To: City of Newport Beach Planning Commission

From: Norman J. Suker P.E., T.E

Re: June 21, 2012 Public Hearing for the Newport Beach Banning Ranch Development

Dated: June 21, 2012

I object to the approval of the Newport Banning Ranch (NBR) project as proposed and request that all my comments be included in the records of any and all proceedings relating to the Newport Banning Ranch project or its successors.

I request that no action by the Newport Beach Planning Commission be taken at this time regarding the NBR project for the following reasons;

A) The OCTA Board has essentially removed the 19th Street Bridge across the Santa Ana River. The City of Newport Beach representatives at the May 14, 2012 OCTA meeting conceded that the 19th Street Bridge will never be built. See attached email from Gregory R. Nord of OCTA confirming the OCTA Board's action and the Board's Minutes of May 14, 2012.

B) The City of Newport Beach General Plan Circulation Element Policy CE 3.1.3 **Regional Consistency** states "The City of Newport Beach Master Plan of Streets and Highways shall be consistent with the Orange County Master Plan of Arterial Highways". The City's Master Plan is now inconsistent with the OCMPAH.

C) The NBR DEIR traffic section states that if the 19th Street Bridge is removed from the traffic analysis, that the intersection of the proposed Bluff Rd. and West Coast Highway will have an Level Of Service (LOS) of "F". No mitigation measures were proposed.

D) Caltrans has not approved the construction of the Bluff Rd. and West Coast Highway intersection or a traffic signal at the intersection because the City of Newport Beach has not applied for the necessary encroachment permits. Caltrans has stated in correspondence to the City of Newport Beach dated December 9, 2009 regarding the Sunset Ridge Park that "The proposed signalized intersection (Bluff Rd. and West Coast Highway) is not recommended ...". See attached letter.

E) Failure to remove the bridge from the City's Circulation Element will jeopardize Measure "M" funding.

F) The California Coastal Commission has environmental issues with the proposed Bluff Rd. at West Coast Highway that needs to be resolved.

Norman J. Suker, P.E., T.E
Newport Crest Resident

Norm

From: Gregory Nord [gnord@octa.net]
Sent: Thursday, June 21, 2012 1:46 PM
To: 'normsuker@sbcglobal.net'
Cc: Kameron Altar
Subject: 19th Street Bridge - 5/14/12 Board Action

Good afternoon,

Thank you for contacting the Orange County Transportation Authority (OCTA) to comment about the 19th Street bridge.

It has been recognized by all of the affected agencies that the 19th Street bridge is not a viable project. This is due to expected environmental impacts, right-of-way impacts, high cost estimates, lack of available funding, and substantial community opposition. However, the OCTA Board of Directors believes it is prudent to evaluate what other roadway improvements are possible to help ease traffic flow in the area before taking final action on this matter. The Board has temporarily suspended the action on the deletion of the bridge from the Master Plan of Arterial Highways until November, in order to allow time to assess alternative traffic solutions.

OCTA staff will facilitate a collaborative effort between the involved cites, the County of Orange, and Caltrans to develop our understanding on what other improvements can help address traffic needs. These alternatives will be presented to the OCTA Board of Directors by November 26, 2012, at which time the deletion action is expected to be final.

Thank you again for taking the time to contact us regarding this issue.

Sincerely,

Gregory R. Nord
Senior Transportation Analyst
Strategic Planning, OCTA
P: 714.560.5885
F: 714.560.5794

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Minutes of the Meeting of the
Orange County Transportation Authority
Orange County Service Authority for Freeway Emergencies
Orange County Local Transportation Authority
Orange County Transit District
Board of Directors
May 14, 2012

Call to Order

The May 14, 2012, regular meeting of the Orange County Transportation Authority and affiliated agencies was called to order by Chairman Glaab at 10:25 a.m. at the Orange County Transportation Authority Headquarters, Orange, California.

Roll Call

Following the Pledge of Allegiance and invocation, the Clerk of the Board noted a quorum was present, with the following Directors in attendance:

Directors Present:	Paul G. Glaab, Chairman Gregory T. Winterbottom, Vice Chairman Jerry Amante Don Bankhead Patricia Bates Bill Campbell Carolyn Cavecche Larry R. Crandall William J. Dalton Lorri Galloway Don Hansen Michael Hennessey Peter Herzog John Moorlach Shawn Nelson Janet Nguyen Miguel Pulido Cindy Quon, Governor's Ex-Officio Member
Also Present:	Will Kempton, Chief Executive Officer Darrell Johnson, Deputy Chief Executive Officer Wendy Knowles, Clerk of the Board Laurena Weinert, Assistant Clerk of the Board Kennard R. Smart, Jr., General Counsel Members of the Press and the General Public
Directors Absent:	None

Special Calendar

1. **Presentation by the Southern California Army Advisory Council**

   Paddy Gough, Executive Director of Human Resources and Organizational Development, introduced Ron Garcia, Viet Nam veteran and Brea Councilmember, introduced the Chairman of the Southern California Army Advisory Council, Dr. Rebecca Morgan. Dr. Morgan provided background on the Advisory Council and explained how the parachute jump with the Golden Knights came about for March 14.

   Dr. Morgan then introduced Army Lieutenant Colonel Hansbarger and Command Sergeant Major Perine, who presented United States Army Airborne wings to Mr. Gough and Chief Executive Officer (CEO), Will Kempton.

2. **Southern California Regional Rail Authority Fiscal Year 2012-13 Proposed Budget Presentation**

   Michael Litschi, Section Manager, Rail and Facilities Division, provided opening comments and introduced Nancy Wieford, Director of Finance for the Southern California Regional Rail Authority (SCRRA).

   Ms. Wieford offered a presentation on SCRRA's Fiscal Year 2012-13 Proposed Budget and fielded a brief question-and-answer period.

   Directors Bankhead and Hennessey requested that SCRRA perform an analysis on the impact on ridership if fares are increased or decreased.

   Director Cavecche stated she is very impressed with and appreciative of the staff in OCTA's Rail Division.

   Ms. Wieford thanked Director Cavecche for her work on the Metrolink ad hoc budget committee and assured the Board that Metrolink is not budgeting for merit increases or an increase in headcount for the agency. She also thanked Director Hennessey for his participation.

   No action was taken on this item.

3. **Consideration of Appeal of the California Environmental Quality Act Exemption Determination for Removal of the 19th Street Bridge from the Master Plan of Arterial Highways**

   Charlie Larwood, Manager of Transportation Planning, provided opening comments and introduced Joseph Alcock, Transportation Analyst, who offered background on this issue and an update of what actions have been taken by the Board to this time.

3. (Continued)

Public comments were heard from:

Robert Hawkins, Attorney-at-Law, offered comments on this issue and stated that he has reviewed the Master Plan of Arterial Highways (MPAH) files, and this project is in the City of Huntington Beach's file. He referred to a letter that requested the removal of the 19th Street Bridge (the Bridge) from the MPAH; he stated there is no traffic study.

Mr. Hawkins referred to the guidance documents and stated that he feels a new cooperative analysis is needed and urged the Board to follow the documents and to affirm the appeal in this matter.

Mr. Hawkins stated that he felt today's agenda Items 4 and 5 (minutes of the special and regular OCTA Board meetings of April 23) should be addressed before this item continues.

Steve Rodansky, Councilmember, City of Newport Beach, stated that there has been a failure to follow the process set down by state law and OCTA's own rules and guidelines. He stated that he had hoped that in the spirit of cooperation, a resolution for the process gridlock would be arrived at. He urged the Board to allow the process to work and direct staff to work with the cities of Huntington Beach, Newport Beach, Costa Mesa, and Fountain Valley to develop an alternative plan of mitigation.

Leonie Mulvihil, Assistant City Attorney for the City of Newport Beach, expressed her concerns for a one-time waiver of OCTA's guidelines without discussion of traffic impacts. She further stated that the use of Measure M funds for financing improvements concerns the City of Newport Beach. She stated there is concern for a unilateral decision by this Board, as it is inconsistent with the OCTA guidelines, and inconsistent with the California Environmental Quality Act (CEQA).

David Webb, City Engineer, City of Newport Beach, stated that his city has begun working with OCTA staff and the other cities and urged the Board to allow the process to go forward. He stated there seems to be cooperation among those involved, which could resolve many issues.

Jim Mosher, resident of Newport Beach, stated that he understands the others' viewpoints, but believes the Bridge will not be built; therefore, there is no urgency to remove it from the MPAH. He urged the Board to reject the recommendations before them at this time.

Ron Frankiewicz, resident of Costa Mesa, stressed his concern for the potential enormous costs that could become involved. He stated that there needs to be clarity on this very soon as development of Banning Ranch is moving forward quickly.

3. **(Continued)**

Bonnie Copeland, resident of Costa Mesa, stated that she opposes the Bridge and emphasized that this issue has gone on much too long and did not want to see a postponement of the inevitable. She urged the Board to remove the Bridge from the MPAH now.

Gary Itano, representing the Banning Ranch Conservancy, urged the Board to involve the community in the mitigation and traffic studies and to approve the recommendations at this time.

Steve Ray, representing the Banning Ranch Conservancy, stated that he supports the recommendations before the Board today and emphasized that it is time for a decision now.

Director Hansen stated that this issue has been under debate for quite some time and provided extensive comments on the history and viewpoints regarding this issue and stated he would take the leadership of Newport Beach at their word. He stated they have all expressed to him that the bridge will never be built; and they've expressed that they want to identify the mitigations and want to have a collaborative agreement. He stated that the City has stated that the mitigations are identified, and the deletion of the bridge is not a problem.

Director Moorlach stated that OCTA is interested in pursuing a traffic study and inquired as to the status of that study.

CEO, Mr. Kempton, responded that staff is engaged in bringing a traffic consultant on board. He stated that given the timeframe indicated through this motion, staff will be looking at getting the consultant hired very quickly, likely someone who is already on an existing list in order to perform this work very soon.

Director Hansen stated that it was now time to make a decision and made a motion to:

1. Deny the appeal.

2. Suspend the Board of Directors' action taken on March 12, 2012, to remove the 19th Street Bridge temporarily until further action by this Board of Directors, with that action being no later than November 26, 2012.

3. Direct staff to work with all the affected agencies, to identify potential impacts, alternative improvements and generate an agreement that identifies those improvements and ultimately agrees to the elimination of the 19th Street Bridge from the Master Plan of Arterial Highways.

3. **(Continued)**

Director Moorlach provided a second and a vote was taken. The motion was declared passed by those present; Director Nguyen abstained from voting on this item.

Vice Chairman Winterbottom thanked Director Hansen for the immense efforts put into this issue.

Consent Calendar (Items 4 through 26)

Chairman Glaab stated that matters on the Consent Calendar would be approved in one motion unless a Board Member or a member of the public requested separate action on a specific item.

Orange County Transportation Authority Consent Calendar Matters

4. **Approval of Minutes - Special Board Meeting**

A motion was made by Director Nelson, seconded by Director Pulido, and declared passed by those present, to approve the minutes of the Orange County Transportation Authority and affiliated agencies' special meeting of April 23, 2012.

5. **Approval of Minutes - Regular Board Meeting**

A motion was made by Director Nelson, seconded by Director Pulido, and declared passed by those present, to approve the minutes of the Orange County Transportation Authority and affiliated agencies' regular meeting of April 23, 2012.

6. **Fiscal Year 2011-12 Internal Audit Plan, Third Quarter Update**

A motion was made by Director Nelson, seconded by Director Pulido, and declared passed by those present, to receive and file the third quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2011-12 Internal Audit Plan.

7. **Investments: Compliance, Controls, and Accounting, July 1 through December 31, 2011**

A motion was made by Director Nelson, seconded by Director Pulido, and declared passed by those present, to direct staff to implement recommendation in the Investments: Compliance, Controls, and Accounting, July 1 through December 31, 2011, Internal Audit Report No. 12-501.