

MINUTES OF THE PUBLIC SCOPING MEETING  
RE: NEWPORT BANNING RANCH PROJECT

THURSDAY, APRIL 2, 2009

7:12 P.M.

MARY E. PIERCE, CSR 6143

09-123

CITY REPRESENTATIVES AND CONSULTANTS

SHARON WOOD, Assistant City Manager  
DANA PRIVITT, BonTerra Consulting  
DEBBY LINN, LINN & ASSOCIATES  
MIKE ERICKSON, RBF  
SERINE CIANDELLA, KIMLEY-HORN AND ASSOCIATES, INC.

PROJECT APPLICANT REPRESENTATIVES

MIKE MOHLER, NEWPORT BANNING RANCH  
CHRIS YELICH, NEWPORT BANNING RANCH  
GEORGE BASYE, NEWPORT BANNING RANCH  
RUDY HOLSTEIN, NEWPORT BANNING RANCH  
MARICE WHITE, SCHUBERT FLINT  
PAUL EDWARDS, FORMA  
JOHN OLIVIER, FUSCOE ENGINEERING

GENERAL PUBLIC SPEAKERS

TERRY WELSH  
BRUCE BARTRAM  
KEVIN NELSON  
DOROTHY KRAUS  
ROD HAGEMAN  
PATRICIA WEBER  
JAMES QUIGG  
JAN VANDERSLOOT  
MELODY PERRY  
STEVE RAY  
STEPHANIE BARGER  
SANDRA GENIS  
JENNIFER IRANI  
GINNY LOMBARDI  
SUE WILLIAMS  
CHRIS BUNYAN  
MATT STREIFF  
BRIAN BURNETT  
NORM SUKER  
STEVEN BROWN

NEWPORT BEACH, CALIFORNIA; THURSDAY, APRIL 2, 2009

7:12 P.M.

MS. WOOD: Good evening. Thank you for coming to this city's first public meeting on the Newport Banning Ranch project. I'm Sharon Wood. I'm Assistant City Manager.

Before I say anything else, I think this belongs to one of you. This was left in the lobby. The tab on the folder says "bitter" --

UNIDENTIFIED MAN: That's me, Sharon.

MS. WOOD: Well, there's some familiar faces out here. I remember a number of you from the meetings that the project proponent held sometime ago to get your input on the project, and since then they have completed their project proposal and their application package to the City, and all of that is available on our web site if anybody wants to take a look at it.

And so what we're starting now is the City's review process of the proposal that the property owners have presented to us, and this is the first step in that process. We're about to start preparing an environmental impact report, and you have presumably all received the Notice of Preparation, and tonight will be your first opportunity to

give comments to the City tonight on what you think we should include in the environmental impact report.

I'd like to introduce the members of our team so you will know who we're working with. First is Dana Privitt from BonTerra Consulting, and her firm is heading up the environmental impact report.

To the far right is Debby Linn, who's our contract planner and project manager. Hers is the name and e-mail and phone number that you see on the web site and the primary contact for you on the project. In the middle is Mike Erickson from RBF. He is acting as the City's contract staff for traffic issues on this. And to his right is Serine Ciandella from Kimley-Horn and Associates, and she will be doing the traffic study portion of the environmental impact report.

And you may already be familiar with the members of the applicant's team, but they may help answer some questions, so let me introduce Chris Yelich and Mike Mohler and George Basye and Rudy --

MR. HOLSTEIN: Holstein.

MS. WOOD: Holstein. At least I got the first name right tonight.

-- all from Banning Ranch, and Marice White from Schubert Flint, who does the public outreach for the

applicants.

So I'm going to turn the evening over to Dana Privitt.

MS. PRIVITT: Thank you, Sharon.

As Sharon said, I'm with BonTerra Consulting. We're under contract to the City of Newport Beach to prepare the environmental impact report for the proposed project.

In the lobby, just so you know, there are speaker cards. So if you want to speak tonight, I'd appreciate it if you could bring one of those up with you. When we get ready, at that point then I'll have you come up to the microphone so that everyone can hear your comments.

There's also information in the lobby in terms of the handout that provides kind of an overview of the project, and there's also some large eight and a half by eleven white pieces of paper that if you don't want to make verbal comments tonight and want to take home, you can fold it over. It has the address of the City. Just put it in the mail. Then we'll have your comments for the record.

So tonight what we're planning on doing is to introduce the applicant's proposed project to you, and the real objective of this meeting tonight is for all of you, whoever wants to speak, to get an understanding of the project, as well as to provide us with some early input on

the issues that we should be addressing in the EIR.

We're not here tonight to talk about the merits of the project, of whether it's a good project or a bad project. We don't have conclusions for technical studies. We're right at the beginning of the whole process.

So we may not have answers to questions. We're really looking for your input tonight so that as we move through the process we can address the concerns of the community to the best we can in the EIR.

What I'm going to do is just briefly have Mike Mohler from Newport Banning Ranch come up and go over -- briefly introduce his team and their objectives for the project, and then I'm going to go over the actual description of the project.

MR. MOHLER: Good evening. It's nice to see all of you again. I feel like we're starting to get to know white a few of you very, very well. I'll be very brief tonight.

Again, in George Basye, Chris Yelich and myself, you've got the decision-making matrix for our organization. You will at virtually any key meeting see the three of us. I handle the day-to-day operations and the day-to-day strategic work, but we work very closely, the three of us, so that we can get together with you, bring principals into the room instead of intermediaries and help get the

intelligence and the information out to you so that you can make an informed judgment with respect to what we're doing.

The project I'm going to -- this is the City's meeting, so we won't describe our own project. Carefully allow the City to do their job and stay out of that end of it. But what it does represent is the implementation of the commitments and the processes that were contained within the General Plan Update, which was approved by the City and the voters in a citywide election in 2006.

The plan is consistent in every respect to the General Plan as approved by the City Council and voters. It actually exceeds the General Plan Update in two major areas. One is the amount of open space, and also exceeds the General Plan requirements with respect to public park acreage.

And again, Dana can go through the particulars. This is the City's meeting, so I'm just going to close our comments by letting you know what I let you know when we started this process about two years ago with you. We're here. If you don't have a business card, we've got plenty of them. Contact George, Chris, myself, Marice for tours if you'd like a tour of the property, come in and meet with us at our office, to have us meet with you at your homes or your meeting places.

We started the ball rolling two years ago with a grass-roots level outreach program, and we're going to continue that all the way through. We will never deny you access to us.

So as you come out of this meeting and as the process unfolds, remember that with a flip of a phone call, we can pull ourselves together and sit down with you and continue to give you answers to your questions.

So thank you very much.

MS. PRIVITT: Okay. I'm just going to kind of go over, spend a few minutes going over the project. The site's about 401 acres. Of that, approximately 40 acres is located within the boundaries of the City of Newport Beach. The remainder of it is actually in the unincorporated Orange County, but the entire site is within -- of that property within the City's sphere of influence.

So in that respect, the City of Newport Beach will act as the lead agency for all of the California Environmental Quality Act (CEQA) documentation and for actions on the project that are under the jurisdiction of the City.

The entire site is within the coastal zone as established by the California Coastal Act. The site is bounded to the north by the Talbert Nature Preserve, which



is in the City of Costa Mesa, and there's residential development also to the north in the City of Newport Beach, to the south generally bounded by West Coast Highway, and south of the highway is residential development. The site's approximately a quarter of an acre inland from -- a quarter of a mile inland from the ocean.

To the east there's a mix of land uses, both within the City of Costa Mesa and Newport Beach, residential development, light industrial, some office development, some educational uses. And to the west the site's generally bounded by the Santa Ana River and about 92 acres that are owned by the U.S. Army Corps of Engineers as a restored wetlands area, and then west of the river is the City of Huntington Beach.

As many of you probably know, the site is an existing active oil field and has been under oil operation since the mid 1940s. There's approximately 500 producing, potentially producing and abandoned oil wells on the site and related oil facilities and infrastructure. This includes things like pipelines and storage facilities, tanks, power poles, improved and unimproved roads, buildings and oil processing facilities.

The City operates approximately 16 of those wells, and their wells are located down in the southern

portion of the site, and access to those is from West Coast Highway.

And West Newport Oil Company, who's the current oil operator on the site, is currently operating about 90 producing and potentially producing wells on the site.

As you're all probably quite familiar, the City has a unique General Plan designation for this site. When the City adopted the General Plan in 2006, it established a dual land use designation for the site, with the primary designation being Open Space and the alternative use being Residential Village.

In order for the site to be retained as open space, it requires that at a certain point that the property be acquired through public funding. So in 2008, the City Council's directive was to move ahead to prepare an analysis to determine what the potential acquisition cost would be to acquire that property.

That study was done and completed in December of 2008 -- it's on the City's web site -- and established a range of potential acquisition costs from acquiring it in individual pieces all the way up to if it was bought as a single parcel.

At the same time and on a kind of a parallel process, the project applicant is requesting that the City proceed with an EIR that would look at that alternative use,

which is development of that site, and that if the property is not acquired, the Residential Village land use designation that's shown on the General Plan would allow for up to 1,375 dwelling units, 75,000 square feet of retail uses, 75 resort units.

It requires that a minimum of 50 percent of the site be retained in open space, including use as parks and for roadways to be constructed through the site.

The proposed project, as Mr. Mohler indicated, is consistent with the land use designation for this alternate use of Residential Village. As proposed by the applicant, that would be 1,375 dwelling units.

Approximately 569 of those units would be on approximately 68 acres of the 401 acres, be of varying densities and different types of residential uses, and those are shown in this area down through here.

Then in this pink area, this is 17th Street. So north and south of 17th Street, which is about 18 acres, is proposed as a Mixed-use Residential District where there could be up to 806 residential units. So that would be a high density level of development. And the applicant is proposing that the majority of the 75,000 square feet of retail uses be in that location.

As part of the project there would be a five-acre

Visitor-serving Resort District down in this area. This is Coast Highway. This is where they're proposing the resort, which would have 75 units and related facilities, such as potential restaurants, spa, fitness center, conference uses, that sort of a thing.

And then as part of the project, they're also proposing that 45 acres of the site be used for park and recreational uses. That would include 25 acres for community park use, as well as 19 acres for a bluff and linear park, and one acre in this general location, which is an area where there's existing vernal pools on the site, and that would allow for the preservation of those vernal pools.

And then of the 401 acres, approximately 243 acres would be retained in open space. These are the upland areas here, the lowland areas. Actually, these are the lowland areas, upland areas, but the kind of dark green and light green areas.

So the 223 acres would be used as open space areas for wetland preservation and restoration, habitat preservation and restoration. It would also allow for water detention and cleansing, and it would allow for trails and viewpoints through that open space area.

Of the 101 acres of the lowland open space area, approximately 75 of those acres is proposed by the applicant

to be a third-party mitigation area. It's an area that, as would with the remainder of the site, require remediation to remove oil-related facilities and soil remediation but would not have any kind of habitat restoration so that if in the future there were projects unrelated to this project that required habitat restoration, this would be an area where that could occur. So it would be non-related to the project.

And then approximately 20 acres of the Open Space District would be for oil production facilities, this area right in here connected to a roadway down to existing oil facility operations in this area. This is where the City's -- some of the City's facilities are right now.

So all of the existing oil wells within the proposed development areas and the open space areas as part of the project would be abandoned and the area remediated. There would not be any active oil operations or wells outside of the two areas that I identified. Oil operations would be permitted in those two areas to be continued. When those at some point in the future cease operation, that area, as well, would have to be remediated and would then become part of the open space on the project site.

The applicant is proposing that the long term use of the open space be reserved in perpetuity with an

irrevocable offer or offers of dedication or deed restrictions or conservation easements over those areas and that it's proposing that be dedicated either to a public agency or be offered to a qualified nonprofit organization.

With respect to vehicular circulation, there's no public access right now onto the project site. The primary entrance to the proposed project is proposed from West Coast Highway at an intersection into the project site. This may require some minimal widening and improvements on Coast Highway on the north side from Superior to slightly west of the project entrance.

Bluff Road is proposed to run generally north-south through the project site. The City of Newport Beach's Circulation Element and the Orange County Master Plan of Arterial Highways both depict a north-south roadway through the project site, and the City's Circulation Element designate this as a primary arterial.

As part of the project, this Bluff Road would have connections over to 15th Street, 16th Street to 17th Street, and as I indicated, go from Coast Highway up to 19th Street. 15th Street currently does not connect over to the project site and would require off-site improvements to connect, to be extended to Monrovia.

16th Street would be extended from its existing

terminus at the City's utilities yard to the project site, and 17th Street currently ends at the project site and then would be extended onto the project site.

As part of the City's General Plan and the Master Plan of Arterial Highways, a second roadway is shown through the project site from West Coast Highway over to 15th Street. The applicant is proposing that right-of-way be reserved on the project site that would allow for that road to be built in the future, but is proposing that that road connect to 16th Street instead of 15th Street.

That action may require an amendment to the City's Circulation Element, and it may require an amendment to the Master Plan of Arterial Highways.

I also wanted to note in terms of the extension of Bluff Road to 19th Street that the project is not -- as part of the project -- the 19th Street bridge is not a part of the project. It would not be constructed as part of the project.

Additionally, and as I mentioned, there would be pedestrian/bike trails through the project site, and there is also a proposed pedestrian bridge over Coast Highway extending from the project site and landing in West Newport Park.

As you may imagine, there's a lot of

discretionary actions that are required to move this project ahead, and many of the actions that the applicant has requested to be addressed as part of the EIR are the potential amendment to the Circulation Element of the General Plan, a pre-annexation zone change.

The site -- the fact portion of the site that is within the City of Newport Beach has an existing Planned Community designation on that, but it's part of a smaller Newport PC text, which is the Banning Newport Ranch PC text PC 25.

The remainder of the site actually still has County zoning designations on it. So the whole entire site, if approved, would have just a Planned Community designation on it to allow the kinds of uses that we just talked about.

The applicant's also requesting an amendment to the Municipal Code to increase the building height within the Resort District and Residential District to 50 feet and 65 feet within the Mixed-use Residential District. Again, that is the pink area on the project site.

Another action would be to approve the Planned Community Development Plan, and those would be the things that would include all of the land use plans, all of the development regulations, all the design guidelines.

The master site plan is envisioned to include



habitat restoration plans, fuel management plans, grading information, infrastructure improvements, water quality plans, landscaping architectural guidelines.

Project also requires a Traffic Phasing Ordinance analysis, a TPO analysis. It requires a pre-annexation development agreement. The applicant is requesting a vesting tentative map for the site, and the project requires an Affordable Housing Implementation Plan.

That's just the City. There's also a lot of approvals that would be required. Should the EIR and should a project be approved, the applicant would have to go then to the California Coastal Commission. Project would be -- the project site is in the coastal zone, requires a coastal development permit.

The project would have to go to LAFCO, the Local Agency Formation Commission, for annexation into the City. It also requires permits and agreements for biological resources from U.S. Fish and Wildlife Service, California Department of Fish and Game, Army Corps of Engineers, approvals from Cal Trans related to improvements to Coast Highway and the pedestrian bridge, a myriad of different actions that would have to occur subsequent to any action that would occur by the City of Newport Beach.

So as I indicated, we are just at the very

beginning. We anticipate that with the exception of the issue of agricultural resources, all issues that could be addressed to the EIR that are on the City's checklist form would be addressed, includes aesthetics, preparation and analysis of air quality, climate change. Biological surveys are being conducted on the project site. Cultural resources for prehistoric and historic resources are being conducted.

Consultation with Native American tribal representatives as identified by the Native American Heritage Commission, which is required by Senate Bill 18, will be conducted by the City. Paleontological surveys will be prepared, issues related to geology, seismicity, hazardous materials in terms of soil remediation, hydrology, water quality management.

We'll be looking at land use in terms of the compatibility of these proposed uses with existing and future development in the area, whether -- analysis of policies of the City's General Plan and the Coastal Act.

We'll be looking at and preparing a noise analysis to look at construction noise and long term noise that would be generated by uses at the site, looking at issues of population and housing, addressing a myriad of public services and utilities and recreation issues in terms of

the provision of adequate services and utilities to the project site. And a traffic study will be prepared.

And then we'll also -- as part of the EIR, we'll be addressing alternatives to the proposed project. These are kind of initial alternatives that we're looking at. Some of them are just required in accordance with CEQA, one of them being the no project or the no development alternative, which would be retaining the site as an existing oil facility.

We would be looking at a no project alternative, which is really the City's Open Space alternative or designation for the site. And again, that allows for the site to be an open space, would allow for future restoration of wetlands and other habitats, would allow for a future community park and consolidation of oil resources, the extraction facilities, and would also allow for roadways through the project site.

We anticipate that we would probably be looking at a reduced development or a design alternative or both. We will also be looking at a circulation alternative that instead of the extension of Bluff Road all the way to 19th Street, would terminate and connect to 17th Street. And as part of that, the right of way would still be dedicated for a potential future extension of Bluff Road up to 19th

Street so that it could occur subsequent to the project but would not be a part of the project.

So when we talk about preparing the environmental impact report, it's looking at all of these issues. It identifies what the potential impacts of the project would be. It identifies ways to try to avoid those environmental impacts or to mitigate for those impacts, and it looks at alternatives.

It does not reach a conclusion whether the project should be approved or not. It's information that goes to the decision makers, Planning Commission and then subsequent to the City Council for them to consider on whether or not they want to approve the project, an alternative to the project or to not approve a project or an alternative.

So where we are right now is the Notice of Preparation is out for review. The review period started on March 17th and goes to April 17th. There's a few copies of it out on the table. Some of you probably got them in the mail. And it's also on the City's web site.

We're having this scoping meeting tonight so you can get some information, more information about the project and identify any issues you want addressed in the EIR.

The draft EIR will be prepared. Once it is

ready, potentially towards the end of this year, that draft EIR will go out for public review. You will receive notice, and then everyone has an opportunity to review and comment on that document.

Responses to those environmental impacts are made, and then the City will enter into public hearings, Planning Commission hearings, City Council meetings on that project. So you have opportunities right now to comment. You'll have opportunities to comment on the draft EIR and through all of the hearing process.

And as I mentioned before, the City's actions are not the last actions on the project. It has to go to Coastal Commission and LAFCO. So there's subsequent actions that are mandated in order for this project to go forward.

What I would like to do at this time is turn the meeting over to you. So if you have submitted a speaker card or if you just want to come up and make comments on the scope of the document, what I'd ask you to do is to come up to the microphone and to identify yourself for the record and provide us with any comments.

As I indicated, again, we're really here to talk about the environmental process and not the positives or negatives of the project, and we're not in a position to

really provide you with answers to questions in terms of findings of reports because we're really at this infant stage and starting the project.

So I have a few cards, and I don't know if you also wanted to come up and speak for the record, but I'll put your name one by one and then -- yes.

What I'm going to do is I'm going to call off the names of the people who gave me cards, and if they also want to come up besides this, I'll give you an opportunity. Otherwise, I'll just take your comments.

MELODY PERRY: Can we ask questions about the project?

MS. PRIVITT: You can. I just don't know that we'll be able to give you answers.

MELODY PERRY: That's fine.

MS. PRIVITT: Terry Welsh?

MR. WELSH: Hi. My comment is on Native American issues.

MS. PRIVITT: If you could put your name first so that --

MR. WELSH: Oh. Yeah, my name is Terry Welsh.

My comment is I think that there is Native American remnants and remains on Banning Ranch, and I would like to see the environmental impact report pay especially close attention to this issue, and I would like to see experts

brought in, including local academics, representatives from the tribes and citizens themselves, as well as the Native American Heritage Commission, and I'd like to see things go really slowly on this. And if there's any evidence of Native American habitation in the past, let's go very slowly.

I think that Bolsa Chica, there was a problem where they found some Native American remains and dug them up, and it upset some of the descendants of these people. So let's try to avoid repeating that. Thanks.

MS. PRIVITT: Ethan Young.

MR. YOUNG: I don't need to speak. I just had questions.

MS. PRIVITT: Bruce Bartram.

And I will apologize if I mispronounce anyone's name.

MR. BARTRAM: Good evening. My name is Bruce Bartram. I live at 2 Seaside Circle in Newport Beach, which is the Seawind Newport complex, which is number eight on the Exhibit 3 of the Notice of Preparation, the EIR.

My concerns or one of my concerns is I wish that the EIR would address the project's consistency with the General Plan. According to the Coalition of General Plan Accountability web page, the General Plan Advisory Committee stated that the General Plan, which was approved

by the voters, would accomplish some of the following:  
Reducing traffic citywide by nearly 30,000 trips each day over the life of the plan, reducing potential new commercial and office space by more than two million square feet, support efforts to acquire Banning Ranch for permanent open space, taking strong action to prevent or reduce water pollution in the bay and ocean and enhance natural resources.

Also, I would like the EIR to note that the General Plan has been amended specifically in 2008 by voters of Newport Beach through Measure B. I assume that you should be aware that that involved the approval of the purchase of land that had been designated as open space to build the new City Hall and administrative buildings by the central library on Avocado Avenue.

So it's important to note that that area that is now going to be the future home of City Hall and administration buildings of this city was designated as open space, and since this is now going to be built up, that's less open space that the City can acquire and use to fulfill its open space requirement as is required under the General Plan.

So that should be kept in mind by the EIR preparation group.



MS. PRIVITT: Thank you.

MR. BARTRAM: Thank you.

MS. PRIVITT: Kevin Nelson?

MR. NELSON: Hello. Kevin Nelson. I think my first comments would be to make sure that in the -- over the very long term, let's say at least 50 years, that we look at the impact of climate change on a number of aspects of this project.

Number one could be the -- actually will be the impact of climate change on sea level rise, which will then cover large areas of our current beach area. Now, the beach area is, of course, the -- Newport Beach's primary recreational area right now, and that could be removed to a great extent by climate change.

So therefore, we might be in a situation that should be studied thoroughly again where the upland area of Banning Ranch is one of the last remaining recreational areas where we really have some space, some, shall we say, overflow. Call it, you know, emergency land.

And, you know, the climate change is an indisputable fact. Sea level rise is a given along with that, needs to be considered.

Also, climate change as it affects the California water supply. We have -- this is an evolving

situation which needs to be looked at in a worst case scenario, not a best case scenario, but with the worst case scenario described in full if climate change lowers the fresh water availability for the whole of California, as is expected.

There are studies that show that Lake Mead, for instance, could be dry by the year either 2030 or 2050. I'm sorry. I don't know -- the exact point in time I'm not sure about right now.

But there are very critical scientists researching that are stating that climate change's impacts on water availability in this state and the West overall will be much more drastic than is currently being planned for.

In regards to water supply, the applicant has said that the Newport Beach's will-serve letter is based on a 2006 study of water resources. Well, that data probably is -- probably was derived from 2004-2005. We are in a much different situation now with the impacts of climate change. The water shortage is just beginning to be felt, so that needs to be fully understood.

Along with that impact, the other impact that should be studied is the consequent rise in food prices that we are all going to undergo as water for projects like Banning

are taken away -- is taken away from farmers, thereby causing higher food prices, more importation of food, which then again by that fact will increase climate change even greater because we're shipping the food from -- you know, from more distant places.

This is -- there are studies, for instance, that show that farming in California could be nonexistent at the end of the century due to water shortages.

I would say, as well, that -- the north-south Bluff Road. The applicant has said that they are going to be so generous as to give us the lowlands as open space. Well, along with that what needs to be considered is the fact that this north-south Bluff Road terminating at 19th Street will very much degrade the recreational value of that land that they said that they are generously giving to the public.

The noise impacts of that road will seriously degrade the experience of that lower portion of the property, that open space area, and it will also degrade the existing park area of Talbert at the end of 19th Street stretching towards Victoria and Hamilton.

I would say that the traffic that this project could generate, will generate, could lead to some impacts on the service level for Hoag emergency services. So we

have very busy intersections. Hoag is obviously a very busy place with minimal parking and not a lot of access. There they are right now.

MELODY PERRY: Good timing.

MR. NELSON: Yeah, good timing. I was waiting for that.

We have a very impacted traffic situation, and that needs to be considered fully for someplace as key to the area as Hoag is.

I would say I am wondering whether the recreational areas included in the development are even enough to serve the development's population, let alone the rest of us who are still looking for places to recreate.

There will be probably a social impact to this project that should be studied. You have in Costa Mesa -- unfortunately, you have some of the more dense areas of Costa Mesa, you know, apartments and multiple families living in single homes, very dense populated area that is -- that we are going to add even more people to that western area of Costa Mesa, which is -- if you were to look at the typical scenario there, there's a slight increase in crime.

That area of Costa Mesa is under some crime pressure, and I think we will likely be adding just more potential sort of criminal pressure by the fact of adding

that much more population.

To be more specific on the water projection scenario, I think that a 50- to 100-year projection of water supplies for this project would be very advisable and should be a definite requirement because, again, State laws -- the law and the water supply situation is just catching up or the projections for water availability are just catching up to the emerging realities.

I would say that the applicants should be required to give a full sketch of a reduced project, of a project that is greatly reduced due to all the social and other impacts that we'll be describing, and they should, therefore, come out with a very detailed plan on a project that is, shall we say, 50 acres after we get through with --

MS. WOOD: Why don't you wrap it up.

MR. NELSON: That would cover it right now.

MS. WOOD: Thank you.

MS. PRIVITT: One thing that I will mention.

Mr. Nelson indicated that a water study needed to be done. As part of the EIR, a water supply assessment is currently being prepared, so that will be based on new and existing information.

Dorothy Kraus.

MS. KRAUS: Hi, my name is Dorothy Kraus, and I live in Newport Crest, which is right here, and I'm concerned about the environmental impact that this project will have on air quality and noise.

My questions are what environmental factors are considered in the areas of air quality and noise that will be created by the dramatic increase in motorized vehicle traffic feeding from 15th and 16th Streets into the Banning Ranch development via backbone road, which is south of Bluff Road, and North Bluff Road as referenced in the exhibit.

Additionally, in the EIR report please identify the impacts to the environmental factors of air quality and noise and explain the degree of impact resulting from increased traffic on the roadways that I've identified.

Thank you.

MS. PRIVITT: Thank you, Miss Kraus.

Rod Hageman.

MR. HAGEMAN: Thank you.

I'm part of Newport Crest, as well. I think I'm addressing you, Sharon, more than anything.

MS. WOOD: It's really the court reporter who needs to hear you better than anybody.

MR. HAGEMAN: Seems to me we're kind of kicking the can down the road here submitting to EIR, Corps of Engineers,

Coastal Commission and so on before we know if we can provide the water.

The government has recently made comments on this. The Governor said we should reduce our water by 20 percent. This was just in the last week. Orange County is studying the impacts of water shortage, and even Newport has asked for the voluntary 10 percent reduction in the use of water.

My simple mathematics suggest that there will be 1500 additional hookups through Mr. Mohler's project. Now, that's 6 percent of what exists now. So we're on a 9 percent level right now, and we're suggesting that we're going to increase it up by 6 percent. Part of that is in the City, but part of it is in the County, and we're going to take in somebody's laundry here from another county -- from the County?

I think we're reaching a little bit beyond for the water resources. We're in the third year of this water drought, and it's difficult to determine how far that will go, and it seems to me that the City, before it goes on these people, considers the impact on the general population.

The population is now giving up water, and it would be giving up even more for this. We know the developers have to put in on-site and off-site improvements,

curbs, gutters, storm drains, sanitary drains. Why don't they also have to provide their own water, the old BYOB. They could put a desalination plant down on the beach below their property and pump it up here, and so they'd be totally self-contained. So I think the City needs to consider this problem before we engage all of the further political requirements. Thank you.

MS. PRIVITT: Thank you, Mr. Hageman.

Patricia Weber.

MS. WEBER: Hi, I'm Patricia Weber. I'm an elementary schoolteacher, and I live in Mesa Verde down the street from Hoag over in Costa Mesa.

I'm concerned about accommodating 2,000 families with proper placement in schools. If they have one to two children per home, that would be two to four thousand new students in the Newport-Mesa School District, and as you know, the schools in this area are already overflowing, sometimes turn away their own neighborhood students. I know that because my children went to Harbor View right here in Newport Beach, and they have been recently this year turning away their own neighborhood children because there's not enough room for them.

So I want to know if you're planning on adding -- if this project is going to add to the overcrowded schools,



overcrowded classrooms, or if taxpayers are going to have to build a new school or two because two to four thousand children -- most schools take about 500 children, so it would take quite a few schools if each house had one child or two children.

I don't know where the money would come from to do that. We're already laying off teachers, and, you know, you know the State of California's budget. Where are they going to get the money to build schools or hire more teachers?

Secondly, if you opened up closed schools, who would pay for busing these children to the closed schools? And also, can Orange County Transportation Authority afford to purchase additional buses to accommodate the increase in the population?

So I would ask that you look at these issues very carefully. They are really going to impact the needs of existing families and taxpayers within Newport-Mesa School District.

Secondly, as a resident of Mesa Verde, Hoag is my nearest hospital and all my neighbors, as it is yours in Newport Beach, and I'm worried about the increased traffic on 17th and 19th, Superior, PCH and Placentia.

As it is already, I've lived here for about 20 years and have seen it increase over the years, and I cannot

imagine the increase with a huge housing project like this. I'm worried that this is going to delay response time, for individuals can always bring their emergency cases to the hospital -- sorry. I have a little bit of laryngitis -- also delay response time for emergency vehicles out, and I'm concerned about the impact of this project on Hoag Hospital, someone else mentioned with their severe parking problem and on the emergency room at Hoag, which is already crowded.

Considering the correlation of high crime with densely developed areas -- I know they studied it in LA, and I don't want to repeat the same thing that's happened in LA here because we already have a highly dense population. That pink area where they're talking about putting the five-, six-story or five-story buildings in the densely -- I want to say condensed, but populated buildings right up against that Shalimar Street area, and it's is a high crime area.

And I don't know if that's really good planning because you already have that area under pressure, and then adding more density, there's empirical studies against that because of the correlation in crime without any recreational space in that immediate area.

I know you're talking about recreational space

in other areas of the project, but that immediate area, that pink area is going to be highly impacted with possibly a lot more crime, and it's already -- it's already kind of a tragic area.

I'm wondering if the gain in property tax that the City is going to get from this project is going to be enough to pay for all these problems because I don't know how it's going to if you have to build schools, you're going to have to add police, fire, teachers, ambulances, as well as vehicles, emergency vehicles.

And I think these are really serious issues, you know, that I would like your group to study and to bring back to the community with your findings.

Thank you.

MS. PRIVITT: James Quigg?

MR. QUIGG: That's me, I think. Quigg, James Quigg, Q-u-i-g-g. Just a couple comments.

I see you're making reference to climate change. I presume that would include the oceans, which looks like there's certainly expanding and we're losing land. That seems to be fairly factual. In that respect, I think the issue of tsunamis is very significant since a significant portion of that area probably would be affected by a tsunami.

And then lastly my comment is regarding

Green-light. I haven't seen anything specifically regarding Green-light. I'm sure that will be addressed by the City. Thank you.

MS. PRIVITT: Thank you, Mr. Quigg.

Jan Vandersloot.

MR. VANDERSLOOT: Good evening. Jan Vandersloot, Newport Beach.

My comments. Number one, I would like to have the EIR couched in terms of evaluating the biological resource environmentally sensitive habitat areas consistent with the Coastal Act and not consistent with the Newport Beach Certified Land Use Plan.

In the application, they analyzed the ESHA areas using Newport Beach criteria, not Coastal Act criteria, and that makes a difference because the Newport Beach CLUP is able to denigrate the value of the ESHAs by saying that they're isolated, by saying they're fragmented and by saying that they're degraded. So a lot of the coastal sage scrub areas on the property, a lot of the native grasslands on the property are not being properly classified as ESHA because the biologists are analyzing it in terms of the Newport Beach CLUP saying that they're degraded, saying that they're isolated and fragmented, and those terms are foreign to the Coastal Act.

Coastal Act does not mention anything about degradation. In fact, the Bolsa Chica decision of 1999 specifically affirmed that ESHA is ESHA whether or not it's degraded, whether or not trees are dying. If you have an area that is habitat, then that area -- for sensitive species, then that area ought to be considered as ESHA.

And, in fact, when -- I was on the General Plan Advisory Committee for Newport Beach. When we were first considering Banning Ranch, they were considering the whole Banning Ranch as ESHA. Subsequently the City decided, well, we don't want to call it -- we want to call it an environmental study area or ESA rather than ESHA, but the fact of the matter is is that whole land is designated as critical habitat for the gnatcatcher, and it has several different sensitive and endangered species, not only the gnatcatcher but the burrowing owl, the cactus wren, the least Bell's vireo, the San Diego fairy shrimp. It really is a biologically diverse piece of land and ought to be considered in total as ESHA.

So far the biology reports are seriously denigrating the biological value of that property, and they're only applying, like, a 50-foot buffer, which against the environmentally sensitive area, 50 feet is something that you find in the Newport Beach CLUP, but there's nothing

like that in the Coastal Act.

Most of the sensitive coastal areas in California at least have a hundred feet buffer, and Bolsa Chica they even have a hundred meter buffer. Especially when you're talking about areas that need large amounts of land, like the burrowing owl. The burrowing owl needs a lot of grasslands.

All that developed area that you're talking about in areas C1 and C2, those areas are burrowing owl habitats. They have native grasslands which are not being adequately described so far in the applicant's biology report. All that stuff needs to be redone, needs to be better cataloging of where the native vegetation is, and we ought to look at that land as something that's not an oil field.

The oil field itself is an artifact that is being placed on top of what really is a biodiversity park. We've just -- just recently the equipment has been out there. The native grasses, the native cultural sage scrub has been naturally repopulating itself and all the little oil roads that they have there, but the equipment came and they just scraped all that native vegetation off.

Even though the oil pads under there, they're abandoning a lot of them and all you see is just a little

stick in the middle of it, but they're clearing out a whole 60- to 100-foot area and just scraping off the vegetation.

That's not being very environmentally sensitive or responsible, and we have to look at that property as what it would look like if that land were allowed to be -- revegetate itself even naturally without doing any kind of remediation but just let the land restore itself. That can be done on that property.

I would like you to -- the EIR to look at a reduced development footprint where what you analyze for development is what is already urbanized on the property. So if you look -- if you go on that property, look at it, you can see that there are big parking lot areas, there are areas that have sheds on them, there are areas that have a lot of garbage that is stored on pavement.

If you just take that area and develop it in a reduced development profile, you may only have -- you may be able to develop, like, 20 or 30 acres and not disturb the rest of the habitat, which essentially is virgin open space.

The only thing that is impacting it are these artificial oil roads that the equipment -- that they come in and scrape off the native vegetation on the oil roads just to be able to have a truck drive on it. I think that

kind of -- as they're letting go of these oil wells, the land is going to restore itself.

Another comment I'd like to make is where are these children going to go to high school? The closest high school seems to be Estancia High School, but since it's in Newport Beach, the tendency might be to send them to Newport Harbor High School, and now we have a lot of traffic rather than going up Placentia that is now going to go across town on 15th, 16th and 17th across Newport Boulevard and impacting the residential neighborhood of Newport Heights, which is already very heavily impacted by traffic going to the Newport Harbor High School.

If Newport Harbor High School is the destination for the children that are going to high school from this development, there should be consideration in EIR's closing off those streets or impeding the through traffic to those streets. And I'm talking about 15th Street and 16th Street and Clay Street. These streets are going to be heavily impacted by traffic from the Banning Ranch development if it goes through as proposed.

I would also like to see an analysis in the EIR of all the funding sources that could be used to acquire this property pertaining to the Newport Beach first priority of keeping it as open space. I don't believe Mike Mohler



is correct when he says that this project completely complies with the Newport Beach General Plan because this project is the backup plan. It's if the Newport Beach General Plan cannot be accomplished.

But to accomplish it, we need to identify the funding sources, and we need to identify funding sources from people that don't have a conflict of interest or who are otherwise impeded by previous confidentiality agreements.

The people that the City has hired to do the appraisal, for example, one of those people had a conflict of interest. He could not identify the process used for acquiring the Bolsa Chica Mesa because he was involved with the acquisition of Bolsa Chica Mesa by the State, and therefore, he could not apparently tell how they did it there.

You know, how did they actually accomplish the purchase of 103 acres of Bolsa Chica Mesa for \$65 million, and why does not the City Appraiser report have that information in it? You know, why would then -- and the reason why is because this particular person had a confidentiality agreement, so he could not say, for example, that the company got tax breaks or that there is something else that -- some other form of compensation that allowed

the State to buy 103 acres for \$65 million.

So these kinds of funding sources ought to be completely analyzed in the environmental impact report. I'm sure I'll come up with something in the future, but that's what I have to say for now. Thank you.

MS. PRIVITT: Melody Perry.

MS. PERRY: I'm Melody Perry, Newport Beach.

I was just looking at the map here, and the South Bluff Road, it looks like it goes very, very close to a big residential area there. And I was also reading that on Monrovia Street, they're planning to build a great big apartment complex or condo complex, and I drove by there, and they've already scraped all the buildings down on that huge area.

So maybe they should just keep pumping oil.

MS. PRIVITT: Steve Ray?

MR. RAY: My name is Steve Ray, and like an earlier speaker, I have a throat problem today from being in the Midwest in the snow. So hopefully, I won't lose my voice here.

I wanted to follow on a few things that Jan Vandersloot had mentioned and expand a little regarding open space.

First of all, the voters in this city voted that

Banning Ranch, first preference was to remain permanent open space, and in light of that there have been three alternatives other than development plan noted in the NOP here, one of them being open space, the other one being no development and the other one being a circulation element change.

I would suggest that if open space is not designated as the preferred alternative, given the voters' preference, that a serious analysis and rationalization be provided as to why that would not be the preferred alternative.

And speaking of alternatives, given that, as Jan pointed out, there are a lot of species, both not just wildlife but plant species on the property as well, you know, with the gnatcatchers, the burrowing owls, the least Bell's vireo, I think you left out the least terns, cactus wrens, southern tar plants, things like that, that -- and also given the fact that the Coastal Act is -- will be the designated factor here, not the City's CLUP, because this decertification area, it's a wide hole for the Coastal Commission.

So given that, I think the buffers that will be put in place, the ESHAs that will be established will consume quite a bit of the development space that's been allotted

in this plan, and as such, I would suggest that a fourth alternative also be made a part of this, and that is a reduced project based upon what are going to be more likely the available land that's left, which is going to be seriously reduced from the footprint that you see currently.

Next I would like to talk about -- little bit about traffic. I know you mentioned that the 19th Street extension in Bluff Road may not be placed there, but it is on the drawing there. It is called for in the plan. It is being analyzed. However, you also said that this did not include a 19th Street bridge. However, given that the Master Plan of Arterial Highways designates a 19th Street bridge and that PCH is reaching capacity level, that this project would definitely bring into play a 19th Street bridge. And so I think that this wink-wink, we're not talking about the bridge, I think that is a wink-wink. In reality, the bridge must be a part of the analysis of this.

I would point out, too, that if you look in the drawings, they have set aside a right of way for 19th Street from where 19th Street currently ends all the way out to the river, and why are you going out to the river on 19th Street if there's not going to be a bridge there? So I think that actually needs to be included as part of this.

Also, I think when you look at the Circulation Element, I don't think it's fair to just look at the circulation of the traffic created by the project inside the project on those roads. If I lived on the east side or worked on the east side of Costa Mesa and needed to go anywhere north, I'm going to drive write down Bluff Road. Whether I'm coming in from 16th, 17th or 19th Street, I'm going to be coming down Bluff Road to get to PCH because why go out to Newport or to Superior to get down to the Coast Highway. I can take that shortcut through. And when I come home at night, I'm going to do the same thing.

So I think there's going to be a much heavier load capacity on that road than you might anticipate, so I would suggest that you take into effect all of the potential uses from other -- the other residents in that part of Costa Mesa there for that.

And also, I did not see anywhere on the plans when you're looking at the development proposal any suggestion that there's going to be any wall or anything like that around the properties along the bluff side, and I would point out that in Bolsa Chica development there, they did put up a wall, a glass wall. So they made it glass because they don't want to ruin the view sheds for residents, but they put up the glass to keep people out and to help

break the wind and stuff like that.

Unfortunately, that wall is known as the wall of death because it has had a tremendous impact on avian life. A lot of birds, especially protected species, have died crashing into that wall because, of course, they don't see the glass. It looks clear to them. They just smash into it.

So if there is any plan at all or any thought to having a wall anywhere on that property, I would suggest that that be made known and that the potential wildlife impacts be analyzed, as well.

And finally, the oil contamination on there. I know in Huntington Beach, I was Planning Commission Chair in Huntington Beach, and we had projects, a lot of oil-contaminated land there, too, and one thing that we found, there were a lot of studies that showed that dust-born particles coming off of oil-contaminated lands caused a lot of health problems, respiratory problems and also a lot of cancers, especially brain stem glioma in young people, and we had quite an incidence in one area there of high instance of cases in that.

So I would suggest when you're looking at the air quality impacts there that you pay special attention to the dust contaminant, the particulates coming off of the

site and the potential impact that they may have on the neighborhood, as well.

I'm sure that I will come up with some more comments later. Thank you.

MS. PRIVITT: There's still some people who would like to speak. So if you haven't spoken, we'll let those people go first.

MS. BARGER: Stephanie Barger, Earth Resource Foundation, also a resident of Newport Beach, and I think as Steve brought up, it really is the little things that matter.

So one of the things that's never really looked at is lighting. So we're going to be having this beautiful open space and wetlands, but we're going to have this big huge road, and is it going to have street lights? What's going to be the speed of the traffic? Are there going to be sidewalks? Is there going to be a trail? What is all the lighting back now coming from all of those homes, and how is that going to affect the wildlife?

I think also it needs to be noted what kind of trails are going to be in there. We hope that they're mixed use, but we need access to those trails. Are people going to be bringing the horses in and bicycles and mountain bikes and all of that? So I think it's very important to look

at that.

Another little thing that can have a big effect is dogs. It's been shown that dogs are very damaging to our wildlife areas. In fact, in Utah in the canyons, they don't even allow dogs except for rescue dogs. In Aliso Woods, they don't allow dogs down there. Also, the impact of more dogs in our neighborhood, do we have a dog park, do we have a dog beach, you know, are there going to be speed bumps, what's going to be the flow of traffic in there.

I hope there's going to be no development, but I think that having the North Bluff all the way to 19th Street is unnecessary if we're really reducing the amount of traffic that we want to. We're just encouraging traffic through our wildlife areas.

I also had a question, when South Bluff is coming down on Pacific Coast Highway, is there a light there, or is that people can only enter from one side? MS.

CIANDELLA: That will be studied.

MS. BARGER: Because I think that's a very important factor. If there's not a light there, how are people going to cross? They're not going to walk all the way to Bridge or Superior, and it's going to cause huge amounts of problems with only one way. So that should actually have to be a requirement to be looked at.



We also need to look at the plantings, what is the plantings in the development. This was supposed to be a very green project, so I would hope that it's all native plants. I would hope that it's not -- maybe it's going to be gray water, but it is going to be gray water, and I think those things need to be looked at. And this gentleman's comment about desalination, that water is not their water. The ocean water is not their water. That's our water. And I would hope in the water study, they are not thinking that the desalination plant is going to go through in Huntington Beach.

So just want to make those things clear. Once again, if it's a green project, I'd hope they'd be collecting all their rain water and using it on site. I don't think all that stuff about being a green project is better than an environmental impact report. So thank you.

MS. PRIVITT: Sandy Genis.

MS. GENIS: By the developer's own admission --

MS. PRIVITT: State your name.

MS. GENIS: Oh. Sandra Genis.

They've been working on this for a couple years, and this is a highly, highly complex project. And therefore, I believe that for the EIR that a 45-day public review, which is the minimum prescribed for a project of

this type, should not be utilized, but we should have a 60-day, preferably even maybe 75. I don't know if we want to go to the maximum 90, but 45 days will not be adequate.

Next, I'm looking at this project, and I'm seeing traffic going out into 17th Street, into the poor area of Costa Mesa, traffic coming up 16th Street into the poor area of Costa Mesa, 19th Street into the poor area of Costa Mesa, high density affordable housing project smack dab next to the poor area of Costa Mesa, and I therefore believe that this document needs to address environmental justice issues, which is standard for NEPA documents. I know it's not yet standard for CEQA, but that's a very important issue regarding this project. Thank you.

MS. IRANI: Hi. Might be last, but not least.

My name is Jennifer Irani. I'm a resident at Newport Knolls, which is just off of 15th Street and Monrovia, and my concern is, among all the others that have been mentioned, which I would love to go into but I won't, is -- I'm going to stay with traffic tonight because what I see on 15th Street already is cars going 40 plus miles per hour, and we have a community center there on the corner which has a school bus dropping off kids for after-school programs, and we have already so many cars going so fast on that street that it's amazing there isn't more accidents.

I also have a concern with 16th Street and there's a bluff-top road and the impact of noise and traffic, and as it's been mentioned, the traffic then going through to Newport Heights to go to the schools. So I want to just reiterate my concerns for that.

And my other concern is that Newport Knolls, we already have people jumping our fences to get into our pools. They live in the nearby neighborhoods, they don't have access to swimming pools, so they're jumping our fence to get into our pools. We're constantly calling the police.

It's getting to the point where we can hardly manage it as a small association. We're only 28 units. And the impact of more development in that area, I can't even imagine what that would do to our already stressed environment there.

We have so many people on 4th of July coming down there and use that cul-de-sac to park, people doing unbelievable things there that we are trying to manage as it is, and the idea that there might even be more development makes me very concerned. So I just wanted to express that tonight. Thank you.

MS. LOMBARDI: My name is Ginny Lombardi, and I live in Newport Crest, and that's number seven on the map. In our packet it's exhibit -- whichever exhibit. Three.

Thank you.

And I am concerned about the impact of the traffic, the roads, the lights, that that will have on Newport Crest, and especially the 15th Street extension because on that map, if you take a look, the one corner -- this is Newport Crest. It looks as if that one corner right there where Odyssey is is about a foot and a half away from 15th Street. I know it's not that close, but it's very, very close to the perimeter of Newport Crest.

Six courtyards in our complex would be affected by the South Bluff Road, and that's six courtyards out of 19 in our complex, and real concerned about the -- how close it is, the elevation of the road, the impact that the noise, the headlights, would have on the quality of life for the people, our people, in those courtyards.

And I was wondering if possibly 15th Street may be not extended or that 15th Street road be moved, and I have a suggestion, Mike, where that could go. And I don't mean that disrespectfully, but -- really, but to move it away from the perimeter. But that's a major concern for Newport Crest.

Another concern is about the lighted sports complex that is planned, and that is another part of the development that would impact Newport Crest quite a bit.

We have four courtyards that that would impact. And I'm not familiar with other associations that that would impact, but I'm sure the people here would know that, and I think that is in the dark green section right up in this corner. I believe that's where the lighted sports complex would be going.

So what kind of hours of operation, the impact the lighting would have on the homes there, being real concerned for the impact on Newport Crest.

Also, the project data sheet refers to 19 acres for privately owned and publicly accessible bluff park. What does that mean, and where is that located in the plan? I don't see it on here. Maybe I'm not seeing it. Maybe it's here but I just don't see it. And so those are two or three areas of concern that we have specifically for Newport Crest, along with some of the other concerns that many of the other speakers have addressed.

Thank you.

MS. WILLIAMS: Hello. My name is is Sue Williams, and I haven't seen anyone come in from Newport Terrace, which is at the end of 19th Street, so I just want to reiterate, I think, what everybody else has said, but I'm very concerned about Bluff Road going to the end of 19th Street, and Balboa right now is at the front of Newport Terrace, and extending

that down Bluff Road would cause traffic, noise.

Right now it's a very quiet area, and I can't imagine what would happen because everybody's going to come down 19th Street, they're going to go Bluff Road, as it was said, and it will be a shortcut to the beach. It's parallel to Newport Boulevard. I would use it.

So I just wanted to say that. Thank you.

MS. PRIVITT: Thank you.

MR. BUNYAN: Good evening. My name Chris Bunyan. I'm a Costa Mesa -- B-u-n-y-a-n.

First thing I want to discuss today is the traffic impacts that are going to be affecting Costa Mesa and the Newport area. As everyone knows, this side of Costa Mesa and Newport have one of the highest traffic impacts in the County.

The 19th Street and Newport intersections has a very low level of service grade. It already has triple turn lanes, traffic safety lights. It cannot equip with any more traffic. The Banning Ranch development will affect 19th and Newport, 17th and Placentia, the Placentia and Victoria corridor, Superior Avenue and PCH, not to mention already very clogged 55 freeway and 17th and Newport.

The current constructions being done, the

widening project in the City of Costa Mesa, this project if it was to go through would cancel out any of the progress that was made due to the widening project.

Also, Newport Shores area, Newport Crest, their quality of life will be impacted by traffic increases, noise, property values decreasing due to construction that's being done, not to mention noise impacts once the project is put through.

It was mentioned earlier about air particulate matter. The developers have said that the over-mediation will contain all of the dirt being cleaned on site through water and various chemicals. You essentially detergent and take all the oil and other particulate matter out of the ground.

If there is so much as one speck of dust that reaches the air that has polluted matter to it, that is harmful to people's health. Also, over-mediation is a tricky process. Even if there's one truckload being trucked out there, what city is it going to go through, Costa Mesa or Newport? We're not convinced that there's not going to be at least one truckload going down the city streets.

Also, recently in Costa Mesa, a great amount of time and expense was made to improve the Victoria and Placentia corridors. When you have heavy truckloads carrying scrapers, backhoes, large construction equipment,

that puts an added stress to the surface streets, and the City of Costa Mesa would have to eat the cost, more than likely.

Also, once the City of Costa Mesa and Newport sign off, provided this project was put through, and 15th Streets are expanded, 16th Street, 17th Street, the City of Costa Mesa has to pay for in perpetuity the maintenance of those roads, and that's not fair to Costa Mesa residents since this is not a Costa Mesa project. It would be a Newport Beach project.

Public safety. There hasn't been any talk of any sort of substations, police, nor a fire station on the Banning Ranch property, and as it is in this economic climate, which isn't going to turn up in the next few years, you already have talk of cutting back on public safety. And as it is in this area, in the Banning Ranch area, you already have public safety forces that are already overstretched.

So there has been no discussion of fire trucks and how police is going to get in that area or other public safety vehicles.

Also, the higher density projects, although the developers are saying it's medium density projects -- and that's the village area, and that's to be on the eastern side -- that's abutted up against Costa Mesa. Speaker



earlier mentioned that on Monrovia they are working on several westside projects, high density lofts and mixed-uses lofts, artists lofts on that side.

So once again, you're increasing the traffic and the pedestrian element on that side. It already can't take that.

Now, John Wayne Airport, Costa Mesa and Newport have signed off to an agreement to curtail the flights out of John Wayne. If you're adding up to 1400 homes and a hotel, you only increase the need for an airport in your area.

And so if you have a resort that you're trying to sell to outside people to come in and use, which is what the developers are trying to dangle in terms of the hotel occupancy tax, you're only going to have -- even if it's one more person using John Wayne Airport, that's one more person too much.

The impacts of the John Wayne Airport are noise and visual and not to mention health pollution. There are several studies that you can find online that shows that folks who live near airports have higher incidence of heart disease and cancer, not to mention the added impact that that will increase on the Newport Back Bay.

Seismic activity and fault line studies. Those studies are still going to be done. We ask that time

be taken to really analyze those because along on the bluff area there are fault lines, and if you have even the smallest of seismic activity on that side, that holds a danger to those people who live in that area, which goes back to the public safety issue I mentioned earlier.

Hypothetically speaking, if you were to have any kind of seismic activity and public safety, i.e., fire and police, had to get in that area, where are they going to be coming from and how are they going to be getting in there?

Also, scraping and leveling along the bluffs only add to the degradation to a very sensitive plant life that's in that area. Also, I mentioned earlier about the impacts to Newport Crest and Newport Shores area. You're talking about a 45-foot hotel and a 65-foot village of medium dense housing. That affects folks who live in the Newport Crest area, and they have a right to not be impacted by huge walls of sorts and looking at the backside of hotels or the backside of mixed-density housing.

PCH was mentioned earlier about the Bluff Road. You already have high levels of traffic on Superior and PCH as you speak, and now you're going to add yet another intersection or possibly another access road onto Bluff Road coming off Bluff Road and PCH. That will only increase and thus create a bottleneck on that area.

It should also be spoken about Orange County is one of the highest density areas in Southern California. There is no more room for open space, and this plan, when you begin to walk it through, traffic, noise, visual, air pollution, increased traffic to John Wayne Airport, stresses on the public school systems, stresses on the public safety, there is no good to come out of this.

And it's also been talked about earlier about -- and this goes back to the public safety issue -- about the tax increases that are going to come from property taxes and also hotel occupancy tax. That's all going to be a wash because the money that's going to be needed to maintain the roads and to also support the increased demand for public safety, Newport Beach is not going to realize those taxes.

Also, an item of great contention in the City of Costa Mesa and in Huntington Beach and in Newport is the 19th Street bridge, and Bluff Road goes up to 19th Street.

Just the fact that it touches and rubs against the 19th Street area is going to cause a lot of suspicion to people and a lot of concern, and in the years to come if you're having a lot of people who are hitting a dead end on Bluff Road, these new residents in the Banning Ranch development proposed area might start to make a push to Newport Beach City Council to have 19th Street bridge built,

and that would impact people along 19th Street, in particular where the woman mentioned earlier.

And those are my comments. Thank you.

MR. STREIFF: My name is Matt Streiff, S-t-r-e-i-f-f, and I will keep this very brief.

I live in the Newport Shores community, and a lot has been spoken about on the impact on wildlife in the Banning Ranch area itself. I personally am very concerned about the impact on the wildlife in the Newport Beach community and the wetlands that are there. There's tremendous diversity in wildlife and particularly avian populations, and I hope careful attention is given to those populations.

Secondly, the wetlands that are there suffer from a siltation and sedimentation problem. I would think that heavy development of the upland area could cause a significant amount of runoff and further siltation and sedimentation that is really impacting that area.

Thank you.

MR. BURNETT: I'm Brian Burnett, and I live in Costa Mesa, and I feel this planned urban development has a monetary value, and open space and wildlife habitat is priceless. And one thing that we have to look at and bring into scope is the effect on Talbert Nature Preserve and

Fairview Park in Costa Mesa because that will be impacting the birds that live in the surrounding nature preserves.

And that's my comment. Thank you.

MR. SUKER: My name is Norm Suker, S-u-k-e-r, and basically all the thunder has been taken, but I wanted to state that I've been a resident of Newport Crest for over 20 years, and in that time -- this proposal represents the third go-round. So I'm familiar with the process.

But in all the times in the past, the City has basically guaranteed to the residents of Newport Crest that our view will be maintained, and with a 50-foot hotel right in front of my unit, I'm certainly not going to have my view maintained.

And also, Bluff Road had always been closer to the center of the development, and this proposal is to move it very close to Newport Crest. And I personally object to it, and I think everybody else objects to it. That's all.

MS. PRIVITT: Is there anyone -- I think there was maybe a couple people who wanted to make it very quick. I don't want to go back to one more time, but is there anyone else who has not spoken tonight who wishes to speak?

MR. BROWN: My name is Steven Brown, and I live in Newport Terrace, and I walk in Talbert every day with my

dog, and I haven't seen many of you people out there that are complaining about this project.

As to the Bluff Road, I think it's a good idea because police and fire would have another access to Newport Terrace and would kind of dangle out at the end of Newport Beach, and 19th Street has got to be hard thing for the Newport P.D. to shoot across to try to come out to help us, as well as Fire.

And I think the Bluff Road being up against the bluff is a good idea because it's gonna leave more of that green area available for the avian population that everybody keeps talking about, and they're really cramped now because of the oil facilities that are out there. But from everything I'm hearing from the developer, he's going to address that and actually make the area better for the wildlife after we get done with it.

MR. BARTRAM: I'm out there all the time.

MR. BROWN: I haven't seen you there. I'm there every day. Twice a day. So next time you're out there, say hi.

MS. PRIVITT: Let's keep it down, please.

I think there was two people who wanted to briefly speak. I'll give you a couple minutes each because we don't want to reiterate everything. And is there anyone

else who hasn't spoken who would like to speak?

MR. HAGEMAN: Rod Hageman.

I just see the absence, I think, of a scale on this chart. It's a little difficult to visualize distances and spaces and so on. I think your chart should be prepared that has a scale.

And secondly, I think that the developer maybe owes us a planner's or architect's model of this project that can be placed in City Hall for all to see the elevations. Much more to it than the flat map. And I would ask do the developers have to put up a surety bond to guarantee their credibility and capacity to do a project like this before they engage all of these parties. Thank you.

MR. RAY: Steve Ray again.

Yeah, just two items very quickly. First of all, I know when studies are done, I know the City's consultants are conducting the formal EIR studies and review, but I know it's also quite common to adopt studies that have been completed by the applicant's consultants, as well, and I would seriously recommend that if that is the case, if any of the consultant studies are to be adopted or placed in the EIR, that a formal peer review be done of those studies prior to their inclusion in the EIR.

Second, given all of the comments made here and all of the potential and probable impacts of this project, I would hope that the cumulative impacts requirement of CEQA be seriously discussed and analyzed as to why with all of the cumulative impact of the project that there would -- there would be potential approval or acceptance of the project, especially if the project is deemed to be the first alternative.

Thank you.

MR. BARTRAM: Bruce Bartram once again.

There were comments concerning Hoag Hospital and possible impacts that this project might have on their emergency services. It should be part of the EIR to take into account that Hoag Hospital itself is going forward with expansion of its facilities. According to the 1992 development agreement that was signed with the City of Newport Beach, according to its web site, in the next few years there's going to be a new and expanded child care center, expansion of the emergency room, there are plans to turn the outpatient services building on the lower campus to provide increased cancer, neuro and imaging services, a south building on the upper campus for expanding health and vascular institute and increased critical care capabilities, as well as much-needed parking facilities.

The EIR should include the fact that one of those



parking facilities was recently opened on Superior Avenue just south of the City's utility yard. Finally, when I contacted the Hoag Hospital's public information officer to get more details concerning their expansion projects, when I told them what was the purpose of my call, that this -- and told them of the proposed Banning Ranch project, in essence their neighborhood, they told me that they had not received any notice from the City of the project. And her overall reaction to the project when I described the 1375-unit development, the hotel and the other buildup proposed, her response was "wow."

So I would request that the EIR address the proposed or planned expansion of the whole hospital facilities in its relation with this project for the overall environmental impacts on our community.

Thank you.

MS. PRIVITT: I want to thank everyone very much for your very insightful comments and questions. As I indicated, the review period for the Notice of Preparation ends on April 17th.

We will stay around for a few minutes. Thank you, and have a good evening.

(Whereupon the meeting adjourned at  
8:57 p.m.)

STATE OF CALIFORNIA )  
                  ) ss.  
COUNTY OF ORANGE     )

I, MARY E. PIERCE, Certified Shorthand Reporter 6143 for  
the State of California, certify:

That I attended the foregoing hearing and that all comments  
made at the time of the proceedings were recorded  
stenographically by me and that the foregoing transcript  
is a true record of the proceedings and all comments made  
at the time thereof.

I hereby certify that I am not interested in the event of  
the action.

IN WITNESS WHEREOF, I have subscribed my name this 22nd day  
of April, 2009.

-----  
Certified Shorthand Reporter  
in and for the State of California

