

November 8, 2011

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

Re: Responses to the Newport Banning Ranch the Draft Environmental Impact (DEIR)

Dear Mr. Alford:

For a number of reasons the DEIR is extremely difficult to review.

The DEIR was made available in 3 different formats:

1. Paper copies
2. Multiple CDROM disks
3. Online available via the Internet

Paper

The paper copies were accessible at very limited, primarily City locations. Access was limited to the facility operating hours and times. In addition the City of Newport Beach Central Library was closed for 2 weeks during the review period. The document is 7300+ pages making it extremely difficult for a comprehensive review. There is a table of contents, but no index, making very rudimentary searches very difficult.

CDROM

The files were divided into 3 separate disks because the size of the files exceeded normal CDROM capacity. Disk 1 contained the main body (Volume 1) of the document, disk 2 the Appendices A-E and disk 3 Appendices F-M. The total of the 3 files sizes is approximately 876 MB. The large file chunks adversely impact computer performance, particular the disk 2 appendix – 660 MB. A high end PC configured with 6MB of RAM and an Intel second generation i7 processor takes approximately 35 seconds to load Appendix 2. Computer systems with less powerful configurations would take considerably longer to load files this large. The files are in Adobe PDF format and have been arranged in Adobe's portfolio format. Searching portfolios can take a considerable amount of time. A more even split in file sizes would have been better. The Adobe Acrobat page numbers do not match that of the actual document, making browsing the portfolio pages very difficult.

Internet

The entire DEIR document is also available on the City of Newport Beach website. The City has done a relatively nice job a splitting the document into manageable chunks. A fast Internet connection (7-10 mbps) downloaded larger chunks in just over 2 minutes. Slower connections would take much longer. The files are in PDF format and use the more "traditional" Adobe format rather than portfolios making searching much easier. Again, the Acrobat page numbers do not match the actual document page numbers. The files on the City website are also displayed alphabetically rather than in the order that they appear in the actual document. This may confuse some reviewers.

The real problem with the DEIR is the simple fact that it contains over 7,300 pages of material. Trying to review this much material in 60 days is an insurmountable task. While there may be some technical, and accessibility issues, does the document meet CEQA guidelines for length and readability? How much time did City staff spend reviewing the document? Was any consideration given towards giving the public additional time to review based upon the sheer volume of the document?

Additional Concerns and Questions

Bluff Road

Why is Bluff Road (a road with a wider right-of-way than Pacific Coast Highway) planned to be built within 22' of a well established existing community that has been a part of the City of Newport Beach since 1973? Why can't the alignment of Bluff Road be changed so that it is at least 300' from Newport Crest? Why must the road connect to 15th Street (essentially a residential street)? Would eliminating this connection create greater flexibility for realigning Bluff Road?

Page 3-46 and Exhibit 3-20, General Plan Circulation Element, depicts the proposed modifications to the Circulation Element roadway system through the project site. The diagram appears to show a 15th Street extension to Pacific Coast Highway, is this correct? And is eliminating this extension a pending proposal based upon this development being approved? Could this extension provide a better solution than Bluff Road? Can a better description of this proposed General Plan Circulation Element Amendment please be provided?

What mitigation measures will be used to prevent night light, including street lights, traffic signals and car headlights from impacting Newport Crest residents?

There is discussion in the DEIR about providing a 6' wall or an 8' wall along the Newport Crest boundary most adjacent to the project in order to mitigate roadway noise. There is an existing 6' wall along the westerly Newport Crest boundary – does the DEIR reference include an additional wall or a replacement wall, or? A wall (6' or 8') may help to mitigate noise at the first level of some units within Newport Crest; however, the first level of the Newport Crest community contains no living space, only garage. Living space is located on levels 2 and 3. Will a 6' or 8' wall mitigate any road noise to level 2 or level 3? Would lowering the grade elevation of Bluff Road by 10-12' along the Northwesterly boundary of Newport Crest help to mitigate both light and noise issues?

Views

There are no elevation models that show how views will be affected. Will Newport Crest homeowner views be impacted? Please describe, in detail the view impacts that will be created by the development. If private property views are negatively impacted, how will this affect property values? There are also common areas within the community that are used as viewing points. How will these common areas be affected? If views are indeed adversely affected, can the South Family Village be reduced in size to provide adequate view corridors for existing Newport Crest residences and members of the community that may use common areas for viewing purposes? The current alignment of the South Village is essentially Southwesterly to Northeasterly. Can the alignment be modified to flow Southeasterly to Northwesterly? Finally, if the South Family Village was eliminated entirely, would this help to facilitate the realignment of Bluff Road and protect existing Newport Crest private property and common area views?

The impacts on wildlife have not adequately been addressed. From my particular location, my 3rd level deck, I have enjoyed views of the ocean and surrounding areas, and I have seen an abundance of birdlife, mammals and reptiles. I have seen and/or photographed heron, egret, coyote, raccoon, possum, skunk, fox, squirrels rabbits, hawks, hummingbirds, snakes, frogs, lizards and more (see example photographs 1, 2 & 6 on the next page). Many animals have eluded my attempts to photograph them – owls in particular. Owls regularly hunt from the trees located on the boundary between Newport Crest and Banning Ranch. I have seen and documented vernal pools come and go (see photos 3,4 & 5 on the next page) and have watched, much to my dismay, the continual mowing, by the applicant, whose sole purpose, it would appear is to destroy as much as the habitat that is in the area as possible (see photo 5, on the next page). As a result of the mowing, rabbits (Audubon Cottontail) have all but disappeared.

Note: mowing includes the use of tractor pulled mowers, weed-whackers, machetes and other hand tools.



Coyote – **Photo 1**



Hawk – **Photo 2**



Vernal Pool/Egret – **Photo 3**



Vernal Pool prior to mowing – **Photo 4**



Vernal Pool after mowing – **Photo 5**



Heron hunting – **Photo 6**

The red polygon in Exhibit 1A (following page) indicates where the above photographs were taken from. The blue circles in the same exhibit indicate the approximate mapped locations of the subject in the photographs. Many more photographs could have been included in this review, however; I felt it was important to keep this document at a reasonable length.

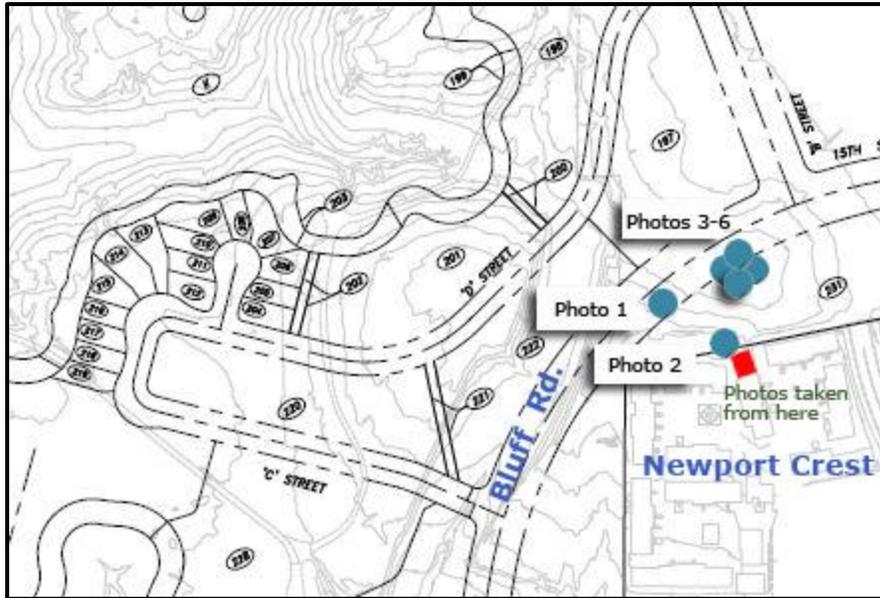


Exhibit 1A - location of photographer and photo subjects

I seriously question the DEIR noise/sound studies - I have experienced the silence. Sitting out-of-doors and enjoying what I refer to as the "National Geographic Experience" is truly amazing. At times, conversations are reduced to a whisper, because it is so quiet. Will this "quality of life" change as a result of the proposed development? This is a factor that the DEIR does not and cannot address..... yet, it is significant.

Lastly, the City of Newport Beach, as of September 2011 has spent over 2 million dollars associated with the Banning Ranch development. How much of those funds have gone towards the preparation and review of the DEIR and how much staff time as a whole been spent on the DEIR?

In summary, the primary purposes of my response are to protest:

- Complexity of the document
- Length of time that was allocated to review over 7,300 pages of information
- Location of Bluff Road and the negative impacts associated (particularly noise and night light) with its close proximity to the Newport Crest community
- Potential impact on views of Newport Crest residents
- Impacts on wildlife and environmentally sensitive habitat (ESHA)

Thank you for your consideration.

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