarded to Newport Beach for their response. Regarding traffic mitigation costs, the developers have indicated that they will accept financial responsibility. However, there is no commitment as to actual funds at this time.</p>		
<p>Sue Chambers, Costa Mesa</p>	<p>What schools would Banning Ranch residents to go in the Newport/Costa Mesa school system? Example – could (illegible word) school improve?</p> <p>I live on the corner of 19th and Parkcrest (house backs onto 19th). How will noise from traffic be controlled?</p> <p>Also will the project and additional traffic affect my property value?</p> <p>What will the New housing project price points be? What's the range?</p> <p>P.S. I think the project sounds great!</p>	8
<p>Comments noted. These will be forwarded to Newport Beach for their response.</p>		

<p><i>Deborah Koken, Costa Mesa</i></p>	<p><i>Is it legitimate for the developer to claim credit for preserving ¾ of Banning Ranch as open space, when in fact most of this is the wetlands and environmentally sensitive habitat areas which they are legally required to maintain as open space?</i></p> <p><i>These areas will remain undeveloped no matter what happens to the rest of the property, so the developer can't claim it as a gift to the public.</i></p>	<p>9</p>
<p>Comments noted. These will be forwarded to Newport Beach for their response.</p>		
<p><i>Richard Robertson, Costa Mesa</i></p>	<p><i>What is the value to Costa Mesa of the Banning Ranch development?</i></p>	<p>10</p>
<p>At this point information is not available to provide a response to this comment.</p>		
<p><i>Terry Powell, Costa Mesa</i></p>	<p><i>I have heard that there are plans for Westside Costa Mesa to "improve," "revitalize the area," "boost the economy." I hear that increased traffic on our roads (19th, 17th, etc) will help achieve this goal.</i></p> <p><i>What exactly is going to happen? What do these terms mean? Building? Bulldozing? Be specific please.</i></p>	<p>11</p>
<p>At this point information is not available to provide a response to this comment.</p>		
<p><i>Michael Grofick, Costa Mesa</i></p>	<p><i>What is Eminent Domain?</i></p> <p><i>Traffic impact to 17th and 19th Street Costa Mesa?</i></p> <p><i>How will Costa Mesa acquire the property on 17th Street and 19th Street to provide roads for Banning Ranch?</i></p>	<p>12</p>
<p>Eminent domain relates to acquisition of private property for public improvements such as streets. It is not proposed as part of Banning Ranch project.</p> <p>Traffic impacts to 17th and 19th Streets are documented in the DEIR. It is likely that Banning Ranch and other projects envisioned for Westside Costa Mesa will require widening of 17th and 19th Streets to their designated General Plan standards. However, the timing of this is unknown.</p> <p>The design of 17th and 19th Streets will provide information on how the widening can be accomplished. At this point, information is not available to provide a response on right-of-way acquisitions.</p>		

Letter L3b City of Costa Mesa

Khanh Nguyen, Interim Development Services Director
November 8, 2011

Response 1

The proposed Project is estimated to generate 14,989 vehicle trips per day. The Draft EIR Traffic Impact Analysis indicates that a composite of approximately 65 percent of the Project traffic can be expected to travel along the street system in southwest Costa Mesa. The resulting traffic volumes do not indicate the need for widening of 15th, 16th, 17th, or 19th Street. The Project's impact on the peak hour operation of intersections along these streets was evaluated, and mitigation measures have been identified for any intersections that would experience a significant Project impact.

The Traffic Mitigation Program in Section 4.9, Transportation and Circulation, of the Draft EIR includes the provision of a second southbound left-turn on Newport Boulevard at 19th Street and notes that the proposed improvement is anticipated to require modifications to the medians and incremental widening of the street at the intersection on one or both sides of the roadway depending on the final design. Additional right-of-way may be required on one or both sides of Newport Boulevard. Direct physical impacts are anticipated to be limited to roadway components including median hardscape and landscape. With respect to 17th Street, the Mitigation Program proposes improvements to the intersection of Newport Boulevard at 17th Street. The Draft EIR proposes a fourth through lane on the southbound approach and a dedicated right-turn lane on the northbound approach. The proposed improvement is anticipated to require modifications to the medians and incremental widening of the street on one or both sides of the roadway at the intersection depending on the final design. Improvements may also require modifications to the frontage road along the easterly side of Newport Boulevard. Additional right-of-way may be required on one or both sides of Newport Boulevard. Direct physical impacts are anticipated to be limited to roadway components including median hardscape and landscape.

With respect to the action by the City of Newport Beach and subsequent required actions by applicable regulatory agencies regarding 19th Street, the City had not yet scheduled public hearings by the Planning Commission and City Council at the time of this study session.

Response 2

With respect to the cost to taxpayers, the City of Newport Beach concurs with the City of Costa Mesa's staff response that the final cost is not known at this time. As noted in the response to Comment 1, the resulting traffic volumes do not indicate the need for widening of 15th, 16th, 17th, or 19th Street.

Response 3

With respect to road maintenance costs, the City of Newport Beach concurs with the City of Costa Mesa's staff response. As noted in the response to Comment 1, the resulting traffic volumes do not indicate the need for widening of 15th, 16th, 17th, or 19th Street.

Response 4

With respect to remediation, please refer to Topical Response: Oilfield Regulatory Oversight and Remediation.

With respect to wastewater service, please refer to Section 4.15, Utilities, of the Draft EIR. The Draft EIR notes that wastewater originating from the Project site would ultimately be treated by facilities owned and operated by the Orange County Sanitation District (OCSD). Project wastewater flows would be directed to OCSD's Treatment Plant No. 2 in Huntington Beach, which maintains a primary treatment capacity of 168 mgd and currently treats an average influent wastewater flow of approximately 110 mgd. Currently Plant No. 2 is operating at 65 percent of design capacity. The OCSD has indicated that it has existing and future treatment capacity to serve the proposed Project.

With respect to traffic and social equity, Table 1 summarizes census tract, cities of Costa Mesa and Newport Beach, and County of Orange population characteristics. Census Tract 636.01 is bound by Victoria Street to the north, 19th Street to the south, Placentia Avenue to the east and the Santa Ana River to the west. Census Tract 636.03 is bound by 19th Street to the north, West Coast Highway to the south, Newport Boulevard to the east and the Santa Ana River to the west. Census Tract 636.04 is bound by 19th Street to the north, 16th Street to the south, Placentia Avenue to the east and the Santa Ana River to the west. Census Tract 636.05 is generally bound by 19th Street to the north, 16th Street to the south, Anaheim Avenue and Newport Boulevard to the east and Placentia Avenue to the west. Table 2 summarizes the income characteristics for the populations identified in Table 1. Both Tables 1 and 2 represent the area around the Project site inclusive of roadways where Project and cumulative traffic is expected to be distributed. The census-tract least affected by traffic would be Census Tract 636.01 which is north of 19th Street.

As shown on Exhibit 4.-7 of the Draft EIR Traffic Impact Analysis distributes traffic as follows:

- 19th Street: 10 percent
- 17th Street: 35 percent
- 16th Street: 10 percent
- 15th Street: 10 percent
- West Coast Highway: 20 percent
- Newport Boulevard: 40 percent

While it is the case that approximately 65 percent of the traffic would join Costa Mesa roadways, the proposed Bluff Road and North Bluff Road from 19th Street to West Coast Highway would be constructed to serve Project and subregional traffic particularly from off-site vehicles in west Costa Mesa. In the case of Bluff Road/North Bluff Road, it is shown on the City of Newport Beach General Plan Master Plan of Streets and Highways and on the County of Orange Master Plan of Arterial Highways.

The County's zoning for the 361 acres of the Project site within County jurisdiction would allow for development of up to 2,510 multi-family dwelling units (du8), 225 single-family du, 50,000 square feet (sf) of general commercial use, 235,600 sf of general office use, and 164,400 sf of industrial uses. Development of property pursuant to the County zoning would generate approximately 22,075 average daily trips on the circulation network; the proposed Project would generate 14,989 average daily trips on the same circulation network.

**TABLE 1
CENSUS TRACT, CITY, AND COUNTY POPULATION CHARACTERISTICS**

Population	Census Tract 636.01		Census Tract 636.03		Census Tract 636.04		Census Tract 636.05		City of Newport Beach		City of Costa Mesa		County of Orange	
	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
Total Population	3,647	100	6,223	100	3,835	100	5,672	100	85,186	100	109,960	100	3,010,232	100
Population 0-19 Years	888	24.4	850	13.7	1,043	27.2	1,945	34.3	16,166	19	26,932	24.4	828,344	27.6
Population 20-64 Years	2,419	66.4	3,935	69.9	2,353	61.5	3,504	61.7	52,838	62.1	72,914	66.4	1,850,211	61
Population 65+ Years	340	9.4	1,030	16.6	439	11.4	221	3.8	16,162	18.9	10,114	9.1	349,677	11.6
Median Age	37.8	N/A	37.7	N/A	33.4	N/A	28.3	N/A	44.0	N/A	33.6	N/A	36.2	N/A
Race: White	2,792	76.6	5,326	85.6	2,406	62.7	2,954	52.1	74,357	87.3	75,335	68.5	1,830,758	60.8
Race: Black or African American	24	0.7	75	1.2	52	1.4	77	1.4	616	0.7	1,640	1.5	50,744	1.7
Race: American Indian and Alaska Native	22	0.6	32	0.5	26	0.7	57	1.0	223	0.3	686	0.6	18,132	0.6
Race: Asian	134	3.7	281	4.5	147	3.8	99	1.7	5,982	7.0	8,654	7.9	537,804	17.9
Race: Native Hawaiian and Other Pacific Islander	12	0.3	11	0.2	10	0.3	20	0.4	114	0.1	527	0.5	9,354	0.3
Race: Some other race	477	13.1	286	4.6	1,057	27.6	2,186	38.5	1,401	1.6	17,992	16.4	435,641	14.5
Race: Two or more races (of total population)	186	5.1	212	3.4	137	3.6	279	4.9	2,493	2.9	5,126	4.7	127,799	4.2
Race: Hispanic or Latino	1,051	28.8	932	15.0	2,214	57.7	4,277	75.4	6,174	7.2	39,403	35.8	1,012,973	33.7

Source: U.S. Census 2010

**TABLE 2
INCOME CHARACTERISTICS BY CENSUS TRACT ADJACENT TO PROJECT SITE**

	Census Tract 636.01	Census Tract 636.03	Census Tract 636.04	Census Tract 636.05	Total/Average	City of Newport Beach	City of Costa Mesa	County of Orange
Number of Households	1,314	3,056	1,362	1,429	7,161	38,751	39,391	992,781
Median Household Income	84,959	72,884	43,493	37,000	62,349	107,007	64,864	74,344
Households with public assistance	46	34	268	418	766	304	2,155	90,144
Total Population	3,647	6,223	3,835	5,672	19,377	85,186	109,960	3,010,232
Individuals living below poverty status	209	560	625	1,842	3,236	5,246	14,266	296,846
Percentage below poverty status	5.6	10.4	16.3	35.0	16.8	6.3	13.3	10.1
Source: U.S. Census 2010								

The Draft EIR acknowledges that the proposed Project would result in significant impacts including some impacts such as traffic in Costa Mesa and noise in Newport Beach that cannot be mitigated to a less than significant level. While the fact that future development on this property has been forecast in County and city assumptions for traffic and population growth for years is not intended to dismiss the fact that traffic will in part go through some neighborhoods with families in both cities living below the poverty line, these areas were not targeted. The traffic distribution is reflects the physical limitation for access to the Project site rather than social equity.

Response 5

As noted by City of Costa Mesa staff, the price of proposed residences has not been established.

The City of Newport Beach is unsure what the commenter is referring to as the "green edge". In summary, the 401-acre Project site would include approximately 252.3 gross acres in an Open Space Preserve (including the 16.5-acre consolidated oil facilities sites) and 51.4 gross acres of parks. The majority of the proposed developed uses on the Project site would be bound by the proposed Bluff Top Park, a linear park which would be sited between the on-site Open Space Preserve and the on-site residential and resort inn land uses.

Response 6

With respect to traffic, the trip distribution exhibit (Exhibit 4.9-7) in the Draft EIR presents a general indication of the distribution of Project traffic to/from the Project site to various off-site destinations. However, because the proposed Project consists of several development nodes throughout the Project site, traffic follows different paths (assignments) to and from its destinations, depending on the roadways that provide the best route relative to each zone. For example, traffic from the resort inn/residential areas toward the south end of the Project site would be more likely to use 15th Street or 16th Street to get to the destinations to the east; the residential areas to the north would be more likely to split up between 16th Street and 17th Street to get to the same destinations to the east; and the mixed-use/residential areas that straddle 17th Street would be most likely to use 17th Street. The final traffic volumes on any particular street represent the sum of the trips assigned to that particular path from each of the traffic analysis zones.

The Project is estimated to generate 14,989 vehicle trips per day. The Traffic Impact Analysis indicated that approximately 5 percent of the Project traffic would travel along Placentia north of 17th Street. Project traffic is not shown to travel along Victoria in Costa Mesa since other streets provide a more direct path of travel to off-site destinations. The Traffic Impact Analysis indicates that a composite of approximately 65 percent of the Project traffic can be expected to travel along the street system in southwest Costa Mesa. The impact on the southwest Costa Mesa streets was addressed in the Draft EIR Traffic Impact Analysis.

Tables 4.9-34 and 4.9-35 of the Draft EIR identified the trips on each of the east-west roadways through southwest Costa Mesa that would be attributable to the proposed Project. This traffic consists of the combination of both the traffic that would be generated by the Project as well as existing background trips that could be expected to divert to Bluff Road/North Bluff Road via the east-west connecting streets.

With respect to open space, the 401-acre Project site would include approximately 252.3 gross acres in an Open Space Preserve (including the 16.5-acre consolidated oil facilities sites) and 51.4 gross acres of parks. If the commenter is asking about the amount of the Project site that

contains water-related biological resources, please refer to Table 4.6-1 of the Draft EIR which identifies vegetation types and the existing acreage for each of these vegetation types. For example, the Project site has approximately 31.45 acres of marshes and mudflats.

With respect to preservation of the Project site, please refer to Section 7.0, Alternatives to the Proposed Project, of the Draft EIR which evaluates options to the Applicant's development proposal.

The commenter's opinion of soccer fields is noted.

Response 7

With respect to open space and water resources, please refer to the response to Comment 6. Table 4.6-7 identifies the Project's impact on jurisdictional features (Waters of the United States and Waters of the State).

With respect to traffic mitigation costs, please refer to Mitigation Measure 4.9-2 of Section 4.9, Transportation and Circulation, of the Draft EIR which identifies the transportation improvement mitigation program for traffic impacts in the City of Costa Mesa. The Draft EIR identifies that implementation of MM 4.9-2 would mitigate the Project's impact to a level considered less than significant. However, the City of Newport Beach cannot impose mitigation on another jurisdiction. Therefore, if the Applicant is unable to reach an agreement with the City of Costa Mesa that would ensure that Project impacts occurring in Costa Mesa would be mitigated concurrent with or preceding the impact, for purposes of this EIR, the impacts to be mitigated by the improvements would remain significant and unavoidable.

With respect to the proposed Project's parks, while the Project site and the associated proposed Parks would be located in the City of Newport Beach (not the City of Costa Mesa), all parks are proposed as public facilities.

Regarding proponents and opponents of the proposed Project, this question does not address an environmental issue. No further response is required.

Response 8

With respect to schools, please refer to Section 4.14, Public Services and Facilities. Please refer to Letter R5 from the Newport-Mesa Unified School District which identifies that the School District forecasts a district-wide capacity surplus.

With respect to noise, please refer to Section 4.12, Noise, of the Draft EIR. No significant noise impacts are anticipated along 19th Street.

With respect to property values, the State CEQA Guidelines Section 15064(e), Determining the Significance of the Environmental Effects Caused by a Project, states:

Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic or social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment. Where a physical change is caused by economic or social effects of a project, the physical change may be regarded as a significant effect in the same manner as any other physical change resulting from the project. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. If the physical change causes adverse economic or social effects

on people, those adverse effects may be used as a factor in determining whether the physical change is significant. For example, if a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.

This comment does not present or raise an issue regarding the adequacy of analysis of the potential environmental impacts of the Project in the Draft EIR, but states the opinion of the commenter. No documentation has been provided to support the suggestion that vehicular traffic negatively affects property values.

As noted by City of Costa Mesa staff, the price of proposed residences has not been established.

The opinion of the commenter with respect to the Project is noted.

Response 9

With respect to open space, the 401-acre Project site would include approximately 252.3 gross acres in an Open Space Preserve (including the 16.5-acre consolidated oil facilities sites) and 51.4 gross acres of parks. Consistent with the CEQA Statute and applicable regulatory requirements (e.g., U.S. Fish and Wildlife Service, California Department of Fish and Game), a project can have impacts on biological resources; however, if impacts cannot be avoided, they must be mitigated to the greatest degree feasible.

The Project site is currently an active oilfield with no public access. The Draft EIR acknowledges that the proposed Project would result in significant biological impacts (see Section 4.6, Biological Resources). With implementation of the proposed Project, the site would be remediated (see Section 3.0, Project Description and Section 4.5, Hazards and Hazardous Materials); invasive biological resources would be removed to allow for restoration of many of the habitat areas on the property that have been degraded by permitted oil operations and invasive species (see Section 3.0, Section 4.5, and Section 4.6) – biological impacts would be mitigated to a less than significant level; the Open Space Preserve would be publicly accessible (see Section 3.0 and Section 4.8, Recreation and Trails).

Response 10

The City of Newport Beach is unclear as to the commenter's reference to "value". If the commenter could provide additional information to the City, the City will provide an additional response.

Response 11

The City of Newport Beach cannot comment on the City of Costa Mesa's proposed revitalization for westside Costa Mesa. We would suggest that the commenter contact the City of Costa Mesa for additional information.

Response 12

With respect to eminent domain, the City of Costa Mesa's definition is accurate. Specifically to the proposed Project and as addressed in Draft EIR (Section 3.0, Project Description and Section 4.1, Land Use and Related Planning Programs), 15th Street currently terminates at Monrovia Avenue located east of the Project site's eastern boundary. There is an existing office building and associated parking lot between the Newport Banning Ranch property line and

Monrovia Avenue. As a part of the Project, the improvements shown on the Master Plan of Streets and Highways from the City of Newport Beach General Plan Circulation Element would be constructed. This would require 15th Street to be extended west through the existing parking area for the office building to provide a connection between the Project site and Monrovia Avenue. The segment of 15th Street between Monrovia Avenue to the boundary of the Project site would be constructed as a two-lane roadway (one lane in each direction). As proposed, displaced parking (approximately 25 parking spaces) associated with the existing office building would be provided for the office building within the proposed Central Community Park area. The right-of-way necessary for the 15th Street off-site improvements would either be acquired by the Applicant or by the City.

With respect to 17th Street and 19th Street, traffic volumes do not indicate the need for widening of 15th, 16th, 17th, or 19th Street.