

DEPARTMENT OF TRANSPORTATION

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FAX & MAIL**November 8, 2011**

Mr. Patrick J. Alford
City of Newport Beach
Planning Department
3300 Newport Blvd./P.O. Box 1768
Newport Beach, CA. 92658

File: IGR/CEQA
SCH#: 20090031061
Log #: 2235B
SR-1 and 55

Subject: Newport Banning Ranch Project

Dear Mr. Alford,

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR) for the Newport Banning Ranch Project**. The proposed project calls for the development of 1,375 residential dwelling units, 75,000 square feet of commercial uses, and a 75 room resort on approximately 91 acres of the 401 total acres. Approximately 243 acres would be in open space, trails, and consolidated oil facilities, the latter comprising approximately 20 acres. Park facilities would be provided on approximately 45 acres; roadways would occupy approximately 22 acres. Roadways would be extended through the site to provide a north-south connection from SR-1 to 19th Street; additional roadway connections would be provided to 15th, 16th, and 17th Streets. A bicycle/pedestrian bridge is also proposed that crosses SR-1 near the project location. The nearest State routes to the project site are SR-1 and SR-55.

The California Department of Transportation (Department), District 12 is a responsible agency on this project and has the following comments:

1. If any project work (e.g. storage of materials, street widening, emergency access improvements, sewer connections, noise walls, storm drain improvements, street connections, etc.) will occur in the vicinity of the Department's Right-of-Way, an encroachment permit is required prior to commencement of any work. Please allow four (4) weeks for a complete submittal to be reviewed and for a permit to be issued. When applying for an Encroachment Permit, incorporate environmental documentation, SWPPP/ WPCP, hydraulic calculations, traffic control plans, geotechnical analysis, right-of-way certification and all relevant design details including design exception approvals. For specific details on the Department's Encroachment Permits procedure, please refer to the Department'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/>
2. The DEIR assumes that the signalized intersection of SR-1 and Bluff Road will be part of the existing road network. At this time, the Department has not received an application for an

Encroachment Permit that includes a traffic signal proposal from the City of Newport Beach for a SR-1/Bluff Road intersection. Upon receipt of an Encroachment Permit application the Department will utilize the latest MUTCD and the Caltrans Highway Design Manual with regards to minimum standard spacing from existing intersections to determine if signal warrants are met. Therefore, the signalized intersection should not be considered as an existing condition and the traffic analysis should be adjusted to reflect no existing intersection.

3. If the City of Newport Beach is considering proposing a signalized intersection at SR-1 and Bluff Road to primarily serve the proposed development, it is by itself, an impact that will cause delay to SR-1 operation, capacity, and progression, as well as to the neighboring road system. The Department requests:
 - a. An evaluation of the impact and its mitigation needs to be included as part of this study.
 - b. The proposed traffic distribution needs to be adjusted to depict that at least 30% of the traffic trips will pass through the SR-1/Bluff Road intersection (20% from North SR-1 and 10% from South SR-1). The effect of this new distribution needs to be evaluated to determine the impact and, if required, viable mitigation measures.
 - c. Direct impacts to the proposed intersection of Bluff Road and SR-1 shall include mitigation measures such as adding deceleration and acceleration lanes similar to the intersections at SR-55/SR-1 and Superior Road/SR-1.
4. Will the proposed access to the project site from 15th Street, 16th Street, 17th Street and 19th Street be sufficient without access from SR-1?
5. This project will impact SR-1 and SR-55 corridors, including ramps and intersections. Impacts of development causing operating conditions to deteriorate to deficient levels of service, or impacts adding to an existing deficient level of service condition will require mitigation measures.
6. The Department has interest in working cooperatively to establish a Traffic Impact Fee (TIF) program to mitigate such impacts on a “fair share” basis. Local development project applicants would pay their “fair share” to an established fund for future transportation improvements on the state highway system. If there is an existing TIF program, it can be amended to include mitigation for the state highway system or a new TIF program may be considered. The Department requests the opportunity to participate in the TIF for state highway improvements.
7. The Department requests to participate in the process to establish and implement “fair share” mitigation for the aforementioned project impacts. The Department has an established methodology standard used to properly calculate equitable project share contribution. This can be found in Appendix B of the Department’s Guide for the Preparation of Traffic Impact Studies which is available at:
<http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>
8. The Department, in accordance with Section 130 of the California Streets and Highways Code, may enter into a contract with the lead agency to provide the mitigation measures listed in the EIR. This may include construction of the mitigation measures, the advancement of funds (proportional to the fair-share cost) to pay for

mitigation measures, project studies, or the acquisition of rights-of-way needed for future improvements to the state highway system.

9. In accordance with Deputy Directive 64-R1, complete streets, which develops integrated multimodal projects in balance with community goals, plans, and values, please include all modes of travel for the proposed improvements. The safety and mobility needs of all who have legal access to the transportation system must be addressed including requirements under the Americans with Disabilities Act of 1990.
10. If cultural or paleontological remains are discovered in or adjacent to Department right-of-way during excavation and/ or construction activities, all earth moving activity within and around the site area must be diverted until a qualified Department Archaeologist can assess the find. If human remains are discovered, State Health and Safety Code Section 7050.5 states that disturbances and activities shall cease. The County Coroner must be notified of the find immediately, so that they may ascertain the origin and disposition, pursuant to Public Resources Code Section 5097.98. In addition, Department Biologist must be notified of any impacts to biological resources within the Department's right-of-way. These impacts must be coordinated with Department District Biologist and mitigated (if required) through the Regulatory/Resource Agencies. As a result, any and all regulatory/resource permits & agreements must be in place prior to the issuance of any encroachment permit to Department right-of-way.
11. Section 4.4 of the DEIR covers the Hydrology and Water Quality impacts for the proposed project. Section 4 of the DEIR references that Sub-watershed A of the proposed project site discharges to an existing Reinforced Concrete Box (RCB) on SR-1. Any discharges to the Department's drainage system will require the Newport Banning Ranch developers to apply for an encroachment permit. The Department will review the encroachment permit application to ensure compliance the latest Waste Discharge Requirements issued to the Department under the NPDES permit. The review will evaluate the applicant's WQMP and/or runoff management plan for the development to ensure that water quality impacts are addressed via permanent treatment BMPs as well as additional flows that may be generated with the increased impervious surface to ensure that the Department storm drain system can meet the capacity. In addition, the encroachment permit review process will review the applicant's temporary impacts to water quality as it pertains to the Department's right-of-way and any measures proposed to address those impacts (i.e. construction general permit, SWPPP, temporary BMPs).

Please continue to keep us informed of this project and any future developments, which could potentially impact State transportation facilities. If you have any questions or need to contact us, do not hesitate to call Damon Davis at (949) 440-3487.

Sincerely,

Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

C: Terry Roberts, Office of Planning and Research

November 7, 2011

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BC: Ryan Chamberlain, Deputy District Director, Planning and Local Assistance
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