

## Alford, Patrick

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**From:** Jim Mosher [jimmosher@yahoo.com]  
**Sent:** Tuesday, November 08, 2011 11:01 AM  
**To:** Alford, Patrick  
**Subject:** Comments on Newport Banning Ranch Draft Environmental Impact Report  
**Attachments:** 1 - City of Costa Mesa 2011 Oct 20 Joint Study Session notice.pdf; 2 - CNB Planning Commission 2011 Nov 3 Study Session notice.pdf

Dear Mr. Alford,

I am submitting these comments with regard to the public review process for the Newport Banning Ranch (NBR) Draft Environmental Impact Report (DEIR), State Clearinghouse No. 2009031061, and ask that they be included in the record of this and all subsequent proceedings regarding this project.

In the following, references to the CEQA statute (in the California Public Resources Code 21000-21177) and CEQA guidelines (in the California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387) quote the text found in the 2011 CEQA Handbook prepared by the Association of Environmental Professionals:

[www.califaep.org/docs/CEQA/CEQAHandbook2011.pdf](http://www.califaep.org/docs/CEQA/CEQAHandbook2011.pdf)

These comments highlight a sampling of procedural and content deficiencies in the DEIR, and in the review process to which it has been subjected to date. There may be a wish to dismiss such concerns as not raising new "environmental" issues, however such clear and cumulative failure to comply with the mandates of the California Environmental Quality Act and its implementing Guidelines IS an environmental issue: failure to follow CEQA is a failure to protect California's environment in the way deserved and expected by the people of California and requires corrective action.

In view of both the number and seriousness of the shortcomings (primarily the unnecessary size and complexity of the document) it seems clear and inescapable to me that the NBR DEIR needs to be rewritten in compliance with CEQA and re-circulated.

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The Notice of Availability signed by Patrick J. Alford on September 6, 2011:

[http://www.city.newport-beach.ca.us/pln/CEQA\\_REVIEW/Newport%20Banning%20Ranch%20DEIR/Newport%20Banning%20Ranch\\_DEIR/Newport%20Banning%20Ranch\\_DEIR\\_September%202011/0.0%20NOA.pdf](http://www.city.newport-beach.ca.us/pln/CEQA_REVIEW/Newport%20Banning%20Ranch%20DEIR/Newport%20Banning%20Ranch_DEIR/Newport%20Banning%20Ranch_DEIR_September%202011/0.0%20NOA.pdf)

says:

"Copies of the Draft EIR and technical appendices are available for public review at the following locations:

- \* City of Newport Beach, Community Development Department, 3300 Newport Boulevard, Newport Beach, California 92658
- \* City of Newport Beach, Central Branch, 1000 Avocado Avenue, Newport Beach, California 92660
- \* City of Newport Beach, Balboa Branch, 100 East Balboa Boulevard, Newport Beach, California, 92661
- \* City of Newport Beach, Mariners Branch, 1300 Irvine Avenue, Newport Beach, California 92660
- \* City of Newport Beach, Corona del Mar Branch, 420 Marigold Avenue, Corona del Mar, California 92625

\* City Website - <http://www.newportbeachca.gov>"

Observations:

1. I first noticed links on the City website to the DEIR chapters on the evening of September 7th.

2. I first viewed the review copy in the Community Development Department on the afternoon of September 9th. Some of the appendices themselves contained appendices or attachments which were not fully printed out.

3. I personally checked at the reference desk of the Mariners Branch Library on September 9, 10, and 11 and at the reference desk of the Central Branch as late as 7 pm on September 12. In all cases I was told that I was not the first person to ask, but there was no NBR DEIR yet listed in their catalog, that they didn't have a copy, and didn't know when they would, but to keep checking.

4. I first saw a review copy of the DEIR at the Mariners Branch on the afternoon of September 13th. It consisted of just two volumes: the main text and the exhibits to the main text. The appendices were available only on CD-ROM's inserted in the front of the first volume.

Questions:

1. Why were links to the files not available on the City Website on September 6th as stated in the Notice?

2. Why have the technical appendices never been completely printed out in the copy that became available for review in the Community Development Department starting on September 9th?

3. Why were the technical appendices not printed out at all in the copies available for review at the City libraries?

4. Why were even the incomplete printed copies, with accompanying disks, distributed to Newport Beach City libraries not available for public review until September 13th?

5. Are computer-readable versions of files adequate to meet the CEQA requirement of making "copies of documents" available for public review?

6. How is the public interest served by a document too lengthy to print out and distribute in its entirety?

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CEQA Guideline 15105(a) says: "The public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances."

Observation: "Unusual circumstances" affecting the ability of the public to review the present DEIR include the facts that the lead agency requires a 1432 page main text, including a 64 page summary (supported by 5817 pages of appendices), to explain the most significant impacts of the project, feasible mitigating measures and feasible alternatives with less impact.

With the 60 day public review period provided in the Notice of Availability, a person interested in reviewing the DEIR and committed to studying it EVERY day of the review period would have to review and comment on 24 pages of main text and 97 pages of appendices on EACH of the 60 days (with a corresponding backlog if they miss any days to attend to other life functions). This is an unreasonable burden for most persons.

Question: Since the document is 4-5 times longer than the maxima envisioned in CEQA Guidelines 15123 and 15141 (15 pages maximum for the summary and 300 pages maximum for the main text), why is the public review period not 4-5 times longer than the normal maximum (that is, 240 to 300 days)?

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CEQA Guideline 15087(c) says "The notice shall disclose the following:"

"15087(c)(3) The date, time, and place of any scheduled public meetings or hearings to be held by the lead agency on the proposed project when known to the lead agency at the time of notice."

Question: Why are the date, time and place of known public meetings on this project, including EQAC review, the City Council Study Session on September 13, and the Planning Commission Study Session on November 3 not listed on the notice?

"15087(c)(4) A list of the significant environmental effects anticipated as a result of the project, to the extent which such effects are known to the lead agency at the time of the notice."

Observation: the Notice of Availability says "The Draft EIR examines the potential impacts generated by the proposed Project in relation to the following CEQA Checklist categories: aesthetics and visual resources, land use and planning programs, geology and soils, hydrology and water quality, population, housing, and employment, transportation and circulation, air quality, green house gas emissions, noise, biological resources, cultural and paleontological resources, recreation and trails, hazards and hazardous materials, public services, utilities, and alternatives" but it gives no hint of the areas in which significant impacts are anticipated by the lead agency.

Question: Why are none of the anticipated significant environmental effects uncovered in preparing the DEIR listed in the notice?

"15087(c)(5) The address where copies of the EIR and all documents referenced in the EIR will be available for public review."

Observations:

1. On November 7, 2011 I examined the extent to which documents referenced in the DEIR were available for public review in the Community Development Department at 3300 Newport Boulevard, Newport Beach, California.

2. It should be observed that City staff was helpful in trying to produce the documents, but it was apparent that only the main text of the DEIR and the portions of the technical appendices printed out as described above were readily available for review.

3. A volume containing the "NBR-PC" (as described in footnote 5 at the bottom of DEIR page 3-23) was produced with some difficulty, and it appeared the "Newport Banning Ranch Master Development Plan" (as described in footnote 7 at the bottom of DEIR page 3-24) could also be produced.

4. A 20-30 minute search by City staff by phone and internet for "The Metropolitan Water District's 2010 RUWMP" (described on DEIR page 5-78 as being "available at the City of Newport Beach Community Development Department during regular business hours") produced no result, although staff assured me they could obtain a copy if I really wanted to see it.

5. Staff also determined that the historic aerial photos used to assess the rate of bluff erosion and manmade changes to the site (DEIR page 4.3-5, and listed in more detail on pp. 17ff of Appendix D, Part 2, where the printed report says "Copies of these aerial photographs are included in Appendix B" although there is no Appendix B) were not available, although again staff promised to make an effort to obtain copies.

6. It was similarly apparent that staff DID NOT have copies available for public review of most of the documents listed in DEIR Section "9.0 References" -- especially those for which internet addresses were not provided. Examples inquired about included:

\* California Air Resources Board (CARB). 2008 (October 24). Preliminary Draft Staff Proposal, Recommended Approaches for Setting Interim Significance Thresholds for Greenhouse Gases under the California Environmental Quality Act. Sacramento, CA: CARB.

\* California Department of Education, Educational Demographics Unit (CDE). 2009 (July 7). California Public Schools - District Report: 2008-09 District Enrollment by Grade: Newport-Mesa Unified. Sacramento, CA: CDE.

\* California Office of Public School Construction (OPSC). 2010 (February 24). Report of the Executive Officer, State Allocation Board Meeting, February 24, 2010, Status of Fund Releases. Sacramento, CA: OPSC for California State Allocation Board.

\* Ward, M. 2010 (March 19). Personal communication. Email from M. Ward (M. Ward & Associates) to G.L. Basye (Aera Energy) and M. Mohler (Brooks Street) regarding the Newport Banning Ranch site and the Measure M2 Program.

#### Questions:

1. Why did the lead agency not provide for public review of the DEIR at a location where ALL of the supporting information used to prepare it (and referenced in it) was available for review (such as at the BonTerra offices in Costa Mesa)?

2. Alternatively, why were the documents used to prepare the DEIR, and referenced in it, not archived and made available for review on CD-ROMs or in some other readily accessible electronic format?

"15087(c)(6) The presence of the site on any of the lists of sites enumerated under Section 65962.5 of the Government Code including, but not limited to, lists of hazardous waste facilities, land designated as hazardous waste property, hazardous waste disposal sites and others, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that Section."

Observation: Section 4.9 ("Hazards and Hazardous Materials") of Volume I of the Sunset Ridge final EIR ( <http://www.newportbeachca.gov/index.aspx?page=1541> ) mentions hazardous conditions at the nearby Banning Ranch property, and AERA Energy, West Newport Oil Company and Newport Banning Ranch LLC appear in several of the searches reported in Appendix H ("Hazardous Materials Report") for that EIR.

#### Questions:

1. Has any part of the NBR property been used for disposing of hazardous waste or is it listed as currently containing hazardous waste?

2. Should any of those activities have been mentioned in the Notice of Availability per CEQA Guideline 15087(c)(6)?

Conclusion: the Notice of Availability for the NBR DEIR does not appear to have met a number of the mandatory disclosures required by CEQA Guideline 15087(c). The failure to clearly notify the public of the most significant anticipated impacts, as required by CEQA Guideline 15087(c)(4), is particularly disturbing to me.

Questions:

1. How does the lead agency defend the adequacy of notice and public review opportunities in view of CEQA Guideline 15087(c)?

2. Does the DEIR need to be re-circulated with proper notice?

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CEQA Guideline 15087(g) says: "To make copies of EIRs available to the public, Lead Agencies should furnish copies of draft EIRs to public library systems serving the area involved."

Questions:

1. Were copies of the DEIR provided to the Huntington Beach library system (for display at their branches), and to the Orange County library system (for display at their branches in Costa Mesa)?

2. If not, why not?

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Public Resources Code Sec. 21002.1(a) says that the function of an EIR is to draw attention to the most significant unavoidable impacts of a proposed project and to feasible mitigation measures or alternatives with less impact.

Question: Why does Section "1.6.2 SUMMARY OF SIGNIFICANT UNAVOIDABLE IMPACTS" (page 1-21 of the DEIR) not appear in the Table of Contents (NBR DEIR page i)?

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DEIR page 2-1 identifies the City of Newport Beach as "the "Lead Agency" for this Project" yet the California Supreme Court in *Bozung v. LAFCO* ((1975) 13 Cal.3d 263) found that the Local Agency Formation Commission (LAFCO), willingly or unwillingly, is the proper lead agency to prepare the EIR for a pre-annexation development proposal, both because the LAFCO is the agency which must act first (on the annexation which according to p. 285 "is a project all by itself") and because it is the agency most likely to be able to view the environmental impacts from the regional perspective required by CEQA (p. 283: "the officials of a municipality, which has cooperated with a developer to the extent that it requests an annexation of that developer's property for the express purpose of converting it from agricultural land into an urban subdivision, may find it difficult, if not impossible, to put regional environmental considerations above the narrow selfish interests of their city").

Observation: The Court's reasoning would appear to apply equally for an annexation for the purpose of converting oil fields into an urban subdivision.

Questions:

1. Why is the LAFCO of Orange County not the lead agency?
2. Has a separate EIR been prepared for the annexation?
3. How is it possible for the City of Newport Beach to avoid the bias due the local interests described in Bozung v. LAFCO?
4. How does this differ from the Newport Coast annexation in which the County appears to have approved the development plans?

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Public Resources Code Sec. 21003 says it is the policy of the State of California that:

"(b) Documents prepared pursuant to this division be organized and written in a manner that will be meaningful and useful to decision makers and to the public."

Question: In what ways has the present DEIR been organized and written so as to be as meaningful and useful as possible to the people of California?

"c) Environmental impact reports omit unnecessary descriptions of projects and emphasize feasible mitigation measures and feasible alternatives to projects."

Questions:

1. In preparing the present DEIR what steps did the lead agency take to omit unnecessary description of the project and emphasize feasible mitigation measures and feasible alternatives to the project?
2. Are the mitigation measures described in the present DEIR ones that are already incorporated in the applicant's proposal? Or are they new ones being recommended by the lead agency?
3. Are the standard conditions described in the present DEIR ones that are already incorporated in the applicant's proposal? Or are they new ones being recommended by the lead agency?
4. What feasible alternative or alternatives to the project, if any, is the lead agency currently recommending for certification?

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CEQA Guideline 15121(a) defines the function of an EIR as "an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project."

Question: How would this EIR, if certified in its present difficult-to-understand form, serve the public purpose of achieving these goals with clarity and conciseness?

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CEQA Guideline 15143 says that "The EIR shall focus on the significant effects on the environment. The significant effects should be discussed with emphasis in proportion to their severity and probability of occurrence. Effects dismissed in an Initial Study as clearly insignificant and unlikely to occur need not be discussed further in the EIR unless the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study. A copy of the Initial Study may be attached to the EIR to provide the basis for limiting the impacts discussed."

Observation: The present DEIR, particularly in its "Executive Summary" appears to emphasize the effects found to be insignificant, devoting many more pages to those, and to background information, than to the effects which the preparer feels to be significant.

Questions:

1. In preparing the present DEIR what steps did the lead agency take to ensure that it focus on the significant effects on the environment?

2. Was an Initial Study performed as required by CEQA Guideline 15063?

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CEQA Guideline 15063 specifies a recommended format for the INITIAL STUDY, which is a separate process preliminary to preparation of the DEIR (which is prepared only if the Initial Study indicates one is required):

"(f) Format. Sample forms for an applicant's project description and a review form for use by the lead agency are contained in Appendices G and H. When used together, these forms would meet the requirements for an initial study, provided that the entries on the checklist are briefly explained pursuant to subdivision (d)(3)."

Observation: The "Threshold Criteria" referenced in Sections 4.1 through 4.15 of the main text of the DEIR appear to be copied from Appendix G of the CEQA Guidelines, and appear to constitute the results of an Initial Study.

Questions:

1. Wouldn't the clarity of the DEIR have been improved by providing the conclusions of the Initial Study (assuming one was conducted) as a separate attachment as allowed by CEQA Guideline 15143?

2. Why are effects that were apparently found to be insignificant in the Initial Study repeated and given emphasis in the main text of the DEIR, often being discussed at greater length than significant effects?

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CEQA Guideline 15140 requires that: "EIRs shall be written in plain language and may use appropriate graphics so that decision makers and the public can rapidly understand the documents."

Observation: As a member of the public I have found the present DEIR to be obtuse, poorly organized, sprinkled with specialist language and difficult to understand.

Question: In preparing the present DEIR what steps did the lead agency take to ensure it be written in plain language and organized for rapid understanding?

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CEQA Guideline 15122 requires that "An EIR shall contain at least a table of contents or an index to assist readers in finding the analysis of different subjects and issues."

Observation: The present DEIR contains a table of contents but no index.

Question: Would not a DEIR of 7249 pages be more rapidly understood, and information in it more easily found, if it contained BOTH a table of contents AND an index?

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CEQA Guideline 15147 says: "TECHNICAL DETAIL The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams, and similar relevant information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public. Placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review."

Observation: In the main body of the electronic version of the DEIR the pictorial exhibits are integrated with the text and appear close to the point at which they are referenced. In the printed copies available for public review at the Planning Division and in the City's libraries the graphics are printed in a separate volume from the text. The separately printed exhibits can easily be missed, and their intended placement in the text can easily be misunderstood if the initial citation to them is overlooked.

Questions:

1. Why are the graphic accompaniments to the main volume of the DEIR printed out as a separate volume in the hard copies available for public review -- as if they were a technical supplement?

2. How does this separate publication further the state mandate of Guideline 15140 that the document be written in a way decision makers and the public can rapidly understand?

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CEQA Guideline 15141 says: "The text of draft EIRs should normally be less than 150 pages and for proposals of unusual scope or complexity should normally be less than 300 pages."

Question: What abnormal scope or complexity in the proposal requires the main text of current DEIR to have 1417 pages (plus a 15 page Table of Contents and 5817 pages of Appendices)?

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CEQA Guideline 15123 sets the following standards for the summary section of the EIR:

" (a) An EIR shall contain a brief summary of the proposed actions and its consequences. The language of the summary should be as clear and simple as reasonably practical.

(b) The summary shall identify:

(1) Each significant effect with proposed mitigation measures and alternatives that would reduce or avoid that effect;

(2) Areas of controversy known to the Lead Agency including issues raised by agencies and the public; and

(3) Issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.

(c) The summary should normally not exceed 15 pages."

Observations:

1. The "Executive Summary" of the DEIR, as currently written, extends over 64 opaquely written pages that fail to focus on, or clarify for the public, the matters required by the CEQA Guidelines.

2. As a random example of the obtuseness of the "Executive Summary" if one ignores the text entirely and goes directly to "TABLE 1-2 : SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION PROGRAM" starting on page 1-25, in the second column, the second box appears to conclude "The Project is consistent with all applicable land use policies -- no impact" but the preceding box just informed us "There would be land use incompatibility -- Significant, Unavoidable Impact" with no hint of why a land use can be simultaneously compatible and incompatible and why there could not be mitigation or less impactful alternatives.

Questions:

1. In preparing the summary what steps did the lead agency take to ensure that the language be as clear and simple as reasonably practical?

2. What abnormal circumstances required the "Executive Summary" to exceed 15 pages?

3. Why are alternatives described before the reader is informed about the anticipated impacts of the project as proposed?

4. In describing the anticipated impacts of the project as proposed, why are random examples of impacts deemed insignificant listed before expected significant impacts?

5. For example, why are we treated to such irrelevant information as (among numerous other examples) on page 1-20 that because NBR is more than two miles from the nearest airport a standard CEQA Initial Study question about impacts of projects less than two miles from an airport will not have to be dealt with in depth in the main body of the DEIR?

6. Would not the readability and usability of the DEIR be improved if the summary included references to the sections in which the "summarized" issues are dealt with in more depth?

7. Where does the summary focus attention, with clarity and simplicity, on the proposed project's significant effect(s) and alternatives that would reduce those effect(s)?

8. Where does the summary identify areas of controversy known to the lead agency?

9. Where does the summary identify the issues to be resolved?

10. What are the conclusions of the DEIR being recommended for certification by the lead agency?

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Observation: DEIR Section "9.0 References" lists internet addresses at which many of the documents used in preparation of the DEIR can be viewed.

Among the most important documents needed to understand the proposal being evaluated in the DEIR are:

- \* Newport Banning Ranch Master Development Plan
- \* Newport Banning Ranch PC Development Plan

Question: Why are these key documents not listed among the reference material, and why is no internet address provided at which they may be reviewed?

Observation: Other items regarded as important "reference material" on the City Newport Banning Ranch website ( <http://www.newportbeachca.gov/index.aspx?page=109> ) include:

- \* Development Agreement Outline September 2011
- \* Draft Affordable Housing Implementation Plan (AHIP) Aug 2011
- \* Sewer Water Facilities Plan June 2011

Question: Why are these items, and perhaps others, not included in the reference section of the DEIR?

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Observation: On October 20, 2011 the City of Costa Mesa held a "Joint Study Session of City Council, Planning Commission and Parks and Recreation Commission to discuss the Draft Environmental Impact Report (Draft EIR) for Newport Banning Ranch Master Plan" including a promised presentation by:

- \* Tony Brine, City of Newport Beach Traffic Engineer
- \* Mike Erickson, RBF Consulting
- \* Debby Linn, Linn & Associates
- \* Costa Mesa City Staff

and stating "The project consultants will focus on the potential environmental impacts (traffic, aesthetic, noise, etc.) of the project as it relates to the City of Costa Mesa" (see attachment).

Questions:

1. Why did the City of Newport Beach Traffic Engineer not present the lead agency's findings regarding the traffic impacts?
2. Is Mike Erickson a contributor to the DEIR? Why is he not listed in "Section 8.0 - List of EIR Preparers and Contributors"?
3. Why did the lead agency consultant(s) make no presentation?
4. Why did no one from the lead agency say anything about the anticipated environmental impacts of the project disclosed in the DEIR?
5. Why was the main 45 minute presentation (versus 5 minutes for Costa Mesa City staff) regarding the nature and scope of the project (and its reputedly positive environmental effects) given by the "Newport Banning Ranch Team" (as it is listed on the agenda: that is, by the applicant), rather than by an impartial agent such as the lead agency or its environmental consultants, with the City of Newport Beach being relegated to a brief "Overview" of the project location and EIR process?
6. Why did none of the presenters other than the Costa Mesa Traffic Engineer raise call attention to any possible adverse impacts?

7. How did the lead agency's presentation in any way advance the public's or the Costa Mesa decision maker's understanding of the environmental impacts of the proposal?

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Observation: On November 3, 2011 the City of Newport Beach Planning Commission held what was publicly noticed as "a study session on the Newport Banning Ranch Environmental Impact Report" (see attachment).

Questions:

1. Why was the study session introduced by the Planning Commission Chair as a meeting about BOTH the project AND the DEIR?

2. Why did City staff, in its brief overview, say nothing about anticipated environmental impacts?

3. Why was the main presentation given by the applicant rather than by an impartial agent such as City staff or BonTerra?

4. Why was there not a word in the main presentation about possible adverse environmental impacts?

5. How was the public's or the Planning Commissioner's understanding of the conclusions of the 7249 page DEIR advanced by these presentations?

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Observation: On the final page of the main text of DEIR (page 7-173) the lead agency appears to be recommending Alternative F -- the project without the "Resort Village" -- for certification as a feasible development alternative achieving most of the applicant's objectives with less impact, yet as late as the November 3rd Planning Commission Study Session the applicant appeared to still be including the "Resort Village."

Question: Has the applicant agreed to build Alternative F if the EIR is certified and the project approved?

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CEQA Guideline 15088 permits the lead agency to respond to late comments.

Question: Does the City of Newport Beach intend to accept late comments?

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Answers to the above questions would be appreciated whether or not required by CEQA Guideline 15088.

In my opinion they raise procedural and structural concerns regarding the extent to which the lead agency fulfilled its responsibilities under CEQA which cannot be remedied without, prior to certification, conducting a complete re-write of the Newport Banning Ranch DEIR (the primary issue being that the size, complexity and lack of clarity of the document, and improper notice to the public, precludes adequate public review and comment within any reasonable time period) and re-circulating the re-written DEIR pursuant to CEQA Guideline 15088.5. Otherwise it will not be possible to certify the final EIR because it will not have been completed in compliance with CEQA as required by CEQA Guideline 15090(a)(1).

Yours sincerely,

James M. Mosher  
2210 Private Road  
Newport Beach, CA. 92660  
(949) 548-6229

Attachments:

- 1 - Public notice of October 20, 2011 City of Costa Mesa Joint Study Session
- 2 - Public notice of November 3, 2011 Study Session of City of Newport Beach Planning Commission



**CITY OF COSTA MESA  
CITY COUNCIL  
PLANNING COMMISSION  
PARKS AND RECREATION COMMISSION  
JOINT STUDY SESSION**

**STUDY SESSION AGENDA**

**October 20, 2011  
4:30 P.M. to 6:00 P.M.  
Emergency Operations Center  
99 Fair Drive**

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Welcome to the Joint Study Session of City Council, Planning Commission and Parks and Recreation Commission. The Study Session is intended as an informational meeting and the City Council can take no action. Members of the community are encouraged to attend.

**I PUBLIC COMMENTS**

Each member of the public that wishes to provide comment at the study session will be allowed three (3) minutes to speak on items only listed on the agenda.

*\*These time limitations may be extended for good cause by the Mayor or the majority vote of the City Council.*

**II DISCUSSION ITEM – NEWPORT BANNING RANCH DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR)**

1. Introduction – City of Costa Mesa CEO
2. Overview – City of Newport Beach
3. Newport Banning Ranch Team
4. Costa Mesa City Staff
5. Council Questions
6. Banning Ranch Conservancy
7. Council Questions
8. Final Comments – Newport Banning Ranch Team

**II COUNCIL MEMBER AND COMMISSION COMMENTS AND SUGGESTIONS.**

**Note:** Agenda related writings or documents provided to a majority of the City Council members after distribution of the Study Session Agenda Packet :  
Any writings or documents provided to a majority of the City Council members regarding any item on this agenda will be made available for public inspection at the City Clerk's Office Public Counter, Lobby Level, in City Hall located at 77 Fair Drive, Costa Mesa, during normal business hours. In addition, such writings and documents may be posted on the City's website at [www.ci.costa-mesa.ca.us](http://www.ci.costa-mesa.ca.us) as part of the subject agenda.

**JOINT STUDY SESSION**  
***Newport Banning Ranch Draft Environmental Impact Report (DEIR)***

**Joint Study Session**

The City of Costa Mesa is holding a joint study session with the City Council, Planning Commission, and Parks & Recreation Commission to discuss the Draft Environmental Impact Report (Draft EIR) for Newport Banning Ranch Master Plan.

**Project Description**

The 401-acre Project site is proposed for development with 1,375 residential dwelling units (du); 75,000 square feet (sf) of commercial uses, and a 75-room resort inn. Approximately 51.4 gross acres are proposed for active and passive park uses including a 26.8-gross-acre public Community Park. Approximately 252.3 gross acres of the 401-acre site are proposed for natural resources protection in the form of open space.

The City of Newport Beach has completed the preparation of the Draft EIR for the proposed 401-acres Newport Banning Ranch Project. Approximately 40 acres of the Project site are located within the incorporated boundary of the City of Newport Beach, and approximately 361 acres are in unincorporated Orange County.

**Presentation by:** Tony Brine, City of Newport Beach Traffic Engineer  
Mike Erickson, RBF Consulting  
Debby Linn, Linn & Associates  
Costa Mesa City Staff

The project consultants will focus on the potential environmental impacts (traffic, aesthetic, noise, etc.) of the project as it relates to City of Costa Mesa.

Please note that this meeting is open to all residents and interested parties.

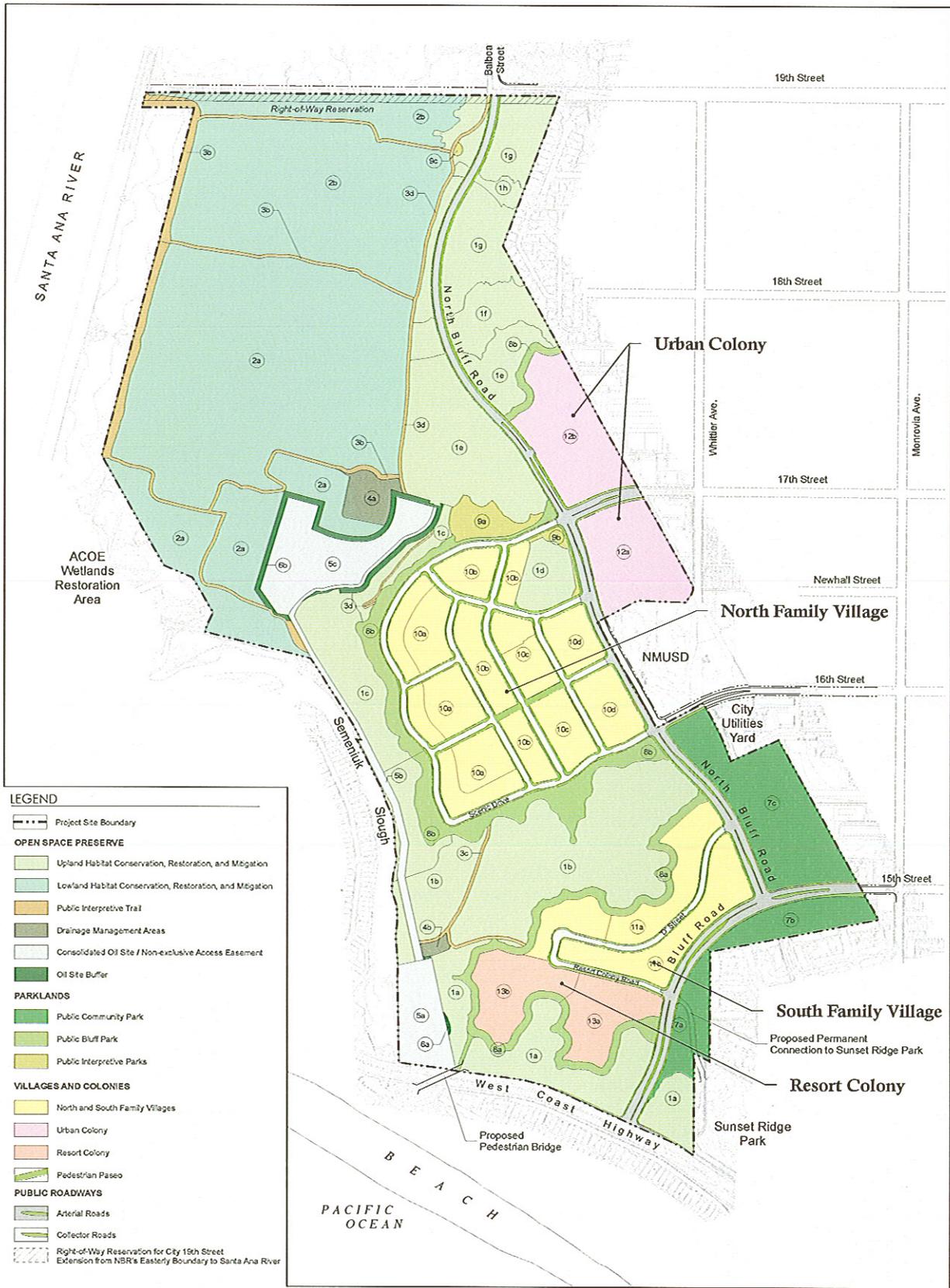
**Date:** Thursday, October 20, 2011

**Time:** 4:30 p.m. to 6:00 p.m.

**Location:** Emergency Operations Center (EOC)  
Adjacent to Police Department  
99 Fair Drive, Costa Mesa

**Questions:** Minoo Ashabi  
Costa Mesa Senior Planner  
(714) 754-5610

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Source: FORMA 2011

# Newport Banning Ranch Land Use Plan

# Exhibit 3-2

Newport Banning Ranch EIR





# CITY OF COSTA MESA

CALIFORNIA 92628-1200

P.O. BOX 1200

FROM THE OFFICE OF THE CITY CLERK

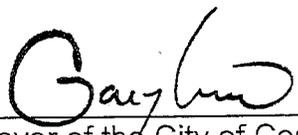
**NOTICE AND CALL OF A  
SPECIAL JOINT MEETING OF THE  
CITY OF COSTA MESA  
CITY COUNCIL, THE PLANNING COMMISSION, AND THE PARKS AND  
RECREATION COMMISSION**

**NOTICE IS HEREBY GIVEN** that a Special Joint Study Session of the Costa Mesa City Council, Planning Commission and the Parks and Recreation Commission will be held on Thursday, October 20, 2011, to begin at 4:30 p.m., in the Emergency Operation Center (EOC), 99 Fair Drive, Costa Mesa. The purpose of the special joint meeting is to conduct a Study Session on the following item.

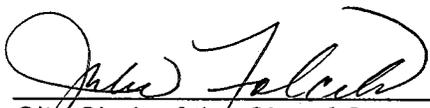
**DISCUSSION ITEM – NEWPORT BANNING RANCH DRAFT ENVIRONMENTAL  
IMPACT REPORT (DEIR)**

1. Introduction – City of Costa Mesa CEO
2. Overview – City of Newport Beach
3. Newport Banning Ranch Team
4. Costa Mesa City Staff
5. Council Questions
6. Banning Ranch Conservancy
7. Council Questions
8. Final Comments – Newport Banning Ranch Team

DATED this 17<sup>th</sup> day of October, 2011.

  
\_\_\_\_\_  
Mayor of the City of Costa Mesa

ATTEST:

  
\_\_\_\_\_  
City Clerk of the City of Costa Mesa

## NOTICE OF STUDY SESSION

**NOTICE IS HEREBY GIVEN** that on **Thursday, November 3, 2011, at 4:30 p.m.**, the Planning Commission of the City of Newport Beach will hold a study session on the Newport Banning Ranch Environmental Impact Report in the City Council Chambers (Building A) at 3300 Newport Boulevard.

Pursuant to the California Environmental Quality Act (CEQA) the City of Newport Beach has prepared Environmental Impact Report (EIR) SCH No. 2009031061 to evaluate the environmental impacts resulting from the proposed Newport Banning Ranch project. The Project is a proposed General Plan Amendment, Pre-zoning, Zone Change, Planned Community Development Plan, Master Development Plan, and Tentative Tract Map submitted by Newport Banning Ranch, LLC. The 401.1 acre project site is proposed for development of 1,375 residential dwelling units, a 75-room resort inn and ancillary resort uses, 75,000 square feet of commercial uses, and approximately 51.4 acres of parklands. Approximately 252.3 acres would be retained in permanent open space. The Project site's existing surface oil production activities located throughout the site would be consolidated into approximately 16.5 acres. The remaining surface oil production facilities would be abandoned/re-abandoned, remediated for development, and/or remediated and restored as natural open space. A Development Agreement and Affordable Housing Implementation Plan between the City and Newport Banning Ranch LLC is part of the Project. Draft EIR SCH No. 2009031061 examines the potential impacts generated by the proposed Project in relation to the following CEQA Checklist categories: aesthetics and visual resources, land use and planning programs, geology and soils, hydrology and water quality, population, housing, and employment, transportation and circulation, air quality, green house gas emissions, noise, biological resources, cultural and paleontological resources, recreation and trails, hazards and hazardous materials, public services, utilities, and alternatives.

Approximately 41 acres of the Project site are located within the corporate boundary of the City of Newport Beach (City) and approximately 360 acres of the Project Site are located in unincorporated Orange County, within the City of Newport Beach Sphere of Influence (SOI). The Project site is located within the California Coastal Zone as defined by the California Coastal Act. The 401.1 acre Project site is located north of West Coast Highway, south of 19th Street, and east of the Santa Ana River. The Project Site is adjacent to the City of Costa Mesa on the east, unincorporated County on the north and west, and the existing developed areas of the City of Newport Beach on the south and southeast. The Santa Ana River and the City of Huntington Beach are located west of the Project site.

All interested parties are invited to attend the study session to submit comments and answer questions. The study session is for discussion purposes only. No action on either the environmental impact report or the project will be taken by the Planning Commission at this time. The agenda, staff report, and documents may be reviewed at the Planning Division of the Community Development Department (Building C, 2<sup>nd</sup> Floor), 3300 Newport Boulevard, Newport Beach, California, 92663 or at the City of Newport Beach website at [www.newportbeachca.gov](http://www.newportbeachca.gov) on the Monday prior to the hearing.

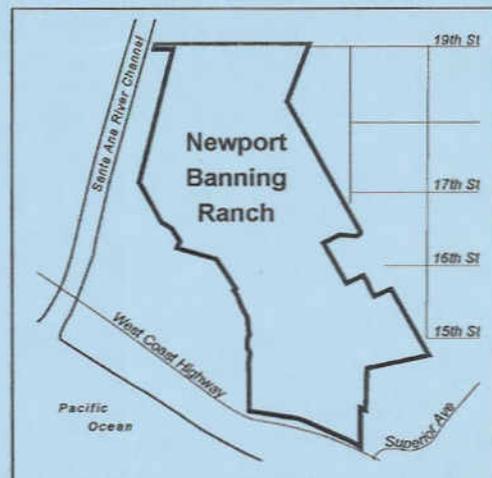
### REVIEWING LOCATIONS

**COPIES OF THE DRAFT EIR ARE AVAILABLE FOR PUBLIC REVIEW AT THE FOLLOWING LOCATIONS:**

City of Newport Beach  
Community Development Department  
3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92663  
Contact: Patrick Alford

**CITY OF NEWPORT BEACH PUBLIC LIBRARIES:**  
Balboa Branch, 100 East Balboa Boulevard  
Central Branch, 100 Avocado Avenue  
Mariners Branch, 1300 Irvine Avenue  
Corona del Mar Branch, 420 Marigold Avenue, Corona del Mar

### PROJECT LOCATION



Bradley Hillgren, Secretary, Planning Commission, City of Newport Beach