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December 8, 2009

CITY OF NEWPORT BEACH

To: Janet Brown, City of Newport Beach

This letter addresses the information contained throughout the DEIR regarding the parking and parking lot information for the proposed Sunset Ridge Park. Specifically:

1.3 – Project Summary – "... up to 22 parallel parking spaces may be provided along the park access road..." May? Has this not yet been determined? When will this be determined? Is the access road being built to accommodate the possible 22 parallel parking spaces? Has the safety of children exiting & entering cars on a roadway been addressed? Will this affect the width of the road and result in an unknown increase in excavation?

3.6 – Project Description – "The park would be open from 6am until 11pm daily. The park gate would be open from 8am to dusk every day; no vehicles would be allowed entry into the park between 11pm and 6am." How can cars enter the park after dusk if the gate is locked? How can vehicles enter the park before 8am if the gate is locked? What is the purpose of these statements?

3.6.3 – On-Site Circulation Improvements – "...with up to 22 parallel parking spaces along the southeasterly segment of the access road." Again, it does not appear that a decision has been made on these roadway parking spaces, or is the information purposely being left vague? Is there a future plan for the roadway that is not being presented in the DEIR? Does the parking lot not provide for the parking needs of the park?

3.6.3 – Parking – This whole section is troublesome. "Paid parking would ensure that adequate parking spaces would be available for park uses." With no time restrictions between Sept. 16th and May 14th, how can this assumption be made? "However, if the City determines that pass holders are not adhering to the two-hour parking time limit during peak time periods, passes could be restricted or prohibited." Who is going to make this determination? Is additional parking enforcement going to be provided by the City? "To restrict overnight parking, vehicles within the lot prior to the parking lot opening the following morning would be towed." Why not tow when the parking lot is closed?

Thank you for your consideration of these comments.

Melody Perry
10 Artes Ct NB



HAMILTON BIOLOGICAL

December 10, 2009

RECEIVED BY
PLANNING DEPARTMENT

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City of Newport Beach, Planning Department
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DEC 10 2009

CITY OF NEWPORT BEACH

**SUBJECT: REVIEW OF BIOLOGICAL RESOURCES ISSUES
SUNSET RIDGE DRAFT EIR**

Dear Ms. Brown,

On behalf of the Banning Ranch Conservancy, Hamilton Biological, Inc., has reviewed the Draft EIR for the proposed Sunset Ridge project, located in the City of Newport Beach (City). The City proposes to develop an active and passive public park on 13.7 acres of City-owned property and 5.2 acres on the adjacent Newport Banning Ranch property, for a total of 18.9 acres of impact. In addition, project implementation would involve export of approximately 34,000 cubic yards of fill from the proposed park site to two areas on the Newport Banning Ranch property that would cover 4.6 acres, plus an additional 3.3 acres of impacts for construction of a new haul road to provide access to the dumping sites on the Newport Banning Ranch property. The City is currently processing a DEIR for the proposed Newport Banning Ranch residential and commercial development project, and the City has hired BonTerra Consulting, Inc., to serve as the biological consultant for both projects.

This letter report provides my review comments on Appendix E to the Sunset Ridge DEIR (BonTerra's biological technical report). As part of this review, I visited the project site on the afternoons of November 4 and 6, 2009. All photos in this letter were taken on those two days. During the course of these two visits I walked the entire City parcel and looked out onto the Newport Banning Ranch parcel from public lands to the north and east. I took samples of some wetland plants to botanist David Bramlet for identification; some plants could not be identified at this time of year. The attached Curriculum Vitae provides my qualifications to conduct this review.

PLANT COMMUNITY MAPPING ERRORS

During my field visits I checked the mapping of plant communities on the City parcel. I was not able to effectively check mapping of communities on the Newport Banning Ranch property, which is not open to the public. I found the mapping to be incorrect in several areas, as show in Figures 1-11 on the following pages.



Figure 1. This photo shows groundwater seeping out of the slope along Superior Avenue, on the project site. Most of the plants visible in this photo are non-native Pampas Grass (*Cortaderia selloana*). The large, dark shrub evident toward the background is Mediterranean Tamarisk (*Tamarix ramosissima*). The DEIR erroneously classifies this area as "ornamental" and does not mention or evaluate the apparent wetland conditions shown here.

Figure 2. This photo, taken in the same area shown in Figure 1, shows obligate wetland indicator species Narrowleaf Cattail (*Typha angustifolia*), Marsh Fleabane (*Pluchea odorata*), and spike-rush (*Eleocharis* sp.) growing in mud and standing water. Also present is Spike Bentgrass (*Agrostis exarata*) and the same Mediterranean Tamarisk shown in Figure 1. Four of the plants shown here are not included in the DEIR's plant compendium.





Figure 3. The slope above West Coast Highway also shows evidence of wetland conditions. This photo shows moist soils, a conspicuous salt crust, and apparent oxidation stains on the side of the concrete ditch, all indications that the groundwater seepage above Superior Avenue, shown in Figures 1 and 2, also occurs on the slope above West Coast Highway.

Figure 4. This photo shows a stand of Salt Heliotrope (*Heliotropium curassavicum*) growing beneath Big Saltbush (*Atriplex lentiformis*) on the slope above West Coast Highway. Salt Heliotrope is classified as an obligate wetland indicator, although it occurs in a variety of wetland and non-wetland habitats. The DEIR's plant compendium does not include Salt Heliotrope. The DEIR erroneously classifies this area as encelia scrub.

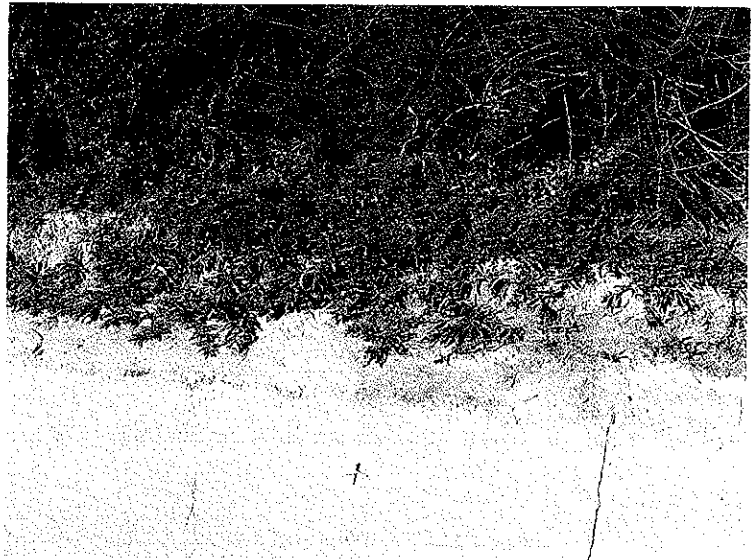


Figure 5. This photo shows a stand of American Tules (*Scirpus americanus*), a native obligate wetland plant, growing in sediments that have accumulated in the bottom of a concrete drainage channel west of the proposed park's entry road. Adjacent vegetation includes additional native species, such as Coast Goldenbush (*Isocoma menziesii*) and Emory Baccharis (*Baccharis emoryi*). Narrowleaf Cattail also grows in this general area. The DEIR's plant compendium does not include the cattails, tules, or Emory Baccharis, and the DEIR erroneously classifies this area as "ornamental."

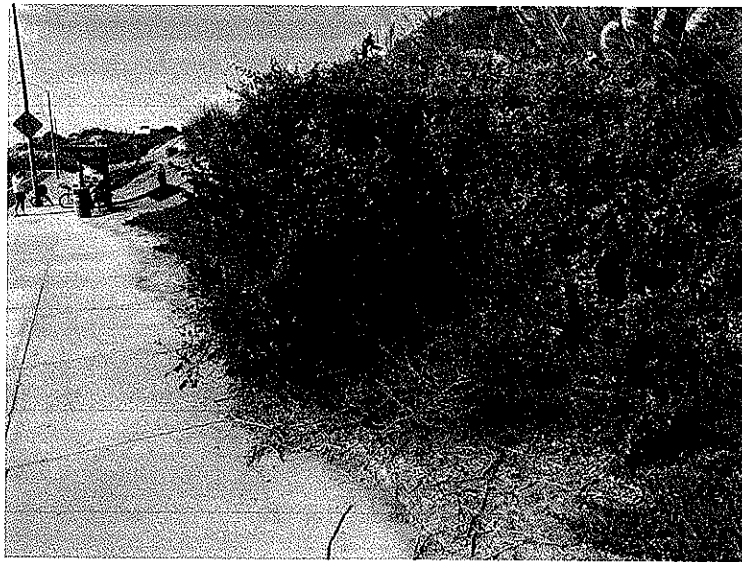


Figure 6. This large specimen of Big Saltbush, a native species, grows along the shoulder of West Coast Highway just west of Superior Avenue, in an area that the DEIR erroneously classifies as "ornamental." As discussed subsequently, I observed a pair of California Gnatcatchers foraging in this native shrub on November 6, 2009.

Figure 7. The DEIR erroneously classifies these native Big Saltbush plants, growing along the shoulder of West Coast Highway, as "ornamental."

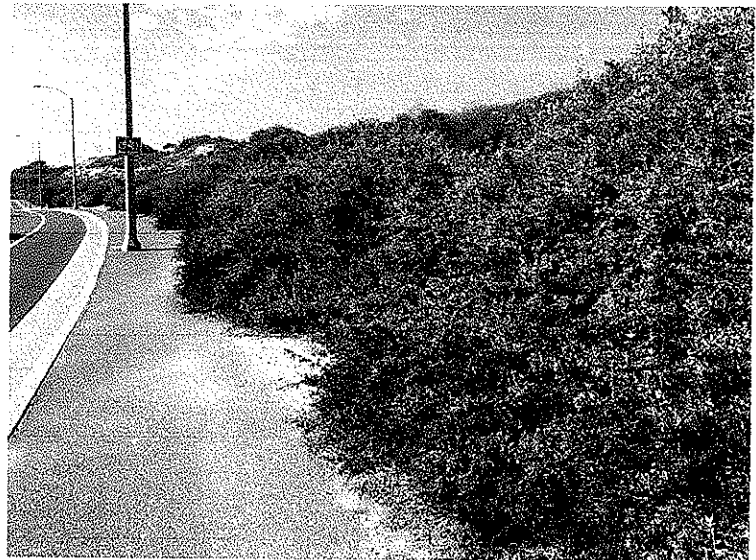


Figure 8. This photo, taken at the location of the proposed entry to Sunset Ridge Park, off West Coast Highway, shows mature native scrub dominated by Big Saltbush and Coast Goldenbush. The DEIR erroneously classifies this area as ornamental.

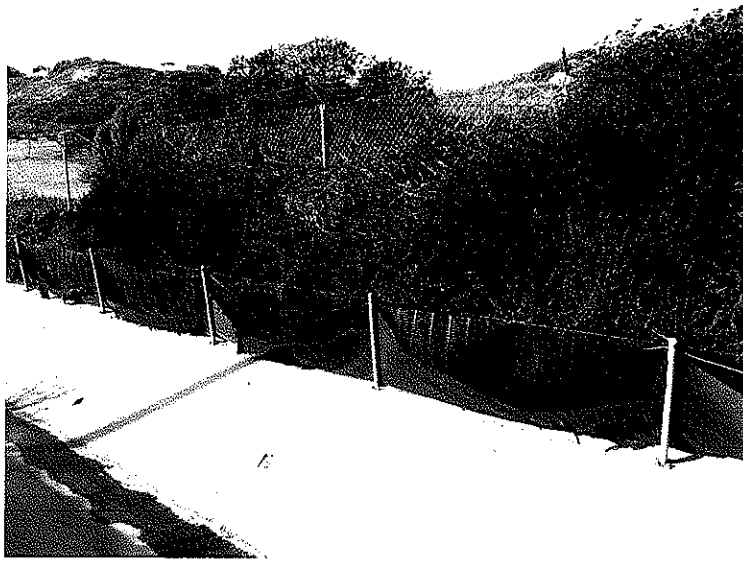


Figure 9. This photo shows large shrubs of native California Buckwheat (*Eriogonum fasciculatum*) growing along the concrete-lined ditch near the park site's border with Newport Banning Ranch. The DEIR misclassifies this area as ruderal (weedy).

Figure 10. The DEIR erroneously classifies this substantial stand of native Mulefat (*Baccharis salicifolia*) as ruderal (weedy). As discussed subsequently, I observed a pair of California Gnatcatchers foraging in this Mulefat stand on November 4, 2009. In the foreground is non-native Highway Iceplant (*Carpobrotus edulis*) and growing beneath the Mulefat are numerous shrubs of California Encelia (*Encelia californica*) that have been mowed to within a few inches of the ground.



Figure 11. The DEIR classifies this expanse of green vegetation as "ornamental" because of the extensive growth of non-native Highway Iceplant evident in this photo, but examination of this area shows that native California Encelia, Mulefat, and Western Ragweed (*Ambrosia psilostachya*) co-occur in this area. It is not clear whether any of the native shrubs in this area are being mowed along with the rest of the "disturbed encelia scrub" that occurs across most of the flat portion of the City property.

FAILURE TO DETECT EXTENSIVE WETLANDS

The project biologists failed to detect up to a half-acre of wetlands on the site (see Figures 1-5 in this letter). The DEIR's Hydrology Section states on Page 4.10-20:

Seepage was observed . . . at the drains near the toe of the slope along Superior Avenue and West Coast Highway. The direction of seepage flow is generally from north to south.

The actual extent of jurisdictional wetlands in this area will depend upon the delineation methods used. The California Coastal Commission's one-parameter methodology will likely yield a greater area of wetlands than will the U.S. Army Corps of Engineer's three-parameter methodology. Since the project will require a Coastal Development Permit, the EIR should report the area of wetlands on the site as delineated using the Coastal Commission's one-parameter method. Impacts to jurisdictional wetlands should be identified as significant and avoidance or specific mitigation measures should be identified to reduce those impacts to below a level of significance.

The seepage shown in Figures 1-3 is very similar to seepage from a cut-slope that formerly occurred directly across Superior Avenue from the project site, at an area referred to as "cattail cove." That site was developed into the lower campus of Hoag Hospital in the early 1990s. I worked on that project as a biologist for LSA Associates (the hospital's consultant). As part of our evaluation, I assisted LSA wetlands specialist Rick Harlacher in a complicated jurisdictional delineation that included the unusual step of completing a WET II Functional Analysis¹. One complicating factor was the dominance of Pampas Grass, an invasive weed from South America that was growing in saturated, gleyed soils on the slopes of that site (just as Pampas Grass dominates seeping slopes on the Sunset Ridge site). The federal government has not graded Pampas Grass as to its wetland indicator status, but in its native range the species grows in damp soils along river margins². In coastal southern California, it has escaped cultivation and spread along sandy, moist ditch banks³. Examination of 82 records of Pampas Grass in California showed that 32% were from wetlands⁴. This suggests that the proper indicator status for Pampas Grass in California lies on the border between "FACU" (occurring in wetlands 1-33% of the time) and "FAC" (occurring in wetlands 34-67% of the time). With roughly one-third of its documented occurrences in California being in wetlands, the species is clearly adapted to wetland conditions.

The delineation that LSA performed at the hospital site yielded a determination of jurisdictional wetlands for the seeping slopes dominated by Pampas Grass (under any applicable methodology). Until the City's biological consultant examines the seeping slopes at the Sunset Ridge site, there is no way of predicting the outcome of a delineation on this site.

¹ Adamus, P. R. 1987. Wetland Evaluation Technique (WET II). U.S. Army Corps of Engineers, Waterways Experiment Station, Vicksburg, MS.

² Connor, H.E. and Charlesworth, D. 1989. Genetics of male-sterility in gynodioecious *Cortaderia* (Gramineae). *Heredity* 63, 373-382.

³ Costas-Lippmann, M. and Baker, I. 1980. Isozyme variability in *Cortaderia selloana* and isozyme constancy in *C. jubata* (Poaceae). *Madroño* 27:186-187.

⁴ Lambrinos, J. G. 2001. The expansion history of a sexual and asexual species of *Cortaderia* in California, USA. *Journal of Ecology* 89:88-98.

STATUS OF THE CALIFORNIA GNATCATCHER ON THE PROJECT SITE

Page 45 in Appendix E provides a terse discussion of the California Gnatcatcher's current status on the project site:

A limited amount of suitable habitat for this subspecies occurs on the Project site. Focused surveys for the coastal California gnatcatcher were conducted in spring/summer 2009; this species was observed nesting on the Project site. A pair nested in a coastal goldenbush shrub in the disturbed mule fat scrub/goldenbush scrub vegetation type on the Project site. The pair fledged three to four chicks during the survey period.

Exhibit 6 in Appendix E represents the location of this on-site breeding pair using a single green dot.

The DEIR mentions that the entire project site is designated as critical habitat for the California Gnatcatcher, but fails to evaluate what this means. Section 3 (5)(A) of the federal Endangered Species Act defines critical habitat as:

the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection . . .

Within areas broadly mapped as critical habitat, the U.S. Fish and Wildlife Service (USFWS) has specified Primary Constituent Elements (PCEs) that define the actual extent of habitats that may be useful to the listed species. PCEs for California Gnatcatcher critical habitat include not only intact sage scrub habitats, but also "non-sage scrub habitats such as chaparral, grassland, riparian areas, in proximity to sage scrub habitats . . . that provide space for dispersal, foraging, and nesting."⁵ As summarized by Atwood and Bontrager (2001)⁶:

Territories defended during nonbreeding season (Preston et al. 1998)⁷; wandering into adjacent territories or unoccupied habitat may result in up to 80% increase in home range size relative to area used during nesting (Bontrager 1991⁸, Preston et al. 1998). Small, disjunct patches of coastal sage scrub, distributed within grassland matrices, may be incorporated into nonbreeding season home range even if too small to support a breeding pair; use of such patches may require regular movements of 25–100 m across grassland gaps (DRB). In San Diego Co., established pairs (n = 11) in Dec spent about 62% of time outside boundaries of territory defended during previous breeding season (Preston et al. 1998).

⁵ Department of the Interior, Fish and Wildlife Service, 50 cfr part 17, RIN 1018-AV38, endangered and threatened wildlife and plants; revised designation of critical habitat for the Coastal California Gnatcatcher (*Poliophtila californica californica*). Federal Register 72:72069 (December 19, 2007).

⁶ Atwood, J. L. and D. R. Bontrager. 2001. California Gnatcatcher (*Poliophtila californica*). The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/574>.

⁷ Preston, K. L., P. J. Mock, M. A. Grishaver, E. A. Bailey, and D. F. King. 1998b. *California Gnatcatcher territorial behavior*. Western Birds 29:242–257.

⁸ Bontrager, D. R. 1991. *Habitat requirements, home range and breeding biology of the California Gnatcatcher (Poliophtila californica) in south Orange County, California*. Report dated April 1991 prepared for Santa Margarita Co., Rancho Santa Margarita, CA.

I hold a current federal permit to conduct presence/absence surveys for the Coastal California Gnatcatcher (No. TE-799557). During my two field visits in November 2009, I observed at least one pair of California Gnatcatchers in the areas shown on Figure 12, below.



Figure 12. Locations where California Gnatcatchers were recorded on November 4 and 6, 2009, relative to the spot where California Gnatcatchers were mapped in the DEIR. The November records demonstrate that this species utilizes native scrub communities throughout the project site.

On the afternoon of November 4, 2009, I initially observed a pair of California Gnatcatchers at the northern location shown in Figure 12. The birds were foraging in a patch of Mulefat that the DEIR maps as "ruderal" (see Figure 10 in this letter). After several minutes, the birds flew off a short distance to the northwest, crossing the property fence between the City property and Newport Banning Ranch.

Approximately 30 minutes later, after walking around the rest of the City property, I encountered either the same pair or a second pair foraging in coastal scrub vegetation approximately 80 m south of the initial encounter. The second period of observation also lasted several minutes, during which I obtained photos of both the male and female as they flew back and forth across the property fence (see Figures 13 and 14 on the following page).

On the afternoon of November 6, 2009, I was inspecting the wetlands along Superior Avenue, at the location of the Mediterranean Tamarisk tree shown in Figures 1 and 2 in this letter, when I heard the mewing call of a California Gnatcatcher from the slope above. A few minutes later I found a pair of gnatcatchers on the slope directly north of the intersection of Superior Avenue and West Coast Highway, foraging in coastal scrub dominated by Big Saltbush. At that location I obtained the photos shown in Figures 15 and 16. The birds then flew to the Big Saltbush shown in Figure 6 of this letter and from there flew to the northwest, at which point I stopped following them.



Figure 13. I photographed this male California Gnatcatcher during my second encounter with this species at the site on November 4, 2009. It was perched on the fence between the City property and Newport Banning Ranch.

Figure 14. I photographed this female California Gnatcatcher, the mate of the bird in Figure 13, on November 4, 2009, as it perched on the property fence near the male shown in Figure 12.



Figure 15. I photographed this male California Gnatcatcher on November 6, 2009, as it foraged in Big Saltbush near the top of the slope above the intersection of Superior Avenue and West Coast Highway. This may be the same bird shown in Figure 13.

Figure 16. I photographed this female California Gnatcatcher, the mate of the bird in Figure 15, on November 6, 2009, as it foraged in a Big Saltbush plant near the top of the slope above intersection of Superior Avenue and West Coast Highway. This may be the same bird shown in Figure 14.



The DEIR's Impact section states:

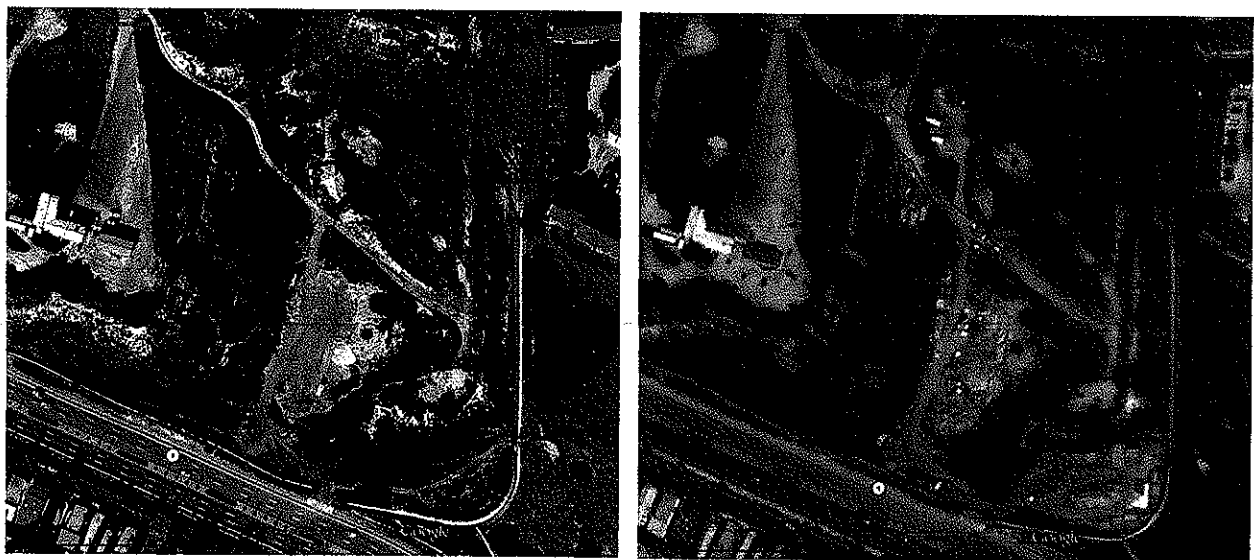
The Encelia scrub, Encelia scrub/ornamental, and disturbed Encelia scrub on the Project site would not be considered utilized by the gnatcatcher due to the periodic mowing and traffic/pedestrian edge effects in this area.

This finding is disproven by direct observation of a pair of California Gnatcatchers using areas that "would not be considered utilized by the gnatcatcher." As documented in these comments, native scrub communities along the southern and eastern edges of the project site were incorrectly mapped and classified by the project biologists, indicating that those areas were never subjected to careful, credible biological surveys. The superficiality and inadequacy of the survey effort is also indicated by the project biologists' failure to detect groundwater seepage supporting extensive areas of cat-tails and other conspicuous wetland plants along Superior Avenue and West Coast Highway.

In light of my observations, and given multiple lines of evidence demonstrating that the eastern part of the project site was not carefully surveyed by project biologists, the DEIR fails to support its assertion that California Gnatcatchers do not occur in that part of the site, either during the nesting season or during fall/winter. All of the site's scrub communities, and "scrub/ornamental" communities, should be considered to be occupied by the California Gnatcatcher, consistent with (1) the USFWS critical habitat designation, (2) the scientific literature describing the gnatcatcher's habitat requirements, (3) the direct observations of gnatcatchers documented in this letter, and (4) the DEIR's erroneous descriptions of plant communities that exist in areas claimed to have been thoroughly surveyed.

RECENT REMOVAL OF INTACT SAGE SCRUB

The DEIR fails to disclose that extensive areas of sage scrub were removed from the project site between December 31, 2003, and March 28, 2005 (Figures 16, 17).



Figures 17, 18. The aerial image at left, dated December 31, 2003, shows generally intact sage scrub habitat in the areas outlined in red, which had been cleared as of March 28, 2005. The DEIR makes no mention of this unauthorized clearing.

The areas shown in Figures 17 and 18 supported two pairs of California Gnatcatchers in 2000⁹, and the clearing was done without consulting with the USFWS, apparently in violation of the federal Endangered Species Act. The EIR must quantify the area of sage scrub illegally cleared, discuss how this violation of federal law is being addressed, and describe how this impact will be mitigated.

MOWING OF ENCELIA SCRUB

California Encelia is a native plant that is dominant in biologically sensitive coastal sage scrub and coastal bluff scrub communities found on the project site and on Newport Banning Ranch. California Gnatcatchers commonly use scrub dominated by California Encelia for nesting and foraging, and this plant grows very fast, typically reaching waist-height when left undisturbed for a growing season.

All of the California Encelia plants growing on the flat portion of the City-owned property have been mowed nearly to ground level (Figure 19, below).



Figure 19. "Disturbed encelia scrub" growing on the City property. These native shrubs have been mowed to within a few inches of the ground. Note also the extensive area closest to the structures that is nearly barren.

⁹ PCR Corporation. 2000. *Results of focused Coastal California Gnatcatcher Surveys for the Newport Banning Ranch property in Orange County, California*. Report dated November 1, 2000, prepared for the USFWS Carlsbad Office.

Disturbed encelia scrub covers 3.6 acres on the site, all of it proposed for grading impacts. Page 7 of Appendix E states that "Shrub cover of this area is approximately 50 to 60 percent overall." Page 14 of Appendix E states:

The 3.64 acres of disturbed Encelia scrub is regularly mowed for fuel modification and weed abatement purposes and contains a high percentage of non-native weeds; therefore, it is not considered special status.

With regard to "weed abatement," California Encelia is a native plant and dominant component of a biologically sensitive coastal scrub community that is occupied by the California Gnatcatcher. It is not a "weed" that can be legally mowed down without consulting with the USFWS, and the biologists at the Carlsbad Field Office have no knowledge of the City's mowing of encelia on this site.

With regard to "fuel modification," Page 28 of the Orange County Fire Authority's "Guideline for Fuel Modification Plans and Maintenance Program," dated January 1, 2008, *expressly allows* California Encelia to remain "in all fuel modification wet and dry zones in all locations."¹⁰ Furthermore, the mowing appears to extend out across the entire mesa area, as far as 570 feet from the structures to the north. This is much farther than would be required for any legitimate fuel modification purpose, particularly given that the 100 feet closest to structures is maintained as essentially barren land. Therefore, the DEIR's suggestion that these plants had to be mowed down to meet fuel modification requirements is false.

Page 55 in Appendix E states:

The proposed Project would impact approximately 0.26 acre of Encelia scrub, 0.21 acre of Encelia scrub/ornamental, and 3.64 acres of disturbed Encelia scrub. Impacts on these vegetation types are not considered significant because of their fragmentation from high value areas, presence of invasive non-native species, maintenance of concrete v-ditch under the shrubs, presence of trash, proximity to high foot/bicycle, and vehicle traffic, and are not expected to support gnatcatchers during the nesting season. Therefore, no mitigation would be required.

As reviewed previously, California Gnatcatchers have now been observed in three different patches of scrub habitat that the EIR preparer characterizes as not providing habitat for California Gnatcatchers. The disturbance to 3.64 acres of encelia scrub is from "fuel modification and weed abatement" that is being conducted without the approval of the USFWS, and that appears to be in violation of the federal Endangered Species Act. Note that Figure 20, on the next page, appears to show a more intact scrub community in February 2006 than occurs there now.

CEQA requires an EIR preparer to evaluate the existing conditions, but the EIR preparer must also disclose any existing conditions created by possibly illegal actions and modify its analyses and conclusions accordingly. Disturbed encelia scrub extends across most of the City-owned portion of the site, and in the absence of mowing this scrub would undoubtedly be utilized by the federally listed California Gnatcatcher (which I have documented as using scrub all around the mowed encelia). These facts, including the results of any previous biological studies completed on the project site, must be disclosed in the EIR. Appro-

¹⁰ http://www.ocfa.org/_uploads/pdf/guidec05.pdf

appropriate compensatory mitigation must be proposed for the impacts to all native scrub habitats, including those that have been subjected to mowing without the needed regulatory approvals.

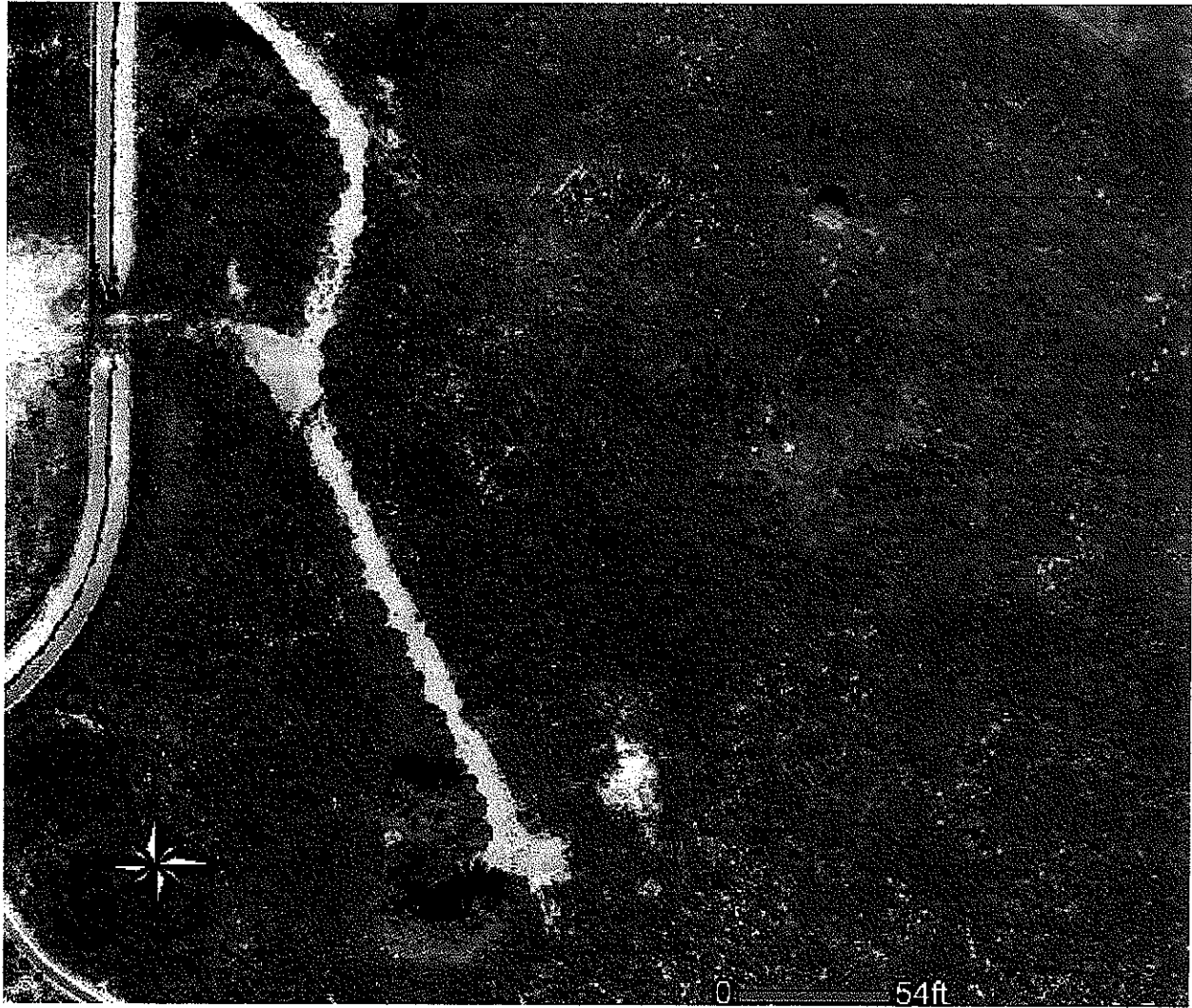


Figure 20. This aerial image from the City's web page¹¹, taken in February 2006, appears to show more extensive areas of relatively intact scrub on the lower mesa of project site than occurs there now.

STATUS OF THE BURROWING OWL ON THE SITE

The Burrowing Owl (*Athene cunicularia*), a California Species of Special Concern, is extremely rare in Orange County due to large-scale development of nearly all of the county's suitable grasslands, especially near the coast. In January 2008, Glenn Lukos Associates conducted winter-season surveys for the Burrowing Owl at Newport Banning Ranch and identified two Burrowing Owls in the site's southern grasslands and a third individual 212 feet west of the site (see Figure 21)¹².

¹¹ <http://www6.city.newport-beach.ca.us/website/InteractiveMap/map.asp>

¹² Glenn Lukos Associates. 2008. Biological Technical Report for the Newport Banning Ranch Property, Newport Beach, California. Report prepared for Mike Mohler, Newport Banning Ranch LLC.

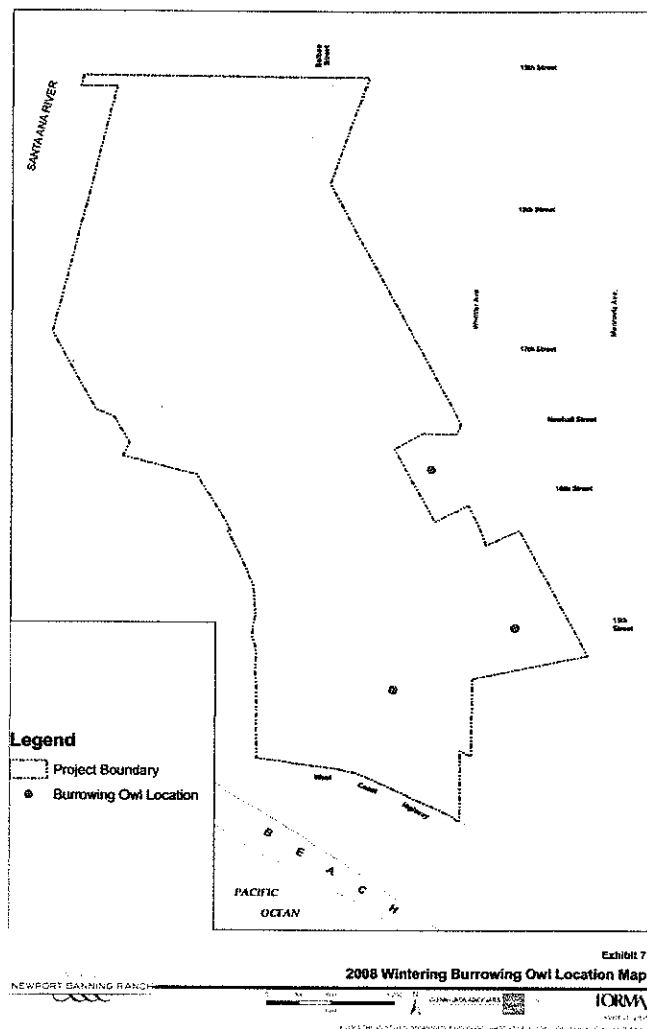


Figure 21. This map is Exhibit 7 in the 2008 draft biological report prepared by Glenn Lukos Associates for Newport Banning Ranch LLC. It shows the point locations where Glenn Lukos Associates documented the occurrence of three wintering Burrowing Owls in January 2008. Since birds do not remain in the same spot, but must move around the grasslands to forage, Burrowing Owls at any of these mapped point-locations could be impacted by project implementation.

As the City's biological consultant for both the Sunset Ridge DEIR and the pending Newport Banning Ranch DEIR, BonTerra Consulting has critically reviewed Glenn Lukos Associates' 2008 draft biological report. It is therefore surprising that the results of the 2008 surveys are suppressed in the Sunset Ridge DEIR, which states only, "In the vicinity of the Project site, this species has been reported from Fairview Park in Costa Mesa (CDFG 2009a)."

Burrowing Owls may be absent at a given site one winter and present the next, and surveyors do not always detect rare species they are searching for, even when individuals are present. As one example, the EIR preparer failed to detect California Gnatcatchers in various parts of the Sunset Ridge project site where the species has now been shown to occur.

Consider also that BonTerra Consulting failed to detect any Side-blotched Lizards (*Uta stansburiana*) on the project site during their numerous site visits, despite the species being abundant throughout the site. I stopped counting at 15 individuals on November 4, and I again easily found the species to photograph on November 6 (Figure 22).

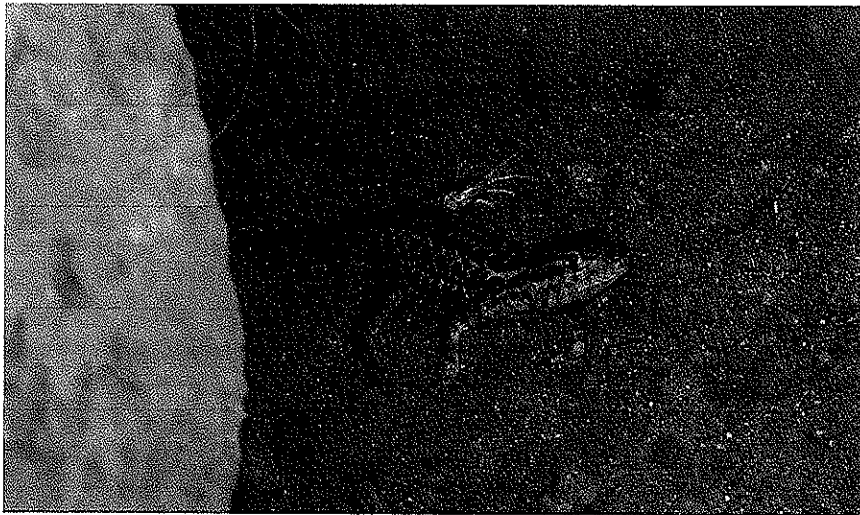


Figure 22. I photographed this Side-blotched Lizard on the Sunset Ridge project site on November 6, 2009. This individual, like many others I encountered on the site, was in the burrow of a California Ground Squirrel (*Spermophilus beecheyi*).

How can the project biologists have conducted competent biological surveys, including the inspections of burrows that are one component of Burrowing Owl surveys, without repeatedly encountering this common and widespread lizard? If they could not detect this species, how could they have hoped to detect Burrowing Owls?

Having failed to disclose the known occurrence of three Burrowing Owls in January 2008, Page 42 of Appendix E downplays the site's potential value to the species:

Limited suitable habitat and burrow sites for this species are present on the Project site: Focused surveys for the burrowing owl were conducted in winter 2008/2009 and in spring/summer 2009; the burrowing owl was not observed. Therefore, burrowing owl is not expected to occur on the Project site due to lack of detection during focused surveys. However, there is potential for the burrowing owl to occasionally occur on the Project site as a migrant or rare winter visitor.

Concerning the DEIR's deprecating remarks about "Limited suitable habitat and burrow sites" and the potential for only "occasional" or "rare" use by Burrowing Owls, consider that the *Birds of North America* species account¹³ describes the Burrowing Owl's preferred habitat as "Dry, open, shortgrass, treeless plains, often associated with burrowing mammals." As shown in Figure 23 on the following page, the project site's shortgrass grasslands are expansive and riddled with rodent diggings.

¹³ Haug, E. A., B. A. Millsap, and M. S. Martell. 1993. Burrowing Owl (*Athene cunicularia*), The Birds of North America Online (A. Poole, Ed.). Ithaca: Cornell Lab of Ornithology; Retrieved from the Birds of North America Online: <http://bna.birds.cornell.edu/bna/species/06>.



Figure 23. This photo shows the shortgrass grasslands of Newport Banning Ranch (part of the Sunset Ridge project site), as seen from the southern terminus of 15th Street, on November 6, 2009. More than a dozen California Ground Squirrels can be seen in just this one group.

On November 6 I observed at least 80 California Ground Squirrels on and near the project site. By any objective measure, the project site's grasslands are among the most suitable habitats for Burrowing Owls in Orange County or anywhere along the coast of southern California, which is why three Burrowing Owls were documented wintering in this area during January 2008.

This episode recalls the "Whispering Hills Final Biological Technical Report" dated March 2, 2000, also prepared by BonTerra Consulting. That report was incorporated into the DEIR for the Whispering Hills project in the City of San Juan Capistrano. The following excerpt is from Page 9 of my comments on that DEIR, provided in a letter dated June 9, 2000:

Page 39 of the DEIR states, "Marginal suitable habitat for the least Bell's vireo is present on the site. This species was not observed during focused surveys in 1999." Biologist Kurt Campbell, who conducted surveys on the project site in 1998, reports¹⁴ that a pair of Least Bell's Vireos raised young in riparian habitat on the project site in 1998, information that was well known to the EIR preparer. It appears that the EIR preparer (a) suppressed Mr. Campbell's observations, (b) characterized successfully utilized nesting habitat as "marginal," and (c) failed to identify significant project effects on the vireo.

In both cases, BonTerra Consulting knowingly withheld the positive results of an earlier focused bird survey and then characterized the habitat as only marginally suitable for the species in question, citing their own negative survey results the following year. The Whispering Hills DEIR ultimately had to be recirculated, and the project has been mired in controversy to this day¹⁵.

¹⁴ Campbell, K.F. Telephone conversation on 5 May 2000.

¹⁵ See http://capistranoinsider.typepad.com/capistrano_insider/2009/10/no-surprise-whispering-hills-sues-school-district.html

POTENTIAL EFFECTS OF DUMPING FILL AT NEWPORT BANNING RANCH

The proposed dumping of 34,000 cubic yards of fill from the park site into 4.6 acres of shortgrass grassland habitat at Newport Banning Ranch, as well as the associated construction of a new haul road to the dumping sites, would have significant adverse effects upon the Burrowing Owl and other grassland species. A short distance north of the project site, the City of Costa Mesa dumped soil on the mesa at Fairview Park in the early 1990s. This act resulted in the conversion of that shortgrass mesa/ vernal pool complex into expansive stands of tall mustard and other non-native weeds, which grow out of the fill piles. The extensive ecological damage resulting from that dumping of fill shows no sign of improving over time (see Figure 24).



Figure 24. This photo, taken at Fairview Park on November 6, 2009, shows dried vernal pool habitat in front of tall, dense, dried mustard growing out of fill dirt that was placed there approximately 20 years ago. Unlike the vernal pools and shortgrass mesa that formerly occupied the filled area (which is much bigger than the area shown here), the dense mustard provides poor-quality habitat for most native wildlife species, including Burrowing Owls.

The proposed dumping of fill at Newport Banning Ranch would be expected to result in similar establishment of tall weeds where currently the vegetation is short and sparse. This would degrade habitat suitability for Burrowing Owls and for other grassland species, such as Killdeer (*Charadrius vociferus*), Red-tailed Hawks (*Buteo jamaicensis*), American Kestrels (*Falco sparverius*), Loggerhead Shrikes (*Lanius ludovicianus*), American Pipits (*Anthus rubescens*), and Western Meadowlarks (*Sturnella neglecta*).

Concerning the site's grassland, ruderal, ornamental, flood control channel, and disturbed communities, the DEIR's impact analysis states:

These areas generally have low biological value because they are composed of unvegetated areas or are vegetated with non-native species. These areas generally provide limited habitat for native plant and wildlife species although they may occasionally be used by native species. Therefore, impacts on these areas would not be considered significant, and no mitigation would be required.

The DEIR's suggestion that the site's grassland areas "may occasionally be used by native species" is baseless. In just two brief visits I have seen large numbers of grassland bird spe-

cies using the site's grasslands, including two Red-tailed Hawks, an American Kestrel, 14 Killdeers (see Figure 25), 25 American Pipits, 70 Western Meadowlarks, 100 Mourning Doves, and 100 House Finches (minimum estimates provided for the last four species). As discussed previously, these grasslands are known to have supported three Burrowing Owls in January 2008.

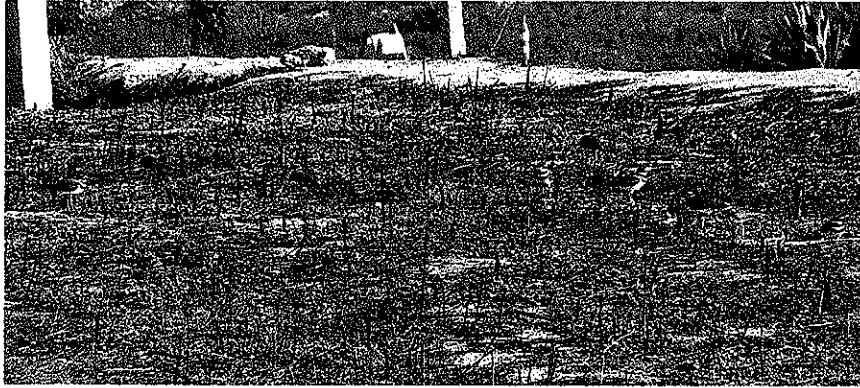


Figure 25. Nine out of a flock of 14 Killdeers encountered on the upper (eastern) mesa of the City-owned parcel on November 4, 2009.

If the Sunset Ridge project is implemented, fill should be exported elsewhere and disposed of in a responsible manner. Under no circumstances should fill dirt be dumped on the shortgrass grasslands of Newport Banning Ranch, as this would represent a significant adverse effect upon various species that thrive in this regionally rare habitat.

STATUS OF THE CACTUS WREN ON THE PROJECT SITE

In the 1990s, working for LSA Associates, Richard Erickson and I conducted focused surveys of Newport Banning Ranch for California Gnatcatchers and Cactus Wrens. Some of the resulting maps of Cactus Wren territories are provided as Figures 26–29:

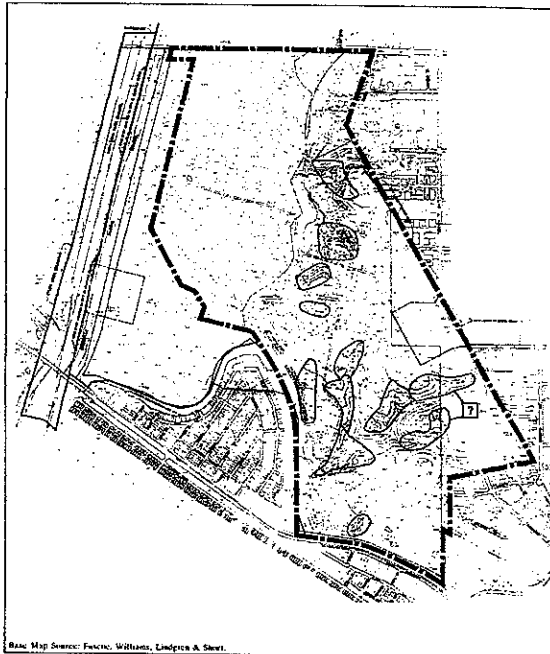


Figure 26. In 1992, one or two Cactus Wren territories existed in the northerly area now being proposed as a haul road and dump for fill dirt. Map provided by the USFWS Carlsbad Office.



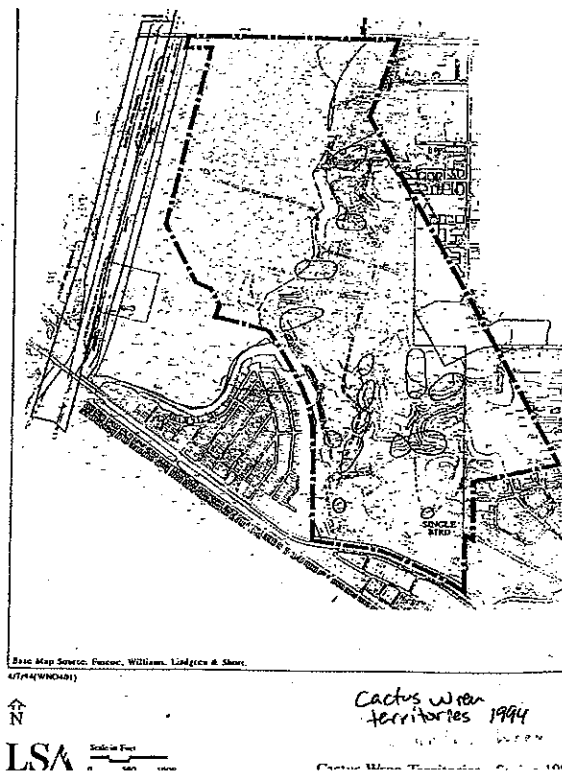


Figure 27. At least two of the Cactus Wren territories mapped by LSA Associates in 1994 overlap with, or closely border, areas that would be directly affected by implementation of the Sunset Ridge project. Map provided by the USFWS Carlsbad Office.

In 1996, after I had left LSA, Mr. Erickson again surveyed Newport Banning Ranch and produced the following map of Cactus Wren territories.

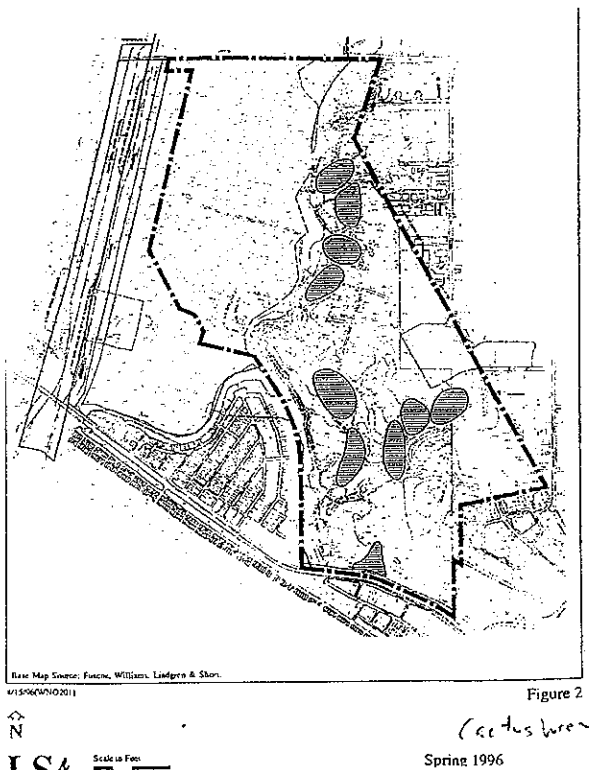


Figure 28. In 1996, the southeastern area previously occupied by a single Cactus Wren was no longer occupied, but in that year two Cactus Wren territories existed in the northerly area now being proposed as a dump for fill dirt. Map provided by the USFWS Carlsbad Office.

Page 45 of Appendix E states:

In the vicinity of the Project site, this species has been reported from the Newport Banning Ranch property. Suitable habitat for this subspecies (i.e., cactus) is not present on the Project site. Therefore, coastal cactus wren is not expected to occur on the Project site.

I was not able to verify the DEIR's mapping on most of the Newport Banning Ranch portion of the project site, but cactus does occur on and near the site. Figure 29 shows Coast Cholla (*Cylindropuntia prolifera*) and Coastal Prickly-Pear (*Opuntia littoralis*) within several meters of the southwestern corner of the site, next to the "disturbed mulefat scrub/ golden-bush scrub" community, where the new entry road is proposed off West Coast Highway. This is the general area that was occupied by a Cactus Wren in 1994, and the where sage scrub habitat was illegally cleared in 2004/2005.



Figure 29. The large Coast Cholla plant in the upper left-hand corner of this photo is located just off the project site, near the southwestern project boundary. A smaller Coastal Prickly-Pear plant is partially visible. This Coast Cholla plant is large enough to provide suitable nesting habitat for Cactus Wrens.

Figure 30 shows a large patch of Coastal Prickly-Pear growing near the northern area on Newport Banning Ranch that would be subject of dumping of fill.

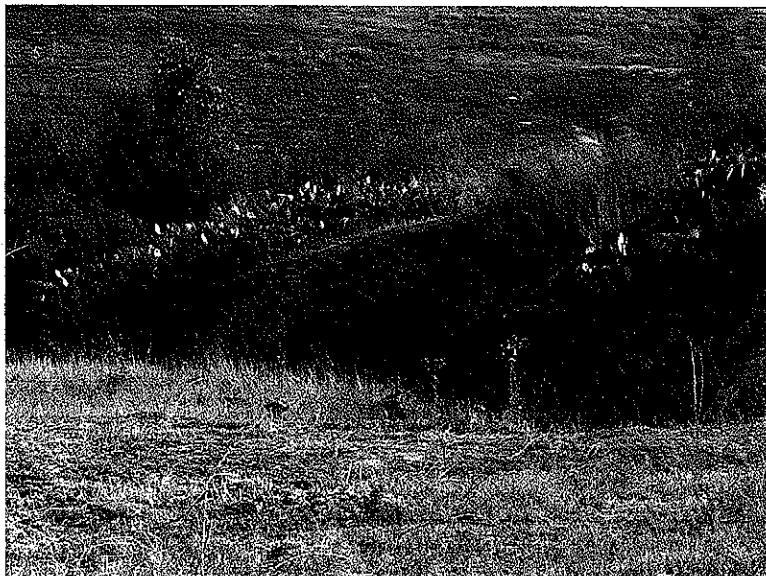


Figure 30. Photo taken from the southern terminus of 16th Street showing a stand of Coastal Prickly-Pear large enough to constitute suitable nesting habitat for Cactus Wrens. This stand is growing within approximately 150 feet of the northern area that would be filled as part of project implementation. Additional cactus resources may occur on or adjacent to this area.

Since the Cactus Wren was documented using the areas shown in Figures 29 and 30 during the 1990s, and since suitable nesting and foraging habitats remain in these areas, it is erroneous for the DEIR to conclude that "Suitable habitat for this subspecies (i.e., cactus) is not present on the Project site." Project implementation would, in fact, impact areas documented as being occupied by Cactus Wrens in 1992, 1994, and 1996.

SUMMARY & CONCLUSION

As documented herein, the biological resources section of the Sunset Ridge DEIR does not reflect the best available science and is severely deficient in many ways:

- The DEIR's map of plant communities (Exhibit 4.6-1) incorrectly classifies numerous plant communities. All of the DEIR's errors in plant community mapping are made in the direction of under-representing biologically sensitive native communities and overstating the extent of ruderal or other communities that the EIR preparer considers to be of low biological sensitivity. Exhibit 4.6-1 includes "disturbed" polygons as small as 0.01 acre in size, making this the minimum polygon size applicable to all of the site's communities. The EIR's plant community mapping must be corrected and the EIR's analyses must accurately reflect the existing conditions.
- The DEIR indicates that project biologists failed to note numerous plant species that are conspicuous on the site, most of which are wetland indicator species. These include Emory Baccharis (*Baccharis emoryi*), Marsh Fleabane (*Pluchea odorata*), Salt Heliotrope (*Heliotropium curassavicum*), Spike Bentgrass (*Agrostis exarata*), spike-rush (*Eleocharis* sp.), Rabbitfoot Grass (*Polypogon monspeliensis*), Narrowleaf Cattail (*Typha angustifolia*), and American Tule (*Scirpus americanus*).
- An adequate EIR would include the results of wetland delineations conducted using both three-parameter (Corps) and one-parameter (Coastal Commission) methods, would seek to avoid any impacts to jurisdictional wetlands, and would proposed specific measures to mitigate any unavoidable impacts to jurisdictional wetlands and associated native plant and wildlife species.
- The occurrence on the site of Broom Baccharis (*Baccharis sarothroides*), reported in the DEIR, is of potential scientific interest since the species is not known to naturally occur in this part of Orange County. A voucher specimen should be obtained and deposited at an appropriate herbarium.
- The DEIR indicates that the Side-blotched Lizard was not observed on the site. Failure to identify this ubiquitous species during the many biological surveys reported by the EIR preparer provides one of several lines of evidence demonstrating the superficiality and inadequacy of the biological survey effort.
- The DEIR states that various scrub communities on the project "would not be considered utilized by the gnatcatcher" despite their containing the Primary Constituent Elements of California Gnatcatcher critical habitat. I documented the occurrence of at least one pair of California Gnatcatchers foraging within three areas of coastal scrub on the project site that the DEIR characterizes as being unsuitable for this species. The

DEIR's evaluations and findings about the California Gnatcatcher and its habitat usage on the project site are inconsistent with the substantial body of scientific literature concerning this federally listed species and its habitat requirements. These findings must be revised to accurately reflect the existing conditions.

- The DEIR fails to disclose that coastal sage scrub was removed from the project site, apparently illegally, some time around 2004. The affected area was documented as supporting two pairs of California Gnatcatchers in 2000 but only one pair in 2009.
- The DEIR states that 3.64 acres of disturbed encelia scrub that lies within designated critical habitat for the California Gnatcatcher is "regularly mowed for fuel modification and weed abatement purposes," but fails to note (a) that California Encelia is not a "weed;" (b) that the Orange County Fire Authority expressly allows California Encelia to remain "in all fuel modification wet and dry zones in all locations;" (c) that mowing extends as much as 570 feet away from structures; (d) that encelia scrub was apparently more intact at this location in 2005; and (e) that the City has not consulted with the USFWS to determine whether this mowing of native sage scrub violates the federal Endangered Species Act. Ignoring all of these relevant facts, the DEIR concludes that 3.64 acres of disturbed encelia scrub may be graded for project implementation without resulting in any significant biological impacts. An EIR cannot simply assume that all existing conditions are legal and appropriate when there is ample evidence to the contrary.
- While failing to disclose the positive results of 2008 surveys for the Burrowing Owl at Newport Banning Ranch, the EIR preparer characterizes the project site's shortgrass grasslands as being only marginally suitable for Burrowing Owls, citing only their own negative survey results in 2009. Applying the DEIR's logic, a project proponent could simply keep hiring consultants to conduct surveys until negative results were achieved, either by the consultant's negligence or by the species occurring on the site only during certain years or seasons. By ignoring all previous survey results, the desired finding of no significant impact could be made. This is not sound science.
- The EIR preparer fails to recognize that dumping 34,000 cubic yards of fill from the park site into 4.6 acres of shortgrass grassland habitat, together with the associated construction of a new haul road to the dumping sites, would degrade habitat suitability for numerous grassland-dependent species that currently use these grasslands in abundance. In the project vicinity during the late 1980s, severe habitat degradation of precisely this type occurred at nearby Fairview Park.
- The DEIR's characterization of the site's grasslands as having "low biological value," and the DEIR's conclusion that "they may occasionally be used by native species" are not based in fact. It is plain to see that the grasslands in question are teeming with native wildlife of many different species.
- Cactus Wrens have been documented using habitats on the project site during three years that I am aware of, and some large cactus remains in these areas, so it is erroneous for the DEIR to conclude that "Suitable habitat for this subspecies (i.e., cactus) is not present on the Project site."

The standard under which CEQA operates is that impact analyses must be made using the best available scientific information, including consideration of the results of other biological surveys conducted at the project site and in nearby areas. The Sunset Ridge DEIR falls far short of this minimal standard, to the point where members of the public are having to document the existence of extensive wetlands, document and explain the apparent illegality of mowing native plant communities that are designated as critical habitat for a listed species, document the occurrence of a listed species in areas the DEIR deems unoccupied, find and publish the results of previous survey efforts on the project site, and generally bring to light numerous highly relevant, factual items that the EIR preparer has overlooked, ignored, suppressed, or misinterpreted.

In cases where the project proponent also serves as CEQA Lead Agency, it is especially important that the public be assured that the Lead Agency and its consultants are not violating the public trust to serve their own, narrowly defined interests. The errors and distorted analyses in the Biological Resources section of the Sunset Ridge DEIR demonstrate clear and consistent bias in favor of the project proponent/Lead Agency, and they are of sufficient scope and magnitude to call into question the impartiality and even the basic competence of the EIR preparer. The pervasive errors in describing the baseline conditions on the site follow through to the DEIR's impact analyses, proposed mitigation measures, and findings of significance, which fail to reflect the actual conditions on the ground or the applicable regulations protecting sensitive biological resources. Thus, the entire Biological Resources section of the DEIR lacks validity as a CEQA planning document.

In my opinion, the DEIR's biological surveys, impact analyses, mitigation program, and findings of significance after mitigation must be thoroughly re-evaluated by a third-party consultant (other than me) acceptable to the Banning Ranch Conservancy. A revised DEIR should then be prepared and recirculated for another round of public review and comment.

I appreciate the opportunity to review the Sunset Ridge Draft EIR on behalf of the Banning Ranch Conservancy. Please provide any responses to these comments to me at the address specified on my letterhead. You may send e-mail to robb@hamiltonbiological.com.

Sincerely,



Robert A. Hamilton
President, Hamilton Biological, Inc.

cc: Christine Medak, U.S. Fish & Wildlife Service
Jae Chung, U.S. Army Corps of Engineers
Matthew Chirdon, California Department of Fish & Game
Jonna Engel, California Coastal Commission
Terry Welsh, Banning Ranch Conservancy

attachment: Curriculum Vitae

STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING AGENCY

ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2267
Fax: (949) 724-2592



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Post-it® Fax Note 7671		Date 12-10-09	# of pages 1
To Janet Brown		From D. DAVIS	
Co./Dept. PLANNING		Co. CALTRANS	
Phone # 949-644-3236		Phone # 949-440-3487	
Fax # 949-644-3229		Fax # 949-724-2592	

December 9, 2009

Janet Johnson Brown
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92685-8915

File: IGR/CEQA
SCH#: 2009051036
Log #: 2285A
SR-1

Subject: Sunset Ridge Park

Dear Ms. Brown,

Thank you for the opportunity to review and comment on the **Draft Environmental Impact Report (DEIR) for the Sunset Ridge Park Project**. The project proposes construction of a City park with active and passive recreational uses and an access road to the park through the contiguous private property to the west (Newport Banning Ranch, SCH #2009031061). No nighttime lighting, other than for public safety, is proposed. No nighttime park uses are proposed. The project would include the following uses and facilities: 1 baseball field; 2 soccer fields; playground/picnic area; memorial garden; overlook area with shade structure; pedestrian pathways and bike rack; restroom facilities; up to 119 parking spaces. A signal is proposed on West Coast Highway at the park access road. The City also proposes to widen a portion of the northern side of West Coast Highway from Superior Avenue to a point west of the park access road. The nearest State route to the project site is SR-1.

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

1. Table 1-1, Threshold 4.3-3 in the Level of Significance After Mitigation column should read, "Less than significant impact with mitigation incorporation".
2. The proposed signalized intersection is not recommended based on the MUTCD, chapter 4, which reads, "a traffic control signal should not be installed if it shall seriously disrupt progressive traffic flow".

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, please do not hesitate to call Damon Davis at (949) 440-3487.

Sincerely,

Maryam Molavi, Acting Branch Chief
Local Development/Intergovernmental Review

Brown, Janet

From: Lynn Friedman [haus2ful@gmail.com]
Sent: Wednesday, December 09, 2009 8:42 PM
To: Brown, Janet
Subject: Banning ranch, Sunset Ridge Park Access Road

Hello Ms. Brown-

I am writing because I've viewed the plan for the Sunset Ridge Park and am very concerned about the road proposed for vehicular access. It seems clear that putting the road there makes it more likely that future approval of further development in the Banning Ranch area would be likely. I am against further development of the Banning Ranch area, now or in the future.

Now is the time to lay out the park in a way that will ensure saving the area instead of preparing it for further building.

Please have the park plan revised so that the vehicular access road is moved to a more direct route to the park.

Thank you.

Sincerely,
Lynn Friedman,
Newport Beach resident

Brown, Janet

From: Wood, Sharon
Sent: Wednesday, December 09, 2009 7:30 PM
To: Brown, Janet; 'Dana Privitt'
Subject: FW: Sunset Ridge Park

From: parahdigm@aol.com [mailto:parahdigm@aol.com]
Sent: Wednesday, December 09, 2009 7:01 PM
To: GRAVYTRAIN1@roadrunner.com
Cc: Wood, Sharon; Badum, Steve; Kiff, Dave; Detweiler, Laura; City Council
Subject: Re: Sunset Ridge Park

Dear Mr. Proccacino:

Thank you for your comments on the proposed Sunset Ridge Park. By copy of this e-mail I will have them included with the other comments we have been receiving on the Sunset Ridge Environmental Impact Report.

The Sunset Ridge Park has always been proposed to be an active park which, in the current plan, includes a baseball diamond and an overlay of two soccer fields. The Newport Beach General Plan approved by the voters in 2006 shows this property as an active park area. As stated in the General Plan, West Newport is severely deficient in active parks.

In order to properly construct an active park, sufficient parking is necessary. The proposed light on Coast Highway is being considered to provide a safe means of ingress and egress to the park for the families and children that will be users of the park. As you know, traffic moves along quite quickly on Coast Highway, making turns dangerous at times. Please stop by the Public Works Dept. at City Hall and I am sure they will be happy to show you a copy of the Master Plan of Arterial Highways.

Sincerely,

Steven Rosansky

-----Original Message-----

From: Gerard Proc <GRAVYTRAIN1@roadrunner.com>
To: CityCouncil@city.newport-beach.ca.us
Sent: Wed, Dec 9, 2009 6:43 pm
Subject: Sunset Ridge Park

Subject: Sunset Ridge Park

Hello to All,

My name is Gerard Proccacino a 38 year resident of Newport, Beach, 35 of which have been in the Lido Sands Community. I want to start out with saying that I am strongly opposed to an additional, major, all turn,signalized intersection on West Coast Highway for access to the proposed Sunset Ridge Park. I know that the 82 home owners of Lido Sands have the same feelings. The following comments are from me only and not necessarily those of the other home owners of Lido Sands. I am also opposed to the park being so active as to have the need for up to 97 parking spaces. It appears that this "park" is going to be more of a sports mini stadium rather than a more passive park. What a shame that if all 97 spaces were filled from people from all over Orange Cty. and a Newport Beach family were turned away. I propose to have no vehicles enter the park at all. People will go, they will walk, bike, skateboard and find other means. These people would be more from the community rather than not. If vehicle access is approved I see no need for an additional major intersection on West Coast Highway. If the city feels the need for such access I would suggest re-engineering the West PCH, Superior Ave, Balboa Ave. to a five point intersection at least there would not be an additional major intersection on West PCH. If an additional intersection is approved I see no need for it to be signalized. West bound traffic could enter and exit and u-turn at Prospect to go back east. East bound traffic could u-turn at Hoag @ PCH and head West to enter the park. We're talking a proposed 97 vehicles, in and out, daylight hours only. Look at the

number of restaurants and businesses on PCH that have more traffic day and night without a major intersection at each and every entrance. I am strongly opposed to an additional major intersection on West Coast Highway. We are all aware that a vehicle stopping and then starting expels the most air pollution. An idling vehicle expels more concentrated air pollution than when moving. Noise pollution with vehicles starting and stopping, boom box noise, large trucks with "Jake brakes", motorcycles revving when stopped, not to mention the jack rabbit start to try and make the light at PCH, Superior, and Balboa. It can be seen from this proposed major intersection as it's less than 2 tenths of a mile away. Light pollution, flashing red, yellow, green into homes and obtrusive lights from vehicles. I can't imagine the traffic grid lock on an already overwhelmed West Coast Highway. Please, no additional major intersection on West Coast Highway.

We tax payers have paid for a "traffic calming" project on River Ave. How can the city possibly propose this traffic "hornets nest" on West Coast Highway, 100 yards north of the River Ave. "traffic calming" project?

I have heard that the widening of West Coast Highway at this intersection follows guidelines of the Orange County Master Plan of Arterial Highways. I have not been able to find anything on this other than what was presented for the long time defunct Pacific Coast Freeway project. My understanding is that this major, signalized intersection on West Coast Highway has been proposed by the city of Newport Beach. I would ask, could this be a start to accommodate the Banning Ranch project?

I appreciate the opportunity to share my views. I hope the fine city of Newport Beach will deliberately review and consider the negative quality of life affects of this major intersection on its residents.

Please acknowledge receipt of this correspondence. Thank you.

Respectfully,
Gerard Proccacino
5105 Lido Sands Dr.
Newport Beach, CA 92663
949-645-2340
GRAVYTRAIN1@roadrunner.com

Brown, Janet

From: Don Bruner [don_bruner@hotmail.com]
Sent: Thursday, December 10, 2009 3:05 PM
To: Brown, Janet
Cc: Curry, Keith; Daigle, Leslie; Kiff, Dave; Rosansky, Steven; Selich, Edward; Gardner, Nancy; Henn, Michael; don2webb@earthlink.net
Subject: Draft Environmental Impact Report (DEIR) for Sunset Park Project

Dear Ms. Brown:

This is to totally concur with Gary Garber's email of December 10, 2009 regarding the Significant Impact and Mitigation Measures do not address the issue of the possibility of when soil with a history of oil contamination, is being moved thru mass grading could possibly contain contaminants that could cause cancer. This is a major concern of individuals with children and those who already are dealing with cancer.

Don Bruner
11 Serena Ct.
Newport Beach, CA 92663

From: Gary Garber [mailto:garbergary@yahoo.com]
Sent: Thursday, November 05, 2009 8:20 AM
To: Brown, Janet
Subject: Response to Draft Environmental Impact Report (DEIR) for Sunset Park Project

November 5, 2009

Janet Johnson Brown, Associate Planner
City of Newport Beach, Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, California 92658-8915

Ref: Draft Environmental Impact Report (DEIR)
For Sunset Ridge Park Project

Ms. Brown:

The Summary Of Significant Environmental Impacts in the DEIR Executive Summary indicates under Air Quality that "During the three-month mass grading phase, on days when and if, soil is exported to distant off-site soils locations, nitrogen oxide (NOx) emissions could exceed the South Coast Air Quality Management District's (SCAQMD) CEQA significant thresholds. This temporary impact would be significant and unavoidable." It further indicates "During the periods of mass grading when work would be concentrated within 164 feet of the Newport Crest condominiums, particulate emissions from the Project site have the potential for short-term exceedance of the 24-hour PM10' and PM2.5 ambient air quality standards at the nearest residents. This temporary, local impact would be significant and unavoidable."

Section 4.4-2 discusses various Significant Impacts and Mitigation Measures for Air Quality. There is no discussion and or Mitigation Measures cited for those individuals with respiratory and heart disease in Newport Crest who live within the 164 feet of the construction site. The NOx emissions and exceedance of 24-hour PM10' and PM2.5 ambient quality standards could have a major effect on these individuals short and long term health. I am one of these individual that has a heart condition and asthma. I daily take medication for both. I am also aware of at least four other individuals that live within 164 feet of the construction site that have similar conditions. My concern along with others is that environmental impact due to the construction does not take into effect ocean breezes that will blow even more contaminates into our homes. I do not believe the DEIR takes this into consideration. My concern also is that three months of being exposed to condiments and poor quality air will have serous effects on my heart and asthma conditions. Additional Mitigation Measures that should be considered is the City should install air conditioning filtration system in all affected units. A further Mitigation Measure that should be considered is installing triple pain windows and sliding doors in all affected units to decrease drafts allowing pollutants in. This would help alleviate possible damage claims against the City in the future due to health issues becoming worst due to exposure of all construction contaminates. I realize that all Significant Impacts of the construction can not be avoided. At least an attempt needs to be made by the City to alleviate any health hazards.

It is also my understanding that soil being moved possibly contains contaminates that are known to cause cancer. Significant Impact and Mitigation Measures do not address this issue. This is a major concern of individuals already dealing with cancer.

It is indicated that the mass grading will only take three months. Is this guaranteed? If it takes more then three months what is the Significant Impact and Mitigation Measures that will be taken?

I have brought up many of the above issues and other issues with City Council and the previous City Manager in the past.

I look forward to receiving a timely response from you and the City Council on this matter.

Sincerely,

Gary A. Garber
8 Landfall Court
Newport Beach

Brown, Janet

From: White, Kathy --- WW Acct Mgr-Corp Accts--- FTA [kathy.white@fedex.com]
Sent: Thursday, December 10, 2009 2:40 PM
To: Brown, Janet; Rosansky, Steven
Cc: Curry, Keith; Daigle, Leslie; Kiff, Dave; Rosansky, Steven; Selich, Edward; Gardner, Nancy; Henn, Michael; don2webb@earthlink.net; don_bruner@hotmail.com; P A SULLIVAN; Ginny Lombardi
Subject: RE: Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project

Ms. Brown

I haven't had the time to write letters concerning all this, but I do agree with Gary Garber on this, and also agree with Bruce Bartram's email of November 9, 2009, to you, regarding Draft EIR for Sunset Ridge Park.

It feels very much like the City is not being forthcoming on the real information about both projects and who is paying for what along with answering (or non-answering) the many questions that are being asked by the Citizens of Newport Beach.

I also would like to know who has poisoned all the squirrels and rabbits that were in the field in Sunset Ridge. 18 months ago when I moved in, animals were prolific.. Now they are gone. I haven't seen bunnies or squirrels in months in the field. My only thought is that they must have been killed.

Since I am included in all the emails that go around, I'm questioning why nothing has been answered at all, either by you or by Steve Rosansky, who is included in this email. Yes, I have seen the acknowledgements by you, but no answers.

Thanks, Kathy
White

--- On Thu, 11/12/09, Gary Garber <garbergary@yahoo.com> wrote:

From: Gary Garber <garbergary@yahoo.com>
Subject: Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project
To: "Janet Brown" <jbrown@newportbeachca.gov>
Cc: "Keith Curry" <curryk@pfm.com>, "Leslie Daigle" <lesliejdaigle@aol.com>, "Nancy Gardner" <gardnerncy@aol.com>, "Michael Henn" <mfhenn@verizon.net>, "Steve Rosansky" <parahdigm@aol.com>, "Ed Selich" <edselich@roadrunner.com>, "Don Webb" <don2webb@earthlink.net>
Date: Thursday, November 12, 2009, 10:23 AM

Janet Johnson Brown, Associate Planner
City of Newport Beach , Planning Department
3300 Newport Boulevard
P.O. Box 1768

Newport Beach, CA 92658-8915

Re: Draft Environmental Impact Report (DEIR)
for Sunset Ridge Park Project

Dear Ms. Brown:

Please note I am in complete agreement with Bruce Bartram November 9th letter (**see below**) to you regarding the Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project. I concur that Sunset Ridge Park and the Newport Banning Ranch comprise one "Project." Sunset Ridge Park is Phase one of this project since proposed "South Bluff Road" is part of road system for Newport Banning Ranch. This overlapping common road system for Sunset Ridge Park and Newport Banning Ranch appears to constitute one project with Sunset Ridge being Phase One. Based on this I concur they must be subject to a single environmental review under CEQA by the City of Newport Beach. I also agree it appears that separate EIRS for each "project" are being prepared. The EIRS should be considered at a combined joint hearing by the City of Newport Beach. This is needed so both the City and its citizens will know the full costs both "they -and the environment will have to give up" in order for the entire Sunset Ridge Park and the Newport Banning Ranch "Project" to be constructed.

See below Mr. Bartram's November 9th letter and fax to you. I look forward to receiving a timely response from you and City Council regarding this issue.

Sincerely,

Gary A. Garber
8 Landfall Court
Newport Beach, CA

November 9, 2009

Janet Johnson Brown, Associate Planner
City of Newport Beach, Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

Re: Draft Environmental Impact Report (DEIR)
for Sunset Ridge Park Project

Dear Ms. Brown:

According to Section 1.3 Project Summary of the Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project "Vehicle ingress and egress would be provided via an access easement from West Coast

Highway through the Newport Banning Ranch property. Use of this adjacent property for the park access road would require an access easement from the Newport Banning Ranch property owner." In additional, "As a part of the Project, the City proposes to widen a portion of the northern side of West Coast Highway from Superior Avenue to a point west of the proposed access road...The City (of Newport Beach) is proposing a signal on West Coast Highway at the proposed access road...Where widening would occur on Newport Banning Ranch property, a dedication from the Newport Banning

property owner would be required." The proposed access road on West Coast Highway is depicted as part of Conceptual Site Plan Exhibit 3-9 to the Sunset Ridge Park DEIR.

On Page 4.1-15 in Section 4.1 Land Use and Related Planning Programs of the DEIR it is mentioned "[T]he Newport Banning Ranch property is currently proposed for development with up to 1,375 residential dwelling units, 75,000 square feet of commercial uses, and a 75 room hotel; no actions have been taken by the City (of Newport Beach) regarding this proposal." On or about March 16, 2009 the City of Newport Beach issued the Notice of Preparation (NOP) of Draft Environmental Impact Report for the Newport Banning Ranch Project. Consistent with above description the NOP's Project Summary states "[T]he Newport Banning Ranch Project proposes the development of up to 1,375 residential dwelling units, 75,00 square feet of commercial, and 75 overnight resort accommodations on a Project site of approximately 401 acres." The adjacent proposed Sunset Ridge Park is depicted in Exhibits 3 and 5 to the NOP.

In the NOP, the proposed park access road for Sunset Ridge Park is named " South Bluff Road " for the Newport Banning Ranch Project. It is part of road system designated " Bluff Road " described as "backbone roads" for the Newport Banning Ranch Project. According to the Circulation Section of the NOP "[A]s a part of the (Newport Banning Ranch) Project, Bluff Road would be constructed from a southern terminus a West Coast Highway to a northern terminus at 19th Street...Bluff Road would serve as the primary roadway through the Project site, would intersect with the proposed extensions of 15th Street, 16th Street and 17th Street within the Project site, and would connect to 19th Street to the north...The implementation of Bluff Road may be phased. Access into the City of Newport Beach 's proposed Sunset Ridge Park is proposed from Bluff Road within the Project site. An interim connection from Bluff Road through the Project site connecting to Sunset Ridge Park may be constructed as a part of the Sunset Ridge project."

As shown above, from their adjacent locations, their overlapping project sites and their proposed common road system the Sunset Ridge Park Project and the Newport Banning Ranch Project constitute one "Project." Indeed, to paraphrase the above, the Sunset Ridge Park is "Phase One" of the Newport Banning Ranch Project. This is expressly stated on Pg. 18 in the "Development Phasing/Project Implementation" section of the Newport Banning Ranch NOP. The section states in pertinent part as follows:

"The Project Applicant (Newport Banning Ranch property owners) proposes to implement the (Newport Banning Ranch) Project starting in the southern portion of the Project site closest to West Coast Highway . Initial phases would include the development of residential uses, resort uses, and a portion of the proposed Community Park , along with internal roadway access and infrastructure improvement..."

The California Environmental Quality Act (Public Resources Code 21000 et. seq.) (CEQA) embodies California policy that "the long-term protection of the environment shall be the guiding criterion in public decisions" No Oil, Inc. v. City of Los Angeles (1974) 13 Cal. 3d 68, 74. The law's purpose is not only to protect the environment but also to inform the public and responsible officials of the environmental consequences of their decisions before they are made. Id. at 79. The CEQA authorized environmental impact report (EIR) is "intended to furnish both the road map and the environmental price tag for a project, so the decision maker and the public both know before the journey begins, just where the journey will lead, and how much they -and the environment will have to give up in order to take that journey." National Resources Defense Council v. City of Los Angeles (2002) 103 Cal. App. 4th 268, 271.

As the Sunset Ridge Park and the Newport Banning Ranch comprise one "Project" they must be

subject to a single environmental review under California law. For the City of Newport Beach to consider separate EIRs for each "project" would constitute a violation of California law, specifically, CEQA, which prohibits piecemeal environmental review. *Orinda Ass'n v. Board of Supervisors* (1986) 182 Cal. App.3d 1145. Under clear California law, specifically CEQA, a public agency may not "piecemeal" or divide a single project into smaller individual subprojects to avoid responsibility for considering the environmental impact of the project as a whole. *Id*; *Sierra Club v. West Side Irrigation District* (2005) 128 Cal. App.4th 690. CEQA "'cannot be avoided by chopping proposed projects into bite-sized pieces' which when taken individually, may have no significant effect on the environment." *Id*. ; *Tuolumne County Citizens for Responsible Growth v. City of Sonora* (2007) 155 Cal. App. 4th 1214,1223.

In summary, the Sunset Ridge Park and the Newport Banning Ranch comprise one "Project." As such, they must be subject to a single environmental review under CEQA by the City of Newport Beach . Since it appears that separate EIRS for each "project" are being prepared the EIRS should be considered at a combined joint hearing by the City of Newport Beach . This so both the City and its citizens will know the full costs both "they -and the environment will have to give up" in order for the entire Sunset Ridge Park and the Newport Banning Ranch "Project" to be constructed.

Please let me know your response to the foregoing as soon as possible. A hard copy of this email along with copies of Exhibit 3-9 and the Newport Beach NOP mentioned above will be sent to you by US Mail.

Very truly yours,

Bruce Bartram
2 Seaside Circle
Newport Beach, CA 92663

Brown, Janet

From: Don Bruner [don_bruner@hotmail.com]
Sent: Thursday, December 10, 2009 12:00 PM
To: Brown, Janet
Cc: Curry, Keith; Daigle, Leslie; Kiff, Dave; Rosansky, Steven; Selich, Edward; Gardner, Nancy; Henn, Michael; don2webb@earthlink.net
Subject: Draft Environmental Impact Report – 4.5 Noise and 4.8 Geology and Soils

Ms Brown:

I concur with Gary Garber's comments dated 12/10/09 and 12/06/09 regarding Draft Environmental Impact Report regarding 4.5 Noise and 4.8 Geology and Soils.

Don Bruner
11 Serena Ct
Newport Beach, CA 92663
From: Gary Garber (garbergary@yahoo.com)
Sent: Thu 12/10/09 6:52 PM
To: Janet Brown (jbrown@newportbeachca.gov)

Janet

As of today I have not received confirmation from you that you received my December 6 letter and e-mail (see below) regarding my comments for the Sunset Ridge Park DEIR regarding proposed landscaped berm area. In that correspondence I did not adequately discuss my concerns regarding safety issues. Please note this berm could cause more intruders in Newport Crest homes like we had last year. As a matter of fact there was an intruder in my next door neighbors home. A police report was filled and as of this date I am not aware if the intruder was caught. Due to this I am now very concerned about anybody, including workers, on my balconies and roof without proper prior notification. Please acknowledge receipt of this e-mail and enter comments into the DEIR record.

Gary A. Garber
8 Landfall Court
Newport Beach

--- On **Sun, 12/6/09**, Gary Garber <garbergary@yahoo.com> wrote:

From: Gary Garber <garbergary@yahoo.com>
Subject: Draft Environmental Impact Report – 4.5 Noise and 4.8 Geology and Soils
To: "Janet Brown" <jbrown@newportbeachca.gov>
Cc: "Keith Curry" <curryk@pfm.com>, "Leslie Daigle" <lesliejdaigle@aol.com>, "David Kiff" <DKiff@city.newport-beach.ca.us>, "Steve Rosansky" <parahdigm@aol.com>, "Ed Selich" <edselich@roadrunner.com>, "Nancy Gardner" <gardnerncy@aol.com>, "Michael Henn" <mfhenn@verizon.net>, "Don Webb" <don2webb@earthlink.net>
Date: Sunday, December 6, 2009, 11:32 AM

Ms. Brown

The following represents my comments from my December 6, 2009 letter to you regarding Draft Environmental Impact

Report – 4.5 Noise and 4.8 Geology and Soils which I mailed today.

Dear Ms. Brown:

The following represents my additional comments regarding Sections 4.4 Noise and 4.8 Geology and Soils of the DEIR.

Section 4.5 Noise

Section 4.5 of Table 1-1 of the DEIR discusses potential Noise issues. PDF 4.5-1 indicates “The Project includes landscaped berms between active park uses and Newport Crest Condominium development to provide for noise attenuation. There is no discussion as to how close to the Newport Crests lot line this berm will be. There is no discussion where soil for this berm will come from. There is no discussion as to various security problems this berm will cause. These should be discussed.

The DEIR does not discuss if the City of Newport Beach has received an easement for the land between the existing Newport Crest Condominium Project retaining wall and Newport Crest’s lot line and Sunset Ridge to install the landscaped berm discussed in PDF4.5-1. If there is no easement in place, has a fair Market Value been estimated and agreed upon between all parties transferring ownership for this portion of the land owned by Newport Crest? It appears if this land is not transferred to the City of Newport Beach before the EIR is approved the Mitigation Measure for Noise would not take place. When will this easement issue be resolved?

Section 4.8 Geology and Soils

Section 4.8 of Table 1-1 of DEIR discusses Geology and Soils issues. Page 4.8-5, Section 4.8-7 regarding need for Fill. The DEIR needs to clarify what the “Fill” material is exactly. The developer needs to make sure the Fill material is clean and tested before being picked up, delivered and used at the project site for berm between Newport Crest Condominium and Sunset Ridge Park and other parts of the proposed park. This should be done to protect children and adults at the sport fields, general public, parking areas and affected Newport Crest Residents.

I have brought up many of the above issues and other issues with City Council Members and the previous City manager in the past. I seriously object to the Sunset Ridge project in the present form. The above comments and all references contained here should be incorporated into the official record of proceeding of this project and its successors.

Please note I am also e-mailing a copy of this letter to you. I look forward to receiving a timely response from you and the City Council on this matter.

Gary A. Garber
8 Landfall Court
Newport Beach, CA

Brown, Janet

From: Don Bruner [don_bruner@hotmail.com]
Sent: Thursday, December 10, 2009 1:58 PM
To: Brown, Janet
Cc: Curry, Keith; Daigle, Leslie; Kiff, Dave; Rosansky, Steven; Selich, Edward; Gardner, Nancy; Henn, Michael; don2webb@earthlink.net
Subject: FW: Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project

Dear Ms. Brown:

I concur with Gary Garber's email of November 12, 2009 and agreeing with Bruce Bartram's email of November 9, 2009, to you, regarding Draft EIR for Sunset Ridge Park.

Don Bruner
11 Serena Court
Newport Beach, CA 92663

Date: Thu, 10 Dec 2009 13:43:36 -0800
From: garbergary@yahoo.com
Subject: Fw: Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project
To: don_bruner@hotmail.com

--- On **Thu, 11/12/09**, Gary Garber <garbergary@yahoo.com> wrote:

From: Gary Garber <garbergary@yahoo.com>
Subject: Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project
To: "Janet Brown" <jbrown@newportbeachca.gov>
Cc: "Keith Curry" <curryk@pfm.com>, "Leslie Daigle" <lesliejdaigle@aol.com>, "Nancy Gardner" <gardnerncy@aol.com>, "Michael Henn" <mfhenn@verizon.net>, "Steve Rosansky" <parahdigm@aol.com>, "Ed Selich" <edselich@roadrunner.com>, "Don Webb" <don2webb@earthlink.net>
Date: Thursday, November 12, 2009, 10:23 AM

Janet Johnson Brown, Associate Planner
City of Newport Beach , Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

Re: Draft Environmental Impact Report (DEIR)
for Sunset Ridge Park Project

Dear Ms. Brown:

Please note I am in complete agreement with Bruce Bartram November 9th letter (**see below**) to you regarding the Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project. I concur that Sunset Ridge Park and the Newport Banning Ranch comprise one "Project." Sunset Ridge Park is Phase one of this project since proposed "South Bluff Road" is part of road system for Newport Banning Ranch. This overlapping common

road system for Sunset Ridge Park and Newport Banning Ranch appears to constitute one project with Sunset Ridge being Phase One. Based on this I concur they must be subject to a single environmental review under CEQA by the City of Newport Beach . I also agree it appears that separate EIRS for each "project" are being prepared. The EIRS should be considered at a combined joint hearing by the City of Newport Beach . This is needed so both the City and its citizens will know the full costs both "they -and the environment will have to give up" in order for the entire Sunset Ridge Park and the Newport Banning Ranch "Project" to be constructed.

See below Mr. Bartram's November 9th letter and fax to you. I look forward to receiving a timely response from you and City Council regarding this issue.

Sincerely,

Gary A. Garber
8 Landfall Court
Newport Beach, CA

November 9, 2009

Janet Johnson Brown, Associate Planner
City of Newport Beach , Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

Re: Draft Environmental Impact Report (DEIR)
for Sunset Ridge Park Project

Dear Ms. Brown:

According to Section 1.3 Project Summary of the Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project "Vehicle ingress and egress would be provided via an access easement from West Coast

Highway through the Newport Banning Ranch property. Use of this adjacent property for the park access road would require an access easement from the Newport Banning Ranch property owner." In additional, "As a part of the Project, the City proposes to widen a portion of the northern side of West Coast Highway from Superior Avenue to a point west of the proposed access road...The City (of Newport Beach) is proposing a signal on West Coast Highway at the proposed access road...Where widening would occur on Newport Banning Ranch property, a dedication from the Newport Banning property owner would be required." The proposed access road on West Coast Highway is depicted as part of Conceptual Site Plan Exhibit 3-9 to the Sunset Ridge Park DEIR.

On Page 4.1-15 in Section 4.1 Land Use and Related Planning Programs of the DEIR it is mentioned "[T]he Newport Banning Ranch property is currently proposed for development with up to 1,375 residential dwelling units, 75,000 square feet of commercial uses, and a 75 room hotel; no actions have been taken by the City (of Newport Beach) regarding this proposal." On or about March 16, 2009 the City of Newport Beach issued the Notice of Preparation (NOP) of Draft Environmental Impact Report for the Newport Banning Ranch Project. Consistent with above description the NOP's Project Summary states "[T]he Newport Banning Ranch Project proposes the development of up to 1,375 residential dwelling units, 75,00 square feet of commercial, and 75 overnight resort

accommodations on a Project site of approximately 401 acres." The adjacent proposed Sunset Ridge Park is depicted in Exhibits 3 and 5 to the NOP.

In the NOP, the proposed park access road for Sunset Ridge Park is named " South Bluff Road " for the Newport Banning Ranch Project. It is part of road system designated " Bluff Road " described as "backbone roads" for the Newport Banning Ranch Project. According to the Circulation Section of the NOP "[A]s a part of the (Newport Banning Ranch) Project, Bluff Road would be constructed from a southern terminus a West Coast Highway to a northern terminus at 19th Street...Bluff Road would serve as the primary roadway through the Project site, would intersect with the proposed extensions of 15th Street, 16th Street and 17th Street within the Project site, and would connect to 19th Street to the north...The implementation of Bluff Road may be phased. Access into the City of Newport Beach 's proposed Sunset Ridge Park is proposed from Bluff Road within the Project site. An interim connection from Bluff Road through the Project site connecting to Sunset Ridge Park may be constructed as a part of the Sunset Ridge project."

As shown above, from their adjacent locations, their overlapping project sites and their proposed common road system the Sunset Ridge Park Project and the Newport Banning Ranch Project constitute one "Project." Indeed, to paraphrase the above, the Sunset Ridge Park is "Phase One" of the Newport Banning Ranch Project. This is expressly stated on Pg. 18 in the "Development Phasing/Project Implementation" section of the Newport Banning Ranch NOP. The section states in pertinent part as follows:

"The Project Applicant (Newport Banning Ranch property owners) proposes to implement the (Newport Banning Ranch) Project starting in the southern portion of the Project site closest to West Coast Highway . Initial phases would include the development of residential uses, resort uses, and a portion of the proposed Community Park , along with internal roadway access and infrastructure improvement..."

The California Environmental Quality Act (Public Resources Code 21000 et. seq.) (CEQA) embodies California policy that "the long-term protection of the environment shall be the guiding criterion in public decisions" *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68, 74. The law's purpose is not only to protect the environment but also to inform the public and responsible officials of the environmental consequences of their decisions before they are made. *Id.* at 79. The CEQA authorized environmental impact report (EIR) is "intended to furnish both the road map and the environmental price tag for a project, so the decision maker and the public both know before the journey begins, just where the journey will lead, and how much they -and the environment will have to give up in order to take that journey." *National Resources Defense Council v. City of Los Angeles* (2002) 103 Cal. App. 4th 268, 271.

As the Sunset Ridge Park and the Newport Banning Ranch comprise one "Project" they must be subject to a single environmental review under California law. For the City of Newport Beach to consider separate EIRs for each "project" would constitute a violation of California law, specifically, CEQA, which prohibits piecemeal environmental review. *Orinda Ass'n v. Board of Supervisors* (1986) 182 Cal. App.3d 1145. Under clear California law, specifically CEQA, a public agency may not "piecemeal" or divide a single project into smaller individual subprojects to avoid responsibility for considering the environmental impact of the project as a whole. *Id.*; *Sierra Club v. West Side Irrigation District* (2005) 128 Cal. App.4th 690. CEQA "'cannot be avoided by chopping proposed projects into bite-sized pieces' which when taken individually, may have no significant effect on the environment.'" *Id.* ; *Tuolumne County Citizens for Responsible Growth v. City of Sonoma* (2007) 155 Cal. App. 4th 1214,1223.

In summary, the Sunset Ridge Park and the Newport Banning Ranch comprise one "Project." As such, they must be subject to a single environmental review under CEQA by the City of Newport Beach . Since it appears that separate EIRS for each "project" are being prepared the EIRS should be considered at a combined joint hearing by the City of Newport Beach . This so both the City and its citizens will know the full costs both "they -and the environment will have to give up" in order for the entire Sunset Ridge Park and the Newport Banning Ranch "Project" to be constructed.

Please let me know your response to the foregoing as soon as possible. A hard copy of this email along with copies of Exhibit 3-9 and the Newport Beach NOP mentioned above will be sent to you by US Mail.

Very truly yours,

Bruce Bartram
2 Seaside Circle
Newport Beach, CA 92663



CITY OF COSTA MESA

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

RECEIVED BY

~~PLANNING DEPARTMENT~~

DEVELOPMENT SERVICES DEPARTMENT

DEC 11 2009

December 10, 2009

CITY OF NEWPORT BEACH

Attn: Janet Johnson Brown
City of Newport Beach
Planning Department
P.O. Box 1768
Newport Beach, CA 92658

Subject: DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)-SUNSET RIDGE PARK

Dear Ms. Brown:

We received the notice for the Draft Environmental Impact Report for Sunset Ridge Park; a 13.67-acre community park located at the northern corner of the Pacific Coast Highway and Superior Avenue in West Newport Beach. We appreciate the opportunity to review and comment the draft EIR and provide the following comments:

- The project boundary includes what appear to be a haul route and two stock pile areas as part of grading of the site. The DEIR indicates that construction of the proposed Project is planned to occur in a single construction phase between 16 to 18 months, and approximately 130,000 cubic yards (cy) of cut and 96,000 cy of fill would be required during grading activities, with a net export of approximately 34,000 cy. The City of Newport Beach proposes that all of the soil would be exported to the adjacent Newport Banning Ranch property. The City of Costa Mesa requests that the location of stock piles be specified and construction truck routes for grading and construction of the site be identified. The City of Costa Mesa requires confirmation that with the exception of SR-55 Freeway and Newport Boulevard, no other street in Costa Mesa jurisdiction will be used for construction access.

In addition, construction noise, dust control and any air quality impacts to the adjacent communities including properties in the City of Costa Mesa should be addressed specifically related to the grading of the site and the proposed stock piles on Banning Ranch property that will remain until development of that site.

- Since the proposed access road to the Sunset Ridge Park is a portion of the future roadway (South Bluff Road), staff would like to have the opportunity to meet with city transportation staff and project consultant to discuss the future roadway widths and plans for Bluff Road in this early stage of development. Please contact Minoo Ashabi, Senior Planner at (714) 754-5610 to arrange a meeting.

Please include us on any additional information on this development and the upcoming public hearings.

Sincerely,


KIMBERLY BRANDT, AICP
Acting Development Services Director

cc: City Council
Raja Sethuraman, Transportation Svs. Mgr.

Allan Roeder, City Manager
Claire Flynn, Planning Manager

Brown, Janet

From: Don Bruner [don_bruner@hotmail.com]
Sent: Thursday, December 10, 2009 3:25 PM
To: Brown, Janet
Cc: Curry, Keith; Daigle, Leslie; Kiff, Dave; Rosansky, Steven; Selich, Edward; Gardner, Nancy; Henn, Michael; don2webb@earthlink.net
Subject: Draft Environmental Impact Report – 4.5 Noise for Sunset Ridge Park Project
Attachments: DEIR - NOISE - Janet Brown - 11-20-09.pdf

Dear Ms. Brown:

I concur with Gary Garber's comments dated November 29, 2009 regarding Draft Environmental Impact Report – 4.5 Noise for Sunset Ridge Park Project. Please see attachment presentation "Value Issue Due to Noise".

Don Bruner
11 Serena Ct.
Newport Beach, CA 92663

SEE ATTACHMENT. **Value issue** due to Noise.

--- On Sun, 11/29/09, Gary Garber <garbergary@yahoo.com> wrote:

From: Gary Garber <garbergary@yahoo.com>
Subject: Draft Environmental Impact Report – 4.5 Noise for Sunset Ridge Park Project
To: "Janet Brown" <jbrown@newportbeachca.gov>
Cc: "Keith Curry" <curryk@pfm.com>, "Leslie Daigle" <lesliejdaigle@aol.com>, "Nancy Gardner" <gardnerncy@aol.com>, "Michael Henn" <mfhenn@verizon.net>, "Steve Rosansky" <parahdigm@aol.com>, "Ed Selich" <edselich@roadrunner.com>, "Don Webb" <don2webb@earthlink.net>
Date: Sunday, November 29, 2009, 12:18 PM

November 29, 2009

Janet Johnson Brown, Associate Planner
City of Newport Beach , Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

Re: Draft Environmental Impact Report – 4.5 Noise for Sunset Ridge Park Project

Ms. Brown:

Please find attached a PDF Copy of my November 29, 2009 letter to you regarding my response to Section 4.5

Noise of the DEIR for Sunset Ridge Park Project.

I seriously object to the approval of this project in its present form. The comments in the PDF copy of my November 29, 2009 letter and all references contained therein are hereby incorporated into official record of proceeding of this project and its successors.

I look forward to receiving your timely response from you and the City Council on this matter.

Gary A. Garber
8 Landfall Court
Newport Beach

Brown, Janet

From: White, Kathy --- WW Acct Mgr-Corp Accts--- FTA [kathy.white@fedex.com]
Sent: Thursday, December 10, 2009 3:08 PM
To: Brown, Janet
Cc: Curry, Keith; Daigle, Leslie; Kiff, Dave; Rosansky, Steven; Selich, Edward; Gardner, Nancy; Henn, Michael; don2webb@earthlink.net; don_bruner@hotmail.com; White, Kathy --- WW Acct Mgr-Corp Accts--- FTA; P A SULLIVAN
Subject: RE: Draft Environmental Impact Report (DEIR) for Sunset Park Project

Don, thank you for cc'ing me on this

Ms. Brown, I have had cancer..... this is a concern for me also.
Thank you

From: Don Bruner [mailto:don_bruner@hotmail.com]
Sent: Thursday, December 10, 2009 3:05 PM
To: jbrown@newportbeachca.gov
Cc: curryk@pfm.com; lesliejdaigle@aol.com; dkiff@city.newport-beach.ca.us; parahdigm@aol.com; edselich@roadrunner.com; gardnerncy@aol.com; mfhenn@verizon.net; don2webb@earthlink.net
Subject: Draft Environmental Impact Report (DEIR) for Sunset Park Project

Dear Ms. Brown:

This is to totally concur with Gary Garber's email of December 10, 2009 regarding the Significant Impact and Mitigation Measures do not address the issue of the possibility of when soil with a history of oil contamination, is being moved thru mass grading could possibly contain contaminants that could cause cancer. This is a major concern of individuals with children and those who already are dealing with cancer.

Don Bruner
11 Serena Ct.
Newport Beach, CA 92663

From: Gary Garber [mailto:garbergary@yahoo.com]
Sent: Thursday, November 05, 2009 8:20 AM
To: Brown, Janet
Subject: Response to Draft Environmental Impact Report (DEIR) for Sunset Park Project

November 5, 2009

Janet Johnson Brown, Associate Planner
City of Newport Beach, Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, California 92658-8915

Ref: Draft Environmental Impact Report (DEIR)

For Sunset Ridge Park Project

Ms. Brown:

The Summary Of Significant Environmental Impacts in the DEIR Executive Summary indicates under Air Quality that "During the three-month mass grading phase, on days when and if, soil is exported to distant off-site soils locations, nitrogen oxide (NOx) emissions could exceed the South Coast Air Quality Management District's (SCAQMD) CEQA significant thresholds. This temporary impact would be significant and unavoidable." It further indicates "During the periods of mass grading when work would be concentrated within 164 feet of the Newport Crest condominiums, particulate emissions from the Project site have the potential for short-term exceedance of the 24-hour PM10' and PM2.5 ambient air quality standards at the nearest residents. This temporary, local impact would be significant and unavoidable."

Section 4.4-2 discusses various Significant Impacts and Mitigation Measures for Air Quality. There is no discussion and or Mitigation Measures cited for those individuals with respiratory and heart disease in Newport Crest who live within the 164 feet of the construction site. The NOx emissions and exceedance of 24-hour PM10' and PM2.5 ambient quality standards could have a major effect on these individuals short and long term health. I am one of these individual that has a heart condition and asthma. I daily take medication for both. I am also aware of at least four other individuals that live within 164 feet of the construction site that have similar conditions. My concern along with others is that environmental impact due to the construction does not take into effect ocean breezes that will blow even more contaminates into our homes. I do not believe the DEIR takes this into consideration. My concern also is that three months of being exposed to condiments and poor quality air will have serous effects on my heart and asthma conditions. Additional Mitigation Measures that should be considered is the City should install air conditioning filtration system in all affected units. A further Mitigation Measure that should be considered is installing triple pain windows and sliding doors in all affected units to decrease drafts allowing pollutants in. This would help alleviate possible damage claims against the City in the future due to health issues becoming worst due to exposure of all construction contaminates. I realize that all Significant Impacts of the construction can not be avoided. At least an attempt needs to be made by the City to alleviate any health hazards.

It is also my understanding that soil being moved possibly contains contaminates that are known to cause cancer. Significant Impact and Mitigation Measures do not address this issue. This is a major concern of individuals already dealing with cancer.

It is indicated that the mass grading will only take three months. Is this guaranteed? If it takes more then three months what is the Significant Impact and Mitigation Measures that will be taken?

I have brought up many of the above issues and other issues with City Council and the previous City Manager in the past.

I look forward to receiving a timely response from you and the City Council on this matter.

Sincerely,

Gary A. Garber
8 Landfall Court
Newport Beach

GARY A. GARBER, MAI, SRPA, SRA
8 LAND FALL COURT
NEWPORT BEACH, CALIFORNIA 92663-2307

Phone (949) 650-6661 – Fax (949) 650-6661
E-Mail garbergary@yahoo.com

November 29, 2009

Janet Johnson Brown, Associate Planner
City of Newport Beach, Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

Re: Draft Environmental Impact Report – 4.5 Noise for Sunset Ridge Park Project

Dear Ms. Brown:

The following represents my comments regarding Section 4.5 Noise of the DEIR for Sunset Ridge Park Project.

Bottom of fp. 4.5-13 thru top of p. 4.5-14 and Exhibit 4.5-3 – Land Use Compatibility
Exhibit 4.5-3 was provided to show that existing CNEL (Community Noise Equivalent Level) ambient noise level tests for current worst case conditions on an active portions of the Project site from the nearest main sources of noise and cumulative future anticipated ambient noise increases will not exceed the 65dBA CNEL ambient noise level considered acceptable for park use per the City's land use compatibility guidelines (see Table 4.5.1 on page 4.5-4) thus justifying the Project as a compatible land use.

Noise level contour lines are shown on the Exhibit indicating the extent of future cumulative 60 and 65 dBA CNEL ambient noise on the Project. These results were based on recent typical noise levels as measured from what will be the southern edge of the southern soccer field to the center line of the nearest section of West Coast Highway.

Data in the DEIR do not support the conclusion stated above. The CNEL ambient noise data measurement referred to in the DEIR appears to have been made from only this single point yet the date contour lines shown in the Exhibit extend to the west beyond the Project and to the east to the northeastern most corner of the Project. It seems reasonable that multiple date measuring points along both West Coast Highway and Superior Avenue would be needed to construct the noise level contour lines shown in the Exhibit.

It is also not made clear what future assumptions about ambient noise level increases were used to develop the contour lines which represent both current and future CNEL ambient noise levels on the active portions of the Project site. While there is discussion in the DEIR of potential future traffic noise impacts at sensitive receptor locations at the northern edge of the Project (see Table 4.5-11), these assumptions do not include noise sources associated with the active portions of the Project.

There should also be a study undertaken to determine if there is a Fair Market Value change in Newport Crest units and other communities due to additional noise in proposed Sunset Ridge project. The study should contain estimates of Fair Market Value Appraisal of all units before the project is started and after completed. The DEIR does not address this issue.

Noise during the day is a major issue with me and many neighbors since we work at home with our windows open. My work area overlooks the proposed Sunset Ridge Park. If the park goes in, Mitigation Measures that should be incorporated in the EIR is that the City should install air conditioning units in all affected units so there is no need for opening windows and doors. A further Mitigation Measure that should be considered is installing triple pain windows and sliding glass doors in all affected units to decrease the noise level. Presently noise levels during the day are acceptable for a good work environment. The DEIR does not take this into consideration. There are also individuals that work at night and sleep during the day. Presently noise levels during the day are acceptable for sleeping. The DEIR does not take this into consideration. There is also a concern regarding noise levels at night might increase due to some of the improvements.

Please provide a more detailed explanation of how the CNEL ambient noise contour lines were developed.

All of the above issues are a major valuation concern since Newport Crest units are major investment for the homeowners. I have brought up many of the above issues and other issues with City Council and the previous City Manager. I seriously object to the approval of this project in its present form. The above comments and all references contained therein are hereby incorporated into official record of proceeding of this project and its successors.

I look forward to receiving your timely response from you and the City Council on this matter.

Sincerely,

Gary A. Garber
8 Landfall Court
Newport Beach

Brown, Janet

From: Ted Barry [ted.barry@jbateam.com]
Sent: Thursday, December 10, 2009 4:01 PM
To: Brown, Janet
Cc: Jeff Braun; Jeff Braun
Subject: Sunset Ridge Park

Janet Johnson Brown
Assistant Planner
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA

Dear Janet,

I am the head of the fields for Newport AYSO.
My family has lived in Newport Beach since 1953.

Our group is extremely supportive of having the soccer, baseball and butterfly park called Sunset Ridge. This field will service the children in Newport in soccer as well as other sports. There is a great need for sports fields in Newport and very much needed in the west end of Newport. Presently there are no baseball and soccer or this type of field at the west end of Newport. As the crow flies, the closest field would be Newport Heights Elementary or Ensign Junior high.

During the first phase of the park study, the City of Newport Beach's engineering department did a terrific job deigning a park that met all the needs of the people and minimized the impact to the local housing. There efforts fulfilled all of the needs for the community and the city's requirements.

The park is needed by the community.

The impact the local housing and business areas would be minimal.

Newport AYSO is extremely supportive of the park.

All the best.

Ted Barry
949-697-4533



California Cultural Resource Preservation Alliance, Inc.

**P.O. Box 54132
Irvine, CA 92619-4132**

**An alliance of American Indian and scientific communities working for
the preservation of archaeological sites and other cultural resources.**

December 7, 2009

RECEIVED BY

PLANNING DEPARTMENT

Janet Johnson Brown, Associate Planner
City of Newport Beach, Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

DEC 09 2009

CITY OF NEWPORT BEACH

Re: the Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project.

Dear Ms. Brown:

It appears that most of the proposed project area has been graded and therefore, archaeological monitoring is an appropriate treatment in those areas. The cultural resources report states that the mesa has been "largely removed leaving evidence of quarrying and remnants of the mesa in the northwestern third of the project site; a gently rising slope from West Coast highway inland to the northeast in the middle third of the project site;" (pg 4.). This suggests that there are portions of the project area that have not been graded. It is not clear from the DEIR or archaeological report whether these areas have been investigated. In addition, there is no discussion regarding the condition or studies of the proposed stock pile areas on the Banning Ranch. Given the archaeological sensitivity of the bluffs in the vicinity of Newport Bay and in accordance with the City's archaeological guidelines, the final EIR should include documentation that the portions of the project area that have not been graded, including the stock pile areas, have been subjected to a systematic walk-over by a professional archaeologist and tested for subsurface deposits, if cultural materials are present.

If you have any questions, you may reach me at (949) 559-6490 or pmartz@calstatela.edu.

Sincerely,

A handwritten signature in cursive script that reads "Patricia Martz".

Patricia Martz, Ph.D.
President

GARY A. GARBER, MAI, SRPA, SRA
8 LAND FALL COURT
NEWPORT BEACH, CALIFORNIA 92663-2307

Phone (949) 650-6661 – Fax (949) 650-6661
E-Mail garbergary@yahoo.com

December 6, 2009

RECEIVED BY
PLANNING DEPARTMENT

Janet Johnson Brown, Associate Planner
City of Newport Beach, Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

DEC 08 2009

CITY OF NEWPORT BEACH

Re: Draft Environmental Impact Report – 4.5 Noise and 4.8 Geology and Soils

Dear Ms. Brown:

The following represents my additional comments regarding Sections 4.4 Noise and 4.8 Geology and Soils of the DEIR.

Section 4.5 Noise

Section 4.5 of Table 1-1 of the DEIR discusses potential Noise issues. PDF 4.5-1 indicates “The Project includes landscaped berms between active park uses and Newport Crest Condominium development to provide for noise attenuation. There is no discussion as to how close to the Newport Crests lot line this berm will be. There is no discussion where soil for this berm will come from. There is no discussion as to various security problems this berm will cause. These should be discussed.

The DEIR does not discuss if the City of Newport Beach has received an easement for the land between the existing Newport Crest Condominium Project retaining wall and Newport Crest’s lot line and Sunset Ridge to install the landscaped berm discussed in PDF4.5-1. If there is no easement in place, has a fair Market Value been estimated and agreed upon between all parties transferring ownership for this portion of the land owned by Newport Crest? It appears if this land is not transferred to the City of Newport Beach before the EIR is approved the Mitigation Measure for Noise would not take place. When will this easement issue be resolved?

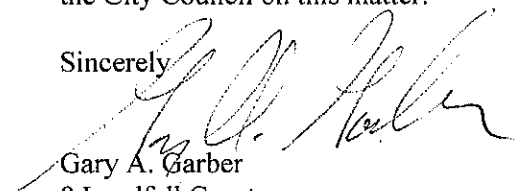
Section 4.8 Geology and Soils

Section 4.8 of Table 1-1 of DEIR discusses Geology and Soils issues. Page 4.8-5, Section 4.8-7 regarding need for Fill. The DEIR needs to clarify what the “Fill” material is exactly. The developer needs to make sure the Fill material is clean and tested before bring picked up, delivered and used at the project site for berm between Newport Crest Condominium and Sunset Ridge Park and other parts of the proposed park. This should be done to protect children and adults at the sport fields, general public, parking arrears and affected Newport Crest Residents.

I have brought up many of the above issues and other issues with City Council Members and the previous City manager in the past. I seriously object to the Sunset Ridge project in the present form. The above comments and all references contained here should be incorporated into the official record of proceeding of this project and its successors.

Please note I am also e-mailing a copy of this letter to you. I look forward to receiving a timely response from you and the City Council on this matter.

Sincerely,


Gary A. Garber
8 Landfall Court
Newport Beach, CA

Brown, Janet

From: Deborah Lucas [deborahllucas@gmail.com]
Sent: Wednesday, December 09, 2009 11:46 AM
To: Brown, Janet
Subject: re: Sunset Ridge

Hello Ms. Brown-

We are writing because we've viewed the plan for the Sunset Ridge Park and are very concerned about the road proposed for vehicular access. It seems clear that putting the road there makes it more likely that future approval of further development in the Banning Ranch area would be likely. We are against further development of the Banning Ranch area, now or in the future.

Now is the time to lay out the park in a way that will ensure saving the area instead of preparing it for further building.

Please have the park plan revised so that the vehicular access road is moved to a more direct route to the park.

Thank you.
Deborah Lucas

Brown, Janet

From: Ginny Lombardi [ginnylombardi@yahoo.com]
Sent: Wednesday, December 09, 2009 11:53 AM
To: Brown, Janet
Subject: Draft EIR Sunset Ridge

Janet Johnson-Brown
Associate Planner
City of Newport Beach, Planning Department

Dear Janet,

In the DEIR for Sunset Ridge Park under the section "City of Newport Beach Local Coastal Program Coastal Land Use Plan (CLUP)" it states:

The City of Newport Beach CLUP applies only to properties within the incorporated boundary of the City. Therefore, the CLUP applies to the 13.7 acres of the Project site located within the incorporated boundaries of the City. This portion of the site has a Coastal Land Use Plan designation of Parks and Recreation (PR). The portion of the project site (Newport Banning Ranch property) where the access road is proposed is a Deferred Certification Area (DCA).

What is the significance of the DCA?

How is the DCA processed and by whom?

When and how is a coastal development permit processed for the land outside of the City's boundaries?

What agency is responsible for doing this?

Does the City plan to annex the DCA land that is within its sphere of influence?

Will any LAFCO proceedings be initiated as part of the proposed project?

Will the City need any approvals from the County of Orange with respect to the DCA land?

In the section "Zoning Designations" it states:

The County of Orange zoning designation for the portion of the project site (5.2 acres) proposed for the access road is Local Business with an Oil Production Overlay [C1(O)].

Will a zoning change be required for this DCA land?

Will the County process that zoning change?.

Will the City annex the DCA land and change the zoning?

I object to the approval of the Project in its present form. The above comments, questions and all references contained therein are hereby incorporated into the official record of proceedings of this project and its successors.

I would appreciate a response to my questions in a timely manner.

Thank you,
Ginny Lombardi
7 Landfall Court
Newport Beach

Brown, Janet

From: Matthew Lawrence [mlawrence@lbcc.edu]
Sent: Wednesday, December 09, 2009 2:45 PM
To: Brown, Janet
Subject: Sunset Ridge

Dear Ms. Brown,

I am writing to express my opposition to the plans for the Sunset Ridge Park. The fact that the proposal has a sizable road running through it makes no sense – unless it is seen as “paving the way” for the development of Banning Ranch. We need to keep Banning Ranch as one of our last remaining open spaces. Let’s keep the interests of the citizens at heart and not the interests of the developers.

Thanks,
Matt Lawrence, Ph.D.

Brown, Janet

From: Flesvig_Christine [Flesvig_Christine@Allergan.com]
Sent: Wednesday, December 09, 2009 10:38 AM
To: Brown, Janet
Subject: Sunset Ridge Concerns

November 5, 2009

Janet Johnson Brown, Associate Planner

City of Newport Beach, Planning Department

3300 Newport Boulevard

P.O. Box 1768

Newport Beach, California 92658-8915

Ref: Sunset Ridge Park Project

Ms. Brown:

As a resident at 9 Landfall in Newport Crest, I am extremely concerned about the the following :

- Safety: My home has already been invaded by one unknown person. I filed a police report. I am concerned about trespassers in and around my home
- Noise: Slamming car doors when parking and dropping off, voices, screanming, yelling, cheering and noise after the park is closed
- Pollution in the air that could effect my health
- Dirt and dust in my home that could ruin the interior
- Animals that will no longer have a place to live because their habitat has been destroyed
- Traffic Safety and potential accidents at the extremely busy corner of PCH and Superior. Multiple accidents have occurred and lives have been destroyed at this intersection. This will only exacerbate with the park a children are running across the street to get to the park.

I look forward to your response.

Sincerely,

Christy Flesvig

9 Landfall Court

Newport Beach

Christy Flesvig
Business Development Manager
Allergan

9 Landfall Ct
Newport Beach, CA 92663
Cell: 949-295-9089
Fax: 949-650-2512
Customer Service:
1-800-624-4261

This e-mail, including any attachments, is meant only for the intended recipient and may be a confidential communication or a communication privileged by law. If you received this e-mail in error, any review, use, dissemination, distribution, or copying of this e-mail is strictly prohibited. Please notify the sender immediately of the error by return e-mail and please delete this message from your system. Thank you in advance for your cooperation.

Brown, Janet

From: s mankarious [smankar2004@yahoo.com]
Sent: Saturday, December 05, 2009 5:52 PM
To: Brown, Janet
Subject: Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project

December 5, 2009

Janet Johnson Brown
City of Newport Beach, Planning Department
3300 newport Blvd
P.O. Box 1768
Newport Beach, CA 92658-8915

Re: Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project

Dear Ms Brown:

On June 5, 2009 we received a message from Mr. Mike Sinacori [you were copied] in response to some issues/concerns we had expressed to Mr. Patrick Alford in an e-mail dated May 23, 2009 with respect to the Sunset Ridge Park project.

One of our concerns [paraphrased] was: If no night time park uses are proposed, what measures will be taken after dark to prevent this park from becoming a magnet for undesirable elements that would threaten the privacy, safety and security of the adjacent residences. Mr. Sinacore's answer was: "The park will be gated and closed at dusk every night. A City Park Ranger will be on site to perform the closure and will escort park users off the site at park closure..... Police are available if residents see unlawful activities in the park after park closure."

Now that we have reviewed the Executive Summary of the DEIR, we would like to voice the following concerns:

- o No clear design is described to show how the park will be fenced and gated to limit access once the park ranger closes the park at dusk.
- o To offer police availability if residents see unlawful activities is to suggest that we the residents have to be part of policing the park activities instead of designing the park in a manner that mitigates the risks and avoids any future problem.
- o Additionally, when reviewing the DEIR executive summary, we noted the absence of any mention of the fate of the Sound Barrier in the north east corner of the property, despite the fact that we were initially told the wall will be maintained to reduce the noise.

Superior avenue is not a residential street but is a commercial thoroughfare with access for trucks, busses and motorcycles [revving up their engines to climb that hill] at all hours - day and night.

The existing wall reduces the noise somewhat. In addition to the noise reduction, it would offer a measure of future safety to the park visitors.

What are the plans for replacing it and what type, height and extent will be specified for the new wall as well as for the gates that will allow pedestrian access "approx.30 meters" from our homes.

As residents of the city of Newport Beach, we would greatly appreciate reviewing the park design to address our concerns.

Ramzy & Sami Mankarious
7 Tribute Ct.
Newport Beach

Brown, Janet

From: Gary Garber [garbergary@yahoo.com]
Sent: Sunday, December 06, 2009 11:33 AM
To: Brown, Janet
Cc: Curry, Keith; Daigle, Leslie; Kiff, Dave; Rosansky, Steven; Selich, Edward; Gardner, Nancy; Henn, Michael; Don Webb
Subject: Draft Environmental Impact Report – 4.5 Noise and 4.8 Geology and Soils

Ms. Brown

The following represents my comments from my December 6, 2009 letter to you regarding Draft Environmental Impact Report – 4.5 Noise and 4.8 Geology and Soils which I mailed today.

Dear Ms. Brown:

The following represents my additional comments regarding Sections 4.4 Noise and 4.8 Geology and Soils of the DEIR.

Section 4.5 Noise

Section 4.5 of Table 1-1 of the DEIR discusses potential Noise issues. PDF 4.5-1 indicates “The Project includes landscaped berms between active park uses and Newport Crest Condominium development to provide for noise attenuation. There is no discussion as to how close to the Newport Crests lot line this berm will be. There is no discussion where soil for this berm will come from. There is no discussion as to various security problems this berm will cause. These should be discussed.

The DEIR does not discuss if the City of Newport Beach has received an easement for the land between the existing Newport Crest Condominium Project retaining wall and Newport Crest’s lot line and Sunset Ridge to install the landscaped berm discussed in PDF4.5-1. If there is no easement in place, has a fair Market Value been estimated and agreed upon between all parties transferring ownership for this portion of the land owned by Newport Crest? It appears if this land is not transferred to the City of Newport Beach before the EIR is approved the Mitigation Measure for Noise would not take place. When will this easement issue be resolved?

Section 4.8 Geology and Soils

Section 4.8 of Table 1-1 of DEIR discusses Geology and Soils issues. Page 4.8-5, Section 4.8-7 regarding need for Fill. The DEIR needs to clarify what the “Fill” material is exactly. The developer needs to make sure the Fill material is clean and tested before bring picked up, delivered and used at the project site for berm between Newport Crest Condominium and Sunset Ridge Park and other parts of the proposed park. This should be done to protect children and adults at the sport fields, general public, parking arrears and affected Newport Crest Residents.

I have brought up many of the above issues and other issues with City Council Members and the previous City manager in the past. I seriously object to the Sunset Ridge project in the present form. The above comments and all references contained here should be incorporated into the official record of proceeding of this project and its successors.

Please note I am also e-mailing a copy of this letter to you. I look forward to receiving a timely response from you and the City Council on this matter.

Gary A. Garber
8 Landfall Court
Newport Beach, CA

Brown, Janet

From: cmf51@aol.com
Sent: Monday, December 07, 2009 7:36 PM
To: Brown, Janet
Subject: Sunset Ridge Park Project

Dear Ms. Brown;

I am writing concerning the Sunset Ridge Park Project.

Although I think the recreational project sounds beneficial on paper, I am concerned the parking area will just become one more parking area for access to the beach. This would bring more "day-trippers" making the beach area between 40th and 50th street even more crowded and take away from the family/residential atmosphere this beach area.

Would you be kind enough to explain the City's plan to assure parking is for park usage and not for beach access?

Thank you in advance for addressing this concern.

Mrs. Christine Fisher
Villa Balboa
240 Nice Lane
#106
Newport Beach, Ca
92663

VILLA BALBOA



RECEIVED BY
PLANNING DEPARTMENT

December 7, 2009

DEC 14 2009

Janet Johnson Brown, Associate Planner
City of Newport Beach Planning Department
3300 Newport Blvd.
P.O. Box 1768
Newport Beach, CA 92658-9815

CITY OF NEWPORT BEACH

Subject: Draft Environmental Impact Report for the proposed Sunset Ridge Park

Gentlemen:

As managing agent I have been requested to contact you on behalf of the Villa Balboa Community Association Board of Directors regarding a concern with a section of the DEIR Report. Specifically: According to the DEIR section titled "Threshold 4.4-4: Would the project expose sensitive receptors to substantial pollutant concentrations?"

"During the construction period, construction activities would expose nearby residents (sensitive receptors) to carbon monoxide (CO), NO₂, and toxic air contaminants (TACS) would be less than significant. However, exposure to PM₁₀ and PM_{2.5} emissions would exceed thresholds at times during the mass grading phase. Long-term impacts would be less than significant. (Significant and unavoidable impact)."

As the elected representatives of the 449 unit Villa Balboa Community Association, the Board is concerned along with our neighbors, Newport Crest Community Association, with the effect of the exposure to contaminants discussed above on our residents. We would like to know what will be done to lessen the impact on those residents with compromised immune systems and with children whose immune systems will be greatly affected. We would also ask that constant monitoring of the dust particles be done during the grading of soil for this project and notices provided to the surrounding communities.

Thank you for your attention to our concerns.

Sincerely,

Villa Balboa Community Association
At the Direction of the Board of Directors

Managing Agent: Villageway Management, Inc.
P.O. Box 4708 • Irvine, CA 92616-4708
(949) 450-1515 • FAX (949) 585-0146



Lido Sands Community Association

Post Office Box 1373, Newport Beach, CA 92659

WWW.LIDOSANDS.ORG

RECEIVED BY
PLANNING DEPARTMENT

December 2, 2009

DEC 3 2009

CITY OF NEWPORT BEACH

Attn. Janet Johnson Brown
City of Newport Beach, Planning Department
City of Newport Beach
P.O. Box 1768
Newport Beach, CA 92658

Subject: Objection to Proposed New Traffic Signal on PCH for Sunset Ridge Park

Dear Janet:

This letter is written on behalf of the Lido Sands Community Association ("LSCA") located across PCH from the planned Sunset Ridge Park (the "Park"). The Board of Directors for LSCA has received and reviewed the EIR and plans/elevations for the Park. We wish to advise the City that although LSCA supports the Sunset Ridge Park, including the planned improvements thereon, **we are vehemently opposed to a new traffic signal on PCH** for ingress/egress to the Park and object to the same. Such a new traffic signal would adversely impact LSCA members individually and the community as a whole. Moreover, less burdensome alternatives exist that will still provide safe and reasonable access to the Park. We ask that the City consider alternatives to a new traffic signal (such as "right in/right out"). Please contact the Board member below with any questions or comments. We appreciate your consideration of this request and objection.

Respectfully Submitted by

Nicolai Glazer, President
On behalf of the Board and Members of
Lido Sands Community Association

X

**NOTICE OF AVAILABILITY
DRAFT ENVIRONMENTAL IMPACT REPORT
SUNSET RIDGE PARK PROJECT**

Notice is hereby given that the Draft Environmental Impact Report (EIR) for the proposed Sunset Ridge Park Project is available for public review and comment pursuant to the California Environmental Quality Act (CEQA). The Draft EIR addresses the environmental effects associated with implementation of the Sunset Ridge Park Project.

Project Location: The Project site is approximately 18.9 acres. Approximately 13.7 acres of the Project site are located within the incorporated boundary of the City of Newport Beach, and approximately 5.2 acres are in unincorporated Orange County within the City's Sphere of Influence. The entire site is within the Coastal Zone, as established by the California Coastal Act.

Project Description: The Project would allow for a public park with active and passive recreational uses. The park would include one baseball field and two youth soccer fields, a playground and picnic area, a memorial garden, an overlook with seating and a shade structure, pedestrian paths, restroom facilities, and parking. The Project includes 97 parking spaces: 75 spaces in an on-site lot with a designated drop-off area and up to 22 parallel parking spaces along the park access road near the parking lot. The park would include pedestrian access via two entries from the sidewalk along Superior Boulevard and one entry from the sidewalk along West Coast Highway. Vehicle ingress and egress would be provided via an access road to the park extending from West Coast Highway through the Newport Banning Ranch property. No nighttime lighting other than for public safety would be provided. Grading would result in excess cut material to be exported from the Project Site. The City proposes that all of the exported soil would go to identified locations on the adjacent Newport Banning Ranch property. Existing oil field roads on the Newport Banning Ranch property would provide truck access to transport the export material from the park site to Newport Banning Ranch. The City proposes to widen a portion of the northern side of West Coast Highway from Superior Avenue to a point west of the park access road. A signal is proposed on West Coast Highway at the park access road. Because West Coast Highway is a State Highway, California Department of Transportation (Caltrans) approvals would be required.

The City of Newport Beach is the Lead Agency for this Draft EIR. Copies of the Draft EIR are available for public review at the following locations:

- City of Newport Beach, Planning Department, 3300 Newport Boulevard, Newport Beach, California 92658
- City of Newport Beach, Central Branch, 1000 Avocado Avenue, Newport Beach, California 92660
- City of Newport Beach, Balboa Branch, 100 East Balboa Boulevard, Newport Beach, California, 92661
- City of Newport Beach, Mariners Branch, 1300 Irvine Avenue, Newport Beach, California 92660
- City of Newport Beach, Corona del Mar Branch, 420 Marigold Avenue, Corona del Mar, California 92625
- City Website - <http://www.newportbeachca.gov/index.aspx?page=942>

The City of Newport Beach determined that the Project would result in potentially significant impacts for the following topical issues: aesthetics, traffic and circulation, air quality, noise, biological resources, cultural and paleontological resources, geology and soils, hazards and hazardous materials, and hydrology and water quality. Implementation of the project design features, standard conditions, and mitigation measures provided in the Draft EIR would reduce these impacts to less than significant levels with the exception of short-term construction-related air quality and noise effects. Upon completion of construction, the short-term air quality and noise impacts would cease.

All interested parties are invited to submit written comments pertaining to the Draft EIR. The comment period for the Draft EIR will be 45 days beginning October 27, 2009 to December 11, 2009. Your comments should be sent at the earliest possible date, but must arrive no later than 5:00 PM on December 11, 2009. The City Council will consider this Project and the findings of the Draft EIR at the January 26, 2010, City Council Meeting at City Hall (see address below).

Please direct any questions regarding the Draft EIR to Janet Johnson Brown at (949) 644-3236 or email at jbrown@newportbeachca.gov. Written comments should be sent to:

Janet Johnson Brown, Associate Planner
City of Newport Beach, Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, California 92658-8915

If e-mail comments are submitted with attachments, it is recommended that the attachments be delivered in writing to the address specified above. The virus protection measures and variety of formats for attachments can limit the ability for the attachments to be delivered.


Janet Johnson Brown, Associate Planner

10-22-09
Date



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PLANNING DEPARTMENT

DEC 03 2009

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Governor's
Ex-Officio Member

CHIEF EXECUTIVE OFFICE

Will Kempton
Chief Executive Officer

December 2, 2009

Ms. Janet Brown, Associate Planner
City of Newport Beach
Planning Department
330 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

CITY OF NEWPORT BEACH

Subject: Sunset Ridge Park Project Draft Environmental Impact Report

Dear Ms. Brown:

The Orange County Transportation Authority (OCTA) has reviewed the above referenced document. The following comment is provided for your consideration:

- The proposed signal at the project access road and West Coast Highway should be coordinated with the existing signals at the Superior/West coast Highway and Prospect Street/West Coast Highway intersections.

If you have any questions or comments, please contact Hal McCutchan by phone at (714) 560-5759 or by email at hmccutchan@octa.net.

Sincerely,

Charles Larwood
Manager, Transportation Planning

c: Glen Campbell, OCTA

GABRIELEÑO BAND OF MISSION INDIANS

A HISTORIC & PREHISTORIC TONGVA INDIAN TRIBE

NATIVES OF CALIFORNIA FOR OVER 6,000 YEARS

November 12, 2009

RECEIVED BY
PLANNING DEPARTMENT

Patrick Alford, Planning Manager
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92658-8915
(949) 644-3235

NOV 19 2009

CITY OF NEWPORT BEACH

Re: Initial Study & Notice of Preparation
Sunset Ridge Park Environmental Impact Report

Dear Mr. Alford;

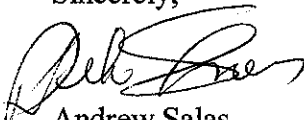
This letter is in response to the Initial Study & Notice of Preparation for the Environmental Impact Report for above referenced project. Due to the fact that we have tribal members who are direct descendants from a nearby village and the proposed project is within the traditional tribal territory of the Gabrieleño Band of Mission Indians it is my responsibility to inform you of our concern for the identification, protection and proper disposition of our cultural resources.

Since the initial study report indicates the potential for significant cultural impacts to archaeological resources, paleontological resources and human remains it is our recommendation that the contractor hire our Native American monitor (s) during any excavation or ground disturbances for this project. Our tribal historian is available to you should consider tribal consultation for this project.

I appreciate your assistance regarding this matter, I can be reached at 626-926-4131 or by email at Gabrielenoindians@yahoo.com should you have any questions or comments; please do not hesitate in contacting our office.

I look forward to assisting all parties with the preservation of our cultural resources.

Sincerely,


Andrew Salas
Chairman

Brown, Janet

From: Brown, Janet
Sent: Tuesday, November 17, 2009 3:24 PM
To: 's mankarious'
Cc: Bruce Bartram; Sharon Boles; Don Bruner; Barbara Dust-Taylor; Dorothy Krauss; ginny lombardi; Cathy Malkemus; Paul Malkemus; Jim Mansfield; Terry Welsh
Subject: RE: Sunset Ridge Park DEIR - Alternatives

Good afternoon.

This is to confirm receipt of your email. Thank you for your comments on the Sunset Ridge Park DEIR, which been entered into the record.

Janet Johnson Brown
Associate Planner
City of Newport Beach
(949) 644-3236
jbrown@newportbeachca.gov

From: s mankarious [mailto:smankar2004@yahoo.com]
Sent: Monday, November 16, 2009 4:50 PM
To: Brown, Janet
Cc: Bruce Bartram; Sharon Boles; Don Bruner; Barbara Dust-Taylor; Dorothy Krauss; ginny lombardi; Cathy Malkemus; Paul Malkemus; Sami Mankarias; Jim Mansfield; Terry Welsh
Subject: Sunset Ridge Park DEIR - Alternatives

November 16, 2009

Janet Johnson Brown, Associate Planner
City of Newport Beach , Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, CA 92658-8915

Re: Draft Environmental Impact Report (DEIR) for Sunset Ridge Park Project

Dear Ms. Brown:

I have been reviewing the DEIR issued by the city of Newport Beach, as suggested by the Notice of Availability I received.

Under section 1.5 PROJECT ALTERNATIVES; it is stated that CEQA Guidelines Section 15126.6 (a) requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project which would feasibly attain most of the basic objectives of the Project but would avoid any of the significant effects of the Project.....etc.

Several Access Road Alternatives are then provided and the Alternatives are analyzed in section 1.5.2.

One alternative is clearly missing, which I believe should be included, and that is Alternative C: Passive Park Alternative, without car access. Such an alternative for walk-ins would not require an auto access road or car parking area. It would have less impact on the environment in terms of project cost, noise, traffic, air quality, pollutant release, biological resources, as well as requiring minimum excavation and grading of the contaminated soil.

Could you please comment on your reasons for not considering this alternative in your analysis?
Thank you in advance for your response.

Sincerely,

Sami Mankarious
7 Tribute Ct.
Newport Beach, CA 92663

Ribaudó
260 Cagney Lane No. 320
Newport Beach, CA 92663

9 November 2009

RECEIVED BY
PLANNING DEPARTMENT

NOV 12 2009

Janet Johnson Brown
Newport Beach Planning Dept.
3300 Newport Blvd.
Newport Beach, CA 92658-8915

CITY OF NEWPORT BEACH

Dear Ms. Brown,

The idea of putting a Sports Activity Park at Superior and PCH seems like a noble idea, but there are some important things to consider for all who live in the area. I would like to address some of these.

1. Access to the park. There are (2) pedestrian access ways to the park from Superior Ave. Superior Ave. and PCH is one of the busiest intersections in Newport Beach. Motorists usually exceed the speed limit in both directions on Superior. The curvature of the avenue from Hospital Road to PCH makes it even more dangerous. In the 26 years that I have lived here there have been several fatalities.

My question is: How do we prevent a soccer mom from stopping on Superior to let her child gain access to the park?

2. Two lane access road into the park from PCH. My questions are:

- a. Will there be a traffic light at that intersection?
- b. Will there be a lock down of this road at a particular time in the evening?

3. Parking Lot. Will the 75 or so parking spaces that the access road leads to have metered parking?

My question is: If the spaces are not metered, what is to stop people from parking there and walking to the beach to spend the day. Also will this parking lot be part of a lock down at a particular time in the evening?

4. Rest Rooms. If a restroom is put into the park as planned, I can tell you that the park will then become a "Newport Beach Resort for Transients". Currently they use the area on the opposite corner next to the parking lot for sleeping and relieving themselves.

Sports Activity Park

11-9-09

page two

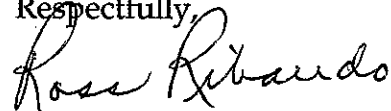
I have seen sleeping bags, mattresses, pillows, clothing, empty bottles, food containers, and toilet paper, both used and unused left in that area which cannot be seen from PCH or Superior Ave. They currently use the restroom at Jack in the Box or the tree covered area to relieve themselves.

How is the city going to monitor activity such as described, and more importantly, will the restroom be locked down in the evening?

Ms. Brown, will the answers to these questions come from your office or should I contact another source?

Thank you,

Respectfully,

A handwritten signature in cursive script that reads "Ross Ribaud".

Ross Ribaud

:b

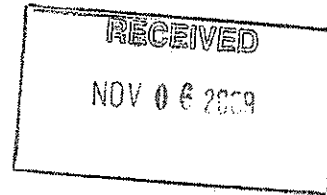


1919 S. State College Blvd.
Anaheim, CA 92806-6114



November 4, 2009

BonTerra Consulting
151 Kalmus Dr., Ste E-200
Costa Mesa, CA 92626



Attention: Danna C Privitt

Subject: Sunset Ridge Park Project.

Thank you for providing the opportunity to respond to this E.I.R. Document. We are pleased to inform you that Southern California Gas Company has facilities in the area where the aforementioned project is proposed. Gas service to the project can be provided from an existing gas main located in various locations. The service will be in accordance with the Company's policies and extension rules on file with the California Public Utilities Commission when the contractual arrangements are made.

This letter is not a contractual commitment to serve the proposed project but is only provided as an informational service. The availability of natural gas service is based upon conditions of gas supply and regulatory agencies. As a public utility, Southern California Gas Company is under the jurisdiction of the California Public Utilities Commission. Our ability to serve can also be affected by actions of federal regulatory agencies. Should these agencies take any action, which affect gas supply or the conditions under which service is available, gas service will be provided in accordance with the revised conditions.

This letter is also provided without considering any conditions or non-utility laws and regulations (such as environmental regulations), which could affect construction of a main and/or service line extension (i.e., if hazardous wastes were encountered in the process of installing the line). The regulations can only be determined around the time contractual arrangements are made and construction has begun.

Estimates of gas usage for residential and non-residential projects are developed on an individual basis and are obtained from the Commercial-Industrial/Residential Market Services Staff by calling (800) 427-2000 (Commercial/Industrial Customers) (800) 427-2200 (Residential Customers). We have developed several programs, which are available upon request to provide assistance in selecting the most energy efficient appliances or systems for a particular project. If you desire further information on any of our energy conservation programs, please contact this office for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Casares".

Eric Casares
Technical Services Supervisor
Pacific Coast Region - Anaheim

Brown, Janet

From: Lisa Lawrence [lrlawrence@prodigy.net]
Sent: Friday, November 13, 2009 7:00 PM
To: Brown, Janet
Subject: RE: Contact the City from NewportBeachCA.gov

Thank you for your response. Looking over the possible plans for the park, it looks like deleting the road and putting it in to go from the play area straight down to PCH, rather than ruining the land that goes through Banning. Why not put the play area where the Vehicular Access is and put the road where the play area is. It seems like the other is quite a stretch.

Sincerely

Lisa Lawrence

--- On Mon, 11/9/09, Brown, Janet <JBrown@newportbeachca.gov> wrote:

From: Brown, Janet <JBrown@newportbeachca.gov>
Subject: RE: Contact the City from NewportBeachCA.gov
To: lrlawrence@prodigy.net
Date: Monday, November 9, 2009, 11:01 AM

Good morning, Ms. Lawrence.

This is to acknowledge receipt of your e-mail. Thank you for your comments on the Sunset Ridge Park DEIR. It has been entered into the record.

Janet Johnson Brown

Associate Planner

City of Newport Beach

(949) 644-3236

jbrown@newportbeachca.gov

From: Alford, Patrick
Sent: Monday, November 02, 2009 3:11 PM
To: Brown, Janet
Subject: FW: Contact the City from NewportBeachCA.gov

From: Jackson, Marilee
Sent: Monday, November 02, 2009 3:11 PM
To: Wood, Sharon; Alford, Patrick
Subject: FW: Contact the City from NewportBeachCA.gov

for the record ...

Marilee Jackson, PIO
City of Newport Beach
3300 Newport Boulevard
Newport Beach, CA 92663
mjackson@newportbeachca.gov
949-644-3031

From: Lisa Lawrence [mailto:lrllawrence@prodigy.net]
Sent: Monday, November 02, 2009 3:09 PM
To: Jackson, Marilee
Subject: Contact the City from NewportBeachCA.gov

To Newport Beach City Council and City Planners,

After reviewing the Sunset Ridge Park plans, I think it is wonderful to keep the park as open space as planned. I don't understand why a road extending off PCH that goes into Banning Ranch is included? All looks well and fine, just omit that road.

Keep it all as open space.

Thank you!

Lisa Lawrence

(949)631-4073

lrlawrence@prodigy.net

Brown, Janet

From: Aline Monin-Doremus [vasy@earthlink.net]
Sent: Monday, November 09, 2009 3:56 PM
To: Brown, Janet
Subject: Sunset Ridge Park Study-

Good Afternoon Ms. Brown,

Please find below copy of letter regarding the study for Sunset Ridge Park- Sport Activity and my concerns regarding this issue.

I apologize for the lengthy email, unfortunately my computer is acting up and does not hold attachment.

Sincerely,

Aline Monin-Doremus

Villa Balboa

FROM:

ALINE MONIN-DOREMUS

260 Cagney Lane #301

Newport Beach, CA.92663

Email: vasy@earthlink.net

Monday, November 09, 2009

Ms. Janet Johnson Brown
Newport Beach Planning Dept.
3300 Newport Blvd.
Newport Beach, CA 92658-8915

RE: Sunset Ridge Park

Dear Ms. Brown,

In regard to the in-depth study of Sunset Ridge Park planned for open space at Superior Avenue and West Coast Highway, and after reviewing the study at NewportBeachCA.gov web page. I have the following concerns.

The idea of putting" a Sports Activity Park at Superior and PCB seems like feasible idea, but there are some important things to consider for all who live in the area in particular all of the residents of Newport Crest, Villa Balboa, etc...

I would like to address some of these.

Per study:

1) Access to the park. There are (2) pedestrian access ways to the park from Superior Ave.

As we know, Superior Ave. and Pacific Coast Highway **is one of the busiest intersections in Newport Beach.**

- ❖ Motorists usually exceed the speed limit in both directions on Superior. The curvature of the avenue from Hospital Road to PCH makes it even more dangerous. I have lived near this location and in the last 24 years that I have lived here there have been several fatalities.

My question is: How do we prevent a soccer mom from stopping on Superior to let her child gain access to the park?

2.Two-lane access road into the park from PCH.

My questions are:

- a. Will there be a traffic light at that intersection? "
- b. Will there be a lock down of this road at a particular time in the evening?

3. Parking Lot.

My questions: Will the 75 or so 'Parking spaces that the access road leads to have metered Parking? Will the parking lot be part of a lock down at specific hour in the evening?

- ❖ If the spaces are not metered, what is to stop people from parking there, walking to the beach to spend an entire day, go down to Jack in the Box or other stores nearby where long parking is prohibited or just going across to nearby New Port Crest, or Villa Balboa/Sea Fair condominiums strolling along Sunset Ridge walkway. While we are aware that the boardwalk above Hoag and along Villa Balboa is Public access, the foot traffic will increase drastically from Newport Beach/Costa Mesa non-residents, and for sure infringing on everyone privacy in their homes or, leaving more trash on our grounds certainly increasing what we already have to deal with.

Sports Activity Park – (page 2)

4. **Rest Rooms.** If a restroom is put into the park as planned, I can tell you that the park will then become a "Newport Beach Resort for Transients". Or like Laguna Beach will the City of Newport Beach find a nearby empty parking lot, or possibly CREATE ONE on some of the land reserved for "Sports Activity Park" Currently the transients use the area at the end of the Sunset Ridge Park near Hoag Power Plant, located on the opposite corner of the planned Sports Activity next to the parking lot for sleeping and relieving themselves, or smoking Marijuana.

I have contacted the police on few occasions when driver license was found in that area along with sleeping bags and was told it was a common area for the transients to go? That particular area is littered with sleeping bags, mattresses, pillows, clothing, the ground is littered with broken glass, empty bottles, food containers, and toilet paper, both used and unused left in that area which cannot be seen from PCH nor Superior Ave. They currently use the restroom at Jack in the Box or the tree covered area to relieve themselves in parking lot below.

How is the city going to monitor activity such as described, and more importantly, will the Restrooms be locked down in the evening?

I trust this correspondence will have reached the proper department, if not would you be kind enough to forward accordingly to proper authority for their knowledge of such concern, review, decisions, and hopefully modifications to the existing study/reports.

Sincerely,

Aline Monin-Doremus

Brown, Janet

From: Linda Vas [auzwombat@hotmail.com]
Sent: Friday, December 11, 2009 5:23 PM
To: jbrown@newportbeach.ca.gov
Cc: Henn, Michael; Henn, Michael; Rosansky, Steven; Daigle, Leslie; Curry, Keith; Selich, Edward; Gardner, Nancy; Linn, Debby; Lepo, David; kdrellishak@gmail.com
Subject: Draft Environmental Impact Report on the proposed Sunset Ridge Park Project
Attachments: Ltr to Janet Johnson-Brown, Assistant City Planner.doc
Importance: High

Janet Johnson-Brown
Associate Planner
City of Newport Beach, Planning Department
3300 Newport Boulevard
P.O. Box 1768
Newport Beach, Ca 92659-8915

Dear Mrs. Johnson-Brown,

As noted in the ***Draft Environmental Impact Report*** on the proposed ***Sunset Ridge Park Project***, the site's "aesthetics, traffic and circulation, air quality, noise, biological resources, cultural and paleontological resources; geology and soils, hazards and hazardous materials, and hydrology" would, on all areas identified, adversely and irreversibly be negatively affected by the short-sighted, ill-conceived proposed development.

There are a number of concerns that I, my neighbors and other concerned citizens share about the impact the development would have on degrading the local air quality in the surrounding area. The large-scale landscaping activities required for this Brownfield redevelopment will inevitably be complicated by the site's considerable environmental contaminants embedded in the soils on site. Earth moving activities required for this development would release hazardous materials in the air, and pose an imminent health risk to the people living in close proximity. On these grounds alone, both I and a large number of concerned citizens engaged in activities to protect this unique ecological resource and wildlife habitat, are prepared to file a restraining order and pursue other legal remedies to protect our health, until such time as it can be indisputably demonstrated that a method for undertaking the proposed landscaping activities would pose no such risk to the people living near the site.

Transforming the site from a natural carbon sink that absorbs heat trapping greenhouse gases including both methane and carbon dioxide, into an emitter of greenhouse gases, as well as stirring up and releasing the site's toxins now trapped in the soil, would cause immediate and long term environmental damage. Destroying wildlife habitat for the purpose of building and maintaining a baseball diamond and two soccer fields, public restrooms, parking lots, roads, and service buildings only serves a very narrow and already broadly served constituency. There are no shortages of such recreation facilities in the City of Newport Beach. Present baseball and soccer fields stand idle most of the year. Removing what precious little remains of the City's wild

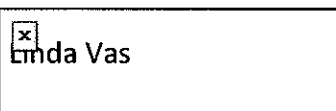
green spaces will permanently erode the quality of the life of the majority of citizens who appreciate the natural resources, natural spaces and aesthetics that Newport Beach is known for. There are a number of species of raptors, ground squirrels, migratory birds, and other native animals that now make this site their home.

Unfortunately a concerted effort is being made by the owners and developers to constantly and unnecessarily mow the site so as to degrade the habitat and disrupt the species residing there, so that claims of the site's merits as a important ecological habitat are undermined.

The road construction, additional traffic, pollution, noise and overall disruption of in this Newport Beach community is absolutely unwelcome and unnecessary. A far more appropriate and less objectionable land use would be to establish the site at a wildlife sanctuary, with a limited number of interpretive trails and possibly a low impact, interpretive nature center, constructed as a model LEED Green Building, and as regional showcase of progressive Green Architecture, and energy conservation rather than as a backwards-looking example of antiquated values and acquiescence to special interest pressures, whose beneficiaries are big oil, and a handful of developers, and certainly not the majority of citizens of Newport Beach.

I have been a resident of Newport Beach for more than 40 years and an active member of the community. I am interested in meeting with you and other city officials and discussing this matter further. I want to understand why more a more balanced development plan is presently not under consideration. I can be reached at the following numbers: (mobile) 949 903-5215, (home) 949 646-6357. Please know that I and my friends and neighbors are adamantly opposed to the development as proposed, and that we are prepared to pursue any and all legal remedies and other civic action that may be necessary to prevent this proposed development from damaging the health, safety and well-being of our community and the ecological health of this wonderful city we love.

Sincerely,

 Linda Vas

Cc Mayor Pro Tem, Michael Henn, Steven Rosanky, Don Web, Leslie Daigel, Edward Selich, Keith Curry, Nancy Gardener, David Lepo, Planning Director, Kenneth Drellishak, Debby Linn - Project Planner

Linda Vas
17 Odyssey Court
Newport Beach, CA 92663
M: 949 9035215 H: 949 646 6357