

USE PERMIT APPLICATION  
CITY OF NEWPORT BEACH

No. 3488  
Application Rec'd by [Signature]  
Fee: \$ N.A.

PLANNING DEPARTMENT  
3300 Newport Boulevard  
P. O. Box 1768  
Newport Beach, CA 92658-8915  
(714) 644-3200

Applicant (Print) County of Orange, Harbors, Beaches & Parks Phone (714) 568-4979

Mailing Address P.O. Box 4048, Santa Ana, CA 92702-4048

Property Owner County of Orange Phone (714) 568-4979

Mailing Address P.O. Box 4048, Santa Ana, CA 92702-4048

Address of Property Involved 600 Shellmaker Island, Newport Beach, CA 92660

Purpose of Application (describe fully) Gain approval of Upper Newport Bay Regional Park General Development Plan and Resource Management Plan. Receive Approval in Concept for California Coastal Development Permit Application.

Zone Present Use Regional Park

Legal Description of Property Involved (if too long, attach separate sheet)  
See attached.

OWNER'S AFFIDAVIT

(I) (We) Robert G. Fisher depose

and say that (I am) (we are) the owner(s) of the property(ies) involved in this application. (I) (We) further certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature(s) [Signature]

NOTE: An agent may sign for the owner if written authorization from the record owner is filed with the application.

DO NOT COMPLETE APPLICATION BELOW THIS LINE

Date Filed 1/29/93 Fee Pd. N.A. Receipt No. —

Hearing Date P.C. 4/8/93

Posting Date \_\_\_\_\_ Mail Date \_\_\_\_\_

P. C. Action approved Date 5-6-93

Appeal \_\_\_\_\_ C. C. Hearing \_\_\_\_\_

C. C. Action approved Date 6.14.93

**FINAL**

(As adopted by the City Council 6/14/93)

**FINDINGS AND CONDITIONS OF APPROVAL  
UPPER NEWPORT BAY REGIONAL PARK  
GENERAL PLAN AMENDMENT 92-3(E)  
LOCAL COASTAL PROGRAM AMENDMENT NO. 31  
AMENDMENT NO. 779  
USE PERMIT NO. 3488**

**A. ENVIRONMENTAL DOCUMENT**

Resolution No. 93-42 making the required findings under CEQA for acceptance of Final EIR No. 525 prepared by the County of Orange as Lead Agency and approval of the project by the City of Newport Beach as a Responsible Agency.

**Mitigation Measures:**

1. Prior to the issuance of a building permit including grading, the construction documents for the Interpretive Center, including the final geotechnical report, shall be submitted to the Manager, Development Services. The report will be based on 80-scale maps and will primarily involve assessment of potential soil related constraints and hazards, such as landslides, settlement, liquefaction, or related seismic impacts where determined to be appropriate by the County of Orange. The report shall also include evaluation of potentially expansive soils and recommend construction procedures and/or design criteria to minimize the effects of these soils on the proposed project, as well as an analysis of soils properties to determine any existence of soluble sulfate in the soil. The report shall also establish foundation design parameters. This report shall recommend appropriate mitigation measures for the grading and shall be completed in a manner specified by the County of Orange Grading Code.
2. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements to meet: SCAQMD Rule 403 which will require watering during earth moving operations, soil binders to be spread on construction sets or unpaved roads and/or parking areas, street sweeping of roads adjacent to the project site, that trucks be washed off before leaving the construction site, that construction equipment be properly maintained and tuned, and that grading be suspended during second stage (or worse) smog alerts.

3. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements that construction personnel should be provided with preferential parking for carpools, bicycle racks, and free bus passes. Parking for construction personnel should not interfere with traffic flows. Personnel parking and construction vehicle staging areas shall be placed in a manner to avoid sensitive resources on the property. Construction affecting roadways should be performed during non-peak hours. A flag person should be provided during times when construction affects roadways , and one lane in each direction should remain open.
4. Prior to the issuance of a certificate of use and occupancy, the following measures shall be incorporated into the project in a manner meeting the approval of the Program Manager, Transportation Planning:
  - a. Encourage the use of alternate transportation modes by promoting public transit usage and providing secure bicycle facilities.
  - b. Provide mass transit accommodations such as bus turnout lanes, park and ride areas, and bus shelters.
  - c. Provide energy-conserving lighting.
  - d. Provide landscaping with native drought resistant plant species to shade buildings during summer.
5. Prior to the execution of a construction or grading contract, the following drainage studies shall be submitted to and approved by the Manager, Harbors, Beaches & Parks/Parks Design:
  - a. A drainage study of the project site including diversions, off-site areas that drain onto and/or through the project, and justification for any diversions; and
  - b. A drainage study demonstrating that proposed drainage patterns will not overload existing storm drains; and
  - c. Detailed drainage studies indicating how the project grading in conjunction with the drainage conveyance system including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding will allow building pads to be safe from inundation from rainfall which may be expected from all storms up to and including the theoretical 100-year flood.

6. Prior to the execution of a construction or grading contract, the contract and plans, including the following improvements, shall be submitted for approval to the Manager, Harbors, Beaches, and Parks/Parks Design:
  - a. All provision for surface drainage; and
  - b. All necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff.

Prior to the issuance of a certificate of use and occupancy, said improvements shall be constructed in a manner meeting the approval of the Manager, EMA/Construction Division.

7. Prior to the initiation of grading, the applicant (County or contractor) shall obtain approval of an NPDES permit from the Regional Water Quality Control Board. Said permit shall specify appropriate storm water Best Management Practices to be incorporated into the project to ensure an acceptable level of control of non-point pollution sources.
8. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches, and Parks/Parks Design. Said plans shall indicate the following:
  - a. Landscaping and trails are sited in such a manner as to not disturb the scattered populations of Southern Tarplant. Individual plants to be disturbed shall be transplanted to appropriate habitat; and
  - b. If establishment of the "vernal pool" is undertaken, it shall be done in a manner so as to not disturb the hydrologic or vegetative character of the area, especially the limited alkaline wetland habitat adjacent to the proposed "Vernal Pool"; and
  - c. The "Vista del Playa" access shall be relocated such that the California Gnatcatcher habitat which it currently crosses is not disturbed.
  - d. The trails serving the Interpretive Center shall be relocated, or appropriate buffer provided, to protect the burrowing owl nesting site.
9. For any archaeological site which may be adversely impacted, a County-certified archaeologist shall be retained by the applicant to perform a subsurface test level investigation and surface collection as appropriate. The test level report evaluating the site shall include discussion of significance (depth, nature, condition and extent of the resources), final mitigation



recommendations and cost estimates. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. Final mitigation shall be carried out based upon the recommendations and a determination as to the site's disposition by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. Possible determinations include, but are not limited to, preservation, salvage, partial salvage or no mitigation necessary.

Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions for exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division.

10. Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified paleontologist has been retained to conduct pregrading salvage, observe any grading activities, salvage fossils as necessary, and prepare a catalogue of the exposed resources. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the Manager,

EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall determine appropriate actions to ensure proper exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall submit a follow-up report for approval by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division, which shall include the period of inspection, methodology, an analysis of the artifacts found, a catalogue of artifacts, and their present repository.

11. Prior to issuance of a building permit including grading, for the Interpretive Center, plans shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches and Parks/Parks Design and the Newport Beach Building Director. Said plans shall demonstrate compliance with the City of Newport Beach 24/28-foot height limit, shall be designed so as to minimize adverse impacts to public views from Irvine Avenue, and shall indicate that non-reflective glass shall be used on all windows overlooking Upper Newport Bay.
  
12. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services and the Newport Beach Building Director for the area surrounding the Interpretive Center, ensuring that the parking lot shall be landscaped, equipped for irrigation, and improved as stated below:
  - a. Preliminary Plan - Prior to the issuance of a building permit, a preliminary landscape plan, indicating use of native and drought tolerant species, and a cost estimate shall be submitted for the review and approval of the Manager, Subdivision Division.
  
  - b. Detailed Plan - Prior to the initiation of construction, a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division and the Newport Beach Public Works Department. Detailed plans shall show the detailed landscaping and irrigation design, and the preservation of views from Irvine Avenue.

- c. **Installation Certification - Prior to the issuance of final certificates of use and occupancy, said improvements shall be installed and shall be certified by a licensed landscape architect as having been installed in accordance with the approved detailed plans. Said certification shall be furnished in writing to the Manager, EMA/Public Works/Construction Division and the Newport Beach Building Director.**
13. **Prior to the issuance of a building permit including grading the County shall submit an application to the City of Newport Beach for amendment of the City's General Plan and Local Coastal Program to accommodate the 10,000 square foot Interpretive Center as proposed. After approval by the City, said approvals and an application for a Coastal Development Permit shall be referred to the State Coastal Commission for approval.**
14. **(Deleted)**
15. **Prior to the issuance of a building permit including grading, an access and parking plan for the Interpretive Center shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall indicate that access and parking have been designed to appropriate standards for sight distance, parking and accessways, bus and vehicle turn-outs, etc.**
16. **Construction activities shall be conducted in accordance with the City of Newport Beach Municipal Code, which limits the hours of construction and excavation work to 7:00 a.m. to 6:30 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering, or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or on any holiday.**
17. **Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services, including written evidence that:**
- a. **All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.**
- b. **All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).**

- c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

**B. GENERAL PLAN AMENDMENT 92-3(E)**

Resolution No. 93-43 approving General Plan Amendment 92-3(E).

**C. LOCAL COASTAL PROGRAM AMENDMENT NO. 31**

Resolution No. 93-44 approving Local Coastal Program Amendment No. 31.

**D. AMENDMENT NO. 779**

Ordinance No. 93-13 approving Amendment No. 779.

**E. USE PERMIT NO. 3488:**

**Findings:**

1. That the proposed development is consistent with the General Plan, and is compatible with surrounding land uses.
2. That the design of the proposed improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
3. That the establishment of the regional park will not have any significant environmental impact.
4. That the approval of Use Permit No. 3488 will not result in abrupt scale relationships between the subject site and the neighboring properties.
5. That the approval of Use Permit No. 3488 for the establishment, maintenance and operation of the proposed regional park use will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

Conditions:

1. That the development shall be in substantial conformance with the approved General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park except as noted below.
2. That all the Mitigation Measures contained in Final EIR 525 shall be fulfilled as conditions of approval.
3. Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall prepare and record an easement acceptable to the City Attorney showing the relocation of the pedestrian and bicycle trails if these trails are not provided in the location shown in the existing easement.
4. That a Coastal Development Permit shall be required prior to the issuance of a building permit.
5. That disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
6. That the entire site shall be maintained in a clean and orderly manner.
7. That the Planning Commission may add or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
8. This use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090(A) of the Newport Beach Municipal Code.
9. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.
10. Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall prepare and record an easement

acceptable to the City Attorney showing the relocation of the existing pedestrian and bicycle trail easements to the locations shown in the General Development Plan, with the addition of at least one east-west connection across the Westbay parcel so as to provide a loop trail system. A final copy of the GDP showing the revised trail network shall be provided to the Planning Director prior to issuance of a grading or building permit.

11. Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall submit a revised General Development Plan and Resource Management Plan to the City Planning Director indicating that equestrian use is permitted on the unpaved trail paralleling University Drive and Irvine Avenue.
12. Dogs on leash shall be permitted in the Westbay parcel. Prior to issuance of any grading or building permit for the Westbay parcel, a revised General Development Plan shall be submitted to the Newport Beach Planning Director stating this policy.

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# CITY OF NEWPORT BEACH

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C. The contract will be for three years and the base numbers of \$5.833 million and \$.625 million will be increased by the Consumer Price Index on an annual basis.

D. Payments of any amounts to the CVB will be made on July 30 (following the close of a fiscal year), after it has been determined whether the thresholds have been achieved.

In addition to the items above that would need to be incorporated into a new agreement, the parties agreed that in the ordinance providing for an increase in the TOT rate, it would state that existing weekly or monthly rental agreements that specify the lower rate (8%) will be held at the lower rate through October 1, 1993. This is to address the issue raised by the managers of the monthly rental properties at the last City Council meeting.

Also, an issue has been raised by several hotels regarding the payment of the TOT for "persons" (including firms/corporations) occupying or renting rooms on an ongoing basis. In the past, these "contract" rooms have been exempt from paying the tax. In the original proposal these "contract" rooms would have paid the tax. A compromise has been proposed that provides that these contracts will be exempt, as long as they are continued in place through July 1, 1998, or five years from the effective date of the ordinance.

One issue that has complicated the discussion with the CVB is the issue of the \$50,000 that is required in the City's contract with the CVB to be paid to the City from the current 1% they receive through the Visitors Service Fee. The contract provides that the City is to use these monies for the establishment and operation of a "transportation system" in the City--if they are not used for this purpose, (presumably a trolley or similar shuttle or bus system) then these monies are to be used for any other transportation purpose. In the last four years these monies have not been earmarked for any specific transportation program, nor have they been segregated and set aside in reserve, but have been used in the General Fund, indirectly for "transportation"

Revenue/  
Finance  
UTOTax

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	HEDGES	SPANSONE	WATT	TURNER	HART	COX	DEBBY
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Motion			x				
Ayes		x	x	x	x	x	x
Abstained	x						
Motion			x				
Ayes		x	x	x	x	x	x
Abstained	x						
Motion			x				
Ayes		x	x				
Noes	x						
Motion				x			
Ayes	x	x		x	x		x
Noes			x				

programs which are provided by the Public Works Department. The CVB would like the City to terminate its requirement of the \$50,000 payment from the CVB now.

Richard Gartrell, President of the Newport Beach Conference and Visitors Bureau, addressed the Council, stating that on behalf of the Board of Directors, he is requesting the earliest possible release of the transportation funds, so that this money can go back into their marketing fund for next year.

After it was determined that no one else wished to address this issue, the public hearing was closed.

Motion was made by Council Member Sansone to accept the recommendation of the Budget Committee, adopt Ordinance No. 93-12, and eliminate the annual payment requirement of \$50,000 from the Convention and Visitors Bureau, which motion carried.

A further motion was made by Mayor Pro Tem Watt to hold back on releasing the \$50,000 requirement until September 30, 1993, which motion carried.

Council discussion continued, and Mayor Pro Tem Watt made an additional motion that the Convention and Visitors Bureau not be released of the requirement to provide \$50,000 of its portion of the Transient Occupancy Tax to the City for transit use until September 30, 1993 when it will be released of this requirement, unless the City has found a use for the money, which motion **FAILED**.

Mayor Turner made a motion that the City release the \$50,000 to the Convention and Visitors Bureau immediately, which motion carried.

4. Mayor Turner opened the public hearing regarding:

**A. General Plan Amendment No. 92-3(E) - Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the Westbay parcel; and the acceptance of an environmental document;**

AND

**B. Local Coastal Program Amendment No. 31 - Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.;**

AND

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UToTax

GPA 92-3(E)  
(45)

LCPA No.31



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**C. Amendment No. 779, proposed**

**ORDINANCE NO. 93-13, being,**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH AMENDING A PORTION OF DISTRICTING MAPS NO. 36, 39, 40, 42, 43, 44 AND 61 SO AS TO RECLASSIFY THE SANTA ANA HEIGHTS AND EASTBLUFF PARCELS OF THE UPPER NEWPORT BAY REGIONAL PARK PROPERTY FROM THE U (UNCLASSIFIED) DISTRICT, R-3-B AND R-4-B-2 DISTRICTS TO THE PC (PLANNED COMMUNITY) DISTRICT;

AND

**D. Use Permit No. 3488** - Request to approve a General Development Plan and Resource Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.

The applications requested would establish General Plan, LCP, zoning and use permit entitlement for the County's Upper Newport Bay Regional Park. The proposed General Development Plan and Resource Management Plan would serve as the planned community development plan and regulations governing the use and operation of the park property.

Report from the Planning Department.

Letter from Charles B. Caldwell, requesting that the City review street improvements and the traffic circulation element for University Drive (street termination).

The Council was advised that communications were received after the agenda was printed from the following people who have concerns for the proposed development of Upper Newport Bay Regional Park:

- Frances Gioia
- Mary Auerback
- Annette and Warren Lindsay
- Rick Dayton
- Gayle Gardner

For the record, the Mayor's office received additional letters and telephone messages for the file.

The City Manager introduced John Douglas, Principal Planner, Advance Planning Division, to provide comments, who stated that he would like to summarize the proposed County project and explain the City's role, and go into some of the details of the previous actions and recommendations of the Planning Commission.

Mr. Douglas advised that the Upper Newport Bay Regional Park comprises approximately 138 acres in three parcels forming an arc around the northern portion of the bay. The County acquired

PCA 779

Ord 93-13  
Zoning

U/P 3488

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ownership of this property in several stages, the most recent of which was the 1989 dedication of 114 acres in the Westbay parcel by The Irvine Company. The Westbay parcel extends along the west side of the bay between Irvine Avenue and the Upper Newport Bay Ecological Reserve from Santiago Drive north to University Drive and the Santa Ana-Delhi Flood Control Channel. The Santa Ana Heights parcel is bounded by the Santa Ana-Delhi Channel, Jamboree Road, the Ecological Reserve, the Bayview project and the private development in Santa Ana Heights. The Eastbluff parcel runs between Back Bay Drive and the private property in Eastbluff from Eastbluff Drive south to the mouth of Big Canyon. The Back Bay Drive right-of-way is under the jurisdiction of the City and is not within the park.

Mr. Douglas further advised that the Orange County Harbors, Beaches and Parks Department is requesting a General Plan Amendment, a Local Coastal Program Amendment, zone change and use permit, which would increase the maximum size of a visitors center on the Westbay parcel, from 8,000 sq.ft. to 10,000 sq.ft. Also delete the secondary bicycle trail through the Westbay parcel and establish a development plan and operational guidelines for the park. The rationale behind the County's plan is in recognition of the unique environmental resources that the Bay represents, and its wildlife resource value. The plan also recognizes that previous uncontrolled access has led to deterioration in that environmental resource value and wildlife habitat. The proposed plan attempts to balance environmental restoration and public recreation opportunities by controlled access and uses that are more restrictive than what the public has been subject to in the past. The City is a "Responsible Agency" under California Environmental Quality Act (CEQA), due to the fact that the majority of the park area is within the corporate boundaries of Newport Beach, but the existing proposal is not consistent with the General Plan and Local Coastal Program, therefore an amendment is proposed. The City also has ownership of a six acre parcel along Irvine Avenue and also a joint ownership of a five acre parcel near the intersection of 23rd Street and Irvine Avenue, and the City and County jointly have relocatable easements that cross the Westbay parcel. With respect to the City's jurisdiction over the County property, governmental agencies are generally immune from each others regulatory powers; however, the City's ownership of the parcels and easements on the Westbay parcel area do affect the

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City's legitimate interests regarding regulations for the County park. In addition to the City's approval, the Orange County Board of Supervisors will be asked to approve the project and also the Coastal Commission since the project is located in the Coastal Zone. If there are any aspects of the park that will affect the Upper Newport Bay Ecological Reserve, the Department of Fish and Game's approval will also be required.

Mr. Douglas advised that before this project was submitted for formal review to the City, the County held a series of 13 workshops which extended over a 1-1/2 year period, and many residents and staff attended those workshops. In November of 1992, the County presented the project to the City Parks, Beaches and Recreation Commission, who unanimously recommended approval. In April/May 1993, the City Planning Commission held public hearings and at the conclusion, unanimously recommended approval of the County plan with six additional recommendations for consideration by the City Council:

1) Pedestrian trail access to the Ecological Reserve - The Upper Bay and the property surrounding the Bay is under the Department of Fish and Game jurisdiction, and there is a series of informal trails that now exist and extend into the Reserve from the County Park, and at the Planning Commission hearings, representatives from the Fish and Game explained that those are informal trails and it is Fish and Game's policy to not allow unescorted pedestrians into the Reserve. The Planning Commission recommends that the City Council ask the County to coordinate with Fish and Game to explore the possibility of extending some trails into the Reserve, if it can be done in an environmentally sensitive manner;

2) Trail pattern in the Westbay parcel - The proposed County Plan for the Westbay parcel includes two pedestrian trails, one adjacent to University Drive and Irvine Avenue, and the other near the blufftop. As proposed, there is no connection between these trails except at the park entrance on University Drive. All of the other existing paths and informal trails would be eliminated and revegetated under the current plan. The City and County are joint owners of relocatable pedestrian and bicycle trail easements on the Westbay parcel. The terms of the easements specify that they may be relocated to area providing "reasonably comparable access." Two of these easements cross the property from east to west in the vicinity of Santa Isabel Avenue. The Planning Commission recommends that the County's plan be

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modified to include an east-west connection between the two proposed trails in order to create a loop pattern. In making this recommendation, the Commission believes that such a connection is necessary to provide the reasonably comparable access required under the terms of the existing easements. If the City Council concurs with the Planning Commission recommendation, staff has suggested a condition of approval;

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3) Equestrian Trails - The original plan would not allow any horses within the Westbay parcel (south of University Drive, and southwest of the flood control channel); however as a result of testimony at the public hearings, the County and members of the equestrian representatives met and worked out a compromise that would allow equestrians to use the trail paralleling University Drive and Irvine Avenue to be shared by pedestrians and equestrians. The Planning Commission recommended approval of the plan with a proposed revision allowing equestrian access to the Westbay parcel;

4) Appropriateness of the Planned Community Zoning Designation - During the Planning Commission hearings some residents expressed their concern that the proposed Planned Community (PC) zoning designation could be interpreted to open the County property to additional development beyond what is currently proposed. Staff explained that the PC zoning designation is an administrative mechanism by which the detailed development plan and operational regulations can be specified and adopted. The uses and development within the PC zoning are controlled by the PC development plan, which is subject to approval by the City Council. Regarding the "Open Space" designation an alternative to the proposed PC designation was discussed at the Planning Commission hearing, and the Zoning Code provides for two categories of open space--"active and passive." The "Open Space/Active" designation permits intensive recreational development such as ball fields, recreation centers, and marinas, and would not be appropriate for the low-intensity uses proposed in the Upper Newport Bay Regional Park. The "Open Space/Passive" designation would be considered appropriate for the park, although some of the proposed uses such as the Interpretive Center and parking lot are not permitted under the existing zoning code. Staff recommended that a decision on changing the regional park designation to "Open Space" be deferred until the section of the Zoning Code is updated through the Planning

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Department's zoning implementation work program. Both the Zoning Code revision and the redesignation of the park property would require new public notice and hearings by the Planning Commission and City Council;

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5) Back Bay Drive - Mitigation Measure No. 14 in the County's EIR would require that prior to grading or construction for the park, a plan for the ultimate use and configuration of Back Bay Drive shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. In adding this mitigation measure to the Draft EIR, the County anticipated that the issue of Back Bay Drive would have been resolved by the time park plans were submitted to the City for approval. Since the Back Bay Drive issue remains open and the County has no jurisdiction over the roadway, County staff believes it would be inappropriate to require that park development be contingent upon resolution of this issue. The Planning Commission feels that it would be prudent to resolve Back Bay Drive before the park be developed, and therefore, they recommended that the mitigation measure remain as part of the project approval. Staff has suggested a compromise, if it is the City Council's desire to allow the development of the park to proceed prior to the Back Bay Drive resolution;

6) Park Policy regarding dogs - According to the existing plan, dogs would not be allowed in the Westbay parcel, although they would be permitted on a leash anywhere in the park. The Planning Commission recommended that dogs be allowed on leash anywhere in the park, even in the Westbay parcel. If the City Council believes that the Planning Commission's recommendation is correct, there is a suggested condition of approval in the staff report.

Mr. Douglas introduced Robert Fisher, Director of the Orange County Harbors, Beaches and Parks Department, and acknowledged County staff Mary Murray, and those in the audience who worked on the plan.

Following Council inquiry, Mr. Douglas advised that the Back Bay Drive road issue could be dropped entirely without holding up the construction of the park.

Council Member Debay, regarding bicycle access, suggested that she would like to see bicycle speed control addressed (signing) and add the matter of pedestrian access to Mitigation Measure No. 14.

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Bob Fisher, Director of Orange County Harbors, Beaches and Parks Department, addressed the Council commenting that the County is pleased to be able to present a very fine plan for a very important piece of property located in the City of Newport Beach. The County has provided for a regional park and master plan for many, many years, and in coordination with the City, have identified the property as Open Space usage. The difference between the City's General Plan designation and the County's proposal for a regional park, is 2,000 sq.ft. for the Interpretive Center, the City's plan calls for 8,000 sq.ft., and the County's plan calls for 10,000 sq.ft. Most of the property was acquired from The Irvine Company in 1989, and it was a donation to the County to help implement the Master Plan of Regional Parks, and served some other purposes. The Irvine Company had been pressured to give up some of that land for open space use, as part of the overall settlement of the Newport Center expansion. When The Irvine Company granted that property to the County, it had some of those factors in mind, imposing rather stringent restrictions on what the County could do with that property. It provided for a strictly passive, recreation use, one which is compatible and consistent with the adjoining ecological reserve.

GPA 92-3(E)

Mr. Fisher commented that people learned about the park plan rather late, but many people were invited to participate. The major sentiment is with the park plan now being presented. The County feels a responsibility to follow the terms of the dedication and be the environmental stewards of the property, and also as a park operator to control the uses in a way that the County can minimize and/or avoid impacting upon the ecological reserve.

Mr. Fisher advised that the County has put together a plan which would emphasize natural resource restoration, protection and interpretation (an interpretive center with people stationed there who can help the public understand why this area is important and why there are restrictions). This will promote the public's desire to protect the property, a sense of ownership and a desire to keep it as it is. There will be trails for bicycles, pedestrians and equestrians, but not all in the same places, and they think this is important to provide some degree of separation and control over the trails. His assistant, Mary Murray, pointed out on the wall map those trails that are provided for bicycles (Jamboree, across the top of Back Bay, extending all the way over to the Santa Ana-Delhi Channel), and the County's plan is to extend that along University Drive, then parallel to Irvine Avenue. Bicycles are also allowed on trails on Back Bay

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Drive, so that there is a complete surrounding of the Bay and the park with bicycle trails. Equestrian trail use is provided from Jamboree Road, along the top of the Upper Bay, with a connection to Santa Ana Heights, and down to the Delhi Channel. As a result of the Planning Commission hearings, and sentiment to have equestrian access to the Westbay, the County has agreed to an equestrian trail that generally parallels the bicycle trail, although extending only a part of the way down Irvine Avenue. Provision for pedestrian use would be a separate trail in one location in the Westbay which comes out from the Interpretive Center and the parking area, skirts the Upper Bay and extends where most of the interpretive opportunity would be provided for rangers to interact with visitors to the park. There is a connection also at Constellation Drive because the residents there felt that was important to them. Ms. Murray also pointed out two spur areas that take people somewhat closer to the Bay to have a closer look, and this is the only area where pedestrians would be free from conflict with other uses.

GPA 92-3(E)

Regarding the 10,000 sq. ft. Interpretive Center, at a cost \$1.8 million, Mr. Fisher advised that the estimated cost for development of the entire park would be \$6 million, which is a lot of money and the County feels that the center is worth the investment. The Center will accommodate the Fish and Game and County staff, with some room for visitors, the Friends of Upper Newport Bay and major exhibits so the public can understand why the total estuary is important to this area. They have already received a \$1 million contribution, and have received other grants and are applying for further grants, but the rest of the park will be paid for by the Harbors, Beaches and Parks fund, a County-wide tax district, and is not separately assessed to the City of Newport Beach. A \$2.00 charge will be made for parking for each car, and there is no separate charge for entrance fee. The park will be available for use throughout the day, up until sunset. If the people choose to access the park after that time this is allowed, as long as there are no complaints from residents or the City of illegal activity.

Mr. Fisher stated that the County generally concurs with the City staff report and recommendations, they think they have satisfied all the major user groups, not to their total satisfaction, but generally in a balanced way, and think that this is a park that the City of Newport Beach will be very proud of.

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Mr. Fisher pointed out an error that is contained in the report relative to dogs, which says that dogs on leash shall not be permitted in the Westbay parcel, if it isn't otherwise provided. He stated that dogs on leash would be provided for in the Westbay parcel, with access over the equestrian trail and the bicycle trail, just not on the pedestrian trail to keep a controlled interpretive experience without looking out for dogs.

GPA 92-3(E)

In response to Council inquiry, Mr. Fisher stated that the \$6 million includes the balance of the construction of University Drive, and parking will be allowed along University Drive, unless the City decides that there will be no parking there. As far as the views, there will be low-profile fencing so as not to interfere with the views from the roads or residences across the way, low berming wood-type rail fence or a landscaped mound, just enough to delineate the park and encourage entrance at the appropriate locations. There will be no other building on the park, except for the Interpretive Center, and the audience was encouraged to inspect the schematic model provided by the County.

In response to previous Council inquiry, the Public Works Director, in an attempt to clarify a question raised about the trail location parallel to Irvine Avenue, advised that it is entirely on the park side of Irvine Avenue. In answer to question regarding the dangerous curve from Santiago Avenue around the Bay, he stated that there are two or three major difficulties, 1) Five to six acres of additional right-of-way would be required; 2) There was no funding identified for the cost of this very significant project; and 3) Wetlands impact. The City did address a letter to the County requesting that they look at it. The City and the County jointly proposed the cooperative project to complete the construction of the improvements on the easterly side of Irvine Avenue, adjacent to the park, and to construct the parallel trail, but that did not relate to any potential realignment of Irvine Avenue.

The following people addressed the Council with regards to the amount of money to be spent on development of the park, damage to the environment, and regulations imposed on the use and access of the park:

- Carla Brockman, 2700 Harbor View Drive
- Craig Bluell, 2282 Waterman
- Martin Graff, Costa Mesa
- Frances Gioia, 392 Sunrise, Cr, Costa Mesa
- Gayle Gardner, 315 Santa Isabel Avenue, Costa Mesa



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Robert Gardner, 823 W. Balboa Bl.  
 Nancy Bird, 1923 Galatea Terrace  
 Dolores Otting, 17 Hillsborough  
 Jane Farwell, 2426 Santiago Dr.  
 Tom Tierney, 2412 Mesa Drive,  
 Santa Ana Heights  
 Elizabeth Tierney, 2412 Mesa Dr.,  
 Santa Ana Heights  
 Marilee Terrell, 1725 Port Charles  
 Place  
 Jim Evans, 20372 S.W. Cypress,  
 Santa Ana Heights  
 Jeff Farwell, 2426 Santiago Dr.

GPA 92-3(E)

The following people addressed the Council in support of development of the park:

James Stamper, 1954 Vista Caudal  
 Lane Koluvek, 610 Tustin Avenue  
 Peter Bryant, 426 Vista Parada  
 Frank Robinson, 1007 Nottingham  
 Road  
 Jim Cokas, 3438 Irvine Avenue

The public hearing was closed at this time.

At the request of Council, Mr. Fisher commented that the County acquired the property in 1989, and started the process of planning with people that were interested enough to come to the monthly meetings, consultants, planners, landscape architects, biologists, etc., by reviewing the property and trying to understand what is happening today, what people were using it, how, and what natural processes were going on. The biological consultants pointed out to the County, that while the property is undeveloped, open and enjoyable in its present state, that does not equal the term, natural. A lot of people today, think that if it is undeveloped that it is natural, but it isn't here. This area has gone through quite a transformation from its natural state, mostly from the negative, as it is deeply eroded in some places, scarred, the landscaping on the property today was introduced, and not natural. Biologists pointed out that there is a potential for restoring what was once the natural condition of the property, but it needs to be rested and controlled, or it will continue to deteriorate. The County wants to reproduce in some areas of the park, the natural condition that it once had, and to allow a nice recreational experience. The more people find out about what the area is like, the more they will want to protect the area, and the Interpretive Center allows the public, young and old, to get a better understanding, than just coming and looking for themselves, because the nocturnal animal life cannot be seen during the daytime, and the birds that are there are only there at certain times of the year.

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In answer to Council inquiry, Mr. Fisher advised that the park would be open from 7:00 a.m. to sunset, but that doesn't mean that there is a gate that closes to keep people out. But, he feels that the City would appreciate having some control at night, and the regulations are not as restrictive as they seem.

The Public Works Director advised the Council that there is a proposed cooperative project between the City and the County to complete the improvements to the easterly side of Irvine Avenue, and to construct the parallel bicycle/pedestrian trail. The proposal is to share the cost of these improvements 50/50, with the additional proviso that if Regional Bike Trail funds are approved for that project, it would come off the top. Application has been made for those Regional Bike Trail funds. It is expected that the net cost that the City has provided for in the proposed 1993-94 budget would be approximately \$230,000. Ongoing maintenance costs for the Irvine Avenue Street improvements would be comparable to maintenance of any other street in the City. The bicycle/pedestrian trail within the park would become a part of the park facilities and would be operated and maintained by the County.

Regarding Council inquiry conveying the property in return for mitigation on some other development offsite, Mr. Fischer stated that the County made no such agreement with The Irvine Company that this would compensate or mitigate for some particular project elsewhere. The Irvine Company has a standard policy that applies to all lands donated or dedicated for open space purposes, that they retain the right to undertake a mitigation project within the park at their expense to create the kind of landscaping project that is called for in a general development plan, and they may seek from some other governmental agency mitigation credits, such as the Department of Fish and Game, the Corps of Engineers, etc., but that is up to The Irvine Company to arrange. The City has no obligation to accept mitigation credits and the County doesn't either.

Question was raised that if this project doesn't take place, what will happen to the money, wherein Mr. Fisher advised the Council that the \$1 million is for this project, and we would have to return the money to the donor, the grants would have to return to the State and the Harbors, Beaches and Parks funds would be reallocated to some other park elsewhere in the County.

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									<p>Regarding the question about the loop trail connection for pedestrians, Mr. Fisher stated that there could be a barrier to stop the bicycles and horses from using the trail connection, and that an access somewhere along Irvine Avenue could be made. However, the reason that the County doesn't have a planned access point elsewhere on Irvine Avenue, is that they had a traffic consultant analyze the potential of injury to people crossing the street there, as it is a very busy street, and if access were made here it would encourage people to dash across the street, and take a shortcut to the park, leaving the County liable for creating a traffic nuisance and endangering people, and not good planning practice.</p> <p>In response to Council inquiry, the Public Works Director, advised that a larger part of the cost could potentially come from the SB 821 State Regional Bikeway Funds. In addition to that there is a remaining cost, that would not be funded by that, and that is the cost referred to in the foregoing. However, there is a possibility of offsetting a portion of the cost that is locally allocated to SB 821 Regional Bikeway Funds.</p> <p>Mayor Turner addressed the audience stating that not everyone will be satisfied regardless of all the efforts that have been made, but they will have to compromise. To truly preserve the Back Bay, one would have to expose the public to a tremendous educational process, and one way is to have an Interpretive Center, and therefore, made the following motion:</p> <ol style="list-style-type: none"> <li>1. Adopt Resolution No. 93-42 making the required findings under CEQA for acceptance of Final EIR No. 525 prepared by the County of Orange as Lead Agency and approval of the project by the City of Newport Beach as a Responsible Agency; and <span style="float: right;">Res 93-42</span></li> <li>2. Adopt Resolution No. 93-43 approving General Plan Amendment 92-3(E); and <span style="float: right;">Res 93-43</span></li> <li>3. Adopt Resolution No. 93-44 approving Local Coastal Program Land Use Plan Amendment No. 31; and <span style="float: right;">Res 93-44</span></li> <li>4. Adopt Ordinance No. 93-13 approving Zoning Amendment No. 779; and</li> <li>5. Sustain the action of the Planning Commission in approving Use Permit No. 3488 for the Upper Newport Bay Regional Park General Development Plan and Resource Management Plan; including approval of the following additional recommendations of the Planning Commission:</li> </ol> <p style="text-align: center;">Volume 47 - Page 147</p>
otion			x						

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- a. The following is added to Resolution No. 93-43 [GPA 92-3(E)]:

GPA 92-3(E)

BE IT FURTHER RESOLVED that the County of Orange is hereby requested to coordinate with the Department of Fish and Game to explore the possibility of extending designated trails from Upper Newport Bay Regional Park into the Ecological Reserve in order to provide additional recreational access where such trail extensions would not cause significant environmental damage.

- b. The following conditions of approval are added to Use Permit 3488:

- Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall prepare and record an easement acceptable to the City Attorney showing the relocation of the existing pedestrian and bicycle trail easements to the locations shown in the General Development Plan, with the addition of at least one east-west connection across the Westbay parcel so as to provide a loop trail system. A final copy of the GDP showing the revised trail network shall be provided to the Planning Director prior to issuance of a grading or building permit;
- Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall submit a revised General Development Plan and Resource Management Plan to the City Planning Director indicating that equestrian use is permitted on the unpaved trail paralleling University Drive and Irvine Avenue;
- Dogs on leash shall be permitted in the Westbay parcel. Prior to issuance of any grading or building permit for the Westbay parcel, a revised General Development Plan and Resource Management Plan shall be submitted to the Newport Beach Planning Director stating this policy;

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Motion	x							<p>6. The City's participation in the cooperative design and construction of improvements to Irvine Avenue is subject to the receipt of SB 821 Funds, or possible funding through another source.</p> <p>Council Member Hedges made a substitute motion to support alternative 6.5 as contained in the EIR which allows for the construction of the Interpretive Center and retains the existing pattern of unregulated access and uses as exist today, and recommend that the City leave it to the County to develop those trails and uses such that it will enhance the users of that area, rather than become a barrier to them.</p> <p>Following discussion, the substitute motion was voted on and <u>FAILED</u>.</p> <p>The main motion was voted on, and carried.</p>
Ayes	x		x	x	x	x	x	
Noes								
Ayes			x	x	x	x	x	
Noes	x	x						<p>5. Public hearing regarding PRELIMINARY BUDGET FOR THE FISCAL YEAR 1993-94, pursuant to Section 1102 of the Newport Beach City Charter; AND APPROPRIATIONS LIMIT FOR THE 1993-94 FISCAL YEAR, pursuant to Article XIII B of the State Constitution and Government Code Section 7910.</p> <p>Reports from the City Manager and Finance Director regarding Budget Check List.</p> <p>The City Manager gave an overview of the Budget for Fiscal Year 1993-94, reporting that the City's Gann limit, Article XIII B of the California Constitution, has been calculated at \$56.3 million, and taxes subject to the Gann limitation are \$40.7 million, indicating that the City is substantially below its appropriations limit.</p> <p>He advised that the Budget before the Council tonight is balanced and is based on several key factors. The City will lose \$4 million in property taxes, through the State Budget process. The City expects a small modest improvement in revenues which it relies on because of both the national state and local economic low level activity that has taken place recently. In order to balance the budget which has significant reductions in state property taxes and very limited growth in revenues, the City staff is presenting a budget which assumes that expenditures are \$2.7 million lower than the amended 1992-93 Budget, and reductions that are</p>

GPA 92-3(E)

Budget/  
FY 1993-94  
(40)  
1993-94 FY  
Aprprtns Lm

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primarily in the City's personnel costs and staffing levels because of some key things: salaries and Benefits equal 69% of the General Fund costs; over 90% of the Operations and Maintenance accounts are fixed run (controllable); and because the Capital Outlay Expenses have been substantially reduced over the last three years. The results of those reductions are the elimination of 47 full time positions, and 13 full time equivalent "hard cut" positions within the organization, and most of this has been accomplished through attrition and early retirements, although it appears now that there will still be six involuntary layoffs. In addition to the \$2.7 million expenditures that are lower than the 1992-93 figures, the City's Expenditures this year, 1993-94 are \$8 million less than 1991-92, so the \$2.7 million reductions are on top of some already significant reductions. In the Budget document presented tonight, staff is adding expenses to the early retirement, generally \$600,000 in costs. Two years from now, the City will not be incurring those expenses, and will be saving an additional estimated \$850,000 in ongoing costs because of the elimination of positions through the early retirement program.

Budget/  
FY 1993-94

The City Manager further advised that there are 17 items that the Council placed on the Budget Check List; four items that Council proposed to add to the budget in the sum of \$139,000 and 13 items proposed for deletion, for a total of \$1.177 million.

The Council took the following straw votes (green light yes; red light no) and directed staff to prepare a resolution for the Council Meeting of June 28, 1993, formally adopting the Fiscal Year 1993-94 Budget.

Police Department

Green			x	x	x	
Red	x	x				x
Green	x		x	x	x	x
Red		x				
Green	x		x	x	x	x
Red		x				
Green	x	x	x	x	x	x

1. Professional Video Tape Services - \$12,000  
(Not included in the budget)
2. CAD Computer Programming Services - \$10,000  
(Included in the budget)
3. Computer Consultant Services - \$10,000  
(Included in the budget)
4. Patrol - Helicopter CFI Training Class - \$1,600  
(Included in the budget)

**CITY OF NEWPORT BEACH**

**TO:** Mayor and Members of the City Council

**FROM:** Planning Department *WRL*

**SUBJECT:** A. General Plan Amendment No. 92-3(E) (Public Hearing)

Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the Westbay parcel; and the acceptance of an environmental document;

AND

B. Local Coastal Program Amendment No. 31 (Public Hearing)

Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.

**INITIATED BY:** The City of Newport Beach

AND

C. Amendment No. 779 (Public Hearing)

Request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the U (Unclassified) District, R-3-B and R-4-B-2 Districts to the PC (Planned Community) District.

AND

D. Use Permit No. 3488 (Public Hearing)

Request to approve a General Development Plan and Resource Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.

**APPLICANT:** The County of Orange

TO: City Council - 2.

### ***APPLICATIONS***

The applications requested would establish General Plan, LCP, zoning and use permit entitlements for the County's Upper Newport Bay Regional Park. The proposed General Development Plan and Resource Management Plan would serve as the planned community development plan and regulations governing the use and operation of the park property.

General Plan amendment procedures are set forth in Council Policy Q-1; zoning amendment procedures are set forth in Chapter 20.84 of the Municipal Code; and use permit procedures are set forth in Chapter 20.80 of the Municipal Code.

### ***SUGGESTED ACTION***

Hold public hearing; close hearing; if desired:

1. Adopt Resolution No. \_\_\_ making the required findings under CEQA for acceptance of Final EIR No. 525 prepared by the County of Orange as Lead Agency and approval of the project by the City of Newport Beach as a Responsible Agency; and
2. Adopt Resolution No. \_\_\_ approving General Plan Amendment 92-3(E); and
3. Adopt Resolution No. \_\_\_ approving Local Coastal Program Land Use Plan Amendment No. 31; and
4. Adopt Ordinance No. 93-13 approving Zoning Amendment No. 779; and
5. Sustain the action of the Planning Commission in approving Use Permit No. 3488 for the Upper Newport Bay Regional Park General Development Plan and Resource Management Plan.

### ***BACKGROUND***

Public hearings to consider these items were held by the Planning Commission on April 8, April 22 and May 6, 1993. At the conclusion of the May 6 hearing the Planning Commission unanimously recommended approval of the proposed actions with modifications regarding equestrian trails proposed by the County of Orange and additional recommendations for consideration by the City Council. Details regarding the Planning Commission recommendations are provided in the Discussion section below.

Copies of the Upper Newport Bay Regional Park General Development Plan, Resource Management Plan and EIR, which were prepared by the County of Orange, along with copies of the staff reports to the Planning Commission were transmitted with the City Council report of May 24, 1993.

Copies of draft resolutions and Ordinance No. 93-13 along with additional correspondence received after the Planning Commission hearings are attached to this report.



## ***DISCUSSION***

### ***Overview***

Upper Newport Bay Regional Park comprises approximately 138 acres in three parcels forming an arc around the northern portion of the bay. The County acquired ownership of this property in several stages, the most recent of which was the 1989 dedication of 114 acres in the Westbay parcel by The Irvine Company. The Westbay parcel extends along the west side of the bay between Irvine Avenue and the Upper Newport Bay Ecological Reserve from Santiago Drive north to University Drive and the Santa Ana-Delhi Flood Control Channel. The Santa Ana Heights parcel is bounded by the Santa Ana-Delhi Channel, Jamboree Road, the Ecological Reserve, the Bayview project and the private development in Santa Ana Heights. The Eastbluff parcel runs between Back Bay Drive and the private property in Eastbluff from Eastbluff Drive south to the mouth of Big Canyon. The Back Bay Drive right-of-way is under the jurisdiction of the City and is not within the park.

The Orange County Harbors Beaches and Parks Department has prepared a draft General Development Plan ("GDP") and a draft Resource Management Plan ("RMP") that provide goals, development parameters and operational guidelines for the park. The GDP and RMP recognize the competing and sometimes incompatible interests of public recreation vs. natural resource protection and enhancement. Due to the unique environmental resource that the bay represents, the GDP and RMP attempt to provide a reasonable balance between these competing interests by emphasizing protection and restoration of the natural environment while providing public access opportunities that are more restrictive than currently available.

Physical development within the park would be limited to a 10,000-square-foot interpretive center, a 100-space parking lot, consolidation of existing trails, and appropriate barriers and signage. Degraded areas are proposed for restoration using native plants while exotic plants such as pampas grass would be removed. The County's total budget for the project (excluding operation and maintenance) is \$6.3 million, which will be funded solely from County sources and private donations (see General Development Plan Figure 4-2).

Issues related to park development but not included in the proposed actions are the improvement and potential realignment of Irvine Avenue adjacent to the park, and the ultimate disposition of Back Bay Drive.

### ***Limitations on the City's Jurisdiction Over Park Development and Operation***

Due to the park's location within the corporate boundaries of Newport Beach and the City's property ownership interests in various parcels and easements within park boundaries, the City is a "Responsible Agency" under the California Environmental Quality Act. City approval of the requested actions and Environmental Impact Report is therefore appropriate prior to final approval of these plans by the County Board of Supervisors and Coastal Commission. The City Attorney has advised, however, that the extent to which the City can regulate the County's park planning, operation and management policies on County property is limited under existing law.

TO: City Council - 4.

*Planning Commission Recommendations*

At the conclusion of the public hearing of May 6, the Planning Commission unanimously recommended City Council approval of the proposed park plan with modifications and six additional recommendations. These recommendations are as follows:

**1. Pedestrian Trail Access to the Ecological Reserve:** The County park does not extend to the shoreline of the upper bay. The ±750-acre Upper Newport Bay Ecological Reserve includes a strip of land of varying width surrounding the bay and is under the control of the state Department of Fish and Game (DFG). Informal trails currently extend from portions of the Westbay parcel of the County park into the Reserve where there are panoramic views of the bay from north to south. DFG's official policy is that these are not "designated" trails and unescorted pedestrians are not permitted in the Reserve.

The Planning Commission recommends that the City Council ask the County to coordinate with the Department of Fish and Game to explore the possibility of extending designated trails from the County park into the Ecological Reserve in order to provide additional recreational access where such trail extensions would not cause significant environmental damage. In making this recommendation, the Planning Commission recognized that the County has no authority to establish trails on state property in the Reserve, therefore it would not be appropriate to adopt a condition of approval requiring such trail connections. If the City Council concurs with this recommendation, the following language could be added to the resolution adopting the proposed General Plan Amendment:

*BE IT FURTHER RESOLVED that the County of Orange is hereby requested to coordinate with the Department of Fish and Game to explore the possibility of extending designated trails from Upper Newport Bay Regional Park into the Ecological Reserve in order to provide additional recreational access where such trail extensions would not cause significant environmental damage.*

**2. Westbay Parcel Loop Trail Connection:** The County's plan for the Westbay parcel includes two pedestrian trails, one adjacent to University Drive and Irvine Avenue, and the other near the blufftop (see General Development Plan Figure 4-3). As proposed, there is no connection between these trails except at the park entrance on University Drive. All of the other existing paths and informal trails would be eliminated and revegetated under the current plan.

The City and County are joint owners of relocatable pedestrian and bicycle trail easements on the Westbay parcel. The terms of the easements specify that they may be relocated to areas providing "reasonably comparable access." Two of these easements cross the property from east to west in the vicinity of Santa Isabel Avenue. The Planning Commission recommends that the County's plan be modified to include an east-west connection between the two proposed trails in order to create a loop pattern. In making this recommendation the Commission believes that such a connection is necessary to provide the reasonably comparable access required under the terms of the existing easements.

TO: City Council 5.

If the City Council concurs with the Planning Commission recommendation, staff suggests the following condition of approval:

*Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall prepare and record an easement acceptable to the City Attorney showing the relocation of the existing pedestrian and bicycle trail easements to the locations shown in the General Development Plan, with the addition of at least one east-west connection across the Westbay parcel so as to provide a loop trail system. A final copy of the GDP showing the revised trail network shall be provided to the Planning Director prior to issuance of a grading or building permit.*

**3. Equestrian Trails:** Under the Interim Operations Plan that is currently in effect, equestrians have access to the informal trail network on the Westbay parcel as well as the designated riding and hiking trail along the Santa Ana Heights parcel. The County's General Development Plan as originally proposed would have precluded equestrians from entering the Westbay portion of the park. At the Planning Commission hearing of April 22 equestrians objected to this aspect of the plan and requested that the Westbay area remain open to horses. In response to this request County staff met with equestrian representatives and developed a compromise revision to the plan that would allow equestrians to use the pedestrian trail paralleling University Drive and Irvine Avenue. At the May 6 hearing County staff requested that its application be amended to reflect this change to the plan, which was supported by equestrian representatives at the hearing.

The Planning Commission recommended approval of the plan with this proposed revision allowing equestrian access to the Westbay parcel. If the City Council concurs with this plan revision the following condition of approval is suggested:

*Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall submit a revised General Development Plan and Resource Management Plan to the City Planning Director indicating that equestrian use is permitted on the unpaved trail paralleling University Drive and Irvine Avenue.*

**4. Appropriateness of the Planned Community Zoning Designation:** During the Planning Commission hearings some residents expressed their concern that the proposed Planned Community (PC) zoning designation could be interpreted to open the County property to additional development beyond what is currently proposed. Staff noted that development in the PC district is controlled by the planned community development plan, which can only be changed by the City Council after a public hearing. In the case of the Upper Newport Bay Regional Park the County's GDP and RMP would serve as the PC development plan; therefore, no increase in the type or amount of development in the regional park could occur without the approval of the City Council.

TO: City Council - 6.

At the Planning Commission hearing the "Open Space" zoning designation was discussed as an alternative to the proposed PC designation. Staff noted that the Zoning Code provides for two categories of open space -- "active" and "passive". The "Open Space/Active" designation permits intensive recreational development such as ball fields, recreation centers, and marinas, and would not be appropriate for the low-intensity uses proposed in Upper Newport Bay Regional Park. The "Open Space/Passive" designation could be considered appropriate for the type of park uses proposed, but some of the components of the County plan such as the interpretive center and parking lot are not explicitly permitted under the current Zoning Code. Staff noted that a revision to the Zoning Code description of permitted uses in the Open Space/Passive district is currently on the Planning Department's zoning implementation work program and will be submitted to the Planning Commission and City Council for review in the near future. Staff recommended that a decision on changing the regional park designation to "Open Space" be deferred until this section of the Zoning Code is updated.

At the conclusion of its deliberations the Planning Commission recommended approval of the proposed PC zoning designation, but indicated that a redesignation to the "Open Space/Passive" district should be considered at the appropriate time. Both the Zoning Code revision and the redesignation of the park property would require new public notice and hearings by the Planning Commission and City Council.

**5. Back Bay Drive:** Mitigation Measure No. 14 in the County's EIR would require that prior to grading or construction for the park "... a plan for the ultimate use and configuration of Back Bay Drive shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer." In adding this mitigation measure to the Draft EIR, the County anticipated that the issue of Back Bay Drive would have been resolved by the time park plans were submitted to the City for approval. Since the Back Bay Drive issue remains open and the County has no jurisdiction over the roadway, County staff believes it would be inappropriate to require that park development be contingent upon resolution of this issue.

Although this mitigation measure was included in the EIR, City Planning Department staff and the City Attorney advised the Planning Commission that this provision may be modified without requiring the revision and recirculation of the EIR if the Commission and City Council determine that this modification would not constitute a major change to the project and would not result in a significant adverse effect on the environment.

The Planning Commission recommended that this mitigation measure remain a condition of project approval in order to encourage the timely resolution of issues involving Back Bay Drive. If the City Council concurs with this recommendation no changes to the approving documents are required. If the Council supports the County's request and determines that removal of this requirement would not substantially change the project or introduce new significant environmental effects, staff suggests that Mitigation Measure No. 14 be revised as follows:

14. ~~Prior to the award of a construction or grading contract, whichever occurs first, The County of Orange shall cooperate with the City of Newport~~

TO: City Council 7.

*Beach and the Department of Fish and Game in developing a plan for the ultimate use and configuration of Back Bay Drive, which shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall consider, at a minimum, the following:*

- a. access controls (e.g., gates, etc.)*
- b. hours of use*
- c. vehicle connections to the Eastbluff area*
- d. ultimate pavement cross-section*
- e. bicycle access.*

**6. Park Policy Regarding Dogs:** In order to reduce potential impacts to wildlife the County plan would restrict dogs to the Santa Ana Heights and Eastbluff portions of the park. No dogs would be permitted in the Westbay parcel. The Planning Commission recommended that the plan be modified to allow dogs on leash anywhere in the park.

Staff and the City Attorney believe that this issue is an example of a County park management policy over which the City may have limited regulatory authority. The City does have authority over a ±6-acre parcel along Irvine Avenue in the vicinity of Monte Vista Avenue, which was dedicated to the City for local park purposes. This parcel is located within the boundaries of the regional park, and the County has proposed that this property be conveyed from the City to the County for inclusion in the regional park. Therefore, as a result of this shared ownership pattern the City has a legitimate interest in the County's management policies to the extent that they affect City property.

If the City Council believes that dogs on leash should be permitted in the Westbay parcel of the regional park and that the City has regulatory authority to require such a policy, the following condition of approval would be appropriate:

*Dogs on leash shall be permitted in the Westbay parcel. Prior to issuance of any grading or building permit for the Westbay parcel, a revised General Development Plan and Resource Management Plan shall be submitted to the Newport Beach Planning Director stating this policy.*

#### ***Additional Public Comments Received After the Planning Commission Hearings***

Several letters and petitions were received at and after the May 6 Planning Commission hearing and are summarized below. A copy of this report has been mailed to each of the following commentors.

**Handout and Petition (Attachment 6):** At the May 6 Planning Commission hearing a petition with approximately 300 signatures was submitted requesting that the current patterns of use be allowed to continue in the park.

TO: City Council - 8.

Letter from Lane Koluvek, President, Friends of Newport Bay (Attachment 7): Mr. Koluvek supports the County's plan and restrictions on use by dogs, equestrians and bicycles within the Westbay parcel.

Letter from Kathleen and Philip Hughes (Attachment 8): This letter supports the County plan as proposed.

Letter from Garvin Walker (Attachment 9): Mr. Garvin's letter supports the County plan.

Letter from Pacific Southwest Biological Services (Attachment 10): This letter was written to the County from its biological consultant in response to questions regarding potential biological impacts from trails in ecologically sensitive areas. The letter describes how damage to resources has been caused by human use in areas similar to Upper Newport Bay.

Letter from Frances Gioia (Attachment 11): This letter is in opposition to the County plan and the proposed increase in the size of the proposed interpretive center. With respect to the commentor's question regarding the next steps required for final approval, the project will be reviewed by the County Board of Supervisors and the California Coastal Commission. In addition, any work that affects the Ecological Reserve will require approval by the state Department of Fish and Game.

Letter from Marilee Terrell (Attachment 12): Ms. Terrell's letter opposes the County plan and the expenditure of public funds for the project.

## **CONCLUSION**

The General Development Plan and Resource Management Plan prepared by the County Harbors, Beaches and Parks Department attempt to balance the competing objectives of public recreation and resource protection. Due to the unique and sensitive nature of Upper Newport Bay, these plans emphasize resource protection and restoration while providing more limited recreational opportunities than currently available.

Because of the City's role as a Responsible Agency, the County has requested City Council approval of this planning concept. Staff has provided conditions of approval and modifications to the GDP and RMP to address concerns raised by the public and the Planning Commission. At its May 6 hearing the Commission recommended approval of the project with the additional recommendations discussed above.

The additional comments submitted after the Planning Commission hearings and included in this report reflect the broad range of public opinion regarding this project but do not raise significant new issues that were not addressed at the Planning Commission hearings.

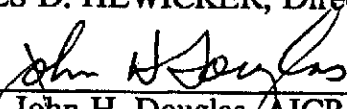
TO: City Council - 9.

If it is the opinion of the City Council that the proposed General Development Plan and Resource Management Plan provide a desirable strategy for the development and operation of Upper Newport Bay Regional Park, and that the EIR adequately addresses the potential impacts of the project, appropriate findings, conditions, resolutions and ordinance are provided for approval of the project.

Respectfully submitted,

PLANNING DEPARTMENT  
JAMES D. HEWICKER, Director

By

  
\_\_\_\_\_  
John H. Douglas, AICP  
Principal Planner

Attachments:

1. Draft Resolution No. \_\_\_ (EIR No. 525)
2. Draft Resolution No. \_\_\_ (GPA 92-3[E])
3. Draft Resolution No. \_\_\_ (LCP No. 31)
4. Draft Ordinance No. 93-13 (Amendment No. 779)
5. Summary of correspondence prior to the May 6 Planning Commission hearing
6. Handout and petition submitted at the May 6 Planning Commission hearing
7. Letter from Lane Koluvek, President, Friends of Newport Bay
8. Letter from Kathleen and Philip Hughes
9. Letter from Garvin Walker
10. Letter to OCEMA from Pacific Southwest Biological Services
11. Letter from Frances Gioia
12. Letter from Marilee Terrell

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## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWPORT BEACH ADOPTING FINDINGS REGARDING  
THE ENVIRONMENTAL EFFECTS IDENTIFIED IN FINAL  
ENVIRONMENTAL IMPACT REPORT NO. 525 FOR THE  
UPPER NEWPORT BAY REGIONAL PARK**

WHEREAS, Final Environmental Impact Report No. 525 (DEIR 525) was prepared pursuant to the requirements of the California Environmental Quality Act (hereinafter "CEQA" - Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq. - hereinafter "Guidelines") by the County of Orange as Lead Agency for the Upper Newport Bay Regional Park General Development Plan to address the environmental effects, mitigation measures, and project alternatives associated with the proposed Upper Newport Bay Regional Park; and

WHEREAS, the City of Newport Beach, as a Responsible Agency, is required by CEQA to consider the information contained in the Final EIR prepared by the Lead Agency and to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the components of the proposed project for which the City has jurisdiction; and

WHEREAS, Section 21081 of CEQA and Section 15091 of the Guidelines require that a Responsible Agency make one or more of the following findings prior to approval of a project for which an EIR has been completed identifying one or more significant effects of the project, along with statements of facts supporting each finding:

**FINDING 1** - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

**FINDING 2** - Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

**FINDING 3** - Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR; and



WHEREAS, Section 15093(b) requires that, where the decision of a Responsible Agency allows the occurrence of significant effects which are identified in the EIR, but not mitigated, the Agency must state in writing the reasons to support its action based on the EIR or other information in the record; and

WHEREAS, the City Council has reviewed all environmental documentation comprising DEIR 525 for the Upper Newport Bay Regional Park and has found that DEIR 525 considers all environmental effects of the proposed project and is complete and adequate and fully complies with all requirements of CEQA and the Guidelines.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The City Council hereby affirms that it has reviewed and considered Final EIR 525 in determining whether to approve amendments to the City's General Plan, Local Coastal Program Land Use Plan and Zoning Ordinance, and a Use Permit for the Upper Newport Bay Regional Park. The Final EIR is composed of the following elements:
  - a. Draft EIR 525 for the Upper Newport Bay Regional Park General Development Plan
  - b. Appendices to Draft EIR 525
  - c. Comments received on Draft EIR 525 and response to those comments
  - d. All attachments, incorporations, and references delineated in items a. through d. above

All of the above information is on file at the City of Newport Beach Planning Department, 3300 Newport Boulevard, Newport Beach, CA and the County of Orange, Environmental Management Agency, Environmental Planning Division, 12 Civic Center Plaza, Room G-19, Santa Ana, California, 92702.

2. The City Council adopts the Findings with respect to each environmental effect and project alternative identified in the EIR and the explanation of its rationale with respect to each such finding set forth in the document entitled "CEQA Statement of Findings and Facts" attached hereto and marked as Exhibit A and made a part hereof.
  
3. The mitigation monitoring requirements of Public Resources Code Section 21081.6 will be met through the required compliance with the mitigation measures identified in Exhibit A which are hereby adopted as conditions of approval. A Mitigation Monitoring and Reporting Program for the project is attached hereto as Exhibit B and incorporated herein by reference.
  
4. All of the findings set forth in Exhibit A accurately reflect the independent judgement of the City Council.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1993.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Attachments

Exhibit A: Statement of Facts and Findings  
Exhibit B: Mitigation Monitoring and Reporting Program

**EXHIBIT A**

**CEQA STATEMENT OF FACTS AND FINDINGS  
UPPER NEWPORT BAY REGIONAL PARK  
GENERAL DEVELOPMENT PLAN  
ENVIRONMENTAL IMPACT REPORT NO. 525**

***FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT***

**EFFECTS DETERMINED TO BE INSIGNIFICANT**

Based on the Initial Study, the Environmental Impact Report, and the substantial evidence contained therein, it has been determined with certainty that no significant impact to the environment will occur in the following areas:

**EARTH**

- There are no unique geologic or physical features which will be destroyed or modified by the project.

**AIR**

- The project will not result in increased air emissions or deterioration of ambient air quality beyond projection by the South Coast Air Quality Management District.
- The project will not result in any significant changes in air movements, either locally or regionally.

**WATER**

- The project will not adversely impact groundwater resources in the vicinity.
- Implementation of the proposal will not cause a substantial reduction in public water supplies.
- The project will not result in the exposure of people or property to water-related hazards such as flooding or tidal waves.

**ENERGY**

- The project will not result in the use of abnormally high amounts of fuel or energy.
- The project will not increase the demand upon existing sources of energy, or require the development of new sources of energy.

**LAND USE**

- The proposal will not cause the conversion of valuable agricultural land to development.
- The project will not preclude natural resource extraction.

**TRANSPORTATION/CIRCULATION**

- The project will not generate additional vehicular traffic beyond that projected in regional analyses.

- The project will not alter waterborne, rail, or air traffic.

#### **PUBLIC HEALTH AND SAFETY**

- The project does not involve the risk of explosion or the release of hazardous substances, including oil, pesticides, chemicals, or radiation in the event of an accident or upset condition.
- The project will not result in the exposure of persons or property to wildland fire hazards.
- No previous use of the site will result in the exposure of persons to hazardous substances, including, but not limited to, oil, pesticides, chemicals, or radiation.
- The project does not place present or future surrounding residents at risk of exposure to toxic or radioactive gas, explosions, or industrial fires.
- The proposal will not interfere with an emergency response plan or evacuation plan.
- The project will not use or dispose of potentially hazardous materials such as toxic substances, flammables, or explosives.

#### **LIGHT AND GLARE**

- The project will not produce significant new sources of light and glare.

#### **PUBLIC SERVICES AND UTILITIES**

- The project will not adversely impact fire protection, police protection, schools, parks and recreation, or solid waste disposal services.

## EFFECTS DETERMINED TO BE MITIGABLE TO A LEVEL OF INSIGNIFICANCE

Based on the information contained in the Environmental Impact Report (EIR), it has been determined that the following potentially significant impacts will be reduced to a level of insignificance with the imposition of the mitigation measures contained in the EIR as enumerated below:

### **EARTH RESOURCES**

#### Significant Effect

- The project site will be subject to ground-shaking and potential surface rupture during a seismic event.
- Liquefaction will be a significant concern during the maximum credible earthquake on the Newport-Inglewood Fault in areas of sandy soils.

#### Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

#### Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

1. Prior to the issuance of a building permit including grading, the construction documents for the Interpretive Center, including the final geotechnical report, shall be submitted to the Manager, Development Services. The report will be based on 80-scale maps and will primarily involve assessment of potential soil related constraints and hazards, such as landslides, settlement, liquefaction, or related seismic impacts where determined to be appropriate by the County of Orange. The report shall also include evaluation of potentially expansive soils and recommend construction procedures and/or design criteria to minimize the effects of these soils on the proposed project, as well as an analysis of soils properties to determine any existence of soluble sulfate in the soil. The report shall also establish foundation design parameters. This report shall recommend appropriate mitigation measures for the grading and shall be completed in a manner specified by the County of Orange Grading Code.

### **AIR QUALITY**

#### Significant Effect

- Grading for the project will result in the generation of approximately 0.10 tons of fugitive dust on a daily basis. This is considered more of a local nuisance than a long-term health problem.
- The project does not propose activities of sufficient magnitude that it would meet threshold requirements for review under the Air Quality Management Plan/State Implementation Program Guidelines.

### Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

### Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

2. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements to meet: SCAQMD Rule 403 which will require watering during earth moving operations, soil binders to be spread on construction sets or unpaved roads and/or parking areas, street sweeping of roads adjacent to the project site, that trucks be washed off before leaving the construction site, that construction equipment be properly maintained and tuned, and that grading be suspended during second stage (or worse) smog alerts.
3. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements that construction personnel should be provided with preferential parking for carpools, bicycle racks, and free bus passes. Parking for construction personnel should not interfere with traffic flows. Personnel parking and construction vehicle staging areas shall be placed in a manner to avoid sensitive resources on the property. Construction affecting roadways should be performed during non-peak hours. A flag person should be provided during times when construction affects roadways, and one lane in each direction should remain open.
4. Prior to the issuance of a certificate of use and occupancy, the following measures shall be incorporated into the project in a manner meeting the approval of the Program Manager, Transportation Planning:
  - a. Encourage the use of alternate transportation modes by promoting public transit usage and providing secure bicycle facilities.
  - b. Provide mass transit accommodations such as bus turnout lanes, park and ride areas, and bus shelters.
  - c. Provide energy-conserving lighting.
  - d. Provide landscaping with native drought resistant plant species to shade buildings during summer.

### **DRAINAGE/HYDROLOGY**

#### Significant Effect

- Implementation of the project will result in an incremental increase in the impervious surfaces on the property, which will result in a commensurate increase in runoff and the introduction of urban pollutants into Upper Newport Bay.

### Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

### Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

5. Prior to the execution of a construction or grading contract, the following drainage studies shall be submitted to and approved by the Manager, Harbors, Beaches & Parks/Parks Design:
  - a. A drainage study of the project site including diversions, off-site areas that drain onto and/or through the project, and justification for any diversions; and
  - b. A drainage study demonstrating that proposed drainage patterns will not overload existing storm drains; and
  - c. Detailed drainage studies indicating how the project grading in conjunction with the drainage conveyance system including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding will allow building pads to be safe from inundation from rainfall which may be expected from all storms up to and including the theoretical 100-year flood.
6. Prior to the execution of a construction or grading contract, the contract and plans, including the following improvements, shall be submitted for approval to the Manager, Harbors, Beaches, and Parks/Parks Design:
  - a. All provision for surface drainage; and
  - b. All necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff.

Prior to the issuance of a certificate of use and occupancy, said improvements shall be constructed in a manner meeting the approval of the Manager, EMA/Construction Division.

7. Prior to the initiation of grading, the applicant (County or contractor) shall obtain approval of an NPDES permit from the Regional Water Quality Control Board. Said permit shall specify appropriate storm water Best Management Practices to be incorporated into the project to ensure an acceptable level of control of non-point pollution sources.

## **BIOLOGICAL RESOURCES**

### Significant Effect

- The Interpretive Center and nearby interpretive node, as well as future horticultural plantings of trees in the grasslands on the north side of the bay will have an adverse impact on portions of a scattered population of sensitive Southern Tarplant.

- Work toward the establishment of the vernal pool may result in the loss of Southwestern Spiny Rush. The loss of individual plants is not considered significant, however, any degradation of the limited alkaline wetland habitat occupied by this plant would be considered significant.
- Habitat for the California Gnatcatcher would be disturbed by a proposed trail connection and the increased human and domestic animal encroachment associated with it.
- A burrowing owl nesting site (a species of special concern) is located in the area where trails near the Interpretive Center are to be located.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

8. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches, and Parks/Parks Design. Said plans shall indicate the following:
  - a. Landscaping and trails are sited in such a manner as to not disturb the scattered populations of Southern Tarplant. Individual plants to be disturbed shall be transplanted to appropriate habitat; and
  - b. If establishment of the "vernal pool" is undertaken, it shall be done in a manner so as to not disturb the hydrologic or vegetative character of the area, especially the limited alkaline wetland habitat adjacent to the proposed "Vernal Pool"; and
  - c. The "Vista del Playa" access shall be relocated such that the California Gnatcatcher habitat which it currently crosses is not disturbed.
  - d. The trails serving the Interpretive Center shall be relocated, or appropriate buffer provided, to protect the burrowing owl nesting site.

**CULTURAL/SCIENTIFIC RESOURCES**

Significant Effect

- A total of 16 archaeological sites were recorded within the boundary of the park. A portion of each of these sites will be impacted by planned development within the park.
- All of the rock units present on the site have a high potential for the discovery of significant paleontological resources.



### Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

### Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

9. For any archaeological site which may be adversely impacted, a County-certified archaeologist shall be retained by the applicant to perform a subsurface test level investigation and surface collection as appropriate. The test level report evaluating the site shall include discussion of significance (depth, nature, condition and extent of the resources), final mitigation recommendations and cost estimates. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. Final mitigation shall be carried out based upon the recommendations and a determination as to the site's disposition by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. Possible determinations include, but are not limited to, preservation, salvage, partial salvage or no mitigation necessary.

Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions for exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division.

10. Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified paleontologist has been retained to conduct pregrading salvage, observe any grading activities, salvage fossils as necessary, and prepare a catalogue of the exposed resources. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered, which require long-term halting or

redirecting of grading, the paleontologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall determine appropriate actions to ensure proper exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall submit a follow-up report for approval by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division, which shall include the period of inspection, methodology, an analysis of the artifacts found, a catalogue of artifacts, and their present repository.

## AESTHETICS

### Significant Effect

- Because of the prominent location of the proposed Interpretive Center, at generally the high point of the park property, it has the potential to result in significant impacts on views of the bay and park from proposed trails and other closely adjacent viewpoints.

### Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

11. Prior to issuance of a building permit including grading, for the Interpretive Center, plans shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches and Parks/Parks Design and the Newport Beach Building Director. Said plans shall demonstrate compliance with the City of Newport Beach 24/28-foot height limit, shall be designed so as to minimize adverse impacts to public views from Irvine Avenue, and shall indicate that non-reflective glass shall be used on all windows overlooking Upper Newport Bay.
12. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services and the Newport Beach Building Director for the area surrounding the Interpretive Center, ensuring that the parking lot shall be landscaped, equipped for irrigation, and improved as stated below:
  - a. Preliminary Plan - Prior to the issuance of a building permit, a preliminary landscape plan, indicating use of native and drought tolerant species, and a cost estimate shall be submitted for the review and approval of the Manager, Subdivision Division.

- b. Detailed Plan - Prior to the initiation of construction, a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division and the Newport Beach Public Works Department. Detailed plans shall show the detailed landscaping and irrigation design; and the preservation of views from Irvine Avenue.
- c. Installation Certification - Prior to the issuance of final certificates of use and occupancy, said improvements shall be installed and shall be certified by a licensed landscape architect as having been installed in accordance with the approved detailed plans. Said certification shall be furnished in writing to the Manager, EMA/Public Works/Construction Division and the Newport Beach Building Director.

## LAND USE

### Significant Effect

- The project proposes the construction of a 10,000 square foot Interpretive Center on the site. The City of Newport Beach General Plan and Local Coastal Program Plan limit on-site structures to 8,000 square feet.

### Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

13. Prior to the issuance of a building permit including grading the County shall submit an application to the City of Newport Beach for amendment of the City's General Plan and Local Coastal Program to accommodate the 10,000 square foot Interpretive Center as proposed. After approval by the City, said approvals and an application for a Coastal Development Permit shall be referred to the State Coastal Commission for approval.

## TRANSPORTATION/CIRCULATION

### Significant Effect

- The current condition of Back Bay Drive does not conform to safety standards and has potential liability problems. These safety concerns include lack of pedestrian facilities, inadequate width to accommodate bicycle and motor vehicle traffic, and no improved parking areas.

### Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

14. Prior to the award of a construction or grading contract, whichever occurs first, a plan for the ultimate use and configuration of Back Bay Drive shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall consider, at a minimum, the following:
  - a. access controls (e.g., gates, etc.)
  - b. hours of use
  - c. vehicle connections to the Eastbluff area
  - d. ultimate pavement cross-section
  - e. bicycle access.
15. Prior to the issuance of a building permit including grading, an access and parking plan for the Interpretive Center shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall indicate that access and parking have been designed to appropriate standards for sight distance, parking and accessways, bus and vehicle turn-outs, etc.

## **RECREATION**

### Significant Effect

- The restrictions on access to areas of the park property may be viewed as an adverse impact by those who have historically taken advantage of unregulated access to the park property under both public and private ownership.

### Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

- Implementation of the General Development Plan results in a balance between recreational access and resource management and preservation, reducing the significant impact to a level of insignificance.

## NOISE

### Significant Effect

- During construction of the Interpretive Center and related improvements, and improvements to University Drive, temporary construction noise will intermittently reach 95 dBA on the construction site. Residential structures located as close as 50 feet to the construction site will be exposed to this noise. This noise level is in excess of County and City of Newport Beach standards.

This impact was reported as a significant, albeit temporary, unavoidable adverse impact of project development in the Draft EIR. Subsequent to distribution of the Draft EIR, County staff responsible for reviewing noise and acoustical studies provided substantial and credible evidence indicating that such construction noise impacts are not significant unavoidable adverse impacts of the project. This substantial evidence, correspondence dated September 10, 1992 from Paul Wang of Development Services - Acoustics, which correspondence is incorporated herein by this reference, stated that the impact is not considered significant because it is temporary, lasting only for the duration of the construction project, and that the proposed mitigation measures will reduce the identified construction noise impact to a level of insignificance. The City Council has considered the evidence in the Draft EIR and that provided by County staff and has concluded that the impact has been reduced to a level of insignificance subject to the findings and facts enumerated below. As part of this action, the City Council finds that none of the criteria mandating a significant effect on the environment, as described in §15065 of the California Code of Regulations (State CEQA Guidelines) are present.

### Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### Facts in Support of Finding

The significant effect has been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

16. Construction activities shall be conducted in accordance with the City of Newport Beach Municipal Code, which limits the hours of construction and excavation work to 7:00 a.m. to 6:30 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering, or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or on any holiday.
17. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services, including written evidence that:
  - a. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
  - b. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).

- c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

**SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED**

All significant environmental effects that can be feasibly avoided have been eliminated or substantially lessened by virtue of the mitigation measures identified in the Final EIR and incorporated into the project as set forth above. Further, as set forth above, substantial evidence supports the finding that the unavoidable adverse impact resulting from construction noise is, in fact, reduced to a level of insignificance by the application of the mitigation measures proposed and because the impact is temporary, lasting only as long as the construction activity. Therefore, all impacts of the project have been reduced to a level of insignificance and no significant impacts which cannot be avoided will result from implementation of the project.

## PROJECT ALTERNATIVES

Five project alternatives were presented in the EIR. These alternatives have been reviewed and considered in light of the adverse environmental effects which may result from the project in the reduction or elimination of such effects which might be accomplished by selection of one of the alternatives.

Each alternative is summarized below and specific economic, social, or other considerations that rendered such alternatives infeasible are set forth. The discussions below are intended to summarize and not fully restate the evidence contained in the Draft EIR, Response to Comments, and the administrative record as a whole.

### Findings

1. The project has been designed in a manner so as to provide the greatest public involvement in the planning and CEQA process.
2. The following provides a brief description of the project alternatives.
3. The alternatives were rejected in favor of the current project proposal as revised.
4. The rationale for rejection of each alternative is provided below.
5. The rejection rationale is supported by the public record including, but not limited to, the Final EIR.

### **NO PROJECT ALTERNATIVE (6.1)**

The No Project Alternative assumes that use of the park property would remain as it exists today. Under the County's Interim Operations Plan, pedestrian, bicycle, and equestrian use is limited to dirt and paved trails and a ranger is on-site to enforce the operations plan. Under the Pre-County Ownership condition, access to the site is uncontrolled.

### Findings

Specific economic, social, or other considerations make infeasible the No Project Alternative described in the Final EIR in that:

1. The No Project Alternative does not achieve the goals established for the park by the Citizen's Advisory Committee.
2. The No Project Alternative would not control access in areas where increased human encroachment might damage or destroy sensitive biological resources.
3. The No Project Alternative would leave the County open to liability claims from individuals that may suffer personal injury on the property.
4. The No Project Alternative would not provide for the improvement of trails, including the stabilization of slopes and unimproved drainage channels which convey urban runoff and silt into the Upper Newport Bay during storms.

### **LOW INTENSITY ALTERNATIVE (6.2)**

The Low Intensity Alternative would provide for a less intense improvement program and use pattern on the property. The Interpretive Center would not be constructed if this alternative were implemented.



## Findings

Specific economic, social, or other considerations make infeasible the Low Intensity Alternative described in the Final EIR in that:

1. The Low Intensity Alternative does not achieve the goals established for the park by the Citizen's Advisory Committee including:
  - The alternative significantly limits the public's ability to access and enjoy the site.
  - The alternative eliminates, or severely limits, the opportunity for educational and interpretive programs which would increase public understanding and appreciation of the significant natural and cultural resources of the site.

## **MEDIUM INTENSITY ALTERNATIVE (6.3)**

The Medium Intensity Alternative provides a similar level of access and recreational opportunities as the proposed project. The major difference between the alternative and the project is increased access opportunities to the bay on the Westbay parcel.

## Findings

Specific economic, social, or other considerations make infeasible the Medium Intensity Alternative described in the Final EIR in that this variation does not have the ability to reduce or eliminate impacts identified in the EIR and it actually has the potential to increase impacts to biological resources by allowing increased human contact with the bay.

## **HIGH INTENSITY ALTERNATIVE (6.4)**

The High Intensity Alternative provides a significant increase in access opportunities for pedestrians, equestrians, and bicyclists. The expanded recreational opportunities include increased access to the bay and its associated resources.

## Findings

Specific economic, social, or other considerations make infeasible the High Intensity Alternative described in the Final EIR in that this variation does not have the ability to reduce or eliminate impacts identified in the EIR and it actually has the potential to increase impacts to biological resources by allowing increased human contact with the bay.

## **CURRENT LEVEL OF HUMAN ACTIVITY (6.5)**

This alternative represents a hybrid between the project case and current levels of use. The alternative contains two basic components: construction of the interpretive center, parking lot, and other related facilities described in the GDP; and the retention of the existing pattern of unregulated access and use as exists today.

## Findings

Specific economic, social, or other considerations make infeasible the Current Level of Human Activity Alternative described in the Final EIR in that it would not substantially reduce any of the impacts described in the EIR and has the potential to increase impacts to biological resources by allowing increased human contact with the bay.

**EXHIBIT B**

**MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY  
UPPER NEWPORT BAY REGIONAL PARK  
GPA 92-3(E)/LCP NO. 31/A779/UP 3488**

Mitigation Measure	Implementing Action, Condition or Mechanism	Method of Verification	Timing of Verification	Responsible Person
<p>1. Prior to the issuance of a building permit including grading, the construction documents for the Interpretive Center, including the final geotechnical report, shall be submitted to the Manager, Development Services. The report will be based on 80-scale maps and will primarily involve assessment of potential soil related constraints and hazards, such as landslides, settlement, liquefaction, or related seismic impacts where determined to be appropriate by the County of Orange. The report shall also include evaluation of potentially expansive soils and recommend construction procedures and/or design criteria to minimize the effects of these soils on the proposed project, as well as an analysis of soils properties to determine any existence of soluble sulfate in the soil. The report shall also establish foundation design parameters. This report shall recommend appropriate mitigation measures for the grading and shall be completed in a manner specified by the County of Orange Grading Code.</p>	<p>Building/grading permit</p>	<p>Plan Check</p>	<p>Prior to issuance of a building permit including grading</p>	<p>OCEMA/Manager, Development Services</p>
<p>2. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements to meet: SCAQMD Rule 403 which will require watering during earth moving operations, soil binders to be spread on construction sets or unpaved roads and/or parking areas, street sweeping of roads adjacent to the project site, that trucks be washed off before leaving the construction site, that construction equipment be properly maintained and tuned, and that grading be suspended during second stage (or worse) smog alerts.</p>	<p>Construction/grading contract; AQMD regulations</p>	<p>Plan Check</p>	<p>Prior to award of a construction or grading contract</p>	<p>OCEMA/Manager, Transportation Planning</p>

Mitigation Measure	Implementing Action, Condition or Mechanism	Method of Verification	Timing of Verification	Responsible Person
<p>3. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements that construction personnel should be provided with preferential parking for carpools, bicycle racks, and free bus passes. Parking for construction personnel should not interfere with traffic flows. Personnel parking and construction vehicle staging areas shall be placed in a manner to avoid sensitive resources on the property. Construction affecting roadways should be performed during non-peak hours. A flag person should be provided during times when construction affects roadways , and one lane in each direction should remain open.</p>	Construction/grading contract	Plan Check	Prior to award of construction/grading contract	OCEMA/Manager, Transportation Planning
<p>4. Prior to the issuance of a certificate of use and occupancy, the following measures shall be incorporated into the project in a manner meeting the approval of the Program Manager, Transportation Planning:</p> <ul style="list-style-type: none"> <li>a. Encourage the use of alternate transportation modes by promoting public transit usage and providing secure bicycle facilities.</li> <li>b. Provide mass transit accommodations such as bus turnout lanes, park and ride areas, and bus shelters.</li> <li>c. Provide energy-conserving lighting.</li> <li>d. Provide landscaping with native drought resistant plant species to shade buildings during summer.</li> </ul>	Use & occupancy certificate	Plan Check	Prior to issuance of certificate of use & occupancy	OCEMA/Manager, Transportation Planning

Mitigation Measure	Implementing Action, Condition or Mechanism	Method of Verification	Timing of Verification	Responsible Person
<p>5. Prior to the execution of a construction or grading contract, the following drainage studies shall be submitted to and approved by the Manager, Harbors, Beaches &amp; Parks/-Parks Design:</p> <p>a. A drainage study of the project site including diversions, off-site areas that drain onto and/or through the project, and justification for any diversions; and</p> <p>b. A drainage study demonstrating that proposed drainage patterns will not overload existing storm drains; and</p> <p>c. Detailed drainage studies indicating how the project grading in conjunction with the drainage conveyance system including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding will allow building pads to be safe from inundation from rainfall which may be expected from all storms up to and including the theoretical 100-year flood.</p>	Construction/grading contract	Plan check	Prior to award of construction/grading contract	OCEMA/Manager, HBP-Design
<p>6. Prior to the execution of a construction or grading contract, the contract and plans, including the following improvements, shall be submitted for approval to the Manager, Harbors, Beaches, and Parks/Parks Design:</p> <p>a. All provision for surface drainage; and</p> <p>b. All necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff.</p> <p>Prior to the issuance of a certificate of use and occupancy, said improvements shall be constructed in a manner meeting the approval of the Manager, EMA/Construction Division.</p>	Construction/grading contract	Plan check	Prior to execution of construction/grading contract	OCEMA/Manager, HBP-Design
<p>7. Prior to the initiation of grading, the applicant (County or contractor) shall obtain approval of an NPDES permit from the Regional Water Quality Control Board. Said permit shall specify appropriate storm water Best Management Practices to be incorporated into the project to ensure an acceptable level of control of non-point pollution sources.</p>	NPDES permit	Permit verification	Prior to initiation of grading	OCEMA/Manager, HBP-Design

Mitigation Measure	Implementing Action, Condition or Mechanism	Method of Verification	Timing of Verification	Responsible Person
<p>8. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches, and Parks/Parks Design. Said plans shall indicate the following:</p>	<p>Building/grading permit</p>	<p>Plan check</p>	<p>Prior to issuance of grading permit including grading</p>	<p>OCEMA/Manager, HBP-Design</p>
<p>a. Landscaping and trails are sited in such a manner as to not disturb the scattered populations of Southern Tarplant. Individual plants to be disturbed shall be transplanted to appropriate habitat; and</p>				
<p>b. If establishment of the "vernal pool" is undertaken, it shall be done in a manner so as to not disturb the hydrologic or vegetative character of the area, especially the limited alkaline wetland habitat adjacent to the proposed "Vernal Pool"; and</p>				
<p>c. The "Vista del Playa" access shall be relocated such that the California Gnatcatcher habitat which it currently crosses is not disturbed.</p>				
<p>d. The trails serving the Interpretive Center shall be relocated, or appropriate buffer provided, to protect the burrowing owl nesting site.</p>				

Mitigation Measure	Implementing Action, Condition or Mechanism	Method of Verification	Timing of Verification	Responsible Person
<p>9. For any archaeological site which may be adversely impacted, a County-certified archaeologist shall be retained by the applicant to perform a subsurface test level investigation and surface collection as appropriate. The test level report evaluating the site shall include discussion of significance (depth, nature, condition and extent of the resources), final mitigation recommendations and cost estimates. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. Final mitigation shall be carried out based upon the recommendations and a determination as to the site's disposition by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. Possible determinations include, but are not limited to, preservation, salvage, partial salvage or no mitigation necessary.</p> <p>Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions for exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee.</p>	Construction/grading contract	Contract review; review of monitoring procedures	Prior to award of construction or grading contract	OCEMA/Chief, Grading

Mitigation Measure	Implementing Action, Condition or Mechanism	Method of Verification	Timing of Verification	Responsible Person
<p>These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division.</p>				
<p>10. Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified paleontologist has been retained to conduct pregrading salvage, observe any grading activities, salvage fossils as necessary, and prepare a catalogue of the exposed resources. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall determine appropriate actions to ensure proper exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall submit a follow-up report for approval by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division, which shall include the period of inspection, methodology, an analysis of the artifacts found, a catalogue of artifacts, and their present repository.</p>	Construction/grading contract	Contract review; review of monitoring procedures	Prior to award of construction or grading contract	OCEMA/Chief, Grading

Mitigation Measure	Implementing Action, Condition or Mechanism	Method of Verification	Timing of Verification	Responsible Person
<p>11. Prior to issuance of a building permit including grading, for the Interpretive Center, plans shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches and Parks/Parks Design and the Newport Beach Building Director. Said plans shall demonstrate compliance with the City of Newport Beach 24/28-foot height limit, shall be designed so as to minimize adverse impacts to public views from Irvine Avenue, and shall indicate that non-reflective glass shall be used on all windows overlooking Upper Newport Bay.</p>	Building/grading permit	Plan check	Prior to issuance of building permit including grading	City of Newport Beach Building Director; OCEMA/Manager, HBP-Design
<p>12. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services and the Newport Beach Building Director for the area surrounding the Interpretive Center, ensuring that the parking lot shall be landscaped, equipped for irrigation, and improved as stated below:</p>	Building/grading permit	Plan check	Prior to issuance of building permit including grading	City of Newport Beach Building Director; OCEMA/Manager, Development Services
<p>a. <u>Preliminary Plan</u> - Prior to the issuance of a building permit, a preliminary landscape plan, indicating use of native and drought tolerant species, and a cost estimate shall be submitted for the review and approval of the Manager, Subdivision Division.</p>				
<p>b. <u>Detailed Plan</u> - Prior to the initiation of construction, a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division and the Newport Beach Public Works Department. Detailed plans shall show the detailed landscaping and irrigation design; and the preservation of views from Irvine Avenue.</p>				
<p>c. <u>Installation Certification</u> - Prior to the issuance of final certificates of use and occupancy, said improvements shall be installed and shall be certified by a licensed landscape architect as having been installed in accordance with the approved detailed plans. Said certification shall be furnished in writing to the Manager, EMA/Public Works/Construction Division and the Newport Beach Building Director.</p>				



Mitigation Measure	Implementing Action, Condition or Mechanism	Method of Verification	Timing of Verification	Responsible Person
13. Prior to the issuance of a building permit including grading the County shall submit an application to the City of Newport Beach for amendment of the City's General Plan and Local Coastal Program to accommodate the 1-0,000 square foot Interpretive Center as proposed. After approval by the City, said approvals and an application for a Coastal Development Permit shall be referred to the State Coastal Commission for approval.	Building/grading permit; Coastal Act	Plan check	Prior to issuance of building permit including grading	Newport Beach Building Director, Newport Beach Planning Director
14. Prior to the award of a construction or grading contract, whichever occurs first, a plan for the ultimate use and configuration of Back Bay Drive shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall consider, at a minimum, the following:  a. access controls (e.g., gates, etc.) b. hours of use c. vehicle connections to the Eastbluff area d. ultimate pavement cross-section e. bicycle access	Construction/grading contract	Contract review	Prior to award of construction/grading contract	Newport Beach Traffic Engineer, OCEMA/Director of Transportation
15. Prior to the issuance of a building permit including grading, an access and parking plan for the Interpretive Center shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall indicate that access and parking have been designed to appropriate standards for sight distance, parking and accessways, bus and vehicle turn-outs, etc.	Building/grading permit	Plan check	Prior to issuance of building/grading permit	Newport Beach Traffic Engineer, OCEMA/Director of Transportation
16. Construction activities shall be conducted in accordance with the City of Newport Beach Municipal Code, which limits the hours of construction and excavation work to 7:00 a.m. to 6:30 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering, or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or on any holiday.	Code requirement	Field inspection	During construction	Newport Beach Building Department

Mitigation Measure	Implementing Action, Condition or Mechanism	Method of Verification	Timing of Verification	Responsible Person
<p>17. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services, including written evidence that:</p> <p>a. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.</p> <p>b. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).</p> <p>c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.</p>	Building/grading permit	Plan check	Prior to issuance of building/grading permit	OCEMA/Manager, Development Services

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## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH APPROVING AN AMENDMENT TO THE LAND USE AND CIRCULATION ELEMENTS OF THE NEWPORT BEACH GENERAL PLAN TO INCREASE THE ENTITLEMENT FOR INTERPRETIVE CENTER USE FROM 8,000 TO 10,000 SQUARE FEET AND DELETE THE SECONDARY BICYCLE TRAIL WITHIN THE WESTBAY PARCEL OF UPPER NEWPORT BAY REGIONAL PARK [GENERAL PLAN AMENDMENT 92-3(E)]

WHEREAS, as part of the development and implementation of the Newport Beach General Plan the Land Use and Circulation Elements have been prepared; and

WHEREAS, said elements of the General Plan sets forth objectives, supporting policies and limitations for development in the City of Newport Beach; and

WHEREAS, said elements of the General Plan designate the general distribution and general location and extent of the uses of land and building intensities in a number of ways, including residential land use categories and population projections, commercial floor area limitations, and the floor area ratio ordinances; and

WHEREAS, the Land Use and Circulation Elements are correlated as required by California planning law; and

WHEREAS, the provisions and policies of the Land Use and Circulation Elements are further implemented by the traffic analysis procedures of the Traffic Phasing Ordinance and the implementation programs of that Ordinance and the Fair Share Traffic Contribution Fee Ordinance; and

WHEREAS, pursuant to Section 707 of the Charter of the City of Newport Beach, the Planning Commission has held public hearings to consider the proposed amendment to the Land Use and Circulation Elements of the Newport Beach General Plan and has recommended City Council adoption of the proposed amendment; and

WHEREAS, the City Council has held a public hearing to consider the proposed amendment as required by law; and

WHEREAS, the circulation system will not be significantly impacted by the proposed project; and

WHEREAS, Final EIR No. 525 has been prepared by the County of Orange as Lead Agency for the proposed project as required by the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newport Beach, in its capacity as a Responsible Agency under CEQA, has provided comments to the County of Orange regarding Draft EIR No. 525, and has reviewed and considered the environmental effects of the proposed project as well as reasonable alternatives to the project as described in the Final EIR prior to making a decision to approve the project.

BE IT FURTHER RESOLVED that Amendment 92-3(E) to the General Plan to increase the development allocation for interpretive center use within the Westbay Parcel of Upper Newport Bay Regional Park Planned Community from 8,000 square feet to 10,000 square feet and clarify the hours of public park access as shown in Exhibit 1 attached hereto; and to delete the secondary bicycle trail through the Westbay Parcel from the Master Plan of Bikeways is hereby approved.

BE IT FURTHER RESOLVED that the City Council has exercised its independent judgement in reviewing the project's potential environmental effects and in deciding to approve the project.

BE IT FURTHER RESOLVED that there are no feasible mitigation measures or alternatives within the jurisdiction of the City Council that would substantially lessen or avoid any significant environmental effects of the project that have not been incorporated into the project.

BE IT FURTHER RESOLVED that the findings for a Responsible Agency required by CEQA Guidelines Section 15096(h) have been adopted by the City Council by separate resolution.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1993, by the following vote, to wit:

AYES \_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

BY \_\_\_\_\_  
Thomas Edwards  
Chairman

BY \_\_\_\_\_  
Harry Merrill  
Secretary

Attachment

Exhibit 1: Revised Land Use Element Text

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EXHIBIT 1

REVISED LAND USE ELEMENT TEXT  
GENERAL PLAN AMENDMENT 92-3(E)

Westbay Area (Statistical Area J5)

3. *Westbay.* The Westbay site is bounded by Irvine Avenue, University Drive, the City boundary along the easterly extension of the Mesa Drive alignment and Upper Newport Bay. The site is designated for Recreational and Environmental Open Space, and may be used for regional park facilities, passive open space or interpretive facilities related to the Upper Newport Bay Ecological Reserve or the on-site cultural resources. Structures on this site shall not exceed ~~8,000~~ 10,000 sq. ft. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF NEWPORT BEACH APPROVING AMENDMENT NO.  
31 TO THE LOCAL COASTAL PROGRAM LAND USE  
PLAN FOR UPPER NEWPORT BAY REGIONAL PARK  
(LCP AMENDMENT NO. 31)**

WHEREAS, the Coastal Act of 1976 requires the City of Newport Beach to prepare a local coastal program; and

WHEREAS, as part of the development and implementation of the Coastal Act, the City established a Local Coastal Program Advisory Committee, which held 29 public meetings to develop the goals, objectives and policies of the City's Local Coastal Program; and

WHEREAS, the Planning Commission of the City of Newport Beach considered the Local Coastal Program, Land Use Plan at nine public hearings prior to recommending approval and adoption to the City Council; and

WHEREAS, the City Council of the City of Newport Beach also held nine public hearings on the Local Coastal Program, Land Use Plan prior to adoption; and

WHEREAS, two public hearings were held by the California Coastal Commission in conjunction with the certification of the Newport Beach Local Coastal Program, Land Use Plan; and

WHEREAS, said Land Use Plan sets forth the objectives and supporting policies which serve as a guide for the future development in the coastal zone in the City of Newport Beach; and

WHEREAS, the Planning Commission has held a duly noticed public hearing to consider this amendment to the Local Coastal Program, Land Use Plan; and

WHEREAS, the Planning Commission, in considering this amendment to the Local Coastal Program, determined that this amendment is consistent with all of the stated goals and policies of the California Coastal Act, the City of Newport Beach General Plan, and the City's Local Coastal Program, Land Use Plan, and recommended its adoption by the City Council; and

WHEREAS, Final EIR No. 525 has been prepared by the County of Orange as Lead Agency for the proposed project as required by the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newport Beach, in its capacity as a Responsible Agency under CEQA, has provided comments to the County of Orange regarding Draft EIR No. 525, and has reviewed and considered the environmental effects of the proposed project as well as reasonable alternatives to the project as described in the Final EIR prior to making a decision to approve the project.

BE IT FURTHER RESOLVED that the City Council of the City of Newport Beach hereby adopts Amendment No. 31 to the Newport Beach Local Coastal Program Land Use Plan to increase the development allocation within the Westbay Parcel of Upper Newport Bay Planned Community from 8,000 square feet to 10,000 square feet and clarify the hours of public park access as shown in Exhibit 1 attached hereto.

BE IT FURTHER RESOLVED that the City Council has exercised its independent judgement in reviewing the project's potential environmental effects and in deciding to approve the project.

BE IT FURTHER RESOLVED that there are no feasible mitigation measures or alternatives within the jurisdiction of the City Council that would substantially lessen or avoid any significant environmental effects of the project that have not been incorporated into the project.

BE IT FURTHER RESOLVED that the findings for a Responsible Agency required by CEQA Guidelines Section 15096(h) have been adopted by the City Council by separate resolution.



ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1993, by the following vote, to wit:

AYES \_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

BY \_\_\_\_\_  
Thomas Edwards  
Chairman

BY \_\_\_\_\_  
Harry Merrill  
Secretary

Attachment

Exhibit 1: Revised Local Coastal Program Land Use Plan Text

F:\... \UNBRP\CC-RESO.LCP

EXHIBIT 1

REVISED LOCAL COASTAL PROGRAM LAND USE PLAN TEXT  
LCP AMENDMENT NO. 31

Westbay Area

3. *Westbay.* The Westbay site is bounded by Irvine Avenue, University Drive, the City boundary along the easterly extension of the Mesa Drive alignment and Upper Newport Bay. The site is designated for Recreational and Environmental Open Space, and may be used for regional park facilities, passive open space or interpretive facilities related to the Upper Newport Bay Ecological Reserve or the on-site cultural resources. Structures on this site shall not exceed ~~8,000~~ 10,000 sq. ft. Any development of this site shall be sited and designated to adequately protect and buffer the environmentally sensitive area(s) on this site. A public bikeway/walkway is shown for the Westbay site, but careful consideration shall be given at the time it is developed to the environmentally sensitive nature of the site in locating the accessway. Any development which occurs shall be located in order to preserve sensitive habitat areas located on the site. Views from Irvine Avenue shall be maximized. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.

ORDINANCE NO. 93-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH AMENDING A PORTION OF DISTRICTING MAPS NO. 36, 39, 40, 42, 43, 44 AND 61 SO AS TO RECLASSIFY THE SANTA ANA HEIGHTS AND EASTBLUFF PARCELS OF THE UPPER NEWPORT BAY REGIONAL PARK PROPERTY FROM THE UNCLASSIFIED, R-3-B AND R-4-B-2 DISTRICTS TO THE PLANNED COMMUNITY DISTRICT.  
(PLANNING COMMISSION AMENDMENT NO.779)

WHEREAS, Section 20.84.010 of the Municipal Code of the City of Newport Beach provides that Title 20 (the Zoning Code) may be amended by changing the zoning designation of Districts and other provisions whenever the public necessity and convenience and the public welfare require such amendment; and

WHEREAS, Section 20.84.020 of the Municipal Code of the City of Newport Beach provides that an amendment to Title 20 may be initiated by resolution of intention of the Planning Commission; and

WHEREAS, the Planning Commission has recommended to the City Council the adoption of General Plan Amendment No. 92-3(E) and Local Coastal Program Amendment No. 31 so as to amend the Land Use and Circulation Elements of the General Plan and the Local Coastal Program Land Use Plan to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the Westbay parcel; and

WHEREAS, land use decisions are legally required to be consistent with the City's General Plan and Zoning; and

WHEREAS, the City desires to make the zoning districts of property in the City of Newport Beach consistent with the Land Use Element of the General Plan; and

WHEREAS, in conjunction with the consideration of the above referenced amendments to the General Plan and Local Coastal Program the City has accepted an Environmental Document and it has been determined that this document is adequate to satisfy the requirements of CEQA for this action; and

WHEREAS, pursuant to Section 20.84.30, the Planning Commission has

recommended that the City Council approve Amendment No. 779 to Title 20 of the Newport Beach Municipal Code amending Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the U (Unclassified), R-3-B and R-4-B-2 Districts to the PC (Planned Community) District; and

WHEREAS, pursuant to Section 20.84.050, the City Council has held a duly noticed public hearing to consider Amendment No. 779 to Title 20 of the Newport Beach Municipal Code.

THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 are hereby amended for the Santa Ana Heights and Eastbluff parcels of the Upper Newport Bay Regional Park property, more particularly described in Exhibit A attached hereto, to reclassify this property from the U (Unclassified), R-3-B and R-4-B-2 Districts to the PC (Planned Community) District.

**SECTION 2.** The Planning Director of the City of Newport Beach is hereby directed to change Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 referred to in Section 20.01.050 of the Newport Beach Municipal Code and by such reference made part of Title 20, to reflect the changes described in Section 1 (above), and when said Districting Maps have been so amended, the same shall be in full force and effect and be part of Title 20 of the Newport Beach Municipal Code.

**SECTION 3.** The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. This Ordinance shall be published once in the official newspaper of the City, and the same shall become effective thirty (30) days after the date of its adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 24th day of May, 1993, and adopted on the \_\_\_ day of \_\_\_\_\_, 1993, by the following vote, to wit:

AYES, COUNCIL MEMBERS \_\_\_\_\_

NOES, COUNCIL MEMBERS \_\_\_\_\_

ABSENT COUNCIL MEMBERS \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

F:\-UNBRP\A779.ORD

**SUMMARY OF WRITTEN CORRESPONDENCE  
UPPER NEWPORT BAY REGIONAL PARK**

<u>Name/Address</u>	<u>Comments</u>
<i>Correspondence Included in Staff Reports</i>	
Steve Kumar 2133 Indian Spring Newport Beach	Support realignment of Irvine Avenue to the east
Jane Farwell 2426 Santiago Drive Newport Beach	Oppose interpretive center and any use restrictions
M.C. Horning, Jr. 2182 Mesa Drive Newport Beach	Oppose regional park plan Oppose deletion of secondary bike trail Support intensive use (ball fields, equestrian, etc.)
Marilee Terrell 1725 Port Charles Place Newport Beach	Oppose interpretive center and use restrictions Uncomfortable with "PC" zoning designation
Craig and Charlotte Bluell Waterman Street Costa Mesa	Support City regulation of park uses/operation Support unrestricted hours of access Support additional trails in Westbay
Carla Brockman 2700 Harbor View Drive Newport Beach	Support "No Project" alternative Oppose restrictions on equestrian/bike access
Virginia Chester Sea & Sage Audubon	Support County plan
Betty Orbach SPON	Support County plan

*Correspondence Received After Staff Report Distribution*

Gus Chabre 1130 E. Balboa Blvd. Newport Beach	Support interpretive center
Gayle Gardner 315 Santa Isabel Ave. Costa Mesa	Oppose interpretive center and use restrictions
Frances A. Gioia 392 Sunrise Circle Costa Mesa	Oppose interpretive center and use restrictions
Gail & Shirley Green 10211 Cliff Drive Huntington Beach	Support County plan
John B. Keating 2607 Alta Vista Drive Newport Beach	Support interpretive center
Russ & Anne Kerr 527 Playa Newport Beach	Support County plan
Amy Litton 2222 Pacific Avenue Costa Mesa	Support County plan
Tom & Arline Parker 636 St. James Rd. Newport Beach	Support County plan
Frank Robinson 1007 Nottingham Road Newport Beach	Support County plan
Donna Specht 22221 Wood Island Lane Huntington Beach	Support County plan

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Letters in support of County plan: 10

Letters in opposition to County plan  
or requesting major revisions: 7

f:\... \UNBRP\CORRESP.SUM

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

MAY 6 1993  
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

May 4, 1993

Mr. John Douglas  
Newport Beach Planning Commission  
The City of Newport Beach  
3300 Newport Blvd.  
Newport Beach, CA 92659-1768

Subject: Back Bay Interpretive Center

Dear Mr. Douglas:

This letter is written in support of the plans to build an Interpretive Center in the Upper Newport Bay on the Orange County Regional park. The center will become a welcomed addition to the cultural and environmental wealth of the City of Newport Beach. The Interpretive Center will enrich the lives of many generations to come by providing a setting to enjoy the natural beauty of the Upper Newport Bay.

I look forward to your commissions' favorable recommendation to the Newport Beach City Council.

Very truly yours,



Gus Chabre  
1130 E. Balboa Blvd.  
Balboa, CA 92661

cc: John Hedges, Councilman  
The City of Newport Beach



# GAYLE GARDNER

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

May 4, 1993

MAY 6 1993  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

RE: \* PROPOSED DEVELOPMENT OF NATURE CENTER  
\* RESTRICTIONS OF HORSES AND DOGS TO WEST SIDE OF BAY  
\* RESPONSIBILITY OF COUNTY TO EXTEND THE GEOGRAPHIC  
AREA OF RESIDENTS FOR NOTIFICATION OF DEVELOPMENT  
PLANS OF THIS AREA

Dear Planing Commission of Newport Beach,

I attended the last meeting on April 22, 1993. I had come prepared to speak, but due to the number of speakers and the late hour there was no time for my thoughts to be heard on the proposed development of the Upper Newport Bay.

I am a native Californian. I moved to Balboa in 1954, when I was a year old. I have lived in the Newport Beach area all my life, enjoying the Back Bay for its uniqueness and beauty. I now live just 2 blocks from the Back Bay on Santa Isabel Ave. I started riding my horse on the West Side of the Back Bay when I was 10 years old, (back then I kept my horse on Santa Ana Ave. near Santa Isabel Ave.). I remember, the now extinct, burrowing owls that densely inhabited the bluffs of the Upper Newport Bay whose habitat extended all the way to what is now the city of Irvine. Today I still ride on the West side of the Bay on my horse with my 7 year old daughter. We walk our dogs there (on a leash) daily and enjoy this special place. I would like to share with you now my thoughts on the proposed "development" of the *Nature Center*, and plans the County has for this property.

315 SANTA ISABEL AVENUE COSTA MESA CA 92627 (714) 631-1916

50

I have studied the native plants of Orange County for over 20 years. I worked as an Interpretive Ranger for the County of Orange at Irvine Park in 1979. I was responsible for the development of the first Nature Center at Irvine Park. I lead guided nature hikes, and presented slide shows throughout the county to school and service groups, educating the public about the native animals and plants of our unique county.

It greatly concerns me the County's proposal of such a massive development for this *Nature Center* on the fragile bluff above the Bay. First of all the proposed Nature Center is clearly a *political show case* for the county at the expense of the public and "native residents" of the Bluff (animal and plant life). Every week school groups come to the Back Bay to learn and enjoy its wonders. Where do they go? To a fancy nature center, with hi-tech learning aids. No, they come to the Back Bay and walk the trails, view the animal and plant life on an up close and personal level. Interpretive stations are spread out in different areas along the trail for information on the bay. Last week I was riding my horse along side a group of children, the adult in the group ask me if I would stop, and let the children pet my horse. Gladly I stopped, the leader of the group then explained that these children were blind, and had never experienced the touch, smell and feel of a horse. Somehow all wonderful things that the Back Bay is, could sadly be reduced to a 6 million dollar structure. This is an unneeded structure in such a geographically small park.

The proposed "re-introduction" of native grasses on the West Side Bluff area is also alarming. My knowledge of the history of the native plant species of this area is extensive. It is true the hills of California were said to be green all year long, before the native species were choked out by the seeds introduced from Europe. In the 1600's the Spanish explorers spread their seeds of yellow mustard plants along the hills to mark their path. This was over 300 years ago. At this time *hundreds of generations of species* have adapted to this change in *native vegetation*. To re vegetate the vast area the county is proposing is not only genocide for all the current plant, animal, reptile and insect life, but would surely entail costly and caustic measures of land sterilization to attain this goal.

The County should take note of how other parks have integrated equestrian, pedestrian and bicycle traffic together and the management of native species plants, and non native species plants and trail erosion maintenance. I will site Griffith Park in Los Angeles, this is the largest city park in the country. With thousands of acres, and hundreds of thousands of visitors each year this park manages to have the equestrian, bike, and pedestrian use of the trails all work well together. The management and maintenance of the trails, including erosion control and growth of native species plants is superb. I feel the County could learn from other parks to help manage these issues.

I oppose the building of such an expensive, and environmentally invasive Nature Center on the delicate Bluff on the West Side of the Back Bay. I urge the Low Intensity Alternative as a good direction for this area.

I oppose the proposed restrictions to horses and dogs on a leash on the West Side of the Back Bay.

I also oppose the expense and invasive re vegetation of the entire West Side Bluff.

I support trail maintenance and re vegetation of any native species to areas that suffer trail erosion, or where extensive invasive measures are not used.

The county should be responsible for informing a much larger geographic area of residents bordering on the Back Bay, about these plans that will greatly impact their use and enjoyment of this area. This should include residents from Irvine Avenue bordering the Back Bay, to Newport Blvd. to the East and the entire Santa Ana Heights area of residents as well as those east of the Bay near Santiago and Irvine.

Feel free to contact me at any time. Thank you for taking the time to read my thoughts on this matter. I hope much consideration to what I have said will help you make a fair decision in this matter.

Sincerely,

  
Gayle Gardner

Date: 04/May/93  
To: City of Newport Beach - Planning Commission  
From: Frances A. Gioia  
392 Sunrise Circle  
Costa Mesa, CA 92627

MAY 6 1993  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

Subject: Upper Newport Bay Regional Park

This letter is in response to the County's plan to develop the property known as the "Back Bay", General Plan [GPA-92-3(E)] and Local Coastal Program Land Use Plan [LCP no. 31]. I attended the public hearing on April 22, but did not have an opportunity to make a statement to the Commission. I would like to make two points which I feel have not been adequately discussed: 1) the County DID NOT adequately inform area residents, or obtain a community consensus for the plan, and 2) the plan itself is a drastic and expensive overkill for what is really needed to protect, maintain, and secure the area for the continued enjoyment of Mankind and Nature.

I have been a resident of the East Side Costa Mesa community for the past 5 years, and a homeowner there for almost 3 years. My home overlooks the west side of the Back Bay. I would like to refute the County's claim that they obtained a consensus from community residents, or our input to the plan to develop the Back Bay. In fact, although I have paid County property taxes for the past 3 years, and my home lies within a 600' area surrounding the Bay property, I was never notified by the County in any way regarding plans for the property or meetings to provide input to the planning. My neighbors have all heard of the County's plans through the grapevine, but have also been officially left out of the loop.

The only official notification I received was from this Commission regarding the Public Hearing originally scheduled for April 8, 1993. This hearing was to discuss a proposal to AMEND the plan, not to review the actual plan itself (although it has turned out to be a discussion of the merits of the original plan).

I feel that the County has certainly NOT made an attempt to involve the community. I am very sorry, but special interest groups (like Equestrians) are only a small portion of the community. The community is really made up of people like myself, area residents (homeowners AND renters). We comprise the vast majority of people who make use of the west side of the Back Bay on a daily basis: people walking their dog, or going out for their daily walk/jog/run. Equestrians and cyclists are certainly in the minority.

Regarding the second point: if it is the intention of the County to limit activity in the area and build a permanent structure with parking for the study and enjoyment of nature, then this needs serious review. The notion of paving rare and precious natural open space for the purpose of appreciating it is a complete hypocrisy. Who are they kidding?

There is plenty of parking in an adjacent office complex (for sale) next to the YWCA, which more than adequately accommodates people from outside of the immediate neighborhood who drive to the park. I've never heard of the owners or tenants of that office building objecting to this current practice.

I also believe that restricting use of the park to specified areas is a big mistake. First, I am a big supporter of the Back Bay because I have enjoyed it over countless leisure hours,

discovering new wonders every time I go there. My fellow community members support the Back Bay for the same reasons. If we are forbidden to enjoy the area the way we have been for many years, then there is nothing for us there. We don't want a nature theme park to be viewed from behind a fence; we want precious, natural, open space, and the freedom to enjoy it.

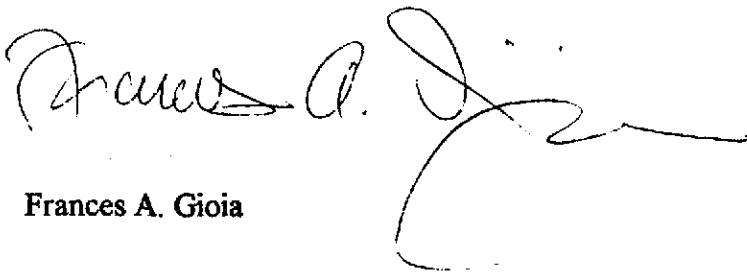
In the past 5 years, I have noticed a continued increase in visitors to the west side of the Back Bay. However, I have also noticed an increase in numbers of the permanent residents of the Back Bay - the wildlife. I have seen many more mammals, birds, reptiles, amphibians, fish, and insects, and a distinct increase in predators and scavengers. This implies that the entire ecosystem is far from failing, but in fact quite healthy. I am not a scientist or credentialed naturalist, but I am an eyewitness to the daily activity in the area. This winter I saw more herons (blue & white) than in all previous years combined. The people who visit the Bay are certainly not driving off the wildlife or destroying their habit.

The users of the park are not the enemy. We are not destroying the wetlands: over-development is. Most of the trash I see comes up the bay from Newport Harbor with the tides. As a daily visitor to the Back Bay, I know that the real problems are erosion and silt, which are exacerbated by runoff from communities as far as Irvine and Mission Viejo. Let's deal these problems, not create new ones.

Let's consider a more conservative proposal for the Back Bay which is more in the Public interest. Let's use our scarce resources to simply maintain the property, control erosion, remove trash, and dredge the bay.

I will be in attendance at the next Planning Commission meeting (May 6, 1993) to answer any questions from the Commission on this statement. Thank your for the opportunity to address the Commission on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Frances A. Gioia". The signature is written in dark ink and is positioned to the left of the typed name.

Frances A. Gioia

Huntington Beach  
May 3, 1993

John Douglas, Planning Commission  
3300 Newport Blvd  
Newport Beach, Ca. 92659-1768

Dear Mr Douglas:

We understand there will be a meeting this Thurs. evening May 6 to determine the fate of a planned Interpretive Center on the west bluff of Upper Newport Bay. We are very much in favor of this project.

We have nothing like this treasure of the Upper Bay anywhere near here. But the bluffs, especially in that area, have become terribly degraded because of our use. A ranger presence might help. Bicyclists have abused the trails; many are dangerous. I would not object to dogs on a leash but <sup>many</sup> dog owners don't even clean up the droppings, even if there was a scoop law. New plants (native) would be attractive and improve the appearance of the area tremendously.

Please consider <sup>consequences</sup> carefully if this project is turned down.

4/1  
A new building with new trails  
and vegetation will be an asset  
and maybe improve property  
values for those homeowners  
who protest protecting the area.  
Thank you for listening.

Gail and Shirley Green  
10211 Cliff Dr.

Huntington Beach, Ca.  
92646.

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

MAY 5 1993  
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PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

May 3, 1993

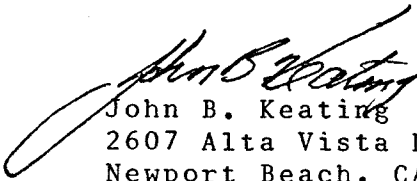
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Mr. John Douglas  
Planning Commission  
City of Newport Beach

Dear Mr. Douglas,

I would like to add my strong support of the Interpretive Center as a key part of the Upper Newport Bay Regional Park Development Plan. The Center and the presence of a Park Ranger will make a significant contribution to the Park. I am a volunteer naturalist at the Upper Newport Bay and have lived in Newport Beach for over 30 years. I'm afraid I've incorrectly assumed the Interpretive Center would have no opposition and I feel there are a significant number of other residents who would support the Center, if they were aware that it may be excluded from the Development Plan.

Sincerely yours,

  
John B. Keating  
2607 Alta Vista Drive  
Newport Beach, CA 92660

644-2524



agenda item #3

May 6, 1993

City of Newport Beach,  
Planning Department

Attn: John Douglas

Dear Mr. Douglas:

As residents of Newport Beach, we would like to express our support for the new interpretative center at the Upper Newport Bay Regional Park, and the restriction of public access.

I am a volunteer naturalist for the Department of Fish & Game and Orange County Harbors, Beaches & Parks. The back bay is absolutely a wonderful place for people and the species that live there, and more people should be made aware of its fragility through the interpretative center. Also, this area for the park is severely abused by horses on and off the trails, dogs off leash, and illegal bicycle riders in the area. I've often seen horse riders sloshing through the valuable mudflats and restricted areas of the Reserve, doing irreparable damage. It can easily be seen how the uplands are sustaining major damage from these activities.

We would hope the Regional Park proceeds as currently planned, so more people may enjoy it, but not in a damaging manner.

Sincerely,

*Russ Kerr*

Russ Kerr

*Anne Kerr*

Anne Kerr

527 Playa

Newport Beach, CA 92660

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

MAY 6 1993  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM



MAY 6 1993  
AM 7, 8, 9, 10, 11, 12, 1, 2, 3, 4, 5, 6 PM

Dear Mr. Douglas,

I am the mother of 2 young children, ages 8 and 10. I discovered Upper Newport Bay and the surrounding environs shortly after moving here in the 70's. Since then, I have strived to learn about the natural wonders of the area, about the American Kestrels that soar past me as I bicycle on the trail, the native plant species being pushed out by invaders such as pampas grass, and the wonders of the mudflats that help attract some of the thousands of birds that come to UNB annually.

When I bicycle through, usually to the San Diego bicycle trail, I always see people on the west side; many are passive in their use of the lands, but mountain bikers often blaze new trails or erode old ones; dog owners let their pets roam and poop at will, seldom cleaning up after the dog. I have long believed that if such desecrators had an opportunity to learn more about the area they would no longer want to abuse it. An interpretive center would accomplish that and more.

What a marvelous tribute to this natural jewel! An area tourists could visit, especially during the height of migration in late fall and early spring. People from throughout Orange County and

beyond, especially those not fortunate  
enough to have an area like the bay  
so close at hand, could and would come.  
Area residents would come to live an  
interpretive center, because their own  
knowledge of the bay would be  
enhanced.

Let us take care of that which  
is ours - the bay and surrounding lands  
belong to all of California, to the birds  
of Alaska, Canada and sometimes beyond!

Thank you,  
Amy Litton  
2222 Pacific Ave "A"  
Costa Mesa, CA 92627  
(714) 631-2532

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

May 3, 1993

MAY 5 1993  
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

John Douglas  
Planning Commission  
City of Newport Beach

Mr. Douglas,

We encourage your Planning Commission support  
of the Upper Newport Bay Regional Park Development  
Plan.

This plan will provide for noise barrier control  
and an interpretive center long overdue for public  
access and enjoyment.

Tom Parker  
Arlene Parker

636 St. James Rd.  
Newport Beach, Ca.  
92663

1007 Nottingham Road  
Newport Beach, CA 92660  
May 6, 1993

Thomas C. Edwards, Chairman  
Newport Beach Planning Commission  
Newport Beach City Hall  
3300 Newport Boulevard  
Newport Beach, CA 92663

Dear Mr. Chairman and Commissioners:

I, as a member of Friends of Newport Bay, an organization with a membership of 1500 people, have been conducting free environmental tours in Upper Newport Bay for the past 25 years. Our primary objective has been to increase the awareness of our visitors to the importance of preserving, while enjoying and appreciating, this irreplaceable estuarine ecosystem that exists nowhere else in southern California.

Many of our FONB members are teachers in elementary schools, high schools and colleges. The reserve and the adjacent bluffs serve as an outdoor laboratory for these teachers whether their subject matter is birds, fish, geology, botany, or any number of other sciences.

I believe that the addition of the county regional park around the Upper Newport Bay State Ecological Reserve will protect the bluff tops and bluff faces which add so much to the diversity of the ecosystem. The park also will serve as a buffer to protect the reserve.

I participated in all of the meetings of the Citizens Advisory Committee (CAC) chaired by the county staff and their consultants. I heartily endorse the present development plan of the county which represents much study and compromise and I urge your commission to support this plan including the 10,000 square foot Peter and Mary Muth Interpretive Center. Thank you.

Sincerely,

  
Frank Robinson

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

MAY 6 1993  
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

May 3, 1993

MAY 6 1993  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

John Douglas  
Newport Beach Planning Commission  
3300 Newport Blvd  
Newport Beach, Calif. 92659-1768

Dear John and the City of Newport Beach,

I am in favor of an interpretive center on the West Bluffs. We need to educate the public about our remaining natural resource.

I understand that the residents will be upset if they don't have a place to run their dogs, ride horses and mountain bikes, but the West Bluffs has been abused long enough.

The trails are degraded and eroding into the wetlands.  
Dogs terrorize all wildlife in hiding during the day and night  
I have seen children shooting at birds with slingshots.  
I have seen children pulling out native plants to get to squirrels and rabbits  
The most disturbing sight is seeing people, dogs and horses in the wetlands  
Horses degrade the banks of the Delhi Channel  
Dogs chase migratory and nesting birds

Upper Newport Bay Ecological Reserve has been used as a backyard way too long and needs a rest.

When are we going to realize that destroying the wetlands is not our birth right.

Sincerely,



Donna Specht  
22221 Wood Island Lane  
Huntington Beach, CA 92646

May 1, 1993

BRIEF STATEMENT OF CURRENT SITUATION AT UPPER NEWPORT BAY  
REGIONAL PARK

- > \$6.3 million dollars of County and private funds (excluding ongoing operations and maintenance) is planned to be spent to improve this Park.
- > There will be many indirect costs to the City of Newport Beach:
  - Road widening
  - Police
  - Fire
  - Approving of plans and other administrative costs
 The City is in a fiscal crisis and personnel are being laid off.
- > Dogs will not bill allowed on the West Bay parcel\*.
- > People will not be allowed from 7:00 to sunset.
- > Horses will not be allowed on the West Bay parcel\*.
- > Planned bicycle path within West Bay Parcel\* (which currently is protected by an easement) is proposed to be deleted from the plan.
- > Planned "Interpretive Center", across from the YMCA, is now proposed to be expanded from 8,000 square feet to 10,000 square feet. It will house many offices not directly related to the management of the Park.
- > Park fees may be charged.

In short things are going to be much more formalized and current use restricted severely. We should aim for a plan that has more mixed use and yet respects the fact that the Park is adjacent to a very sensitive ecological reserve.

---

\* The West Bay Parcel runs between the YMCA and Westcliff neighborhood parallel to Irvine Avenue and the Back Bay

We, the undersigned, think that the Upper Back Bay should be available for mixed uses, such as cycling, jogging, hiking, and horseback riding, as it currently exists. In the past, this has benefited Orange County residents and hopefully in the future it will do the same.

Name Address Phone #  
 -----  
 Steve Johnston 1912 Santiago 642-6244  
 Laird Stillinger 1906 Santiago 548-4348  
 Beth Miller 1827 Santiago Dr 548-6010  
 Art D. Brun 1821 HOLIDAY RD 6462587  
 Catherine Newman 1900 Holiday Rd. 642-1901  
~~\_\_\_\_\_~~ 2000 Holiday Rd 646-2800  
 Michele Kuehner 1738 Skylark 642-0189  
 Rowena Heine 2601 Shipway Ln 645-2076  
 Richard F. Altman 2000 Commonwealth Rd 548-7382  
 Crystal Kelly 2148 Mesa Dr. 650-5010  
 Jackson Harris 1834 Highland 348-1024  
 Sandra Montgomery 1929 Highland Dr 646-1222  
 Mary Campbell 1912 Highland Ct 6466038  
 Don Pearson 1900 Highland DR 6460832  
 Susan Field 1839 Highland Dr. CA. 92660  
 Allan Ringlow 1842 Highland P.



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Name	Address	Phone #
Brenda Critesi	2474 Montre Way	645-4952
Paul Buffman	11441 Santiago Dr. Newport Beach	646-0360
ANGELA SPARKS	515 W. Bay Balboa	723-5677
Paul Jungels	810-A W. Balboa Blvd.	675-0320
Cindy Swanson	Red Sands	
LIBBY MOSIER	2414 23rd St. NB.	631-6182
Sally Martindale	Kesult St. NB	856-7653
Angie Halpert	404 Holmwood NB	646-7468
Debra Dourney	1201 Pembroke <sup>N</sup> NB.	645-9694
Erin Gregg	2311 Santa Ana Ave CM	722-6234
Auslyn Fudge	201 1/2 Nice NB	675-5654
Courney Stern	2020 Maslin Way NB CA	722-0538
Christal	497 Costa Mesa St Costa Mesa	645-7582
Mindy Bradshaw	328 Cabrillo St. Costa Mesa	548-2747
Justin Trabasso	9332 West Utopia Lakewood CO	80226
Ken St. Martin	121 Santa Anita Costa Mesa	

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Name Address Phone #

Colleen Kelly 2148 Mesa Dr., N.B. 650-5010

Michel Cogan 1803 E. Bay Ave., Balboa 673-8747

Stephanie Goodenough 1593 Santa Ana, Costa Mesa 645-8210

Jessamine Carson 414 San Bernardino<sup>ave.</sup>, Newport Beach 642-1211

Hannah Schwood 301 Vista Baya Costa Mesa 650-7051

Bevin Barnett 855 Sea Gull Ln. #A202 N.B. 631-9833

Jenni Jones 1924 Highland Dr. N.B. - 548-4634

Robert Herman 222 Laguna 645-8880

Jimmy Klaber 331 Rains Lane 722-7065

Jessica Liberman 239 Hill Place C.M. 647-6082

Houston Durand 216 16th St NB. 722-9560

Cristal Lopez 215 Costa mesa<sup>st</sup> Costa mesa 642-77-46

Paul Dirwald 2059 Federal Ave Costa Mesa 645-7002

Frank Blansfield 1815 Sherington Pl. <sup>THH</sup> Newport Beach 642-1151

Jason Ferguson 1501 Lincoln Lane N.B. 722-0952

Danielle Dwyer 2233 Heather Ln. NB. 631-9117

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Name Address Phone #

Jerry Pinzon 647 Seal St. 645-7134

Rosa Yantuche 1845 Latham Ave. "

Alex Mondiola 1067 Tulare Dr. 241-8745

~~Willie~~ 1229 Irvine ave.

J. Lerner Dute 1829 W. Bay Ave

Ronny Davis 226 Serks

~~Ed H~~

Jan Jan 1837 Tradewinds Ln. 642-3232

Carol J. Aatm 1843 Tradewinds Ln 631-1220

Lebonnet Larnes 1907 Tradewinds N.B. 548-7036

Michelle M. Day 1939 Tradewinds NB 642-7:

Debra Jones 1924 Highland Dr. Newport Bch CA

Jim Day 1931 TRADEWINDS Newport Bch CA 548-4 642-8:

Rex Littel - 2106 Santiago St. NB 92660

Patricia Richmond 2033 Santiago N 92660 642-346

Mike Howard 1927 SANTIAGO 92660 722

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Name Address Phone #

Jesse Gillman 2040 St. Purgin, N. OC, CA. 642-9664

Jessica Gonzalez 348 Hamilton C.M., Ca. 722-9651

Alison Hanscom 1511 Miramar Dr. NB 675-5793

Melissa Robertson 127 E 18th St Costa Mesa 723-1578

Amy Schwenck 113 Via Yella, NB, Calif. 92663 723-4315

Luke Schuretz 3 Sun-dance Drive N.B. Calif. 92663 642-8400

George Galdamez 149 E. Bay St. D. CALIF. 92627 (714) 722-0284

Allison Sprights 119 Vianice, NB, CA 92103 (714) 675-1531

Charita Wallace 312 Santa Ana Ave., NB, CA, 92663 (714) 644-1

Crosby Tague 368 E 19th Costa Mesa CA 92627 (714) 64667

Nashia Uphino 10475 Falcon Fluntingham Bch CA 92705 (714) 963-1802

Gabe Hawkins 2134 Bastia Newport Beach 64015828

Jenelle Lay 1939 Tradewinds Newport Beach 642-3806

Melanie Finner 225 Via Robi Newport Bch 92663

Ariann Hes A 615 Micheal Newport B 92663 642-439

Chantey Breeze 514 Oceanfront, NB 723-4770

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Name Address Phone #

Feeby Micheal 126 E 18th Street 631-3318

Shannon McFarlane Costa Mesa E. 201 775-3534

Acacia Schullman 910 Oak St CM, CA 642-2693

GINNY FRENCH 253 ROBINHOOD LN CA 548-5919

Niki Frydman 734 Tustin Ave. 722-9825

Jennifer Jacob Corona Del Mar 631-5366

Jeanne Balcells Bay Farm Place SA 852-1661

Jennifer Johnson 384 Vista Baya, C.M. 642-1179

Maryanne Koenig 310 Cabrillo, C.M. 645-1154

RYAN HEFFERNAN 1920 Court Avenue NB 673-5891

Angela Maxwell 778 Scott Pl #508 M 646-2789

Erue Snell 505 Lido Sands Dr NB 645-6666

Mike Hale 7405 Seashore Dr NB 631-2450

Jayne Carlson 365 La Park Pl

Jesse Spero 1659 Tustin Ave 631-2763

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Name Address Phone #

~~Kir K Blackman~~ 3112 River Ave. 642-9570

Quam Chellana 1033 W. 18<sup>th</sup> St Costa Mesa CA 94925 ~~949-2681~~

Edahline Salas 1740 E. Oceanfront 675-1588

~~Jacob Souki~~ 1911 Kings Rd. NB 631-7165

Cindy Bohler

Sham Silva 1411 Chickadee N 631-6

~~Christina O'Flynn~~ 2033 Cypress St. 756-934

Lara Ladelle 139 Santa Isabel 548-3920

Myndra Smith 3015 Cliff Dr. ~~891-0051~~

Heather Stroman 286 E 19<sup>th</sup> Street 646-9941

Deirdre Aggar 1 Viriam Lane 722-3466

Megan Mahoney 1629 E. Balboa Blvd 675-6915

Brandy Barrett Margaret Dr. N.B. 92603 631-8013

Charlene Newson 333 Signal Rd. N.B. 92603 548-8858

Ashley Mendes 432 Colton St 648-7670

~~John [unclear]~~

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Name	Address	Phone #
Drew Lichten	438 Redlands Ave	645-6384
Lia Bennett	2402 NORSE AVE.	642-6405
Paul Angerman	4341 Orange Ave.	646-9451
Ben Jensen	29 Wild Goose Cir	631-1106
Ashley Mendes	432 Colton St	548-7670
Eric Marviano	412 Westminster Ave	631-7726
Meghan McCulloch	1634 Santa Ana Ave.	548-0216
Melissa Lowry	716 West Oceanfront <sup>NB</sup>	675-1037
Cory Pollock	312 Lagonia NB	645-5356
Pauline Numa	13721 <sup>st</sup> CM	642-2958
David Makena	301 BROADWAY CM	646-8088
Paul Root	1210 Polaris Dr NB	548-9474
Mindy Simon	1918 Leeward Ln. NB, CA. 92660	645-8869
Andy Swartz	442 Redlands Dr NB, CA	925 48 2171
Tom White	410 Louise Ave Newport Beach, CA. 92663	646-0049 72

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Name	Address	Phone #
Jaime Luzzi	1051 Indus St.	714-540-7304
1177		606
Andrew Tamayo	1014 Bobbie Dr. N.B.	926-60-645-011
Maoni Huelmer	700 Westco. Hwy N.B.	
Jynelle Harrison	195 Albert Dr	722-7939
Vina Gutierrez	337 E 16th Pl CM	
<del>Christal</del>	<del>997 Costa Mesa St</del>	<del>Costa Mesa 645-7582</del>
Jessica Hale	1560 Placentia Ave.	645-9032
Cal Preston	S. Capella C.M.	557-6560
Shane Bundeher	328 Cabrillo St. Costa Mesa	548-2747
Jerry H. Simon	1940 Highland M.B.	646-6506
Robert E. Swan	1940 Highland Dr. Newport Beach	646-6506
Eddie E. Fischer	2015 Highland Dr, Newport Beach	722-1124
Barbara H. Leith	1918 Highland Dr. N.B.	548-7937
Erin Haller	1930 Commodore rd.	
Sarah Daum	1909 Commodore rd.	642-5385
		650-3155 13



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Name Address Phone #

Rosary Boston 220 Palmer # Costa Mesa 642-6787

Stephanie Nelson 2004 E Ocean Blvd 675-1693

Dietchen Sloen 1627 Santiago Dr NB 22-0902

Jacob Switzenberg

Greg Casale 1753 Santa Ana #75 C.M. 548-4252

Rachel Perez 121 E Bay St. Apt D 645-8033

Bear Jensen 25 Wild Goose Ct. 631-1106

Gabe Gagnon

NIKKI MATTHEWS 2004 SANTANA AVE C.M. 6455524

Adam Varrow 211 VIA JUCAR NB 675-2861

Blaine Sherwin 1820 Yradelwinda Ln NB 631-0269  
345 University Dr.

Meredith Toews Costa Mesa, CA 650-5509

Diane Hochner 301 Vista Baya C.M. 92627 548 6325

Mischa Stabler 262 E 21st Costa Mesa 642-6259

Greg. Twitt  
600 Irvine Ave N.B. 760-3327

Michelle Leslie 2781 Bayshore Dr. NB 646-2293  
74

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Name Address Phone #

~~Jerry Jones 400 Seabreeze CDM 649-2173~~  
~~Diana Miles CDM 673-3030~~  
Brooke Anderson 241 Sherwood Pl. C.M. 650-4761  
Mara Colazzi 104 Via Dijon N.B. 675-6118  
Allison Lewis 477 Broadway C.M. 546-7067  
Misty Mallory 413-38th St. N.B. 722-2511  
Dorie Baker 413 Holmwood 646-6555  
Jenny Raima 2460 Santa Ana 645-6238  
Renee Zayenta 422 Santiago 646-5380  
BRYAN WYE 9010 CHANNEL 650-2076  
Griff Hoover 646-7868  
Berin Barnett 855 Seagull Ln. #A202 631-8833  
Naome Schiesel 301 Vista Baya 548-6375  
~~AMBER BARNETT 855 SEAGULL LN. #A202 631-8833~~  
AMBER BARNETT 855 SEAGULL LN. #A202 631-8833  
David Hochner 301 Vista Baya, CM 548-6375

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Name Madeline Gross Address 281 Knox Pl. CM Phone # 6452561

Lauren Davey 2907 Cliff Dr. NB. 650-4131

Sky Peterka 325 22nd St. CM 548-9781

Kendra Kosky 324 Snug Harbor NB 646-1853

Michelle Bonner 111 Via Cordova NB 675-7023

Brittany Leslie 2781 Kayshore Dr. NB 646-2293

Maven Sweet 108 Via Undine N.B. 678-3989

Kris Gillum 4233 Dana<sup>rd</sup> NB 548-3645

Megann Balboa Is. P.O. Box 2555 721-1476

Steve Newman 2352 Orchid Hill Pl. 752-0295

Cliff White 1112 Somerset Ln. 646-7815

Paul Kosky 324 Snug Harbor Rd. 646-1853

Janie Sweet 406 Pirate Ln. 979-5791

Johanna 2406 University 631-6763

Angela  620-2812

Dan Park 601 Lido Park Dr. PF 673-1905

Scott Shull  678-5030

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Name Address Phone #

Janelle Feliciano E. 110<sup>th</sup> St 2401 1/2

Leland Resnick<sup>x</sup> 204 35<sup>th</sup> St 673-6369

Christina Mann 20432 Santa Ana Heights #9 957-8815

Tina Paritt 1538 Placentia E 204 cant give out

Mike Carlson 673-7786

Nathan Roca

Christina Browne cant give out

Jennifer Williamson 642-1874

Brandi Tetz N/A 432-9766

Courtney Skidmore Montevista not available

Brianne Edson

1651 Indus St 546-7364

Jeremy Tiffany 20102 Cyprus St 863-9029

Charlotte Backus 20162 Redlands 966-5230

Sage Matteson 1724 1/2 Ocean Front 673-4240

Kai Peters 75 Linda Isle 673-9549

Manda Rickwood 642-3467 77

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Name Address Phone #

Josh Levy 241 Wild Goose Ct. 642-4075

# [Signature] 458 Ogle Ave. 645-1524

[Signature] 151 Albert # 645-8490

John Holmes

Morgan McLaughlin 515 Signal 646-2814

Doc Farrell 214 Fairway 631-1450

Mike Peikert 811 Kings 646-6138

Tommy Shute 171 Via Firenze 675-0451

Rina McAlister 2505 Ulp Drive 631-8287

Gina heads 2463 IRVINE AVE 722-9739

[Signature] 311 [unclear] 646-7122

Craig Carter 311 1/2 35th Street 675-1328

Lee Nunn 462 C Tulip Ln. 631-5157

Heather Wobak 2620 Elden B6 642-1562

Casey Sheward 2636 Danphoe Dr. 645-6348

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Name Address Phone #

- Nicole Amador 2537 Orange #e <sup>Costa Mesa</sup> 940-7935
- Nikki Gould 112 E Bay Ave. Balboa 675-7388
- Sara Warrington 328 Buena Vista Balboa 679-1818
- Tracy Thomas 389 Flower St Costa Mesa 650-9250
- Clayton Fauner 2674 Orange <sup>C2 Costa Mesa</sup> Ave 642-6378
- Nicole Nickolas 479 Walnut Place Costa Mesa 4320 <sup>642-</sup>
- Scott Campbell Costa Mesa
- Eric Funderburk COSTAMESA 645-9617
- Matt Greenon Newport Beach 650-2078
- Comad Michaelian 303 ALVALM 650-3397
- Shulamit Park 2110. 16<sup>th</sup> ST. Q1113. <sup>Newport Bch.</sup> 714) 722-3005.
- Genevieve Evans 426 Piazza Side, Newport Beach 673-1432
- Matthew Eimers 2301 Tustin Ave. N.B. 646-5999
- Shawn Stevens 72 WILLIAMS Huntington Beach 576-3908
- Janet Switzberg 243 A Palmer St. C.M. 9548-1884

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Name	Address	Phone #
<u>Yamini Narain</u>	<u>418 Bay St HC</u>	<u>645-068</u>
<u>Bob Felt</u>	<u>1006 Grove Lane Newport Beach Ca 92660</u>	<u>646-2043</u>
<u>Jeff Moneen</u>	<u>1721 Miramar Drive</u>	<u>673-5905</u>
<u>Bobbie Green</u>	<u>607 Michael Place N.B.</u>	<u>631-3947</u>
<u>Kim Lewis</u>	<u>126 Via Loma N.B. 92663</u>	<u>673-3031</u>
<u>MATT ASTON</u>	<u>2455 16th St Costa Mesa</u>	<u>637-1808</u>
<u>Trent Bryson</u>	<u>2001 Kings Rd NB, 92663</u>	<u>645-8902</u>
<u>Tony Pracher</u>	<u>2455 Morse S Costa Mesa 92627</u>	<u>645-6859</u>
<u>Jennifer Reiben</u>	<u>2011 Bayview Ave Santa Ana Heights 92727</u>	<u>756-9327</u>
<u>Bob Felt</u>	<u>1478 Tustin Ave Costa Mesa 92663</u>	<u>642-1975</u>
<u>Monica Maradona</u>	<u>1511 Avenida Santa Ana</u>	<u>641-8118</u>
<u>Todd Jones</u>	<u>1572 Apt #23 Orchard Dr. Santa Ana Heights</u>	<u>434-6148</u>
<u>Tyler Johnston</u>	<u>1606 Santiago Dr.</u>	<u>782-9265</u>
<u>NO Phone</u>		
<u>Jacobs Dunitzberg</u>	<u>243A Palmer St.</u>	<u>548-884</u>

We, the undersigned, think that the Upper Back Bay should be available for mixed uses, such as cycling, jogging, hiking, and horseback riding, as it currently exists. In the past, this has benefited Orange County residents and hopefully in the future it will do the same.

Name \_\_\_\_\_ Address \_\_\_\_\_ Phone # \_\_\_\_\_

Mary Muller 1830 Highland Dr NB. 548 3174

D. PAUTSCH 1821 Highland Dr. N. Beach 548-6792

TODD TRAVIS 1824 HIGHLAND DR. N. BEACH 646-9456



<u>name</u>	<u>Address</u>	<u>Phone #</u>
Sara Weatherford		650-7356
Alicia Ward		650-7709
J.J. DiCesare		644-0846
Dillon Donnelly		631-3609
Justin Paul		644-7561
LISA LAFIAMME		646-7596
Nancy Hancock		650-1044
Cree Peterson		645-8624
CINDREA WOOD		631-5956
Diane Peterson		631-5131
Neve Dufieu		650-8021
Jordana Parr		640-9824
Hannah Hents		644-7771
Korie Luciassey	please	640-6215
Signe Hilliard	let us	938-4692
Nichole Ahmadi		938-2492
Dimitra A.		759-0149
Niki Smith		42-0165
Cynthia Carden		673-3442
Cindy Frisch		650-3193
Katie Blackwell		756-9466
<del>Stacy</del>		557-6106
HEATHER GUNTHER		723-5619
CRICA BRUEN		644-8460
MICHELLE JOHNSTON		759-5048
JENNIFER FLEACHER		759-0709
Kami Meek		760-0435
Debbie Zahler		640-5302
Kelly Peterson		631-5131
Shannon Jensen		631-3431
Sheila Wood		642-4786

<u>name</u>	<u>Address</u>	<u>Phone</u>
<del>John</del> Karen Juzzi	1651 INDUS ST SANTA ANITA, CA	714-546-736
	1651 Indus Street Santa Anita CA	54673

318 SIGNATURES

Julie Coombe  
Jim Naman  
Michelle Johnston  
Jim Pray  
Kristin Buckley  
Jennifer Whitington  
Darcy DeCrona

640-4534  
875-5888  
759-5008  
759-9065  
675-1815  
720-9627  
631-5550

~~Jim Miller~~  
Nathan Matlin  
Jez Lowman

675-7426  
646-9567  
921-6045  
722-6017

Dan Ryan  
Viana Giffany  
~~Jez Lowman~~  
Francis Daffin

8639129  
8639029  
664-7349  
UNLISTED

Jason Fife  
Jerrine Lopez  
Vinnie Evans  
Mike Hornum  
Somme Macaluso  
Evan Anderson

547-1165  
673-3111  
728-48  
P40310  
6467919

Kimley  
Josh Walz  
Chuck Johnson  
Chris Apple  
Todd Burbin

7230710  
5561107/751-8043  
557-6106

Mike Squado  
Colin Best  
Jimmy McIlmough

720-0758  
640-6451 ~~406400~~  
557-2673

Rachelle Marsh

(714) 673-5421

# FRIENDS OF NEWPORT BAY

P. O. BOX 2001  
NEWPORT BEACH, CALIFORNIA 92663

May 5, 1993

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

MAY 6 1993  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM  
8:00 PM

The Planning Commission  
City of Newport Beach  
Newport Beach, CA

Subject:: The Proposed Change of the Size of the Interpretive Center from 8,000 to 10,000 sq. ft. at the Upper Newport Bay Regional Park.

Dear Honorable Commissioners:

I attended the last hearing on the change in size of the interpretative center from 8,000 to 10,000 sq. ft. I heard your concerns for members of the community and the needs of a nature preserve. I can appreciate your desires for recommending a plan that meets the needs of the community. There were some questions raised that need addressing to better assist you in your deliberations.

However, I would like you to know that I would not like to see horses, dogs and bicycles on the West Bay Parcel. Let people and nature use this parcel. Now to some of the points and classifications I would like to address.

I attended almost all sessions of the citizens review committee. At no time was there a consensus to allow horses on the West Bay Parcel. At several meetings the horse people were fairly strong in their demands for horse trails on the West Bay Parcel but never acquired a majority opinion that horses should be allowed on the parcel.

It is absolutely paramount that restoration of the park lands is performed. A number of people at the last meeting said to leave the West Bay Parcel as it is. I believe as do many of the biologists that this would lead to a slow deterioration of the park as a nature preserve. Evidence of this is the Burrowing Owl. Ten years ago it lived at the bay, now it is gone.

There are other examples of this type of loss. The Tobacco Tree, a non-native, if allowed to flourish as it is now will drive out more of the native plants. Its blossoms, long and narrow, produce nectar that is preferred by humming birds and where bees can not act as pollinating agents. This means that the native plants with long and narrow blossoms are not visited as often by the humming birds and will not be pollinated and will not reproduce leading to their loss at the park.

There are no ground squirrels at the park. They use to be. The European grasses are not home to ground squirrels. If we restore with native grasses we will be able to see their return.

The Pampas Grass is another invader plant. Where it grows nothing else will grow or live. I have, at Big Canyon along with a number of other volunteers removed many of these plants and attempted to remove the very old Pampas Grass plants, I say attempted because these are almost impossible to remove without a backhoe for their hold to the ground is most tenacious. I noticed that no birds, rabbits, or insects live in the pampas grass. It is as sterile as the sands of the Sahara.

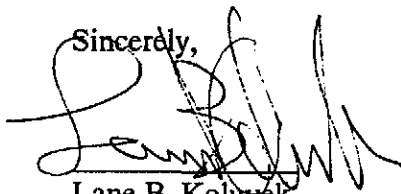
It is important that we set the size of the interpretative center at 10,000 sq. ft. If we choose a smaller size, we will surely find that we should have had a large size. We would be forever wishing that we could increase it. The different between a 8,000 and 10,000 sq. ft center is significant in use but not in sight, since most of it will be under ground, camouflaged and below the line of sight from Irvine Drive.

There are about 100 volunteers assisting the county and the state from Shellmaker Island. They are waiting with bated breath for the center to be built. The inadequate offices of Shellmaker detracts from their assistance.

The plan for the center does not provide for a maintenance yard. It is to be at Shellmaker. The State Fish and Game staff is to be housed at the center. Thus eliminating the need for two centers and for two maintenance yards. I think that the larger center is a fair tradeoff.

If one were to look at this bay and compare it to other bays in California, one would find that this is a most unique bay. There is not another like it. It is the only bay that has the quantity and variety of wildlife this bay has. Let us enhance its lands to insure that it will be able to provide the same enjoyment that we get from it today. To let stand as it is will destroy it.

Sincerely,



Lane B. Koluvek,  
President, Friends of Newport Bay  
and volunteer to State and the County  
for the Park and Reserve

Kathleen and Philip Hughes  
4210 Park Newport #209  
Newport Beach, CA 92660

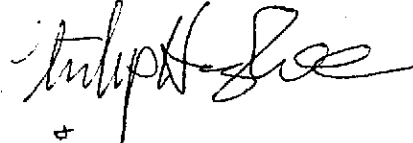
John Douglas  
Newport Beach Planning Commission  
3300 Newport Boulevard  
Newport Beach, CA 92659-1768

May 3, 1993

Mr. Douglas

We are in favor of the development associated with the regional park planned for the north side of Upper Newport Bay. The museum space would allow permanent display of fossils collected locally, as well as other aspects of the natural environment of the area. We feel that, although trails development would limit use of the property by some people, the increased awareness of the natural aspects of the area provided to many people by the other aspects of the park as planned far outweigh the minor limitations.

Sincerely,



Kathy Hughes

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

MAY 10 1993  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM



May 8, 1993

Mr. Thomas Edwards, Chairman  
Newport Beach Planning Commission  
c/o Jim Hewicker, Planning Director  
City of Newport Beach  
3300 Newport Blvd  
Newport Beach, CA 92658-8915

Dear Mr. Edwards:

I think it is very important that the interpretive center and regional park planned for Upper Newport Bay be implemented. Not only will it provide a place for people to experience a very important ecological reserve, but it will help educate people about the importance of protecting the environment of Orange County. The fact that it will accommodate a variety of people with different needs makes it a creative and useful place for the general public to find relaxation and enjoyment. I think it would be a travesty if a special interest group of people managed to convince the Commission that it should be left alone so that they could continue the practise of adversely affecting the land.

As I understand the proposal, the interpretive center will be virtually underground and that there will be a small parking lot to accommodate a 100 cars. I have experienced similar centers and they are nonintrusive and can actually add to the beauty of the setting. Orange County needs this facility and the development of a ecologically sound park. Please allow the park and the center to be opened to the multifaceted population of Orange County. It is the right thing to do.

Sincerely

*Garvin L. Walker*  
Garvin L. Walker

14712 Emerywood Rd.  
Tustin CA 92680

cc: County of Orange  
Harbors, Beaches and Parks  
P.O. Box 4048  
Santa Ana, CA 92702-4048  
Attn: Robert Fisher

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

MAY 10 1993  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM



30



# Pacific Southwest Biological Services, Inc.

Post Office Box 985, National City, California 91951-0985 • (619) 477-5333 • FAX (619) 477-1245

6 May 1993

Leon Kolankiewicz  
Orange County EMA  
County of Orange, California

RECEIVED  
MAY 10 1993  
EMA

Re: Upper Newport Bay Regional Park EIR

Dear Leon,

I received your request for additional information regarding our concerns over trail system expansion and the objectives of our recommendations for focusing trails into a few well developed areas. As you are aware, the proposed plan intends to formalize a number of trails within the Upper Newport Bay and eliminate several of the uncontrolled access trails. We made several recommendations as to which trails to keep and which trails should be abandoned and restored. We understand there is some concern relative to focusing public access within the regional park so I want to clarify our concerns relative to extensive trail systems.

Over the course of several years, Pacific Southwest has worked on numerous regional park and open space projects for various local governmental agencies, joint power authorities, conservation groups, and such state and federal organizations as the California Coastal Conservancy, State Parks, and U.S. Forest Service, and National Park Service. Through these projects, we have been able to work within some areas for extended periods of time and have witnessed how trail systems develop, how they are used, and what effects they can have on biological resources.

We recently completed work on the Otay River Valley Enhancement Plan for the City of Chula Vista and the Coastal Conservancy, we are also completing the Famosa Slough Enhancement Plan for the City of San Diego and the Coastal Conservancy. Both of these areas provide extremely relevant case studies for the Upper Newport Bay, in that both systems include trail systems which exist and are to be formalized with other trails to be removed.

Within the Otay River Valley, a number of scrubland and riparian habitats have been completely eliminated by gradual expansion of small uncontrolled trail system, principally related to motorcycle and mountain bike usage, but also associated with heavy pedestrian and equestrian traffic. At Famosa Slough, trail systems have been gradually encroaching along the edge of a small salt marsh system to the extent that some significant amounts of marsh, mudflats, and salt panne habitats have been trampled and compacted to such an extent that they are nearly functionless from an ecological context and new trails are being extended annually to get closer to the interesting marsh system. In effect, portions of the slough are being "appreciated to death".

In most instances, trail expansion follows very clear patterns resulting in increased habitat loss and fragmentation of other habitats. These patterns are:

1. Where defined trail edges (fences, rails, posts, log edging, etc.) do not exist, trails will expand in relation to the intensity of their use. Native plant cover surrounding the trail will be transitioned to bare dirt and annual weedy species within a very short time-period.
2. Where trails are surfaced, equestrian and mountain bike uses will generally occur just off to the side of the trail in rugged terrain and a few feet away in more mild terrain. These trails also will become lined by annual weedy plants.



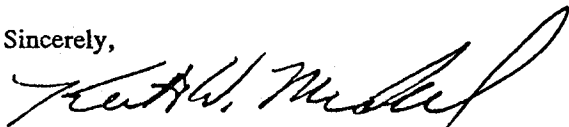
3. Where parallel trails are created within sight of each other or where such trails are separated by only mild terrain and low vegetation, multiple cross over trails will eventually develop. Cross-overs between cross-overs will also occur.
4. Where trails meet, intersections will tend to be widened at "T-type intersections" or cross-overs will occur at "Y- and X-intersections".
5. Wherever seasonal flooding or pooling occurs, trails will be widened to avoid such areas. This is frequently a pedestrian trail problem more than an equestrian trail problem.
6. Where trails dead-end, they are invariably extended. This can be minimized by loop-ends or termini at nearly impassible points.

Unfortunately, degradation of habitats by continually expanding trail systems is difficult to observed without comparing aerial photographs over a number of years. Each individual trail adds little to the habitat loss, however cumulatively such losses are extreme.

Because of the degradation which we have witnessed in such areas, we strongly favor formalizing some trails, eliminating other trails, and providing strong park management to provide on-going trail repairs along with elimination of random access trails. As you are aware, few coastal resource areas such as the Upper Newport Bay Regional Park exist in southern California. It is critical that such a resource be kept open to the public for the educational and recreational benefits it provides. It is even more critical that the quality of the sites resources remain intact enough to attract the using public to visit. For this to occur, it is critical that the habitats of the system be protected.

If you have any additional questions regarding the trail systems, please call me.

Sincerely,



Keith W. Merkel  
Chief Ecologist

Ms. Frances A. Gioia  
392 Sunrise Circle  
Costa Mesa, CA 92627

714/631-6633 (home)  
714/633-9660 (office)

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

JUN 1 1993  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

May 25, 1993

Commissioner Thomas C. Edwards  
Chairman, Planning Commission  
City of Newport Beach - Planning Department  
3300 Newport Boulevard  
Newport Beach, CA 92659-1768

Dear Mr. Edwards,

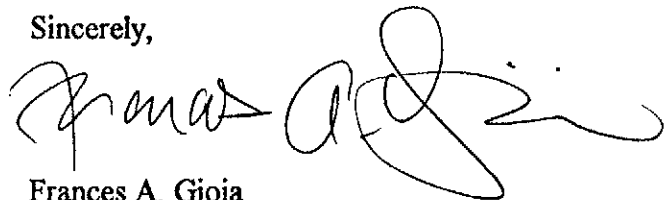
I am a concerned member of the community who attended the Commission's Public Hearings regarding the plan for a county Regional Park in the Upper Newport Bay area. I feel quite frustrated that the County's request to expand the size of the "Interpretive Center" was essentially approved by the Planning Commission.

Although the Commission attached numerous recommendations concerning allowing dogs, loop trails, horses, etc., the basic plan was approved. I believe this was an unjust trade, allowing the County to develop a construction project in an area unable to support this type of use.

Since you and Commissioner Glover are sympathetic to these concerns, I am asking you for some assistance in continuing my opposition to the County's plan. I would be grateful for any information you could share with me regarding what next steps are necessary for the County to get final approval for the plan, when this will happen, and how I could continue my efforts to voice my opposition.

I realize that you may not be able to personally answer all requests of this nature, but I would be grateful if you could get a staff member to provide the information I am requesting. Thank-you for your assistance and concern in this matter

Sincerely,



Frances A. Gioia

cc: Commissioner Norma J. Glover, NBPC

PLANNING COMMISSION  
CITY OF NEWPORT BEACH

JUN 2 1993  
AM 7, 8, 9, 10, 11, 12, 1, 2, 3, 4, 5, 6 PM

May 24, 1993

Newport Beach City Council  
C/O 3300 Newport Boulevard  
Newport Beach, Calif. 92660  
CC: Thomas Riley

Re: A) General Plan Amendment No. 92-3 (E) AND B) Local Coastal Program Amendment No. 31 AND C) Amendment No. 779 AND D) Use Permit No. 3488

Dear Council Members,

I have previously written to you regarding this issue (letter dated 4/14/93), and was present at both Newport Beach Planning Commission meetings where this issue was discussed. Unfortunately, at the meeting of May 6th I had little opportunity to address the County of Orange's response to the issues presented at the meeting of April 22nd, since I was not privy to their response until the night of May 6th (hence I did not have the chance to read each response and comment at that time).

I have since had the opportunity to read and reflect on the responses which the County (particularly The Department of Harbors, Beaches and Parks) presented to the Newport Beach Planning Commission and would like to take this occasion to comment on this matter before any final decision is made on the Upper Newport Bay Regional Park.

Firstly, on the issue raised about the concerns of Mr. M.C. Horning, Jr.. He was worried that the regional park would cause an additional burden on law enforcement agencies as a result of additional visitors. Mr. Horning presents a valid concern. Mr. James M. Jacobs (Acting Chief of Police, City of Newport Beach) responded by confirming Mr. Horning's concern. "The Police Department has found that crime rates and activity levels do increase significantly in the areas where a high tourist or transient population occurs such as our beach areas..." It was suggested that the extra law enforcement required because of this project could be offset by a fee, and that the County of Orange should enter into an agreement with the City of Newport Beach as to the cost sharing of such services. I find this solution offensive. They will require the taxpayers (both within the County of Orange, and the City of Newport Beach) to fund the building and development of this park, and they then will make us pay a fee to fund the upkeep (before we can have access to this property). I understand that the city is talking about cutting back the police force due to lack of funding and now the County feels it appropriate to increase their current burden? It's

ironic that on the same night the City of Newport Beach will be considering the County's proposal they are also slated to set their budget.

What is happening to our city? Now that most of the open property within Newport Beach has been, or is in the process of being, developed it is possible that we now are going to be required to PAY to see and visit a natural, open area habitat within our city. What a sad reflection of our times.

After detailing the EIR 525 and the mitigation requirements within that report Robert Fisher (Director Harbors, Beaches and Parks) is requesting deletion (or modification) of two mitigation measures contained in that report. Initially it was agreed that a plan for ultimate use and configuration of Back Bay Drive would be submitted and approved by the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer prior to grading and construction. This appears not to be the simple process that the County of Orange originally anticipated as it has not been resolved to date. Since there seems to be a problem with this procedure Mr. Fisher suggests that the agreement no longer be a mitigation measure and that park development not be delayed pending resolution of this issue. Is this how the other mitigation measures will be resolved after construction has begun (?)...just eliminate the mitigation measure if it proves too cumbersome or too difficult. If this issue has not been resolved to date it could be years before this is worked out. Why is the County in such a hurry to begin development of this project? Once again I will make the point that we could all take the time involved in this (or any) delay and see if the problems currently existing in the Upper Newport Bay could not be resolved by other, less expensive, less intrusive, means.

I am concerned that Mr. Fisher also is asking for approval to begin construction on a project that they have yet to present the final plan on (mitigation measure #12). I would think it only prudent that NO approvals for beginning this project be given before any final plan is drafted.

The adequacy of the EIR/analysis of alternatives was brought up by Ms. Carla Brockman. I find it interesting that the reply to her comment was that "with regard to the alternatives considered in the EIR, it should be noted that CEQA does not require that alternatives be evaluated in the same level of detail as the proposed project. How does the County of Orange know what would be the best alternative unless all of the options were reviewed fully. I will reiterate my thought previously expressed...Why is the County spending so much time and effort on mitigating the significant impacts of the proposed plan with the interpretive center, they should be (and should have begun this whole process by looking at) mitigating the destructive effects on the area as it now stands. Originally the "plan" was to save the Upper Newport Bay", it seems that lately the emphasis has shifted to saving this 10,000 square foot building (interpretive center) and the Upper Newport Bay Regional park as desired by the County (and not necessarily the inhabitants of that County). Just because the CEQA does not REQUIRE that alternatives be evaluated, does not necessarily mean that they SHOULD not be evaluated.

The most outrageous part of all in this process is that

despite the lack of funds by government at almost all levels (County, City AND State), the County of Orange continues to pursue this boondoggle (at additional costs to the taxpayers) even with defined resident (and taxpayer) opposition to this project. In response to the questioning about funding the County only answers that they have one million dollars in contributions for this project. What about the other 5 Million. I will not be happy to have it come out of my taxes (and then be charged an admission fee every time I wish to enjoy what the County leaves intact of this area). What a waste. I understand that since the County of Orange cannot continue the "temporary" 1/2 cent sales tax to fund their County Services (that they now have and cannot maintain), they will have to have a special election in the County to ask the taxpayers to okay an additional ONE cent sales tax increase. I suggest that at the same time they put this Upper Bay Regional Park up for a vote, so that the other citizens of Newport Beach and Orange County know how desperate The County of Orange is for funds. The County has to cut back essential services, so that they can build another park. Somehow the priorities have been lost on me. When they can educate my nephew in a decent manner, have enough police to patrol our beaches so the beachgoers feel safe, and keep the current County Parks system safe from gangs, then perhaps we might have room to look at how to raise and spend additional revenues. It is irresponsible to even consider this park until the County and the City have their budgets in order. We shouldn't even be looking at a Cadillac when all we can afford is a moped.

Never having seen the Upper Newport Bay Regional Park Ranger in all of the years I have been going there, I was relieved to finally see this lady in person, at the Planning Commission meeting. She does exist. I found it interesting that in her comments regarding the visitors to the park she indicated that many of the activities that they have had, and will continue to have (such as the boating tours and the campfire gatherings), in the park for the 12,000 some odd visitors she estimates comes to the park as members of a group, many would still be meeting and being staged off of Shellmaker Island. Why don't they just build their interpretive center on Shellmaker island? It's already been developed and they could utilize part of the existing structure thereby eliminating many costs. It just seems logical that with this economy there are so many buildings that are not currently occupied (many owned by the County or City) that there must be an existing structure nearby that could serve as an interpretive center and staging area.

Sincerely,



Marilee Terrell  
1725 Port Charles  
Newport Beach, Ca.

**CITY OF NEWPORT BEACH**

**TO:** Mayor and Members of the City Council

**FROM:** Planning Department

**SUBJECT:** A. General Plan Amendment No. 92-3(E) (Public Hearing)  
B. Local Coastal Program Amendment No. 31 (Public Hearing)  
C. Amendment No. 779 (Public Hearing)  
D. Use Permit No. 3488 (Public Hearing)

Attached are copies of the minutes of the Planning Commission hearings for these items, which were inadvertently omitted from the staff report.

Respectfully submitted,

PLANNING DEPARTMENT  
JAMES D. HEWICKER, Director

By

  
John H. Douglas, AICP  
Principal Planner

**Attachments:**

1. Planning Commission Minutes of April 8, 1993
2. Planning Commission Minutes of April 22, 1993
3. Planning Commission Minutes of May 6, 1993

DI SANO  
EDWARDS  
GIFFORD  
GLOVER  
MERRILL  
POMEROY  
RIDGEWAY

CITY OF NEWPORT BEACH

April 8, 1993

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\* \* \*

A. General Plan Amendment No. 92-3(E) (Public Hearing)

Item No.10

Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail through the Westbay parcel; and the acceptance of an environmental document.

GPA92-3E

LCP #31

A779

UP3488

AND

Cont'd to  
4/22/93

B. Local Coastal Program Amendment No. 31 (Public Hearing)

Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.

INITIATED BY: The City of Newport Beach

LOCATION: The Westbay parcel, located at 2200 Irvine Avenue, southeasterly of the intersection of Irvine Avenue and University Drive.

AND

C. Amendment No. 779 (Public Hearing)

Request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the "U" (Unclassified), R-3-B and R-4-B-2 Districts to the P-C (Planned Community) District.

LOCATION: The portions of the Upper Newport Bay Regional Park between the Santa Ana-Delhi Channel in Santa Ana Heights and Jamboree

CITY OF NEWPORT BEACH

April 8, 1993

DI SANO  
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Road (201 Bayview Way); and between Eastbluff Drive and the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon (1900 Back Bay Drive).

ZONES: R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

AND

D. Use Permit No. 3488 (Public Hearing)

Request to approve a General Development Plan and Resource Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.

LOCATION: Upper Newport Bay Regional Park surrounds the northern portion of Upper Newport Bay in three separate parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon on the east (2200 Irvine Avenue, 201 Bayview Way and 1900 Back Bay Drive).

ZONES: P-C, R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

James Hewicker, Planning Director, requested that Item No. 10 be continued to the Planning Commission meeting of April 22, 1993,



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Motion Ayes Absent	*	*	*	*	*	to allow staff and the Planning Commission additional time to review the item.  Motion was made and voted on to continue Item No. 10 to the April 22, 1993, Planning Commission meeting. MOTION CARRIED.	
						* * *	
						<u>ADDITIONAL BUSINESS:</u>	<u>Add'l Business</u>
Motion Ayes Absent	*	*	*	*	*	Motion was made and voted on to excuse Commissioner Gifford from the April 22, 1993, Planning Commission meeting. MOTION CARRIED.	<u>Gifford excused</u>
						* * *	
						<u>ADJOURNMENT:</u> 9:15 p.m.	<u>Adjourn</u>
						* * *	
						HARRY MERRILL, SECRETARY CITY OF NEWPORT BEACH PLANNING COMMISSION	

COMMISSIONERS

MINUTES

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EDWARDS  
GLOVER  
MERRILL  
MERRIM  
POMEROY  
RIDGEWAY

CITY OF NEWPORT BEACH

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determination that the operation which is the subject of this use permit, causes injury, or is detrimental to the health, safety, peace, morals, comfort or general welfare of the community.

- 7. That this use permit shall expire if not exercised within 24 months from the date of approval as specified in Section 20.80.090A of the Newport Beach Municipal Code.

\* \* \*

The Planning Commission recessed at 9:25 p.m. and reconvened at 9:35 p.m.

\* \* \*

A. General Plan Amendment 92-3 (E) (Continued Public Hearing)

Item No.8

GPA92-3E

Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail through the Westbay parcel; and the acceptance of an environmental document.

LCP31

A779

UP3488

Cont'd to

5/6/93

AND

B. Local Coastal Program Amendment No. 31 (Continued Public Hearing)

Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.

INITIATED BY: The City of Newport Beach

RIDGEMAN  
POMEROY  
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GLOVER  
GIFFORD  
EDWARDS  
DI SANO

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LOCATION: The Westbay parcel, located at 2200 Irvine Avenue, southeasterly of the intersection of Irvine Avenue and University Drive.

AND

C. Amendment No. 779 (Continued Public Hearing)

Request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the "U" (Unclassified), R-3-B and R-4-B-2 Districts to the P-C (Planned Community) District.

LOCATION: The portions of the Upper Newport Bay Regional Park between the Santa Ana-Delhi Channel in Santa Ana Heights and Jamboree Road (201 Bayview Way); and between Eastbluff Drive and the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon (1900 Back Bay Drive).

ZONES: R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

AND

D. Use Permit No. 3488 (Continued Public Hearing)

Request to approve a General Development Plan and Resource Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.

LOCATION: Upper Newport Bay Regional Park surrounds the northern portion of Upper Newport Bay

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CITY OF NEWPORT BEACH

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in three separate parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon on the east (2200 Irvine Avenue, 201 Bayview Way and 1900 Back Bay Drive).

**ZONES:** P-C, R-3-B, R-4-B-2 and Unclassified

**APPLICANT:** The County of Orange

**OWNER:** Same as applicant

John Douglas, Principal Planner, presented an overview of the proposed project to change the designation for the Interpretative Center from a maximum of 8,000 square feet to 10,000 square feet, to delete a secondary bicycle trail through the Westbay parcel, and to establish a Development Plan and operational guidelines for Upper Newport Bay Regional Park.

Mr. Douglas stated that the Planned Community designation can refer to any type of use and the uses are established through a Development Plan under the Planned Community Zoning District. The project does not comprise any commercial or residential development, and the only building proposed is the Interpretative Center on the Westbay parcel. The Planned Community designation allows the plans and regulations to be tailored specifically to the piece of property involved, and the subject use permit would serve as a Development Plan for the property under the Planned Community designation. It is a mechanism that is being proposed to adopt a Development Plan for the Park.

Back Bay Drive is not located within the Park boundaries, and is located on State property that is administered by the Department of Fish and Game. It is a public street right-of-way that is under the control of the City. It is discussed in the County Park Plan but it is not before the Commission as a decision item.

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Mr. Douglas stated that staff received letters from the County Harbors, Beaches & Parks Department, dated April 21, 1993, and from Craig and Charlotte Bluell, residents of the area, dated April 19, 1993, prior to the public hearing.

In response to questions posed by Commissioner Glover, Mr. Douglas replied that the existing zoning designation for the Westbay property on Irvine Avenue is currently Planned Community. The zoning was adopted when The Irvine Company owned the property and the intention was to construct a residential development; however, a Development Plan was never adopted. The Santa Ana Heights parcel and the Eastbluff parcel are either designated Unclassified or Residential. Mr. Douglas further explained that during the Environmental Impact Report (EIR) process the draft EIR was processed for public review and the City submitted comments that were included in the EIR. Individual members of the City staff, acting as private citizens, participated in a series of public hearings that the County held prior to developing the General Development Plan. The County proposal is being submitted to the City for consideration. The City is involved because most of the Park is within the City limits and the City has either exclusive ownership or shares ownership in some of the property and some easements exist on the property. In addition to City approval, Coastal Commission approval will be required in addition to the County Board of Supervisors. The City is one of the agencies that will be required to give approval to the project.

In response to questions posed by Chairman Edwards, Mr. Douglas replied that the Planned Community designation is an administrative mechanism; however, an Open Space designation could also accommodate the plan that the County is proposing. James Hewicker, Planning Director, explained that the City has an Open Space District that carries designations of Open Space Active and Open Space Passive. Open Space Active primarily allows higher intensity uses, active recreation type facilities, ball fields, etc. A use permit would be required to establish those uses. Open Space Passive requires a use permit to establish grading or

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a Building Permit for a passive recreation facility. Staff has considered revising the Open Space Zoning District descriptions; however, that action has not commenced and that is the reason staff chose to take the existing Planned Community Zoning District that has existed on the Westbay property since the late 1970's. There is no reason why the property cannot be zoned Planned Community adopt a Development Plan for the Park, and have it developed under the Planned Community zone. The Local Coastal Plan and the General Plan designation will be for Open Space and there is no way possible that anyone can change the Open Space designation on the General Plan or on the Local Coastal Plan without going through the public hearing process. If the Commission requests to change the zoning on the entire property to Open Space that would be an alternative. It would involve not only adding the Open Space designation to the portion of the park side that is on the Eastbluff side and the Santa Ana Heights portion of the property, but it would also require changing the zoning on the Westbay property.

Bob Fisher, Director of County Harbors, Beaches, and Parks appeared before the Planning Commission. The project was an open and a very much participated process with the City staff. The property is land which was acquired from The Irvine Company. The Irvine Company planned to develop the property for residential uses; however, there were objections from the City and the Department of Fish and Game which owned the adjacent ecological reserve and from the Coastal Commission which saw an inappropriate use for the property. During the course of negotiations over resolving a dispute involving the intensification of the Newport Center, it was suggested that The Irvine Company could allow the subject property to become public Open Space. The Irvine Company agreed to the suggestion and they contacted the County with the idea that the County would take the land and create a regional park. The County identified the land as a regional park site for many years in the County's General Plan and with the City's plans and LCP. The County planning staff had to recognize The Irvine Company had imposed deed restrictions on the property requiring it to be used for only passive recreation

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purposes. It was further recognized that the Department of Fish and Game was very insistent about the uses surrounding the ecological reserve. Based on the idea that the land is located in a sensitive area in the Coastal zone, staff had to take into account the fact that the Coastal Commission has the final determination of what can be done with the property. The County proposal is the result of the respectful views of the City and the community, and the proposal attempts to meet most of their objectives.

In response to a question posed by Chairman Edwards, Mr. Fisher replied that the County is requesting that the Commission recognize the proposal is an improvement upon the existing condition of the property. The property has been surveyed as to the present condition, biologically and otherwise, and the County believes that the property is deteriorating under the present conditions. The County is liable for the property, the County is responsible to be certain that the area is protected, and the County wants to make improvements for all of the citizens of Orange County.

Ms. Mary Murray, Project Manager for the General Development Plan, appeared before the Planning Commission. The General Development Plan was prepared over two years, and the Resource Management was prepared in conjunction with the Development Plan to assure that there would be proper ongoing management of the park as it is proposed. The park planning process commenced in 1990, and at that time the first public meeting was held to discuss the development of the park. At the public meeting a Citizens Advisory Committee was formed, and the 40 members consisted of local homeowners, special interest groups, City and County staff members, Fish and Game, Fish and Wildlife Service, and others expressing an interest in the project. Ms. Murray discussed the Committee's agenda over a period of one and one-half years. The Committee developed park goals to establish a consensus on where to go with the park, and how to make decisions on future development and management issues relating to the park, resulting in a park plan that established a balance of recreational needs. The Upper Newport Bay is one of the refuges

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	<p>that remain for a large number of rare, sensitive, and endangered animals and plants. The significance of the site and the sensitivity of the resources as well as deed restrictions dictate that all development should be limited on the site and to focus primarily on resource, interpretation, and management.</p> <p>Ms. Murray advanced to the display area where she described the parcels of the Upper Newport Bay: the Eastbluff parcel, Santa Ana Heights Parcel, and Westbluff parcel.</p> <p>The Eastbluff parcel has Back Bay Drive as its boundary along the bay. The County has proposed two small parking bay areas that would hold eight vehicles each, revegetation, and a trail that would provide pedestrian and bicycle access to Eastbluff Park.</p> <p>The Santa Ana Heights parcel would maintain pedestrian, equestrian, and bicycle access to San Diego Creek, formalizing it on the Orange County Master Plan of Riding and Hiking Trails. The County intends to revegetate the site with natural or native plant materials, providing access for pedestrian, equestrian, and bicycle access to Mesa Drive and revegetating and consolidating the trails to Santa Ana-Delhi Channel. The County proposes pedestrian and bicycle access across the Channel and recommends keeping the equestrians on the approved Master Plan of Riding and Hiking Trails so as to take access to the Santa Ana-Delhi Channel and through San Diego Creek.</p> <p>In reference to the Westbay parcel, Ms. Murray stated that the County, in conjunction with the City's Public Works Department, is preparing construction documents for a cooperative project in design and construction of a bicycle trail. The deed restrictions request an Interpretative Center within 500 feet of the intersection of University Drive and Irvine Avenue. She described the areas that are proposed for the pedestrian trails.</p> <p>Commissioner Glover stated that she was proud that The Irvine Company gave the land for a regional area for the public. However, she stated that she was disappointed that the EIR</p>



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devoted only a few pages to the alternatives. Mr. Gary Medeiros County Environmental Planning Division, appeared before the Planning Commission. He explained that the EIR includes a range of alternatives that cover from no project to restrictive use to the trails that are proposed. Commissioner Glover expressed her concern that the County was proposing a 10,000 to 12,000 square foot Interpretative Center and the taxpayers would have to contribute \$6 million. She concluded that the proposal has become a development project instead of open space. Mr. Fisher reappeared before the Planning Commission to respond to Commissioner Glover's concerns. Mr. Fisher explained that the park consists of 140 acres, and the Interpretative Center would serve 800 acres of the Upper Newport Bay, including the ecological reserve. The Interpretative Center would house the County Park Ranger staff and the State Department of Fish and Game staff.

In response to a question posed by Commissioner Pomeroy regarding the groups that have opposed the proposal, Ms. Murray replied that the equestrian people would like to have access on the Westbay parcel, and off-road or dirt bicycle users would like to have access throughout the Westbay parcel. Bicyclists and pedestrians would like to have access to the water's edge; however, the park property does not go to the water's edge.

In response to a question posed by Chairman Edwards regarding the proposed Westbay bicycle path, Ms. Murray explained that the City approached the County and informed them that street improvements needed to be made on Irvine Avenue. The City indicated that bicycle improvements could be made via a cooperative agreement between the County and the City. The idea would be to share in the cost and development of one bicycle trail and to provide a more pleasant experience for the bicycle riders by removing them from Irvine Avenue and to give them more of a park experience by allowing them to meander along Irvine Avenue and University Drive. The pedestrian path would be constructed inside the bicycle trail.

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Mr. Patrick Marr, Architect from Ron Yeo's office, appeared before the Planning Commission, and he described the location and design of the Interpretative Center on the Westbay parcel off of University Drive indicating that it would scarcely encroach in to the view of the Back Bay. He explained that the structure would be located mostly underground to retain the natural look of the site. The roof would be covered with native grasses to fit in with the character of the site. The 10,000 square foot Interpretative Center would provide an expansive view of the bay; would be divided into non-public areas and public areas; approximately 3,600 square feet would consist of exhibit area; offices would be provided for the County Ranger and Fish and Game staff; public restrooms; exhibit preparation; and library.

In response to a question posed by Commissioner DiSano, Mr. Marr explained that the two towers would identify the Interpretation Center, and they would function as wind towers to provide circulation within the building.

In response to a question posed by Commissioner DiSano, Ms. Murray explained that according to the biologists the region is an area in Southern California that has the potential for native grasslands, and native grasslands are significant for habitat in the area.

Commissioner Glover addressed her concerns regarding water conservation and the need to irrigate the new native vegetation that would replace the existing vegetation. Ms. Murray explained that it would be necessary to irrigate the new vegetation for a year or two to establish the new vegetation.

Commissioner Pomeroy was cognizant that specific grasses have been introduced in Southern California that are not native, and the grasses tend to choke out the habitat for animals. The Fish and Game and Fish and Wildlife staffs are attempting to do their job to be certain that there is an environmental balance, and there are those individuals who use an Environmental Document to stop anything from occurring. An Interpretative Center is appropriate

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	<p>for the overall area of the Back Bay; however, what appears to have happened is an almost elitist use of the parcel and the public is being restricted. The environment has been used as a method to restrict the public, and he concluded that there is not an environmental balance in the EIR.</p> <p>Ms. Carla Brockman, 2700 Harbor View Drive, and a property owner on Mesa Drive, appeared before the Planning Commission. Ms. Brockman stated that when The Irvine Company gave the property to the County one of the precluded uses for the property was office space wherein she indicated that over 50 percent of the Interpretative Center would be used for office space. She questioned the need for over 5,000 square feet of office space. The EIR addresses Current Human Use, Alternative 6.5, to allow an Interpretative Center, and to provide the public with the use that currently exists; however, improvements would be made to the parks and trails that need to be developed to prevent further erosion. The County would not be liable for injury because there is no liability in the State of California for anyone that enters a property if it is for recreational purposes. Ms. Brockman addressed her concerns regarding the restrictions of the Westbay parcel. In response to a question posed by Chairman Edwards, Ms. Brockman replied that she does not oppose the Interpretative Center. Ms. Brockman stated that the land was deeded into two parcels whereby she pointed to the Eastbay and Westbay parcels on the display maps, and the EIR addresses three parcels. The passive uses dictated in the deed for the Westbay parcel were hiking, biking, equestrian, barbecuing, picnics, and nature study. Ms. Brockman referred to the enlarged photographs that she had taken of the Santa Ana Heights area and established equestrian trails, and she pointed to the Santa Ana Heights areas that provide for 400 horses. She further explained that 400 horses are housed on the County Fairgrounds. The equestrians currently use the Westbay parcel; however, the proposed plan would only allow the equestrians to use a one mile trail from the Delhi Channel to Jamboree Road, with dogs on leashes which would now be precluded on the Westbay parcel. She expressed her concerns that one trail would accommodate equestrians, dogs on leashes,</p>

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bicyclists, and pedestrians in a one mile area, and the removal of the existing vegetation. She suggested the "No Plan", Alternative 6.1, or "Current Human Usage", Alternative 6.5, which would allow the Interpretative Center and the equestrians in the Westbay parcel. Santa Ana Heights is in the City of Newport Beach Sphere of Influence, and the City's plan would allow a commercial stable overlay that would increase the number of horses in the area. Santa Ana Heights wants to be a unique part of the community that is respected, and the residents have a desire to use the area that they considered their neighborhood.

Commissioner Pomeroy commented that it appears an appropriate solution would be if the Commission does not approve the County proposal that the County would come back with another proposal rather than attempt to select an alternative that has not been given the same amount of time and diligence. Mr. Hewicker responded that the Commission makes all of their recommendations directly to the City Council.

In response to questions posed by Commissioner Ridgeway, Ms. Brockman replied that the residents are requesting equestrian use of the Westbay parcel which is encouraged and suggested in the deed of gift. He asked Ms. Brockman if she would oppose the park if there was a defined trail in the Westbay parcel whereby she said that she would not necessarily oppose the project, particularly if the trail would be located on the blufftop.

Mr. Jim Evans, 20372 Cypress, Santa Ana Heights, and a Mariners Mile businessman, appeared before the Planning Commission. Mr. Evans stated that he has been very involved with the project and he has been a member of the Citizens Advisory Committee. He indicated that there are many people who are not happy with the project and he concluded that the City is being "boon-doggled" by the County. He addressed his personal involvement regarding the Westbay parcel when he was employed by The Irvine Company. He stated that he did not agree with the County that equestrian and bicycle uses cannot be used because of a biological problem. Mr. Evans agreed that there is a biological and very sensitive area;

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however, equestrian use is not ruining it. If the bicycle trail is proposed to be paved then it should be reconsidered. He emphasized his desire that the proposal be studied carefully by the City.

In response to a question posed by Commissioner Pomeroy, Mr. Evans replied that the proposal is not a consensus of the people. He opposed the idea that the parcels are sensitive biological areas and that specific uses cannot be tolerated. He expressed his opposition to the 10,000 square foot Interpretative Center and the parking area. He suggested that an alternate Interpretative Center be considered, i.e. a vehicle that could be mobilized to the schools. He opposed the proposed \$6 million that it would cost for the proposal. He questioned the County's objective whereby he commented that it is the City's responsibility to protect the citizens and what is occurring on the parcels.

Commissioner DiSano and Mr. Evans discussed the feasibility of providing mixed-uses that are compatible with the parcels.

Commissioner Glover addressed the Alternatives listed in the EIR and she referred to the Current Level of Human Activities that includes the 10,000 square foot Interpretative Center, fountains, and multiple areas of cement and signage, and she concluded that it would become a modernized urban situation. She asked if there could be a balance between human activity and environmental concerns whereby she indicated that she opposes the idea of the park turning into a development project. She asked if there could be a current level of human activity and also meet environmental concerns. Mr. Evans explained his opinions why there needs to be moderation on both sides, and he suggested that riding and hiking trails could be properly designed as common use areas.

Ms. Kathy Mohs, teacher in the Newport-Mesa School District, appeared before the Planning Commission to emphatically express her support of the Upper Newport Bay Regional Park as it currently exists; that there is no need for an Interpretative Center;

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and the students tour the Upper Newport Bay frequently and there are parking spaces available for the school busses.

Ms. Martha Wetzel, 13742 Onkayha, Irvine, appeared before the Planning Commission. She said that she is the Chairman of the City of Irvine Riding and Hiking Trail Committee. The action by the City of Newport Beach regarding the Regional County Park will affect the County Riding and Hiking Trail System. The denial of equestrian access in the Westbay parcel and the failure of the County to provide an equestrian staging area in the Upper Newport Bay Regional Park are counter to the County's Master Plan of Riding and Hiking Trails, and would affect many more people than just the local equestrians. She said that it was apparent from the outset that the ultimate plan for the Westbay parcel to exclude equestrians and include a large Interpretative Center was determined before public input began. She addressed the staff report statement that *The purpose in limiting the amount of space devoted to trails is to maximize the area for native vegetation and wildlife habitat* and she asked how that would be achieved by constructing a 10,000 square foot Interpretative Center with towers and a parking lot. Ms. Wetzel indicated that she is not categorically opposed to an Interpretative Center but she is if it would be developed at the expense of the riding and hiking trails supported by existing documents: City of Newport Beach General Plan; City of Irvine General Plan; and the Orange County Master Plan of Riding and Hiking Trails. She addressed a statement in the report that *previous equestrian access to the parcels was unregulated* wherein she explained that it is so but it was not illegal. She recommended that the Commission consider Alternative "No Project" or "Alternative 5". The consensus of 80 plus people at an August, 1990, meeting which allowed for limited equestrian use on the Westbay parcel was never included in the minutes of the meeting.

Ms. Wetzel recommended the following mitigating measures: require the County to provide an equestrian staging area in or near Upper Newport Bay near the Delhi Channel as described in

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the Master Plan, and require the connecting link between Trails 44 and 45 be drawn on the map.

Chairman Edwards determined that the County is proposing preservation and restoration and at the same time introduce items that would be introducing further deterioration of the area and also too much structure without giving credence to some of the suggestions that have been presented to them. He said that what he is looking at is the manner in which to maintain the present state of the property with certain amounts of restoration, i.e. runoff and trash problems. He asked Ms. Wetzel if she could see a way to maintain the status quo and allow restoration of the area to a more pristine area and allow the continued mixed-use. Ms. Wetzel responded that there is an Alternative that allows equestrian use on existing trails at the blufftop and allows for an Interpretative Center at a more modest size.

In response to questions posed by Commissioner Glover, Ms. Wetzel replied that Alternative A is included in the June 6, 1990, document. Commissioner Glover commented that the foregoing Alternative indicates that a method of identification would allow markers on the ground if there would not be an Interpretative Center to designate the plants.

In response to a question posed by Commissioner Ridgeway, Ms. Wetzel explained that Interpretative Centers can be quite rustic, and she recommended that the facility could be built to a maximum of 5,000 square feet whereby she expressed her opposition to the subject site being used for office space or for private organizations.

Commissioner Merrill and Ms. Wetzel discussed the documents that included her comments. Chairman Edwards stated that Ms. Wetzel recommended an Alternative at the Citizens Advisory Committee that was the consensus of the Advisory Committee. It was her opinion that the comments would be considered an Alternative which would be included in the EIR; however, the comments were not included as an Alternative but were included

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as required in the California Environmental Quality Act (CEQA) and the comments were responded to as required under CEQA.

Mr. John Boertje, 2412 Azure, appeared before the Planning Commission to express his concerns that if the open field above the bird sanctuary is developed that there would be numerous restrictions. Mr. Boertje submitted photographs of the Westbay area depicting fenced off areas, and he presented the Commission with a framed photograph of the Back Bay as it presently exists. He emphatically expressed his comments that numerous people have enjoyed and used the undeveloped dirt trails that are located in a natural setting.

Mr. Frank Robinson, 1007 Nottingham Road, appeared before the Planning Commission on behalf of Friends of Newport Bay, who have participated in and support the County proposal. In response to aforementioned comments, Mr. Robinson referred to the staff report's map of existing trails in the Westbay area wherein he explained that as the areas are cut up to become smaller that the animals are being wiped out instead of being reduced. One purpose for the project is if the area would be consolidated that there would be a much better chance for restoration. The Friends of Newport Bay have guides who try to keep the public together and the proposed trails would prevent damage to the area. The Interpretative Center would provide services for a total system. Mr. Robinson stated that the deed restrictions from the Irvine Company states that the park shall be compatible with the reserve which puts everything in a much higher standard to protect the reserve, i.e. the horses are not permitted in the reserve even though they have been there for many years and dogs running loose are nothing but hunters.

Commissioner Pomeroy stated that it would appear that there are individuals who want the land to be an ecological reserve. However, it was his understanding that when it was dedicated that it would be a regional park, just not a part of the ecological reserve. It would appear that public access has been severely restricted from what everyone thought was going to happen. Mr.



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	<p>Robinson said that in 1975 when the reserve was created that there was very serious consideration for including the Westbay parcel at the time. He said that there are no restrictions on people inasmuch as the documents indicate that the public can enter the park when it is not open. He commented that when parcels are cut up into trails that it definitely affects the erosion. Commissioner Pomeroy suggested that one non-paved trail for bicycle use and one non-paved trail for equestrian use along the top of the bluff be considered. Mr. Robinson replied that if an equestrian trail would be included as a part of the County Trail System, it would not just open it up to the local people in Santa Ana Heights, but to people using horse trails throughout the County.</p> <p>Commissioner Glover stated that she was surprised that Mr. Robinson supports the amount of development that is proposed. Mr. Robinson replied that one of the services of the Interpretative Center would be to bring the people together, to keep them in groups, and to advise them of the unusual area. He stated that the Friends of Newport Bay currently conduct a similar program on the Back Bay Road. He indicated that he foresees a deterioration of the area under the present uses.</p> <p>In response to questions posed by Commissioner Ridgeway, Mr. Robinson replied that the guided tours conducted by the Friends of Newport Bay congregate on Back Bay Road in an open area. He said that the guided tours vary from between 200 to 500 people. Mr. Robinson expressed his support of the proposed Interpretative Center and he described how the facility would be used. Commissioner Ridgeway asked if Mr. Robinson had considered an off-site Interpretative Center and he referred to an adjacent building that would be available for use on University Drive. Mr. Robinson replied that he had not considered an off-site Interpretative Center and he did not know if an office building could be used. He commented that a certain ambiance would be created if the structure would be located on-site.</p>

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Chairman Edwards said that there is a structure in the Dunes park that the Park Ranger operates from, and public discussions are periodically held at the site regarding the Back Bay. He asked why there is a need for a duplication. Mr. Robinson replied that the structure is located on private property and the building is used because nothing else is available. In response to Chairman Edwards regarding Mr. Robinson's earlier comments regarding horse trails, Mr. Robinson explained that the horse trails would be opened up to the Trail System. He further explained that he has been informed that horses are not allowed in special areas because the pounding of horses over a period of time destroys root systems.

The public hearing was closed at this time.

Commissioner Pomeroy requested that staff provide information pertaining to the deed. Robin Flory, Assistant City Attorney, replied that it is a private deed between the County and The Irvine Company. As far as making an interpretation of what has occurred the City does not have the ability to enforce it, and the enforcement and the provisions are between the parties. Commissioner Pomeroy pointed out that the deed states that certain uses are going to be permitted on the site, i.e.: hiking, bicycling, running, horseback riding, picnicking, environmental sensitive habitat mitigation staging areas for bicycles and equestrians, and nature study.

Commissioner Ridgeway agreed that the documents do not include equestrian use and the deed indicates that equestrian use is a compatible use. He said that the Commission needs to know why the deed is not being respected. Mr. Hewicker said that there does not have to be an elaborate discussion of why an activity was eliminated, and there has been testimony as to why equestrian use was not considered. Chairman Edwards stated that the Commission is requesting a reasonable appraisal of what the deed means and as Mr. Hewicker indicated, the foregoing uses are permitted but they are not necessarily exclusive uses. Ms. Flory stated that the Commission can make its own interpretation of the deed. She said that the Commission makes a determination of the

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overall plan in connection with the EIR, and the deed can be considered, but as to enforcing the terms of the deed and making determinations from that point of view, the City would not do that.

Commissioner Glover stated that what has been presented to the Commission has not been reasonable, i.e.: the Commission is not in a position to consider \$6 million improvements on the piece of property when the citizens of the City want a more natural setting. She stated that it is a marvelous respite to drive by or to walk by the area because it is a natural environment. She said that her idea of an Interpretative Center would be four large posts with a covering, a structure that is natural and would fit in the setting, and where groups of people can begin tours. She does not consider an Interpretative Center to be gift shops, offices, etc. or a 500 car parking lot. She emphasized that the people should be able to use the regional park. The taxpayers would not understand spending \$6 million when the public is very cognizant of the economy of the State, County, and the City.

In response to a question posed by Commissioner Merrill, Mr. Fisher reappeared before the Planning Commission. Mr. Fisher explained that the \$6 million comes from a variety of sources: private donations, grants, State grants, and County funds. None of the money would come from the City of Newport Beach.

Commissioner Ridgeway requested that staff provide information with respect to how much land would be displaced if a defined equestrian trail would be created. He said that no where in the document is there a discussion about what land area is being displaced in the park.

Commissioner Pomeroy commented that the Interpretative Center is important to the overall 800 acre site. Revegetation, because there is deterioration, is important and if the grass that is there is damaging to the ecology, then revegetation should be considered. He said there is no way to convince him that equestrian use cannot be accommodated and bicycle use, and not be able to walk a dog on a leash and not have it in conflict. The balance has gone

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in the direction of individuals who believe that it should be an ecological area and not a regional park that can be used by the public. He said that he would not support what has been presented.

Commissioner DiSano supported Commissioner Pomeroy's foregoing comments regarding the Interpretative Center and the revegetation.

Motion was made and voted on to continue the General Plan Amendment No. 92-3(E), Local Coastal Program Amendment No. 31, Amendment No. 779, and Use Permit No. 3488 to the May 6, 1993, Planning Commission meeting. MOTION CARRIED.

\* \* \*

ADJOURNMENT: 11:45 p.m.

Adjourn

\* \* \*

HARRY MERRILL, SECRETARY  
 CITY OF NEWPORT BEACH PLANNING COMMISSION

COMMISSIONERS

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	<p><u>A. General Plan Amendment 92-3 (E) (Continued Public Hearing)</u></p> <p>Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail through the Westbay parcel; and the acceptance of an environmental document.</p> <p style="text-align: center;">AND</p> <p><u>B. Local Coastal Program Amendment No. 31 (Continued Public Hearing)</u></p> <p>Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.</p> <p>INITIATED BY: The City of Newport Beach</p> <p>LOCATION: The Westbay parcel, located at 2200 Irvine Avenue, southeasterly of the intersection of Irvine Avenue and University Drive.</p> <p style="text-align: center;">AND</p> <p><u>C. Amendment No. 779 (Continued Public Hearing)</u></p> <p>Request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the "U" (Unclassified), R-3-B and R-4-B-2 Districts to the P-C (Planned Community) District.</p> <p>LOCATION: The portions of the Upper Newport Bay Regional Park between the Santa Ana-Delhi Channel in Santa Ana Heights and Jamboree</p>

Item No.3  
GPA 92-3E  
(Res 1329)  
  
LCP 31  
(Res 1330)  
  
A779  
(Res 1331)  
  
EIR  
(Res 1328)  
  
Approved

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ZONES: Road (201 Bayview Way); and between Eastbluff Drive and the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon (1900 Back Bay Drive). R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

AND

D. Use Permit No. 3488 (Continued Public Hearing)

Request to approve a General Development Plan and Resource Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.

LOCATION: Upper Newport Bay Regional Park surrounds the northern portion of Upper Newport Bay in three separate parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon on the east (2200 Irvine Avenue, 201 Bayview Way and 1900 Back Bay Drive).

ZONES: P-C, R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

Commissioner Gifford stated that inasmuch as she was absent from the April 22, 1993, Planning Commission meeting, that she listened to the audio tape of the proceedings.

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James Hewicker, Planning Director, stated that subsequent to the April 22, 1993, Planning Commission meeting, the City Attorney's Office has advised that the City's ability to govern the development of the Park, in terms of the zoning and general plan, is very limited. The Park is by and large owned by the County, and the County has the authority to plan, develop, and manage a County Park on the subject site. However, the City maintains Local Coastal Program responsibility over the site and the City and the County jointly share control, location and use of several easements on and across the site, and the City alone owns 6 acres of fee land in the middle of the site. The pedestrian and bicycle easements run the length of the site on the bay side of the property. The two easements that cross the site and connect with Irvine Avenue are located between Santa Isabel Avenue and 23rd Street, and between Monte Vista and Santa Isabel Avenue. The six acres that are owned by the City are located south of Monte Vista. It is desirable that the County and the City concur on the size of the Interpretative Center and the location and use of the cross-easements which are to be relocated and the use of the Park land currently owned by the City. It is not the role of the City to micro-manage the use of the Park facilities. The County is presenting their plan to seek a final recommendation by the City Council.

The basic issues as the staff perceives them are: (1) Should the existing bicycle trail on the east side of the Park be split with a pedestrian trail only on the top of the bluff and a bicycle pedestrian trail along Irvine Avenue. (2) Should the two bicycle/pedestrian easements that cross the site be combined into a single easement parallel to University Drive or should there be two easements: one parallel to University Drive and one parallel to the flood control channel which could be connected to a closed loop around the Park. (3) Should the Interpretative Center be increased in size from 8,000 square feet to 10,000 square feet.

Commissioner Pomeroy referred to the Environmental Impact Report (EIR) wherein it states that the EIR provides sufficient information for the public and decision makers to construct an

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array of alternatives even beyond those included in the project alternative section of the document. He indicated that it would appear that any combination of elements within the Park that are in the best interests of the public are appropriate for the Planning Commission to consider. John Douglas, Principal Planner, stated that CEQA does not require that alternatives be precisely defined in an EIR to be approved or selected. Alternatives are presented in order to provide a variety for a range of reasonable choices or alternatives, with the purpose of finding a project that can avoid or minimize environmental damage through a change in the project or a change of location. It is not necessary that the alternative in the EIR describe exactly the project that is being approved.

Commissioner Glover recommended that the "Planned Community" zoning designation for the Park property be redesignated to "Open Space". Mr. Hewicker stated that in order for the Commission to redesignate the park property it would be necessary that the public hearing be readvertised. Mr. Hewicker explained that if it would be the desire of the Commission to ultimately see the park property in the "Open Space" zone that once the language of the Zoning District is made to satisfy all of the parties concerned, that it would be feasible to rezone the property from "Planned Community" to "Open Space". The General Plan currently designates the property as "Open Space and Recreational Use", and the only area within the General Plan that would need to be changed is the language pertaining to the size of the Interpretative Center. The General Plan would allow an Interpretative Center not to exceed 8,000 square feet, and if the Commission approved a Center larger than that, then the General Plan and the LCP could be amended so that the General Plan and the LCP are consistent with the plan.

The public hearing continued at this time.

Bob Fisher, Director of County Harbors, Beaches and Parks, appeared before the Planning Commission. Mr. Fisher stated that subsequent to the April 22, 1993, Commission meeting that County



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staff met with individuals regarding their desirability of an equestrian trail on the Westbay parcel, and also that the County would consider their environmental concerns. He presented the County's amended proposal to accommodate the public's concerns as follows.

Mr. Fisher referred to the exhibit area, and he described the area within the Westbay parcel that would provide the equestrian and pedestrian trail. The trail would terminate at the highest point along Irvine Avenue where there is the greatest vista point and a logical turn-around area. Below the vista point is a drainage channel (Santa Isabel Channel) which creates a barrier for trail use; therefore, it would be difficult to bring the equestrian trail further south and it introduces more opportunities for erosion and animal waste would be carried into the drainage channel and into the bay. Since continuation of the trail south of the vista point should not provide a greater equestrian experience it would appear to be a logical terminus. Mr. Fisher stated that the County along with other cities has tried to complete a trail system that would extend up San Diego Creek, to Peters Creek, through Irvine, Tustin, Orange and into Irvine Regional Park. A second connection would be up San Diego Creek in Irvine, through Mason Regional Park, Bommer and Shady Canyons, and to the County's Laguna Coast Wilderness Park.

Mr. Fisher addressed the Interpretative Center. He said that it is incorrect that 50 percent of the Center would be allocated for office space inasmuch as 10 percent would be devoted for office use and the balance is for exhibits, meeting rooms, research, and supplies area. The estimated cost of \$1.8 million for the Center includes the parking area and the entry structure. A \$1 million donation has been made for the construction of the Center. The parking plan provides parking for 100 automobiles. The Center and the parking lot would displace approximately 1 acre of the entire property or .6 percent of the park and .01 percent of the Upper Bay complex that the Center is intended to serve. Of the footprint, 10,000 square feet of the Center will be partially subterranean with a natural soil and vegetative cover. Slides were

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then shown to the Commission displaying the concept for the proposed Center that is based on the Anza Borrego State Park Interpretative Center.

The total cost of the park is estimated at \$6.2 million, including the \$1.8 million Interpretative Center, trails at \$350,000., repair and control of erosion at \$600,000., revegetation and irrigation needed to establish the plant material at \$2.5 million. Long term maintenance will be paid for by funds from the residents of the Harbors, Beaches, and Parks Service area and from tideland revenues from the Newport Dunes.

In response to a question posed by Commissioner Pomeroy regarding dogs on leashes, Mr. Fisher explained that the plan for the park provides for dogs on leashes except for the pedestrian trails. Commissioner Pomeroy concluded that dogs would not be allowed on the blufftop trail but they would be allowed on the equestrian portion of the Westbay area.

Commissioner Glover commented that Interpretative Centers normally represent thousands of acres wherein she pointed out that the Anza Borrega Interpretative Center is 7,000 square feet. In response to a question posed by Commissioner Glover regarding the equestrian/pedestrian trail, Mr. Fisher explained that pedestrians would be allowed to use the bicycle trail in addition to the equestrian trail.

Commissioner Gifford asked if the County discussed the expansion of the equestrian trails and the concerns regarding ecology with representatives of the City's Parks and Recreation Department subsequent to the April 22, 1993, Planning Commission meeting. Mr. Fisher responded to the negative. Commissioner Gifford asked if the equestrian trails that lead to Peters Canyon and Laguna Wilderness are a shared trail system or exclusive equestrian. Mr. Fisher explained that the trails consists of bicycle trails, and equestrian/pedestrian trails. In response to a question posed by Commissioner Gifford with respect to the parking plan, Mr. Fisher explained that parking would be provided on University

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Drive outside of the park, and 100 automobiles would be parked on-site.

In response to a question posed by Commissioner Ridgeway, Mr. Fisher explained that the 100 parking spaces would be for employees and visitors to the Park.

Chairman Edwards asked if in the attempt to preserve and support the ecology of the Back Bay area, did the County take into consideration the affect that the airplanes may have on the horses, people, and the floor of the fauna of the area. Mr. Fisher explained that although staff may not have made a specific correlation of the factors, certainly that would be a part of the existing environment. In response to a question posed by Chairman Edwards, Commissioner Pomeroy stated that Borrego Springs consists of 600,000 acres. Chairman Edwards addressed the proposed size of the Interpretative Center and the size of the regional park. Mr. Fisher explained that the park is 140 acres, and the ecological reserve and the park combined are approximately 850 acres. The intent is that the regional park would work with the ecological reserve and the Center will accommodate the Fish and Game and the County Park Ranger staffs to interpret and manage the entire area. Chairman Edwards stated that given that the County has utilization of a building in the active part of the Bay which is in excess of 1,000 square feet and the County is proposing to construct an at least 8,000 square foot Center for approximately 800 acres, it would appear that the Center would be disproportionate when considering Borrego Springs. Mr. Fisher explained that the proposed Center would accommodate many more visitors than the Borrego Springs facility. Orange County school children will be visiting the Center on a regular basis in the midst of a very large populated area. The function of the Center would be to try to provide some degree of control and direction of how the site is used. If there would be a gateway for visitors to the area there would be an opportunity to educate them to understand what they are visiting. Commissioner Merrill concurred that there would be a vast difference between the Borrego Springs facility from the proposed Center.

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In response to a question posed by Commissioner DiSano, Mr. Fisher explained that the requested increase in size of the Interpretative Center from 8,000 square feet to 10,000 square feet would accommodate the projected functions of the Center.

Mr. Hewicker requested that Mr. Fisher comment on the proposed long "U" circulation pattern as opposed to the closed loop. Mr. Fisher stated that the pedestrian trail extends around the bay to a point where it terminates rather than connects to another trail except for a minor connection, and one that would not be encouraged on Constellation Drive. Staff considered the possibility of making a connection between the bicycle and equestrian trails near Irvine Avenue to the pedestrian trail on the bluff top thinking that individuals may want to take the loop; however, when staff considered the public's experience of being close to the bay and away from automobiles why would they choose to make a connection to where it would be impacted with automobile noise and bicycles. Mr. Hewicker addressed the existing road used by the Flood Control District to clean and maintain the Flood Control channel, and if people use the road and it is not shown on the plan then it would appear the people would be trespassing. Mr. Fisher commented that the County would discourage the use of the connection between the bicycle trail to the pedestrian trail because the primary users would be mountain bikers.

Commissioner Pomeroy described an area at the end of the trail above the marshy area adjacent to Constellation Drive that has an established path and has a spectacular view of the bay. Mr. Fisher stated that it is feasible that the area has a high biological value and that may be the reason why the foregoing trail was not perpetuated. Commissioner Pomeroy stated that the path creates a natural loop at the end of the trail. Mr. Fisher explained that the area consists of habitat values that are significant: vernal pools, and gnatcatchers, etc. Chairman Edwards and Commissioner Pomeroy discussed the issue of standing water in the area; however, Commissioner Pomeroy stated that the area provides a natural loop and the path is the closest to the bay because it is

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close to the bluffs. Mr. Douglas stated that a portion of the trail is within the ecological reserve and the County may not have the authority to establish a trail at the foregoing site.

Commissioner Ridgeway addressed the Back Bay Drive. Mr. Fisher explained that the County originally proposed that Back Bay Drive be integrated into the park and that the road be given more of a recreational and pedestrian character than it currently has with automobiles, bicycles, pedestrians, etc. and the County would maintain the road. In response to questions posed by Commissioner Ridgeway, Don Webb, City Engineer, explained that Back Bay Drive is a one-way road, and is open 24 hours a day. Mr. Webb explained that the City Council has considered several proposals and to date the Council has not recommended a closure. The Commission currently has no function regarding Back Bay Drive. Commissioner Ridgeway commented that there is an inherent conflict between the regional park and Back Bay Drive wherein Mr. Webb disagreed.

Chairman Edwards referred to the letters that were submitted to the Commission prior to the public hearing.

Mr. Craig Bluell, 2282 Waterman Way, Costa Mesa, appeared before the Planning Commission. He referred to his letter expressing his concern regarding the continued secured future use of the public resource, and that access to the park be of utmost importance to the facility. He did not object to the development with the exception that the loop trail system be maintained. He said that the loop trail system would provide a different experience, i.e. a different path and a different opportunity for the individuals. In reference to the trail previously addressed by Commissioner Pomeroy at Constellation Drive, Mr. Bluell stated that inasmuch as the subject project is a coordinated effort that the County could work out an agreement with State Fish and Game to use the trail, and particularly since there is a significant elevation difference between the bay and the location of the trail. There is not only a vertical separation but there is also a horizontal separation. It was explained to Mr. Bluell by the Fish

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and Game Department that if the trail is so significant that it could be considered for use by the public. There are numerous signs posted along the area of the Upper Bay that allows hiking and running in the established trails in the park area. He addressed the importance of preserving the lower trails to protect the habitat. The decomposed granite surface that will be used for the proposed trails will be excellent for jogging.

In response to a question posed by Commissioner Gifford, Mr. Bluell indicated that he could not foresee a problem on the proposed shared trails.

Commissioner Pomeroy stated that the regional parks have a combined access of hiking, jogging, dirt biking, and equestrian use, wherein he indicated that it was his experience that the uses co-habitat in harmony.

Assistant City Attorney Flory explained that to the extent that the trails are not connected or coordinated with the City owned easements and trails, the Commission has minimal jurisdiction over the trails: their use, where they are going to go, and what they are going to be used for. The concept of inner-governmental immunities affects the ability of the City or the Commission to make the land use decisions as detailed as they might be in other situations. Chairman Edwards concluded that the Commission can consider general macro-recommendations with regard to land use. Mr. Hewicker addressed the three easements controlled by the City and County wherein he indicated that the County is proposing to take two cross-easements that are relocatable and put them in one location adjacent to University Drive and not provide a second crossing further south. He asked if it is a good idea to have one connection at the top of the park parallel to University Drive or should there be two connections as they currently exist; therefore, creating a loop.

Mr. Wayne Koluvek, 610 Tustin Avenue, appeared before the Planning Commission. He stated that the bay does not exist as it once did wherein he explained that the impact usage has an affect

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on the habitat, and if the trails would be limited there would be a reduction in impact. He cited reasons why the restoration of the bay would protect the native vegetation and habitat. The 10,000 square foot Interpretative Center is needed for the volunteers inasmuch as the existing facility is too small. Mr. Koluvek submitted letters to the Commission.

Mr. Mike Murphy, appeared before the Planning Commission to express his support of the Upper Newport Bay as it exists. He suggested that the County consider leasing space in a structure that exists adjacent to the subject site instead of constructing an Interpretative Center and parking lot. The proposed Center would increase the number of people visiting the area. Commissioner Ridgeway supported Mr. Murphy's idea of utilizing adjoining structures for an Interpretative Center; however, he said that after he researched the idea he discovered that the idea was not feasible.

In response to comments posed by Commissioner DiSano, Mr. Murphy explained that it was his opinion that the Upper Newport Bay Regional Park is safe.

Mr. Jim Cokas, 3438 Irvine Avenue, appeared before the Planning Commission to support the County's plan for the management of the park, and the Interpretative Center. He expressed his concern regarding the exodus of the wildlife in the area. The housing developments have cut off their transit routes and more people are using the bay for recreational purposes in an unregulated fashion.

Ms. Marilee Terrell, 1725 Port Charles Place, appeared before the Planning Commission to oppose the proposed project and to express her desire to preserve the environment. She addressed the expense of the project and the entrance fees that would be charged to the public to use the park. She expressed her concern that the development of the Interpretative Center would drive away the wildlife in the area. Ms. Terrell questioned why dogs on a leash would be restricted in the area.

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The Commission recessed at 9:07 p.m. and reconvened at 9:17 p.m.

Ms. Patty Huber, representing the Orange County Department of Education and Board of Education, appeared before the Planning Commission to state that the Interpretative Center and the regional park would be an educational benefit for students of all ages in Southern California. Commissioner Glover asked Ms. Huber if the Interpretative Center would be an opportunity to use the facility as a natural museum. Ms. Huber concurred wherein she explained that the Upper Newport Bay is unique not just biologically but historically and the Center would incorporate natural history.

Mr. Hewicker explained that the 8,000 square foot facility was approved in the Amendment to the General Plan in 1988.

Ms. Denise Sullivan, 34 Baycrest Court, appeared before the Planning Commission. She submitted a petition with over 350 signatures requesting that the Commission continue the request of the Upper Newport Bay Regional Park to June 10, 1993, so the option can be clarified and so the Commission can make a well-informed decision. The Upper Newport Bay Ecological Reserve adjacent to the park is a very sensitive and important area. The Upper Newport Bay Regional Park surrounds and should honor the ecological reserve but the current recommended plan is not acceptable. They requested additional time so as to make the best possible recommendation to the Newport Beach City Council. She acknowledged the County's revised proposed project and the residents' concerns regarding the equestrian and bicycle trails. The biggest impact and one of great concern is the enlargement of the Interpretative Center and the parking area. In response to a question posed by Commissioner Ridgeway, Ms. Sullivan replied that her primary concern is the Center and the parking area.

Ms. Donna McMeikan, 20422 Bayview Avenue, appeared before the Planning Commission to express her concerns regarding the "Planned Community" zoning. She indicated that many people



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would feel more comfortable with an "Open Space" zoning designation inasmuch as it would not leave any options open.

Ms. Penny Pilgrim, 3436 Irvine Avenue, appeared before the Planning Commission to support the proposed County plan and the 10,000 square foot Interpretative Center. She stated that she questions the importance of the recreational needs when it is at the expense of the wildlife. The existing facilities are not adequate for the number of tours that are currently being provided.

Mr. Frank Robinson, 1007 Nottingham Road, appeared before the Planning Commission. The 8,000 square foot Interpretative Center was originally suggested without any study for the project, and the 10,000 square feet came into existence after the architect was hired and worked out the design of the needs. The purpose of the minimized trails is to consolidate as broad and as large an area as possible to do the maximum amount of restoration for the wildlife system, and that is much easier in large areas than in small spaces.

Mr. Gus Chabre, 1130 East Balboa Boulevard, appeared before the Planning Commission, and he expressed his support of the 10,000 square foot Interpretative Center. He is a volunteer with the Upper Newport Bay Reserve group, and as a group they are volunteering over 9,000 hours of time or nearly double from when the group started a few years ago. There is a great need to expose the park to the public inasmuch as it will have an influence on the children who are not exposed to the great resources.

Mr. Dean Cheley, 15201 Brighton Street, Westminster, appeared before the Planning Commission as a high school student and one of the naturalists in the program. He stated that the regional park allows the students to have a hands-on experience, and he expressed his support of the 10,000 square foot Interpretative Center if it would provide the students with more information. In response to a question posed by Commissioner Glover, Mr. Cheley stated that he is a volunteer naturalist with the program and he works closely with the rangers.

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Mr. Frank Selby, 307 Catalina, appeared before the Planning Commission as a volunteer naturalist at the regional park on a daily basis. He expressed his objections of the equestrian trails and riders. In response to a question posed by Chairman Edwards, Mr. Selby explained that the 10,000 square foot Interpretative Center is a compromise and the existing facility is inadequate.

Ms. Shirley Green, 10211 Cliff Drive, Huntington Beach, appeared before the Planning Commission as the tour guide coordinator for the regional park, and coordinates the tours for the school children. She has scheduled 145 school tours during the past 18 months and the average size of the tour is approximately 60 children. Ms. Green explained the experiences that the school children are provided when they visit the park and the benefits they would have from an Interpretative Center.

Mr. Bill Anderson, 2089 Orange Avenue, Costa Mesa, appeared before the Planning Commission. He addressed his concerns regarding the proposal to restrict dog owners with their dogs whereby he commented that the back bay belongs to dog owners and dogs as much as they do to other users.

Mr. John Scholl, Wildlife Naturalist with the Department of Fish and Game, assigned to the Upper Newport Bay Ecological Reserve. For the past four years the County of Orange and the Fish and Game Department have worked together to develop an outdoor education program, and a volunteer program with the idea that as the number of school children are increased it is necessary to have an educational center for supplies and it would provide an opportunity to meet program needs and schedules. He emphasized the importance of the Upper Newport Bay Estuary wherein he indicated that it is the largest estuary in Southern California.

In response to a question posed by Commissioner Pomeroy, Mr. Scholl stated that the trail at Constellation Drive previously addressed by Commissioner Pomeroy is currently not a designated

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trail and restoration work needs to be done in the area. There is an ongoing problem with people letting dogs off leash into habitat that is critical and needs to be protected. A portion of the area is in the ecological reserve and a wildlife biologist would have to determine what impact the trail would have.

Commissioner DiSano addressed the dirt road above the Santa Isabella channel and the fence and gate that currently exist wherein he asked if a path could be connected from the pedestrian path to the equestrian path.

Commissioner Ridgeway stated that it was his impression that the public is not allowed in the ecological reserve. Mr. Scholl stated that there is an opportunity for guided tours within close proximity into a part of the ecological reserve; however, the Department is protective of the reserve because of the habitat that exists there. Mr. Scholl stated that there are no designated trails entering the ecological reserve with the exception of Back Bay Drive that runs along the edge of the estuary system. Mr. Scholl, Commissioner Ridgeway and Mr. Webb discussed how the estuary will be maintained in consideration of the watershed that is above it, i.e.: the silting and the ongoing cooperative effort between governmental agencies. Commissioner Ridgeway concluded that if something is not done then the estuary becomes landfill and then what good is the park.

Commissioner Pomeroy concluded there is an established trail at bay level in Westbay that is below the bluff and there is access from the wood bridge. The trail travels below the bluff with the exception of 100 yards. He stated that approximately 90 percent of the bluff is covered with natural vegetation without massive erosion. Mr. Scholl explained that as there is more volunteer power there will be designated trails as a part of the ecological reserve to add to the County trails. Commissioner Pomeroy stated that portions of the trail could be opened up without damage to the ecology. In response to a question posed by Commissioner Ridgeway, Mr. Scholl explained that the County is not currently

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developing a trail at the bay's edge with the Fish and Game Department.

Ms. Frances Gioia, 392 Sunrise Circle, Costa Mesa, appeared before the Planning Commission. She said that the Interpretative Center would be impractical for the public that is using Back Bay Drive. She pointed out that tours are currently being conducted on Eastbluff Drive and the proposal would shift the traffic to the Westbay area. In reference to the trail at the bottom of the bluff proposed by Commissioner Pomeroy, she explained that the trail is the quietest area on the Westbay parcel for the public to use.

Mr. Jeff Hamilton, 20102 Cypress Street, appeared before the Planning Commission. He described his experiences as a National Park Service Ranger in sensitive environmental areas and he indicated that the parks did not have Interpretative Centers because it was not the philosophy of the park service. He stated that the students need hands-on experiences in the field and not an indoor Interpretative Center.

Mr. Jim Dixon, 2115 Indian Springs Lane, appeared before the Planning Commission. He indicated that access to the park has been limited to University Avenue with minor access off of Constellation Drive. The public has been provided access to the park by walking directly across Irvine Avenue to the park and it would be inconvenient to be forced to go to University Avenue.

Ms. Martha Wetzel, 13742 Onkyha, Irvine, appeared before the Planning Commission. She commended the County for recognizing the public's concern requesting an equestrian trail on Westbay parcel. The trail satisfies the Orange County Master Plan of Riding and Hiking Trail goals which calls for establishment of new trails as logical extensions of existing trails, especially where local demand is high. She requested a verification from the County that the extension would be shown as Trail No. 44 in both the text and graphics of the Orange County Master Plan of Riding and Hiking Trails.

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The public hearing was closed at this time.

Commissioner Pomeroy asked if there would be time restrictions for use of the bluff top trail. Mr. Fisher reappeared before the Planning Commission to explain that the park hours have been established from 7:00 a.m. to sunset; however, there will be people that will access the park before and after the designated hours. The County does not want to encourage the public to come to the park at any hour for safety purposes. Commissioner Pomeroy suggested that the hours be amended from sunrise to sunset. Mr. Fisher explained that the hours of operation are intended to define when the park will be staffed and when the facilities will be available, and there is no definition of open but unstaffed. Commissioner Pomeroy asked if dogs on leashes will have use of the bluff top trail. Mr. Fisher responded that it would not be under the County's proposal; however, the dogs would have use of the equestrian trail on the Westbay parcel. Commissioner Pomeroy asked if the County considered access to the lower bay area in cooperation with the Department of Fish and Wildlife. Mr. Fisher explained that the issue was asked of the County's biologist and the Fish and Game Department has concluded that access should not be provided to the public.

Commissioner Glover asked why there is not a walking entrance from Irvine Avenue to the regional park. Mr. Fisher explained that the County was strongly advised on the issue by the County Traffic Engineer and it is an understanding that the City Traffic Engineer concurs with that decision. The access would encourage people to dangerously run across the street and the County would be establishing a liability.

Commissioner Ridgeway asked why the County has not taken an active role in developing a trail along the bay. Mr. Fisher explained that the biological consultants and the Fish and Game Department have indicated that there would be a problem for wildlife. In response to a question posed by Commissioner Ridgeway, Mr. Fisher stated that the proposed bicycle trail along Irvine Avenue has not been designed; however, the existing bicycle

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trail is immediately adjacent to the curb and gutter of Irvine Avenue and the preliminary design moves the trail inward from the present area. Commissioner Ridgeway and Mr. Fisher discussed Commissioner Ridgeway's concerns that pedestrians would not have access to a trail adjacent to Irvine Avenue whereby Mr. Fisher indicated that the pedestrians would have access to the bicycle trail in the park although there would not be a posted sign indicating that the park is open. Mr. Fisher stated that if there would be a problem concerning the pedestrians then the County could modify the park opening ordinance to provide for a trail. Mr. Hewicker explained that the property line between the edge of Irvine Avenue and the park is 10 feet inside the face of curb, and that the bikeway and pedestrian trail will meander between back of curb and the inside edge of the park as it goes along Irvine Avenue. Once the new trail is established then the asphalt bicycle trail along Irvine Avenue will be removed. Commissioner Ridgeway stated that he wanted to encourage a meandering trail; however, he is requesting that the trail be open to the public 24 hours a day. Mr. Hewicker stated that if a bicyclist or pedestrian are not able to use the new trail that parallels Irvine Avenue, then the users would be forced to use the westside of Irvine Avenue.

Commissioner Merrill asked if it is the intention of the County to include displays, replications, and audio visual items that will be presented to the students in the Interpretative Center. Mr. Fisher stated that the displays will depict everything that occurs in the ecological reserve.

In response to a question posed by Commissioner Ridgeway, Ms. Nancy Bruland, park ranger assigned to Upper Newport Bay Regional Park, appeared before the Planning Commission. Ms. Bruland stated that over 12,000 people participated in the interpretative programs in 1992; however, there is no record of the number of people that enter through the Westbluff parcel, the Santa Ana Heights parcel, or the Eastbay parcel. She estimated that an average of 1,800 walk-ins enter the park on a monthly basis. The 12,000 people does not include the Orange County Department of Education, the City of Anaheim, or the colleges.

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In response to a question posed by Commissioner Glover, Ms. Bruland explained that the program commences at Shellmaker Island where her office is located. The individuals involved with canoes, kayaking, or marine functions would take place off of Shellmaker Island; however, walking tours would commence the majority of the time from the Interpretative Center.

Mr. Webb said that the County Traffic Engineer made a recommendation that no perpendicular connections be made because there could potentially be liability if a connection lined up with the street and a pedestrian was injured crossing the street because there are no controls at the intersections. In reference to the City's records, Mr. Webb stated that there is no record that of a pedestrian accident from the surrounding streets to the park. He questioned the lack of perpendicular access into the park at least in one or two different places. The City has a six acre parcel at Monte Vista Avenue that could be considered for perpendicular access, and would be in the middle of the park. Commissioner Ridgeway pointed out that there would be a two foot wall at the parameter of the park and it could be difficult for certain individuals to climb over a two foot wall. Mr. Webb stated that those concerns are design details that will be considered by the City.

Commissioner Ridgeway referred to page 82, of the EIR, stating that the current condition of Back Bay Drive does not conform to safety standards and has potential liability problems....and he indicated that mitigation measures are recommended in the EIR concerning the safety issues. He stated that it would be irresponsible of the Commission not to make a recommendation concerning the Back Bay Road. Commissioner Ridgeway made a recommendation that there be a good faith attempt between the County and the City to work out an agreement regarding safety concerns and access on Back Bay Drive.

Commissioner Pomeroy addressed the High Intensity Alternative in the EIR, page 116, wherein it states that it is the opinion of the City of Newport Beach that the alternative may be superior to the

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project because it affords the same human activity in the park that currently exists. Mr. Douglas responded that it is the official staff position to make no staff recommendation. Mr. Fisher stated that the consultants that prepared the EIR sought an opinion from staff regarding the issue and received that response to their question; however, staff has now formulated a position at a later date as a result of subsequent meetings.

Commissioner Pomeroy concluded that there is a conflict between active and passive use and he questioned if that issue could be resolved to the satisfaction of everyone. He suggested that the Commission should accommodate to the highest degree possible the preservation of open space and active use of the open space. He commended the County for returning to the Commission with an equestrian trail in the Westbay, and he supported the City's concern about not having loop trails in the area. He would not support the recommended plan without having loop trails that make access more convenient, i.e. a method of connecting the bicycle and equestrian hiking trail with the bluff top trail at the southern end of the park otherwise the public will find a method to enter the preserved area. He emphasized that there is no reason why dogs cannot be on leashes on the bluff top trail. He suggested that the County explore with the Department of Fish and Game access to the lower bay providing it can be facilitated without damaging the environment. He would not support hours of operation from 7:00 a.m. to 7:00 p.m. if they would be posted in that manner; however, he would support sunrise to sunset. He supported the 10,000 square foot Interpretative Center inasmuch as it would be planning for the future and it is important to the entire 880 acre parcel.

Commissioner Glover acknowledged the County's revisions to the project based on the concerns expressed during the April 22, 1993, Planning Commission public hearing, and the County's recommendation of the Westbay equestrian trail. She indicated she was opposed to an Interpretative Center, including the approved 8,000 square foot Center. Primary concerns would be



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that the Center would include retail and office uses. The proposed park is more of an urban park and, in the future years, will the Center continue to grow so it can be larger. Will the Coastal Commission require more than 100 parking spaces. Based on the number of people currently visiting the park, the traffic will be moved from Jamboree Road to Irvine Avenue. She stated that the facility will require employees, and unless the State of California, County of Orange, and City of Newport Beach say "no", problems will continue and the children will have many problems. The classrooms are bulging over and it is difficult to educate the children in the confines of a classroom wherein she indicated that she has fiscal concerns.

Commissioner Ridgeway commented that he considered the EIR inadequate and he stated that the following were not addressed in the document: the watershed that flows into the Upper Bay Ecological Reserve; he was not certain of the flights or expansion of the airport; fuel coming into the plant life; the document addressed flora and fauna in areas that were not in the park and animal life at the University of Irvine. He requested that the Back Bay Drive conflict be worked out. Inasmuch as the City of Newport Beach owns six acres, and the park is in the Sphere of Influence, the Commission has a function to make recommendations to the City Council. He concurred with statements made by others that the regional park is deteriorating; he supports the loop trail, the equestrian trail, dogs on leashes on trails, replanting, the zoning should ultimately be amended to Open Space, and support a trail along the bay on the Westbay parcel to the extent that it does not upset the habitat. Commissioner Ridgeway stated that there is no adequate populating using the park to support a 10,000 square foot Interpretative Center, and an 8,000 square foot structure would be adequate. If the same parking ratio would be used then the parking lot would correspondingly be reduced to 80 automobiles, and it would reduce the land area by about 10,000 square feet. He suggested that the parking lot consist of landscape islands with the native vegetation.

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Commissioner Gifford commended the County for addressing the concerns of the people. She suggested that the Commission not attempt to micro-manage the regional park. There may be a great deal of degradation in the environment and it may be necessary to back off to permit restoration and allow the habitat to be restored; however, the area could open to the public more as appropriate. She would not support the issues of where the dogs should be allowed on leashes, or exactly what the posted hours should be. She supported the Interpretative Center based on the amount of education would be provided about the bay and the contribution it would make to the future preservation of the area. The public's usage figures should determine the size of the Center so as to adequately serve the area. The office use would be limited and the remaining area would be effectively used for the volunteers and for educational purposes. She supported the basic plan; however, she would not support the recommendations that tread into the area of micro-management. Commissioner Ridgeway and Commissioner Gifford discussed the issue of the Commission making recommendations of micro-management.

Motion \* \*

Commissioner Pomeroy concurred that the Commission should not micro-manage. Motion was made to recommend to City Council Environmental Impact Report No. 525 (Resolution No. 1328), General Plan Amendment No. 92-3(E) (Resolution No. 1329), Local Coastal Program Amendment No. 31 (Resolution No. 1330), Amendment No. 779 (Resolution No. 1331), and Use Permit No. 3488 subject to the findings and conditions in Exhibit "A", subject to the following modifications: that a provision be made for loop trails to provide access from Irvine Avenue trails to the bluff top trail; that dogs on leashes be allowed on the bluff top trail; and that the County be encouraged to work with the Fish and Game Department to provide access from the regional park to the lower bay.

In response to a question posed by Commissioner Pomeroy, Mr. Hewicker confirmed that the equestrian trail on the Westbay parcel would be included in the foregoing County proposal.

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Commissioner Ridgeway requested an amendment to the motion that would include a mutual agreement between the City and the County on Back Bay Road. Mr. Hewicker explained that the concern is an on-going issue that is being considered between the County and the City. Commissioner Ridgeway stated that the City Council will be charged with certifying the EIR, and the EIR states that a permit cannot be issued without working out the agreement.

Ms. Flory explained that the City is a responsible agency and does not approve the EIR in final form. The Commission is making a determination on the zoning considerations, and the issues of trails and how they would be used can be made as a recommendation but cannot be made as a condition of approval. The EIR is not an approval of the project, it is looking at alternatives and making recommendations of the alternatives in the EIR. Chairman Edwards clarified that the Commission is not the decision making body with regards to the EIR, that is a County purview. Mr. Douglas explained that the EIR contains a mitigation measure regarding Back Bay Drive, and following a discussion with the County, Mr. Fisher recommended that the mitigation measure be deleted from the City's approval action because at the time the EIR was written and the mitigation measure was inserted, the County felt that the issue would have been resolved by the time it came to the City; however, the issue has not been resolved and the two legal questions regarding CEQA would be "would deletion of the mitigation measure cause any significant adverse environmental affects, and would the deletion of the mitigation measure cause a substantial change to the project description. A "yes" answer to either of those questions would require that the EIR be revised and recirculated. The question to the Commission and the City Council is would any significant adverse affects result from deleting it, or would it be a substantial change to the project.

Substitute motion was made to recommend to the City Council General Plan Amendment No. 92-3(E), Local Coastal Program Amendment No. 31, Amendment No. 779, and Use Permit No. 3488, subject to Exhibit "A". Commissioner Merrill stated that he

Substitute Motion

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could not support the recommendations as stated in the original motion; therefore, he suggested that the Commission straw vote the recommendations as stated in Exhibit "A".

Commissioner Gifford supported the substitute motion as requested by Commissioner Merrill.

Commissioner Merrill suggested that the project be approved with a Planned Community designation with the recommendation that the Open Space designation be considered in the future.

Chairman Edwards stated he would not support the substitute motion because he does not support the size of the Interpretative Center.

Ayes \* \* \* \* \*  
Noes \* \* \* \* \*

Substitute motion was voted on, MOTION DENIED.

Motion Withdrawn \*

Commissioner Pomeroy withdrew his original motion so as to take straw votes of recommendations to the City Council.

Lower Bay Access  
Yes \* \* \* \* \*  
No \* \* \* \* \*

Straw vote was taken regarding access to the lower bay provided there is cooperation between the County and the Fish and Game Department. In response to a question posed by Commissioner Gifford, Chairman Edwards explained that the intent is to make a recommendation to explore the idea.

Loop Trail  
Yes \* \* \* \* \*  
No \* \* \* \* \*

Straw vote was taken regarding loop trails.

Equestrian  
Yes \* \* \* \* \*  
No \* \* \* \* \*

Straw vote was taken regarding revised equestrian trails as proposed by the County.

Rezoning  
Yes \* \* \* \* \*  
No \* \* \* \* \*

Straw vote was taken to redesignate the Planned Community zoning to Open Space zoning.

Back Bay  
Yes \* \* \* \* \*

Straw vote was taken regarding accommodation between the City and the County regarding the Back Bay Road. Commissioner Ridgeway recommended that the issue be worked out prior to the certification of the EIR and the approval of the entire project.

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								<p>Mr. Douglas explained that the mitigation measures states that prior to issuance of building and grading permits or construction on the park, the issue of Back Bay Drive has to be resolved. In response to Ms. Flory, Commissioner Ridgeway explained that his request is to make a recommendation to the City Council to address the issue now and not later.</p>
Dogs on Leash								
Yes	*	*		*	*	*	*	<p>Straw vote was taken regarding dogs on leash.</p>
No				*	*			
Interpret Center								<p>Straw vote was taken regarding the Interpretative Center. (Green light approved the 10,000 square feet, White light approved less than 8,000 square feet, and Red light approved the 8,000 square feet).</p>
Green	*	*	*	*	*	*	*	
White				*	*	*	*	
Red	*							
Motion	*							<p>Motion was made to recommend to City Council Environmental Impact Report No. 525 (Resolution No. 1328), General Plan Amendment No. 92-3(E) (Resolution No. 1329), Local Coastal Program Amendment No. 31 (Resolution No. 1330), Amendment No. 779 (Resolution No. 1331), and Use Permit No. 3488 subject to the findings and conditions in Exhibit "A", including the results of the straw vote recommendations.</p> <p>In response to a question posed by Mr. Douglas, Commissioner Pomeroy explained that the loop trail would provide access from the bluff top trail to Irvine Avenue.</p> <p>Motion was voted on, MOTION CARRIED.</p>
All Ayes								<p><b>A. ENVIRONMENTAL DOCUMENT</b></p> <p><u>Finding:</u></p> <p>That the Planning Commission has reviewed Final EIR No. 525, prepared by the County of Orange as Lead Agency, and finds that it satisfies the requirements of CEQA for the City of Newport Beach in its capacity as a Responsible Agency.</p>

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Mitigation Measures:

1. Prior to the issuance of a building permit including grading, the construction documents for the Interpretive Center, including the final geotechnical report, shall be submitted to the Manager, Development Services. The report will be based on 80-scale maps and will primarily involve assessment of potential soil related constraints and hazards, such as landslides, settlement, liquefaction, or related seismic impacts where determined to be appropriate by the County of Orange. The report shall also include evaluation of potentially expansive soils and recommend construction procedures and/or design criteria to minimize the effects of these soils on the proposed project, as well as an analysis of soils properties to determine any existence of soluble sulfate in the soil. The report shall also establish foundation design parameters. This report shall recommend appropriate mitigation measures for the grading and shall be completed in a manner specified by the County of Orange Grading Code.
  
2. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements to meet: SCAQMD Rule 403 which will require watering during earth moving operations, soil binders to be spread on construction sets or unpaved roads and/or parking areas, street sweeping of roads adjacent to the project site, that trucks be washed off before leaving the construction site, that construction equipment be properly maintained and tuned, and that grading be suspended during second stage (or worse) smog alerts.
  
3. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements that construction personnel should be provided with preferential parking for carpools, bicycle racks, and free bus passes.

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Parking for construction personnel should not interfere with traffic flows. Personnel parking and construction vehicle staging areas shall be placed in a manner to avoid sensitive resources on the property. Construction affecting roadways should be performed during non-peak hours. A flag person should be provided during times when construction affects roadways , and one lane in each direction should remain open.

4. Prior to the issuance of a certificate of use and occupancy, the following measures shall be incorporated into the project in a manner meeting the approval of the Program Manager, Transportation Planning:
  - a. Encourage the use of alternate transportation modes by promoting public transit usage and providing secure bicycle facilities.
  - b. Provide mass transit accommodations such as bus turnout lanes, park and ride areas, and bus shelters.
  - c. Provide energy-conserving lighting.
  - d. Provide landscaping with native drought resistant plant species to shade buildings during summer.
  
5. Prior to the execution of a construction or grading contract, the following drainage studies shall be submitted to and approved by the Manager, Harbors, Beaches & Parks/Parks Design:
  - a. A drainage study of the project site including diversions, off-site areas that drain onto and/or through the project, and justification for any diversions; and

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- b. A drainage study demonstrating that proposed drainage patterns will not overload existing storm drains; and
  - c. Detailed drainage studies indicating how the project grading in conjunction with the drainage conveyance system including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding will allow building pads to be safe from inundation from rainfall which may be expected from all storms up to and including the theoretical 100-year flood.
6. Prior to the execution of a construction or grading contract, the contract and plans, including the following improvements, shall be submitted for approval to the Manager, Harbors, Beaches, and Parks/Parks Design:
- a. All provision for surface drainage; and
  - b. All necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff.
- Prior to the issuance of a certificate of use and occupancy, said improvements shall be constructed in a manner meeting the approval of the Manager, EMA/Construction Division.
7. Prior to the initiation of grading, the applicant (County or contractor) shall obtain approval of an NPDES permit from the Regional Water Quality Control Board. Said permit shall specify appropriate storm water Best Management Practices to be incorporated into the project to ensure an acceptable level of control of non-point pollution sources.
8. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for the review and approval of the Manager, EMA/Harbors,



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	<p>Beaches, and Parks/Parks Design. Said plans shall indicate the following:</p> <ul style="list-style-type: none"> <li>a. Landscaping and trails are sited in such a manner as to not disturb the scattered populations of Southern Tarplant. Individual plants to be disturbed shall be transplanted to appropriate habitat; and</li> <li>b. If establishment of the "vernal pool" is undertaken, it shall be done in a manner so as to not disturb the hydrologic or vegetative character of the area, especially the limited alkaline wetland habitat adjacent to the proposed "Vernal Pool"; and</li> <li>c. The "Vista del Playa" access shall be relocated such that the California Gnatcatcher habitat which it currently crosses is not disturbed.</li> <li>d. The trails serving the Interpretive Center shall be relocated, or appropriate buffer provided, to protect the burrowing owl nesting site.</li> </ul> <p>9. For any archaeological site which may be adversely impacted, a County-certified archaeologist shall be retained by the applicant to perform a subsurface test level investigation and surface collection as appropriate. The test level report evaluating the site shall include discussion of significance (depth, nature, condition and extent of the resources), final mitigation recommendations and cost estimates. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. Final mitigation shall be carried out based upon the recommendations and a determination as</p>

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to the site's disposition by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. Possible determinations include, but are not limited to, preservation, salvage, partial salvage or no mitigation necessary.

Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions for exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division.

- 10. Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified paleontologist has been retained to conduct pregrading salvage, observe any grading activities, salvage fossils as necessary, and prepare a

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catalogue of the exposed resources. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall determine appropriate actions to ensure proper exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall submit a follow-up report for approval by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division, which shall include the period of inspection, methodology, an analysis of the artifacts found, a catalogue of artifacts, and their present repository.

- 11. Prior to issuance of a building permit including grading, for the Interpretive Center, plans shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches and Parks/Parks Design and the Newport Beach Building Director. Said plans shall demonstrate compliance with the City of Newport Beach 24/28-foot height limit, shall be designed so as to minimize adverse impacts to public views from Irvine Avenue, and shall indicate that

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non-reflective glass shall be used on all windows overlooking Upper Newport Bay.

- 12. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services and the Newport Beach Building Director for the area surrounding the Interpretive Center, ensuring that the parking lot shall be landscaped, equipped for irrigation, and improved as stated below:
  - a. Preliminary Plan - Prior to the issuance of a building permit, a preliminary landscape plan, indicating use of native and drought tolerant species, and a cost estimate shall be submitted for the review and approval of the Manager, Subdivision Division.
  - b. Detailed Plan - Prior to the initiation of construction, a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division and the Newport Beach Public Works Department. Detailed plans shall show the detailed landscaping and irrigation design, and the preservation of views from Irvine Avenue.
  - c. Installation Certification - Prior to the issuance of final certificates of use and occupancy, said improvements shall be installed and shall be certified by a licensed landscape architect as having been installed in accordance with the approved detailed plans. Said certification shall be furnished in writing to the Manager, EMA/Public Works/Construction Division and the Newport Beach Building Director.
  
- 13. Prior to the issuance of a building permit including grading the County shall submit an application to the City of Newport Beach for amendment of the City's General Plan

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and Local Coastal Program to accommodate the 10,000 square foot Interpretive Center as proposed. After approval by the City, said approvals and an application for a Coastal Development Permit shall be referred to the State Coastal Commission for approval.

14. Prior to the award of a construction or grading contract, whichever occurs first, a plan for the ultimate use and configuration of Back Bay Drive shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall consider, at a minimum, the following:

- a. access controls (e.g., gates, etc.)
- b. hours of use
- c. vehicle connections to the Eastbluff area
- d. ultimate pavement cross-section
- e. bicycle access.

15. Prior to the issuance of a building permit including grading, an access and parking plan for the Interpretive Center shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall indicate that access and parking have been designed to appropriate standards for sight distance, parking and accessways, bus and vehicle turn-outs, etc.

16. Construction activities shall be conducted in accordance with the City of Newport Beach Municipal Code, which limits the hours of construction and excavation work to 7:00 a.m. to 6:30 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering, or any other related building activity, operate any tool, equipment or machine in a manner which

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produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or on any holiday.

17. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services, including written evidence that:

- a. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
- b. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

**B. GENERAL PLAN AMENDMENT 92-3(E)**

Adopt Resolution No. 1329 recommending City Council approval of General Plan Amendment 92-3(E).

**C. LOCAL COASTAL PROGRAM AMENDMENT NO. 31**

Adopt Resolution No. 1330 recommending City Council approval of Local Coastal Program Amendment No. 31.

**D. AMENDMENT NO. 779**

Adopt Resolution No. 1331 recommending City Council approval of Amendment No. 779.

**E. USE PERMIT NO. 3488:**

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Findings:

1. That the proposed development is consistent with the General Plan, and is compatible with surrounding land uses.
2. That the design of the proposed improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
3. That the establishment of the regional park will not have any significant environmental impact.
4. That the approval of Use Permit No. 3488 will not result in abrupt scale relationships between the subject site and the neighboring properties.
5. That the approval of Use Permit No. 3488 for the establishment, maintenance and operation of the proposed regional park use will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

Conditions:

1. That the development shall be in substantial conformance with the approved General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park except as noted below.
2. That all the Mitigation Measures contained in Final EIR 525 shall be fulfilled as conditions of approval.

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- 3. Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall prepare and record an easement acceptable to the City Attorney showing the relocation of the pedestrian and bicycle trails if these trails are not provided in the location shown in the existing easement.
- 4. That a Coastal Development Permit shall be required prior to the issuance of a building permit.
- 5. That disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
- 6. That the entire site shall be maintained in a clean and orderly manner.
- 7. That the Planning Commission may add or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
- 8. This use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090(A) of the Newport Beach Municipal Code.
- 9. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.

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David A. Rideout for damages as a result of being detained and handcuffed, cited on May 6, 1993, allegedly for removing trash from refuse cans in alley at 2400 W. Ocean Front, and then released.

Rideout

Joseph Tortorello for property damages as a result of toilets overflowing with raw sewage on July 4, 1992 at 309 32nd Street.

Tortorello

John M. Vasquez for personal injuries as a result of trip and fall on Pacific Coast Highway at Poppy Avenue on November 8, 1992.

Vasquez

Steven L. Vensand for damage to vehicle as a result of sprinklers on dirt hill going off mid-day on May 6, 1993, Avon Street parking lot next to Stuff Noodle Restaurant.

Vensand

Sidney Wald/United Services Auto Association, Western Regional Office for reimbursement for damages to vehicle as a result of being hit by City refuse truck on April 12, 1993, on Pacific Coast Highway and Bayside Drive.

Wald/United  
 Srv Auto

Julie Walker/Ed Montoya for damages alleging condition of roadway at MacArthur Boulevard and Birch Street caused the accident on November 22, 1992.

Walker/  
 Montoya

19. Public Hearing Scheduled for June 14, 1993 - Refer to report w/agenda item 6 for:

A. General Plan Amendment No. 92-3(E) - Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the westbay parcel; and the acceptance of an Environmental Document; and

GPA 92-3(E)  
 Upr Npt Bay  
 Reg Prk  
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B. Local Coastal Program Amendment No. 31 - Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.; and

LCPA 31

C. Planning Commission Amendment No. 779 (Ordinance introduction) - Request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the U (Unclassified) District, R-3-B and R-4-B-2 Districts to the PC (Planned Community) District; and

PCA 779

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MINUTES

COUNCIL MEMBERS

May 24, 1993

ROLL CALL

INDEX

HEDGES	SANSONE	WATT	TURNER	HART	COX	DEBAY		INDEX
							<p><u>D. Use Permit No. 3488</u> - Request to approve a General Development Plan and Resource Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.</p>	U/P 3488
							<p>20. Public hearing for June 14, 1993 - ANNUAL BUDGET FOR 1993-1994, pursuant to Section 1102 of the Newport Beach City Charter. [Memo from Finance Director]</p>	1993-94 Budget
							<p>21. Removed from the Consent Calendar.</p>	
							<p>22. RESUBDIVISION NO. 955 - Approve the improvement plans and specifications, and accept the public improvements constructed in conjunction with Resubdivision No. 955, located at 229 and 231 Via Lido Soud, on the southwesterly side of Via Lido Soud, across from Via Cordova on Lido Island; authorize the City Clerk to release the Faithful Performance Surety (City National Bank Certificate of Deposit No. 18552) and release the Labor and Material Surety (City National Bank Certificate of Deposit No. 18553) in six months provided no claims have been filed. [Report from the Public Works Department]</p>	Resub 955 (84)
							<p>23. SAN DIEGO CREEK REGIONAL TRAIL BICYCLE BRIDGE OVER BONITA CREEK CONTRACT NO. 2900 - Approve the plans and specifications for the subject project; and authorize the City Clerk to advertise for bids to be opened on June 16, 1993, at 10:00 A.M. [Report from the Public Works Department]</p>	S/Diego Cr Reg Trl Bike Brdg C-2900 (38)
							<p>24. BALBOA PENINSULA STREET LIGHT REPLACEMENT (CONTRACT NO. 2925) - Approve the plans and specifications; and authorize the City Clerk to advertise for bids to be opened at 11:00 A.M. on June 16, 1993. [Report from the Public Works Department]</p>	Bal Pnsla St Lgt Rplm C-2925 (38)
							<p>25. 1992-93 STREET AND MISCELLANEOUS SLURRY SEAL AND RESURFACING PROGRAM CONTRACT NO. 2938 - Approve the plans and specifications; and authorize the City Clerk to advertise for bids be opened at 11:00 A.M. on June 17, 1993. [Report from the Public Works Department]</p>	1992-93 St/Misc Slurry Sl C-2938 (38)
							<p>26. TRAFFIC SIGNAL MODIFICATIONS AT VARIOUS LOCATIONS CONTRACT NO. 2937 - Approve the plans and specifications; affirm Categorical Exemption; and authorize the City Clerk to advertise for bids to be opened at 10:00 a.m. on June 17, 1993. [Report from the Public Works Department/Traffic Engineering]</p>	Trfc Sig Mod/Var C-2937 (38)
							<p>27. Removed from the Consent Calendar.</p>	

**CITY OF NEWPORT BEACH**

**TO:** Mayor and Members of the City Council

**FROM:** Planning Department *JOA*

**SUBJECT:** A. General Plan Amendment No. 92-3(E)

Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the Westbay parcel; and the acceptance of an environmental document.

**AND**

B. Local Coastal Program Amendment No. 31

Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.

**INITIATED BY:** The City of Newport Beach

**AND**

C. Amendment No. 779 (Ordinance Introduction)

Request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the U (Unclassified) District, R-3-B and R-4-B-2 Districts to the PC (Planned Community) District.

**AND**

D. Use Permit No. 3488

Request to approve a General Development Plan and Resource Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.

**APPLICANT:** The County of Orange

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**Applications**

The applications requested would establish General Plan, LCP, zoning and use permit entitlements for the County's Upper Newport Bay Regional Park. The proposed General Development Plan and Resource Management Plan would serve as the planned community development plan and regulations for the property.

General Plan Amendment procedures are set forth in Council Policy Q-1; Amendment procedures are set forth in Chapter 20.84 of the Municipal Code; and Use Permit procedures are set forth in Chapter 20.80 of the Municipal Code.

**Suggested Action**

If desired, introduce Ordinance No. \_\_\_\_ (Amendment No. 779) and set General Plan Amendment No. 92-3(E), Local Coastal Program Land Use Plan Amendment No. 31, Amendment No. 779, and Use Permit No. 3488 for public hearing on June 14, 1993.

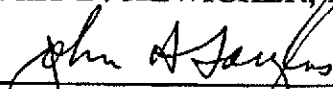
**Background**

Public hearings to consider these items were held by the Planning Commission on April 8, April 22, and May 6, 1993. At the conclusion of the May 6 hearing the Planning Commission unanimously recommended approval of the proposed actions with modifications regarding equestrian trails proposed by the County of Orange and additional recommendations for consideration by the City Council. A discussion of the detailed Planning Commission recommendations will be brought to the City Council for consideration concurrent with the public hearing for these items.

Attached for the City Council's review are the Upper Newport Bay Regional Park General Development Plan, Resource Management Plan, and EIR, which were prepared by the County of Orange. Also attached are copies of the staff reports to the Planning Commission and the Draft Ordinance for Amendment No. 779.

Respectfully submitted,

PLANNING DEPARTMENT  
JAMES D. HEWICKER, Director

By   
\_\_\_\_\_  
John H. Douglas, AICP  
Principal Planner

**Attachments:**

- |   |   |
|---|---|
| 1. Draft Ordinance No. ____ (Amendment No. 779) | 5. Planning Commission Report of April 8, 1993    |
| 2. General Development Plan                     | 6. Planning Commission Report of April 22, 1993   |
| 3. Resource Management Plan                     | 7. Planning Commission Report of May 6, 1993      |
| 4. EIR No. 525                                  | 8. Planning Commission Sup. Report of May 6, 1993 |

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH AMENDING A PORTION OF DISTRICTING MAPS NO. 36, 39, 40, 42, 43, 44 AND 61 SO AS TO RECLASSIFY THE SANTA ANA HEIGHTS AND EASTBLUFF PARCELS OF THE UPPER NEWPORT BAY REGIONAL PARK PROPERTY FROM THE UNCLASSIFIED, R-3-B AND R-4-B-2 DISTRICTS TO THE PLANNED COMMUNITY DISTRICT.  
(PLANNING COMMISSION AMENDMENT NO.779)**

WHEREAS, Section 20.84.010 of the Municipal Code of the City of Newport Beach provides that Title 20 (the Zoning Code) may be amended by changing the zoning designation of Districts and other provisions whenever the public necessity and convenience and the public welfare require such amendment; and

WHEREAS, Section 20.84.020 of the Municipal Code of the City of Newport Beach provides that an amendment to Title 20 may be initiated by resolution of intention of the Planning Commission; and

WHEREAS, the Planning Commission has recommended to the City Council the adoption of General Plan Amendment No. 92-3(E) and Local Coastal Program Amendment No. 31 so as to amend the Land Use and Circulation Elements of the General Plan and the Local Coastal Program Land Use Plan to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the Westbay parcel; and

WHEREAS, land use decisions are legally required to be consistent with the City's General Plan and Zoning; and

WHEREAS, the City desires to make the zoning districts of property in the City of Newport Beach consistent with the Land Use Element of the General Plan; and

WHEREAS, in conjunction with the consideration of the above referenced amendments to the General Plan and Local Coastal Program the City has accepted an Environmental Document and it has been determined that this document is adequate to satisfy the requirements of CEQA for this action; and

WHEREAS, pursuant to Section 20.84.30, the Planning Commission has

recommended that the City Council approve Amendment No. 779 to Title 20 of the Newport Beach Municipal Code amending Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the U (Unclassified), R-3-B and R-4-B-2 Districts to the PC (Planned Community) District; and

WHEREAS, pursuant to Section 20.84.050, the City Council has held a duly noticed public hearing to consider Amendment No. 779 to Title 20 of the Newport Beach Municipal Code.

THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 are hereby amended for the Santa Ana Heights and Eastbluff parcels of the Upper Newport Bay Regional Park property, more particularly described in Exhibit A attached hereto, to reclassify this property from the U (Unclassified), R-3-B and R-4-B-2 Districts to the PC (Planned Community) District.

**SECTION 2.** The Planning Director of the City of Newport Beach is hereby directed to change Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 referred to in Section 20.01.050 of the Newport Beach Municipal Code and by such reference made part of Title 20, to reflect the changes described in Section 1 (above), and when said Districting Maps have been so amended, the same shall be in full force and effect and be part of Title 20 of the Newport Beach Municipal Code.

**SECTION 3.** The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. This Ordinance shall be published once in the official newspaper of the City, and the same shall become effective thirty (30) days after the date of its adoption.

This Ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 24th day of May, 1993, and adopted on the \_\_\_ day of \_\_\_\_\_, 1993, by the following vote, to wit:

AYES, COUNCIL MEMBERS \_\_\_\_\_

NOES, COUNCIL MEMBERS \_\_\_\_\_

ABSENT COUNCIL MEMBERS \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

F:\... \UNBRP\A779.ORD

EXHIBIT A

THE LAND REFERRED TO IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ORANGE, IN THE CITY OF NEWPORT BEACH AND IS DESCRIBED AS FOLLOWS:

PARCEL 301(A):

THAT PORTION OF BLOCK 51 OF IRVINE'S SUBDIVISION, PER MAP RECORDED IN BOOK 1, PAGE 88 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS "SERVIENT TENEMENT" IN THE DEED TO THE STATE OF CALIFORNIA RECORDED APRIL 22, 1975 IN BOOK 11382, PAGE 1898 OF OFFICIAL RECORDS IN THE OFFICE OF SAID COUNTY RECORDER, LYING SOUTHWESTERLY OF THAT CERTAIN COURSE CITED AS HAVING A BEARING OF NORTH 49 DEG. 21' 54" WEST AND A LENGTH OF 494.21 FEET IN THE DEED TO THE COUNTY OF ORANGE RECORDED APRIL 18, 1983 AS DOCUMENT NO. 85-138036 OF SAID OFFICIAL RECORDS.

PARCEL 301(B):

THAT PORTION OF BLOCK 51 OF IRVINE'S SUBDIVISION, PER MAP RECORDED IN BOOK 1, PAGE 88 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED AS FOLLOWS: SOUTHWESTERLY BY THAT CERTAIN COURSE CITED AS HAVING A BEARING OF SOUTH 49 DEG. 14' 28" EAST A LENGTH OF 72.39 FEET IN THE BOUNDARY LINE OF THE LAND DESCRIBED AS "SERVIENT TENEMENT" IN THE DEED TO THE STATE OF CALIFORNIA RECORDED APRIL 22, 1975 IN BOOK 11382, PAGE 1899 OF OFFICIAL RECORDS IN THE OFFICE OF SAID COUNTY RECORDER; SOUTHEASTERLY BY THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO F. ROY GREENLEAF, JR. RECORDED JULY 23, 1951 IN BOOK 2207, PAGE 196 OF SAID OFFICIAL RECORDS; AND NORTHWESTERLY BY THE MOST SOUTHERLY LINE OF THE LAND DESCRIBED AS PARCEL 1 IN THE DEED TO THE ORANGE COUNTY FLOOD CONTROL DISTRICT RECORDED NOVEMBER 8, 1961 IN BOOK 5906, PAGE 516 OF SAID OFFICIAL RECORDS.

PARCEL 501:

THOSE PORTIONS OF BLOCKS 51 AND 52 OF IRVINE'S SUBDIVISION, PER MAP RECORDED IN BOOK 1, PAGE 88 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF TRACT NO. 6230, PER MAP RECORDED IN BOOK 245, PAGES 10 THROUGH 13 OF SAID MISCELLANEOUS MAPS, THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE GENERAL NORTHWESTERLY AND NORTHEASTERLY LINES OF SAID TRACT NO. 6230, TO POINT "C" ON THE BOUNDARY OF THAT CERTAIN LAND DESCRIBED IN THE DEED TO THE CITY OF NEWPORT BEACH RECORDED MAY 17, 1965 IN BOOK 7522, PAGE 161 OF OFFICIAL RECORDS IN THE OFFICE OF SAID COUNTY RECORDER; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE GENERAL NORTHWESTERLY AND NORTHEASTERLY LINES OF SAID CERTAIN LAND TO THE GENERAL WESTERLY LINE OF TRACT NO. 7083 PER MAP RECORDED IN BOOK 274, PAGES 34 THROUGH 37 OF SAID MISCELLANEOUS MAPS; THENCE NORTHERLY ALONG SAID GENERAL WESTERLY LINE OF TRACT NO. 7083 TO THE GENERAL SOUTHERLY LINE OF TRACT NO. 7052 PER MAP RECORDED IN BOOK 301, PAGES 1 THROUGH 6 OF SAID MISCELLANEOUS MAPS; THENCE WESTERLY, NORTHERLY AND NORTHEASTERLY ALONG THE GENERAL SOUTHERLY, WESTERLY AND NORTHWESTERLY LINES OF SAID TRACT NO. 7052 TO THE MOST WESTERLY CORNER OF TRACT NO. 7082 PER MAP RECORDED IN BOOK 269, PAGES 23 THROUGH 25 OF SAID MISCELLANEOUS MAPS; THENCE NORTHEASTERLY AND EASTERLY ALONG THE GENERAL NORTHWESTERLY AND NORTHERLY LINES OF SAID TRACT NO. 7082 TO THE NORTHWESTERLY CORNER OF TRACT NO. 7166 PER MAP RECORDED IN BOOK 275, PAGES 17 THROUGH 22 OF SAID MISCELLANEOUS MAPS; THENCE EASTERLY ALONG THE GENERAL NORTHERLY LINE OF SAID TRACT NO. 7166 TO THE NORTHWESTERLY CORNER OF TRACT NO. 7167 PER MAP RECORDED IN BOOK 305, PAGES 45 THROUGH 50 OF SAID MISCELLANEOUS MAPS; THENCE EASTERLY ALONG THE GENERAL NORTHERLY LINE OF SAID TRACT NO. 7167 TO THE SOUTHERLY LINE OF BACK BAY DRIVE, DESCRIBED AS PARCELS 5 AND 6 IN THE DEED TO THE STATE OF CALIFORNIA RECORDED APRIL 22, 1975 IN BOOK 11382, PAGE 1893 OF SAID OFFICIAL RECORDS; THENCE WESTERLY, SOUTHWESTERLY AND SOUTHERLY ALONG THE GENERAL SOUTHERLY, SOUTHEASTERLY AND EASTERLY LINES OF SAID BACK BAY DRIVE TO THE GENERAL NORTHERLY LINE OF TRACT NO. 5878 PER MAP RECORDED IN BOOK 229, PAGES 35 THROUGH 40 OF SAID MISCELLANEOUS MAPS; THENCE EASTERLY ALONG SAID GENERAL NORTHERLY LINE OF TRACT NO. 5878 TO THE POINT OF BEGINNING.

PARCEL 601:

LOT 127 OF TRACT NO. 5435, PER MAP RECORDED IN BOOK 200, PAGES 17 THROUGH 21 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND LOT 91 OF TRACT NO. 5878, PER MAP RECORDED IN BOOK 229, PAGES 35 THROUGH 40 OF SAID MISCELLANEOUS MAPS.



**CITY OF NEWPORT BEACH**

**TO:** Planning Commission  
**FROM:** Planning Department  
**SUBJECT:** A. General Plan Amendment No. 92-3(E) (Public Hearing)

Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the Westbay parcel; and the acceptance of an environmental document.

**AND**

B. Local Coastal Program Amendment No. 31 (Public Hearing)

Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.

**INITIATED BY:** The City of Newport Beach  
**LOCATION:** The Westbay parcel, located at 2200 Irvine Avenue, southeasterly of the intersection of Irvine Avenue and University Drive

**AND**

C. Amendment No. 779 (Public Hearing)

Request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the U (Unclassified) District, R-3-B and R-4-B-2 Districts to the PC (Planned Community) District.

**LOCATION:** The portions of Upper Newport Bay Regional Park between the Santa Ana-Delhi Channel in Santa Ana Heights and Jamboree Road (201 Bayview Way); and between Eastbluff Drive and the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon (1900 Back Bay Drive).

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ZONE: R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

AND

D. Use Permit No. 3488 (Public Hearing)

Request to approve a General Development Plan and Resource Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.

LOCATION: Upper Newport Bay Regional Park surrounds the northern portion of Upper Newport Bay in three separate parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon on the east (2200 Irvine Avenue, 201 Bayview Way and 1900 Back Bay Drive).

ZONE: P-C, R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

**SYNOPSIS**

The Orange County Harbors Beaches and Parks Department has prepared a draft General Development Plan ("GDP" - Attachment 10) and a draft Resource Management Plan ("RMP" - Attachment 11) that provide goals, development parameters and operational guidelines for the 138-acre Upper Newport Bay Regional Park. The GDP and RMP recognize the competing and sometimes incompatible interests of public recreation vs. natural resource protection and enhancement. Due to the unique environmental resource that the bay represents, the GDP and RMP attempt to provide a reasonable balance between these competing interests by emphasizing protection and restoration of the natural environment while providing public access opportunities that are more restrictive than currently available.

Physical development within the park would be limited to a 10,000-square-foot interpretive center, 100-space parking lot, consolidation of existing trails, and appropriate barriers and

signage. Degraded areas are proposed for restoration using native plants while exotic plants such as pampas grass would be removed. The County's total budget for the project (excluding operation and maintenance) is \$6.3 million, which will be funded solely from County sources and private donations (see Attachment 6 and General Development Plan Figure 4-2).

Due to the park's location within the jurisdiction of Newport Beach and the City's property ownership interests in various parcels and easements within park boundaries, the City is a "Responsible Agency" under the California Environmental Quality Act. Approval of the requested actions and Environmental Impact Report are therefore necessary prior to final approval of these plans by the County Board of Supervisors and Coastal Commission.

Other issues related to park development but not included in this action are the improvements and potential realignment of Irvine Avenue adjacent to the park, and the ultimate disposition of Back Bay Drive.

## ***BACKGROUND***

### ***Historical Overview***

Upper Newport Bay Regional Park comprises approximately 138 acres of property in three parcels forming an arc around the northern portion of the bay. The County acquired ownership of most of this property in several stages, the most recent of which was the 1989 dedication of 114 acres in the Westbay parcel by The Irvine Company. The Westbay parcel extends along the west side of the bay between Irvine Avenue and the Upper Newport Bay Ecological Reserve from Santiago Drive north to University Drive and the Santa Ana-Delhi Flood Control Channel. The Santa Ana Heights parcel is bounded by the Santa Ana-Delhi Channel, Jamboree Road, the ecological reserve, the Bayview project and the private development in Santa Ana Heights. The Eastbluff parcel runs between Back Bay Drive and the private property in Eastbluff from Eastbluff Drive south to the City and state property boundary at the mouth of Big Canyon. The Back Bay Drive right-of-way is under the jurisdiction of the City and is not within the park.

### ***Park Planning and Development Process***

Since completing the acquisition of this property, the County's Harbors, Beaches and Parks Department ("HBP") has been developing a plan for the park's ultimate improvements and operation. In October 1990, an Interim Operations Plan was adopted by the Board of Supervisors as a stopgap management tool until a permanent plan could be prepared. The Interim Operations Plan restricts bicycles to paved trails, and allows pedestrians, equestrians and pets on leashes on all existing trails throughout the park.

During the past three years, HBP has been developing a draft General Development Plan describing the general goals, objectives and development characteristics for the park. In

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addition, a draft Resource Management Plan has been prepared to provide guidance regarding operation and management strategies to protect and enhance the park's natural resources.

From March 1990 through May 1991 the County HBP hosted a series of 12 Citizens Advisory Committee workshops in order to solicit the views of interested members of the community and, if possible, to achieve a consensus regarding appropriate goals and objectives for the park's development and operation. A wide variety of interests were represented at the committee meetings, including bicyclists, equestrians, hikers, bird watchers and naturalists. At the conclusion of these workshops the draft GDP and RMP documents were prepared. Due to the nature of the competing interests represented on the committee, it became clear that the resulting plan would not fully satisfy all of these various groups and individuals. The plan that County staff has prepared attempts to balance these competing interests by emphasizing resource protection and restoration while providing recreational opportunities that are more restrictive than current patterns of use. These restrictions are discussed in the Analysis section below.

On October 27, 1992 the County Planning Commission held a public meeting to review the County's proposed Final EIR for the park project (Attachment 12), and unanimously recommended its certification.

On November 3, 1992 the proposed General Development Plan and Resource Management Plan were reviewed and unanimously recommended for approval by the Newport Beach Parks, Beaches and Recreation Commission, with a caveat that there was discussion and concern by the Commission about continuing to carefully monitor pedestrian and bicycle access.

If the proposed General Development Plan and Resource Management Plan are approved by the City Council, they will be submitted to the County Board of Supervisors and the Coastal Commission for final approval. Subsequently, the County Harbors, Beaches and Parks Department will prepare detailed design plans and construction documents.

#### *Role of the City of Newport Beach*

As noted above, Newport Beach is a Responsible Agency due to the following property ownership interests and approval authority over the project:

- City ownership of a 6-acre parcel in the vicinity of Monte Vista Avenue which was previously dedicated to the City by The Irvine Company
- Joint City and County ownership of a 5-acre parcel in the vicinity of 23rd Street which was acquired from The Irvine Company
- Joint City and County ownership of relocatable pedestrian and bicycle trail easements crossing the Westbay parcel

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- City jurisdiction over Back Bay Drive right-of-way, which provides access to the Eastbluff parcel of the park
- Required City approval of the County's Final EIR
- Required City approval of a General Plan Amendment and Local Coastal Program Land Use Plan Amendment to increase the allowable size of the proposed interpretive center from 8,000 sq. ft. to 10,000 sq. ft., and to delete a secondary bicycle trail through the Westbay parcel from the City's Master Plan of Bikeways
- Required City approval to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from "U" (Unclassified), "R-3-B" and "R-4-B-2" (Multiple-Family Residential) to "PC" (Planned Community)
- Required City approval of a Use Permit for the GDP and RMP, which would serve as the Planned Community Development Plan and regulations for the regional park

#### ***COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT***

As the project sponsor, the County of Orange is the Lead Agency under CEQA for the park's development and operation. The City of Newport Beach is a Responsible Agency because of its jurisdiction and property ownership interests as described above. CEQA requires the Lead Agency to prepare and certify an EIR, while a Responsible Agency must make specific findings regarding a project's environmental effects prior to approving portions of a project for which it has authority. A draft resolution containing the required CEQA findings is provided in Attachment 2.

Draft EIR No. 525 was prepared by the County and circulated for public review from April 8 to May 26, 1992. Written comments and responses are provided in the Final EIR. The issues raised in the comment letters are discussed in the Analysis section of this report. The EIR contains an evaluation of all potential environmental impacts that could result from the project, and proposes mitigation measures to eliminate or reduce potentially significant impacts. The EIR concludes that if the proposed mitigation measures are adopted, all potential impacts would be reduced to a level that is less than significant. With the suggested revisions and conditions discussed in the Analysis section below, City staff concurs with this determination.

The EIR also contains a discussion of alternatives to the project. These alternatives are discussed in Chapter 6 of the EIR and range from leaving the park in its present condition ("No Project") to a "High Intensity Alternative" that includes a more extensive trail network and allows equestrians and cyclists in the Westbay parcel.

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The alternatives presented in the EIR have been designed to present a palette of options for consideration in finalizing plans for the park, and it would be possible to develop a revised project description that combines aspects of different alternatives. The key components of the various alternatives are reflected in the discussion of issues in the Analysis section of this report.

### ***PROJECT DESCRIPTION***

The proposed project consists of the General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park. These documents set forth the general design configuration and operational parameters governing the park's development and management. As noted above, the City's involvement in the project includes approval of General Plan and LCP Land Use Plan amendments, a zoning amendment and a Use Permit to accommodate the park proposal.

A detailed description of the proposal is contained in the GDP and RMP as well as Chapter 3 of the EIR and is summarized below.

- **Interpretive Center:** A 10,000-square-foot Interpretive Center building is proposed to be architecturally designed to conform with its function as an educational facility, exhibition hall, and visitor orientation center. The structure would be located within 500 feet from the centerline of University Drive, provide 100 visitor parking spaces, and offer views of the bay from its strategic placement on the Westbay parcel. This building is designed to be mostly underground with a sod roof of native grasses in order to minimize obstruction of views and provide increased natural habitat. The preliminary design includes two towers as illustrated in the architectural simulation in Attachment 7.
- **Riding, Hiking and Bicycle Trails:** Existing informal trails are to be consolidated to reduce and control impacts caused by trail use. Others are to be eliminated and new ones created; trails are to be designed to facilitate guided tours and access to the site. The location of existing and proposed trails is discussed in the Analysis section below.
- **Park Stabilization and Enhancement:** Areas subject to erosion and bare, degraded areas are to be stabilized and revegetated.
- **Habitat Enhancement:** Ecologically-compatible native vegetation is to be planted in place of current invasive populations so that wildlife native to coastal wetland environs may successfully resist displacement by more common competing species.

- **Back Bay Drive Interpretive Nodes:** A limited number of interpretive nodes are recommended along Back Bay Drive. These provisions would require approval of and cooperation with the California Department of Fish and Game and the City.
- **Back Bay Drive Automobile Access Restrictions:** Restriction of automobile traffic on Back Bay Drive during weekends and during park closure (sunset to 7:00 a.m.) is proposed for consideration. This would require approval of the City, which has jurisdiction over the dedicated roadway easement.
- **Back Bay Drive Parking and Handicap Access:** Provision of parking bays and access for handicapped users in the area along Back Bay Drive is recommended for consideration. These provisions would require approval of and cooperation with the State Department of Fish and Game and the City.
- **University Drive Improvements:** Improvements to adjacent segments of existing University Drive and Irvine Avenue are proposed to be carried out jointly by the City of Newport Beach and the County of Orange in conjunction with park development. University Drive is proposed for widening from 35 feet to 56 feet (within the existing right-of-way). Entrance improvements and a cul-de-sac are also proposed.
- **Irvine Avenue Improvements:** Improvements to Irvine Avenue including curb, gutter, pavement enhancement, and Class I bicycle trail are to be completed by the County of Orange and City of Newport Beach through a cooperative agreement.

### ***ANALYSIS OF ISSUES***

The GDP and RMP raise a number of issues regarding the appropriate development and operation of the park. As noted previously, the key policy question underlying each of these issues is the appropriate trade-offs between public recreation and access vs. preservation and enhancement of park resources. A summary of the major issues is provided below.

#### ***Appropriateness of the Westbay Interpretive Center Facilities***

**Existing Conditions:** No interpretive or visitor facilities currently exist other than minor signage.

**Proposed Plan:** The GDP proposes an interpretive center not to exceed 10,000 square feet and a parking area with 100 spaces, along with a gated entry and signage. The interpretive center would contain exhibit space, library, restrooms, gift shop, and office space for park staff, and would be partially underground with a sod roof. The conceptual design includes

two towers for unspecified purposes. The precise dimensions of the facility have not been determined, but would be subject to the 10,000-square-foot limitation. More detailed plans will be prepared in the subsequent schematic design phase of the project.

**Analysis:** Some residents have questioned the need for the interpretive facility, and would prefer that the site remain free of structures. Since final design plans have not been prepared, some residents are concerned about potential view impacts that may result from the structure, particularly the proposed towers. The elevation of the parking lot is also a concern, and some have recommended that it be sunken to avoid impacting views from Irvine Avenue and University Drive. An additional area of concern is the proposed landscaping along Irvine Avenue. The landscaping is proposed to be sufficiently dense and high as to be a physical and psychological barrier to ingress to the park site from Irvine Avenue. Staff does not believe that the landscaping should block any views of the bay from Irvine Avenue.

The City's Zoning Code establishes a 24/28-foot height limit for the Upper Newport Bay Planned Community (NBMC Sec. 20.02.035). Under this requirement, subsequent City approval would be required for any structure exceeding and average roof height of 24 feet. It is also typical City procedure to recommend that a condition of approval be adopted requiring City approval of grading and building permits for the project. This may be accomplished by modifying Mitigation Measures 11 and 12 in the Final EIR as follows:

11. *Prior to issuance of a building permit including grading, for the Interpretive Center, plans shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches and Parks/Parks Design and the Newport Beach Building Director. Said plans shall demonstrate compliance with the City of Newport Beach 24/28-foot height limit, shall be designed so as to minimize adverse impacts to public views from Irvine Avenue, and shall indicate that non-reflective glass shall be used on all windows overlooking Upper Newport Bay.*
12. *Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services and the Newport Beach Building Director for the area surrounding the Interpretive Center, ensuring that the parking lot shall be landscaped, equipped for irrigation, and improved as stated below:*
  - a. *Preliminary Plan - Prior to the issuance of a building permit, a preliminary landscape plan, indicating use of native and drought tolerant species, and a cost estimate shall be submitted for the review and approval of the Manager, Subdivision Division.*



- b. Detailed Plan - Prior to the initiation of construction, a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division and the Newport Beach Public Works Department. Detailed plans shall show the detailed landscaping and irrigation design; and the preservation of views from Irvine Avenue.
- c. Installation Certification - Prior to the issuance of final certificates of use and occupancy, said improvements shall be installed and shall be certified by a licensed landscape architect as having been installed in accordance with the approved detailed plans. Said certification shall be furnished in writing to the Manager, EMA/Public Works/Construction Division and the Newport Beach Building Director.

### ***Public Pedestrian Access - Westbay Parcel***

**Existing Conditions:** Over the years an informal network of trails has evolved on the Westbay parcel. Access is currently available at the north end of the property from University Drive, at the south end from Constellation Drive near Santiago Drive, and from several unlocked gates in the fence along Irvine Avenue (see Attachment 8). The existing trail network provides unrestricted access along the bayfront, along the blufftop, and across the mesa at several locations. Pets are currently permitted on leashes. This area has been subject to erosion and invasion of non-native vegetation in the past. Uses on this property are currently controlled by the Interim Operations Plan adopted in 1990.

**Proposed Plan:** The proposed plan would consolidate the numerous existing trails as shown in Attachment 9. Most notably, this plan would eliminate all access points except the main entrance off University Drive and a secondary unmarked access from Constellation Drive. A low (2-3 foot) masonry wall and landscaping would be built along the Irvine Avenue frontage, and no direct access is proposed from Irvine Avenue. In addition, the restoration plan would eliminate many of the existing trails, including those adjacent to the ecological reserve at bay level and cross connections on the mesa. No dogs would be allowed, with or without leashes.

**Analysis:** Some residents have expressed a concern that the proposed plan would require them to walk a much greater distance to enter the park. In addition, they believe the proposed trail system would prevent users from following a loop pattern, severely restricting the public's enjoyment of this resource. These residents see such changes as unreasonable limitations on their right to use public parkland for relaxation and nature study. Some have also expressed the opinion that informal trail connections will be established by users based on historical patterns regardless of whether they are designated in the plan, and therefore these logical connections should be formally provided to avoid potential conflicts.

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The public currently enjoys bay level access immediately adjacent to the ecological reserve. The Fish and Game Department desires to have a greater separation between the reserve area and active pedestrian uses. The parallel bay level access will be eliminated and provided at select locations on a guided tour basis only.

The GDP represents County staff's best effort to balance the competing objectives of public recreation and resource preservation. In developing the GDP and RMP, County staff and the Citizens Advisory Committee recognized these competing demands and established goals that emphasize environmental protection over public recreation (see discussion of park goals and strategies on pp. 12-14 of the GDP). This represents a key policy decision affecting the overall approach to the park planning effort.

Another factor influencing the proposed plan is the difficulty for pedestrians in crossing from the neighborhood west of Irvine Avenue to the park. By eliminating access from Irvine Avenue, the County has sought to discourage such pedestrian crossings except at major intersections such as University Drive and Santiago Drive.

The City and County jointly hold an easement for pedestrian and bicycle access along the easterly side of the Westbay parcel and across the parcel from Irvine Avenue in two locations. The terms of this easement specify that it is relocatable for a similar easement giving "reasonably comparable access". The County believes that the trails shown in the GDP provide such reasonably comparable access. As a Responsible Agency and co-owner of the easement, the City has authority to approve the relocation of these trails. If desired, the Planning Commission may wish to recommend modifications to the proposed trail system for consideration by the City Council. In addition, the following condition of approval is suggested by staff, and has been included in the Conditions of Approval:

*Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall prepare and record an easement acceptable to the City Attorney showing the relocation of the pedestrian and bicycle trails if these trails are not provided in the location shown in the existing easement.*

### ***Equestrian Access***

**Existing Conditions:** An improved riding and hiking trail is shown on the County's Master Plan of Riding and Hiking Trails and currently exists from the University Drive/Irvine Avenue intersection eastward through the Santa Ana Heights parcel to Jamboree Road and continues to the San Diego Creek trail northward into Irvine. Equestrians take access to this trail from two unimproved, informal trails connecting with the Santa Ana Heights area along the east side of the Santa Ana-Delhi Channel and from the extension of Mesa Drive. Access to other trails within the park is not controlled, however, and equestrians currently use existing trails in all areas of the park.

**Proposed Plan:** The GDP would allow equestrian access only on the designated trails within the Santa Ana Heights parcel. Equestrians would not be permitted on the Westbay parcel southwest of the Santa Ana-Delhi Channel bridge or in the Eastbluff parcel.

**Analysis:** Equestrians generally support greater access than proposed in the GDP. In developing the access plan, County staff has attempted to minimize conflicts with resource conservation goals and conflicts between equestrians and other park users. The purpose in limiting the amount of space devoted to trails is to maximize the area for native vegetation and wildlife habitat. Trails intended to serve multiple users must be designed to provide adequate separation, which requires a much wider area of human disturbance.

### *Bicycle Access*

**Existing Conditions:** Under the current Interim Operations Plan, bicycles are restricted to hard surface trails in the park, which includes Back Bay Drive, the paved trail through the Santa Ana Heights parcel, across the Santa Ana-Delhi Channel and along University Drive and Irvine Avenue. Bicycles are prohibited on the dirt trails in the Westbay parcel.

**Proposed Plan:** Under the proposed GDP, bicycles would continue to be excluded from the unpaved trails on the interior of the Westbay parcel. A new Class I (off-road) paved bicycle trail is proposed adjacent to the park along the east side of Irvine Avenue and the south side of University Drive. A cooperative agreement between the City and the County was executed in August 1992 for the design and construction of this project. Bicyclists would continue to be permitted on the paved trail through the Santa Ana Heights parcel with connections to Jamboree Road, Mesa Drive and the Santa Ana-Delhi Channel, and on Back Bay Drive in the Eastbluff parcel.

**Analysis:** The rationale for excluding bicycles within the Westbay parcel is to eliminate potential conflicts between bicyclists and pedestrians, and to minimize the disturbance to sensitive wildlife species and vegetation.

The City's General Plan specifies a secondary bicycle trail along the bay in the Westbay area of the park. One of the required City actions prior to approval of the park plan would be an amendment to the Circulation Element to delete this trail. As noted above, the City and County also jointly hold a relocatable easement for pedestrian and bicycle access along the easterly side of the Westbay parcel and across the parcel from Irvine Avenue in two locations. The terms of this easement specify that it is relocatable for a similar easement giving "reasonably comparable access". Although the GDP would prohibit bicycles on the pedestrian trails within the interior of the Westbay parcel, the County believes that the GDP would provide such reasonably comparable access with the new Class I trails along Irvine Avenue and University Drive.

The existing relocatable bicycle/pedestrian access easements were intended to provide access between Irvine Avenue and blufftop view areas. While it would be inconsistent with

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the desire on the part of the County to discourage access throughout the park from Irvine Avenue. If the City desires to request this form of access, a potential location would be across the 6 acre parcel owned by the City of Newport Beach within the Westbay parcel.

The City's LCP Land Use Plan (p. 64) makes the following reference to the location of this trail:

"A public bikeway/walkway is shown for the Westbay site, but careful consideration shall be given at the time it is developed to the environmentally sensitive nature of the site in locating the accessway."

Staff believes the question of whether the pedestrian/bicycle easement should be relocated from its present location is a policy decision for consideration by the Planning Commission and City Council. A bicycle trail in the existing easement location would provide greater recreational opportunities for cyclists but would compromise resource protection objectives.

### *Park Hours of Operation*

**Existing Conditions:** The Interim Operations Plan currently specifies that the park is staffed between 7:00 a.m. and sunset, but access to the property is unrestricted.

**Proposed Plan:** The GDP and RMP indicate that the park would follow standard County park operating hours of 7:00 a.m. to sunset.

**Analysis:** Some park users are concerned that the proposed park operating schedule may prevent them from enjoying the park in the early morning hours around dawn. County staff has indicated verbally that the operating hours would apply to staffing of the visitor facilities such as the interpretive center and parking lot rather than a restriction on access to the park grounds, and users would not be prevented from entering the park at other times.

To avoid misunderstandings, City staff believes that it may be desirable to explicitly establish park policy on this issue in the GDP and RMP. The following language has been added as a condition of approval:

*In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.*

### *Back Bay Drive/Eastbluff Parcel*

**Existing Conditions:** Back Bay Drive is a public street under the jurisdiction of the City, and is not within the boundaries of the park. It is designated a scenic drive, pedestrian trail, and secondary bikeway in the City's General Plan. The right-of-way varies from 40 to 50

feet wide, although only a 20-foot section is currently paved. It is used by pedestrians, cyclists and motor vehicles with a one-way northbound restriction for motor vehicles. A 15-mph speed limit for all users was recently approved by the City Council.

In addition, informal paths provide access to this portion of the park from the vicinity of Eastbluff Park near Vista del Playa.

**Proposed Plan:** Although the park plan acknowledges the City's jurisdiction over Back Bay Drive, certain policy recommendations are included in recognition of its function as the primary access for the Eastbluff parcel of the park. The GDP proposes to restrict automobile access on selected weekends and after park closure, although the specific terms of such restrictions would require the concurrence of the City. The informal trails from the vicinity of Eastbluff Park would also be consolidated into a single trail and the remaining area would be revegetated.

The GDP also recommends the widening of Back Bay Drive by adding a 10-foot-wide pedestrian path along with additional 10-foot-wide interpretive nodes at periodic intervals along the west side of the road. Two small parking pockets for about five cars each are also proposed.

**Analysis:** Because of the City's jurisdiction over Back Bay Drive, the recommended access limitations will require further negotiation between the City and the County.

### ***SUMMARY AND CONCLUSIONS***

The General Development Plan and Resource Management Plan prepared by the County Harbors, Beaches and Parks Department attempt to balance the competing objectives of public recreation and resource protection. Due to the unique and sensitive nature of Upper Newport Bay, these plans emphasize resource protection and restoration while providing more limited recreational opportunities than previously available.

Because of the City's role as a Responsible Agency, City approval of this planning concept is requested. The foregoing analysis attempts to identify the major areas of public concern for consideration by the Planning Commission. Suggested conditions of approval and modifications to the GDP and RMP have been provided to address these areas of concern.

### ***RECOMMENDED ACTION***

If desired:

1. Adopt Draft Resolution (Attachment 2) making the required findings for a Responsible Agency under CEQA regarding the environmental impacts identified in Final EIR No. 525 prepared by the County of Orange as Lead Agency.

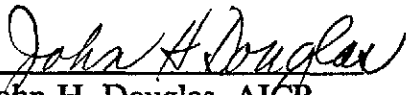
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2. Adopt Draft Resolutions recommending City Council approval of General Plan Amendment 92-3(E), Local Coastal Program Land Use Plan Amendment No. 31, and Zoning Amendment No. 779 (Attachments 3,4 and 5)
3. Recommend City Council approval of the proposed project subject to the revisions, findings and conditions contained in Exhibit A (Attachment 1).

Very truly yours,

**PLANNING DEPARTMENT**  
**JAMES D. HEWICKER, Director**

By:   
John H. Douglas, AICP  
Principal Planner/Environmental Coordinator

Attachments

1. Exhibit A: Findings and Conditions of Approval
2. Draft Resolution: CEQA Findings and Facts
3. Draft Resolution: GPA 92-3(E)
4. Draft Resolution: LCP No. 31
5. Draft Resolution: Amendment No. 779
6. General Development Plan Map
7. Westbay Interpretive Center Architectural Rendering
8. Existing Park Usage Patterns
9. Westbay Parcel Development Plan
10. General Development Plan
11. Resource Management Plan
12. Final EIR No. 525

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**EXHIBIT "A"****FINDINGS AND CONDITIONS OF APPROVAL  
UPPER NEWPORT BAY REGIONAL PARK****GENERAL PLAN AMENDMENT 92-3(E)  
LOCAL COASTAL PROGRAM AMENDMENT NO. 31  
AMENDMENT NO. 779  
USE PERMIT NO. 3488****A. ENVIRONMENTAL DOCUMENT****Finding:**

That the Planning Commission has reviewed Final EIR No. 525, prepared by the County of Orange as Lead Agency, and finds that it satisfies the requirements of CEQA for the City of Newport Beach in its capacity as a Responsible Agency.

**Mitigation Measures:**

1. Prior to the issuance of a building permit including grading, the construction documents for the Interpretive Center, including the final geotechnical report, shall be submitted to the Manager, Development Services. The report will be based on 80-scale maps and will primarily involve assessment of potential soil related constraints and hazards, such as landslides, settlement, liquefaction, or related seismic impacts where determined to be appropriate by the County of Orange. The report shall also include evaluation of potentially expansive soils and recommend construction procedures and/or design criteria to minimize the effects of these soils on the proposed project, as well as an analysis of soils properties to determine any existence of soluble sulfate in the soil. The report shall also establish foundation design parameters. This report shall recommend appropriate mitigation measures for the grading and shall be completed in a manner specified by the County of Orange Grading Code.
2. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements to meet: SCAQMD Rule 403 which will require watering during earth moving operations, soil binders to be spread on construction sets or unpaved roads and/or parking areas, street sweeping of roads adjacent to the project site, that trucks be washed off before leaving the construction site, that construction equipment be properly maintained and tuned, and that grading be suspended during second stage (or worse) smog alerts.

3. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements that construction personnel should be provided with preferential parking for carpools, bicycle racks, and free bus passes. Parking for construction personnel should not interfere with traffic flows. Personnel parking and construction vehicle staging areas shall be placed in a manner to avoid sensitive resources on the property. Construction affecting roadways should be performed during non-peak hours. A flag person should be provided during times when construction affects roadways, and one lane in each direction should remain open.
4. Prior to the issuance of a certificate of use and occupancy, the following measures shall be incorporated into the project in a manner meeting the approval of the Program Manager, Transportation Planning:
  - a. Encourage the use of alternate transportation modes by promoting public transit usage and providing secure bicycle facilities.
  - b. Provide mass transit accommodations such as bus turnout lanes, park and ride areas, and bus shelters.
  - c. Provide energy-conserving lighting.
  - d. Provide landscaping with native drought resistant plant species to shade buildings during summer.
5. Prior to the execution of a construction or grading contract, the following drainage studies shall be submitted to and approved by the Manager, Harbors, Beaches & Parks/Parks Design:
  - a. A drainage study of the project site including diversions, off-site areas that drain onto and/or through the project, and justification for any diversions; and
  - b. A drainage study demonstrating that proposed drainage patterns will not overload existing storm drains; and
  - c. Detailed drainage studies indicating how the project grading in conjunction with the drainage conveyance system including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding will allow building pads to be safe from inundation from rainfall which may be expected from all storms up to and including the theoretical 100-year flood.



6. Prior to the execution of a construction or grading contract, the contract and plans, including the following improvements, shall be submitted for approval to the Manager, Harbors, Beaches, and Parks/Parks Design:

- a. All provision for surface drainage; and
- b. All necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff.

Prior to the issuance of a certificate of use and occupancy, said improvements shall be constructed in a manner meeting the approval of the Manager, EMA/Construction Division.

7. Prior to the initiation of grading, the applicant (County or contractor) shall obtain approval of an NPDES permit from the Regional Water Quality Control Board. Said permit shall specify appropriate storm water Best Management Practices to be incorporated into the project to ensure an acceptable level of control of non-point pollution sources.

8. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches, and Parks/Parks Design. Said plans shall indicate the following:

- a. Landscaping and trails are sited in such a manner as to not disturb the scattered populations of Southern Tarplant. Individual plants to be disturbed shall be transplanted to appropriate habitat; and
- b. If establishment of the "vernal pool" is undertaken, it shall be done in a manner so as to not disturb the hydrologic or vegetative character of the area, especially the limited alkaline wetland habitat adjacent to the proposed "Vernal Pool"; and
- c. The "Vista del Playa" access shall be relocated such that the California Gnatcatcher habitat which it currently crosses is not disturbed.
- d. The trails serving the Interpretive Center shall be relocated, or appropriate buffer provided, to protect the burrowing owl nesting site.

9. For any archaeological site which may be adversely impacted, a County-certified archaeologist shall be retained by the applicant to perform a subsurface test level investigation and surface collection as appropriate. The test level report evaluating the site shall include discussion of significance (depth, nature, condition and extent of the resources), final mitigation

recommendations and cost estimates. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. Final mitigation shall be carried out based upon the recommendations and a determination as to the site's disposition by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. Possible determinations include, but are not limited to, preservation, salvage, partial salvage or no mitigation necessary.

Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions for exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division.

10. Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified paleontologist has been retained to conduct pregrading salvage, observe any grading activities, salvage fossils as necessary, and prepare a catalogue of the exposed resources. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the Manager,

EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall determine appropriate actions to ensure proper exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall submit a follow-up report for approval by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division, which shall include the period of inspection, methodology, an analysis of the artifacts found, a catalogue of artifacts, and their present repository.

11. Prior to issuance of a building permit including grading, for the Interpretive Center, plans shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches and Parks/Parks Design and the Newport Beach Building Director. Said plans shall demonstrate compliance with the City of Newport Beach 24/28-foot height limit, shall be designed so as to minimize adverse impacts to public views from Irvine Avenue, and shall indicate that non-reflective glass shall be used on all windows overlooking Upper Newport Bay.
12. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services and the Newport Beach Building Director for the area surrounding the Interpretive Center, ensuring that the parking lot shall be landscaped, equipped for irrigation, and improved as stated below:
  - a. Preliminary Plan - Prior to the issuance of a building permit, a preliminary landscape plan, indicating use of native and drought tolerant species, and a cost estimate shall be submitted for the review and approval of the Manager, Subdivision Division and the Newport Beach Building Director.
  - b. Detailed Plan - Prior to the initiation of construction, a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division and the Newport Beach Building Director. Detailed plans shall show the detailed landscaping and irrigation design.

- c. **Installation Certification** - Prior to the issuance of final certificates of use and occupancy, said improvements shall be installed and shall be certified by a licensed landscape architect as having been installed in accordance with the approved detailed plans. Said certification shall be furnished in writing to the Manager, EMA/Public Works/Construction Division and the Newport Beach Building Director.
13. Prior to the issuance of a building permit including grading the County shall submit an application to the City of Newport Beach for amendment of the City's General Plan and Local Coastal Program to accommodate the 10,000 square foot Interpretive Center as proposed. After approval by the City, said approvals and an application for a Coastal Development Permit shall be referred to the State Coastal Commission for approval.
14. Prior to the award of a construction or grading contract, whichever occurs first, a plan for the ultimate use and configuration of Back Bay Drive shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall consider, at a minimum, the following:
- a. access controls (e.g., gates, etc.)
  - b. hours of use
  - c. vehicle connections to the Eastbluff area
  - d. ultimate pavement cross-section
  - e. bicycle access.
15. Prior to the issuance of a building permit including grading, an access and parking plan for the Interpretive Center shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall indicate that access and parking have been designed to appropriate standards for sight distance, parking and accessways, bus and vehicle turn-outs, etc.
16. Construction activities shall be conducted in accordance with the City of Newport Beach Municipal Code, which limits the hours of construction and excavation work to 7:00 a.m. to 6:30 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering, or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or on any holiday.

17. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services, including written evidence that:

- a. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
- b. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

**B. GENERAL PLAN AMENDMENT 92-3(E)**

Adopt Resolution No. \_\_\_\_ recommending City Council approval of General Plan Amendment 92-3(E).

**C. LOCAL COASTAL PROGRAM AMENDMENT NO. 31**

Adopt Resolution No. \_\_\_\_ recommending City Council approval of Local Coastal Program Amendment No. 31.

**D. AMENDMENT NO. 779**

Adopt Resolution No. \_\_\_\_ recommending City Council approval of Amendment No. 779.

**E. USE PERMIT NO. 3436:**

**Findings:**

1. That the proposed development is consistent with the General Plan, and is compatible with surrounding land uses.
2. That the design of the proposed improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
3. That the establishment of the regional park will not have any significant environmental impact.

3. That the establishment of the regional park will not have any significant environmental impact.
4. That the approval of Use Permit No. 3488 will not result in abrupt scale relationships between the subject site and the neighboring properties.
5. That the approval of Use Permit No. 3488 for the establishment, maintenance and operation of the proposed regional park use will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

Conditions:

1. That the development shall be in substantial conformance with the approved General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park except as noted below.
2. That all the Mitigation Measures contained in Final EIR 525 shall be fulfilled as conditions of approval.
3. Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall prepare and record an easement acceptable to the City Attorney showing the relocation of the pedestrian and bicycle trails if these trails are not provided in the location shown in the existing easement.
4. That a Coastal Development Permit shall be required prior to the issuance of a building permit.
5. That disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
6. That the entire site shall be maintained in a clean and orderly manner.
7. That the Planning Commission may add or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.

8. This use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090(A) of the Newport Beach Municipal Code.
9. Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall prepare and record an easement acceptable to the City Attorney showing the relocation of the pedestrian and bicycle trails if these trails are not provided in the location shown in the existing easement.
10. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF NEWPORT BEACH ADOPTING FINDINGS  
REGARDING THE ENVIRONMENTAL EFFECTS  
IDENTIFIED IN FINAL ENVIRONMENTAL IMPACT  
REPORT NO. 525 FOR THE UPPER NEWPORT BAY  
REGIONAL PARK**

WHEREAS, Final Environmental Impact Report No. 525 (DEIR 525) was prepared pursuant to the requirements of the California Environmental Quality Act (hereinafter "CEQA" - Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq. - hereinafter "Guidelines") by the County of Orange as Lead Agency for the Upper Newport Bay Regional Park General Development Plan to address the environmental effects, mitigation measures, and project alternatives associated with the proposed Upper Newport Bay Regional Park; and

WHEREAS, the City of Newport Beach, as a Responsible Agency, is required by CEQA to consider the information contained in the Final EIR prepared by the Lead Agency and to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the components of the proposed project for which the City has jurisdiction; and

WHEREAS, Section 21081 of CEQA and Section 15091 of the Guidelines require that a Responsible Agency make one or more of the following findings prior to approval of a project for which an EIR has been completed identifying one or more significant effects of the project, along with statements of facts supporting each finding:

**FINDING 1** - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

**FINDING 2** - Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

**FINDING 3** - Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR; and



WHEREAS, Section 15093(b) requires that, where the decision of a Responsible Agency allows the occurrence of significant effects which are identified in the EIR, but not mitigated, the Agency must state in writing the reasons to support its action based on the EIR or other information in the record.

WHEREAS, the Planning Commission has reviewed all environmental documentation comprising DEIR 525 for the Upper Newport Bay Regional Park and has found that DEIR 525 considers all environmental effects of the proposed project and is complete and adequate and fully complies with all requirements of CEQA and the Guidelines; and

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Planning Commission hereby affirms that it has reviewed and considered Final EIR 525 in determining whether to recommend City Council approval of amendments to the City's General Plan, Local Coastal Program Land Use Plan and Zoning Ordinance, and approval of a Use Permit for the Upper Newport Bay Regional Park. The Final EIR is composed of the following elements:
  - a. Draft EIR 525 for the Upper Newport Bay Regional Park General Development Plan
  - b. Appendices to Draft EIR 525
  - c. Comments received on Draft EIR 525 and response to those comments
  - d. All attachments, incorporations, and references delineated in items a. through d. above

All of the above information has been, and will be, on file with the City of Newport Beach Planning Department, 3300 Newport Boulevard, Newport Beach, CA and the County of Orange, Environmental Management Agency, Environmental Planning Division, 12 Civic Center Plaza, Room G-19, Santa Ana, California, 92702.

2. This Planning Commission adopts the Findings with respect to each environmental effect and project alternative identified in the EIR and the explanation of its rationale with respect to each such finding set forth in the document entitled "CEQA Statement of Findings and Facts" attached hereto and marked as Exhibit A and made a part hereof.
3. The mitigation monitoring requirements of Public Resources Code Section 21081.6 will be met through the required compliance with the mitigation measures identified in Exhibit A which have been adopted as conditions of approval.

4. All of the findings set forth in Exhibit A accurately reflect the independent judgement of the Planning Commission.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1993, by the following vote, to wit:

AYES \_\_\_\_\_

\_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

BY \_\_\_\_\_  
Thomas Edwards  
Chairman

BY \_\_\_\_\_  
Harry Merrill  
Secretary

Attachments

Exhibit A: Statement of Facts and Findings

**EXHIBIT A**

**CEQA STATEMENT OF FACTS AND FINDINGS  
UPPER NEWPORT BAY REGIONAL PARK  
GENERAL DEVELOPMENT PLAN  
ENVIRONMENTAL IMPACT REPORT NO. 525**

***FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT***

**EFFECTS DETERMINED TO BE INSIGNIFICANT**

Based on the Initial Study, the Environmental Impact Report, and the substantial evidence contained therein, it has been determined with certainty that no significant impact to the environment will occur in the following areas:

**EARTH**

- There are no unique geologic or physical features which will be destroyed or modified by the project.

**AIR**

- The project will not result in increased air emissions or deterioration of ambient air quality beyond projection by the South Coast Air Quality Management District.
- The project will not result in any significant changes in air movements, either locally or regionally.

**WATER**

- The project will not adversely impact groundwater resources in the vicinity.
- Implementation of the proposal will not cause a substantial reduction in public water supplies.
- The project will not result in the exposure of people or property to water-related hazards such as flooding or tidal waves.

## **ENERGY**

- The project will not result in the use of abnormally high amounts of fuel or energy.
- The project will not increase the demand upon existing sources of energy, or require the development of new sources of energy.

## **LAND USE**

- The proposal will not cause the conversion of valuable agricultural land to development.
- The project will not preclude natural resource extraction.

## **TRANSPORTATION/CIRCULATION**

- The project will not generate additional vehicular traffic beyond that projected in regional analyses.
- The project will not alter waterborne, rail, or air traffic.

## **PUBLIC HEALTH AND SAFETY**

- The project does not involve the risk of explosion or the release of hazardous substances, including oil, pesticides, chemicals, or radiation in the event of an accident or upset condition.
- The project will not result in the exposure of persons or property to wildland fire hazards.
- No previous use of the site will result in the exposure of persons to hazardous substances, including, but not limited to, oil, pesticides, chemicals, or radiation.
- The project does not place present or future surrounding residents at risk of exposure to toxic or radioactive gas, explosions, or industrial fires.
- The proposal will not interfere with an emergency response plan or evacuation plan.
- The project will not use or dispose of potentially hazardous materials such as toxic substances, flammables, or explosives.

**LIGHT AND GLARE**

- The project will not produce significant new sources of light and glare.

**PUBLIC SERVICES AND UTILITIES**

- The project will not adversely impact fire protection, police protection, schools, parks and recreation, or solid waste disposal services.

**EFFECTS DETERMINED TO BE MITIGABLE TO A LEVEL OF INSIGNIFICANCE**

Based on the information contained in the Environmental Impact Report (EIR), it has been determined that the following potentially significant impacts will be reduced to a level of insignificance with the imposition of the mitigation measures contained in the EIR as enumerated below:

**EARTH RESOURCES**

**Significant Effect**

- The project site will be subject to ground-shaking and potential surface rupture during a seismic event.
- Liquefaction will be a significant concern during the maximum credible earthquake on the Newport-Inglewood Fault in areas of sandy soils.

**Finding**

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

**Facts in Support of Finding**

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

1. Prior to the issuance of a building permit including grading, the construction documents for the Interpretive Center, including the final geotechnical report, shall be submitted to the Manager, Development Services. The report will be based on 80-scale maps and will primarily involve assessment of potential soil related constraints and hazards, such as landslides, settlement, liquefaction, or related seismic impacts where determined to be appropriate by the County of Orange. The report shall also include evaluation of potentially expansive soils and recommend construction procedures and/or design criteria to minimize the effects of these soils on the proposed project, as well as an analysis of soils properties to determine any existence of soluble sulfate in the soil. The report shall also establish foundation design parameters. This report shall recommend appropriate mitigation measures

for the grading and shall be completed in a manner specified by the County of Orange Grading Code.

## **AIR QUALITY**

### **Significant Effect**

- Grading for the project will result in the generation of approximately 0.10 tons of fugitive dust on a daily basis. This is considered more of a local nuisance than a long-term health problem.
- The project does not propose activities of sufficient magnitude that it would meet threshold requirements for review under the Air Quality Management Plan/State Implementation Program Guidelines.

### **Finding**

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### **Facts in Support of Finding**

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

2. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements to meet: SCAQMD Rule 403 which will require watering during earth moving operations, soil binders to be spread on construction sets or unpaved roads and/or parking areas, street sweeping of roads adjacent to the project site, that trucks be washed off before leaving the construction site, that construction equipment be properly maintained and tuned, and that grading be suspended during second stage (or worse) smog alerts.
3. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements that construction personnel should be provided with preferential parking for carpools,

bicycle racks, and free bus passes. Parking for construction personnel should not interfere with traffic flows. Personnel parking and construction vehicle staging areas shall be placed in a manner to avoid sensitive resources on the property. Construction affecting roadways should be performed during non-peak hours. A flag person should be provided during times when construction affects roadways, and one lane in each direction should remain open.

4. Prior to the issuance of a certificate of use and occupancy, the following measures shall be incorporated into the project in a manner meeting the approval of the Program Manager, Transportation Planning:
  - a. Encourage the use of alternate transportation modes by promoting public transit usage and providing secure bicycle facilities.
  - b. Provide mass transit accommodations such as bus turnout lanes, park and ride areas, and bus shelters.
  - c. Provide energy-conserving lighting.
  - d. Provide landscaping with native drought resistant plant species to shade buildings during summer.

## **DRAINAGE/HYDROLOGY**

### **Significant Effect**

- Implementation of the project will result in an incremental increase in the impervious surfaces on the property, which will result in a commensurate increase in runoff and the introduction of urban pollutants into Upper Newport Bay.

### **Finding**

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.



Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

5. Prior to the execution of a construction or grading contract, the following drainage studies shall be submitted to and approved by the Manager, Harbors, Beaches & Parks/Parks Design:
  - a. A drainage study of the project site including diversions, off-site areas that drain onto and/or through the project, and justification for any diversions; and
  - b. A drainage study demonstrating that proposed drainage patterns will not overload existing storm drains; and
  - c. Detailed drainage studies indicating how the project grading in conjunction with the drainage conveyance system including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding will allow building pads to be safe from inundation from rainfall which may be expected from all storms up to and including the theoretical 100-year flood.
  
6. Prior to the execution of a construction or grading contract, the contract and plans, including the following improvements, shall be submitted for approval to the Manager, Harbors, Beaches, and Parks/Parks Design:
  - a. All provision for surface drainage; and
  - b. All necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff.

Prior to the issuance of a certificate of use and occupancy, said improvements shall be constructed in a manner meeting the approval of the Manager, EMA/Construction Division.

7. Prior to the initiation of grading, the applicant (County or contractor) shall obtain approval of an NPDES permit from the Regional Water Quality Control Board. Said permit shall specify appropriate storm water Best Management Practices to be incorporated into the project to ensure an acceptable level of control of non-point pollution sources.

## **BIOLOGICAL RESOURCES**

### **Significant Effect**

- The Interpretive Center and nearby interpretive node, as well as future horticultural plantings of trees in the grasslands on the north side of the bay will have an adverse impact on portions of a scattered population of sensitive Southern Tarplant.
- Work toward the establishment of the vernal pool may result in the loss of Southwestern Spiny Rush. The loss of individual plants is not considered significant, however, any degradation of the limited alkaline wetland habitat occupied by this plant would be considered significant.
- Habitat for the California Gnatcatcher would be disturbed by a proposed trail connection and the increased human and domestic animal encroachment associated with it.
- A burrowing owl nesting site (a species of special concern) is located in the area where trails near the Interpretive Center are to be located.

### **Finding**

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### **Facts in Support of Finding**

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

8. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches, and Parks/Parks Design. Said plans shall indicate the following:

- a. Landscaping and trails are sited in such a manner as to not disturb the scattered populations of Southern Tarplant. Individual plants to be disturbed shall be transplanted to appropriate habitat; and
- b. If establishment of the "vernal pool" is undertaken, it shall be done in a manner so as to not disturb the hydrologic or vegetative character of the area, especially the limited alkaline wetland habitat adjacent to the proposed "Vernal Pool"; and
- c. The "Vista del Playa" access shall be relocated such that the California Gnatcatcher habitat which it currently crosses is not disturbed.
- d. The trails serving the Interpretive Center shall be relocated, or appropriate buffer provided, to protect the burrowing owl nesting site.

## **CULTURAL/SCIENTIFIC RESOURCES**

### **Significant Effect**

- A total of 16 archaeological sites were recorded within the boundary of the park. A portion of each of these sites will be impacted by planned development within the park.
- All of the rock units present on the site have a high potential for the discovery of significant paleontological resources.

### **Finding**

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### **Facts in Support of Finding**

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

9. For any archaeological site which may be adversely impacted, a County-certified archaeologist shall be retained by the applicant to perform a subsurface test level investigation and surface collection as appropriate. The test level report evaluating the site shall include discussion of significance (depth, nature, condition and extent of the resources), final mitigation recommendations and cost estimates. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. Final mitigation shall be carried out based upon the recommendations and a determination as to the site's disposition by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. Possible determinations include, but are not limited to, preservation, salvage, partial salvage or no mitigation necessary.

Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions for exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division.

10. Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified paleontologist has been retained to conduct pregrading salvage, observe any grading activities, salvage fossils as necessary, and prepare a catalogue of the exposed resources. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource

surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall determine appropriate actions to ensure proper exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall submit a follow-up report for approval by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division, which shall include the period of inspection, methodology, an analysis of the artifacts found, a catalogue of artifacts, and their present repository.

## **AESTHETICS**

### **Significant Effect**

- Because of the prominent location of the proposed Interpretive Center, at generally the high point of the park property, it has the potential to result in significant impacts on views of the bay and park from proposed trails and other closely adjacent viewpoints.

### **Finding**

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### **Facts in Support of Finding**

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

11. Prior to issuance of a building permit including grading, for the Interpretive Center, plans shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches and Parks/Parks Design and the Newport Beach Building Director. Said plans shall demonstrate compliance with the City of Newport Beach 24/28-foot height limit, shall be designed so as to minimize adverse impacts to public views from Irvine Avenue, and shall indicate that non-reflective glass shall be used on all windows overlooking Upper Newport Bay.
  
12. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services and the Newport Beach Building Director for the area surrounding the Interpretive Center, ensuring that the parking lot shall be landscaped, equipped for irrigation, and improved as stated below:
  - a. Preliminary Plan - Prior to the issuance of a building permit, a preliminary landscape plan, indicating use of native and drought tolerant species, and a cost estimate shall be submitted for the review and approval of the Manager, Subdivision Division and the Newport Beach Building Director.
  
  - b. Detailed Plan - Prior to the initiation of construction, a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division and the Newport Beach Building Director. Detailed plans shall show the detailed landscaping and irrigation design.
  
  - c. Installation Certification - Prior to the issuance of final certificates of use and occupancy, said improvements shall be installed and shall be certified by a licensed landscape architect as having been installed in accordance with the approved detailed plans. Said certification shall be furnished in writing to the Manager, EMA/Public Works/Construction Division and the Newport Beach Building Director.

## **LAND USE**

### **Significant Effect**

- The project proposes the construction of a 10,000 square foot Interpretive Center on the site. The City of Newport Beach General Plan and Local Coastal Program Plan limit on-site structures to 8,000 square feet.

### **Finding**

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

### **Facts in Support of Finding**

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

13. Prior to the issuance of a building permit including grading the County shall submit an application to the City of Newport Beach for amendment of the City's General Plan and Local Coastal Program to accommodate the 10,000 square foot Interpretive Center as proposed. After approval by the City, said approvals and an application for a Coastal Development Permit shall be referred to the State Coastal Commission for approval.

## **TRANSPORTATION/CIRCULATION**

### **Significant Effect**

- The current condition of Back Bay Drive does not conform to safety standards and has potential liability problems. These safety concerns include lack of pedestrian facilities, inadequate width to accommodate bicycle and motor vehicle traffic, and no improved parking areas.

### **Finding**

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

#### Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

14. Prior to the award of a construction or grading contract, whichever occurs first, a plan for the ultimate use and configuration of Back Bay Drive shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall consider, at a minimum, the following:
  - a. access controls (e.g., gates, etc.)
  - b. hours of use
  - c. vehicle connections to the Eastbluff area
  - d. ultimate pavement cross-section
  - e. bicycle access.
15. Prior to the issuance of a building permit including grading, an access and parking plan for the Interpretive Center shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall indicate that access and parking have been designed to appropriate standards for sight distance, parking and accessways, bus and vehicle turn-outs, etc.

#### **RECREATION**

##### Significant Effect

- The restrictions on access to areas of the park property may be viewed as an adverse impact by those who have historically taken advantage of unregulated access to the park property under both public and private ownership.



**Finding**

1. **Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.**

**Facts in Support of Finding**

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

- **Implementation of the General Development Plan results in a balance between recreational access and resource management and preservation, reducing the significant impact to a level of insignificance.**

**NOISE**

**Significant Effect**

- **During construction of the Interpretive Center and related improvements, and improvements to University Drive, temporary construction noise will intermittently reach 95 dBA on the construction site. Residential structures located as close as 50 feet to the construction site will be exposed to this noise. This noise level is in excess of County and City of Newport Beach standards.**

This impact was reported as a significant, albeit temporary, unavoidable adverse impact of project development in the Draft EIR. Subsequent to distribution of the Draft EIR, County staff responsible for reviewing noise and acoustical studies provided substantial and credible evidence indicating that such construction noise impacts are not significant unavoidable adverse impacts of the project. This substantial evidence, correspondence dated September 10, 1992 from Paul Wang of Development Services - Acoustics, which correspondence is incorporated herein by this reference, stated that the impact is not considered significant because it is temporary, lasting only for the duration of the construction project, and that the proposed mitigation measures will reduce the identified construction noise impact to a level of insignificance. The Planning Commission has considered the evidence in the Draft EIR and that provided by County staff and has concluded that the impact

has been reduced to a level of insignificance subject to the findings and facts enumerated below. As part of this action, the Commission finds that none of the criteria mandating a significant effect on the environment, as described in §15065 of the California Code of Regulations (State CEQA Guidelines) are present.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

Facts in Support of Finding

The significant effect has been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

16. Construction activities shall be conducted in accordance with the City of Newport Beach Municipal Code, which limits the hours of construction and excavation work to 7:00 a.m. to 6:30 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering, or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or on any holiday.
17. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services, including written evidence that:
  - a. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
  - b. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
  - c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

**SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED**

All significant environmental effects that can be feasibly avoided have been eliminated or substantially lessened by virtue of the mitigation measures identified in the Final EIR and incorporated into the project as set forth above. Further, as set forth above, substantial evidence supports the finding that the unavoidable adverse impact resulting from construction noise is, in fact, reduced to a level of insignificance by the application of the mitigation measures proposed and because the impact is temporary, lasting only as long as the construction activity. Therefore, all impacts of the project have been reduced to a level of insignificance and no significant impacts which cannot be avoided will result from implementation of the project.

## PROJECT ALTERNATIVES

Four project alternatives were presented in the EIR. These alternatives have been reviewed and considered in light of the adverse environmental effects which may result from the project in the reduction or elimination of such effects which might be accomplished by selection of one of the alternatives.

Each alternative is summarized below and specific economic, social, or other considerations that rendered such alternatives infeasible are set forth. The discussions below are intended to summarize and not fully restate the evidence contained in the Draft EIR, Response to Comments, and the administrative record as a whole.

### Findings

1. The project has been designed in a manner so as to provide the greatest public involvement in the planning and CEQA process.
2. The following provides a brief description of the project alternatives.
3. The alternatives were rejected in favor of the current project proposal.
4. The rationale for rejection of each alternative is provided below.
5. The rejection rationale is supported by the public record including, but not limited to, the Final EIR.

## **NO PROJECT ALTERNATIVE**

The No Project Alternative assumes that use of the park property would remain as it exists today. Under the County's Interim Operations Plan, pedestrian, bicycle, and equestrian use is limited to dirt and paved trails and a ranger is on-site to enforce the operations plan. Under the Pre-County Ownership condition, access to the site is uncontrolled.

### Findings

Specific economic, social, or other considerations make infeasible the No Project Alternative described in the Final EIR in that:

1. The No Project Alternative does not achieve the goals established for the park by the Citizen's Advisory Committee.
2. The No Project Alternative would not control access in areas where increased human encroachment might damage or destroy sensitive biological resources.
3. The No Project Alternative would leave the County open to liability claims from individuals that may suffer personal injury on the property.
4. The No Project Alternative would not provide for the improvement of trails, including the stabilization of slopes and unimproved drainage channels which convey urban runoff and silt into the Upper Newport Bay during storms.

#### **LOW INTENSITY ALTERNATIVE**

The Low Intensity Alternative would provide for a less intense improvement program and use pattern on the property. The Interpretive Center would not be constructed if this alternative were implemented.

#### **Findings**

Specific economic, social, or other considerations make infeasible the Low Intensity Alternative described in the Final EIR in that:

1. The Low Intensity Alternative does not achieve the goals established for the park by the Citizen's Advisory Committee including:
  - The alternative significantly limits the public's ability to access and enjoy the site.
  - The alternative eliminates, or severely limits, the opportunity for educational and interpretive programs which would increase public understanding and appreciation of the significant natural and cultural resources of the site.

#### **MEDIUM INTENSITY ALTERNATIVE**

The Medium Intensity Alternative provides a similar level of access and recreational opportunities as the proposed project. The major difference between the alternative and the project is increased access opportunities to the bay on the Westbay parcel.

### Findings

Specific economic, social, or other considerations make infeasible the Medium Intensity Alternative described in the Final EIR in that this variation does not have the ability to reduce or eliminate impacts identified in the EIR and it actually has the potential to increase impacts to biological resources by allowing increased human contact with the bay.

### **HIGH INTENSITY ALTERNATIVE**

The High Intensity Alternative provides a significant increase in access opportunities for pedestrians, equestrians, and bicyclists. The expanded recreational opportunities include increased access to the bay and its associated resources.

### Findings

Specific economic, social, or other considerations make infeasible the High Intensity Alternative described in the Final EIR in that this variation does not have the ability to reduce or eliminate impacts identified in the EIR and it actually has the potential to increase impacts to biological resources by allowing increased human contact with the bay.

## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AN AMENDMENT TO THE LAND USE AND CIRCULATION ELEMENTS OF THE NEWPORT BEACH GENERAL PLAN TO INCREASE THE ENTITLEMENT FOR INTERPRETIVE CENTER USE FROM 8,000 TO 10,000 SQUARE FEET AND DELETE THE SECONDARY BICYCLE TRAIL WITHIN THE WESTBAY PARCEL OF UPPER NEWPORT BAY REGIONAL PARK [GENERAL PLAN AMENDMENT 92-3(E)]

WHEREAS, as part of the development and implementation of the Newport Beach General Plan the Land Use and Circulation Elements have been prepared; and

WHEREAS, said elements of the General Plan sets forth objectives, supporting policies and limitations for development in the City of Newport Beach; and

WHEREAS, said elements of the General Plan designate the general distribution and general location and extent of the uses of land and building intensities in a number of ways, including residential land use categories and population projections, commercial floor area limitations, and the floor area ratio ordinances; and

WHEREAS, the Land Use and Circulation Elements are correlated as required by California planning law; and

WHEREAS, the provisions and policies of the Land Use and Circulation Elements are further implemented by the traffic analysis procedures of the Traffic Phasing Ordinance and the implementation programs of that Ordinance and the Fair Share Traffic Contribution Fee Ordinance; and

WHEREAS, pursuant to Section 707 of the Charter of the City of Newport Beach, the Planning Commission has held a public hearing to consider a certain amendment to the Land Use and Circulation Elements of the Newport Beach General Plan; and

WHEREAS, the circulation system will not be significantly impacted by the proposed project; and

WHEREAS, Final EIR No. 525 has been prepared by the County of Orange as Lead Agency for the proposed project as required by the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newport Beach that Amendment 92-3(E) to the General Plan is recommended for approval to the City Council to increase the development allocation for interpretive center use within the Westbay Parcel of Upper Newport Bay Regional Park Planned Community from 8,000 square feet to 10,000 square feet and clarify the hours of public park access as shown in Exhibit 1 attached hereto; and to delete the secondary bicycle trail through the Westbay Parcel from the Master Plan of Bikeways.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1993, by the following vote, to wit:

AYES \_\_\_\_\_

\_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

BY \_\_\_\_\_  
Thomas Edwards  
Chairman

BY \_\_\_\_\_  
Harry Merrill  
Secretary

Attachment

Exhibit 1: Revised Land Use Element Text

F:\...UNBRP\PC-RESO.GPA



EXHIBIT 1

REVISED LAND USE ELEMENT TEXT  
GENERAL PLAN AMENDMENT 92-3(E)

Westbay Area (Statistical Area J5)

3. *Westbay.* The Westbay site is bounded by Irvine Avenue, University Drive, the Santa Ana-Delhi Channel and Upper Newport Bay. The site is designated for Recreational and Environmental Open Space, and may be used for regional park facilities, passive open space or interpretive facilities related to the Upper Newport Bay Ecological Reserve or the on-site cultural resources. Structures on this site shall not exceed ~~8,000~~ 10,000 sq. ft. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.

RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF NEWPORT BEACH RECOMMENDING  
CITY COUNCIL APPROVAL OF AMENDMENT NO. 31 TO  
THE LOCAL COASTAL PROGRAM, LAND USE PLAN  
(UPPER NEWPORT BAY REGIONAL PARK)**

WHEREAS, the Coastal Act of 1976 requires the City of Newport Beach to prepare a local coastal program; and

WHEREAS, as part of the development and implementation of the Coastal Act, the City established a Local Coastal Program Advisory Committee, which held 29 public meetings to develop the goals, objectives and policies of the City's Local Coastal Program; and

WHEREAS, the Planning Commission of the City of Newport Beach considered the Local Coastal Program, Land Use Plan at nine public hearings prior to recommending approval and adoption to the City Council; and

WHEREAS, the City Council of the City of Newport Beach also held nine public hearings on the Local Coastal Program, Land Use Plan prior to adoption; and

WHEREAS, two public hearings were held by the California Coastal Commission in conjunction with the certification of the Newport Beach Local Coastal Program, Land Use Plan; and

WHEREAS, said Land Use Plan sets forth the objectives and supporting policies which serve as a guide for the future development in the coastal zone in the City of Newport Beach; and

WHEREAS, the Planning Commission has held a duly noticed public hearing to consider this amendment to the Local Coastal Program, Land Use Plan; and

WHEREAS, the Planning Commission, in considering this amendment to the Local Coastal Program, has determined that this amendment is consistent with all of the stated goals and policies of the California Coastal Act, the City of Newport Beach General Plan, and the City's Local Coastal Program, Land Use Plan.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Newport Beach recommends that the City Council adopt Amendment No. 31 to the Newport Beach Local Coastal Program Land Use Plan to increase the development allocation within the Westbay Parcel of Upper Newport Bay Planned Community from 8,000 square feet to 10,000 square feet and clarify the hours of public park access as shown in Exhibit 1 attached hereto.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1993, by the following vote, to wit:

AYES \_\_\_\_\_

\_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

BY \_\_\_\_\_  
Thomas Edwards  
Chairman

BY \_\_\_\_\_  
Harry Merrill  
Secretary

Attachment

Exhibit 1: Revised Local Coastal Program Land Use Plan Text

F:\UNBRP\PC-RESO.LCP

EXHIBIT 1

REVISED LOCAL COASTAL PROGRAM LAND USE PLAN TEXT  
LCP AMENDMENT NO. 31

**Westbay Area**

3. *Westbay.* The Westbay site is bounded by Irvine Avenue, University Drive, the Santa Ana-Delhi Channel and Upper Newport Bay. The site is designated for Recreational and Environmental Open Space, and may be used for regional park facilities, passive open space or interpretive facilities related to the Upper Newport Bay Ecological Reserve or the on-site cultural resources. Structures on this site shall not exceed ~~8,000~~ 10,000 sq. ft. Any development of this site shall be sited and designated to adequately protect and buffer the environmentally sensitive area(s) on this site. A public bikeway/walkway is shown for the Westbay site, but careful consideration shall be given at the time it is developed to the environmentally sensitive nature of the site in locating the accessway. Any development which occurs shall be located in order to preserve sensitive habitat areas located on the site. Views from Irvine Avenue shall be maximized. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AMENDMENT NO. 779 AMENDING A PORTION OF DISTRICTING MAPS NO. 36, 39, 40, 42, 43, 44 AND 61 SO AS TO RECLASSIFY THE SANTA ANA HEIGHTS AND EASTBLUFF PARCELS OF THE UPPER NEWPORT BAY REGIONAL PARK PROPERTY FROM THE UNCLASSIFIED, R-3-B AND R-4-B-2 DISTRICTS TO THE PLANNED COMMUNITY DISTRICT.**

WHEREAS, Section 20.84.010 of the Municipal Code of the City of Newport Beach provides that Title 20 (the Zoning Code) may be amended by changing the zoning designation of Districts and other provisions whenever the public necessity and convenience and the public welfare require such amendment; and

WHEREAS, Section 20.84.020 of the Municipal Code of the City of Newport Beach provides that an amendment to Title 20 may be initiated by resolution of intention of the Planning Commission; and

WHEREAS, the Planning Commission has recommended to the City Council the adoption of General Plan Amendment No. 92-3(E) and Local Coastal Program Amendment No. 31 so as to change the land use designation of the subject property from the Unclassified, R-3-B and R-4-B-2 Districts to the Planned Community District; and

WHEREAS, land use decisions are legally required to be consistent with the City's General Plan and Zoning; and

WHEREAS, the City desires to make the zoning districts of property in the City of Newport Beach consistent with the Land Use Element of the General Plan; and

WHEREAS, in conjunction with the consideration of the above referenced amendments to the General Plan and Local Coastal Program the City has accepted an Environmental Document and it has been determined that this document is adequate to serve as the environmental document for this action; and

WHEREAS, pursuant to Section 20.84.30, the Planning Commission has held a duly noticed public hearing to consider Amendment No. 779 to Title 20 of the Newport Beach Municipal Code amending Districting Maps No. 36, 39, 40, 42, 43, 44 and 61.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Newport Beach does hereby recommend that the City Council approve Amendment No. 779 to Title 20 of the Newport Beach Municipal Code amending Districting Maps No. 36, 39, 40, 42, 43, 44 and 61, attached as Exhibit 1.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1993, by the following vote, to wit:

AYES \_\_\_\_\_

\_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

BY \_\_\_\_\_  
Thomas C. Edwards  
Chairman

BY \_\_\_\_\_  
Harry O. Merrill  
Secretary

F:\UNBRP\PC-RESO.ZC



**Legend**

- 1. Interpretive Center
- 2. Interpretive Center Parking
- 3. Interpretive Pedestrian Trail
- 4. Outdoor Gathering Area
- 5. Typical Overlook Area
- 6. Peripheral Pedestrian
- 7. Typical Barranca Restoration
- 8. Typical Bicycle Pull-out
- 9. Typical Interpretive Node
- 10. Ornamental Native
- 11. Vernal Pool Establishment
- 12. Santa Isabel Channel
- 13. Pedestrian Trail
- 14. Interpretive Node
- 15. Typical Parking Pocket
- 16. Pedestrian Trail
- 17. Bicycle Trail
- 18. Automobile Access
- 19. Riding/Hiking Trail
- 20. Bicycle Trail
- 21. Bayview Revegetation
- 22. Interpretive Node
- 23. San Diego Creek

**GENERAL DEVELOPMENT PLAN**

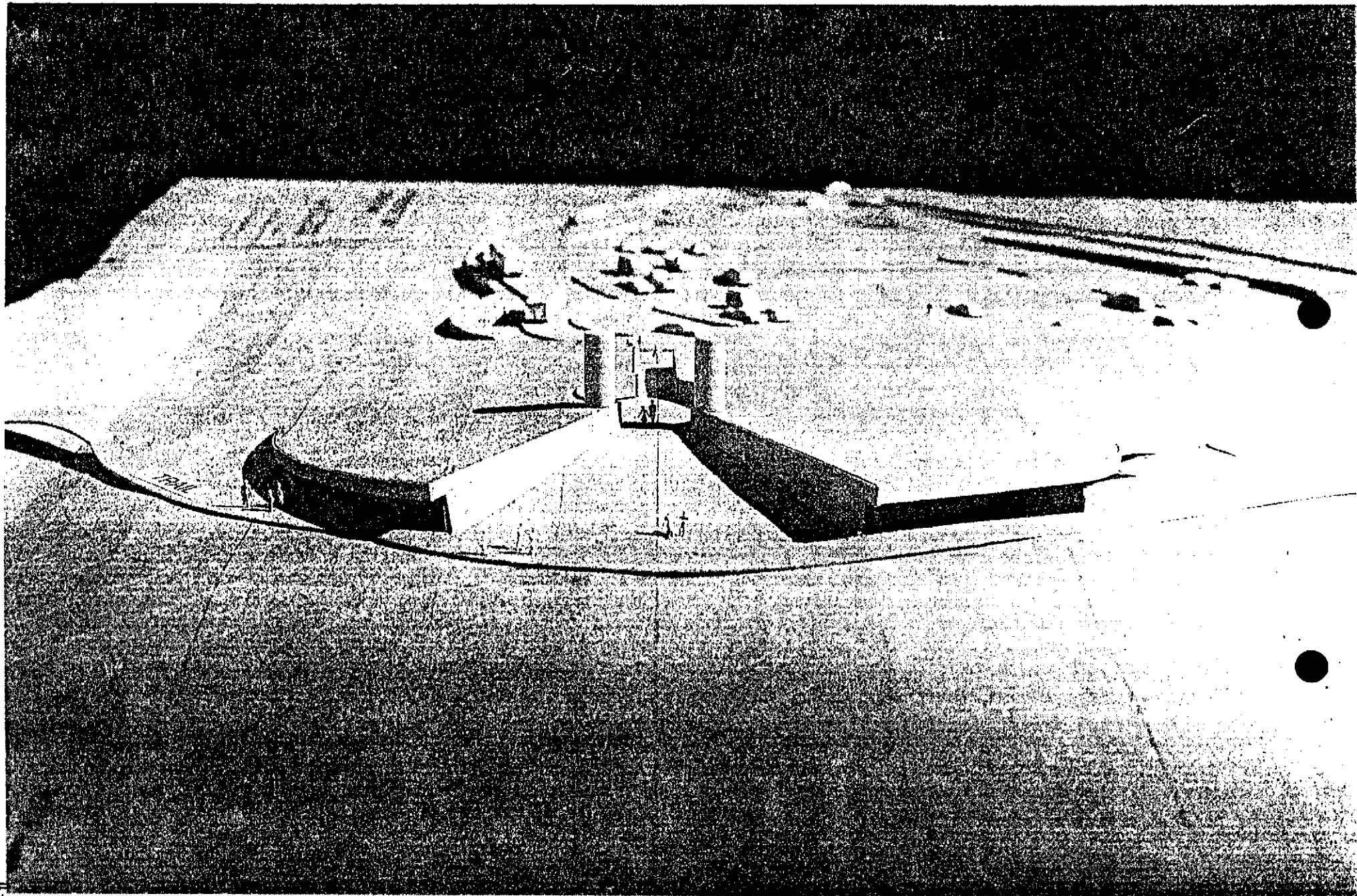
**UPPER NEWPORT BAY  
REGIONAL PARK**



**COUNTY OF ORANGE  
HARBORS, BEACHES & PARKS**  
EDAW, Inc.  
Landscape Architecture & Planning

u-55

FIGURE 4-2



W-56

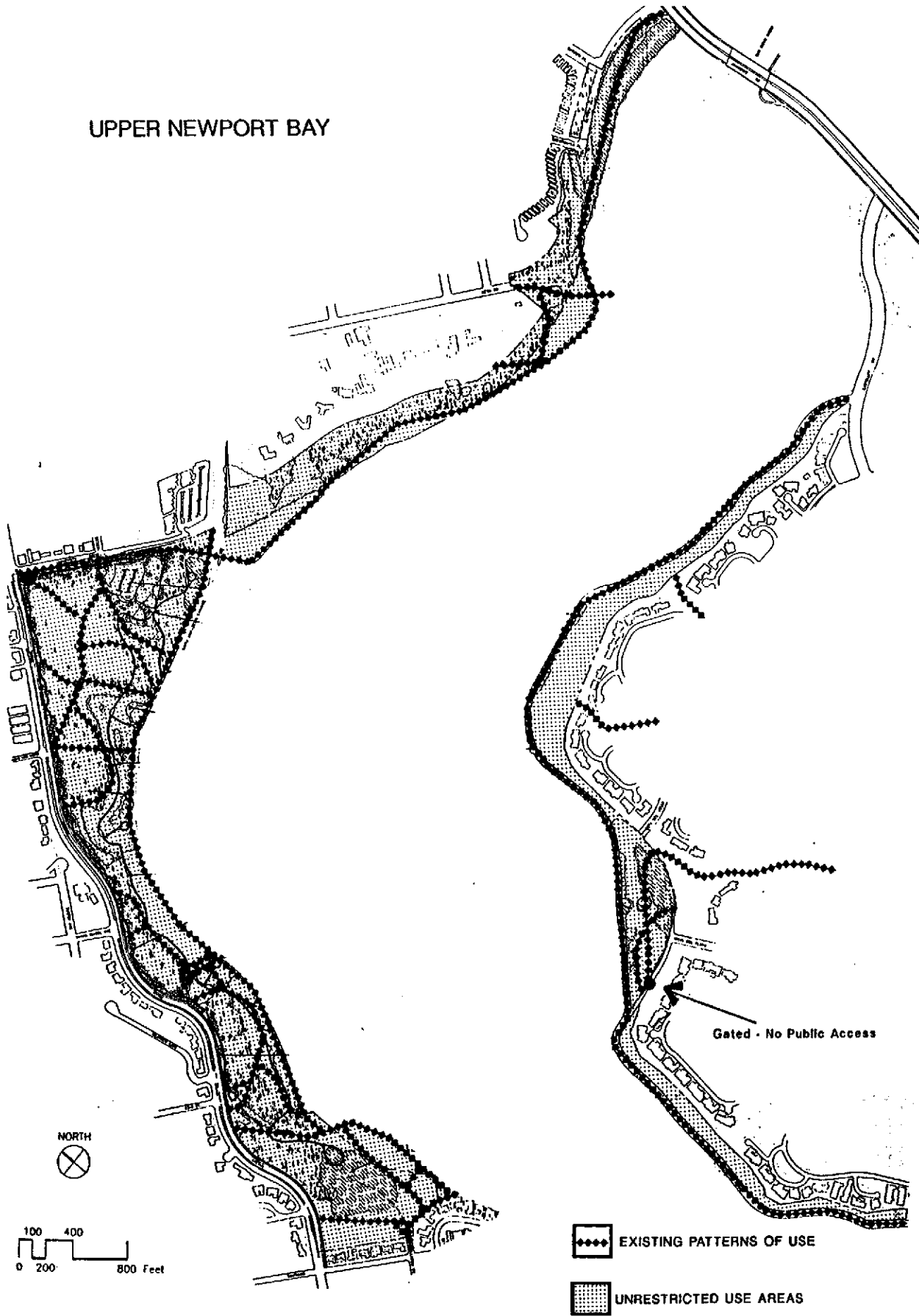
**INTERPRETIVE CENTER MODEL**  
**VIEW FROM THE BAY**

FIGURE 4-4

Att. 7



# UPPER NEWPORT BAY



## CURRENT LEVEL OF HUMAN ACTIVITY

a-57

# WESTBAY DEVELOPMENT PLAN

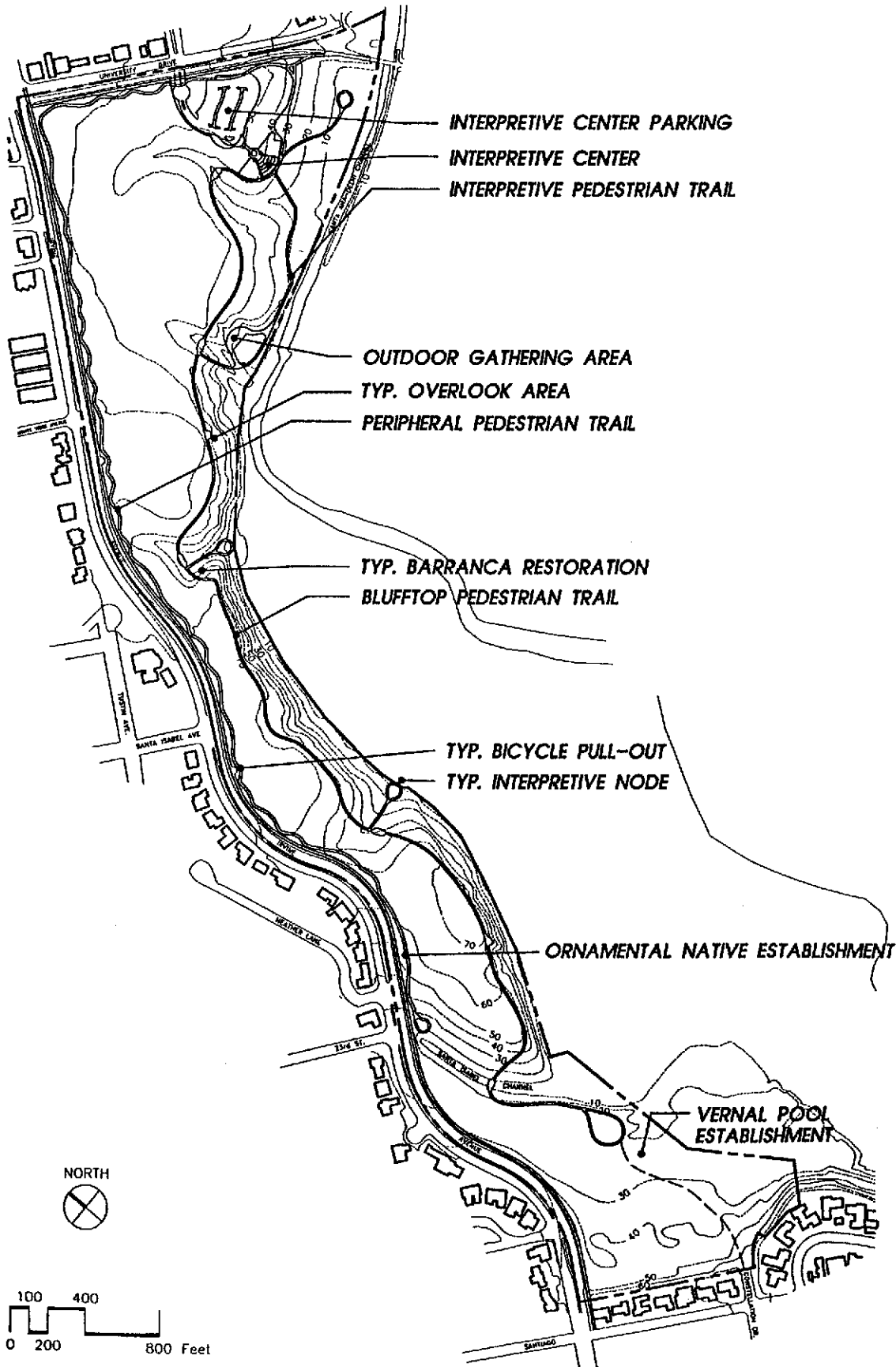


FIGURE 4-3

A-509

CITY OF NEWPORT BEACH

TO: Planning Commission

FROM: Planning Department

SUBJECT: A. General Plan Amendment No. 92-3(E) (Continued Public Hearing)

Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the Westbay parcel; and the acceptance of an environmental document.

AND

B. Local Coastal Program Amendment No. 31 (Continued Public Hearing)

Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.

INITIATED BY: The City of Newport Beach

LOCATION: The Westbay parcel, located at 2200 Irvine Avenue, southeasterly of the intersection of Irvine Avenue and University Drive

AND

C. Amendment No. 779 (Continued Public Hearing)

Request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the U (Unclassified) District, R-3-B and R-4-B-2 Districts to the PC (Planned Community) District.

LOCATION: The portions of Upper Newport Bay Regional Park between the Santa Ana-Delhi Channel in Santa Ana Heights and Jamboree Road (201 Bayview Way); and between Eastbluff Drive and the Upper Newport

**TO:** Planning Commission - 2

Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon (1900 Back Bay Drive).

**ZONE:** R-3-B, R-4-B-2 and Unclassified

**APPLICANT:** The County of Orange

**OWNER:** Same as applicant

**AND**

**D. Use Permit No. 3488 (Continued Public Hearing)**

Request to approve a General Development Plan and Resource Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.

**LOCATION:** Upper Newport Bay Regional Park surrounds the northern portion of Upper Newport Bay in three separate parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon on the east (2200 Irvine Avenue, 201 Bayview Way and 1900 Back Bay Drive).

**ZONE:** P-C, R-3-B, R-4-B-2 and Unclassified

**APPLICANT:** The County of Orange

**OWNER:** Same as applicant

***SYNOPSIS***

The public hearing for these items was originally scheduled for April 8, 1993 and was continued to April 22 to allow additional time for the public and the Planning Commission to review the park plan documents. Since the April 8 staff report was distributed, the City has received additional correspondence from concerned parties (Attachments 1-4). A discussion of these comments is provided below. Attachment 7 provides the legal description for the portion of the park included in the proposed zone change (Exhibit 1 to the draft Resolution for Amendment No. 779), which was inadvertently omitted from the April 8 report. Copies of the April 8 staff report, which provides the background and analysis of the park proposal, are available from the Planning Department and at the hearing.

a-bv

TO:

Planning Commission - 3

## ***ANALYSIS***

### ***Comments Received***

The following is an analysis of the written comments received after distribution of the April 8 staff report. Each of these letters is hereby incorporated into the record, and copies of this staff report have been mailed to each of the commentors.

Letters from Mr. Steve Kumar: Mr. Kumar resides at 2133 Indian Springs Lane, along the west side of Irvine Avenue just south of 23rd Street. In his letters to Mayor Turner, the Assistant City Traffic Engineer, and the County Harbors, Beaches and Parks Department (Attachment 1) Mr. Kumar requests that Irvine Avenue be realigned eastward between Santiago Drive and Santa Isabel in order to improve safety and reduce noise in his neighborhood. The realignment would move this segment of the road onto park property.

Response: Responses to Mr. Kumar's letter from the County and the City Public Works Director are provided in Attachments 5 and 6. The County response notes that such a realignment would be difficult due to existing deed restrictions and law, and refers to the City's primary jurisdiction over this public street. The City Public Works Department further notes that this issue was discussed with the County in 1989, and staff believes it to be infeasible due to environmental constraints and lack of available funding. If it is the desire of the Planning Commission to recommend that the City Council reconsider this issue, staff will prepare a background report for discussion.

Letter from Ms. Jane Farwell: Ms. Farwell, who resides on Santiago Drive between Tustin and Irvine Avenues, opposes development of the park and the proposed use restrictions, and favors leaving the property in its present condition (see Attachment 2).

Response: As noted in the April 8 staff report, the County's plan represents a compromise between public recreation and ecological restoration. This strategy is a policy judgement to be affirmed or modified by the City Council, Board of Supervisors and Coastal Commission under each agency's respective authority to approve the project. Ms. Farwell's comments are hereby incorporated into the record for consideration by the Commission.

Letter from Mr. M. C. Horning, Jr.: Mr. Horning, a resident of Mesa Drive in Santa Ana Heights, objects to the park plan due to the burden he believes it would place on City and County law enforcement agencies as a result of additional visitors and potential criminal activity that may be attracted to the regional park. He also supports keeping the existing bicycle and equestrian trails, and providing more intensive recreational activities for a wide variety of users.

Response: The park property is located within the City of Newport Beach, and police and fire protection are currently provided by the City. No change to this arrangement is

a-61

TO: Planning Commission - 4

contemplated in the proposed project, and to the extent that higher park activity levels are generated by the park's development, more frequent calls for police and fire services would be expected.

The level of visitor usage that would result from the proposed plan is unknown at this time. The EIR prepared by the County states that no significant impacts in the area of police or fire protection would result from the project. Prior to approving the project, the City would either be required to adopt findings to this effect or revise the EIR. The Police and Fire Departments have been asked to reevaluate this issue to determine whether they agree with the determination in the EIR. Staff will provide their comments for consideration by the Planning Commission at the hearing.

As noted previously, the commentor's opinion regarding the appropriate type of recreational use for the park is hereby incorporated into the record for consideration by the involved agencies.

Letter from Ms. Marilee Terrell: Ms. Terrell is opposed to the County's proposed plan and is in favor of allowing the park to remain in its current condition (Attachment 4). She believes that the proposed plan would result in adverse impacts to wildlife that now occupy the property, and to some current park users who would be restricted from activities such as walking dogs in the Westbay parcel. She is also concerned that the proposed reclassification of the property to "P-C" (Planned Community) may lead to higher intensity development in the future.

Response: Ms. Terrell's opposition to the proposed park development concept and expenditure is hereby incorporated into the record for consideration by the Planning Commission and City Council. With respect to the current operation of the park under the Interim Operations Plan, the ranger station is located outside the park on Shellmaker Island adjacent to Newport Dunes on the east side of the bay. The County park ranger indicated that she typically drives through the park on patrol at least two or three times daily. Due to the location of the ranger station outside the park, it may not be surprising that her presence is not more apparent.

Ms. Terrell's concern regarding the P-C classification was shared by several other residents who telephoned but did not submit written comments. Several people have interpreted the term "Planned Community" to mean the type of development associated with typical subdivisions and commercial centers. In this case, the rationale for redesignating the park property P-C is to create uniform zoning for the entire park and provide an administrative mechanism for the City's review and approval of the County's development plans. The P-C designation would not alter the proposed development intensity or allow private residential or commercial development. The level of development is established by the General Plan, and the development configuration and operational guidelines are controlled through the Use Permit process. The proposed General Plan Amendment would increase the allowable size of the interpretive center from 8,000 to 10,000 square feet. The proposed Use Permit

a-62

TO:

Planning Commission - 5

would establish the County's General Development Plan and Resource Management Plan as the development and operational regulations for the park. Any proposal to increase the development intensity beyond the level proposed in these documents would require approval by the City Council at a legally-noticed public hearing.

### *Conclusion*

The comments discussed above are indicative of the range of public opinion that has been expressed on this project, but they do not raise significant new project issues that are not addressed in the EIR and the April 8 report. If it is the opinion of the Planning Commission that the proposed General Development Plan and Resource Management Plan provide a desirable strategy for the development and operation of Upper Newport Bay Regional Park, and that the EIR adequately addresses the potential impacts of the project, appropriate findings, conditions and resolutions are provided to recommend approval of the requested actions by the City Council. Specific conditions and revisions to the County's proposed plan were provided for the Commission's consideration in the April 8 report. If it is the desire of the Commission to recommend these or other modifications to the project, appropriate revisions will be incorporated into Exhibit A and the resolutions.

### *RECOMMENDED ACTION*

If desired:

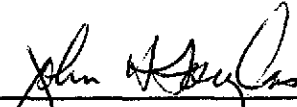
1. Adopt Draft Resolution (Attachment 2 to the Planning Commission Report of April 8, 1993) making the required findings for a Responsible Agency under CEQA regarding the environmental impacts identified in Final EIR No. 525 prepared by the County of Orange as Lead Agency.
2. Adopt Draft Resolutions recommending City Council approval of General Plan Amendment 92-3(E), Local Coastal Program Land Use Plan Amendment No. 31, and Zoning Amendment No. 779 (Attachments 3,4 and 5 to the Planning Commission Report of April 8, 1993) subject to the findings and conditions contained in Exhibit A (Attachment 1 to the April 8 report).
3. Recommend City Council approval of Use Permit No. 3488 subject to the revisions, findings and conditions contained in Exhibit A (Attachment 1 to the April 8 report).

Q-63

TO: Planning Commission - 6

Very truly yours,

**PLANNING DEPARTMENT**  
**JAMES D. HEWICKER, Director**

By:   
\_\_\_\_\_  
John H. Douglas, AICP  
Principal Planner/Environmental Coordinator

Attachments

1. Letters from Mr. Steve Kumar
2. Letter from Ms. Jane Farwell
3. Letter from Mr. M.C. Horning, Jr.
4. Letter from Ms. Marilee Terrell
5. Response to Mr. Kumar from County of Orange
6. Response to Mr. Kumar from City of Newport Beach Public Works Department
7. Attachment to Resolution No. \_\_\_\_\_ for Amendment No. 779

F:\... \UNBRP\PC-RPT.2

A-64



STEVE KUMAR  
9402 DARROW DR  
HUNTINGTON BCH  
CA - 92646

(714) 968-0352

RECEIVED  
PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

APR 1 1993 PM  
7 8 9 10 11 12 1 2 3 4 5 6

3/29/93.

MR. CLARENCE TURNER  
MAYOR <sup>ESQ.</sup>  
CITY OF NEWPORT BEACH  
3300 NEWPORT BLVD.  
NEWPORT BCH, CA-92659-1768

SUBJECT: RE-ALIGNING OF IRVINE BLVD.  
BETWEEN SANTIAGO & SANTA ISABEL AVE.  
IN NEWPORT BCH, CA. REF. Hearing on 4/8/93

Dear Mr. Turner,

It was nice talking with you to-day. We live at 2133 Indian Spring Newport Beach, CA. We need your help in re-aligning the above road which will increase the safety, decrease the accident rate, save property & losses to the vehicles and decrease the noise level & pollution in the neighborhood.

We hope you can convince the City Council for approval of this project and put on the priority list. Once the above is accomplished, then we can work with County of Orange in getting part of the funds from Proposition-5M program.

We understand that there is a hearing on 8th April 1993 for making the park. Mr Don Web, City Engineer thinks that we need some land from the Park to re-align the road. We hope you can convince Bob Fisher of County of Orange to give you a variance so that the road can be aligned. We hope you can write a letter to Board of Supervisor Tom Riley also. In case of any question, pl. call at (714) 968-0352.

C.C. Ben NOLAN / Don Web.  
John Douglas.

Yours truly,  
Steve Kumar. 7  
A-65

3/29/93.

Mr. Robert Fisher.  
Dir.  
Ms. Mary MURRAY &  
DENNY TURNER MGR  
HARBOR BEACH AND PARK Dept.  
P.O. Box 4048  
Santa Ana, CA - 92702.

STEVE KUMAR  
9402 DARROW DR.  
HUNTINGTON BCH  
CA - 92646  
(714) 968-0352.

SUBJECT: UPPER NEWPORT BAY REGIONAL PARK  
IN CITY OF NEWPORT BCH. Public Hearing on 4/8/93

Dear Mr Turner,

We understand that you are having a hearing on the above project on 8th April, 1993 in Newport Bch, CA. There will be an increase in traffic on IRVINE Blvd. because of the above park and Interpretive Center.

We need your help in re-aligning the small stretch of road on Irvine Blvd. between Santiago and Santa Isabel. This small stretch of road is extremely dangerous as it has a blind curve and a large steep section of road. We will appreciate your help in Realigning the road and improve the safety of the road. A small portion of the land of the park might be used in realigning the road. In case of any question, pl. call at (714) 968-0352. We have young children who will like to use the park.

Thank you for your help.

C.C. John Douglas.  
Environmental Co-ordinator.

Yours truly,  
Steve Kumar

A-66 B

STEVE KUMAR  
9402 DARROW DR.  
HUNTINGTON BCH  
CA - 92641  
(714) 968-0352

3/29/93.

MR. JIM BRAHLER  
ASTT. TRAFFIC ENGINEER  
CITY OF NEWPORT BCH  
3300 NEWPORT BLVD.  
NEWPORT BCH, CA-92659-1768

SUBJECT: TRAFFIC ACCIDENT DATA FOR LAST 3 YRS  
FOR IRVINE BLVD, NEWPORT BCH, CA. BETWEEN  
SANTIAGO AND Santa ISABEL AVE.

Dear Jim,

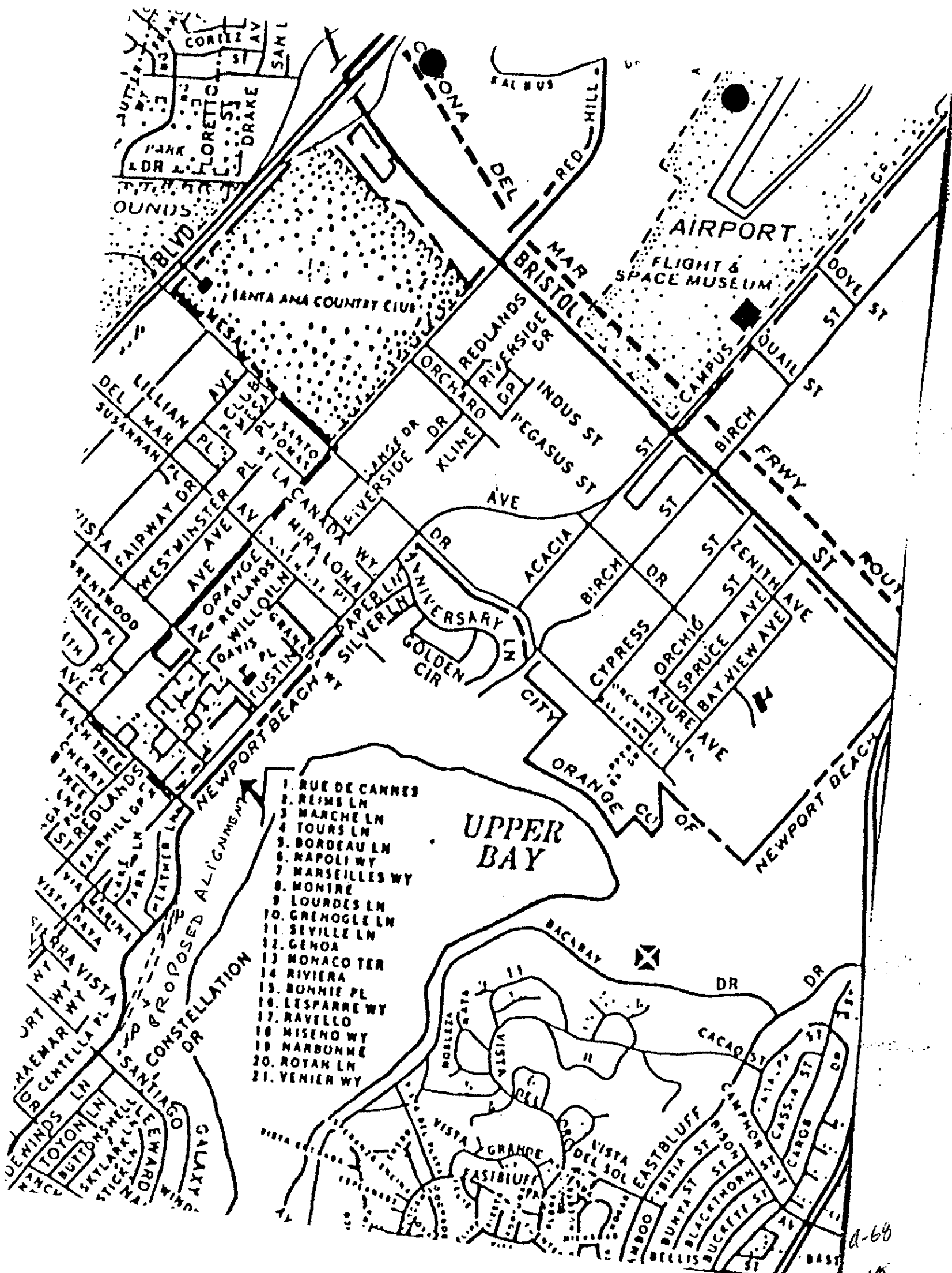
It was nice talking with you  
to-day. We need the above Traffic Accident  
information from you as soon as possible  
for the last 3 years in the following manner:

1. MINOR Traffic Accidents - \$ 500 or above to \$ 5,000.
2. MAJOR TRAFFIC ACCIDENTS - \$ 5,000 & above.
3. EXTENT OF INJURIES TO PERSONS.
4. NUMBER OF FATALITIES.

If you have categorized accidents in  
some other manner, pl. let us know. Your  
prompt help in the above matter will be  
highly appreciated. In case of any question,  
pl. call at (714) 968-0352.

Thank you

Yours truly,  
Steve Kumar. 9  
A-67



- UPPER BAY**
1. RUE DE CANNES
  2. REIMS LN
  3. MARCHE LN
  4. TOURS LN
  5. BORDEAU LN
  6. NAPOLI WY
  7. MARSEILLES WY
  8. MONTRE
  9. LOURDES LN
  10. GRENOBLE LN
  11. SEVILLE LN
  12. GENOA
  13. MONACO TER
  14. RIVIERA
  15. BONNIE PL
  16. LESPARRE WY
  17. RAVELLO
  18. MISENO WY
  19. HARBONNE
  20. ROYAN LN
  21. VENIER WY

a-68  
10

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

APR 8 1993  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

April 3, 1993

City of Newport Beach  
3300 Newport Boulevard  
Newport Beach, CA 92660

Attention: Planning Department  
April 8, 1993 Meeting

Re: Article in Daily Pilot, March 31, 1993,  
"A Protest of Progress".

I oppose the development of a Nature Center designed by Ron Yeo. This is not in the best interest of protecting the terrain as it will bring more people to the area, require parking, and add to our tax burden.

Erosion is a natural process of time. The whole back bay is a result of natural erosion -- it used to be under sea water!

Horses have enjoyed the back bay for longer than I can remember. I used to ride where my house sits (on Santiago Drive, between Tustin and Irvine Avenue). There are far less horses using the back bay than ever before -- again, due to "progress" accommodating more people.

This is one of the last places in our over populated community where one can walk with freedom and a small sense of adventure.

More rules are not going to prevent erosion. Please let nature take its course -- it is the last of open space in Newport Beach. Do not complicate with a building, trash cans, parking surface, lights, patrols and our tax dollars.

Sincerely,

*Jane Farwell*  
Jane Farwell  
2426 Santiago Drive  
Newport Beach, CA 92660

A-69 TT

M. C. HORNING, JR.  
2182 Mesa Drive  
Newport Beach, CA 92660

April 7, 1993

MEMO TO: CITY OF NEWPORT BEACH

RE: PUBLIC HEARING: UPPER NEWPORT BAY REGIONAL PARK  
April 8, 1993

We as residents at 2182 Mesa Drive wish to strenuously object to the proposed regional use of the upper Newport Bay Park property. We would question the County's ability to properly police the potential criminal and other activity that can reasonably be expected to arise from the proposed "regional use" and particularly from the proposed parking and educational centers.

Furthermore, it creates an additional burden for the Newport Beach Police which adds to the already over-whelming burden caused by the recreational influx of inland people to the Newport Beach area.

Frankly, we do not believe that any of the local governments, with the present economic conditions in this area have the resources to meet the added burdens to keep this area safe. With its present local use there is a very low crime rate and is relatively safe for use by the thousands of residents who live in the nearby areas.

Furthermore, we strenuously object to the deletion of the "secondary bicycle trail along the west bay bluff top" inasmuch as it amounts to nothing more than an attempt to move people out of the park. The need for this park as a place for people exceeds all of the needs. A trail should go all around the park (there's a road on the east side and a permanent trail established on the west side) and a similar trail is needed along the bay shore on the west side. The areas along the bay side of these roads and trails should be for the wildlife and the areas on the inland side of these trails and roads should be wherever possible for the use of people.

We should be able to coexist with wildlife while retaining a significant portion of this area for the use of the local residents. Most of the land area is not pristine and would make a wonderful area for hiking, horseback riding and ball fields and our children's play area. Intensive recreation for people is what is needed. Think what planners could do to create a multi-faceted multi-level park and recreation area for kids, families and adults. Picnic areas, equestrian areas, space for remote control gliders, hiking, jogging, bicycling, ball fields, public tennis courts and on and on. This could be a wonderful alternative for the youth of this area who now skate boards on our streets and hang out at shopping centers because they lack good recreation areas other than the crowded beaches.

Thank you for your consideration of these comments which we request be made a part of the record.

Sincerely,



M. C. Horning, Jr.

12  
11-70

APR 14 1993  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

April 14, 1993

Newport Beach Planning Commission  
C/O 3300 Newport Boulevard  
Newport Beach, Calif. 92660  
CC: Newport Beach City Council

Re: A) General Plan Amendment No. 92-3(E) AND B) Local Coastal Program Amendment No. 31 AND C) Amendment No. 779 AND D) Use Permit No. 3488

To Whom it May Concern,

I am very bothered by the General Development Plan which is being considered for the Upper Newport Bay Ecological Reserve.

As a resident of the Newport Beach area for over 30 years I find it troubling that an area which has been relatively undisturbed for a number of decades suddenly needs to be "protected" (from the residents of the area who have been "using" the reserve) at an estimated cost of \$6.5 million dollars.

Previously having read the proposed EIR draft 525 I found a number of reasons that (I felt) the planned interpretive center and the adjoining "park" were not necessarily the best alternatives for this area.

Part of the appeal and the beauty of the Upper Newport Bay property is in the fact that it is relatively undisturbed. Even though some of the vegetation is considered "non-native" by those on the County of Orange Planning Commission, it "arrived" in the area through natural means and much of it is currently a haven for some of the forms of animal life inhabiting the area now. Specifically I believe that Pampas Grass is considered a destructive form of vegetation that the County would like to eliminate. This fact I'm sure would cause some alarm to the rabbits and ground squirrels in the area which find refuge in the Pampas from their natural enemies (hawks and the like). Then I don't suppose that rabbits and ground squirrels are yet considered endangered, so there is doubtless little concern as to their welfare.

Among those species that are considered threatened the California Gnatcatcher and the Burrowing Owl do inhabit the Upper Newport Bay area. To "mitigate" the damage the Upper Bay Regional Development Plan would cause to those species, one access will be relocated so that it does not disturb the Gnatcatcher habitat, and a trail serving the the Interpretive Center will be relocated or "buffered" so as to "protect" the Burrowing Owl nesting site. The fact of the matter is the Interpretive Center itself will be built ON TOP OF the Burrowing Owl nesting site. I doubt if moving the trail will have all that

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A-71

much impact, when the building will be located where the species previously nested.

Moving the access shouldn't make too much difference to the California Gnatcatcher either, since the disturbance and the destruction from the building and relandscaping should effectively drive out most of the wildlife currently inhabiting the area (including those threatened species). There is some discussion and plans to "mitigate" (I love the way this word is used in the E.I.R. 525) the disturbance to the people who live in the surrounding Newport Beach and Santa Ana Heights area...but what might be a noisy, inconvenient disturbance to humankind could (and will in some cases) permanently drive out the wildlife that the County is "proposing" to protect.

I can only assume that from the initial findings of the Environmental Impact Report regarding the "waste run-off" into the Bay, the County of Orange (while it cannot mitigate fully the impact additional bathroom facilities and the waste they would create) felt that they could "mitigate" the damage from the additional load of waste by forbidding dogs onto the property anymore. I find this personally VERY upsetting. The Upper Newport Bay is the only real decent place left in the Newport Beach area to walk your dog. I have been walking my dogs there for the last 25 years. I have yet to see any destruction brought about by animals (domestic or wild) which even comes close to the problems created by people (offroad bicycling through the brush, wading into the reeds to fish...).

Not once in the evaluation of the Existing conditions, the proposed plan or even the analysis of same (page 9- Public Pedestrian Access - Westbay Parcel) is there any mention of WHY there they no longer wish to allow dogs on leashes. There is no specific mention of any destruction to the property dogs create or are currently responsible for. ALL other County and City Parks allow dogs on leashes that I am aware of...but of course many have restrictions (such as the beaches which only allow them during certain times, and during certain seasons). Certainly before an amendment of this nature is considered the County should have to not only state the reason for this ban on animals, but they should also be required to state why the taxpayers should pay approximately \$6.5 million dollars for this park and proposed land use program that will greatly restrict the rights of many existing users and taxpayers.

Currently Newport Beach is trying to build a Central Library which has been the issue of some debate as far as the proposed costs. Educational facilities have been consolidated and closed throughout (not only) the Newport Beach area, but throughout the whole of Orange County. Why does the County of Orange find it so necessary to build a multi-million dollar, 10,000 square foot Interpretive Center (and educational facility) on top of the nesting site of the endangered Burrowing Owl when we have got at least TWO schools within a 3 mile distance of the Upper Newport Bay that are already built as educational centers (which have been closed and consolidated due to lack of funds). Something is wrong here. If The County of Orange is so desperate to spend this money (they say they have) perhaps they should spend it on the existing programs that they have

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A-72



cut back) for the youth and the elderly in the County). The money might be better spent bringing the currently existing parks back into shape and making them free of gangs so that they can once again be useful to the residents in those neighborhoods.

Rather than going to the expense of hiring additional county (or city) workers to maintain and oversee this boondoggle of a "park" that the County wants to build perhaps it would be more prudent to increase our police force to patrol the County beaches which are currently under curfew because the county is too "strapped" to hire the necessary personnel to patrol and protect the citizens that would like to use them. We cannot even maintain those parks and facilities that we currently have...why are we building more?

Part of the rationale for not going with the previously proposed No Project Alternative was that it did not seem to accomplish the goals the County had set for this project. The way that this was determined does not seem to make sense to me. It is mentioned that under the County's Interim Operations Plan that pedestrian, bicycle and equestrian use is limited to dirt and paved trails and a ranger is on site to enforce the operations plan. This is NOT and HAS NOT been the case. I have NEVER seen a ranger in the many years I have been going to the Upper Newport Bay with my dog. I have on a couple of occasions seen the Newport Beach Police (animal control) on the property, but AT NO TIME have I EVER SEEN A PARK RANGER. How can the County gauge the destruction to the park under a No Project Alternative when the basic guidelines have never been, or even attempted to have been, met? If a park ranger is being paid taxpayer money to patrol this property we should get a refund!!!! If some of the existing rules were enforced I am sure that the "destruction" that the County says is now (and will be) occurring would be greatly "mitigated" and the need for this intrusive interpretive Center would no longer exist. As far as liability claims, I would think that the County and City would be just as (in fact more) responsible for liability claims due to the fact they have actively made "improvements" to the property. Has anyone ever heard of "Warning, proceed at your own risk", signs? As far as an interpretive center itself, much the same type of goal could be accomplished (educate the people to the native vegetation and wildlife) the way it has been done at Irvine park. Signs along the trails point out specific species of plants which are nearby. Alternate signs along the trails could show pictures of the wildlife as well and describe their lifecycles' and other information about them. Currently there are nature hikes in the area conducted by experts, these have been sufficient for years, and much less intrusive than a 100 space parking lot and a 10,000 square foot interpretive center. I'm sure many of these things can be done for MUCH, MUCH, MUCH less than \$6.5 million. Do we really need a 10,000 square foot building and parking lot? Many people go there to be OUTDOORS...not inside a building. Why build up the place to bring crowds of people there... that will only encourage undesirable activity and possibly invite vandalism. If something HAS to be done, enforce the existing

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rules, with REAL personnel on site. Don't punish those law abiding citizens that love and respect this wildlife area by not allowing us to bring our animals there. With the current record that the County of Orange has in building and maintaining parks how can we allow them carte blanche over an area as beautiful as the Upper Newport Bay? Based on information that the County has supplied which is not fully factual (such as the fact that there are rangers currently patrolling the park) , and whose "mitigation" alternatives cannot be fully determined until AFTER the fact I cannot see why Newport Beach would approve and support such a plan in it's own back yard.

I understand that the County is NOW saying that some of the costs would be covered by "donations". What amount (percentage)? Who is donating to this cause? I do think that both of these questions should be answered before approval is given. I suspect some of those donations come from developers, which they can easily afford since the taxpayers will be obligated to improve and widen the roads (something that in spite of laws requiring developers to be responsible for such road improvements the taxpayers somehow end up footing the bill...probably since the roads are widened before the development begins).

I STRONGLY object to approval of the Upper Newport Bay Regional Park and Land Use Plan. Since this plan will ultimately have a significant impact not only on the residents who reside near the Upper Newport Bay, but on those of us who will be required to support this park through forced "donations" (taxes), long after the \$6.5 million dollars has been spent and paid off to build the park, I think that this REALLY is an issue that should be decided by the population within the Newport Beach area. I suggest that this "plan" be put to a vote in the next general election. I am sure that the so called "destruction" to the current Upper Newport Bay environment will not be much more extensive than has already been suffered were we to wait a little longer. In fact it might give the County of Orange the opportunity to REALLY have a ranger on the premises for a couple of years and REALLY monitor whether there is a problem when the current regulations are being enforced!!!

Rather than have those of us who are aware of the plan (I do not believe that many residents even really know what is planned for the Upper Newport Bay area) try to fight it at each step, I really think it is onus of the County of Orange to justify why the proposed plan has been approved and accepted. There are still a number of outstanding issues that HAVE NOT been resolved by this plan (in fact in many cases the plan itself creates additional problems which do not currently exist). Why is there so much effort being put into "mitigating" the impacts of this development (which in MANY cases are SIGNIFICANT according to their own experts, when the emphasis should be on mitigating the impacts of destructive influences upon the area as it now sits?

It will be extremely hard to convince me that forbidding dogs on leashes is a possible solution to the "problems" which exist in this ecological reserve. As a resident of this area for some time I believe that there must be some existing constructive easement for the access that my dog (and previous dogs before this one) and myself have that will not allow the County to

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A-74

prohibit us from continuing to enjoy walking in this ecological reserve.

I am also disturbed that after many years of Community Groups trying to fight development in the Upper Newport Bay area there seems to be an attempt to reclassify portions of this area to allow certain types of development that were previously restricted. Not being a City or County planner or developer I am not familiar as to exactly what the reclassifications would mean now (and in the future) as far as development. It would make sense, though, that an Unclassified area would not allow for development while the requested classification to Planned Community would allow not only development, but development of a high density nature. Could it be that the developers are "nibbling" at old laws and restrictions, aided by the County and City officials elected to protect these laws and restrictions? Little by little it appears that previously protected areas are being developed. This was certainly not the original intent by the City Council some 20+ years ago when the Upper Bay area was made an ecological reserve!!!! We are losing a beautiful stretch of Pacific coast Highway to Newport Coast...can't we please leave some areas vacant, so that all the public might enjoy them and the views that they allow? The Upper Newport Bay is about all that we have left...and there certainly is no place left to go locally for the wildlife that currently resides there.

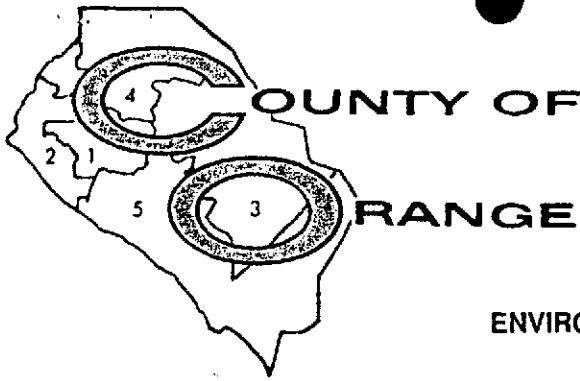
Please give our wildlife and our pocketbooks a break.

Sincerely,

  
Marilee Terrell

1725 Port Charles Place  
NB

0-75



Attachment 5

MICHAEL M. RUANE  
DIRECTOR, EMA

ROBERT G. FISHER  
DIRECTOR OF HARBORS, BEACHES & PARKS

LOCATION:  
300 N. FLOWER ST.  
FOURTH FLOOR  
SANTA ANA, CALIFORNIA

MAILING ADDRESS:  
P.O. BOX 4048  
SANTA ANA, CA 92702-4048

TELEPHONE:  
(714) 834-6667  
FAX # 834-4744

ENVIRONMENTAL MANAGEMENT AGENCY  
HARBORS, BEACHES AND PARKS

April 2, 1993

Mr. Steve Kumar  
9402 Darrow Drive  
Huntington Beach, CA 92646

Subject: Upper Newport Bay Regional Park and Irvine Avenue Alignment

Dear Mr. Kumar:

I have received and read your letter regarding the alignment of Irvine Avenue adjacent Upper Newport Bay Regional Park. I understand your concern regarding the "blind curve" of Irvine Avenue between Santiago and Santa Isabel Avenue. As you may already know, Irvine Avenue is a City road and under the jurisdiction of the City of Newport Beach. As such, this is technically an issue the City of Newport Beach should address. I would suggest you contact the City Engineer, Mr. Don Webb at (714) 644-3311, for further resolution of this concern.

However, in preparation of the General Development Plan for Upper Newport Bay Regional Park, many people expressed concern with crossing Irvine Avenue at "uncontrolled intersections." We are keenly aware that Irvine Avenue is a dangerous street. Our Traffic Engineer has advised against providing access to the park along Irvine Avenue which would encourage people to cross the street anywhere but at a controlled intersection. For this reason, primarily, we are proposing the main access to Upper Newport Bay Regional Park be provided at the northerly end of the park, near the intersection of University Drive and Irvine Avenue. Access to the park along Irvine Avenue will be discouraged. Although a minor access will be provided at the southerly end of the park, near Constellation Drive which will allow residents of the area to enter the park without having to go all the way up to University Drive for entrance to the park site.

While I do understand that the alignment of Irvine Avenue could be improved, it would be extremely difficult, if not impossible, to use the park property for road re-alignment due to deed restrictions and legislation which prohibit use of park property for road purposes.

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH  
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Page 2

I would be happy to discuss this further, if the City wishes to pursue discussion of Irvine Avenue re-alignment.

Very truly yours,



Denton D. Turner, Manager  
Harbors, Beaches & Parks/Design

MM:pc3040116344079

cc: R. Fisher, Director, Harbors, Beaches and Parks  
D. Webb, Newport Beach City Engineer  
J. Douglas, Newport Beach Environmental Coordinator

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A-77



# CITY OF NEWPORT BEACH

PUBLIC WORKS DEPARTMENT  
P.O. BOX 1768, NEWPORT BEACH, CA 92659-1768  
(714) 644-3311

April 6, 1993

Mr. Steve Kumar  
9402 Darrow Drive  
Huntington Beach, CA 92646

Subject: Re-alignment of Irvine Avenue between  
Santiago Drive and Santa Isabel Avenue

Dear Mr. Kumar:

This is a follow-up to our recent telephone conversation, and your letter to Mayor Turner regarding the above matter.

Approximately four (4) years ago, in mid-1989, the City corresponded with the County regarding park planning and the possible re-alignment of Irvine Avenue. The re-alignment required approximately 5 to 6 acres of land from the park, and had a potential impact on wetlands.

These reasons, together with the substantial cost, were significant enough that the re-alignment was not initiated. It is my belief that a realignment project is not feasible considering the park and environmental constraints, and the lack of funding.

As you are aware, the Newport Beach Planning Commission will be holding a hearing on the County's Upper Bay Park Plan on Thursday, April 8. This will not be a hearing, however on Irvine Avenue realignment. It is possible the Planning Commission hearing may be continued. Please feel free to contact the City Planning Department at (714) 644-3225 regarding the conduct of the hearing.

Very truly yours,

Benjamin B. Nolan  
Public Works Director

BBN:mms

xc: Mayor Turner  
City Manager  
Planning Director

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A-78

89-388787

~~ALSO EXCEPT THEREFROM THAT PORTION INCLUDED WITHIN THE LAND DESCRIBED AS PARCEL 1 IN THE DEED TO THE COUNTY OF ORANGE AND THE CITY OF NEWPORT BEACH RECORDED APRIL 22, 1975 IN BOOK 11382, PAGE 1923 OF SAID OFFICIAL RECORDS.~~

PARCEL 301(A):

THAT PORTION OF BLOCK 51 OF IRVINE'S SUBDIVISION, PER MAP RECORDED IN BOOK 1, PAGE 88 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS "SERVIENT TENEMENT" IN THE DEED TO THE STATE OF CALIFORNIA RECORDED APRIL 22, 1975 IN BOOK 11382, PAGE 1898 OF OFFICIAL RECORDS IN THE OFFICE OF SAID COUNTY RECORDER, LYING SOUTHWESTERLY OF THAT CERTAIN COURSE CITED AS HAVING A BEARING OF NORTH 49 DEG. 21' 54" WEST AND A LENGTH OF 494.21 FEET IN THE DEED TO THE COUNTY OF ORANGE RECORDED APRIL 18, 1985 AS DOCUMENT NO. 85-138036 OF SAID OFFICIAL RECORDS.

PARCEL 301(B):

THAT PORTION OF BLOCK 51 OF IRVINE'S SUBDIVISION, PER MAP RECORDED IN BOOK 1, PAGE 88 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED AS FOLLOWS: SOUTHWESTERLY BY THAT CERTAIN COURSE CITED AS HAVING A BEARING OF SOUTH 49 DEG. 14' 28" EAST A LENGTH OF 72.39 FEET IN THE BOUNDARY LINE OF THE LAND DESCRIBED AS "SERVIENT TENEMENT" IN THE DEED TO THE STATE OF CALIFORNIA RECORDED APRIL 22, 1975 IN BOOK 11382, PAGE 1989 OF OFFICIAL RECORDS IN THE OFFICE OF SAID COUNTY RECORDER; SOUTHEASTERLY BY THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO F. ROY GREENLEAF, JR. RECORDED JULY 23, 1951 IN BOOK 2207, PAGE 196 OF SAID OFFICIAL RECORDS; AND NORTHWESTERLY BY THE MOST SOUTHERLY LINE OF THE LAND DESCRIBED AS PARCEL 1 IN THE DEED TO THE ORANGE COUNTY FLOOD CONTROL DISTRICT RECORDED NOVEMBER 8, 1961 IN BOOK 5906, PAGE 516 OF SAID OFFICIAL RECORDS.

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~~Exhibit "C"~~

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LEGAL DESCRIPTION OF THE BLUFF PARCELS

BLUFF PARCELS

DESCRIPTION

THE LAND REFERRED TO IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ORANGE, IN THE CITY OF NEWPORT BEACH AND IS DESCRIBED AS FOLLOWS:

PARCEL 501:

THOSE PORTIONS OF BLOCKS 51 AND 52 OF IRVINE'S SUBDIVISION, PER MAP RECORDED IN BOOK 1, PAGE 88 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF TRACT NO. 6230, PER MAP RECORDED IN BOOK 245, PAGES 10 THROUGH 13 OF SAID MISCELLANEOUS MAPS, THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE GENERAL NORTHWESTERLY AND NORTHEASTERLY LINES OF SAID TRACT NO. 6230, TO POINT "C" ON THE BOUNDARY OF THAT CERTAIN LAND DESCRIBED IN THE DEED TO THE CITY OF NEWPORT BEACH RECORDED MAY 17, 1965 IN BOOK 7522, PAGE 161 OF OFFICIAL RECORDS IN THE OFFICE OF SAID COUNTY RECORDER; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE GENERAL NORTHWESTERLY AND NORTHEASTERLY LINES OF SAID CERTAIN LAND TO THE GENERAL WESTERLY LINE OF TRACT NO. 7083 PER MAP RECORDED IN BOOK 274, PAGES 34 THROUGH 37 OF SAID MISCELLANEOUS MAPS; THENCE NORTHERLY ALONG SAID GENERAL WESTERLY LINE OF TRACT NO. 7083 TO THE GENERAL SOUTHERLY LINE OF TRACT NO. 7052 PER MAP RECORDED IN BOOK 301, PAGES 1 THROUGH 6 OF SAID MISCELLANEOUS MAPS; THENCE WESTERLY, NORTHERLY AND NORTHEASTERLY ALONG THE GENERAL SOUTHERLY, WESTERLY AND NORTHWESTERLY LINES OF SAID TRACT NO. 7052 TO THE MOST WESTERLY CORNER OF TRACT NO. 7082 PER MAP RECORDED IN BOOK 269, PAGES 23 THROUGH 25 OF SAID MISCELLANEOUS MAPS; THENCE NORTHEASTERLY AND EASTERLY ALONG THE GENERAL NORTHWESTERLY AND NORTHERLY LINES OF SAID TRACT NO. 7082 TO THE NORTHWESTERLY CORNER OF TRACT NO. 7166 PER MAP RECORDED IN BOOK 275, PAGES 17 THROUGH 22 OF SAID MISCELLANEOUS MAPS; THENCE EASTERLY ALONG THE GENERAL NORTHERLY LINE OF SAID TRACT NO. 7166 TO THE NORTHWESTERLY CORNER OF TRACT NO 7167 PER MAP RECORDED IN BOOK 305, PAGES 45 THROUGH 50 OF SAID MISCELLANEOUS MAPS; THENCE EASTERLY ALONG THE GENERAL NORTHERLY LINE OF SAID TRACT NO. 7167 TO THE SOUTHERLY LINE OF BACK BAY DRIVE, DESCRIBED AS PARCELS 5 AND 6 IN THE DEED TO THE STATE OF CALIFORNIA RECORDED APRIL 22, 1975 IN BOOK 11382, PAGE 1893 OF SAID OFFICIAL RECORDS; THENCE WESTERLY, SOUTHWESTERLY AND SOUTHERLY ALONG THE GENERAL SOUTHERLY, SOUTHEASTERLY AND EASTERLY LINES OF SAID BACK BAY DRIVE TO THE GENERAL NORTHERLY LINE OF TRACT NO. 5878 PER MAP RECORDED IN BOOK 229, PAGES 35 THROUGH 40 OF SAID MISCELLANEOUS MAPS; THENCE EASTERLY ALONG SAID GENERAL NORTHERLY LINE OF TRACT NO. 5878 TO THE POINT OF BEGINNING.

062289

~~Exhibit "D"~~

188803-01



PARCEL 601:

LOT 127 OF TRACT NO. 5435, PER MAP RECORDED IN BOOK 200, PAGES 17 THROUGH 21 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND LOT 91 OF TRACT NO. 5878, PER MAP RECORDED IN BOOK 229, PAGES 35 THROUGH 40 OF SAID MISCELLANEOUS MAPS.

062289

~~Exhibit "D"~~  
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**CITY OF NEWPORT BEACH**

**TO:** Planning Commission

**FROM:** Planning Department

**SUBJECT:** A. General Plan Amendment No. 92-3(E) (Continued Public Hearing)

Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the Westbay parcel; and the acceptance of an environmental document.

**AND**

B. Local Coastal Program Amendment No. 31 (Continued Public Hearing)

Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.

**INITIATED BY:** The City of Newport Beach

**LOCATION:** The Westbay parcel, located at 2200 Irvine Avenue, southeasterly of the intersection of Irvine Avenue and University Drive

**AND**

C. Amendment No. 779 (Continued Public Hearing)

Request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the U (Unclassified) District, R-3-B and R-4-B-2 Districts to the PC (Planned Community) District.

**LOCATION:** The portions of Upper Newport Bay Regional Park between the Santa Ana-Delhi Channel in Santa Ana Heights and Jamboree Road (201 Bayview Way); and between Eastbluff Drive and the Upper Newport

*A-83*

TO: Planning Commission - 2

Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon (1900 Back Bay Drive).

ZONE: R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

AND

D. Use Permit No. 3488 (Continued Public Hearing)

Request to approve a General Development Plan and Resource Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.

LOCATION: Upper Newport Bay Regional Park surrounds the northern portion of Upper Newport Bay in three separate parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon on the east (2200 Irvine Avenue, 201 Bayview Way and 1900 Back Bay Drive).

ZONE: P-C, R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

**SYNOPSIS**

The public hearing for these items was originally scheduled for April 8, 1993 and was continued without discussion to April 22 to allow additional time for the public and the Planning Commission to review the park plan documents. At the April 22 hearing the Commission received a presentation from County Harbors, Beaches and Parks staff, and heard public testimony from interested members of the community. Additional written comments were also submitted for the Commission's review and are attached to this report. The public hearing was continued to May 6, and City and County staff were requested to prepare responses to the concerns raised by the public and the Commission. A discussion of these issues is provided below. Copies of the April 8 and 22 staff reports are available from the Planning Department and at the hearing.

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**ANALYSIS*****Written Comments Received***

The following is an analysis of the written comments received after distribution of the April 22 staff report. Each of these documents is hereby incorporated into the record, and copies of this staff report have been mailed to each of the commentors.

**Memo from Newport Beach Police Department:** The Police Department provided this memo (Attachment 3) in response to a comment from Mr. M. C. Horning, Jr., which was included in the April 22 report. Mr. Horning stated that the regional park would cause an additional burden on law enforcement agencies as a result of additional visitors. In his response, Chief Jacobs indicates that some increase in police calls would probably result as park usage increases, although the type and extent of the calls would be difficult to predict. The Police Department recommends that if the project is approved, the County should be charged a fee for the increased public safety services provided by the City.

If the Planning Commission believes that a fee would be appropriate to offset an increase in costs to the City for additional public safety services, the following condition of approval could be recommended for consideration by the City Council.

*Prior to issuance of a building permit, the County of Orange shall enter into an agreement with the City of Newport Beach describing the respective responsibilities of each jurisdiction for the provision of public safety services within the park and an equitable method of sharing the cost of such services.*

Planning staff has also discussed this issue with the Fire Chief, and it is his opinion that existing automatic aid and mutual aid agreements between the City and the County would accommodate the proposed park project without significant financial impacts to the City.

**Letter from Craig and Charlotte Bluell:** In their letter (Attachment 4) the Bluells make six recommendations. Staff's comments are as follows:

1. Revised plans

It is standard procedure to require approval of an amended use permit for any substantial change to a project or its operating characteristics. Suggested Condition of Approval No. 1 for the use permit states as follows:

1. *That the development shall be in substantial conformance with the approved General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park except as noted below.*

The term "substantial conformance" is subject to interpretation by the Planning Department or, under some circumstances, by the Planning Commission or City Council. In order to avoid misunderstandings, perhaps it would be desirable to adopt specific conditions of approval addressing those aspects of the plan that are of special concern, e.g., hours of operation, areas of the park that are subject to closure, etc. Staff has no objection to the intent of the condition of approval recommended by the Bluells, although it may be appropriate to insert the word "substantial" so as to allow changes that are clearly minor in nature (*Prior to any substantial additions, deletions ...*).

2. Park hours

Staff supports the commentor's recommended condition of approval regarding clarification in the GDP and RMP that park hours refer to the Interpretive Center and parking lot, and not to park access in general.

3. Park closure

Staff agrees that the potential for park closure is a significant operational policy issue that should be explicitly addressed in the General Development Plan and/or Resource Management Plan. Any substantial changes to park operations would be subject to City approval as described in Item 1, above.

4. Pedestrian trail connections

The Bluells and others have requested that additional trail connections be provided within the Westbay parcel so as to allow hikers to follow loop patterns through the park. The County has stated that additional trails would act as barriers to wildlife movement resulting in fragmented habitat. It is a well accepted ecological principle that a single continuous habitat area is more valuable than several smaller parcels with the same total area because larger areas provide a more diverse gene pool which enables plant and animal populations to better adapt to environmental pressures. In the case of some species such as large predators, a minimum territory is required for each individual, although it is often difficult to quantify that threshold. When habitat is fragmented beyond the minimum threshold the survival of the species in that location is jeopardized.

In this case, however, staff believes it is difficult or impossible for biologists to quantify the extent to which habitat value would be reduced by additional trail connections. The County's plan attempts to maximize the wildlife habitat value of the site while still providing some pedestrian access.

5. Extension of pedestrian trail to the Ecological Reserve boundary

The County park property does not extend all the way to the bay, and the land between the County park boundary and the water is within the Ecological Preserve, which is managed by the state Department of Fish and Game (DFG). The Bluells have requested that the trail system within the County park extend to the Ecological Reserve boundary so that hikers can better view the bay and gain access to a loop trail through the Reserve adjacent to the southern portion of the Westbay parcel without "breaking trail" within the park.

Staff at the Ecological Reserve have stated that unescorted hikers are not permitted within the Reserve, therefore the requested modification could invite conflicts between park users and DFG. If it is the determination of the Commission that this would not result in a significant conflict, the commentor's recommended condition of approval can be recommended to the City Council for adoption.

6. Property affected by the park plan

This comment alludes to the relationship between the County park and the Ecological Preserve. The discretionary approvals under consideration apply only to County park property. The requested condition of approval would require the County to process an amended use permit if restoration or improvements are undertaken on state lands adjacent to the park.

This condition may extend beyond the legal jurisdiction of the City to enforce, since the property in question is under state control. If the County and state were to enter into an agreement for restoration or other work on state lands in conjunction with park development, the City may not have jurisdiction to place limitations on that agreement.

Letter from Robert Fisher, Director, Harbors, Beaches and Parks:

The County requests the modification or deletion of two mitigation measures contained in the EIR and included in the original Exhibit A for approval of the project.

Mitigation Measure No. 12 refers to the review of landscaping plans for the interpretive center and parking lot. The County requests that the City's review be limited to final detailed plans rather than preliminary plans. In fact, this was also City staff's intent and the text of Mitigation Measure No. 12 in the original Exhibit A contained a typographical error. The correct version of this mitigation measure is found in the text of the April 8 staff report on pages 8-9, as follows:

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12. *Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services and the Newport Beach Building Director for the area surrounding the Interpretive Center, ensuring that the parking lot shall be landscaped, equipped for irrigation, and improved as stated below:*
- a. *Preliminary Plan - Prior to the issuance of a building permit, a preliminary landscape plan, indicating use of native and drought tolerant species, and a cost estimate shall be submitted for the review and approval of the Manager, Subdivision Division.*
  - b. *Detailed Plan - Prior to the initiation of construction, a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division and the Newport Beach Public Works Department. Detailed plans shall show the detailed landscaping and irrigation design; and the preservation of views from Irvine Avenue.*
  - c. *Installation Certification - Prior to the issuance of final certificates of use and occupancy, said improvements shall be installed and shall be certified by a licensed landscape architect as having been installed in accordance with the approved detailed plans. Said certification shall be furnished in writing to the Manager, EMA/Public Works/Construction Division and the Newport Beach Building Director.*

The second request is in regard to the responsibility for Back Bay Drive. Mitigation Measure No. 14 in the County's EIR would require that prior to grading or construction for the park "... a plan for the ultimate use and configuration of Back Bay Drive shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer." In adding this mitigation measure to the Draft EIR, the County anticipated that the issue of Back Bay Drive would have been resolved by the time park plans were submitted to the City for approval. Since the Back Bay Drive issue remains open and the County has no jurisdiction over the roadway, Mr. Fisher believes it would be inappropriate to require that park development be delayed pending resolution of this issue.

Although this mitigation measure was included in the EIR prepared and circulated by the County, City Planning Department staff and the City Attorney believe that it may be deleted without requiring the revision and recirculation of the EIR if the City Council determines that the deletion does not constitute a major change to the project and would not result in a significant adverse effect on the environment.



Letters from Carla Brockman:

Three letters were submitted by Ms. Brockman (Attachments 6a-c).

The first letter (Attachment 6a) states that the EIR should not be addressed in the public hearing because it was not mentioned in the second public notice that was mailed to interested parties, and that the public should be allowed three minutes for testimony on each of the actions that are listed under this agenda item.

No public hearings are required in connection with an EIR under CEQA; however, it is the City's policy to invite public testimony on an EIR when it involves a project that requires a public hearing (e.g., General Plan amendments, zone changes). The legal notice published in the Daily Pilot and the original public hearing notice mailed to owners of property within 300 feet of the park and other interested parties made reference to the EIR that was prepared by the County for the proposed actions. The second notice was mailed to notify interested parties of a minor correction to the actions under consideration. The meeting agenda, which was posted 72 hours prior to the hearing as required by law, also included acceptance of an environmental document as part of this item. It is the opinion of Planning staff and the City Attorney that interested parties were adequately advised of the availability of the EIR, and that the public notice for this project was more extensive than required by law.

With respect to the amount of time allowed for public testimony on this item, it is left to the discretion of the Planning Commission whether additional time may be allocated to speakers.

The second letter (Attachment 6b) alleges that the EIR prepared by the County is inadequate.

As discussed in the April 8 report, the City is a "Responsible Agency" for the park project. CEQA limits the authority of Responsible Agencies regarding an EIR prepared by another agency. With few exceptions, the City must use the EIR that has been prepared by the County as Lead Agency. It is staff's opinion that in this case the City is not authorized under CEQA to make revisions to the EIR based on the comments contained in this letter. The City is authorized and required, however, to adopt any feasible alternative or mitigation measures within its powers that would substantially lessen or avoid any significant effects the project would have on the environment. The EIR concludes that with the proposed mitigation measures the project would have no significant impacts. If the Commission disagrees with this conclusion, an alternative project, additional mitigation measures, or project denial can be recommended to the City Council.

The third letter (Attachment 6c) states that insufficient information has been provided to allow the Commission to make a decision on the project and requests that the Commission support either the No Project Alternative or the Current Level of Human Activity Alternative.

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If the Commission determines that additional information is necessary prior to making a recommendation to the City Council, staff will attempt to respond to the Commission's request.

### *Oral Comments*

Discussed below are the major topics addressed verbally by the public and members of the Commission at the April 22 hearing.

#### Appropriateness of PC zoning

The Commission questioned the appropriateness of the "Planned Community" zoning designation for the park property. As staff noted at the hearing, the PC designation was a source of confusion for many residents. Most lay persons associate the term "Planned Community" with residential or commercial development, and some persons were suspicious that the PC designation could open the door to future development of the park.

Under the City's Zoning Ordinance, any type of use or development may be accommodated within the PC district with the approval of a specific development plan by the City Council. In this case, a use permit would incorporate the County's park plans, which would serve as the required PC development plan. No change to these plans could occur without the explicit approval of the City Council after a legally-noticed public hearing. In addition, the General Plan and Local Coastal Plan designate this property as a regional park site. Any other use would require City Council approval of amendments to those plans.

An alternative to the PC designation that could also be appropriate for regional park use is the "Open Space" designation. Although an OS designation might be better understood by the lay public, it should be noted that any zoning designation is subject to change at the discretion of the City Council.

If it is the determination of the Commission that the Open Space district would be more appropriate than Planned Community, this change can be recommended to the City Council.

#### Adequacy of EIR/analysis of alternatives

As noted above in the discussion of Ms. Brockman's letters, the City has limited authority to make changes to an EIR prepared by another agency. With regard to the alternatives considered in the EIR, it should be noted that CEQA does not require that alternatives be evaluated in the same level of detail as the proposed project. The main purpose of the Alternatives section is to provide a range of reasonable options that are feasible and could reduce or eliminate significant adverse effects while accomplishing the project's objectives. It is important to note that a "blended alternative" can be adopted using components from different alternatives presented in the EIR.

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If the Commission determines that an alternative to the project or additional mitigation measures would satisfy these requirements, such recommendations can be forwarded to the City Council.

#### Park cost/source of funding

Some speakers and members of the Commission questioned the appropriateness of allocating approximately \$6 million for this project in an era of strict budgetary limits. Although the park would be funded through the County government, a portion of these funds would be paid indirectly by taxpayers of Newport Beach. If it is the determination of the Commission that the proposed park plan represents an inappropriate use of public park funds, a less costly alternative can be recommended to the City Council.

#### Biological significance of the park

Some commentors have questioned whether the biological significance of the park justifies the use restrictions contained in the park plan, particularly the Westbay parcel. County staff will provide additional background information on this issue at the May 6 hearing.

#### Necessity of irrigation for native landscaping

The question of the need and appropriateness of irrigation systems for native vegetation was raised. It is common practice to provide irrigation with the installation of new landscaping, even native drought-tolerant vegetation. Without such irrigation, fast growing non-natives may choke out native plants before they can become established. Generally the irrigation can be discontinued after 2-3 years. It should be noted that native plant communities, although well adapted to local soil and climate, have evolved over a long period of time without competition from recently introduced exotic plants.

#### Appropriateness of the interpretive center

The appropriateness of the size and cost of the interpretive center was questioned by residents and the Commission. County staff will provide additional information on this topic. This issue remains a policy decision for the Commission and City Council, along with the County Board of Supervisors and the Coastal Commission.

#### Appropriateness of use restrictions in Westbay parcel (equestrians, dogs, bicycles)

The deed restrictions recorded against the Westbay parcel were of concern to the Commission and the public. A copy of the applicable portion of the deed is included in the

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letters submitted by Ms. Brockman (Attachment 6c). It should be noted that these deed restrictions constitute a private covenant between the County and The Irvine Company; however, it is staff's interpretation that the specific uses referred to (such as horseback riding) are permitted rather than required uses.

County staff will provide additional background regarding the rationale for the proposed restrictions at the May 6 hearing. In summary, it is City staff's understanding that the plan is based on two major objectives: to protect and restore sensitive biological resources of regional significance; and to provide a variety of recreational opportunities for all park users. The Westbay parcel is the only portion of the park where pedestrians would not be required to share trails with cyclists, equestrians and dogs. Because of the potential conflicts between these groups, the County plan attempts to provide at least one area where such conflicts will be eliminated.

With respect to the bicycle trail easements, the deeds state that these easements are "relocatable" to a similar location providing "reasonably comparable access". The County believes that the proposed plan accommodates such comparable access. If the Commission disagrees, modifications to the plan or conditions of approval can be recommended to the City Council for consideration.

#### Consistency with Master Plan of Riding and Hiking Trails

The plan's consistency with the County Master Plan of Riding and Hiking Trails was questioned at the public hearing. It is the opinion of staff that the park plan accommodates the Irvine Coast Trail and the Santa Ana Heights Trail, which traverse the park property. No designated regional trails pass through the Westbay parcel south of the Santa Ana-Delhi flood control channel.

#### *Conclusion*

If it is the opinion of the Planning Commission that the proposed General Development Plan and Resource Management Plan provide a desirable strategy for the development and operation of Upper Newport Bay Regional Park, and that the EIR adequately addresses the potential impacts of the project, appropriate findings, conditions and resolutions are provided in Exhibit A to recommend approval of the requested actions by the City Council. If it is the desire of the Commission to recommend approval with modifications to the project, appropriate revisions can be incorporated into Exhibit A (Attachment 1).

If the Planning Commission believes that the proposed plan is fundamentally inappropriate, findings recommending denial are provided in Exhibit B (Attachment 2).

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TO:

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***RECOMMENDED ACTION***

If desired:

Adopt the draft resolutions, findings and conditions contained in Exhibit A recommending City Council approval of General Plan Amendment 92-3(E), Local Coastal Program Land Use Plan Amendment No. 31, Zoning Amendment No. 779, and Use Permit No. 3488 for the Upper Newport Bay Regional Park General Development Plan and Resource Management Plan and making the required findings for a Responsible Agency under CEQA for acceptance of Final EIR No. 525 prepared by the County of Orange as Lead Agency;

-OR-

Adopt the findings contained in Exhibit B recommending denial of the proposed actions.

Very truly yours,

**PLANNING DEPARTMENT**  
**JAMES D. HEWICKER, Director**

By: 

John H. Douglas, AICP  
Principal Planner/Environmental Coordinator

Attachments

1. Exhibit A: Recommended resolutions, findings, and conditions for approval
2. Exhibit B: Recommended findings for denial
3. Memo from James M. Jacobs, Acting Police Chief
4. Letter from Craig and Charlotte Bluell
5. Letter from Robert G. Fisher, Director, Harbors, Beaches and Parks
6. Letters from Carla Brockman
  - 6a. Public notice and hearing procedures
  - 6b. Adequacy of the EIR
  - 6c. Preferred alternative

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EXHIBIT "A"

FINDINGS AND CONDITIONS OF APPROVAL  
UPPER NEWPORT BAY REGIONAL PARK

GENERAL PLAN AMENDMENT 92-3(E)  
LOCAL COASTAL PROGRAM AMENDMENT NO. 31  
AMENDMENT NO. 779  
USE PERMIT NO. 3488

A. ENVIRONMENTAL DOCUMENT

Finding:

That the Planning Commission has reviewed Final EIR No. 525, prepared by the County of Orange as Lead Agency, and finds that it satisfies the requirements of CEQA for the City of Newport Beach in its capacity as a Responsible Agency.

Mitigation Measures:

1. Prior to the issuance of a building permit including grading, the construction documents for the Interpretive Center, including the final geotechnical report, shall be submitted to the Manager, Development Services. The report will be based on 80-scale maps and will primarily involve assessment of potential soil related constraints and hazards, such as landslides, settlement, liquefaction, or related seismic impacts where determined to be appropriate by the County of Orange. The report shall also include evaluation of potentially expansive soils and recommend construction procedures and/or design criteria to minimize the effects of these soils on the proposed project, as well as an analysis of soils properties to determine any existence of soluble sulfate in the soil. The report shall also establish foundation design parameters. This report shall recommend appropriate mitigation measures for the grading and shall be completed in a manner specified by the County of Orange Grading Code.
2. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements to meet: SCAQMD Rule 403 which will require watering during earth moving operations, soil binders to be spread on construction sets or unpaved roads and/or parking areas, street sweeping of roads adjacent to the project site, that trucks be washed off before leaving the construction site, that construction equipment be properly maintained and tuned, and that grading be suspended during second stage (or worse) smog alerts.

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3. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements that construction personnel should be provided with preferential parking for carpools, bicycle racks, and free bus passes. Parking for construction personnel should not interfere with traffic flows. Personnel parking and construction vehicle staging areas shall be placed in a manner to avoid sensitive resources on the property. Construction affecting roadways should be performed during non-peak hours. A flag person should be provided during times when construction affects roadways, and one lane in each direction should remain open.
4. Prior to the issuance of a certificate of use and occupancy, the following measures shall be incorporated into the project in a manner meeting the approval of the Program Manager, Transportation Planning:
  - a. Encourage the use of alternate transportation modes by promoting public transit usage and providing secure bicycle facilities.
  - b. Provide mass transit accommodations such as bus turnout lanes, park and ride areas, and bus shelters.
  - c. Provide energy-conserving lighting.
  - d. Provide landscaping with native drought resistant plant species to shade buildings during summer.
5. Prior to the execution of a construction or grading contract, the following drainage studies shall be submitted to and approved by the Manager, Harbors, Beaches & Parks/Parks Design:
  - a. A drainage study of the project site including diversions, off-site areas that drain onto and/or through the project, and justification for any diversions; and
  - b. A drainage study demonstrating that proposed drainage patterns will not overload existing storm drains; and
  - c. Detailed drainage studies indicating how the project grading in conjunction with the drainage conveyance system including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding will allow building pads to be safe from inundation from rainfall which may be expected from all storms up to and including the theoretical 100-year flood.

6. Prior to the execution of a construction or grading contract, the contract and plans, including the following improvements, shall be submitted for approval to the Manager, Harbors, Beaches, and Parks/Parks Design:
  - a. All provision for surface drainage; and
  - b. All necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff.

Prior to the issuance of a certificate of use and occupancy, said improvements shall be constructed in a manner meeting the approval of the Manager, EMA/Construction Division.

7. Prior to the initiation of grading, the applicant (County or contractor) shall obtain approval of an NPDES permit from the Regional Water Quality Control Board. Said permit shall specify appropriate storm water Best Management Practices to be incorporated into the project to ensure an acceptable level of control of non-point pollution sources.
8. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches, and Parks/Parks Design. Said plans shall indicate the following:
  - a. Landscaping and trails are sited in such a manner as to not disturb the scattered populations of Southern Tarplant. Individual plants to be disturbed shall be transplanted to appropriate habitat; and
  - b. If establishment of the "vernal pool" is undertaken, it shall be done in a manner so as to not disturb the hydrologic or vegetative character of the area, especially the limited alkaline wetland habitat adjacent to the proposed "Vernal Pool"; and
  - c. The "Vista del Playa" access shall be relocated such that the California Gnatcatcher habitat which it currently crosses is not disturbed.
  - d. The trails serving the Interpretive Center shall be relocated, or appropriate buffer provided, to protect the burrowing owl nesting site.
9. For any archaeological site which may be adversely impacted, a County-certified archaeologist shall be retained by the applicant to perform a subsurface test level investigation and surface collection as appropriate. The test level report evaluating the site shall include discussion of significance (depth, nature, condition and extent of the resources), final mitigation



recommendations and cost estimates. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. Final mitigation shall be carried out based upon the recommendations and a determination as to the site's disposition by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. Possible determinations include, but are not limited to, preservation, salvage, partial salvage or no mitigation necessary.

Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions for exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division.

10. Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified paleontologist has been retained to conduct pregrading salvage, observe any grading activities, salvage fossils as necessary, and prepare a catalogue of the exposed resources. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the Manager,

EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall determine appropriate actions to ensure proper exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall submit a follow-up report for approval by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division, which shall include the period of inspection, methodology, an analysis of the artifacts found, a catalogue of artifacts, and their present repository.

11. Prior to issuance of a building permit including grading, for the Interpretive Center, plans shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches and Parks/Parks Design and the Newport Beach Building Director. Said plans shall demonstrate compliance with the City of Newport Beach 24/28-foot height limit, shall be designed so as to minimize adverse impacts to public views from Irvine Avenue, and shall indicate that non-reflective glass shall be used on all windows overlooking Upper Newport Bay.
12. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services and the Newport Beach Building Director for the area surrounding the Interpretive Center, ensuring that the parking lot shall be landscaped, equipped for irrigation, and improved as stated below:
  - a. Preliminary Plan - Prior to the issuance of a building permit, a preliminary landscape plan, indicating use of native and drought tolerant species, and a cost estimate shall be submitted for the review and approval of the Manager, Subdivision Division.
  - b. Detailed Plan - Prior to the initiation of construction, a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division and the Newport Beach Public Works Department. Detailed plans shall show the detailed landscaping and irrigation design, and the preservation of views from Irvine Avenue.

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- c. **Installation Certification** - Prior to the issuance of final certificates of use and occupancy, said improvements shall be installed and shall be certified by a licensed landscape architect as having been installed in accordance with the approved detailed plans. Said certification shall be furnished in writing to the Manager, EMA/Public Works/Construction Division and the Newport Beach Building Director.
13. Prior to the issuance of a building permit including grading the County shall submit an application to the City of Newport Beach for amendment of the City's General Plan and Local Coastal Program to accommodate the 10,000 square foot Interpretive Center as proposed. After approval by the City, said approvals and an application for a Coastal Development Permit shall be referred to the State Coastal Commission for approval.
14. Prior to the award of a construction or grading contract, whichever occurs first, a plan for the ultimate use and configuration of Back Bay Drive shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall consider, at a minimum, the following:
- a. access controls (e.g., gates, etc.)
  - b. hours of use
  - c. vehicle connections to the Eastbluff area
  - d. ultimate pavement cross-section
  - e. bicycle access.
15. Prior to the issuance of a building permit including grading, an access and parking plan for the Interpretive Center shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall indicate that access and parking have been designed to appropriate standards for sight distance, parking and accessways, bus and vehicle turn-outs, etc.
16. Construction activities shall be conducted in accordance with the City of Newport Beach Municipal Code, which limits the hours of construction and excavation work to 7:00 a.m. to 6:30 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering, or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or on any holiday.

17. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services, including written evidence that:

- a. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
- b. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
- c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

**B. GENERAL PLAN AMENDMENT 92-3(E)**

Adopt Resolution No. \_\_\_\_ recommending City Council approval of General Plan Amendment 92-3(E).

**C. LOCAL COASTAL PROGRAM AMENDMENT NO. 31**

Adopt Resolution No. \_\_\_\_ recommending City Council approval of Local Coastal Program Amendment No. 31.

**D. AMENDMENT NO. 779**

Adopt Resolution No. \_\_\_\_ recommending City Council approval of Amendment No. 779.

**E. USE PERMIT NO. 3488:**

Findings:

1. That the proposed development is consistent with the General Plan, and is compatible with surrounding land uses.
2. That the design of the proposed improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
3. That the establishment of the regional park will not have any significant environmental impact.

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4. That the approval of Use Permit No. 3488 will not result in abrupt scale relationships between the subject site and the neighboring properties.
5. That the approval of Use Permit No. 3488 for the establishment, maintenance and operation of the proposed regional park use will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

Conditions:

1. That the development shall be in substantial conformance with the approved General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park except as noted below.
2. That all the Mitigation Measures contained in Final EIR 525 shall be fulfilled as conditions of approval.
3. Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall prepare and record an easement acceptable to the City Attorney showing the relocation of the pedestrian and bicycle trails if these trails are not provided in the location shown in the existing easement.
4. That a Coastal Development Permit shall be required prior to the issuance of a building permit.
5. That disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
6. That the entire site shall be maintained in a clean and orderly manner.
7. That the Planning Commission may add or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.

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8. This use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090(A) of the Newport Beach Municipal Code.
9. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF NEWPORT BEACH ADOPTING FINDINGS  
REGARDING THE ENVIRONMENTAL EFFECTS  
IDENTIFIED IN FINAL ENVIRONMENTAL IMPACT  
REPORT NO. 525 FOR THE UPPER NEWPORT BAY  
REGIONAL PARK**

WHEREAS, Final Environmental Impact Report No. 525 (DEIR 525) was prepared pursuant to the requirements of the California Environmental Quality Act (hereinafter "CEQA" - Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq. - hereinafter "Guidelines") by the County of Orange as Lead Agency for the Upper Newport Bay Regional Park General Development Plan to address the environmental effects, mitigation measures, and project alternatives associated with the proposed Upper Newport Bay Regional Park; and

WHEREAS, the City of Newport Beach, as a Responsible Agency, is required by CEQA to consider the information contained in the Final EIR prepared by the Lead Agency and to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the components of the proposed project for which the City has jurisdiction; and

WHEREAS, Section 21081 of CEQA and Section 15091 of the Guidelines require that a Responsible Agency make one or more of the following findings prior to approval of a project for which an EIR has been completed identifying one or more significant effects of the project, along with statements of facts supporting each finding:

**FINDING 1 - Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.**

**FINDING 2 - Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.**

**FINDING 3 - Specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR; and**

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WHEREAS, Section 15093(b) requires that, where the decision of a Responsible Agency allows the occurrence of significant effects which are identified in the EIR, but not mitigated, the Agency must state in writing the reasons to support its action based on the EIR or other information in the record.

WHEREAS, the Planning Commission has reviewed all environmental documentation comprising DEIR 525 for the Upper Newport Bay Regional Park and has found that DEIR 525 considers all environmental effects of the proposed project and is complete and adequate and fully complies with all requirements of CEQA and the Guidelines; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Planning Commission hereby affirms that it has reviewed and considered Final EIR 525 in determining whether to recommend City Council approval of amendments to the City's General Plan, Local Coastal Program Land Use Plan and Zoning Ordinance, and approval of a Use Permit for the Upper Newport Bay Regional Park. The Final EIR is composed of the following elements:
  - a. Draft EIR 525 for the Upper Newport Bay Regional Park General Development Plan
  - b. Appendices to Draft EIR 525
  - c. Comments received on Draft EIR 525 and response to those comments
  - d. All attachments, incorporations, and references delineated in items a. through d. above

All of the above information has been, and will be, on file with the City of Newport Beach Planning Department, 3300 Newport Boulevard, Newport Beach, CA and the County of Orange, Environmental Management Agency, Environmental Planning Division, 12 Civic Center Plaza, Room G-19, Santa Ana, California, 92702.

2. This Planning Commission adopts the Findings with respect to each environmental effect and project alternative identified in the EIR and the explanation of its rationale with respect to each such finding set forth in the document entitled "CEQA Statement of Findings and Facts" attached hereto and marked as Exhibit A and made a part hereof.
3. The mitigation monitoring requirements of Public Resources Code Section 21081.6 will be met through the required compliance with the mitigation measures identified in Exhibit A which have been adopted as conditions of approval.



4. All of the findings set forth in Exhibit A accurately reflect the independent judgement of the Planning Commission.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1993, by the following vote, to wit:

AYES \_\_\_\_\_

\_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

BY \_\_\_\_\_  
Thomas Edwards  
Chairman

BY \_\_\_\_\_  
Harry Merrill  
Secretary

Attachments

Exhibit A: Statement of Facts and Findings

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**EXHIBIT A**

**CEQA STATEMENT OF FACTS AND FINDINGS  
UPPER NEWPORT BAY REGIONAL PARK  
GENERAL DEVELOPMENT PLAN  
ENVIRONMENTAL IMPACT REPORT NO. 525**

***FINDINGS AND FACTS IN SUPPORT OF FINDINGS FOR SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT***

**EFFECTS DETERMINED TO BE INSIGNIFICANT**

Based on the Initial Study, the Environmental Impact Report, and the substantial evidence contained therein, it has been determined with certainty that no significant impact to the environment will occur in the following areas:

**EARTH**

- There are no unique geologic or physical features which will be destroyed or modified by the project.

**AIR**

- The project will not result in increased air emissions or deterioration of ambient air quality beyond projection by the South Coast Air Quality Management District.
- The project will not result in any significant changes in air movements, either locally or regionally.

**WATER**

- The project will not adversely impact groundwater resources in the vicinity.
- Implementation of the proposal will not cause a substantial reduction in public water supplies.
- The project will not result in the exposure of people or property to water-related hazards such as flooding or tidal waves.

## **ENERGY**

- The project will not result in the use of abnormally high amounts of fuel or energy.
- The project will not increase the demand upon existing sources of energy, or require the development of new sources of energy.

## **LAND USE**

- The proposal will not cause the conversion of valuable agricultural land to development.
- The project will not preclude natural resource extraction.

## **TRANSPORTATION/CIRCULATION**

- The project will not generate additional vehicular traffic beyond that projected in regional analyses.
- The project will not alter waterborne, rail, or air traffic.

## **PUBLIC HEALTH AND SAFETY**

- The project does not involve the risk of explosion or the release of hazardous substances, including oil, pesticides, chemicals, or radiation in the event of an accident or upset condition.
- The project will not result in the exposure of persons or property to wildland fire hazards.
- No previous use of the site will result in the exposure of persons to hazardous substances, including, but not limited to, oil, pesticides, chemicals, or radiation.
- The project does not place present or future surrounding residents at risk of exposure to toxic or radioactive gas, explosions, or industrial fires.
- The proposal will not interfere with an emergency response plan or evacuation plan.
- The project will not use or dispose of potentially hazardous materials such as toxic substances, flammables, or explosives.

**LIGHT AND GLARE**

- The project will not produce significant new sources of light and glare.

**PUBLIC SERVICES AND UTILITIES**

- The project will not adversely impact fire protection, police protection, schools, parks and recreation, or solid waste disposal services.

**EFFECTS DETERMINED TO BE MITIGABLE TO A LEVEL OF INSIGNIFICANCE**

Based on the information contained in the Environmental Impact Report (EIR), it has been determined that the following potentially significant impacts will be reduced to a level of insignificance with the imposition of the mitigation measures contained in the EIR as enumerated below:

**EARTH RESOURCES**

**Significant Effect**

- The project site will be subject to ground-shaking and potential surface rupture during a seismic event.
- Liquefaction will be a significant concern during the maximum credible earthquake on the Newport-Inglewood Fault in areas of sandy soils.

**Finding**

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

**Facts in Support of Finding**

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

1. Prior to the issuance of a building permit including grading, the construction documents for the Interpretive Center, including the final geotechnical report, shall be submitted to the Manager, Development Services. The report will be based on 80-scale maps and will primarily involve assessment of potential soil related constraints and hazards, such as landslides, settlement, liquefaction, or related seismic impacts where determined to be appropriate by the County of Orange. The report shall also include evaluation of potentially expansive soils and recommend construction procedures and/or design criteria to minimize the effects of these soils on the proposed project, as well as an analysis of soils properties to determine any existence of soluble sulfate in the soil. The report shall also establish foundation design parameters. This report shall recommend appropriate mitigation measures

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for the grading and shall be completed in a manner specified by the County of Orange Grading Code.

## AIR QUALITY

### Significant Effect

- Grading for the project will result in the generation of approximately 0.10 tons of fugitive dust on a daily basis. This is considered more of a local nuisance than a long-term health problem.
- The project does not propose activities of sufficient magnitude that it would meet threshold requirements for review under the Air Quality Management Plan/State Implementation Program Guidelines.

### Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

2. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements to meet: SCAQMD Rule 403 which will require watering during earth moving operations, soil binders to be spread on construction sets or unpaved roads and/or parking areas, street sweeping of roads adjacent to the project site, that trucks be washed off before leaving the construction site, that construction equipment be properly maintained and tuned, and that grading be suspended during second stage (or worse) smog alerts.
3. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements that construction personnel should be provided with preferential parking for carpools,

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bicycle racks, and free bus passes. Parking for construction personnel should not interfere with traffic flows. Personnel parking and construction vehicle staging areas shall be placed in a manner to avoid sensitive resources on the property. Construction affecting roadways should be performed during non-peak hours. A flag person should be provided during times when construction affects roadways, and one lane in each direction should remain open.

4. Prior to the issuance of a certificate of use and occupancy, the following measures shall be incorporated into the project in a manner meeting the approval of the Program Manager, Transportation Planning:
  - a. Encourage the use of alternate transportation modes by promoting public transit usage and providing secure bicycle facilities.
  - b. Provide mass transit accommodations such as bus turnout lanes, park and ride areas, and bus shelters.
  - c. Provide energy-conserving lighting.
  - d. Provide landscaping with native drought resistant plant species to shade buildings during summer.

## **DRAINAGE/HYDROLOGY**

### **Significant Effect**

- Implementation of the project will result in an incremental increase in the impervious surfaces on the property, which will result in a commensurate increase in runoff and the introduction of urban pollutants into Upper Newport Bay.

### **Finding**

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

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### Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

5. Prior to the execution of a construction or grading contract, the following drainage studies shall be submitted to and approved by the Manager, Harbors, Beaches & Parks/Parks Design:
  - a. A drainage study of the project site including diversions, off-site areas that drain onto and/or through the project, and justification for any diversions; and
  - b. A drainage study demonstrating that proposed drainage patterns will not overload existing storm drains; and
  - c. Detailed drainage studies indicating how the project grading in conjunction with the drainage conveyance system including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding will allow building pads to be safe from inundation from rainfall which may be expected from all storms up to and including the theoretical 100-year flood.
  
6. Prior to the execution of a construction or grading contract, the contract and plans, including the following improvements, shall be submitted for approval to the Manager, Harbors, Beaches, and Parks/Parks Design:
  - a. All provision for surface drainage; and
  - b. All necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff.

Prior to the issuance of a certificate of use and occupancy, said improvements shall be constructed in a manner meeting the approval of the Manager, EMA/Construction Division.

7. Prior to the initiation of grading, the applicant (County or contractor) shall obtain approval of an NPDES permit from the Regional Water Quality Control Board. Said permit shall specify appropriate storm water Best Management Practices to be incorporated into the project to ensure an acceptable level of control of non-point pollution sources.



## **BIOLOGICAL RESOURCES**

### **Significant Effect**

- The Interpretive Center and nearby interpretive node, as well as future horticultural plantings of trees in the grasslands on the north side of the bay will have an adverse impact on portions of a scattered population of sensitive Southern Tarplant.
- Work toward the establishment of the vernal pool may result in the loss of Southwestern Spiny Rush. The loss of individual plants is not considered significant, however, any degradation of the limited alkaline wetland habitat occupied by this plant would be considered significant.
- Habitat for the California Gnatcatcher would be disturbed by a proposed trail connection and the increased human and domestic animal encroachment associated with it.
- A burrowing owl nesting site (a species of special concern) is located in the area where trails near the Interpretive Center are to be located.

### **Finding**

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### **Facts in Support of Finding**

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

8. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches, and Parks/Parks Design. Said plans shall indicate the following:

- a. Landscaping and trails are sited in such a manner as to not disturb the scattered populations of Southern Tarplant. Individual plants to be disturbed shall be transplanted to appropriate habitat; and
- b. If establishment of the "vernal pool" is undertaken, it shall be done in a manner so as to not disturb the hydrologic or vegetative character of the area, especially the limited alkaline wetland habitat adjacent to the proposed "Vernal Pool"; and
- c. The "Vista del Playa" access shall be relocated such that the California Gnatcatcher habitat which it currently crosses is not disturbed.
- d. The trails serving the Interpretive Center shall be relocated, or appropriate buffer provided, to protect the burrowing owl nesting site.

## **CULTURAL/SCIENTIFIC RESOURCES**

### **Significant Effect**

- A total of 16 archaeological sites were recorded within the boundary of the park. A portion of each of these sites will be impacted by planned development within the park.
- All of the rock units present on the site have a high potential for the discovery of significant paleontological resources.

### **Finding**

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### **Facts in Support of Finding**

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

9. For any archaeological site which may be adversely impacted, a County-certified archaeologist shall be retained by the applicant to perform a subsurface test level investigation and surface collection as appropriate. The test level report evaluating the site shall include discussion of significance (depth, nature, condition and extent of the resources), final mitigation recommendations and cost estimates. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. Final mitigation shall be carried out based upon the recommendations and a determination as to the site's disposition by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. Possible determinations include, but are not limited to, preservation, salvage, partial salvage or no mitigation necessary.

Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions for exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division.

10. Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified paleontologist has been retained to conduct pregrading salvage, observe any grading activities, salvage fossils as necessary, and prepare a catalogue of the exposed resources. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource

surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall determine appropriate actions to ensure proper exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall submit a follow-up report for approval by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division, which shall include the period of inspection, methodology, an analysis of the artifacts found, a catalogue of artifacts, and their present repository.

## **AESTHETICS**

### **Significant Effect**

- Because of the prominent location of the proposed Interpretive Center, at generally the high point of the park property, it has the potential to result in significant impacts on views of the bay and park from proposed trails and other closely adjacent viewpoints.

### **Finding**

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

### **Facts in Support of Finding**

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

11. Prior to issuance of a building permit including grading, for the Interpretive Center, plans shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches and Parks/Parks Design and the Newport Beach Building Director. Said plans shall demonstrate compliance with the City of Newport Beach 24/28-foot height limit, shall be designed so as to minimize adverse impacts to public views from Irvine Avenue, and shall indicate that non-reflective glass shall be used on all windows overlooking Upper Newport Bay.
  
12. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services and the Newport Beach Building Director for the area surrounding the Interpretive Center, ensuring that the parking lot shall be landscaped, equipped for irrigation, and improved as stated below:
  - a. Preliminary Plan - Prior to the issuance of a building permit, a preliminary landscape plan, indicating use of native and drought tolerant species, and a cost estimate shall be submitted for the review and approval of the Manager, Subdivision Division.
  
  - b. Detailed Plan - Prior to the initiation of construction, a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division and the Newport Beach Public Works Department. Detailed plans shall show the detailed landscaping and irrigation design, and the preservation of views from Irvine Avenue.
  
  - c. Installation Certification - Prior to the issuance of final certificates of use and occupancy, said improvements shall be installed and shall be certified by a licensed landscape architect as having been installed in accordance with the approved detailed plans. Said certification shall be furnished in writing to the Manager, EMA/Public Works/Construction Division and the Newport Beach Building Director.

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## LAND USE

### Significant Effect

- The project proposes the construction of a 10,000 square foot Interpretive Center on the site. The City of Newport Beach General Plan and Local Coastal Program Plan limit on-site structures to 8,000 square feet.

### Finding

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

### Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

13. Prior to the issuance of a building permit including grading the County shall submit an application to the City of Newport Beach for amendment of the City's General Plan and Local Coastal Program to accommodate the 10,000 square foot Interpretive Center as proposed. After approval by the City, said approvals and an application for a Coastal Development Permit shall be referred to the State Coastal Commission for approval.

## TRANSPORTATION/CIRCULATION

### Significant Effect

- The current condition of Back Bay Drive does not conform to safety standards and has potential liability problems. These safety concerns include lack of pedestrian facilities, inadequate width to accommodate bicycle and motor vehicle traffic, and no improved parking areas.

### Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

14. Prior to the award of a construction or grading contract, whichever occurs first, a plan for the ultimate use and configuration of Back Bay Drive shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall consider, at a minimum, the following:
  - a. access controls (e.g., gates, etc.)
  - b. hours of use
  - c. vehicle connections to the Eastbluff area
  - d. ultimate pavement cross-section
  - e. bicycle access.
15. Prior to the issuance of a building permit including grading, an access and parking plan for the Interpretive Center shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall indicate that access and parking have been designed to appropriate standards for sight distance, parking and accessways, bus and vehicle turn-outs, etc.

**RECREATION**

Significant Effect

- The restrictions on access to areas of the park property may be viewed as an adverse impact by those who have historically taken advantage of unregulated access to the park property under both public and private ownership.

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Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

Facts in Support of Finding

The significant effects have been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

- Implementation of the General Development Plan results in a balance between recreational access and resource management and preservation, reducing the significant impact to a level of insignificance.

**NOISE**

Significant Effect

- During construction of the Interpretive Center and related improvements, and improvements to University Drive, temporary construction noise will intermittently reach 95 dBA on the construction site. Residential structures located as close as 50 feet to the construction site will be exposed to this noise. This noise level is in excess of County and City of Newport Beach standards.

This impact was reported as a significant, albeit temporary, unavoidable adverse impact of project development in the Draft EIR. Subsequent to distribution of the Draft EIR, County staff responsible for reviewing noise and acoustical studies provided substantial and credible evidence indicating that such construction noise impacts are not significant unavoidable adverse impacts of the project. This substantial evidence, correspondence dated September 10, 1992 from Paul Wang of Development Services - Acoustics, which correspondence is incorporated herein by this reference, stated that the impact is not considered significant because it is temporary, lasting only for the duration of the construction project, and that the proposed mitigation measures will reduce the identified construction noise impact to a level of insignificance. The Planning Commission has considered the evidence in the Draft EIR and that provided by County staff and has concluded that the impact



has been reduced to a level of insignificance subject to the findings and facts enumerated below. As part of this action, the Commission finds that none of the criteria mandating a significant effect on the environment, as described in §15065 of the California Code of Regulations (State CEQA Guidelines) are present.

Finding

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR.

Facts in Support of Finding

The significant effect has been reduced to a level of insignificance by virtue of the Standard County Policies and Requirements and Mitigation Measures identified in the EIR and incorporated into the project. These measures include the following:

16. Construction activities shall be conducted in accordance with the City of Newport Beach Municipal Code, which limits the hours of construction and excavation work to 7:00 a.m. to 6:30 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering, or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or on any holiday.
17. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services, including written evidence that:
  - a. All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.
  - b. All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).
  - c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

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SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED

All significant environmental effects that can be feasibly avoided have been eliminated or substantially lessened by virtue of the mitigation measures identified in the Final EIR and incorporated into the project as set forth above. Further, as set forth above, substantial evidence supports the finding that the unavoidable adverse impact resulting from construction noise is, in fact, reduced to a level of insignificance by the application of the mitigation measures proposed and because the impact is temporary, lasting only as long as the construction activity. Therefore, all impacts of the project have been reduced to a level of insignificance and no significant impacts which cannot be avoided will result from implementation of the project.

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## PROJECT ALTERNATIVES

Four project alternatives were presented in the EIR. These alternatives have been reviewed and considered in light of the adverse environmental effects which may result from the project in the reduction or elimination of such effects which might be accomplished by selection of one of the alternatives.

Each alternative is summarized below and specific economic, social, or other considerations that rendered such alternatives infeasible are set forth. The discussions below are intended to summarize and not fully restate the evidence contained in the Draft EIR, Response to Comments, and the administrative record as a whole.

### Findings

1. The project has been designed in a manner so as to provide the greatest public involvement in the planning and CEQA process.
2. The following provides a brief description of the project alternatives.
3. The alternatives were rejected in favor of the current project proposal.
4. The rationale for rejection of each alternative is provided below.
5. The rejection rationale is supported by the public record including, but not limited to, the Final EIR.

## **NO PROJECT ALTERNATIVE**

The No Project Alternative assumes that use of the park property would remain as it exists today. Under the County's Interim Operations Plan, pedestrian, bicycle, and equestrian use is limited to dirt and paved trails and a ranger is on-site to enforce the operations plan. Under the Pre-County Ownership condition, access to the site is uncontrolled.

### Findings

Specific economic, social, or other considerations make infeasible the No Project Alternative described in the Final EIR in that:

1. The No Project Alternative does not achieve the goals established for the park by the Citizen's Advisory Committee.
2. The No Project Alternative would not control access in areas where increased human encroachment might damage or destroy sensitive biological resources.
3. The No Project Alternative would leave the County open to liability claims from individuals that may suffer personal injury on the property.
4. The No Project Alternative would not provide for the improvement of trails, including the stabilization of slopes and unimproved drainage channels which convey urban runoff and silt into the Upper Newport Bay during storms.

#### **LOW INTENSITY ALTERNATIVE**

The Low Intensity Alternative would provide for a less intense improvement program and use pattern on the property. The Interpretive Center would not be constructed if this alternative were implemented.

#### **Findings**

Specific economic, social, or other considerations make infeasible the Low Intensity Alternative described in the Final EIR in that:

1. The Low Intensity Alternative does not achieve the goals established for the park by the Citizen's Advisory Committee including:
  - The alternative significantly limits the public's ability to access and enjoy the site.
  - The alternative eliminates, or severely limits, the opportunity for educational and interpretive programs which would increase public understanding and appreciation of the significant natural and cultural resources of the site.

#### **MEDIUM INTENSITY ALTERNATIVE**

The Medium Intensity Alternative provides a similar level of access and recreational opportunities as the proposed project. The major difference between the alternative and the project is increased access opportunities to the bay on the Westbay parcel.

### Findings

Specific economic, social, or other considerations make infeasible the Medium Intensity Alternative described in the Final EIR in that this variation does not have the ability to reduce or eliminate impacts identified in the EIR and it actually has the potential to increase impacts to biological resources by allowing increased human contact with the bay.

### **HIGH INTENSITY ALTERNATIVE**

The High Intensity Alternative provides a significant increase in access opportunities for pedestrians, equestrians, and bicyclists. The expanded recreational opportunities include increased access to the bay and its associated resources.

### Findings

Specific economic, social, or other considerations make infeasible the High Intensity Alternative described in the Final EIR in that this variation does not have the ability to reduce or eliminate impacts identified in the EIR and it actually has the potential to increase impacts to biological resources by allowing increased human contact with the bay.

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RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING APPROVAL TO THE CITY COUNCIL OF AN AMENDMENT TO THE LAND USE AND CIRCULATION ELEMENTS OF THE NEWPORT BEACH GENERAL PLAN TO INCREASE THE ENTITLEMENT FOR INTERPRETIVE CENTER USE FROM 8,000 TO 10,000 SQUARE FEET AND DELETE THE SECONDARY BICYCLE TRAIL WITHIN THE WESTBAY PARCEL OF UPPER NEWPORT BAY REGIONAL PARK [GENERAL PLAN AMENDMENT 92-3(E)]

WHEREAS, as part of the development and implementation of the Newport Beach General Plan the Land Use and Circulation Elements have been prepared; and

WHEREAS, said elements of the General Plan sets forth objectives, supporting policies and limitations for development in the City of Newport Beach; and

WHEREAS, said elements of the General Plan designate the general distribution and general location and extent of the uses of land and building intensities in a number of ways, including residential land use categories and population projections, commercial floor area limitations, and the floor area ratio ordinances; and

WHEREAS, the Land Use and Circulation Elements are correlated as required by California planning law; and

WHEREAS, the provisions and policies of the Land Use and Circulation Elements are further implemented by the traffic analysis procedures of the Traffic Phasing Ordinance and the implementation programs of that Ordinance and the Fair Share Traffic Contribution Fee Ordinance; and

WHEREAS, pursuant to Section 707 of the Charter of the City of Newport Beach, the Planning Commission has held a public hearing to consider a certain amendment to the Land Use and Circulation Elements of the Newport Beach General Plan; and

WHEREAS, the circulation system will not be significantly impacted by the proposed project; and

WHEREAS, Final EIR No. 525 has been prepared by the County of Orange as Lead Agency for the proposed project as required by the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newport Beach that Amendment 92-3(E) to the General Plan is recommended for approval to the City Council to increase the development allocation for interpretive center use within the Westbay Parcel of Upper Newport Bay Regional Park Planned Community from 8,000 square feet to 10,000 square feet and clarify the hours of public park access as shown in Exhibit 1 attached hereto; and to delete the secondary bicycle trail through the Westbay Parcel from the Master Plan of Bikeways.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1993, by the following vote, to wit:

AYES \_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

BY \_\_\_\_\_  
Thomas Edwards  
Chairman

BY \_\_\_\_\_  
Harry Merrill  
Secretary

Attachment

Exhibit 1: Revised Land Use Element Text

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EXHIBIT 1

REVISED LAND USE ELEMENT TEXT  
GENERAL PLAN AMENDMENT 92-3(E)

Westbay Area (Statistical Area J5)

3. *Westbay.* The Westbay site is bounded by Irvine Avenue, University Drive, the Santa Ana-Delhi Channel and Upper Newport Bay. The site is designated for Recreational and Environmental Open Space, and may be used for regional park facilities, passive open space or interpretive facilities related to the Upper Newport Bay Ecological Reserve or the on-site cultural resources. Structures on this site shall not exceed 8,000 ~~10,000~~ sq. ft. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF NEWPORT BEACH RECOMMENDING  
CITY COUNCIL APPROVAL OF AMENDMENT NO. 31 TO  
THE LOCAL COASTAL PROGRAM, LAND USE PLAN  
(UPPER NEWPORT BAY REGIONAL PARK)**

WHEREAS, the Coastal Act of 1976 requires the City of Newport Beach to prepare a local coastal program; and

WHEREAS, as part of the development and implementation of the Coastal Act, the City established a Local Coastal Program Advisory Committee, which held 29 public meetings to develop the goals, objectives and policies of the City's Local Coastal Program; and

WHEREAS, the Planning Commission of the City of Newport Beach considered the Local Coastal Program, Land Use Plan at nine public hearings prior to recommending approval and adoption to the City Council; and

WHEREAS, the City Council of the City of Newport Beach also held nine public hearings on the Local Coastal Program, Land Use Plan prior to adoption; and

WHEREAS, two public hearings were held by the California Coastal Commission in conjunction with the certification of the Newport Beach Local Coastal Program, Land Use Plan; and

WHEREAS, said Land Use Plan sets forth the objectives and supporting policies which serve as a guide for the future development in the coastal zone in the City of Newport Beach; and

WHEREAS, the Planning Commission has held a duly noticed public hearing to consider this amendment to the Local Coastal Program, Land Use Plan; and

WHEREAS, the Planning Commission, in considering this amendment to the Local Coastal Program, has determined that this amendment is consistent with all of the stated goals and policies of the California Coastal Act, the City of Newport Beach General Plan, and the City's Local Coastal Program, Land Use Plan.

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NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Newport Beach recommends that the City Council adopt Amendment No. 31 to the Newport Beach Local Coastal Program Land Use Plan to increase the development allocation within the Westbay Parcel of Upper Newport Bay Planned Community from 8,000 square feet to 10,000 square feet and clarify the hours of public park access as shown in Exhibit 1 attached hereto.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1993, by the following vote, to wit:

AYES \_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

BY \_\_\_\_\_  
Thomas Edwards  
Chairman

BY \_\_\_\_\_  
Harry Merrill  
Secretary

Attachment

Exhibit 1: Revised Local Coastal Program Land Use Plan Text

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EXHIBIT 1

REVISED LOCAL COASTAL PROGRAM LAND USE PLAN TEXT  
LCP AMENDMENT NO. 31

Westbay Area

3. *Westbay.* The Westbay site is bounded by Irvine Avenue, University Drive, the Santa Ana-Delhi Channel and Upper Newport Bay. The site is designated for Recreational and Environmental Open Space, and may be used for regional park facilities, passive open space or interpretive facilities related to the Upper Newport Bay Ecological Reserve or the on-site cultural resources. Structures on this site shall not exceed ~~8,000~~ 10,000 sq. ft. Any development of this site shall be sited and designated to adequately protect and buffer the environmentally sensitive area(s) on this site. A public bikeway/walkway is shown for the Westbay site, but careful consideration shall be given at the time it is developed to the environmentally sensitive nature of the site in locating the accessway. Any development which occurs shall be located in order to preserve sensitive habitat areas located on the site. Views from Irvine Avenue shall be maximized. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH RECOMMENDING TO THE CITY COUNCIL THE APPROVAL OF AMENDMENT NO. 779 AMENDING A PORTION OF DISTRICTING MAPS NO. 36, 39, 40, 42, 43, 44 AND 61 SO AS TO RECLASSIFY THE SANTA ANA HEIGHTS AND EASTBLUFF PARCELS OF THE UPPER NEWPORT BAY REGIONAL PARK PROPERTY FROM THE UNCLASSIFIED, R-3-B AND R-4-B-2 DISTRICTS TO THE PLANNED COMMUNITY DISTRICT.

WHEREAS, Section 20.84.010 of the Municipal Code of the City of Newport Beach provides that Title 20 (the Zoning Code) may be amended by changing the zoning designation of Districts and other provisions whenever the public necessity and convenience and the public welfare require such amendment; and

WHEREAS, Section 20.84.020 of the Municipal Code of the City of Newport Beach provides that an amendment to Title 20 may be initiated by resolution of intention of the Planning Commission; and

WHEREAS, the Planning Commission has recommended to the City Council the adoption of General Plan Amendment No. 92-3(E) and Local Coastal Program Amendment No. 31 so as to change the land use designation of the subject property from the Unclassified, R-3-B and R-4-B-2 Districts to the Planned Community District; and

WHEREAS, land use decisions are legally required to be consistent with the City's General Plan and Zoning; and

WHEREAS, the City desires to make the zoning districts of property in the City of Newport Beach consistent with the Land Use Element of the General Plan; and

WHEREAS, in conjunction with the consideration of the above referenced amendments to the General Plan and Local Coastal Program the City has accepted an Environmental Document and it has been determined that this document is adequate to serve as the environmental document for this action; and

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WHEREAS, pursuant to Section 20.84.30, the Planning Commission has held a duly noticed public hearing to consider Amendment No. 779 to Title 20 of the Newport Beach Municipal Code amending Districting Maps No. 36, 39, 40, 42, 43, 44 and 61.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Newport Beach does hereby recommend that the City Council approve Amendment No. 779 to Title 20 of the Newport Beach Municipal Code amending Districting Maps No. 36, 39, 40, 42, 43, 44 and 61, attached as Exhibit 1.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1993, by the following vote, to wit:

AYES \_\_\_\_\_

\_\_\_\_\_

NOES \_\_\_\_\_

ABSENT \_\_\_\_\_

BY \_\_\_\_\_  
Thomas C. Edwards  
Chairman

BY \_\_\_\_\_  
Harry O. Merrill  
Secretary

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~~ALSO EXCEPT THEREFROM THAT PORTION INCLUDED WITHIN THE LAND DESCRIBED AS PARCEL 1 IN THE DEED TO THE COUNTY OF ORANGE AND THE CITY OF NEWPORT BEACH RECORDED APRIL 22, 1975 IN BOOK 11382, PAGE 1923 OF SAID OFFICIAL RECORDS.~~

PARCEL 301(A):

THAT PORTION OF BLOCK 51 OF IRVINE'S SUBDIVISION, PER MAP RECORDED IN BOOK 1, PAGE 88 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS "SERVIENT TENEMENT" IN THE DEED TO THE STATE OF CALIFORNIA RECORDED APRIL 22, 1975 IN BOOK 11382, PAGE 1898 OF OFFICIAL RECORDS IN THE OFFICE OF SAID COUNTY RECORDER, LYING SOUTHWESTERLY OF THAT CERTAIN COURSE CITED AS HAVING A BEARING OF NORTH 49 DEG. 21' 54" WEST AND A LENGTH OF 494.21 FEET IN THE DEED TO THE COUNTY OF ORANGE RECORDED APRIL 18, 1985 AS DOCUMENT NO. 85-138036 OF SAID OFFICIAL RECORDS.

PARCEL 301(B):

THAT PORTION OF BLOCK 51 OF IRVINE'S SUBDIVISION, PER MAP RECORDED IN BOOK 1, PAGE 88 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, BOUNDED AS FOLLOWS: SOUTHWESTERLY BY THAT CERTAIN COURSE CITED AS HAVING A BEARING OF SOUTH 49 DEG. 14' 28" EAST A LENGTH OF 72.39 FEET IN THE BOUNDARY LINE OF THE LAND DESCRIBED AS "SERVIENT TENEMENT" IN THE DEED TO THE STATE OF CALIFORNIA RECORDED APRIL 22, 1975 IN BOOK 11382, PAGE 1989 OF OFFICIAL RECORDS IN THE OFFICE OF SAID COUNTY RECORDER; SOUTHEASTERLY BY THE NORTHWESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO F. ROY GREENLEAF, JR. RECORDED JULY 23, 1951 IN BOOK 2207, PAGE 196 OF SAID OFFICIAL RECORDS; AND NORTHWESTERLY BY THE MOST SOUTHERLY LINE OF THE LAND DESCRIBED AS PARCEL 1 IN THE DEED TO THE ORANGE COUNTY FLOOD CONTROL DISTRICT RECORDED NOVEMBER 8, 1961 IN BOOK 5906, PAGE 516 OF SAID OFFICIAL RECORDS.

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~~Exhibit "C"~~

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LEGAL DESCRIPTION OF THE BLUFF PARCELS

BLUFF PARCELS

DESCRIPTION

THE LAND REFERRED TO IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF ORANGE, IN THE CITY OF NEWPORT BEACH AND IS DESCRIBED AS FOLLOWS:

PARCEL 501:

THOSE PORTIONS OF BLOCKS 51 AND 52 OF IRVINE'S SUBDIVISION, PER MAP RECORDED IN BOOK 1, PAGE 88 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF TRACT NO. 6230, PER MAP RECORDED IN BOOK 245, PAGES 10 THROUGH 13 OF SAID MISCELLANEOUS MAPS, THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE GENERAL NORTHWESTERLY AND NORTHEASTERLY LINES OF SAID TRACT NO. 6230, TO POINT "C" ON THE BOUNDARY OF THAT CERTAIN LAND DESCRIBED IN THE DEED TO THE CITY OF NEWPORT BEACH RECORDED MAY 17, 1965 IN BOOK 7522, PAGE 161 OF OFFICIAL RECORDS IN THE OFFICE OF SAID COUNTY RECORDER; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG THE GENERAL NORTHWESTERLY AND NORTHEASTERLY LINES OF SAID CERTAIN LAND TO THE GENERAL WESTERLY LINE OF TRACT NO. 7083 PER MAP RECORDED IN BOOK 274, PAGES 34 THROUGH 37 OF SAID MISCELLANEOUS MAPS; THENCE NORTHERLY ALONG SAID GENERAL WESTERLY LINE OF TRACT NO. 7083 TO THE GENERAL SOUTHERLY LINE OF TRACT NO. 7052 PER MAP RECORDED IN BOOK 301, PAGES 1 THROUGH 6 OF SAID MISCELLANEOUS MAPS; THENCE WESTERLY, NORTHERLY AND NORTHEASTERLY ALONG THE GENERAL SOUTHERLY, WESTERLY AND NORTHWESTERLY LINES OF SAID TRACT NO. 7052 TO THE MOST WESTERLY CORNER OF TRACT NO. 7082 PER MAP RECORDED IN BOOK 269, PAGES 23 THROUGH 25 OF SAID MISCELLANEOUS MAPS; THENCE NORTHEASTERLY AND EASTERLY ALONG THE GENERAL NORTHWESTERLY AND NORTHERLY LINES OF SAID TRACT NO. 7082 TO THE NORTHWESTERLY CORNER OF TRACT NO. 7166 PER MAP RECORDED IN BOOK 275, PAGES 17 THROUGH 22 OF SAID MISCELLANEOUS MAPS; THENCE EASTERLY ALONG THE GENERAL NORTHERLY LINE OF SAID TRACT NO. 7166 TO THE NORTHWESTERLY CORNER OF TRACT NO 7167 PER MAP RECORDED IN BOOK 305, PAGES 45 THROUGH 50 OF SAID MISCELLANEOUS MAPS; THENCE EASTERLY ALONG THE GENERAL NORTHERLY LINE OF SAID TRACT NO. 7167 TO THE SOUTHERLY LINE OF BACK BAY DRIVE, DESCRIBED AS PARCELS 5 AND 6 IN THE DEED TO THE STATE OF CALIFORNIA RECORDED APRIL 22, 1975 IN BOOK 11382, PAGE 1893 OF SAID OFFICIAL RECORDS; THENCE WESTERLY, SOUTHWESTERLY AND SOUTHERLY ALONG THE GENERAL SOUTHERLY, SOUTHEASTERLY AND EASTERLY LINES OF SAID BACK BAY DRIVE TO THE GENERAL NORTHERLY LINE OF TRACT NO. 5878 PER MAP RECORDED IN BOOK 229, PAGES 35 THROUGH 40 OF SAID MISCELLANEOUS MAPS; THENCE EASTERLY ALONG SAID GENERAL NORTHERLY LINE OF TRACT NO. 5878 TO THE POINT OF BEGINNING.

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Exhibit "D"

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EXHIBIT 1  
(3 of 3)

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PARCEL 601:

LOT 127 OF TRACT NO. 5435, PER MAP RECORDED IN BOOK 200, PAGES 17 THROUGH 21 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND LOT 91 OF TRACT NO. 5878, PER MAP RECORDED IN BOOK 229, PAGES 35 THROUGH 40 OF SAID MISCELLANEOUS MAPS.

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~~Exhibit "D"~~  
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**EXHIBIT "B"**

**FINDINGS FOR DENIAL  
UPPER NEWPORT BAY REGIONAL PARK  
GENERAL PLAN AMENDMENT 92-3(E)  
LOCAL COASTAL PROGRAM AMENDMENT NO. 31  
AMENDMENT NO. 779  
USE PERMIT NO. 3488  
EIR NO. 525**

**A. Environmental Impact Report No. 525 (prepared by the County of Orange).**

**Findings:**

1. That an environmental document is not necessary for a project which is denied.

**B. General Plan Amendment 92-3(E)**

**Findings:**

1. That the increase in size of the proposed Upper Newport Bay Regional Park interpretive center from 8,000 to 10,000 square feet is inappropriate in that it would occupy additional land that is better suited for open space.
2. That the added expense of a larger interpretive center is not justified given budget constraints.
3. That the secondary bicycle trail is more appropriate and provides greater recreational utility in its existing location.

**C. Local Coastal Program Amendment No. 31**

**Findings:**

1. That the increase in size of the proposed Upper Newport Bay Regional Park interpretive center from 8,000 to 10,000 square feet is inappropriate in that it would occupy additional land that is better suited for open space.
2. That the added expense of a larger interpretive center is not justified given budget constraints.

**D. Amendment No. 779**

**Findings:**

1. That the "Open Space" designation is more appropriate than "Planned Community" for the subject property.

**E. Use Permit No. 3488**

**Findings:**

1. That the proposed project is not consistent with the General Plan and Local Coastal Program Land Use Plan.
2. That the site is not physically suitable for the size of the interpretive center.
3. That the design of the park does not provide adequate public access.

CITY OF NEWPORT BEACH  
POLICE DEPARTMENT  
MEMORANDUM

April 16, 1993

TO: John Douglas, Principal Planner

FROM: James M. Jacobs, Acting Chief of Police

SUBJECT: Upper Newport Bay Regional Park

The development of a park which would include a visitor center and adjoining parking lot would probably increase the Police Department's calls for service and crime-related activities. Anytime there is an increase in population numbers there is a general corresponding increase in levels of police services. Without knowing the full extent of visitation, type of facilities or degree of access to the park, it would be difficult to predict what type of increase might occur. The Police Department has found that crime rates and activity levels do increase significantly in areas where a high tourist or transient population occurs such as our beach areas.

At this time throughout most of the Back Bay area there is no closure of the identified area. Establishing park hours which include the closing of specific areas would most likely lead to increased calls for persons present during the time the park is closed. Greater access to the park areas could result in an increase in the more transient members of our community finding a haven also resulting in more calls.

It is recommended that if a park is developed by the County, a fee be charged for providing the necessary public safety services. The amount to be assessed should include moneys to provide for response to called for services, follow-up criminal investigations, and preventative patrol.

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CITY OF NEWPORT BEACH  
 DEPARTMENT

APR 20 1993  
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April 19, 1993

City of Newport Beach  
 Planning Commission  
 3300 Newport Boulevard  
 Newport Beach, CA 92659-1768

Dear Chairman and Members of the Planning Commission

The comments contained in this letter are being made as a resident living, for over 13 years, in the area immediately adjacent to this valuable public park resource. Both my wife and I make these comments out of concern for the secure continued future use of this public resource. One or both of us attended all the community meetings held by the County. We, as well as a large segment of the community that also uses the Park, look to the City of Newport Beach to ensure our continued use of the Park. There are several issues involving the Resource Management Plan (RMP) and the General Development Plan (GDP) that need to be clarified for the community, the Planning Commission and the City Council before the City takes action.

1. What is the process for changing the RMP and GDP or operating the Park in a manner different than that specified in the RMP and GDP? Since the City approved the original RMP and GDP; additions, deletions and/or changes to the RMP and GDP should also be reviewed by the City. Therefore, we request that the City include the following condition of approval:

*Prior to any additions, deletions and/or changes to the Resource Management Plan and/or the General Development Plan and/or to the Upper Newport Bay Regional Park and/or the Upper Newport Bay Regional Park management practices as described in the Resource Management Plan and the General Development Plan, the Resource Management Plan and the General Development Plan shall be subject to an amendment process involving the City of Newport Beach.*

2. As stated by City staff the hours of Park operation as described in the RMP and GDP are of concern. We concur with the recommendation of City staff. However, to avoid misunderstanding, the hours of park operation need to be made clear in the RMP and GDP. Park signs should also be clear and consistent with the RMP and GDP. County staff has

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stated verbally to the community that the operating hours apply to the Interpretive Center and parking lot only and not access to the park grounds pedestrian trails and bike trails. This being the case the RMP, GDP and park signs need to be made clear and consistent with this statement. Therefore, we request that the City include the following condition of approval:

*The hours of Park operation for the Upper Newport Bay Regional Park as specified in the Resource Management Plan and the General Development shall be made clear that they apply to the Interpretive Center and parking lot only and do not prohibit visitors from accessing the park grounds and using park pedestrian trails and bike trails. Park signs shall also be clear and consistent with this management policy.*

3. During the public meeting process it was stated that there would be periods of time when the entire Park would be closed. This is a significant resource management policy. We do not find this policy clearly stated in the RMP or the GDP. If this policy is in either Plan its location should be identified by the County, if it is not in either Plan, the County should explain whether the policy will be implemented. If this policy is to be implemented, it needs to be made clear to the public and put clearly in the RMP and GDP. If this management policy is implemented at a later date, the RMP and GDP need to be amended by the City to reflect this significant change in management. Like the hours of operation issue it needs to be made clear as to whether the Park closure applies to the Interpretive Center and parking lot only or access to the park grounds, pedestrian trails and bike trails. Therefore, we request that the City include the following condition of approval:

*If the Park is closed for periods beyond that involving the daily hours of operation, the Resource Management Plan and the General Development Plan shall be subject to an amendment process by the City of Newport Beach and the Park closure shall not apply to access to the Park grounds, pedestrian trails and bike trails.*

4. There are existing trails on the Westbay portion of the Park that run generally east and west for which the City has an easement. These trails could provide the much needed connections between the two main north/south pedestrian trails proposed. We support City staff on this issue but request that language be added to the condition that specifies that ... east/west trails connecting the two main north/south pedestrian trails shall be provided and .... Further, there is a parcel of land in joint City/County ownership with a flood control channel and maintenance road on it. We request that the City also add this additional language to staff's condition that specifies ...at least three connecting trails shall be provided between the two main north/south pedestrian trails, two trails as recognized by the easements and a third along the jointly owned City/County Santa Isabel Channel drainage ditch.

5. We request that the following pedestrian trail design consideration be added as a condition of approval:

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*The trail loop near the southerly end of eastern north/south pedestrian trail, and at the north end of the proposed vernal pool establishment, on the Westbay portion of the park shall contact the east boundary of the Westbay portion of the Park at a point that would be created by the extension of a line that generally follows the portion of the pedestrian trail, not including the trail loop, along the southerly side on the Santa Isabel Channel drainage ditch as shown on the aerial photograph copy of the General Development Plan.*

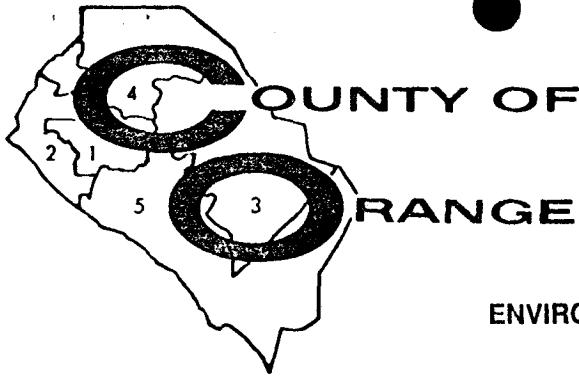
6. The provisions of the RMP and GDP (restoration, management, construction etc.) appear to apply to only that park property controlled by the County, and the County and City. This point needs to be clarified by the County. If management and development/restoration actions will extend beyond land controlled and managed by the County and the County and City that information needs to be clearly provided in the RMP and GDP. If this type of activity occurs at a later date the RMP and the GDP need to be amended by the City and the County. Therefore, we request that the City include the following condition of approval:

*If Park management activities by County staff or Park improvement activities such as restoration occur on land controlled by other than the County and/or the County and City, the Resource Management Plan and the General Development Plan shall be subject to an amendment process by the City of Newport Beach.*

Respectfully Submitted

*Craig Bluell*  
*Charlotte Bluell*

Craig and Charlotte Bluell

MICHAEL M. RUANE  
DIRECTOR, EMAROBERT G. FISHER  
DIRECTOR OF HARBORS, BEACHES & PARKSLOCATION:  
300 N. FLOWER ST.  
FOURTH FLOOR  
SANTA ANA, CALIFORNIAMAILING ADDRESS:  
P.O. BOX 4048  
SANTA ANA, CA 92702-4048TELEPHONE:  
(714) 834-6667  
FAX # 834-4744ENVIRONMENTAL MANAGEMENT AGENCY  
HARBORS, BEACHES AND PARKS

April 21, 1993

Mr. James Hewicker  
 Director of Planning  
 City of Newport Beach  
 P.O. Box 1768  
 Newport Beach, CA 92658-8915

Subject: Upper Newport Bay Regional Park

Dear Mr. Hewicker:

Review of the staff report for the upcoming Planning Commission Meeting regarding Upper Newport Bay Regional Park General Development Plan indicates that staff recommends adoption of two mitigation measures which may be inappropriate for the proposed project. I specifically refer to Mitigation Measures No. 12 and No. 14.

Measure No. 12 states that "a. Prior to issuance of a building permit...a preliminary landscape plan be submitted...to the Newport Beach Building Director," and that "b. Prior to initiation of construction, a detailed landscape plan be submitted and approved...by the Newport Beach Building Director." Harbors, Beaches and Parks is certainly willing to provide the landscape plans for review by the Building Director, but believes that submitting the plans in preliminary stage is not necessary. It is requested that Mitigation Measure No. 12 be modified by deletion of paragraph a., thus providing review and approval of detailed landscape plans in final form prior to initiation of construction.

Measure No. 14 states that "Prior to award of a construction or grading contract, whichever occurs first, a plan for the ultimate use and configuration of Back Bay Drive shall be submitted for the review and approval of ...City of Newport Beach Traffic Engineer." As you may know, this mitigation measure was proposed at the time the Draft EIR was being prepared. At that time Harbors, Beaches and Parks had established a task force with the purpose of developing a proposal to resolve the use conflicts on Back Bay Dr. It was anticipated, optimistically, that this proposal would be developed and approved by all parties involved prior to approval of the General Development Plan for the park. The General Development Plan suggests improvements for use of the road, but has no authority over Back Bay Drive.

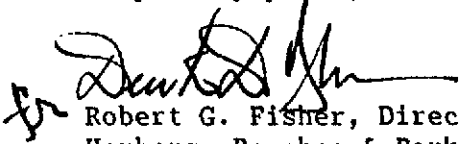
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Mr. James Hewicker  
Page 2

Because the City of Newport Beach has jurisdiction over Back Bay Drive, and has taken the lead in conflict resolution, it appears inappropriate for the City to adopt a mitigation measure which requires "a plan for the ultimate use and configuration of Back Bay Drive be submitted for review and approval of...the City of Newport Beach Traffic Engineer" prior to award of a construction contract for the park. While we want to help resolve these issues, we have no control over the timing of preparation, approval, or implementation of such a plan. We are anxious to begin construction of Upper Newport Bay Regional Park and believe this condition could very well delay park construction. For these reasons, we will recommend deletion of Mitigation Measure No. 14 when the Board of Supervisors certifies EIR No. 525. I am requesting the City delete adoption of Mitigation Measure No. 14 from the Recommended Action to the Planning Commission.

If you have any questions or wish to discuss this further, please feel free to contact me.

Very truly yours,

  
Robert G. Fisher, Director  
Harbors, Beaches & Parks

MM:pc  
3042008484544

CC: D. Turner  
G. Medeiros  
P. Temple  
J. Douglas

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FROM: CARLA BROCKMAN  
2700 HARBOR VIEW DRIVE  
CORONA DEL MAR, CA 92625

DATE: April 22, 1993

TO: CITY OF NEWPORT BEACH PLANNING COMMISSION

RE: "PUBLIC HEARING: UPPER NEWPORT BAY REGIONAL PARK  
Meeting scheduled for April 8, 1993 and continued to April  
22, 1993.

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- 1) A "Notice of Public Hearing" dated March 26, 1993, (blue card) was mailed to "interested parties". A blue sheet also dated 3/26/93 advised that a portion of the actions to be considered had been inadvertently omitted. This sheet, a copy of which is attached as EXHIBIT "A", stated "a corrected list of actions to be considered."

This "corrected list" does not mention the subject of "the acceptance of an environmental document". Therefore, the "interested parties" have not been notified of this subject and "the acceptance of an environmental document" should not be a subject of this public hearing.

- 2) The Upper Newport Bay Regional Park Public Hearing was originally scheduled as item "10" on the Planning Commission Agenda for April 8, 1993. A copy of this Agenda is attached as EXHIBIT "B". Item "10" appears to encompass seven different items; in short:

ITEM 10 "A"

1. Amend land use and circulation elements of general plan to increase Interpretive Center size from 8,000 square feet to 10,000 square feet. GPA 92-3(E)
2. Delete a secondary bicycle trail through the West Bay parcel.
3. Acceptance of an environmental document.

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ITEM 10 "B" LCP #31

4. Amend the Local Coastal Program Land Use Plan to increase Interpretive Center size from 8,000 square feet to 10,000 square feet.

ITEM 10 "C" A-779

5. Re-zone various parcels within the park from "Unclassified", "R-3-B" and "R-A-B-2" to "Planned Community".

ITEM 10 "D" USE PERMIT NO. 3488

6. Approve a General Development Plan which would serve as a Planned Community Development Plan.
7. Approve a Resource Management Plan which would describe regulations for the regional park.

As this public hearing was continued to April 22, 1993, the attached EXHIBIT "C" also addresses these same seven items as one item, Item #8.

All of these seven issues should be separate items. Especially, "the acceptance of an Environmental Document" which was not properly noticed.

There is a statement at the bottom of Page 1 of the April 22, 1993 Agenda, EXHIBIT "C", page 1, warning that:

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS TAPE RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Bell and red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.)

As these seven items have formally been listed as one (Item No. 8 in the case of the April 22, 1993 agenda EXHIBIT "C"), testimony is to be limited to 3 minutes for all seven. This is not a proper way to conduct Public Hearing.

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**CITY OF NEWPORT BEACH  
PLANNING DEPARTMENT**

March 26, 1993

**TO: ALL INTERESTED PARTIES**

**FROM: CITY OF NEWPORT BEACH PLANNING DEPARTMENT**

**SUBJECT: PUBLIC HEARING: UPPER NEWPORT BAY REGIONAL PARK**

A NOTICE OF PUBLIC HEARING (blue card) was recently mailed to interested parties regarding a public hearing to be held April 8, 1993 by the Newport Beach Planning Commission to consider actions in connection with the County of Orange General Development Plan for Upper Newport Bay Regional Park. That notice inadvertently omitted a portion of the actions to be considered by the City of Newport Beach. The following is a corrected list of actions to be considered.

The proposal includes a request to amend the Land Use and Circulation Elements of the General Plan [GPA 92-3(E)] and the Local Coastal Program Land Use Plan [LCP No. 31] so as to increase the allowable size of the proposed interpretive center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the Westbay blufftop; a request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from "U" (Unclassified), "R-3-B" and "R-4-B-2" (Multiple-Family Residential) to "PC" (Planned Community) [A 779]; and a request to approve Use Permit No. 3488 for a General Development Plan for Upper Newport Bay Regional Park, which surrounds the northern portion of Upper Newport Bay in three discontinuous parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Preserve boundary adjacent to the mouth of Big Canyon on the east.

The public hearing will be held on the 8th day of April, 1993, at the hour of 7:30 p.m. in the Council Chambers of the Newport Beach City Hall, 3300 Newport Boulevard, Newport Beach, California, at which time and place any and all persons interested may appear and be heard thereon. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing. For further information call John Douglas, Environmental Coordinator at (714) 644-3225.

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EXHIBIT "A"

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CITY OF NEWPORT BEACH

PLANNING COMMISSION AGENDA

Regular Meeting - April 8, 1993 - 7:30 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Di Sano, Edwards, Gifford, Glover,  
Merrill, Pomeroy, Ridgeway -

MINUTES: March 18, 1993 -

PUBLIC COMMENTS:

REPORT FROM THE PLANNING DIRECTOR CONFIRMING THE POSTING OF THE AGENDA:

HEARING ITEMS:

Item #1                    Resubdivision No. 998 (Public Hearing)

Request to resubdivide three existing parcels of land into two parcels for conveyance purposes, involving properties located in the C-1-H and Unclassified Districts.

LOCATION:                Lots C and D, Tract No. 6927, and Lot B of Lot Line Adjustment 80-2, located at 1601 Bayside Drive, on the southwesterly side of Bayside Drive adjacent to the Balboa Island Channel.

ZONES:                    C-1-H and Unclassified

APPLICANT:             Williamson & Schmid, Tustin

OWNER:                    The Irvine Company, Newport Beach

ENGINEER:                Same as applicant

ACTION:

Item #2                    Modification No. 4065 (Continued Public Hearing)

Request to permit the as-built construction of a deck railing (4 feet 10 inches ± above the natural grade) which encroaches 15 feet into the required 15 foot front yard setback, where the Zoning Code limits such construction to 3 feet above the natural grade.

ENCLOSURE "R" PAGE 1

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TO: Planning Commission - 2.

LOCATION: Lot 10, Block 532, Corona del Mar, located at 508 Dahlia Avenue, on the southeasterly side of Dahlia Avenue, between Second Avenue and Third Avenue, in Corona del Mar.

ZONE: R-2

APPLICANTS: David and Carol Rudat, Anaheim

OWNERS: Same as applicants

ACTION:

Item #3 Use Permit No. 3293(Amended) (Public Hearing)

Request to amend a previously approved use permit which permitted the addition of live entertainment and an outdoor dining area to the existing Cano's Restaurant with on-sale alcoholic beverages, tandem parking spaces and valet parking on property located in the "Recreational Marine Commercial" area of the Mariner's Mile Specific Plan. The proposed amendment involves a request to add dancing to the existing restaurant operation.

LOCATION: A portion of Lot H, Tract No. 919, located at 2241 West Coast Highway, on the southwesterly side of West Coast Highway, between Tustin Avenue and Dover Drive, in the Mariner's Mile Specific Plan Area.

ZONE: SP-5

APPLICANT: Marie Johnson (Cano's Restaurant), Newport Beach

OWNER: Ardell Investment Company, Newport Beach

ACTION:

Item #4 Use Permit No. 3306 (Amended) (Public Hearing)

Request to amend a previously approved use permit which allowed a change in the operational characteristics of the Cafe Lido Restaurant with on-sale alcoholic beverages located in the "Retail and Service Commercial" area of the Cannery Village/McFadden Square Specific Plan, so as to change the permitted live entertainment to include jazz combos with amplified music, vocals and percussion instruments, including drums. The proposal also included a modification to the Zoning Code so as to permit the use of compact parking spaces, and

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TO: Planning Commission - 3.

parking spaces and a trash enclosure that encroach into the required 10 foot rear yard setback adjacent to an alley. The proposed amendment includes a request to add dancing to the restaurant operation and redesign the existing on-site parking. The proposal also includes modifications to the Zoning Code so as to allow aisle widths that are less than the required width for commercial off-street parking; and to allow a portion of the parking spaces and a chain with ballards, to encroach into the ten foot rear yard setback adjacent to an alley.

LOCATION: Parcel 1 of Parcel Map 129-7-8 (Resubdivision No. 600), located at 501 30th Street, on the northeasterly corner of 30th Street and Villa Way, in the Cannery Village/McFadden Square Specific Plan Area.

ZONE: SP-6

APPLICANT: Joe Sperrazza (Cafe Lido Restaurant), Newport Beach

OWNER: Same as applicant

ACTION:

Item #5 Use Permit No. 3343(Amended) (Public Hearing)

Request to amend a previously approved use permit which permitted the reestablishment of a restaurant with on-sale alcoholic beverages and live entertainment which was previously destroyed by fire, on property located in the "Specialty Retail" area of the Cannery Village/McFadden Square Specific Plan. Said approval included a limited daytime operation based on available on-site parking and a full nighttime operation that was permitted in conjunction with the use of an additional 18 in-lieu parking spaces in the Cannery Village Municipal Parking Lot. The approval also included a modification to the Zoning Code so as to allow a portion of the on-site parking spaces to encroach into the required front yard setback and the required rear yard setback adjacent to a 14 foot wide alley. The proposed amendment involves a request to revise Condition of Approval No. 2 so as to allow all of the "net public area" of the restaurant to be used during the day.

LOCATION: Lot 1, Lot 2 and a portion of Lot 3, Block 230, Lancaster's Addition, located at 2900 Newport Boulevard, on the northeasterly corner of Newport Boulevard (northbound) and 29th Street, in the Cannery Village/McFadden Square Specific Plan Area.

ZONE: SP-6

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ENCLOSURE "R" PAGE 3

TO: Planning Commission - 4.

APPLICANT: 701 Lido Park Partnership (Arnold's Hide-Out Restaurant), Newport Beach

OWNER: Same as Applicant

ACTION:

Item #6 Use Permit No. 3481 (Public Hearing)

Request to permit the continued operation of an existing independent massage establishment on property located in the APF District.

LOCATION: A portion of Lot 819, Newport Mesa Tract, located at 1441 Superior Avenue, on the northwesterly side of Superior Avenue, between Hospital Road and Placentia Avenue in northwest Newport Beach.

ZONE: APF

APPLICANT: Judy A. Mazon, Newport Beach

OWNERS: John R. and Alice L. Rawlings, Costa Mesa

ACTION:

Item #7 Use Permit No. 3490 (Public Hearing)

Request to permit the construction of a second dwelling unit (Granny Unit) on property located in the R-1 District in accordance with Chapter 20.78 of the Municipal Code that permits a second dwelling unit if said residence is intended for one or two persons who are 60 years of age or older.

LOCATION: Lot 17, Block 30, First Addition to Newport Heights, located at 531 Catalina Drive, on the northwesterly side of Catalina Drive, between Fifteenth Street and Clay Street, in Newport Heights.

ZONE: R-1

APPLICANTS: Scott A. and Cherly A. Brown, Newport Beach

OWNERS: Same as applicants

ACTION:

2151  
44

TO: Planning Commission - 5.

Item #8                      Use Permit No. 3491 (Public Hearing)

Request to permit a recreational establishment with approximately 30 pool tables as well as incidental dining and the service of on-sale alcoholic beverages, including a full service bar on property located in the RSC-H District. The proposal also includes a request to approve an off-site parking arrangement for a portion of the required off-street parking and the approval of a full time valet parking service. The request to establish the proposed billiards center also represents a conversion of a portion of the building from a Base FAR use to a Reduced FAR which also requires the approval of a Use Permit.

LOCATION:                      Parcel 2, Parcel Map 60-43 (Resubdivision No. 433) located at 3366 Via Lido, on the northeasterly side of Via Lido, between Via Oporto and Via Malaga, adjacent to Lido Marina Village.

ZONE:                              RSC-H

APPLICANT:                      Yros Marderos, Hollywood

OWNER:                              Swiss Group Property Inc., Irvine

ACTION:

Item #9                      Variance No. 1186 (Public Hearing)

Request to permit alterations and additions to an existing duplex which is currently nonconforming with regard to required off-street parking (one garage space is provided where the Municipal Code requires 3 parking spaces), the amount of allowable gross floor area and the size of the second dwelling unit, on property located in the R-1.5 District. The proposed additions include the enclosure of an existing breezeway between the garage and the residential structure; and the enclosure of an existing outdoor shower. The other alterations to the structure involve the conversion of the ground floor kitchen and dining area of the second unit so as to add that floor area to the front dwelling unit. The proposed development will increase the nonconformity of the second dwelling unit by reducing the floor area of said unit.

LOCATION:                      Lot 35, Tract No. 1049, located at 303 Crystal Avenue, on the northwesterly corner of Balboa Avenue and Crystal Avenue, on Little Balboa Island.

ZONE:                              R-1.5

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70



TO: Planning Commission - 6.

APPLICANT: Ted McGinley, Newport Beach

OWNER: Same as applicant

ACTION:

Item #10 A. General Plan Amendment No. 92-3(E) (Public Hearing)

Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail through the Westbay parcel; and the acceptance of an environmental document.

ACTION:

AND

B. Local Coastal Program Amendment No. 31 (Public Hearing)

Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.

INITIATED BY: The City of Newport Beach

LOCATION: The Westbay parcel, located at 2200 Irvine Avenue, southeasterly of the intersection of Irvine Avenue and University Drive.

ACTION:

AND

C. Amendment No. 779 (Public Hearing)

Request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the "U" (Unclassified), R-3-B and R-4-B-2 Districts to the P-C (Planned Community) District.

LOCATION: The portions of the Upper Newport Bay Regional Park between the Santa Ana-Delhi Channel in Santa Ana Heights and Jamboree Road (201 Bayview Way); and between Eastbluff Drive and the Upper

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TO: Planning Commission - 7.

Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon (1900 Back Bay Drive).

ZONES: R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

ACTION:

AND

D. Use Permit No. 3488 (Public Hearing)

Request to approve a General Development Plan and Resource Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.

LOCATION: Upper Newport Bay Regional Park surrounds the northern portion of Upper Newport Bay in three separate parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon on the east (2200 Irvine Avenue, 201 Bayview Way and 1900 Back Bay Drive).

ZONES: P-C, R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

ACTION:

ADDITIONAL BUSINESS:

ADJOURNMENT:

CITY OF NEWPORT BEACH

PLANNING COMMISSION AGENDA

Regular Meeting - April 22, 1993 - 7:30 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Di Sano, Edwards, Gifford, Glover,  
Merrill, Pomeroy, Ridgeway -

MINUTES: April 8, 1993 -

PUBLIC COMMENTS:

REPORT FROM THE PLANNING DIRECTOR CONFIRMING THE POSTING OF  
THE AGENDA:

HEARING ITEMS:

Item #1 Traffic Study No. 86 (Public Hearing)

Request to approve a traffic study so as to allow conversion of existing 200 excess parking spaces in conjunction with an existing office development to a pay parking facility which would mainly be used for the John Wayne Airport passengers.

LOCATION: Parcel 1, Parcel Map 196/40-43 (Resubdivision No. 786) located at 4680 MacArthur Court, on the northeasterly corner of MacArthur Boulevard and Birch Street in Koll Center Newport.

ZONE: P-C

APPLICANT: Ace Parking, Inc., Newport Beach

OWNER: The Irvine Company, Newport Beach

ACTION:

ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS TAPE RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS. (Bell and red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.)

EXHIBIT "C" PAGE 1

A155  
95

TO: Planning Commission - 2.

Item #2                      Variance No. 1184 (Amended) (Public Hearing)

Request to amend a previously approved variance that permitted alterations and additions to an existing single-family dwelling located in the R-3 District which is nonconforming with regards to allowable height inasmuch as the existing structure extends above the top of curb elevation along Ocean Boulevard. The previous approval included the following construction above the top of curb elevation on Ocean Boulevard: the expansion of the existing living area of the dwelling; the extension and reconstruction of an existing deck and handrails including a new roof extension over a portion of the deck; the replacement of a composition roof with a new tile roof; the reconstruction and extension of an existing wall and wind screen that encroaches into the 3 foot side yard setback; and the construction of a new circular stairway. The proposed amendment includes the following additional alterations which extend above the top of curb elevation of Ocean Boulevard: a request to enclose an existing covered porch at the front of the structure; a modification to the Zoning Code to allow the construction of three bay windows along the front of the building, whereas the Zoning Code permits only two bay windows; a modification to the Zoning Code to increase the width of an existing bay window to 9± feet whereas the Zoning Code limits the widths of encroaching bay windows to 8 feet; a modification for three architectural columns that encroach 6 inches into the required 10 foot front yard setback; and a modification for a new decorative chimney cap which exceeds the minimum UBC requirements.

LOCATION: Parcel 1 of Parcel Map 36-3 (Resubdivision No. 274) located at 2501 Ocean Boulevard, on the southwesterly side of Ocean Boulevard, between Carnation Avenue and Dahlia Avenue, in Corona del Mar.

ZONE: R-3

APPLICANT: Joseph Vallejo, Corona del Mar

OWNER: Same as applicant

ACTION:

Item #3                      Use Permit No. 3493 (Public Hearing)

Request to permit the construction of a second dwelling unit (Granny Unit) on property located in the R-1 District in accordance with Chapter 20.78 of the Municipal Code that permits a second dwelling unit if said residence is intended for one or two persons who are 60 years of age or older.

EXHIBIT "C" PAGE 2

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TO: Planning Commission - 3.

LOCATION: Lot 8, Block 17, First Addition to Newport Heights, located at 310 El Modena Avenue, on the southeasterly side of El Modena Avenue, between Cliff Drive and Beacon Street, in Newport Heights.

ZONE: R-1

APPLICANT: Max Feurberg, Newport Beach

OWNER: Same as applicant

ACTION:

Item #4 Use Permit No. 1640 (Amended) (Public Hearing)

Request to amend a previously approved use permit that permitted the establishment of a restaurant with on-sale alcoholic beverages and patio dining, on property located in the RSC-H District. The proposed amendment includes a request to expand the "net public area" of the restaurant by adding to the existing building, the installation of a new outdoor patio dining area, and the addition of live entertainment consisting of musicians and singers inside the facility.

LOCATION: Parcel 3 of Parcel Map 49-22 (Resubdivision No. 339) located at 2531 Eastbluff Drive, at the northwesterly corner of Eastbluff Drive and Vista del Sol in the Eastbluff Shopping Center.

ZONE: RSC-H

APPLICANT: Puccini Ristorante/The Carlson Company, Newport Beach

OWNER: The Irvine Company, Newport Beach

ACTION:

Item #5 Use Permit No. 1709 (Amended) (Public Hearing)

Request to amend a previously approved use permit which permitted the establishment of a restaurant with on-sale alcoholic beverages, live entertainment and the use of an off-site parking area for a portion of the required off-street parking, on property located in the RSC-H District. The proposed amendment includes: a request to provide an outdoor deck and use it for dining purposes; convert a portion of the restaurant to a billiard use which includes 19 pool tables; convert the lower floor bar area to a coffee bar with seating; and establish hours of operation from 6:00 a.m. to 2:00 a.m. The proposal also includes

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TO: Planning Commission - 4.

the retention of the permitted live entertainment as previously approved by the Planning Commission.

LOCATION: Parcel 2 of Parcel Map 49-15 (Resubdivision No. 337) located at 900 Bayside Drive (i.e., restaurant site) and Parcel 4 of Parcel Map 11-7) Resubdivision No. 243) (i.e., offsite parking area in the Bayside Shopping Center), on the northerly side of Bayside Drive, westerly of the intersection of Jamboree Road and Marine Avenue.

ZONE: RSC-H

APPLICANT: International Specialty Group, Inc., Aspen, Colorado

OWNER: Greg C. Mosher, Newport Beach

ACTION:

Item #6 Use Permit No. 3306 (Amended) (Continued Public Hearing)

Request to amend a previously approved use permit which allowed a change in the operational characteristics of the Cafe Lido Restaurant with on-sale alcoholic beverages located in the "Retail and Service Commercial" area of the Cannery Village/McFadden Square Specific Plan, so as to change the permitted live entertainment to include jazz combos with amplified music, vocals and percussion instruments, including drums. The proposal also included a modification to the Zoning Code so as to permit the use of compact parking spaces, and parking spaces and a trash enclosure that encroach into the required 10 foot rear yard setback adjacent to an alley. The proposed amendment includes a request to add dancing to the restaurant operation and redesign the existing on-site parking. The proposal also includes modifications to the Zoning Code so as to allow aisle widths that are less than the required width for commercial off-street parking; and to allow a portion of the parking spaces and a chain with ballards, to encroach into the ten foot rear yard setback adjacent to an alley.

LOCATION: Parcel 1 of Parcel Map 129-7-8 (Resubdivision No. 600), located at 501 30th Street, on the northeasterly corner of 30th Street and Villa Way, in the Cannery Village/McFadden Square Specific Plan Area.

ZONE: SP-6

APPLICANT: Joe Sperrazza (Cafe Lido Restaurant), Newport Beach

TO: Planning Commission - 5.

OWNER: Same as applicant

ACTION:

Item #7 Use Permit No. 3343 (Amended) (Continued Public Hearing)

Request to amend a previously approved use permit which permitted the reestablishment of a restaurant with on-sale alcoholic beverages and live entertainment which was previously destroyed by fire, on property located in the "Specialty Retail" area of the Cannery Village/McFadden Square Specific Plan. Said approval included a limited daytime operation based on available on-site parking and a full nighttime operation that was permitted in conjunction with the use of an additional 18 in-lieu parking spaces in the Cannery Village Municipal Parking Lot. The approval also included a modification to the Zoning Code so as to allow a portion of the on-site parking spaces to encroach into the required front yard setback and the required rear yard setback adjacent to a 14 foot wide alley. The proposed amendment involves a request to revise Condition of Approval No. 2 so as to allow all of the "net public area" of the restaurant to be used during the day.

LOCATION: Lot 1, Lot 2 and a portion of Lot 3, Block 230, Lancaster's Addition, located at 2900 Newport Boulevard, on the northeasterly corner of Newport Boulevard (northbound) and 29th Street, in the Cannery Village/McFadden Square Specific Plan Area.

ZONE: SP-6

APPLICANT: 701 Lido Park Partnership (Arnold's Hide-Out Restaurant), Newport Beach

OWNER: Same as Applicant

ACTION:

Item #8 A. General Plan Amendment 92-3 (E) (Continued Public Hearing)

Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail through the Westbay parcel; and the acceptance of an environmental document.

ACTION:

EXHIBIT "C" PAGE 5

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TO: Planning Commission - 6.

AND

B. Local Coastal Program Amendment No. 31 (Continued Public Hearing)

Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.

INITIATED BY: The City of Newport Beach

LOCATION: The Westbay parcel, located at 2200 Irvine Avenue, southeasterly of the intersection of Irvine Avenue and University Drive.

ACTION:

AND

C. Amendment No. 779 (Continued Public Hearing)

Request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the "U" (Unclassified), R-3-B and R-4-B-2 Districts to the P-C (Planned Community) District.

LOCATION: The portions of the Upper Newport Bay Regional Park between the Santa Ana-Delhi Channel in Santa Ana Heights and Jamboree Road (201 Bayview Way); and between Eastbluff Drive and the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon (1900 Back Bay Drive).

ZONES: R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant.

ACTION:

AND

D. Use Permit No. 3488 (Continued Public Hearing)

Request to approve a General Development Plan and Resource

EXHIBIT "C" PAGE 1

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TO: Planning Commission - 7.

Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.

LOCATION: Upper Newport Bay Regional Park surrounds the northern portion of Upper Newport Bay in three separate parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon on the east (2200 Irvine Avenue, 201 Bayview Way and 1900 Back Bay Drive).

ZONES: P-C, R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

ACTION:

ADDITIONAL BUSINESS:

ADJOURNMENT:

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79

TO: CITY OF NEWPORT BEACH PLANNING COMMISSION

FROM: CARLA BROCKMAN  
2700 HARBOR VIEW DRIVE  
CORONA DEL MAR, CA 92625

RE: UPPER NEWPORT BAY REGIONAL GENERAL DEVELOPMENT PLAN  
AND RESOURCE MANAGEMENT PLAN

DATE: APRIL 22, 1993

---

The subject EIR, which has to do with the development of an Interpretive Center on property deeded to the County by the Irvine Company in Newport Beach, California is inadequate for the following reasons;

1. The proposed "Project Case" development contradicts the conditions set forth in the Deed from the Irvine Company to the County.
  - A. Equestrian uses are allowed and encouraged in the Deed in the Westbay and Santa Ana Heights parcels.
  - B. Bicycle uses are also allowed and encouraged.
  - C. Picnic facilities and barbecue facilities are allowed and encouraged in the Deed.

All of the foregoing uses are sacrificed to the Interpretive Center. The proposed project seeks to limit all of the above uses to only certain areas of the Westbay to their exclusion throughout the remainder of the Westbay.

2. The public used the land for recreational purposes for many years prior to the 1969 Deed from the Irvine Company to the County. It appears therefore, that the public has perfected a prescriptive easement for recreational uses on the land. Any deed from the Irvine Company to the County, therefore, was "subject to" that easement.

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3. The Santa Ana Heights Community is a unique community within Newport Beach's sphere of influence, but its lifestyle has been ignored in the proposal. It is the community style of the City of Newport Beach and its standards that are being imposed on Santa Ana Heights rather than the Santa Ana Heights lifestyle being extended to the adjacent open West Bay area. It is an improved homogenization rather than an extension of each community's individual character. The community of Santa Ana Heights was not consulted in the preparation of the EIR nor were the private deed restrictions, which materially assisted in establishing a lifestyle in that area, considered in the preparation of the EIR.
4. There are more than 700 horses, together with bicyclist, pedestrians, and dogs on leashes, which will be confined to a one mile strip under the proposed plan. This is dangerous and unnecessary.
5. The EIR indicates that air quality was measured at El Toro rather than in Newport Beach. The EIR states that the air quality at El Toro was considered "representative" of the air quality of the entire area. This is ludicrous on its face.
6. No reference is made to aircraft pollutants, debris, or the inherent danger of low flying aircraft over the sight. Aircraft noise measurements were apparently taken at 1:30 and 2:00 p.m. for 20 minute periods. This area lies directly under the flight path of John Wayne Airport. A more intensive noise analysis is required.
7. The EIR indicates that there would be no direct fiscal impact upon the City of Newport Beach resulting from this project. Perhaps there would be no requirement for a cash outlay at this time, but the City would be required to provide fire, police, building department inspectors, street cleaning and maintenance, etc., etc. There will definitely be an on-going, indirect expense to the City of Newport Beach in perpetuity.
8. Mammalian Wildlife was not discussed adequately in the EIR. There is a wide range of animal life in the Bay, including coyotes, racoons, skunks, and other mammals. What will

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be the effect of this project on them?

9. The public has free access to the property now; after the development, the public may be burdened with parking and entrance fees after this so-called "improvement".

cc: County of Orange Environmental Management Agency  
Mr. Leon Kolankiewicz  
P.O. Box 4048  
Santa Ana, CA 92702-4048

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**ORIGINAL**  
CLERK OF THE BOARD  
ORANGE COUNTY

IRREVOCABLE OFFER OF DEDICATION  
FROM THE IRVINE COMPANY  
TO  
THE COUNTY OF ORANGE  
FOR  
THE WESTBAY AND BLUFF PARCELS

WB + SAH      EB

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EXHIBIT "A" Pg 1

TO: CITY OF NEWPORT BEACH PLANNING COMMISSION

FROM: CARLA BROCKMAN  
2700 HARBOR VIEW DRIVE  
CORONA DEL MAR, CA 92625

RE: UPPER NEWPORT BAY REGIONAL PARK

DATE: April 22, 1993

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We believe not enough data has been provided, nor information included for you to be able to make an intelligent recommendation to the City Council at this time.

The General Plan and Local Coastal Plan are serious documents. I am sure you would want the best and most refined information before you recommend amendments.

Where does the annexation of Santa Ana Heights (within Newport Beach's "Sphere of Influence") fit into Newport Beach's City Plan. Its "Specific Plan" has a "commercial stable overlay". You cannot expect the hundreds of horses living in the area to be confined in a one mile single line trail in the Santa Ana Heights parcel, not to mention that this parcel would also be used by pedestrians, bicyclists, and dogs on leashes, according to the EIR Project Case.

There are deficiencies in the EIR and a lack of respect for the unique character of the neighborhood. We would consider it a privilege if you would like us to come to this hall on horseback to show our concern. Newport Beach should be proud that it's open space accommodates dogs on leashes, early morning joggers, bicycle paths and equestrians.

We beseech you to leave UNBRP in its present state "No Project Alternative" 6.1 (EXHIBIT "B") attached, no Interpretive Center, no formalization, or, select the "Current Level of Human Activity". Alternative 6.5 (EXHIBIT "C") attached, build the Interpretive Center and make modest trail improvements in current locations. If you choose 6.5, please be aware that the trails (EXHIBIT "21") do not reflect existing trails as truly as the aerial photos displayed before you taken on April 13, 1993.

The "No Project" Alternative 6.1 would have the least financial impact. Both of these alternatives are consistent with Covenant 1, requiring "passive recreational use" in the deed of dedication which is attached to this memo as Exhibit "A".

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EXHIBIT "A" Pg 2

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EXHIBIT "A" Pa. 3



3. COVENANTS RUNNING WITH THE LAND. If this Offer is accepted, the subsequent conveyance of the Property from Offeror to County shall be subject to the covenants set forth in this Paragraph 3 (the "Covenants"). The Covenants are for the purpose of assuring the enhancement and protection of the value, desirability, and attractiveness of the Dominant Tenement. The Covenants shall become effective on the acceptance of this Offer, run with and burden the Property, as the servient tenement, and bind the County and any other Interest Holder. Every Interest Holder shall be bound absolutely to every provision of this Offer, whether or not this Offer is referred to in the instrument by which the Interest Holder acquires an interest in the Property. The Covenants shall also constitute equitable servitudes upon the Property, as servient tenement, in favor of the Dominant Tenement. Except as expressly provided within this Paragraph 3, the Covenants shall be enforceable only by Offeror or a Successor.

The Covenants are:

- a. Covenant 1: Use of Property. The County shall maintain and use the Property solely for passive recreational use by the public. "Passive recreational use" means uses which are compatible with the adjacent Upper Newport Bay Ecological Reserve, such as hiking, bicycling, running,

horseback riding, picnicking, environmentally sensitive habitat mitigation, staging areas for bicyclists and equestrians, and nature study (the "Permitted Uses"). In addition, use of the Westbay Parcel for flood control purposes related to the Santa Ana-Delhi Channel (see description and map attached as Exhibit "H") shall also be a Permitted Use. Any available surface or subsurface water on the Property may be used by County to the extent necessary to serve Permitted Uses on the Property. No permanent structures shall be erected on the Property, except for the following uses if necessary to serve Permitted Uses:

On the Westbay Parcel only:

- (i) parking spaces, located at grade and landscaped, including parking for horse trailers;
- (ii) picnic facilities, such as shade structures, tables, and barbecues;
- (iii) restrooms;
- (iv) a landscaped ecological interpretive center within the area designated for that interpretive center on Exhibit "A";

- (v) hiking and bicycle trails, including those constructed of hard surfaces such as concrete and asphalt;
- (vi) nature viewing platforms;
- (vii) flood control purposes as provided in Paragraph 3a above; and

On the Property:

- (viii) habitat mitigation.

Subject to Paragraph 2f above, the County shall allow the Property to be used for habitat mitigation by Offeror or County, but not by or for the direct or indirect benefit of any other person or entity. Any General Development Plan adopted for the Property shall permit habitat mitigation in all unimproved areas. Any habitat mitigation must be consistent with the General Development Plan.

No commercial, residential, office, retail, hotel, lodging, or industrial activities of any nature shall be permitted on the Property, whether for profit or not, except:

- (i) retail sales by the County or other non-profit entity within the ecological interpretive center if those sales are customarily incidental to the operation of similar interpretive centers; and
- (ii) reasonable parking, entrance, and use fees (standard County Regional Park fees are deemed reasonable if imposed at other County regional parks) for the Westbay Parcel to offset expenses of operation and maintenance of the Property.

*Exhib. "I" Pg 61*

\* In addition to the enforcement rights contained in this Offer, this Covenant shall be enforced through a joint conservation easement to (1) the State of California acting through the Coastal Conservancy, and (2) the City of Newport Beach. This conservation easement shall be in the form of attached Exhibit "I" and shall be executed and delivered to the County Recorder by Offeror for recordation before acceptance of this Offer.

Offeror makes no warranty or representation as to the effectiveness or enforceability of this conservation easement.

- b. Covenant 2: Parking. The County shall provide reasonable off-street parking to ensure that use of the

Westbay Parcel does not regularly generate an unreasonable parking burden on surrounding development.

- c. Covenant 3: General Development Plan Review. Before erecting any structure on the Property, the County shall prepare and submit to Offeror, for review and comment, a conceptual site conservation and general development plan which may be amended from time to time (collectively, the "General Development Plan"), including specific locations and the maximum size of all improvements on the Property.

If, within thirty (30) days after County provides Offeror with the General Development Plan or any revised General Development Plan, Offeror proposes reasonable changes to that plan which are consistent with this Offer, County shall either:

- (i) incorporate those changes within a revised General Development Plan; or
- (ii) provide Offeror with a written statement of the reasons that the changes will not be incorporated and, by formal action of the Board of Supervisors, after providing Offeror with ten days' notice and an opportunity to be heard before the Board, adopt written findings setting forth those reasons.

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- d. Covenant 4: Improvement Plan Review. The County shall not construct, place, assemble, or maintain on the Property any improvement of any nature (including signs larger than sixteen square feet, exterior lighting, and landscaping) which is inconsistent with the General Development Plan and without first providing Offeror with thirty days in which to review and comment on the exterior design, size, color, appearance, and location of each proposed improvement (the "Improvement Plans"). Offeror's review and comment will be based upon compatibility with surrounding development, whether existing, currently proposed, or proposed in the future.

If, within thirty (30) days after County provides Offeror with the Improvement Plans, Offeror proposes reasonable changes to those plans which are consistent with this Offer, County shall either:

- (i) incorporate those changes within revised Improvement Plans; or
- (ii) provide Offeror with a written statement, from the County Director of Harbors, Beaches and Parks, of the reasons that the changes will not be incorporated.

- e. Covenant 5: Abandonment or Sale. The County shall neither abandon the use of the Property for the Permitted Uses nor convey the Property for consideration.
- f. Covenant 6: Landscape and Improvement Maintenance. The County shall maintain in good condition all landscaping and improvements placed on the Property.
- g. Covenant 7: Bluffs Maintenance. The County shall maintain the Bluff Parcels in such manner and in such intervals as County determines, reasonably and in good faith, are necessary to maintain the Bluff Parcels in a safe condition.

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## 6. ALTERNATIVES TO THE PROPOSED PROJECT

Presented in this section are five alternatives to the proposed project. Each of these alternatives is designed to alleviate identified environmental problems, or where specifically requested for consideration during preparation of the EIR, each of the alternatives has been measured against the Project Objectives stated in the Project Description of this EIR.

It is the intent of this chapter to describe all reasonable alternatives to the project which could feasibly attain project objectives. This approach is in compliance with §15126(d) of the CEQA Guidelines. The County of Orange will explain the reason for its rejection of alternatives (if such event occurs) prior to the final decision-making on the project in order to take advantage of all public comment. The alternatives herein focus on approaches capable of eliminating significant environmental effects or reducing them to a level of insignificance, even if these alternatives will not attain the project objectives or are more costly. These alternatives appeal to a wide range of mitigation to provide a strong foundation for public discussion.

A reasonable array of alternatives has been presented herein. However, the EIR itself, as well as the Project Alternatives Section, provides adequate documentary material from which to construct any rearrangement of alternatives on the project. Therefore, this Project Alternatives section is intended to present simply a reasonable palette of alternatives for discussion and evaluation.

### 6.1 No Project Alternative

The No Project Alternative assumes that the status quo would be maintained as it relates to use of the park property. Two variations of this alternative are presented. The first assumes that the existing condition, operation of the park with the County approved Interim Operations Plan in place. The second variation assumes an unregulated condition that was in place before the County acquired the property.

#### a. Interim Operations Plan

The Interim Operation Plan, adopted by the County on October 30, 1990, specifies the general operations of the park prior to the completion of permanent facilities. It specifies that all pedestrian, bicycle, and equestrian use is limited to established dirt and paved trails. A park ranger is assigned to enforce the operations plan.

Implementation of this alternative would eliminate any of the impacts described for the project that relate to the construction and use of the Interpretive Center. The park would continue to be operated under the Interim Operation plan, which defines the use parameters of the park. The trail enhancements, safety improvements, interpretive nodes, etc. proposed for the project case would not be constructed. To the extent that impacts



associated with the Interpretive Center construction and use would not occur, this alternative is environmentally superior to the project case.

b. Pre-County Ownership

Prior to the County's acceptance of the offer of dedication, the majority of the park property was privately held by The Irvine Company. Persons who used the property at that time, essentially trespassers on private property, established the series of unimproved trails which exist on this site. That pattern of unregulated use would be re-established if this alternative were adopted. It has been suggested to the County that prescriptive rights to use such as described herein have been established by the historical use of the property. Resolution of this issue is being considered.

Again, to the extent that no permanent facilities or improvements will be constructed, this alternative eliminates all environmental impacts described for the project case. However, by not allowing for control of access to the site, this alternative will not be able to prevent encroachment into the Upper Newport Bay Ecological Reserve. Further, the County, as owner of the property, may be subjected to liability claims for personal injury that might occur during unauthorized use. For these reasons, and because the alternative does not meet the goals established by the Citizen's Advisory Committee for the establishment of the park (as listed in Section 3.5), this alternative is not considered environmentally superior to the project.

6.2 Low Intensity Alternative

This alternative, as shown on Exhibit 18, would provide for a less intense use of the project area than the proposed project. Along the Eastbluff parcel of the park, the alternative would retain existing bicycle and pedestrian connections at Jamboree Road and retain the existing paved bicycle trail along Back Bay Drive. Additional bike trails along Back Bay Drive will not be constructed. The use of automobiles on Back Bay Drive would be deleted and a parking lot at the south end of Back Bay Drive, as well as guided tours for disabled access would be provided (this is a recommendation for non-park property and requires coordination with the State of California and/or the City of Newport Beach). Further, the paving width on Back Bay Drive would be reduced to provide a dirt hiking trail adjacent to the bay, and the remaining paving would be re-stripped to separate bicycle trail direction (this is a recommendation for non-park property and requires coordination with the State of California and/or the City of Newport Beach). Additionally, no blufftop trails or connecting trails would be provided to the top of Eastbluff.

The Santa Ana Heights parcel would retain its existing formal bicycle, riding and hiking trails, but will not provide for additional trails. The informal dirt trails would be revegetated to consolidate use and the corridor would be enhanced for wildlife. It would also provide pedestrian, bicycle, and equestrian connections to Mesa Drive.

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are available  
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impacts to recreation were identified for the project case, this alternative will not reduce to a level of insignificance any previously identified significant impacts.

**J. Noise**

Construction noise generated from the site will be significant for the life of construction activities. The alternative may result in increased noise exposure to sensitive land uses because of the additional trails and parking areas proposed. The significant unavoidable adverse impact of the project will not be eliminated or reduced to a level of insignificance by implementation of the alternative.

**k. Conclusion**

The alternative results in a similar or elevated level of impact on all categories considered over the project case. The alternative does not reduce or eliminate the unavoidable adverse construction noise impact identified for the project case. Further, this alternative has the potential for increasing impacts to biological resources through increased construction in the park for trails and viewpoints, and by increased opportunities for human and animal encroachment into sensitive resource areas. The high intensity alternative is not environmentally superior to the project case.

## 6.5 Current Level of Human Activity

This alternative represents a hybrid between the project case and current levels of use. The alternative contains two basic components:

- Construction of the Interpretive Center, parking lot, and other related facilities as proposed in the GDP; and
- Retaining the existing pattern of unregulated access and use as exists today.

The location of the existing trails is shown on Exhibit 21.

*Wrong  
see aerial  
photos*

The use to be allowed would be similar to that described in the alternative that assumes operations under the Interim Operations Plan. The trails would remain in their current locations; improvements would be completed to some trails to stabilize slopes and provide separation between various user groups. The trail which runs in relative proximity to the bay and is generally within the pedestrian/bicycle trail easement jointly owned by the County and City would remain in place. The bicycle trail along Irvine Avenue would be improved as described for the project case.

Below is a qualitative discussion of the impacts of the alternative as related to the project for each impact category described for the project case.

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a. Earth Resources

The alternative will result in a similar amount of grading activity as the project case due to the comparable uses proposed. The work will be conducted in the same soils and will be subject to the same seismic constraints that were described for the project case. This alternative will not increase significant unavoidable adverse impacts of the project case, as none were identified for soils and geology. The unrestricted use pattern may, however, result in adverse impacts not anticipated for the project case due to increased potential for erosion and slope failure in areas of geologic instability.

b. Air Quality

The alternative will result in generally identical air emissions as the project case as the amount of construction activity will be the same. No unavoidable adverse impacts to air quality were identified for the project case. Therefore, the alternative does not reduce to a level of insignificance any previously identified significant impacts.

c. Hydrology/Water Quality

This alternative will not increase the magnitude of urban pollutants in storm runoff from the project site. No unavoidable adverse impacts to hydrology/water quality were identified for the project case. Therefore, the alternative does not reduce previously identified significant impacts to a level of insignificance.

d. Biological Resources

This alternative may result in greater impacts on native flora and fauna as result of increased, unregulated encroachment onto the project site due to the retention of all existing and future, unofficial trails and off-trail uses. No unavoidable adverse impacts to biological resources were identified for the project case. Therefore, this alternative does not reduce previously identified significant impacts to a level of insignificance.

e. Cultural/Scientific Resources

No significant unavoidable adverse impacts were identified for the project case with the application of standard County mitigation measures. Significant impacts may result from the alternative due to earth disturbance activities that will extend beyond those for the project case. Additional trails proposed on the Westbay parcel, beyond those described for in the project case, will impact resources described in several of the recorded archaeological sites, including CA-Ora-44, CA-Ora-45, CA-Ora-166, CA-Ora-170, CA-Ora-171, CA-Ora-172 A and B, and CA-Ora-191.

**f. Aesthetics**

The alternative does propose construction of the Interpretive Center, as in the project case. Therefore, this alternative has the potential to result in a significant visual impact on views of the bay and park from the proposed trails and other closely adjacent viewpoints. However, no unavoidable adverse impacts to aesthetics were identified for the project case. Therefore, the implementation of this alternative does not reduce previously identified significant impacts to a level of insignificance.

**g. Land Use/Relevant Planning**

The alternative is consistent with the applicable elements of the County of Orange General Plan. The alternative is not consistent with the City of Newport Beach General Plan and Local Coastal Program because it proposes a structure greater than 8,000 square feet in size, as is described for the project case. No significant unavoidable adverse impacts to land use and the planning programs of the aforementioned jurisdictions were identified for the project case with the implementation of the specified mitigation measure. Therefore, this alternative will not reduce to a level of insignificance any previously identified significant impacts.

**h. Transportation and Circulation**

The alternative may result in a minor increase in trip generation on either weekdays or weekends, when compared with the project case. With the application of the proposed mitigation measures, the project case will not result in significant adverse impacts on traffic and circulation. The alternative will not reduce or eliminate any significant adverse impacts of the project.

**i. Recreation**

The alternative will increase the amount of recreational opportunities for pedestrians, bicyclists and equestrians as compared to the project case by retaining the existing opportunities as they currently exist and future opportunities that may be created. This alternative proposes controlled access to the site during daylight hours which, similar to the project case, may be potentially viewed as an adverse impact to persons who have taken advantage of unregulated access. Since no significant unavoidable adverse impacts to recreation were identified for the project case, this alternative will not reduce to a level of insignificance any previously identified significant impacts. It must be noted, however, that this alternative eliminates the significant unavoidable impact to recreational opportunities that the City of Newport expressed which is described in Section 4.9 of this document.

j. Noise

Construction noise generated from the site will be significant for the life of construction activities. The significant unavoidable adverse impact of the project will not be eliminated or reduced to a level of insignificance by implementation of the alternative.

k. Conclusion

This alternative results in a similar or greater level of impact over that identified for the project case for all impact categories described. The alternative does not reduce or eliminate the identified unavoidable adverse construction noise impact of the project case. This alternative is not environmentally superior to the project case because the existing pattern of unregulated access at current, and probably higher future levels of use, including increased contact with the bay, may result in impacts that do not occur with the project case. Like the "Pre-County Ownership" variation of the No Project Alternative, the Current Levels of Human Activity Alternative does not meet the goals established by the Citizens Advisory Committee, which call for compatibility between human use demands and protection of the natural resources of the site. It is the opinion of the City of Newport Beach that this alternative may be superior to the project because it affords the same level of human activity in the park area as currently exists.

U-182

CITY OF NEWPORT BEACH

TO: Planning Commission

FROM: Planning Department

SUBJECT: A. General Plan Amendment No. 92-3(E) (Continued Public Hearing)

B. Local Coastal Program Amendment No. 31 (Continued Public Hearing)

C. Amendment No. 779 (Continued Public Hearing)

D. Use Permit No. 3488 (Continued Public Hearing)

After distribution of the staff report for this agenda item, letters were received from Sea & Sage Audubon, Betty Orbach, and the County Harbors, Beaches and Parks Department (Attachments 1-4). In addition, it has come to our attention that some inadvertent errors were contained in the draft resolutions attached to the May 6 staff report. The necessary corrections are summarized below.

- The "Current Level of Human Activity" alternative was omitted from Project Alternatives section of the Statement of Facts and Findings contained in Exhibit A of the draft CEQA resolution. The revised pages are included in Attachment 5.
- The boundaries of the Westbay area contained in the draft General Plan and Local Coastal Program Land Use Plan amendment resolutions should be revised to read as follows:

*The Westbay site is bounded by Irvine Avenue, University Drive, the City boundary along the easterly extension of the Mesa Drive alignment and Upper Newport Bay.*

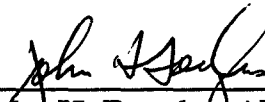
Revised resolution exhibits are included as Attachments 6 and 7.

A-133

TO: Planning Commission - 2

Very truly yours,

**PLANNING DEPARTMENT**  
**JAMES D. HEWICKER, Director**

By:   
\_\_\_\_\_  
John H. Douglas, AICP  
Principal Planner/Environmental Coordinator

Attachments

1. Letter from Virginia Chester, Sea & Sage Audubon
2. Letter from Betty Orbach, SPON
3. Memo from Mary Murray, Orange County Harbors, Beaches and Parks
4. Memo from Robert Fisher, Director, Orange County Harbors, Beaches and Parks
5. Revised Alternatives section of draft CEQA resolution
6. Revised Exhibit 1 to draft resolution for GPA 92-3(E)
7. Revised Exhibit 1 to draft resolution for LCP No. 31

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# Sea & Sage Audubon

P.O. BOX 25 SANTA ANA, CA 92702

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

April 28, 1993

MAY 3 1993  
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

Mr. Thomas C. Edwards, Chairman  
Newport Beach Planning Commission  
3300 Newport Blvd.  
Newport Beach, CA 92663

Dear Chairman and Commissioners:

On behalf of the 3000 members of Sea and Sage, Audubon, I wish to endorse the current County plan for Upper Newport Bay Regional Park. Our desire to protect this unique wetland area goes back many years, and we continue to be interested in preserving the ecological integrity of the entire Upper Newport Bay as plans are developed for a Regional Park Facility for all to enjoy.

Many of us from Sea and Sage participated in discussions on the development of the park plan, and we believe that the County made every effort to address the needs of all segments of the community. The resulting plan includes an interpretive visitor center, bicycle paths, foot trails, handicapped access, a parking lot, native habitat restoration, a one-mile equestrian trail along the top edge of the park, and special rules designed to protect the sensitive and endangered species of plants and animals.

The Upper Newport Bay Park is a wonderful addition to the Orange County family of Regional Parks, and we urge the Commission to approve the plan as presented without further change.

Sincerely,

*Virginia Chester*  
Virginia Chester, President  
Sea and Sage, Audubon

cc: Mary Murray, Project Manager  
Upper Newport Bay Regional Park

es

April 30, 1993  
2726 Vista Del Oro  
Newport Beach, Calif.  
92660

Newport Beach Planning Commission  
Newport Beach City Hall  
3300 Newport Blvd.  
Newport Beach, Calif.  
92660

Dear Planning Commission Members:

My comments are in response to April 22's evening discussion on the plans for the Upper Newport Bay Regional Park.

Contrary to the impression arising from the discussion, during the Citizen Advisory Committee Meetings, all but one of which I attended, all interest groups were given more than ample opportunity to express their views, attitudes and opinions concerning the potential uses for the acreage under discussion. Equestrians, bicyclists, environmentalists, biologists, and even kite and airplane enthusiasts had their say at each step of the decision-making process, as tapes of the meetings would show.

What resulted from those meetings was a plan that would most closely speak to the growing concern that communities preserve unique, natural areas, not only for their aesthetic value and their role in assuring natural species' survival, but also for their educational potential. The plan as formulated takes all these important factors into consideration.

The West Bay's strategic location and uniqueness almost dictates that it not be used for purposes that could be served elsewhere--Orange County has miles of area suitable for horse and bicycle trails, but nowhere is there open space in proximity to a fully functioning ecosystem such as that found in the Back Bay bluff areas.

The use of any property bordering Newport Bay should be examined in terms of its long term effect, not in terms of one or another group's particular short term interest.

PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

MAY 3 1993  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

Sincerely,  
*Betty Orbach*  
Betty Orbach  
SPON representative of  
Upper Newport Bay Regional  
Park Citizen Advisory Comm.

*u 186 H*

**County of Orange****MEMO**

**DATE:** May 3, 1993  
**TO:** John Douglas, City of Newport Beach, Planning Department  
**FROM:** Mary A. Murray, Harbors, Beaches and Parks Design  
**SUBJECT:** Equestrian Trails at County Regional Park Facilities

Per your request I researched the County Regional Park facilities which provide equestrian facilities and trails. All of the following parks provide trails designated for equestrian use in specified areas of the park:

- Aliso and Wood Canyons Regional Park
- W.R. Caspers Wilderness Regional Park
- Irvine Regional Park
- O'Neill Regional Park
- Santiago Oaks Regional Park
- Whiting Ranch Regional Park
- Santa Ana River Trail.

Also requested was the County's policy on allowing dogs in regional parks. Currently dogs, on leash, are allowed in all of the regional parks, with the exception of Caspers Wilderness Regional Park. Dogs are prohibited in Caspers Wilderness Park. The leash law is strictly enforced in the parks where dogs are permitted.

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## PROJECT ALTERNATIVES

Five project alternatives were presented in the EIR. These alternatives have been reviewed and considered in light of the adverse environmental effects which may result from the project in the reduction or elimination of such effects which might be accomplished by selection of one of the alternatives.

Each alternative is summarized below and specific economic, social, or other considerations that rendered such alternatives infeasible are set forth. The discussions below are intended to summarize and not fully restate the evidence contained in the Draft EIR, Response to Comments, and the administrative record as a whole.

### Findings

1. The project has been designed in a manner so as to provide the greatest public involvement in the planning and CEQA process.
2. The following provides a brief description of the project alternatives.
3. The alternatives were rejected in favor of the current project proposal.
4. The rationale for rejection of each alternative is provided below.
5. The rejection rationale is supported by the public record including, but not limited to, the Final EIR.

### **NO PROJECT ALTERNATIVE (6.1)**

The No Project Alternative assumes that use of the park property would remain as it exists today. Under the County's Interim Operations Plan, pedestrian, bicycle, and equestrian use is limited to dirt and paved trails and a ranger is on-site to enforce the operations plan. Under the Pre-County Ownership condition, access to the site is uncontrolled.

### Findings

Specific economic, social, or other considerations make infeasible the No Project Alternative described in the Final EIR in that:

1. The No Project Alternative does not achieve the goals established for the park by the Citizen's Advisory Committee.
2. The No Project Alternative would not control access in areas where increased human encroachment might damage or destroy sensitive biological resources.
3. The No Project Alternative would leave the County open to liability claims from individuals that may suffer personal injury on the property.
4. The No Project Alternative would not provide for the improvement of trails, including the stabilization of slopes and unimproved drainage channels which convey urban runoff and silt into the Upper Newport Bay during storms.

#### **LOW INTENSITY ALTERNATIVE (6.2)**

The Low Intensity Alternative would provide for a less intense improvement program and use pattern on the property. The Interpretive Center would not be constructed if this alternative were implemented.

#### **Findings**

Specific economic, social, or other considerations make infeasible the Low Intensity Alternative described in the Final EIR in that:

1. The Low Intensity Alternative does not achieve the goals established for the park by the Citizen's Advisory Committee including:
  - The alternative significantly limits the public's ability to access and enjoy the site.
  - The alternative eliminates, or severely limits, the opportunity for educational and interpretive programs which would increase public understanding and appreciation of the significant natural and cultural resources of the site.

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### **MEDIUM INTENSITY ALTERNATIVE (6.3)**

The Medium Intensity Alternative provides a similar level of access and recreational opportunities as the proposed project. The major difference between the alternative and the project is increased access opportunities to the bay on the Westbay parcel.

#### Findings

Specific economic, social, or other considerations make infeasible the Medium Intensity Alternative described in the Final EIR in that this variation does not have the ability to reduce or eliminate impacts identified in the EIR and it actually has the potential to increase impacts to biological resources by allowing increased human contact with the bay.

### **HIGH INTENSITY ALTERNATIVE (6.4)**

The High Intensity Alternative provides a significant increase in access opportunities for pedestrians, equestrians, and bicyclists. The expanded recreational opportunities include increased access to the bay and its associated resources.

#### Findings

Specific economic, social, or other considerations make infeasible the High Intensity Alternative described in the Final EIR in that this variation does not have the ability to reduce or eliminate impacts identified in the EIR and it actually has the potential to increase impacts to biological resources by allowing increased human contact with the bay.

### **CURRENT LEVEL OF HUMAN ACTIVITY (6.5)**

This alternative represents a hybrid between the project case and current levels of use. The alternative contains two basic components: construction of the interpretive center, parking lot, and other related facilities described in the GDP; and the retention of the existing pattern of unregulated access and use as exists today.

#### Findings

Specific economic, social, or other considerations make infeasible the Current Level of Human Activity Alternative described in the Final EIR in that it would not substantially reduce any of the impacts described in the EIR and has the potential to increase impacts to biological resources by allowing increased human contact with the bay.

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## EXHIBIT 1

REVISED LAND USE ELEMENT TEXT  
GENERAL PLAN AMENDMENT 92-3(E)**Westbay Area (Statistical Area J5)**

3. *Westbay.* The Westbay site is bounded by Irvine Avenue, University Drive, the City boundary along the easterly extension of the Mesa Drive alignment and Upper Newport Bay. The site is designated for Recreational and Environmental Open Space, and may be used for regional park facilities, passive open space or interpretive facilities related to the Upper Newport Bay Ecological Reserve or the on-site cultural resources. Structures on this site shall not exceed ~~8,000~~ 10,000 sq. ft. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.

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## EXHIBIT 1

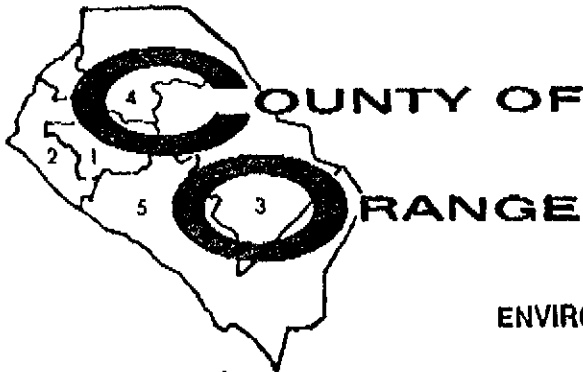
REVISED LOCAL COASTAL PROGRAM LAND USE PLAN TEXT  
LCP AMENDMENT NO. 31**Westbay Area**

3. *Westbay.* The Westbay site is bounded by Irvine Avenue, University Drive, the City boundary along the easterly extension of the Mesa Drive alignment and Upper Newport Bay. The site is designated for Recreational and Environmental Open Space, and may be used for regional park facilities, passive open space or interpretive facilities related to the Upper Newport Bay Ecological Reserve or the on-site cultural resources. Structures on this site shall not exceed ~~8,000~~ 10,000 sq. ft. Any development of this site shall be sited and designated to adequately protect and buffer the environmentally sensitive area(s) on this site. A public bikeway/walkway is shown for the Westbay site, but careful consideration shall be given at the time it is developed to the environmentally sensitive nature of the site in locating the accessway. Any development which occurs shall be located in order to preserve sensitive habitat areas located on the site. Views from Irvine Avenue shall be maximized. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.

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ATTACHMENT 4

MICHAEL M. RUANE  
DIRECTOR, EMAROBERT G. FISHER  
DIRECTOR OF HARBORS, BEACHES & PARKSLOCATION:  
300 N. FLOWER ST.  
FOURTH FLOOR  
SANTA ANA, CALIFORNIAMAILING ADDRESS:  
P.O. BOX 4048  
SANTA ANA, CA 92702-4048TELEPHONE:  
(714) 834-6667  
FAX # 834-4744ENVIRONMENTAL MANAGEMENT AGENCY  
HARBORS, BEACHES AND PARKS

May 4, 1993

Mr. Thomas Edwards, Chairman  
Newport Beach Planning Commission  
c/o Mr. Jim Hewicker, Planning Director  
City of Newport Beach  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915

Subject: Upper Newport Bay Regional Park General Development Plan

Dear Chairman Edwards:

At the April 22, 1993 Planning Commission meeting, several issues and questions were raised by the Commissioners with insufficient time to address them. The purpose of this letter is to provide clarification and answers to these concerns which may be helpful to staff and Commission members.

1. Land Use Designation: PC (Planned Community) vs. OS (Open Space)

The proposed action requests amendment of the Local Coastal Program Land Use Plan from U (unclassified) to PC (Planned Community). The Commission asked why a PC designation is requested instead of OS (Open Space). The PC designation was proposed by City staff. The County deferred to staff judgment on this. However, it appears to us that either designation (PC or OS) will satisfy the park plan needs. The OS designation may actually be preferable to us.

2. No Project Development: "Leave the site as is", "Why do anything at all?  
Clarification: see attached Attachment #1, Offer of Dedication.

This question was also raised and answered at Citizen Advisory Committee (CAC) meetings. The answer stems from the change in ownership from private to public. As private property, The Irvine Company attempted to limit public use with fencing and signage. Even so, what limited use the site did experience resulted in substantial negative environmental impacts on site and on the adjacent Ecological Reserve in the form of erosion and degradation of vegetative habitat. As stated in the offer of land dedication, the County use must be "compatible with the adjacent Upper Newport Bay Ecological Reserve."

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Mr. Thomas Edwards, Chairman  
Page 2

In preparation of the General Development Plan (GDP), several alternatives were reviewed and evaluated (including a "No project alternative".) EIR No. 525 found that the 'No project alternative' "is not environmentally superior to the project" and that "this alternative will not be able to

prevent encroachment into the Upper Newport Bay Ecological Reserve." Some formalization of recreation uses and some restrictions are needed to arrest the current decline of the property resulting from years of informal (and illegal) use. The GDP provides significant public access, and accommodates most existing uses. However, it imposes restrictions solely to avoid use conflicts, preserve and protect habitat, and allow damaged areas to be healed.

3. **Public Participation:** Extent of City staff and public participation in preparation of the General Development Agreement.  
Clarification: see Attachment #2

An extensive public participation program was in the preparation of the General Development Plan. A Citizens Advisory Committee (CAC) composed of interested citizens, local Homeowners Association representatives, nearby land owners, groups who actively use Upper Newport Bay, and staff of the Department of Fish and Game, U.S. Fish and Wildlife Service, City and County.

To start this process, a "project kick-off" meeting was held for the general public. This meeting was advertised through radio, newspaper and mailings to all known interested citizen groups and residents of the project area. At the kick-off meeting, the project was introduced and interested volunteers were solicited to join the (CAC) and actively participate throughout the planning process. The CAC began with approximately 40 members at its first meeting and grew to approximately 230 members. We held 13 CAC meetings, approximately once a month during the project planning. In addition, there have been four public hearings regarding the project: County Harbors, Beaches and Parks Commission; County Planning Commission; and two before the City Parks, Beaches and Recreation Commission. Attachment #2, attached, briefly outlines the Public Hearings, CAC meetings and topics discussed.

4. **Character of Park Development**  
Clarification: see Attachment #1

The Upper Newport Bay estuary is one of the most significant estuary's on the California coast. Upper Newport Bay Regional Park is inextricably bound to the entire Upper Newport Bay ecosystem which is made up of both wetlands and uplands. Deed covenants require the County to "maintain and use the property solely for passive recreational use by the public...which is compatible with the adjacent Upper Newport Bay Ecological Reserve." The General Development Plan proposes recreational uses which reflect the ecological value of the Upper Newport Bay and our obligation to protect the Ecological Reserve.

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Mr. Thomas Edwards, Chairman  
Page 3

5. Interpretive Center: Purpose, uses and impacts.

The focus of the GDP is based on resource interpretation and preservation through a passive recreational experience. The park function is to teach respect for the natural and scenic values of the area. The Interpretive Center will serve as a gateway element for the educational experience of the Upper Newport Bay. The center will provide exhibit space, work/storage space for exhibit preparation, a multi-purpose room for meeting and classes, public restrooms, and office space for the Park Ranger and Department of Fish and Game staff (office space will be approximately 800 sq. ft., 8% of the total square footage, contrary to statements at the last hearing.

Finally, the Interpretive Center will provide staff presence on site for security purposes, a benefit to the neighborhoods nearby. The Center will also serve as base for the park volunteers to gather and work from. The Upper Newport Bay Volunteer Naturalists are a large, dedicated, group who contribute significantly to the operation and maintenance of both the park and Ecological Reserve, thereby reducing the amount of staff required for the ongoing maintenance.

6. Public Access: Perceived restriction of public access to the park.

Significant opportunities for public access to Upper Newport Bay are proposed with the General Development Plan. It is important to note that all users groups are provided for in the park plan. Pedestrian and handicap access will be provided to all areas of the park. Bicycle access will be provided along the entire length of Irvine Ave., University Dr., across the Santa Ana/Delhi channel, along the Santa Ana Heights parcel, as well as the length of Back Bay Dr. which borders the park. Equestrian access will be provided on the northerly portion of the park along the Santa Ana Heights parcel, connecting to the Santa Ana Heights and Irvine Coast regional riding and hiking trails. And we are now offering to provide for an equestrian trail on the West Bay parcel for most of the Irvine Avenue frontage.

7. Deed Restrictions: Permitted vs. Required uses on West Bay Parcel:  
Clarification: see Attachment #1, Offer of Dedication

The Covenants running with the land specify certain uses as "Permitted Uses" in the park. These permitted uses include hiking, bicycling, running, horseback riding, environmentally sensitive habitat mitigation, staging areas for bicyclists and equestrians, and nature study. These "permitted uses" are not required uses in the park. However, in the park planning process we made every effort to include as many of the uses requested by Citizens Advisory Committee members as possible.

13  
6/19/95

Mr. Thomas Edwards, Chairman

Page 4

8. Dogs in the park: Dogs on leash in the West Bay.

Questions were raised regarding dogs on leash in the park, specifically the West Bay. In the West Bay, the GDP is proposing to allow dogs on leash only on the trails adjacent Irvine Ave. and restricting dogs from the pedestrian trail along the bluff top in West Bay. Dogs on leash will be permitted on all other trails in the park.

9. Equestrian Trails: Use on the West Bay

Commission members questioned the need to exclude equestrian trails on the West Bay. Just as the City is grappling with user conflicts along Back Bay Drive and the Balboa Boardwalk, the County is attempting to minimize conflicts among user groups and environmental impacts. The GDP does provide equestrian trails in other areas of the park. The plan provides approximately 1.3 miles of equestrian trails along the northern edge of the park, providing access to the bay. The plan for the West Bay parcel, however, limits most forms of transportation, except foot traffic and handicapped park visitors. This is the only area in the park and Ecological Reserve where a hiker can experience the Upper Bay without interference with other park users (i.e. automobile drivers, bicyclists, equestrians, roller bladers, etc.)

When the issue of equestrian use on the West Bay was first raised in the CAC meetings, County staff commissioned a study of the equestrian trail opportunities linking Upper Newport Bay with the County's Irvine, Peters Canyon, Mason and Laguna Coast Regional Parks. (The Irvine Coast trail begins at Upper Newport Bay Regional Park, runs east on the north levee of San Diego Creek, then south through Mason Regional Park, along Sand Canyon Wash to Bommer Canyon, then west to Laguna Coast Wilderness Park and Crystal Cove State Park. This trail is approximately eight miles in length. Peters Canyon Trail begins on San Diego Creek at Sand Canyon Wash, runs east along San Diego Creek, then follows Peters Canyon Wash through the Tustin Ranch to Peters Canyon and Irvine Regional Parks. This trail is approximately 12 miles in length.)

Although these trails are not complete at this time, the City of Irvine has allocated approximately \$2,250,000 to build three segments along San Diego Creek:

Main Street to I-450	\$1,250,000
Barranca to Warner	500,000
Warner to Main Street	500,000

The County has allocated funding to complete the trail through Mason Regional Park and is negotiating with The Irvine Company for the link to the Laguna Coast Wilderness Park.

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H

Mr. Thomas Edwards, Chairman  
Page 5

In total, the system leading from Upper Newport Bay is approximately 20 miles long. The maximum length of a single trail through the West Bay would be 1.1 miles. Although equestrians in Santa Ana Heights feel that the loss of equestrian use on West Bay is significant, several factors swayed CAC members toward limiting this use:

1. West Bay is not the only place within the park where equestrians can experience closeness to the bay. This experience will be provided along the northern edge of the bay.
2. Implementation of the Peters Canyon and Irvine Coast Trails provides substantially greater trail opportunities than the West Bay trail.
3. Limitation of West Bay uses have been applied equally to all. No use group was singled out.

However, we are now offering to provide an equestrian trail extension on the West Bay.

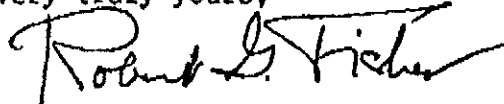
#### 10. Funding

Concern was expressed regarding the estimated \$6.3 million cost of construction. While this is a large expenditure of funds, we intend to develop the park incrementally as funds become available. The first phase of development will include construction of the Interpretive Center, construction of the City/County bicycle trail adjacent University and Irvine Ave., stabilization of erosion and trail construction on the West Bay parcel.

The source of funding for the first phase of development includes a private donation of \$1 million (for construction of the Interpretive Center) and approximately \$800,000 of various state grant funds. The park is a good prospect for other funding services we are exploring. The price tag is not considered extravagant for a quality environmental restoration project which we think Newport Beach expects and deserves.

I hope these clarifications are helpful. If additional information is necessary, please contact me.

Very truly yours,



Robert G. Fisher, Director  
Harbors, Beaches and Parks

RGF:MM:dme  
3042715180557

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3. COVENANTS RUNNING WITH THE LAND. If this Offer is accepted, the subsequent conveyance of the Property from Offeror to County shall be subject to the covenants set forth in this Paragraph 3 (the "Covenants"). The Covenants are for the purpose of assuring the enhancement and protection of the value, desirability, and attractiveness of the Dominant Tenement. The Covenants shall become effective on the acceptance of this Offer, run with and burden the Property, as the servient tenement, and bind the County and any other Interest Holder. Every Interest Holder shall be bound absolutely to every provision of this Offer, whether or not this Offer is referred to in the instrument by which the Interest Holder acquires an interest in the Property. The Covenants shall also constitute equitable servitudes upon the Property, as servient tenement, in favor of the Dominant Tenement. Except as expressly provided within this Paragraph 3, the Covenants shall be enforceable only by Offeror or a Successor.

#4

The Covenants are:

a. Covenant 1: Use of Property. The County shall maintain and use the Property solely for passive recreational use by the public. "Passive recreational use" means uses which are compatible with the adjacent Upper Newport Bay Ecological Reserve, such as hiking, bicycling, running,

#2  
#4  
#7

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2/198

09-000101

horseback riding, picnicking, environmentally sensitive habitat mitigation, staging areas for bicyclists and equestrians, and nature study (the "Permitted Uses"). In addition, use of the Westbay Parcel for flood control purposes related to the Santa Ana-Delhi Channel (see description and map attached as Exhibit "H") shall also be a Permitted Use. Any available surface or subsurface water on the Property may be used by County to the extent necessary to serve Permitted Uses on the Property. No permanent structures shall be erected on the Property, except for the following uses if necessary to serve Permitted Uses:

#7

On the Westbay Parcel only:

- (i) parking spaces, located at grade and landscaped, including parking for horse trailers;
- (ii) picnic facilities, such as shade structures, tables, and barbecues;
- (iii) restrooms;
- (iv) a landscaped ecological interpretive center within the area designated for that interpretive center on Exhibit "A";

A  
199

- (v) hiking and bicycle trails, including those constructed of hard surfaces such as concrete and asphalt;
- (vi) nature viewing platforms;
- (vii) flood control purposes as provided in Paragraph 3a above; and

On the Property:

- (viii) habitat mitigation.

Subject to Paragraph 2f above, the County shall allow the Property to be used for habitat mitigation by Offeror or County, but not by or for the direct or indirect benefit of any other person or entity. Any General Development Plan adopted for the Property shall permit habitat mitigation in all unimproved areas. Any habitat mitigation must be consistent with the General Development Plan.

No commercial, residential, office, retail, hotel, lodging, or industrial activities of any nature shall be permitted on the Property, whether for profit or not, except:



- (i) retail sales by the County or other non-profit entity within the ecological interpretive center if those sales are customarily incidental to the operation of similar interpretive centers; and
- (ii) reasonable parking, entrance, and use fees (standard County Regional Park fees are deemed reasonable if imposed at other County regional parks) for the Westbay Parcel to offset expenses of operation and maintenance of the Property.

In addition to the enforcement rights contained in this Offer, this Covenant shall be enforced through a joint conservation easement to (1) the State of California acting through the Coastal Conservancy, and (2) the City of Newport Beach. This conservation easement shall be in the form of attached Exhibit "I" and shall be executed and delivered to the County Recorder by Offeror for recordation before acceptance of this Offer.

Offeror makes no warranty or representation as to the effectiveness or enforceability of this conservation easement.

- b. Covenant 2: Parking. The County shall provide reasonable off-street parking to ensure that use of the

05-300/07

Westbay Parcel does not regularly generate an unreasonable parking burden on surrounding development.

- c. Covenant 3: General Development Plan Review. Before erecting any structure on the Property, the County shall prepare and submit to Offeror, for review and comment, a conceptual site conservation and general development plan which may be amended from time to time (collectively, the "General Development Plan"), including specific locations and the maximum size of all improvements on the Property.

If, within thirty (30) days after County provides Offeror with the General Development Plan or any revised General Development Plan, Offeror proposes reasonable changes to that plan which are consistent with this Offer, County shall either:

- (i) incorporate those changes within a revised General Development Plan; or
- (ii) provide Offeror with a written statement of the reasons that the changes will not be incorporated and, by formal action of the Board of Supervisors, after providing Offeror with ten days' notice and an opportunity to be heard before the Board, adopt written findings setting forth those reasons.

A-202

UPPER NEWPORT BAY REGIONAL PARK CITIZEN ADVISORY COMMITTEE MEETINGS  
AND PUBLIC HEARING DATES

- January 29, 1990 - General Public Kickoff Meeting
- March 14, 1990 - Formalize Citizens Advisory Committee Roster,  
Establish Park Goals, Process and Issues
- April 25, 1990 - Review of Existing Conditions
- May 12, 1990 - Saturday Site Tour
- May 30, 1990 - Opportunities and Constraints
- July 12, 1990 - Conceptual Design Elements
- July 25, 1990 - Conceptual Design Elements Continued
- August 8, 1990 - Trails
- August 22, 1990 - High, Medium and Low Intensity Plan Discussion
- October 10, 1990 - Interpretive Center Themes and Program
- November 14, 1990 - Interpretive Center Program and Model
- January 23, 1991 - Interpretive Center and Resource Management Program
- April 9, 1991 - Draft Resource Management Program
- May 21, 1991 - EIR Scoping, Equestrian Trails Study
- 
- September 26, 1990 - County of Orange, Harbors, Beaches and Parks  
Commission Project Status and Update
- August 6, 1991 - City of Newport Beach Parks Beaches and Recreation  
Commission presentation
- October 27, 1992 - County of Orange, Planning Commission, Planning  
Commission
- November 3, 1992 - City of Newport Beach, Parks, Beaches and Recreation  
Commission presentation

A-203

CITY OF NEWPORT BEACH

TO: Planning Commission  
FROM: Planning Department  
SUBJECT: A. General Plan Amendment No. 92-3(E) (Public Hearing)

Request to amend the Land Use and Circulation Elements of the General Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the Westbay parcel; and the acceptance of an environmental document.

AND

B. Local Coastal Program Amendment No. 31 (Public Hearing)

Request to amend the Local Coastal Program Land Use Plan so as to increase the allowable size of the proposed Interpretive Center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.

INITIATED BY: The City of Newport Beach

LOCATION: The Westbay parcel, located at 2200 Irvine Avenue, southeasterly of the intersection of Irvine Avenue and University Drive

AND

C. Amendment No. 779 (Public Hearing)

Request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from the U (Unclassified) District, R-3-B and R-4-B-2 Districts to the PC (Planned Community) District.

LOCATION: The portions of Upper Newport Bay Regional Park between the Santa Ana-Delhi Channel in Santa Ana Heights and Jamboree Road (201 Bayview Way); and between Eastbluff Drive and the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon (1900 Back Bay Drive).

TO: Planning Commission - 2

ZONE: R-3-B, R-4-B-2 and Unclassified

APPLICANT: The County of Orange

OWNER: Same as applicant

AND

D. Use Permit No. 3488 (Public Hearing)

Request to approve a General Development Plan and Resource Management Plan for the Upper Newport Bay Regional Park, which would serve as a Planned Community Development Plan and regulations for the regional park.

LOCATION: Upper Newport Bay Regional Park surrounds the northern portion of Upper Newport Bay in three separate parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Reserve boundary adjacent to the mouth of Big Canyon on the east (2200 Irvine Avenue, 201 Bayview Way and 1900 Back Bay Drive).

ZONE: P-C, R-3-B, R-4-B-2 and Unclassified

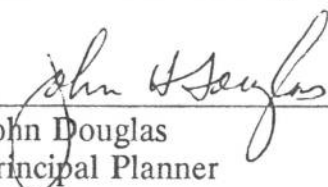
APPLICANT: The County of Orange

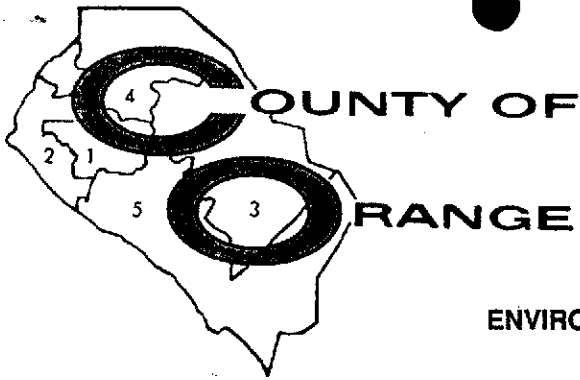
OWNER: Same as applicant

To allow staff and the Planning Commission additional time for review, this item has been continued to the Planning Commission meeting of April 22, 1993.

Very truly yours,

PLANNING DEPARTMENT  
JAMES D. HEWICKER, Director

By   
John Douglas  
Principal Planner



MICHAEL M. RUANE  
DIRECTOR, EMA

ROBERT G. FISHER  
DIRECTOR OF HARBORS, BEACHES & PARKS

LOCATION:  
300 N. FLOWER ST.  
FOURTH FLOOR  
SANTA ANA, CALIFORNIA

MAILING ADDRESS:  
P.O. BOX 4048  
SANTA ANA, CA 92702-4048

TELEPHONE:  
(714) 834-6667  
FAX # 834-4744

ENVIRONMENTAL MANAGEMENT AGENCY  
HARBORS, BEACHES AND PARKS

April 21, 1993

Mr. James Hewicker  
Director of Planning  
City of Newport Beach  
P.O. Box 1768  
Newport Beach, CA 92658-8915

Subject: Upper Newport Bay Regional Park

Dear Mr. Hewicker:

Review of the staff report for the upcoming Planning Commission Meeting regarding Upper Newport Bay Regional Park General Development Plan indicates that staff recommends adoption of two mitigation measures which may be inappropriate for the proposed project. I specifically refer to Mitigation Measures No. 12 and No. 14.

Measure No. 12 states that "a. Prior to issuance of a building permit...a preliminary landscape plan be submitted...to the Newport Beach Building Director," and that "b. Prior to initiation of construction, a detailed landscape plan be submitted and approved...by the Newport Beach Building Director." Harbors, Beaches and Parks is certainly willing to provide the landscape plans for review by the Building Director, but believes that submitting the plans in preliminary stage is not necessary. It is requested that Mitigation Measure No. 12 be modified by deletion of paragraph a., thus providing review and approval of detailed landscape plans in final form prior to initiation of construction.

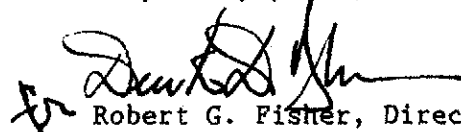
Measure No. 14 states that "Prior to award of a construction or grading contract, whichever occurs first, a plan for the ultimate use and configuration of Back Bay Drive shall be submitted for the review and approval of ...City of Newport Beach Traffic Engineer." As you may know, this mitigation measure was proposed at the time the Draft EIR was being prepared. At that time Harbors, Beaches and Parks had established a task force with the purpose of developing a proposal to resolve the use conflicts on Back Bay Dr. It was anticipated, optimistically, that this proposal would be developed and approved by all parties involved prior to approval of the General Development Plan for the park. The General Development Plan suggests improvements for use of the road, but has no authority over Back Bay Drive.

Mr. James Hewicker  
Page 2

Because the City of Newport Beach has jurisdiction over Back Bay Drive, and has taken the lead in conflict resolution, it appears inappropriate for the City to adopt a mitigation measure which requires "a plan for the ultimate use and configuration of Back Bay Drive be submitted for review and approval of...the City of Newport Beach Traffic Engineer" prior to award of a construction contract for the park. While we want to help resolve these issues, we have no control over the timing of preparation, approval, or implementation of such a plan. We are anxious to begin construction of Upper Newport Bay Regional Park and believe this condition could very well delay park construction. For these reasons, we will recommend deletion of Mitigation Measure No. 14 when the Board of Supervisors certifies EIR No. 525. I am requesting the City delete adoption of Mitigation Measure No. 14 from the Recommended Action to the Planning Commission.

If you have any questions or wish to discuss this further, please feel free to contact me.

Very truly yours,

  
for Robert G. Fisher, Director  
Harbors, Beaches & Parks

MM:pc  
3042008484544

CC: D. Turner  
G. Medeiros  
P. Temple  
J. Douglas

3/29/93

STEVE KUMAR  
9402 DARROW DR  
HUNTINGTON BCH  
CA - 92646  
(714) 968-0352

MR. CLARENCE TURNER  
MAYOR <sup>ESQ.</sup>  
CITY OF NEWPORT BEACH  
C 3300 NEWPORT BLVD.  
NEWPORT BCH, CA - 92659-1768

RECEIVED  
PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH  
APR 1 1993 PM  
7 8 9 10 11 12 1 2 3 4 5 6

SUBJECT: RE-ALIGNING OF IRVINE BLVD.  
BETWEEN SANTIAGO & SANTA ISABEL AVE.  
IN NEWPORT BCH, CA. REF. Hearing on 4/8/93

Dear Mr. Turner,

It was nice talking with you to-day. We live at 2133 Indian Spring Newport Beach, CA. We need your help in re-aligning the above road which will increase the safety, decrease the accident rate, save property & losses to the vehicles and decrease the noise level & pollution in the neighborhood.

We hope you can convince the City Council for approval of this project and put on the priority list. Once the above is accomplished, then we can work with County of Orange in getting part of the funds from Proposition-5 program.

We understand that there is a hearing on 8th April 1993 for making the park. Mr. Don Web, City Engineer thinks that we need some land from the park to re-align the road. We hope you can convince Bob Fisher of County of Orange to give you a variance so that the road can be aligned. We hope you can write a letter to Board of Supervisor Tom Riley also. In case of any question, pl. call at (714) 968-0352.

C.C. Ben NOLAN / Don Web.  
John Douglas.

Yours truly,  
Steve Kumar.



3/29/93.

STEVE KUMAR  
9402 DARROW DR.  
HUNTINGTON BCH  
CA-92646  
(714) 968-0352

Mr. Robert Fisher  
Dir  
Ms. Mary MURRAY &  
DENNY TURNER MGR  
HARBOR BEACH AND PARK Dept.  
P.O. Box 4048  
Santa Ana, CA-92702

SUBJECT: UPPER NEWPORT BAY REGIONAL PARK  
IN CITY OF NEWPORT BCH. Public Hearing on 4/8/93

Dear Mr Turner,

We understand that you are having a hearing on the above project on 8th April, 1993 in Newport Bch, CA. There will be an increase in traffic on IRVINE BLVD. because of the above park and Interpretive Center.

We need your help in re-aligning the small stretch of road on Irvine Blvd. between Santiago and Santa Isabel. This small stretch of road is extremely dangerous as it has a blind curve and a large steep section of road. We will appreciate your help in Realigning the road and improve the safety of the road. A small portion of the land of the park might be used in realigning the road. In case of any question, pl. call at (714) 968-0352. We have young children who will like to use the park.

Thank you for your help.

C.C. John Douglas  
Environmental Co-ordinator

Yours truly,  
Steve Kumar

3/29/93.

MR. JIM BRAHLER  
ASTT. TRAFFIC ENGINEER  
CITY OF NEWPORT BCH  
3300 NEWPORT BLVD.  
NEWPORT BCH, CA-92659-1768

STEVE KUMAR  
9402 DARROW DR.  
HUNTINGTON BCH  
CA-92644  
(714) 968-0352

SUBJECT: TRAFFIC ACCIDENT DATA FOR LAST 3 YRS  
FOR IRVINE BLVD, NEWPORT BCH, CA. BETWEEN  
SANTIAGO AND Santa ISABEL AVE.

Dear Jim,

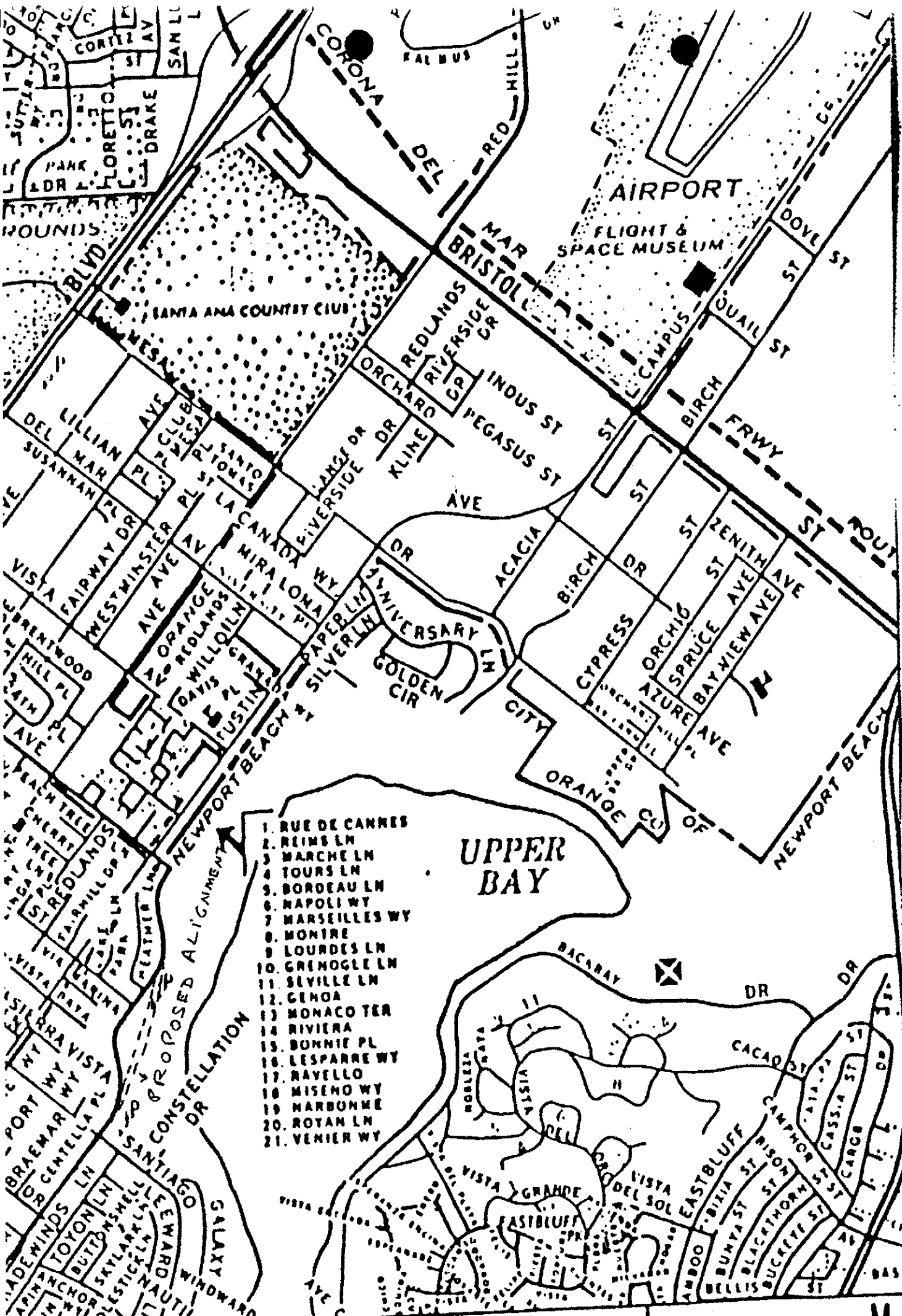
It was nice talking with you to-day. We need the above Traffic Accident information from you as soon as possible for the last 3 years in the following manner:

1. MINOR Traffic Accidents - \$ 500 or above to \$ 5,000.
2. MAJOR TRAFFIC ACCIDENTS - \$ 5,000 & above.
3. EXTENT OF INJURIES TO PERSONS.
4. NUMBER OF FATALITIES.

If you have categorized accidents in some other manner, pl. let us know. Your prompt help in the above matter will be highly appreciated. In case of any question, pl. call at (714) 968-0352.

Thank you

Yours truly,  
Steve Kumar.



AIRPORT

FLIGHT & SPACE MUSEUM

SANTA ANA COUNTRY CLUB

UPPER BAY

1. RUE DE CANNES
2. REIMS LN
3. MARCHÉ LN
4. TOURS LN
5. BORDEAU LN
6. NAPOLI WY
7. MARSEILLES WY
8. MONIRE
9. LOURDES LN
10. GRENOBLE LN
11. SEVILLE LN
12. GENOA
13. MONACO TER
14. RIVIERA
15. BONNIE PL
16. LESPARRE WY
17. RAVELLO
18. MISENO WY
19. HARBONNE
20. ROYAN LN
21. VENIER WY

PROPOSED ALIGNMENT  
CONSTITUTION DR

SANTIAGO GALAXY  
LEEMARD WINDWARD

BACARAY DR

DR

CACAO ST

CAMPOR ST

CASSIA ST

CARGO ST

DR

DR

VISTA GRANDE

EASTBLUFF

DR

VISTA DEL SOL

DR

DR

EASTBLUFF

DR

DR

BUNYA ST

BLACKTHORN ST

BUCKETTE ST

WISON ST

DR

DR

AMBOO ST

DR

DR

DR

DR

DR

## RESOLUTION OF THE ORANGE COUNTY PLANNING COMMISSION

## COUNTY OF ORANGE, CALIFORNIA

Proposed Final EIR No. 525 for the Upper Newport Bay Regional  
RE: Park General Development Plan/Resource Management Plan

RES. NO. 92-18

DATE OF ADOPTION:

October 27 1992

WHEREAS, this Planning Commission is considering only the adequacy of proposed Final Environmental Impact Report (EIR) No. 525 for the Upper Newport Bay Regional Park General Development Plan (GDP) pursuant to the California Environmental Quality Act (CEQA) of 1970 as amended (Public Resources Code 21000 et seq.); and

WHEREAS, Draft EIR No. 525 for the Upper Newport Bay Regional Park GDP thoroughly analyzes and documents existing environmental conditions and significant environmental impacts of the proposed GDP; and

WHEREAS, Draft EIR No. 525 for the Upper Newport Bay Regional Park GDP was prepared pursuant to the requirements of the California Environmental Quality Act, the State CEQA Guidelines and the County's environmental analysis procedures; and public review and comment periods were provided in conjunction with the distribution of both the Notice of Preparation and the Draft EIR; and

WHEREAS, Draft EIR No. 525 reflects the independent judgment of the Lead Agency; and

WHEREAS, the Orange County Planning Commission conducted a public meeting on October 27, 1992 to receive public comments with respect to Draft EIR No. 525;

NOW, THEREFORE, BE IT RESOLVED THAT this Commission finds the monitoring requirements of Public Resources Code Section 21081.6 have been met in that a Mitigation Monitoring and Reporting Plan has been prepared.

BE IT FURTHER RESOLVED THAT this Planning Commission approves proposed Final EIR No. 525 as complete and adequate, and in compliance with the requirements of CEQA, and the State CEQA Guidelines for the Upper Newport Bay Regional Park General Development Plan, and recommends certification of Final EIR No. 525 by the Board of Supervisors. Final EIR No. 525 is composed of:

- a. Draft EIR No. 525
- b. Appendices to Draft EIR No. 525
- c. Comments received on Draft EIR No. 525 and written responses
- d. All attachments, incorporations and references delineated in a-c above

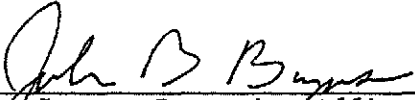
BE IT FURTHER RESOLVED that the Orange County Planning Commission hereby approves and recommends Board of Supervisors' adoption of the Mitigation Monitoring and Reporting Plan contained herein as Attachment B.

AYES: Commissioners: Slates, Moody, Potts, Blamer, McBurney

NOES: Commissioners:

ABSENT: Commissioners:

I HEREBY CERTIFY that the foregoing Resolution No. 92-18 was adopted on October 27, 1992 by the Orange County Planning Commission.

  
\_\_\_\_\_  
John Buzas, Executive Officer  
Orange County Planning Commission

**CITY OF NEWPORT BEACH**

**PLANNING DEPARTMENT**

March 26, 1993

**TO: ALL INTERESTED PARTIES**

**FROM: CITY OF NEWPORT BEACH PLANNING DEPARTMENT**

**SUBJECT: PUBLIC HEARING: UPPER NEWPORT BAY REGIONAL PARK**

A NOTICE OF PUBLIC HEARING (blue card) was recently mailed to interested parties regarding a public hearing to be held April 8, 1993 by the Newport Beach Planning Commission to consider actions in connection with the County of Orange General Development Plan for Upper Newport Bay Regional Park. That notice inadvertently omitted a portion of the actions to be considered by the City of Newport Beach. The following is a corrected list of actions to be considered.

**The proposal includes a request to amend the Land Use and Circulation Elements of the General Plan [GPA 92-3(E)] and the Local Coastal Program Land Use Plan [LCP No. 31] so as to increase the allowable size of the proposed interpretive center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the Westbay blufftop; a request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from "U" (Unclassified), "R-3-B" and "R-4-B-2" (Multiple-Family Residential) to "PC" (Planned Community) [A 779]; and a request to approve Use Permit No. 3488 for a General Development Plan for Upper Newport Bay Regional Park, which surrounds the northern portion of Upper Newport Bay in three discontinuous parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Preserve boundary adjacent to the mouth of Big Canyon on the east.**

The public hearing will be held on the 8th day of April, 1993, at the hour of 7:30 p.m. in the Council Chambers of the Newport Beach City Hall, 3300 Newport Boulevard, Newport Beach, California, at which time and place any and all persons interested may appear and be heard thereon. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing. For further information call John Douglas, Environmental Coordinator at (714) 644-3225.

# California Coastal Commission

15 Fremont Street, Suite 2000, San Francisco, CA 94104-2219

(415) 904-5300

**Thomas W. Gwyn, Chairman**  
**J. Mori, Alternate**  
**Louis Calcagno, V. Chairman**  
**S. Doughty, Alternate**  
**Lily Cervantes**  
**J. Hisserich, Alternate**  
**Diana Doo**  
**Nancy Flemming**  
**Gary Giacomini**  
**E. Carpenter, Alternate**  
**Madelyn Glückfeld**  
**C. Stevens, Alternate**  
**Sam Karas**  
**E. Vincent, Alternate**  
**Linda Moulton-Patterson**  
**J. Rynerson, Alternate**  
**William Rick**  
**L. Edgerton, Alternate**  
**Leon Williams**  
**D. Malcolm, Alternate**  
**Dorill Wright**  
**J. Diefenderfer, Alternate**

# MEETING NOTICE

**WATERFRONT HILTON BEACH RESORT**  
**21100 Pacific Coast Highway**  
**Huntington Beach**  
**(714) 960-7873**

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**B. Brennan, Transportation & Housing Agency**  
**J. Burroughs, Resources Agency**  
**V. Holanda, Trade & Commerce Agency**  
**D. Sanders, State Lands Commission**

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**Peter M. Douglas, Executive Director**



10:00 A.M., Tuesday, July 12, 1994  
9:00 A.M., Wednesday, July 13, 1994  
9:00 A.M., Thursday, July 14, 1994  
9:00 a.m., Friday, July 15, 1994

RECEIVED BY  
PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

AM JUL 5 1994 PM  
7 8 9 10 11 12 1 2 3 4 5 6



**SPEAKER SIGN-UP & TIME LIMITS.** If you wish to speak on an item, please fill out a "Request to Speak" form and give it to a staff person before the public hearing. The forms are available near the door to the meeting room. Time limits are indicated on the speaker sign-up forms, and later in this summary, and in case of questions or disputes, the Chairman will determine the time limits for each speaker at the beginning of the public hearing. Speakers on non-permit items may be limited to five minutes or less depending on the number wishing to be heard. Time limits for permit items are combined total time for all speakers in favor of or in opposition to the project. Written comments may be of any length; you are encouraged to submit detailed information in writing to staff for distribution to Commissioners. Please provide twenty copies if possible. NO FAXs will be accepted at the meeting site. You may be able to make prior arrangements with staff or a Commissioner to send a fax, but you will be responsible for paying the hotel or meeting site for its receipt.

**CAMPAIGN CONTRIBUTIONS.** Government Code Section 84308 requires Commissioners to disqualify themselves from voting on any matter if they have received a campaign contribution of \$250 or more from an interested party. If you intend to speak on any hearing item, please indicate on your speaker slip and/or in your testimony, if you have made campaign contributions of \$250 or more to any Commissioner within the last year, and if so, to which Commissioners you contributed.

**CONTACTS with COMMISSIONERS.** New legal requirements limit communications with staff and commissioners. Written materials sent to Commissioners must be sent to staff at the same time. All non-procedural communications must become part of the record. For a summary of these requirements, please call the receptionist at (415) 904-5200.

**PUBLIC STATEMENTS ABOUT ITEMS NOT ON THIS AGENDA.** Before the lunch recess each day there will be time for public statements about the work of the Commission. Persons wishing to speak during this period should be sure to fill out a sign-up slip, and should limit the length of the presentation to 5 minutes or less. If this public comment period is inconvenient, you may submit written comments to the Commission office, and copies will be distributed to all Commissioners.

**WHEN WILL MY AGENDA ITEM BE HEARD?** Unfortunately, no one can predict how quickly the Commission will complete agenda items or how many will be postponed to a later date. The Commission begins each session at the time listed on the Meeting Notice and considers each item in order, except in extraordinary circumstances. The Commission may consider an item even though the interested persons are not present.

**STAFF RECOMMENDATIONS.** A written staff report & recommendation will be available for most items on this agenda. At the end of the agenda description the author's initials and a code indicating his/her headquarters office are identified (E=Eureka SF=San Francisco SC=Santa Cruz V=Ventura LB=Long Beach SD=San Diego). To encourage public participation, staff reports will be distributed 10 days before the meeting whenever possible. If you are interested in any item on this Meeting Notice contact the nearest Commission office to arrange for a copy of the staff report & recommendation to be made available to you.

**WAIVERS OF PERMIT & EMERGENCY PERMITS.** The District Directors of the Commission's various offices will announce the Executive Director's decisions to waive coastal permit requirements and issuance of emergency permits during the "District Director's Report" item at the beginning of each section of the agenda.

**VISUAL MATERIALS.** You may use slides and other materials at the hearing. A slide projector & carousel will be available, and Commission staff can assist you in its use. All materials exhibited to the Commission during the hearing (slides, maps, etc) are part of the public record and must be kept by the Commission for 60 days after final Commission action on the matter. Your materials will be returned upon written request.

**PUBLIC & ADMINISTRATIVE RECORDS.** Many public records on agenda items will be available for inspection at the meeting, and are available at all other times in the Commission office. Please call our office to make an appointment to see any file you are interested in. If you decide to challenge a final decision of the Commission in Court, please request preparation of an administrative record by letter to the Administrative Records Section at the Commission office in San Francisco, and indicate in your letter a description on the agenda item and the date(s) of Commission action. Such a record will include a transcript of the proceedings at the hearing.

**CLOSED SESSION.** At any time during the meeting the Commission may meet to consider possible and pending litigation in a session closed to the public pursuant to attorney-client privilege and statutory exemption to the Open Meeting Act (Government Code Section 11126g).

**ACCESS TO HEARINGS.** The hearings are wheelchair accessible. If accommodation for other disabilities is required, please call (415) 904-5200.

**MORE INFORMATION.** For more information about this agenda, contact one of the following staff members:

- (Del Norte, Humboldt, Mendocino, Sonoma, Marin & San Francisco Counties, Cities in San Mateo County) Steve Scholl (415) 904-5260,
- (San Mateo, Santa Cruz, Monterey & San Luis Obispo Counties) Dave Loomis (408) 427-4863,
- (Santa Barbara & Ventura Counties, Malibu & Santa Monica Mountains) Gary Timm (805) 641-0142,
- (Los Angeles & Orange Counties) Teresa Henry (310) 590-5071,
- (San Diego County) Deborah N. Lee (619) 521-8036,
- (Energy) Susan M. Hansch (415) 904-5240,
- (Statewide) Chris Goehler (415) 904-5200.

A Telecommunication Device for the Deaf (TDD) is available at (415) 904-5200.



10:00 a.m.

TUESDAY, JULY 12, 1994

1. CALL TO ORDER.
2. ROLL CALL.
3. APPROVAL OF MINUTES.
4. COMMISSIONERS' REPORTS.
5. CONSERVANCY REPORT.
6. SANTA MONICA MOUNTAINS CONSERVANCY REPORT.
7. DEPUTY ATTORNEY GENERAL'S REPORT.
8. EXECUTIVE DIRECTOR'S REPORT.
  - a. Adopt-A-Beach airfare Grant. Authorization to accept airline tickets valued at \$7,500 from Southwest Airlines in support of Adopt-A-Beach Program. (JIL-SF)
  - b. Adopt-A-Beach staffing Grant. Authorization to accept \$10,000 from California State Parks Foundation's Adopt-A-Beach account to fund staff support for Adopt-A-Beach Program. (JIL-SF)
  - c. Orange Co. Housing Program. Presentation by Helen Brown, President of Civic Center Barrio Housing Corporation on status of OCBHC/Orange County Affordable Housing program. (JWB-SF)
  - d. BCDC Pass-Through Funds. Commission approval of interagency agreement to pass through 1994 federal Coastal Zone Management funds to San Francisco Bay Conservation and Development Commission. (NLJ-SF)
  - e. Minor Port Master Plan Amendment. Executive Director designation of Port of Los Angeles Port Master Plan Amendment No. 13 as minor. (LJS-SF)
9. PROPOSED GUIDANCE Re: BEACH CLOSURES. Public hearing and Commission discussion and possible action on guidance on beach closures (curfews) as a result of public safety concerns. (PD-SF)
10. PERMIT EXTENSION. See AGENDA HEADINGS description on page 19.
  - a. Permit No. 5-91-463-E (Maguire Thomas Partners -- Playa Vista, Los Angeles) Request by Maguire Thomas Partners -- Playa Vista to extend permit for freshwater wetland system within Area B of Ballona Wetlands, Los Angeles, Los Angeles County. (JRR-SF)

NORTH COAST AREA

11. NORTH COAST DISTRICT DIRECTOR'S REPORT. Report by District Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. For specific information contact the Commission's Area office at (415) 904-5260 (San Francisco).
12. ADMINISTRATIVE PERMIT APPLICATION. See AGENDA HEADINGS description on page 19.
  - a. Application No. 1-94-36 (Burnett, Crescent City) Application of Homan David Burnett to construct 18-ft-high 288 sq.ft. fish cleaning and crab net rental facility, at dockside, northeast of Chartroom Restaurant, Crescent City Harbor, Del Norte County. (JJM-E)
13. CONSENT CALENDAR. See AGENDA HEADINGS description on page 19.
  - a. Application No. 1-94-12 (A.T. & T., Mendocino Co.) Application of A.T. & T. Communications, Inc. to remediate bentonite spills on Garcia River, its tributary, and Moat Creek by (1) constructing retention basins, (2) constructing diversion channels to reroute stream flows around spill areas, (3) installing temporary silt dams, (4) vacuuming spilled bentonite, (5) removing silt dams, (6) rerouting stream flows back to original channels, and (7) filling temporary diversion channels along parts of Garcia River, its tributary, and Moat Creek, Mendocino County. (RSM-E)
  - b. Application No. 1-94-22 (Veblen, Mendocino Co.) Application of Bonnie Veblen to divide 5.46 acres into two lots (3.34 & 2.11 acres), widen access road, and construct single-family home on smaller lot, at 44252 Little Lake Road, Town of Mendocino, Mendocino County. (JG-E)
  - c. Application No. 1-94-28 (Katz & Bytheriver, Mendocino Co.) Application of Allan Katz and Marylee Bytheriver to adjust lot line between three lots resulting in two lots (.66 & .40 acres), at 10471 and 10475 Hills Road, Town of Mendocino, Mendocino County. (JG-E)
  - d. Application No. 1-94-40 (Furtado, Humboldt Co.) Application of J.L. Furtado, Inc. to adjust lot lines between two lots resulting in two lots (2 & 41 acres), at 803 Mad River Road, Arcata Bottoms area, Humboldt County. (RSM-E)
  - e. Application No. 1-94-43 (Gurney, Crescent City) Application of Richard Gurney to construct 45-ft-high 6,000 sq.ft. 129-seat restaurant and gift shop with illuminated roof sign and 42-space parking lot, at Starfish and Neptune Ways, Crescent City Harbor, Del Norte County. (JJM-E)
14. LOCAL COASTAL PROGRAM (LCP). See AGENDA HEADINGS description on page 19.
  - a. Half Moon Bay LUP Amendment No. 1-94. Public hearing and action on request by City of Half Moon Bay to amend certified LUP to:
    - 1) (South Wavecrest) revise text to allow required affordable housing for redevelopment area to be provided off-site;
    - 2) (Auld) redesignate vacant 1.9-acre parcel at northeast corner of Main Street and Higgins Purisima Road from Open Space Reserve to Commercial-General. (BVB-E)

15. **COASTAL PERMIT APPLICATIONS.** See AGENDA HEADINGS description on page 19.  
Attention: Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when staff and the applicant are in agreement on the staff recommendation. If an item is moved it will be processed in the same manner as other Consent Calendar items (See AGENDA HEADINGS) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.
- a. Application No. 1-93-38 (Burdick, Mendocino Co.) Application of Melanie & Jeffrey Burdick to construct 1,888-sq.ft. single-family home, 528-sq.ft. attached garage, 640-sq.ft. detached guest cottage, well and septic system, at 10502 Nichols Lane, Mendocino County. (JG-E).
  - b. Appeal No. A-1-Men-93-70 (Mendocino Co. Solid Waste Division) Application of Mendocino County Solid Waste Division for installation of solid waste transfer station at end of Prairie Way, .45-mile south of Caspar-Little Lake Road, Mendocino County. (RSM-E)
  - c. Application No. 1-94-45 (Mendocino Co. Solid Waste Division) Application of Mendocino County Solid Waste Division for groundwater monitoring wells and temporary access roads to well sites, to identify extent of plume of contaminated groundwater off of Prairie Way, south of Caspar-Little Lake Road, Mendocino County. (RSM-E)
  - d. Application No. 1-94-46 (Mendocino Co. Solid Waste Division) Application of Mendocino County Solid Waste Division to close Caspar Landfill by placing final cover over landfill and installing drainage, erosion, and leachate control improvements at end of Prairie Way, .45-mile south of Caspar-Little Lake Road, Mendocino County. (RSM-E)
  - e. Application No. 1-94-41 (San Mateo Co. slope repair, Half Moon Bay) Application of San Mateo County Department of Public Works for slope protection project including bluff slope and access ramp grading, temporary fences, storm water drains, fabric, articulated concrete block matting, and aggregate base rock pathway, at abandoned County landfill site, next to beach at Ocean Blvd., between Metzgar & Grove Streets, Half Moon Bay, San Mateo County. (BVB-E)
16. **PERMIT AMENDMENT.** See AGENDA HEADINGS description on page 19.
- a. Permit No. A-1-MAR-87-235-A (Seadrift, Marin Co.) Request by Seadrift Association to change possible timing of issuance of permit, for seawall, at Seadrift subdivision, Stinson Beach, Marin County. (SFS-E)

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W E D N E S D A Y , J U L Y 1 3 , 1 9 9 4

1. CALL TO ORDER.

2. ROLL CALL.

S O U T H C O A S T A R E A

3. LOCAL COASTAL PROGRAMS (LCPs). See AGENDA HEADINGS description on page 19.

- a. Dana Point LCP Amendment 1-94 (Land Use Plan). Public hearing and action on request to amend certified City of Dana Point LCP by rescinding three specific plans which contain land use plan for current LCP and substituting City's General Plan as new Land Use Plan portion of LCP. (JTA-LB)
- b. Dana Point LCP Amendment 1-94 (Implementation). Public hearing and action on request to amend certified City of Dana Point LCP by rescinding three specific plans which contain Implementation Plan for current LCP and substituting City's new Zoning Code as Implementation Plan portion of LCP. (JTA-LB)
- c. Laguna Beach LCP Amendment No. 1-93 (Diamond/Crestview). Public hearing and action on request by City of Laguna Beach to amend LCP Implementation Plan portion to adopt Diamond/Crestview Specific Plan, replacing R-1 zoning with Village Low Density zoning, and establishing new development standards for this subdivision. (MV & TH-LB)

4. NEW APPEAL. See AGENDA HEADINGS description on page 19.

- a. Appeal No. A-5-LGB-94-121 (Laguna Beach road improvements) Appeal by Joseph Gughemetti et al. and Paul Fejas from decision of City of Laguna Beach granting permit with conditions for road improvement project, in Diamond/Crestview Specific Plan area, Laguna Beach, Orange County. (MV-LB)

E N E R G Y a n d O C E A N R E S O U R C E S

5. ENERGY & OCEAN RESOURCES REPORT. Report by the Division Manager on permit waivers, emergency permits, immaterial amendments & extensions, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. (SMH-SF)

- a. Point Arguello Tanker Permit Amendment. Public hearing and action on whether the Commission shall reverse the determination of executive director to reject for processing under section 13166(a)(1) of the Commission's Administrative Regulations the Point Arguello Producers' proposed amendment to tanker Permit A-4-STB-92-16. (AD-SF)

6. COASTAL PERMIT APPLICATIONS. See AGENDA HEADINGS description on page 19.
- a. Application No. E-94-5 (Dana Point Fisheries rearing-pen) Application of Dana Point Fisheries Enhancement Program for 8' x 21' floating fish pen, moored in Dana Point Harbor, for rearing and releasing juvenile white seabass as part of California Dept. of Fish & Game Ocean Research Enhancement and Hatchery Program. (DR-SP)
  - b. Application No. E-94-7 (SCE, San Clemente) Application of Southern California Edison to maintain & renovate beach access walkway, parapet wall and fence, next to plant seawall, at San Onofre Nuclear Generating Station, San Clemente, Orange County. (DR-SP)

### CENTRAL COAST AREA

7. CENTRAL COAST DISTRICT DIRECTOR'S REPORT. Report by District Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. For specific information contact the Commission's Area office at (408) 427-4863 (Santa Cruz).
- a. Santa Cruz Co. LCP Amendment No. 1-94-A Certification Review. Concurrence with Executive Director's determination that action of County of Santa Cruz, accepting LCP Amendment No. 1-94, Part A, as certified with modifications, is legally adequate. (SG-SC)
8. CONSENT CALENDAR. See AGENDA HEADINGS description on page 19.
- a. Application No. 3-94-27 (Edwards, Santa Cruz) Application of Ralph Edwards to remove fill from RV parking lot, next to Red, White & Blue Beach, at 5021 Coast Road, Santa Cruz, Santa Cruz County. (JS-SC)
9. LOCAL COASTAL PROGRAMS (LCPs). See AGENDA HEADINGS description on page 19.
- a. Laguna Grande (Monterey) Plan. Public hearing and action on request by City of Monterey for certification of Land Use Plan for Laguna Grande segment. (LO-SC)
  - b. San Luis Obispo Co. LCP Amendment No. 3-93 (Estero Plan). Public hearing and action on request by San Luis Obispo County to modify certified LCP to modify Estero Area Plan portion of Land Use Plan to expand range of allowable uses; amend corresponding portion of Land Use Ordinance; and incorporate procedural changes in Coastal Zone Framework, Part I of Land Use Element. (LO-SC)
  - c. Pismo Beach LCP Amendment No. 1-94. Public hearing and action on request by City of Pismo Beach to amend implementation portion of LCP to:
    - A) (Sheldon & Johnston) change zoning map for property at 2057 Shell Beach Road from C-1 (Retail Commercial) to R-3 (Multi-Family Residential) for conformity with certified LUP; and
    - B) (SFD standards) modify various standards and design guidelines for single-family dwellings. (LO-SC)

SOUTH CENTRAL COAST AREA

10. CENTRAL COAST DISTRICT DIRECTOR'S REPORT. Report by District Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. For specific information contact the Commission's Area office at (805) 641-0142 (Ventura).
- a. Santa Barbara LCP Amendment No. 2-93 Certification Review. Concurrence with Executive Director's determination that action of City of Santa Barbara, accepting Commission's certification with suggested modifications of LCP Amendment No. 2-93 (Transportation Corridor), is legally adequate. (MHC-V)
  - b. San Buenaventura LCP Amendment No. 2-94 (Minor). Concurrence with Executive Director's determination that request by City of San Buenaventura to amend certified LCP Implementation Plan, establishing adult oriented business regulations and allowing such uses within specified industrial M-1 and M-2 zones, is minor. (RR-V)
11. ADMINISTRATIVE PERMIT APPLICATIONS. See AGENDA HEADINGS description on page 19.
- a. Application No. 4-93-219 (Stone, Los Angeles Co.) Application of Robin & Linda Stone for mobile home, at 24500 Piuna Road, Malibu, Los Angeles County. (TAD-V)
  - b. Application No. 4-94-13 (Pedersen, Los Angeles Co.) Application of Mr & Mrs Jens Pedersen for trailer, at 20470 Seaboard Road, Malibu, Los Angeles County (TAD-V)
  - c. Application No. 4-94-19 (Murania, Los Angeles Co.) Application of Joseph & Sonja Murania for temporary mobile home, at 20728 Las Flores Mesa Drive, Malibu, Los Angeles County. (TAD-V)
  - d. Application No. 4-94-36 (Casement, Malibu) Application of John Casement for trailer, at 3375 Rambla Pacifico, Malibu, Los Angeles County. (TAD-V)
  - e. Application No. 4-94-65 (Santa Barbara beach volleyball) Application of City of Santa Barbara to construct six sand beach volleyball courts on west beach, Santa Barbara, Santa Barbara County. (MHC-V)
  - f. Application No. 4-94-86 (Symons, Los Angeles Co.) Application of George & Brenda Symons for temporary mobile home during construction of home, at 21733 Castlewood Drive, Malibu, Los Angeles County. (TAD-V)
12. CONSENT CALENDAR. See AGENDA HEADINGS description on page 19.
- a. Application No. 4-94-22 (Goodwin, Los Angeles Co.) Application of Larry Goodwin for 3,160 sq.ft. single-family home, 1,500-gallon septic tank, 500 sq.ft. drain field, water well, and 15,000-gallon water tank, at 21570 Hillside Drive, Topanga, Los Angeles County. (CP-V)
  - b. Application No. 4-93-63 (Baack, Malibu) Application of Dora Baack for 3,430 sq.ft. single-family home to replace 2,599 sq.ft. home, at 20776 Big Rock Drive, Malibu, Los Angeles County. (TAD-V)
  - c. Application No. 4-94-74 (Daoud, Malibu) Application of David M. Daoud for 2-story single-family home and 1,500-gallon septic system, at 5828 Foxview Drive, Malibu, Los Angeles County. (MB-V)
  - d. Application No. 4-94-75 (Rochin, Los Angeles Co.) Application of Eric Rochin for 2,077 sq.ft. 2-story single-family home, 1,156 sq.ft. 2-story garage, and 1-story 721 sq.ft. guesthouse, at 2300 Las Flores Canyon Road, Malibu, Los Angeles County. (TAD-V)
  - e. Application No. 4-94-85 (Vana, Malibu) Application of Joseph Vana for 3,394 sq.ft. 19-ft-high single-family home to replace 2,989 sq.ft. home, at 20721 Big Rock Drive, Malibu, Los Angeles County. (TAD-V)

**13. LOCAL COASTAL PROGRAMS (LCPs).** See AGENDA HEADINGS description on page 19.

- a. Santa Barbara Co. LCP Amendment No. 3-93-B (housing). Public hearing and action on request to amend certified Santa Barbara County LCP addressing housing programs. (MKH-V)
- b. Santa Barbara LCP Amendment No. 1-94-A (Hazardous Wastes) and -B (Harbor Master Plan). Public hearing and action on request to amend certified City of Santa Barbara LCP by: (A) changing definitions, adding Hazardous Waste Management Facilities overlay zone, requiring future LCP amendments for hazardous waste facilities, and requiring City decisions consistency with County hazardous waste plan; and (B) including Harbor Master Plan in LUP, amend LUP text to incorporate Harbor Master Plan, and revise Harbor Commercial (HC) Zoning Ordinance Provisions. (MS-V)
- c. Carpinteria LCP Amendment No. 1-93 (various). Public hearing and action on request to amend certified Carpinteria LCP Implementation Plan to address parcel mergers, conjunctive parking, amusement arcades, temporary use permits, and to define rest homes. (MKH-V)

**14. NEW APPEALS.** See AGENDA HEADINGS description on page 19.

- a. Appeal No. A-4-BVC-94-87 (San Buenaventura revetment) Appeal by Commissioners Giacomini & Glickfeld from decision of City of San Buenaventura granting permit with conditions to place and maintain rock revetment for up to 36 months, at Shoreline Drive, east of Ventura River Mouth, San Buenaventura, Ventura County. (MRC-C)
- a. Appeal No. A-4-STB-94-88 (Santa Barbara Co. tree removal) Appeal by Scenic Shoreline Preservation Conference, Inc. from decision of Santa Barbara County granting permit to remove Eucalyptus trees at Santa Barbara Shores, Santa Barbara County. (MRC-C)

**15. COASTAL PERMIT APPLICATIONS.** See AGENDA HEADINGS description on page 19.

Attention: Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when staff and the applicant are in agreement on the staff recommendation. If an item is moved it will be processed in the same manner as other Consent Calendar items (See AGENDA HEADINGS) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

- a. Application No. 4-93-101 (Winding Way Homeowners, Malibu) Application of Winding Way Homeowners to place 29 "No Parking" signs at 150 foot intervals along Winding Way road, and one "Private Road, No Trespassing" sign at entrance to Winding Way Road, Malibu, Los Angeles County. (SPF-V)
- b. Application No. 4-93-171 (Barrera, Malibu) Application of Ismael Barrera to expand restaurant seating, repave parking lot, convert 37 parking spaces to paid beach access parking, and construct landscaped retaining wall, at 22718 Pacific Coast Highway, Malibu, Los Angeles County. (CP-V)
- c. Application No. 4-94-76 (Antinoro, Los Angeles Co.) Application of Robert Antinoro for 5,768 sq.ft. 2-story single-family home, 3-car attached garage, pool, spa, septic system and 1,000 cu. yds. of grading on 3-acre lot, at 6135 Cavalleri Road, Malibu, Los Angeles County. (MKH-V)
- d. Application No. 4-94-77 (Wali, Los Angeles Co.) Application of Abdul Wali for 750 sq.ft. 1-story guesthouse and 770 sq.ft. addition (above garage) to single-family home, with no grading and new septic system for guesthouse, at 3415 Sweetwater Mesa Road, Malibu, Los Angeles County. (MKH-V)
- e. Application No. 4-94-47 (L.A. Co. pay parking) Application of Los Angeles County Dept. of Beaches & Harbors for 2 pay parking ticket machines, at Surfrider Beach Parking lot, Malibu State Beach, Los Angeles County. (CP-V)

(This page may not be final;  
see colored Addendum sheet.)

PAGE 10

16. PERMIT AMENDMENT. See AGENDA HEADINGS description on page 19. An Amendment below may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed like other Consent Calendar items (See above) except that if that item is subsequently removed from the Consent Calendar by a vote of 3 or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner material amendments are processed.
- a. Permit No. 4-93-158-A (Gethard, Malibu) Request by Elaine Gethard to add post to support 2nd floor beachside deck, add window & revise utility room, raise height to 12 feet and extend roof line to front lot line, for single-family home, at 20828 Pacific Coast Highway, Malibu, Los Angeles County. (SPF-V)
17. RECONSIDERATION. See AGENDA HEADINGS description on page 19.
- a. Appeal No. A-4-STB-93-154-R (ARCO Dos Pueblos Golf Courses) Request by ARCO Oil and Gas Company to reconsider denial of permit for two golf courses and appurtenant facilities in Naples Area, ten miles west of Goleta, Santa Barbara County. (MFC-V)



T U E S D A Y

J U L Y 1 2, 1 9 9 4

CLOSED SESSION. At a convenient time during the meeting, the Commission (CCC) will have a closed session to discuss items of pending litigation, including:

CCC v. Gordon  
CCC v. Javid  
CCC v. Starz  
Ricciardone v. CCC  
CCC v. Ricciardone  
Ojavan Investors, Inc. et al. v. CCC  
Araki v. CCC  
Cody v. CCC  
Kelly et al. v. CCC  
CCC, SLC v. U.S. Dept. of Interior  
Half Moon Bay & CCC v. Donovan  
State of California v. Unocal  
Healing v. CCC  
Hensler v. City of Glendale  
COAST et al. v. CCC

The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Sections 11126(q)(1) and (3). In addition, the Commission may consider matters which fall under Government Code Section 11126(q)(2) or (3).

8. EXECUTIVE DIRECTOR'S REPORT.

- f. Legislation. The Commission may take action on the following proposed legislation: AB 2444, AB 3139, AB 3404, AB 3427, AB 3698, SB 1411, SB 1629, SB 1668, SB 1817, SB 1855, SB 1933. (JS-Sac)

T U E S D A Y  
( C o n t i n u e d )

11. NORTH COAST DISTRICT DIRECTOR'S REPORT.

- a. Humboldt Co. LCP Amendment No. 1-93.  
Concurrence with Executive Director's determination that action of Humboldt County accepting Commission certification of LCP Amendment No. 1-93 (Brach & Dunes Management Plan) is legally adequate.  
(RSM-E)

12. ADMINISTRATIVE PERMIT APPLICATIONS.

- b. Application No. 1-94-38 (Langdon, Marin Co.) Application of Jonathan Langdon for 25-ft-high 1,404 sq.ft. single-family home, 715 sq.ft. paved parking pad, 130 cu.yds. of grading and septic system, at 82 Camino del Mar, Inverness, Marin County. (BVB-E)

W E D N E S D A Y

J U L Y 1 3, 1 9 9 4

5. ENERGY & OCEAN RESOURCES REPORT.

- b. Section 309 Federal Grant Funds.  
Authorization of contract with Philip Williams & Associates, Ltd., and MOA with San Jose State University for consultant services to assist in the development of wetland performance guidelines. (ZH-SF)

11. ADMINISTRATIVE PERMIT APPLICATIONS.

- g. Application No. 4-94-71 (Kastman, Malibu)  
Application of Melonie Kastman to extend deck seaward to 6 feet on east and 2-1/2 ft. on west, at 20524 Pacific Coast Highway, Malibu, Los Angeles County. (BJC-V)

12. CONSENT CALENDAR.

- f. Application No. 4-94-72 (Burke, Los Angeles Co.)  
Application of John & Germain Burke for 3,294 sq.ft. barn with septic system, water tank, and 1,205 cu.yds. of grading, on 2.5-acre lot with existing single-family home & guesthouse, at 635 Greenleaf Canyon Road, Topanga, Los Angeles County. (BJC-V)

W E D N E S D A Y  
(C o n t i n u e d)

14. NEW APPEALS.

- c. Appeal No. A-4-STB-94-97 (Dirado, Santa Barbara Co.) Appeal by Diane Napoleone from decision of Santa Barbara County granting permit with conditions to Mark Dirado for single-family home, at 6701 Rincon Point Lane, Santa Barbara County. (MHC-V)

15. COASTAL PERMIT APPLICATIONS.

- f. Application No. 4-94-6 (Brouman, Malibu) Application of Steven Brouman to demolish single-family home, and construct 28-ft-high 3,100 sq.ft. single-family home, 4-car garage, septic system & timber bulkhead, at 21424 Pacific Coast Highway, Malibu, Los Angeles County. (BJC-V)
- g. Application No. 4-94-78 (Brown, Los Angeles Co.) Application of Lee Brown for 40' x 45' metal shed with concrete floor, on lot with home, at 2071 Cold Canyon Road, Malibu, Los Angeles County. (BJC-V)

T H U R S D A Y

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7. COASTAL PERMIT APPLICATIONS.

- i. Application No. 6-94-96 (Merziotis, San Diego) Application of George Merziotis for golf practice facility including driving range, putting sandtrap, pitching & chipping areas, 1-story 1,900 sq.ft. clubhouse with storage area, and 60-space paved parking lot on 12.83 acres with existing single-family home, at 540 Hollister Street, Otay Mesa/Nestor, San Diego, San Diego County. (LRO-SD)

13. COASTAL PERMIT APPLICATIONS.

- e. Application No. 5-94-68 (Baettig, Santa Monica) Application of Markus A. Baettig to demolish duplex, and construct 40-ft-high 3,360 sq.ft. single-family home, at 1305 Palisades Beach Road, Santa Monica, Los Angeles County. (AJP-LB)

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THURSDAY, JULY 14, 1994

1. CALL TO ORDER.
2. ROLL CALL.

SAN DIEGO COAST AREA

3. SOUTH COAST DISTRICT DIRECTOR'S REPORT. Report by District Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. For specific information contact the Commission's Area office at (619) 521-8036 (San Diego).
4. ADMINISTRATIVE PERMIT APPLICATIONS. See AGENDA HEADINGS description on page 19.
  - a. Application No. 6-94-72 (Lusitana, Encinitas) Application of Robert Lusitana to convert 2,400 sq.ft. manufacturing building to retail use, on 62,645 acre site with existing 21,500 sq.ft. office/manufacturing structure, at 687 First Street, Encinitas, San Diego County. (LJM-SD)
  - b. Application No. 6-94-75 (Dominy, Del Mar) Application of Lew & Marlene Dominy for 2-story 950 sq.ft. single-family home and attached garage, on 1,213 sq.ft. lot, at southeast corner of Camino Del Mar and 23rd Street, Del Mar, San Diego County. (EL-SD)
  - c. Application No. 6-94-83 (Airtouch Cellular, Encinitas) Application of Airtouch Cellular to convert two motel rooms to 600 sq.ft. manned cellular communication facility within existing 112-unit 3-story motel on 62,691 sq.ft. site, at 607 Leucadia Boulevard, Leucadia, Encinitas, San Diego County. (LJM-SD)
  - d. Application No. 6-94-85 (Coronado walkway) Application of City of Coronado to place an 8-ft-wide 350-ft-long removable plastic walkway for handicapped access to sandy beach, at Central Beach, west of Ocean Blvd. & Isabella Avenue, Coronado, San Diego County. (DL-SD)
5. CONSENT CALENDAR. See AGENDA HEADINGS description on page 19.
  - a. Application No. 6-94-63 (San Diego construction trailers) Application of City of San Diego for temporary (five years) placement of six mobile trailers for construction workers, totalling 7,920 sq.ft., displacing 30 parking spaces on unimproved parking lot, at 1902 Gatchell Road, Point Loma, San Diego, San Diego County. (EL-SD)
  - b. Application No. 6-94-64 (UCSD, San Diego) Application of University of California, San Diego, to demolish two temporary buildings, grade and pave new 225-space parking lot and 7 new street spaces, on north side of Voigt Drive, just west of I-5, northeast quadrant of UCSD's Main Campus, North City, San Diego, San Diego County. (EL-SD)
  - c. Application No. 6-94-77 (Klawiter, Encinitas) Application of Reiner Klawiter to divide .46-acre lot into two lots (8,910 & 8,360 sq.ft. net) with existing duplex on smaller lot and existing pool and covered poolhouse/living unit on larger lot, at 1470 Summit Avenue, Cardiff, Encinitas, San Diego County. (DL-SD)

- d. Application No. 6-94-78 (Strasser-Kauffman, Encinitas) Application of Karin Strasser-Kauffman to divide .42-acre lot into two lots (11,031 & 7,221 sq.ft.) with existing home on larger lot, at 1574 Rubenstein Avenue, Encinitas, San Diego County. (DL-SD)
6. LOCAL COASTAL PROGRAMS (LCPs). See AGENDA HEADINGS description on page 19.
- a. Carlsbad LCP Amendment No. 1-94(B) (Aviara Phase III) Public hearing and action on request by City of Carlsbad to amend its certified LCP by amending Aviara Master Plan, part of East Batiquitos Lagoon/Hunt Properties and Mello I LCP segments, modifying planning area and open space boundaries, realigning streets and altering residential product mix. (WNP-SD)
- b. San Diego LCP Amendment No. 2-94 (portion) (K-Mart and ordinance streamlining) Public hearing and action on request to amend certified City of San Diego LCP changing land use on 1 North City site from "Employment Center" to "Specialized Commercial" and modifying two ordinances (La Jolla Planned District and Hillside Review) to streamline local permit processing. (EL-SD)
- c. San Diego LCP Amendment No. 3-94 (Future Urbanizing Area, Pacific Beach LUP, Monarch Pointe and Tentative Map Ordinance) Public hearing and action on request to amend certified City of San Diego LCP regarding North City Future Urbanizing Area phase shift prior to approval of subarea plans, incorporation of updated Pacific Beach Community Plan/LCP Land Use Plan, rezone of site in Mira Mesa community of North City from A-1-10 to RI-5000, and incorporation of additional two-year extension on all approved tentative maps pursuant to state legislation. (EL-SD)
7. COASTAL PERMIT APPLICATIONS. See AGENDA HEADINGS description on page 19.  
Attention: Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See AGENDA HEADINGS) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.
- a. Application No. 6-92-158 (Johnson & Andrews, Encinitas) Application of Raymond Johnson and Otis Andrews for 1,440 sq.ft. single-family home, 423 sq.ft. farm labor mobile home, 720 sq.ft. mobile home and two sheds (64 & 96 sq.ft.) on two lots totaling 2.64 acres, at 3798-3799 Manchester Avenue, Encinitas, San Diego County. (LJM-SD)
- b. Application No. 6-93-165 (San Diego Mission Bay shoreline protection) Application of City of San Diego for Mission Bay Shoreline Protection, Phase I, including replenishment of riprap rock revetment, new riprap rock revetment, new bulkhead walls, pedestrian walkways, handicapped access, dredging of Mission Bay Channel shoals and East Ski Island, and related improvements, at Mission Point, Mariner's Point, Ventura Cove, Santa Clara Point, Riviera Shores, North Cove (Vacation Island), Ingraham Street (south bridge crossing), East Ski Island, De Anza Boat Ramp (north), Visitor Center & Mission Bay Channel shoals, Mission Bay Park, San Diego, San Diego County (LRO-SD)
- c. Application No. 6-94-25 (Aviara, Carlsbad) Application of Aviara Land Associates to divide 140 acres into 133 residential lots, grade streets & pads, .15 mile west of El Camino Real, and .85 mile south of Palomar Airport Road, Carlsbad, San Diego County. (BP-SD)
- d. Application No. 6-94-30 (Mok & Tam, Solana Beach) Application of Ying & Lynn Mok and Chung & Theresa Tam for 5,808 sq.ft. single-family home with attached 3-car garage on 10,950 sq.ft. lot, at 541 San Julio Road, Solana Beach, San Diego County. (LRO-SD)

- e. Application No. 6-94-33 (Paskin, Solana Beach) Application of Marc & Marsha Paskin for 763 sq.ft. 2-story addition to 2,387 sq.ft. 2-story single-family home on 4,375 sq.ft. lot, at 269 Pacific Avenue, Solana Beach, San Diego County. (DL-SD)
  - f. Application No. 6-94-52 (Bramalea, Carlsbad) Application of Bramalea of California to divide 68 acres and construct 362 residential units (186 single-family and 176 multifamily units), .2 mile east of Paseo del Norte, north of Camino de las Ondas, Carlsbad, San Diego County. (BP-SD)
  - g. Application No. 6-94-57 (Poinsettia Hill & Spires, Carlsbad) Application of Poinsettia Hill Ltd. and Dwight Spires to divide 36.2 acres and construct 184 residential units (160 condominiums and 24 apartments), at .25 mile west of El Camino Real, and .75 mile south of Palomar Airport Road, Carlsbad, San Diego County. (BP-SD)
  - h. Application No. 6-94-80 (Grivas & Jenson, Solana Beach) Application of William Grivas & Alex Jensen to remove parts of six 4-inch diameter wooden posts sunk in concrete piers on upper part of 60-ft-high coastal bluff, at 503 Pacific Avenue, Solana Beach, San Diego County. (DL-SD)
8. PERMIT AMENDMENTS. See AGENDA HEADINGS description on page 19. An Amendment below may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed like other Consent Calendar items (See above) except that if that item is subsequently removed from the Consent Calendar by a vote of 3 or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner material amendments are processed.
- a. Permit No. 6-92-16-A (CalTrans, San Diego & Del Mar) Request by California Department of Transportation to amend permit to add auxiliary lane, widen bridge, construct deck & sound-wall, and prepare 1.2-acre intertidal mitigation site; amendment would increase size of off-site mitigation area to include upland buffer and extend deadline for completion of mitigation to within 90 days of completion of construction project, along Interstate 5 from just south of Via de la Valle to midway between Del Mar Heights Road and Carmel Valley Road, North City, San Diego, and (offsite mitigation area) north side of San Dieguito Drive, east of Jimmy Durante Blvd., Del Mar, San Diego County. (EL-SD)
  - b. Permit No. 6-93-155-A (San Diego Co. La Bajada bridge) Request by County of San Diego Public Works Department to amend permit to allow alternative means of satisfying requirement for open space dedication on lots to be obtained through condemnation, on permit for bridge, at Rancho Santa Fe, La Bajada & El Mirlo Roads and Escondido Creek, Rancho Santa Fe, San Diego County. (LJM-SD)
9. PERMIT EXTENSION. See AGENDA HEADINGS description on page 19.
- a. Permit No. 6-92-76-E (Blue Sea Lodge, San Diego) Request by Blue Sea Lodge to extend permit to expand 98-room hotel, demolish parking, laundry room, retail building & apartment and construct 44 guest units, two apartments, 114-car garage, shops, multi-use facility & laundry room, at 707 Pacific Beach Drive, Pacific Beach, San Diego, San Diego County. (LRO-SD)

SOUTH COAST AREA

10. SOUTH COAST DISTRICT DIRECTOR'S REPORT. Report by District Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. For specific information contact the Commission's Area office at (310) 590-5071 (Long Beach).
11. CONSENT CALENDAR. See AGENDA HEADINGS description on page 19.
12. NEW APPEALS. See AGENDA HEADINGS description on page 19.
  - a. Appeal No. A-5-RPV-94-128 (Palos Verdes Land, Rancho Palos Verdes) Appeal by Commissioners Gwyn & Glickfeld from decision of City of Rancho Palos Verdes granting permit with conditions to Palos Verdes Land Holdings Company to allow coastal sage scrub habitat restoration to continue on limited basis until final native palette & planting schedule approval by City and resource agencies, on blufftop between Portuguese Bend Club and Shoreline Park, Rancho Palos Verdes, Los Angeles County. (JLR-LB)
  - b. Appeal No. A-5-HNB-94-117 (Orange Co.-Bolsa Chica Regional Park) Appeal by Commissioners Gwyn & Calcagno, Sierra Club/Preserve Bolsa Chica task force, Huntington Beach Tomorrow and Marcia Hanscom from decision of City of Huntington Beach granting permit with conditions to Orange County for Phase IA of Bolsa Chica Regional Park plan (40-space parking lot, 2 park entry points with signs, vista overlook with signs, bike & pedestrian trails, 2 picnic areas, lights, fences, signs landscaping, irrigation, relocation of headwall and filling of ravine), at 5801 Seapoint Avenue, Huntington Beach, Orange County. (RMR-LB)
  - c. Appeal No. A-5-HNB-94-135 (Huntington Beach Pier Plaza Improvements) Appeal by Commissioners Gwyn & Glickfeld from decision of City of Huntington Beach granting permit with conditions to City for improvements to Pier Plaza (new plaza with public amphitheater & spectator area, restroom, concession building, bicycle parking, redesigned parking areas, and improved access), north and south of Municipal Pier, on coastal side of Pacific Coast Highway, between First & Seventh Streets, Huntington Beach, Orange County. (MV-LB)
13. COASTAL PERMIT APPLICATIONS. See AGENDA HEADINGS description on page 19.

Attention: Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when staff and the applicant are in agreement on the staff recommendation. If an item is moved it will be processed in the same manner as other Consent Calendar items (See AGENDA HEADINGS) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

  - a. Application No. 5-93-182 (Long Beach intertidal habitat) Application of City of Long Beach to create 24,200 sq.ft. of sandy intertidal habitat, move 1,000 tons of armor rock, excavate 6,000 cu.yds. of soil, and discharge 1,000 cu.yds. of beach sand, at End Beach, Marine Stadium, Long Beach, Los Angeles County. (CF-LB)

- b. Application No. 5-94-62 (Huntington Beach park) Application of City of Huntington Beach for park improvements inland of beach on blufftop and abandoned oil maintenance road (246-car parking lot with entry gate (open 1 hour before sunrise to 1 hour after sunset), mid-bluff walkway, bike path undercrossings, boardwalk, landscaping, modular restrooms, portable concession stand, removal & replacement of retaining wall, 14,000 cu.yds. of grading), on coastal side of Pacific Coast Highway from Goldenwest Street to Ninth Street, Huntington Beach, Orange County. (SFR-LB)
  - c. Application No. 5-94-102 (Long Beach sand transport) Application of City of Long Beach to move 200,000 cu.yds. of beach sand from beach at 55th Place to peninsula beach between 59th and 72nd Places, at 5500-7200 East Ocean Blvd., Long Beach, Los Angeles County. (CP-LB)
  - d. Application No. 5-94-103 (Long Beach beach nourishment) Application of City of Long Beach to nourish beach at 1st, 54th and 72nd Places beaches using materials dredged from Queensway and Alamitos Bay, Long Beach, Los Angeles County. (CP-LB)
14. PERMIT AMENDMENTS. See AGENDA HEADINGS description on page 19. An Amendment below may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed like other Consent Calendar items (See above) except that if that item is subsequently removed from the Consent Calendar by a vote of 3 or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner material amendments are processed.
- a. Permit No. 5-89-59-A (Blanchard, Los Angeles) Request by Stephen Blanchard to convert ground floor of 2-story structure from retail to 1,399 sq.ft. restaurant with off-site parking, at 523 Ocean Front Walk, Venice, Los Angeles, Los Angeles County. (CP-LB)
  - b. Permit No. 5-90-789-A (Blanchard, Los Angeles) Request by Stephen Blanchard to revise parking requirements to reflect elimination of 450 sq.ft. sit-down restaurant and addition of 5 parking spaces (156 total on-site spaces), at 601 Ocean Front Walk, Venice, Los Angeles, Los Angeles County. (CP-LB)
  - c. Permit No. 5-92-292-A2 (Cramer, Los Angeles) Request by Robert W. Cramer to amend height limit to allow addition up to existing 32.33 foot high duplex, at 450 Linnie Canal, Venice, Los Angeles, Los Angeles County. (CP-LB)
  - d. Permit No. 5-93-244-A (Schorr, Los Angeles) Request by Herbert & Lenore Schorr to delete condition requiring evidence of membership in Isthmus Landowners Association (ILA), on permit at 5015 Via Dolce, Venice, Los Angeles, Los Angeles County. (CP-LB)

15. FINDINGS. See AGENDA HEADINGS description on page 19.

- a. Newport Beach LCP Amendment No. 1-93-B (Hoag Hospital) Findings. Public hearing and adoption of findings for approval as submitted of request by City of Newport Beach to change land use designation from Recreational and Environmental Open Space to Governmental, Educational and Institutional Facilities, at 4000 West Coast Highway, Newport Beach, Orange County. (MV-LB)
  - b. Application No. 5-93-253 (Hoag Hospital, Newport Beach) Hoag Memorial Hospital granted permit with conditions for master grading plan (387,000 cu.yds.), off-site mitigation for loss of wetlands, and dedication of .8 acre for public park, at 4000 West Coast Highway, Newport Beach, Orange County. (MV-LB)
  - c. Development Agreement No. D5-93-2 (Newport Beach & Hoag Hospital) Approval of development agreement between City of Newport Beach and Hoag Memorial Hospital allowing expansion of Hoag Hospital, at 4000 West Coast Highway, Newport Beach, Orange County. (MV-LB)
16. RESTORATION ORDER No. 5-92-292-RO (Cramer, Los Angeles) Public hearing and action on proposed restoration order to Robert Cramer to restore height of residential addition to 30 feet, at 30 Linnie Canal, Venice, Los Angeles, Los Angeles County. (CP-LB)

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FRIDAY, JULY 15, 1994

1. CALL TO ORDER.
2. ROLL CALL.

STATEWIDE

3. FEDERAL CONSISTENCY REPORT. Report by the Division Supervisor on Negative Determinations issued by the federal consistency staff, and status report on other major non-energy federal consistency matters. (MPD-SF)
4. FEDERAL CONSISTENCY. See AGENDA HEADINGS description on page 19.
  - a. CD-26-94 (Coast Guard, San Diego) Consistency determination by U.S. Coast Guard for 51,000 cu.yds. of maintenance dredging at Ballast Point, Point Loma Peninsula, San Diego, with nearshore disposal at Imperial Beach, San Diego County. (MPD-SF)
  - b. CC-42-94 (Western Commercial Space Center, Vandenberg Air Force Base) Consistency certification by Western Commercial Space Center for commercial spaceport on Vandenberg Air Force Base, Santa Barbara County. (JRR-SF)
  - c. CD-47-94 (Coast Guard, Sonoma Co.) Consistency determination by U.S. Coast Guard for covered mooring, floating dock and mooring fenders, at Bodega Bay Coast Guard Station, Sonoma County. (LJS-SF)
  - d. CD-51-94 (Navy, San Diego) Consistency determination by U.S. Navy for 172,000 cu.yds. of dredging at Pier 3, Naval Station San Diego, with offshore disposal at LA-5, San Diego, San Diego County. (MPD-SF)
  - e. CD-52-94 (Army Corps, Oxnard & Port Hueneke) Consistency determination by U.S. Army Corps of Engineers for 6-Year Maintenance Dredging Program at Channel Islands Harbor (2.2 million cu.yds. every other year) and Port Hueneke (one-time, 260,000 cu.yds.), with disposal at Silver Strand and Hueneke Beaches, Oxnard and Port Hueneke, Ventura County. (MPD-SF)
  - f. CD-53-94 (Army Corps, Oceanside) Consistency determination by U.S. Army Corps of Engineers for 6-Year Maintenance Dredging Program (400,000 cu.yds. per year with beach disposal) at Oceanside Harbor, Oceanside, San Diego County. (MPD-SF)
  - g. CD-54-94 (Army Corps, Ventura Co.) Consistency determination by U.S. Army Corps of Engineers for 800,000 cu.yds. of maintenance dredging at Ventura Harbor and disposal in adjacent nearshore, surfzone, or beach areas, between September 1994 and March 1995, Ventura County. (LJS-SF)

(This page may not be final;  
see colored Addendum sheet.)

PAGE 18

## SOUTH COAST AREA

5. SOUTH COAST DISTRICT DIRECTOR'S REPORT. Report by District Director on permit waivers, emergency permits, immaterial amendments & extensions, LCP matters not requiring public hearings, and on comments from the public. For specific information contact the Commission's Area office at (310) 590-5071 (Long Beach).
6. ADMINISTRATIVE PERMIT APPLICATION. See AGENDA HEADINGS description on page 19.
  - a. Application No. 5-94-56 (Koil Group, Orange Co.) Application of Koil Real Estate Group for 1,350 ft. of 6-ft-high chain-link fence with angled barbed wire on top to enclose 96,250 sq.ft. during archaeological work, and discing inside fence, at Bolsa Chica Mesa, near Bolsa Chica Street & Los Patos Avenue, Orange County. (MV-LB)
7. CONSENT CALENDAR. See AGENDA HEADINGS description on page 19.
  - a. Application No. 5-94-131 (Santa Monica road widening) Application of City of Santa Monica to demolish 200 sq.ft. cafe, widen access road leading to State parking at 1550 Pacific Coast Highway to 44 feet wide, widen Appian Way to 32 feet from under Pier to Moss Avenue, and widen Seaside Terrace to 3 lanes between Ocean Avenue & Appian Way, Santa Monica, Los Angeles County. (A/P-LB)
8. LOCAL COASTAL PROGRAM (LCP). See AGENDA HEADINGS description on page 19.
  - a. Newport Beach Plan Amendment No. 1-93-A (interpretive center) Public hearing and action on request by City of Newport Beach to amend certified Land Use Plan to allow 10,000 sq.ft. rather than 8,000 sq.ft. interpretive center and add language regarding hours of park use, on west side of Upper Newport Bay between Irvine Avenue and Upper Newport Bay Ecological Reserve, Newport Beach, Orange County. (MV-LB)
9. COASTAL PERMIT APPLICATIONS. See AGENDA HEADINGS description on page 19.
 

Attention: Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when staff and the applicant are in agreement on the staff recommendation. If an item is moved it will be processed in the same manner as other Consent Calendar items (See AGENDA HEADINGS) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

  - a. Application No. 5-93-382 (Orange County park improvements) Application of Orange County to Improve Westbay & Santa Ana Heights parts of Upper Newport Bay Regional Park and Irvine Avenue & University Drive, including 10,000 sq.ft. interpretive center, 100-car parking lot, interpretive signs, hiking, biking & equestrian trails, overlooks, plant & animal management, and 47,804 cu.yds. of grading, in area bounded by University Drive, Santa Ana Heights, Jamboree Road, Irvine Avenue, and 22nd Street, Orange County. (RMR-LB)
  - b. Application No. 5-94-111 (de Marquette & San Clemente) Application of Brad & Kathy de Marquette and City of San Clemente for 6-ft-high 18-ft-long wood fence between 1902 Calle de los Alamos & Leslie Park, and improvements to fence on bluff side of Leslie Park, San Clemente, Orange County. (RMR-LB)

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Future Meetings: The next meetings of the Coastal Commission will be August 9-12 in Long Beach and September 13-16 in Eureka.



## AGENDA HEADINGS

ADMINISTRATIVE PERMIT APPLICATIONS. Report on administrative permits approved by the Executive Director of the Commission. If a member of the public wishes to object to the issuance of an administrative permit or ask the Commission to change the conditions of the permit, that person must ask the Commission to remove the application from the administrative calendar, and schedule it for hearing and voting at a later meeting. A period of three minutes will be allowed for each side to address the Commission. If four or more Commissioners vote to remove an item from this calendar, the Executive Director's approval is revoked, and the application will be scheduled for hearing and voting at a later meeting.

COASTAL PERMIT APPLICATIONS. Public hearing on applications for coastal development permits. The Commission may vote on an application at the conclusion of the public hearing, or it may, if additional information is needed, vote at a subsequent meeting. The time limits for this part of the agenda are: 15 minutes combined total time per side for projects recommended for voting at this meeting, and 10 minutes combined total time per side for projects recommended for hearing only. If the project is to be voted on at this meeting, the applicant may reserve some time for rebuttal after the opponents speak.

CONSENT CALENDAR. Public hearing and voting on applications scheduled for approval with conditions. At this hearing, a period of three minutes will be allowed for each side to address the Commission on whether or not to remove an application from this calendar. Permits on this calendar will either be approved at this time with the recommended conditions or removed from the calendar (and scheduled for further hearing & voting at a later meeting) by a vote of three or more Commissioners.

FEDERAL CONSISTENCY. Public hearing and action on requests for concurrence with Federal Consistency Certifications or Determinations. See time limits under COASTAL PERMIT APPLICATIONS above.

FINDINGS. Public hearing and voting on findings to support previous Commission action. Adoption of these findings will not change the previous action.

LOCAL COASTAL PROGRAMS (LCPs). LCPs are prepared by local governments in two parts (a land use plan and implementation plan) and will provide the basis for issuing coastal permits after approval by the local government and the Commission. Copies of LCP staff reports are available on request from the Commission office. (Note: Persons wishing to testify on these matters may appear at the hearing or may present their concerns by letter to the Commission on or before the hearing date. Copies of all correspondence will be provided to the Commission. Written comments may be of any length; oral testimony may be limited to 5 minutes or less for each speaker, depending on the number wishing to be heard.)

NEW APPEALS. Unless a majority of the Commissioners present find "no substantial issue" is raised by an appeal, there will be a "de novo" hearing, on the original project, under the same rules as for COASTAL PERMIT APPLICATIONS above.

Substantial Issue. On the recommendation of staff or 3 members of the Commission, a public hearing will be held to determine whether the decision being appealed raises any substantial coastal issues. The time limits for this public hearing are: 3 minutes combined total per side to address the question of substantial issue.

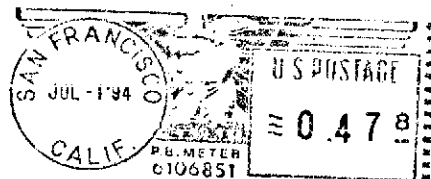
PERMIT AMENDMENTS or EXTENSIONS. Public hearing and voting on requests to amend or extend permits previously issued by the Commission.

RECONSIDERATIONS. Public hearing and voting to reconsider previous actions.

VOTING on APPLICATIONS. Continued public hearing on applications for coastal development permits. The time limits for this part of the agenda are: 5 minutes combined total time per side, and the applicant may reserve some time for rebuttal after others have spoken.

CALIFORNIA COASTAL COMMISSION  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

PRESORTED  
FIRST-CLASS



NEWPORT BEACH PLNG DEPT 1136-CC 20  
PO BOX 1768  
NEWPORT BEACH CA 92658-8915

92658-8915



**CALIFORNIA COASTAL COMMISSION**

SOUTH COAST AREA  
 245 W. BROADWAY, STE. 380  
 P.O. BOX 1450  
 LONG BEACH, CA 90802-4416  
 (310) 590-5071

Filed: 06-16-94  
 49th Day: 08-04-94  
 180th Day: 12-13-94  
 Staff: RMR-LB  
 Staff Report: 06-28-94  
 Hearing Date: July 12-15, 1994  
 Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 5-93-382

APPLICANT: County of Orange

AGENT: Harbors, Beaches & Parks

PROJECT LOCATION: Upper Newport Bay, bounded by University Drive, Santa Ana Heights and Jamboree Rd. on the north and east, Irvine Ave. to the northwest, 22nd St. to the southwest, in the County of Orange.

PROJECT  
 DESCRIPTION:

Improvements to the Upper Newport Bay Regional Park (Westbay and Santa Ana Heights portions only), including construction of a 10,000 square foot interpretive center, 100-car parking lot, interpretive signage, hiking, bicycling and equestrian trails and amenities, overlooks, erosion control, management of sensitive plants and animals, removal of exotic and invasive plants and revegetation with native plants. Grading consists of 17,528 cubic yards of cut and 30,276 cubic yards of fill. Also included are improvements to Irvine Ave. and University Dr. The project is located between the first public road and the sea.

LOCAL APPROVALS  
 RECEIVED:

Approval in Concept from the City of Newport Beach; Final Findings and Conditions of Approval Upper Newport Bay Regional Park General Plan Amendment 92-3(E), Local Coastal Program Amendment No. 31, Amendment No. 779, Use Permit No. 388; Resolution No. 93-42 of the City Council of Newport Beach Adopting Findings Regarding the Environmental Effects Identified in Final Environmental Impact Report No. 525 for the Upper Newport Bay Regional Park

SUBSTANTIVE FILE DOCUMENTS:

1. Upper Newport Bay Regional Park General Development Plan, Draft Environmental Impact Report No. 525
2. Upper Newport Bay Regional Park General Development Plan, July 1993, County of Orange, EMA, Department of Harbors, Beaches and Parks
3. Upper Newport Bay Regional Park Resource Management Plan, County of Orange, EMA, Department of Harbors, Beaches and Parks
4. Geotechnical Report for Proposed Interpretive Center at Upper Newport Bay, June 8, 1994, County of Orange Environmental Management Agency Materials Laboratory
5. Geotechnical Evaluation, Irvine Avenue Bike Trail, Newport Beach, Ninyo & Moore, June 10, 1993
6. Letter of 6/24/94 from the County of Orange amending the project description.
7. Letter dated June 14, 1994 from the United States Department of the Interior, Fish and Wildlife Service
8. Letter dated June 5, 1992 from the United States Department of the Interior, Fish and Wildlife Service
9. Letter dated June 11, 1992 from the Department of Fish and Game
10. Letter dated February 28, 1994 from the Department of Fish and Game
11. City of Newport Beach certified Land Use Plan
12. Final Findings and Conditions of approval Upper Newport Bay Regional Park, General Plan Amendment 92-3(E), Local Coastal Program Amendment No. 31, Amendment No. 779, Use Permit No. 3488
13. Resolution No. 93-42 of the City of Newport Beach adopting findings regarding the Environmental effects identified in Final Environmental Impact Report No. 525 for the Upper Newport Bay Regional Park

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STAFF NOTE:

The project description for the Upper Newport Bay Regional Park originally included plans for Shellmaker Island, the Eastbluff parcel, and vernal pools in the western portion of the Westbay parcel. The applicant amended the project on June 24, 1994 to delete these two geographic areas and the vernal pools (see Exhibit 5). Therefore, the revised project description consists only of improvements on the Westbay parcel, the Santa Ana Heights parcel, and the adjacent roadways. In addition, the applicant has further amended the project based on discussions with the Fish and Wildlife Service, to expand the proposed scrubland habitat in a continuous strip along the bluff from the Westbay parcel all the way to Jamboree. The applicant submitted a detailed revised project description of the proposed project on June 24, 1994.

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SUMMARY OF STAFF RECOMMENDATION:

Staff recommends the Commission approve the proposed project with special conditions pertaining to the applicant's legal ability to do the work, provision of a fencing and buffer plan, and approval from the City of Newport Beach of the revised revegetation plan.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions:

I. Approval with Conditions

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions

#### 1. Landowners as Co-applicants

Prior to the issuance of a coastal development permit, the applicant shall provide evidence, in a form and content acceptable to the Executive Director, that the owner of portions of the subject site has given permission for its property to be developed as conditioned herein.

#### 2. Revised Plans

Prior to the issuance of a coastal development permit, the applicant shall submit evidence, for the review and approval of the Executive Director, that the City of Newport Beach has approved the revised revegetation plans for the coastal sage scrub community on the Westbay and Santa Ana Heights parcels as conditioned herein. Any changes in the project plans made by the City of Newport Beach must be reviewed by the Executive Director and may require a permit.

#### 3. Fencing & Buffer Plans

Prior to the issuance of a coastal development permit, the applicant shall submit for the review and approval of the Executive Director, a fencing and vegetation buffer plan consistent with the following:

- a. The fencing and vegetation buffer plans shall include cross-sections illustrating how the blufftop areas of coastal sage scrub in the Westbay and the wetland area in the Santa Ana Heights shall be protected from pedestrian intrusion. The plan shall indicate the height and type of fencing and the types of vegetation used as buffers.
- b. The plan shall illustrate how the applicant will prevent pedestrians from continuing to use these unimproved trails along the marsh margin utilizing a combination of fencing, revegetation, and signage.
- c. Fencing should be a maximum of four feet high when located between the proposed blufftop trail and the blufftop so as not to obstruct views of the Bay.
- d. The proposed pedestrian blufftop trail in the Westbay parcel shall be constructed prior to the implementation of the fencing, revegetation and signage program to deter use of the existing unimproved trail system in the Westbay parcel.

4. Incorporation of City Conditions

Mitigation measures 9 and 10, of the City of Newport Beach's findings of approval, which pertain to archaeology monitoring and protection shall be incorporated into this permit.

5. Import of Fill Dirt

Prior to construction the applicant shall inform the Executive Director of the proposed location of the fill dirt. If the fill is taken from within the Coastal Zone a Coastal Development permit shall be required.

6. Size of Interpretive Center

In the event that the City of Newport Beach Land Use Plan Amendment No. 1-93A, item 8a on 7-15-94 is not approved, the applicant shall submit revised plans showing that the Interpretive Center is not more than 8,000 square feet.

IV. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and Location

The proposed project consists of improvements to the Upper Newport Bay Regional Park (Westbay and Santa Ana Heights portions only), including construction of a 10,000 square foot interpretive center, 100-car parking lot, interpretive signage, hiking, bicycling and equestrian trails and amenities, overlooks, erosion control, management of sensitive plants and animals, removal of exotic and invasive plants and revegetation with native plants. Grading consists of 17,528 cubic yards of cut and 30,276 cubic yards of fill. Also included are improvements to Irvine Ave. and University Dr.

Grading for the construction of the Interpretive Center would consist of 7,268 cubic yards of cut and 2,081 cubic yards of fill for a total of 9,349 cubic yards of grading. Grading for the proposed bicycle trail in the Westbay consists of 8,751 cubic yards of cut and 27,515 cubic yards of fill for a total of 36,266 cubic yards of grading. Total grading for the hiking trails is 842 cubic yards. Other minor grading amounts are necessary for the barrancas. Initially the applicants has proposed a project phasing plan which proposed that the Interpretive Center be constructed first and revegetation last. However, the County has since indicated that it has the funds necessary to implement all the improvements and does not need to phase the project.

The focal point of the development plan is a 10,000 square foot interpretive center which shall contain offices, exhibits and displays on bay archaeology, natural history and geologic history. The trail system emanating from the interpretive center will include overlooks, interpretive nodes and signage intended both to educate and prevent resource damage.

The Upper Newport Bay Regional Park is 138 acres in size and located adjacent to the Upper Newport Bay within the City of Newport Beach in the County of Orange. The park is owned wholly by the County of Orange. However, the

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proposed development plan does include some portions of land owned and operated by the California Department of Fish and Game. The Park is made up of three parcels, the Westbay parcel (84 acres), the Santa Ana Heights parcel (29 acres), and the Eastbluff parcel (25 acres). The Eastbluff parcel is not a part of this application. The Westbay parcel is bounded by University Drive, Irvine Avenue, Santiago Road and the Ecological Reserve. The Santa Ana Heights parcel is bounded by the Santa Ana-Delhi Channel and runs eastward between the Bayview Development and the Ecological Reserve up to Jamboree Road. The Santa Ana Heights parcel is bordered on the west by residential development. Further north towards Jamboree Rd. there is commercial development. A YMCA and a business/professional development are located just west of the bridge crossing the Santa Ana-Delhi Channel off of University. Additionally, there is residential development across Irvine Ave. along the western boundary of the Westbay Parcel, as well as the southern boundary. Exhibit 5A shows the location of the two parcels.

The Upper Newport Bay Regional Park acts as a fringe or buffer area around the bay. The 752-acre Upper Newport Bay Ecological Reserve is operated by the Department of Fish and Game. The Santa Ana-Delhi flood control channel outlets into a levee-lined channel and then into the bay at the junction of the Westbay and Santa Ana Heights parcels. There is an existing bridge over the Santa Ana-Delhi Channel connecting the Westbay and Santa Ana Heights parcels. The bridge is an integral part of the existing equestrian, hiking and biking trail system.

The Santa Ana-Delhi Channel, the San Diego Creek, and the Big Canyon Drainage are the major drainage channels emptying into the bay. The San Diego Creek and the Big Canyon drainage are located adjacent to or in the Eastbluff parcel. In addition, the Santa Isabel Channel crosses Irvine Ave near 23rd Street, passes through the park, and empties into the bay. There are several other minor drainages off of Irvine Ave. which empty onto park property drainages or what is referred to in the development plan as barrancas.

There have been extensive biological studies of the Upper Newport Bay, which has nine broad categories of biotic communities and 22 other natural communities and associates. Among the communities are freshland marsh, intertidal marsh and marine aquatic, riparian habitat, grasslands, scrublands, and coastal chaparral. The Upper Newport Bay Regional Park management plan divides the communities into grassland, scrubland and wetland, with areas of high, medium or low sensitivity. Sensitive species in the park and bay area include the California Gnatcatcher, the Burrowing Owl, the Light-Footed Clapper Rail, the California Least Tern, the Belding's Savannah Sparrow, the Southwestern Spiny Rush, the Southern Spikeweed, the Estuary Sea Blite, the Salt Marsh Bird's Beak, and the Southern Tarplant.

The Upper Newport Bay Regional Park also contains numerous cultural and paleontological resources.

The park area is designated in the City of Newport Beach General Plan as Recreation and Environmental Open Space. Structures on-site are limited to 8,000 square feet, however, the County is processing an LUP amendment to allow a 10,000 square foot interpretive structure (City of Newport Beach Land Use Plan Amendment 1-93A, at this same hearing).



Currently, the site contains several eroded ravines (barrancas) and is traversed by dirt trails. There are existing trails along the interface of the Ecological Reserve, trails along terrace, and trails on the bluff face. The County is proposing to consolidate the upland trails and to eliminate trails which traverse sensitive ecological areas and to provide alternative trails where access through sensitive ecological areas is completely eliminated. Existing pockets of native vegetation are located on the coastal bluff face in the Westbay parcel and along the margins of the Ecological Reserve. The flat terrace area has been periodically clear over the years for fire control and contains primarily non-native annual grasses and other exotic plants. Several goals of the park plan are to eliminate trails through sensitive habitat, curtail erosion, establish an interpretive center and nature program, revegetate degraded areas with native grasses and plants, and improve or reroute the existing bicycle, equestrian and hiking trails.

B. Access and Recreation

1. Coastal Act Policies

Section 30604(c) of the Coastal Act states:

- (c) Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

Sections 30210, 30212, 30212.5 and 30213 are the access policies of Chapter 3 which pertain to this project. Sections 30221 and 30223 of the Coastal Act are the Chapter 3 recreation policies applicable to this project.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212 of the Coastal Act states:

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

- (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,
- (2) adequate access exists nearby, or,

(3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

Section 30212.5 of the Coastal Act states:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, or overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Neither the commission nor any regional commission shall either: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate-income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

## 2. Existing Access/Recreation

The Upper Newport Bay Regional Park is owned and operated by the County of Orange. Currently, the site is used by runners, hikers, bicyclists, dog walkers, nature enthusiasts, and equestrians. There are no improvements, no signage program, no educational tools, no restrooms, no drinking fountains, no benches, etc. As stated in the EIR, current use of the site by hikers, cyclists and equestrians is limited to established dirt and paved trails and cyclists are only allowed on hard-surface trails. The park is operated by the County, however, there are no controlled hours of operation and very little enforcement. One park ranger is assigned to the site. The main entrance to the Westbay parcel is off of University Avenue roughly opposite the entrance to the YMCA. As can be seen from Exhibit 7 both the Westbay and Santa Ana Heights parcels are criss-crossed with unimproved hiking trails. Rough

calculations show that there is approximately 16,200+ linear feet of unimproved trails on the Westbay parcel and 6,400 linear feet of unimproved trails on the Santa Ana Heights parcel.

There is no improved trail system in the Westbay parcel. Aerial photographs show there are as many as eight paths leading from Irvine Avenue across the site. In addition, there is a major pathway which trends across the inland top of the bluffs. Finally, there is a pathway which trends along the margin of the Ecological Reserve at the base of the Westbay parcel bluffs which goes from the far southwestern portion of the site to the bridge crossing the Santa Ana-Delhi Channel. In addition, there are ancillary paths which go from the blufftop inland path to the base of the bluffs path. In some cases the paths are cut through native coastal vegetation.

The only existing improved trail is the all weather Santa Ana Heights riding and hiking trail, which is a part of the Master Plan of Regional Riding and Hiking Trails. The Santa Ana Heights trail begins at the intersection of Irvine Avenue and runs easterly along the Santa Ana Heights parcel to Jamboree Road. The Santa Ana Heights Trail consists of a joint riding/hiking trail and a separate bicycle trail which hooks into the existing regional trail network.

In the Santa Ana Heights parcel there are unimproved trails which go from the residences across open grassy areas to the Santa Ana Heights Trail. In addition, equestrians currently traverse the inland area between the Santa Ana Heights Trail and the residences. There is a descending ridgeline at the junction of the Santa Ana Heights Trail and the Santa Ana-Delhi Channel which has been eroded as a result of overuse. This is also an area of good native habitat.

### 3. Proposed Interpretive Center

The focal point of the development plan is the 10,000 square foot interpretive center connecting to a network of hiking, equestrian and biking trails. The plan includes a 100-car parking lot which would be located above the proposed interpretive center (see Exhibit 17). The interpretive center would include exhibits and information on archaeology, the natural history of the site, land use, and nature study. The 10,000 square foot interpretive center will house 4,000 square feet of exhibit space, a 1,500 square foot multi-purpose room, 1,000 square feet of staff offices, 2,000 square feet of work and storage areas, 1,000 square feet of restrooms, and a 500 square foot equipment area.

In conjunction with the interpretive center are vista overlooks, nature interpretive nodes and an outdoor gathering area in the Westbay parcel. The outdoor gathering area would be used for nature lectures. The goals for the interpretive center are:

- to translate resource concepts and features into understandable and meaningful experiences;
- to provide an educational opportunity that focuses on those features of the bay which make it unique within the region;
- to provide a hands-on, participatory experience for visitors;

- to provide interaction with the resources while protecting them from overuse;
- to demonstrate resource conservation methods which visitors can "take home" with them.

The proposed signage program of the plan includes identification, interpretive and regulational elements. Exhibits 8 and 9 show the proposed signage plan for the Westbay parcel. Park identification signs will be placed at the corner of Irvine Avenue and University Drive, at the southernmost end of the Westbay parcel along Irvine Avenue and at the University Drive entrance to the park. Secondary signage will be placed at the Interpretive Center and the trail heads. The interpretive signaged is designed to inform the visitor of the physical, biological, and cultural resources of the park and Ecological Reserve. Regulatory signage is designed to inform the visitor of the rules and regulations governing park activity.

The plan also provides other amenities, such as drinking fountains, seating and trash receptacles, see Exhibits 10 and 11, Westbay and Santa Ana Heights site furnishings plan).

#### 4. Trail System

The proposed Westbay trail system in the Upper Newport Bay Regional Park consists of an improved bicycle trail along Irvine Avenue and University Avenue, a bluff top trail from University Avenue to Santiago Drive, and an equestrian trail adjacent to the bicycle path from north of Santiago Drive along Irvine Avenue to University Avenue. Exhibit 2 shows the proposed trail network. The proposed hiking trails total approximately 8,800 linear feet. The proposed bike trail along Irvine Avenue is approximately 7,200 linear feet. The proposed equestrian trail is approximately 5,400 linear feet. In addition to the trail system there is an outdoor gathering area for nature lectures and two nature interpretive nodes which are adjacent to the bay off the main trail.

In the Santa Ana Heights parcel there is the improved Santa Ana Heights trail. In addition to this existing trail the County is proposing two spur equestrian trails, one of which goes adjacent to the Santa Ana-Delhi Channel north and one which goes westerly from the main trail just north of the easternmost point. The existing bicycle and hiking/riding trails in the Santa Ana Heights are approximately 5800 linear feet. The proposed equestrian spur trails would add another 1,900 linear feet to the 5,800 figure.

#### 3. Project Impacts

Implementation of the project will result in controlled access to the site and controlled use of the site in an effort to protect and enhance sensitive biological resources. There is currently uncontrolled access to the site. With the implementation of the plan entry to the site would be allowed from 7 a.m. to sunset. The plan would also result in reduced use of the Westbay and Santa Ana Heights parcels for hikers, bicyclists and equestrians. No bicycles or equestrians would be allowed in the Westbay parcel except on the authorized designated trails. Dogs on leashes would be allowed on the trail adjacent to Irvine Avenue in the Westbay and on existing trails in the Santa Ana Heights

parcel. Pedestrian use of the Westbay site would be restricted to the designated improved trail system. The proposed plan would completely eliminate the existing unimproved trail along the margin of the Ecological Reserve in the Westbay parcel, many of the interior trails as well as the existing trails emanating from Irvine Avenue. In addition, use of the site would be restricted to the authorized trail system only, subject to enforcement and other measures to discourage unauthorized use.

The reasons for closing certain trails and restricting access across the entire site are to minimize on-site erosion, protect existing sensitive plant and animal resources, and protect future expanded plant and animal resources. The resource agencies have indicated it is critical to close the trail along the bay margin because this area contains potential nesting areas for birds. Trails along the bluff face must also be closed because the bluff face provides the best areas of coastal sage scrub and habitat for the endangered gnatcatcher. The plan proposes the closure of several interior trails because the County is planning on revegetating the plateau area with native perennial grasslands, which are susceptible to trampling and human intrusion. In addition, there are other trails on the site which are a continuing source of erosion.

Letters in opposition to this project make the argument that there is unimpeded use over the entire site for walking, running, dog walking, equestrian activities, and that implementation of this plan would limit the use of the site. This is true, however, unlimited use of the site has resulted in adverse impacts on sensitive natural resources. The problems caused by domestic animals, such as dogs and cats, is well documented in the literature on protection of natural resources and it is well established that domestic animals have an adverse impact on sensitive natural resources. For instance, the resource agencies indicate that use of the site by dogs and coyotes are not compatible (FWS letter, June 5, 1992, p.7). Some people are responsible for their animals and their own actions, however, others are not. There are severe erosion problems in the barrancas, along existing trails, on certain bluff areas, and disturbance along the path which parallels the Ecological Reserve margin. Human use of paths along the marsh cause disturbance among wildlife. Paths along the bluffs and down the bluffs create gaps in native vegetation and cause habitat segmentation. In addition, these paths increase runoff, erosion and sedimentation into the bay.

### 3. Analysis & Conclusions

Implementation of the General Development Plan for the Upper Newport Bay Regional Park would result in restricted use of the site for the general public. Certain trails, such as the trail along the base of the bluff and interior trails, would be eliminated entirely. In addition, access to the site would be restricted to the specified hours of operation.

However, with the on-site parking lot (100 spaces) and 10,000 square foot interpretive center, the Upper Newport Bay Park can become a facility to educate the general populace and school-age children about the resources, interactions, and fragility of coastal resources through nature walks, exhibits, and nature lectures. Although implementation of the plan would decrease public use of the site by closing down trails, it is expected that

implementation of the General Development Plan would increase the number of people coming to the park by providing a focal point, the interpretive center.

Therefore, the Commission finds that the proposed plan would conform with Section 30210 of the Coastal Act in that the plan does provide recreational opportunities consistent with public safety needs and the need to protect natural resources. The Commission finds that the proposed project conforms with Section 30212 of the Coastal Act in that the plan does provide access from the nearest roadway to the shoreline and along the coast. The Commission finds that the proposed project conforms with Section 30213 of the Coastal Act in that the park is a publicly owned recreational facility open to the public. The Commission finds that the proposed development conforms with Section 30212.5 of the Coastal Act in that the plan provides for a central parking area adjacent to the roadway and close to the Interpretive Center and reduces overuse of the park by closing down some unimproved trails and limiting use of the park. This staff report includes a special condition mandating that until such time as the authorized blufftop trails are improved, existing blufftop trails shall not be closed off.

The Commission also finds that the proposed project conforms with the Recreation policies of Chapter 3 of the Coastal Act. The plan conforms with Section 30221 in that the entire parcel shall be protected for recreational and resource protection use. The park is proposed for passive recreational use and is not a multi-use park. A critical component of the park is the proposed revegetation and resource restoration. The plan conforms with Section 30223 in that the upland areas of the Westbay and Santa Ana Heights will be utilized and reserved for coastal recreational use.

C. Environmentally Sensitive Habitat Areas

1. Coastal Policies

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

Documentation pertaining to the biological resources of the Upper Newport Bay Regional Park is contained in the EIR, the General Development Plan, and the Resources Management Plan. The Resources Management Plan (RMP) contains the most information on the proposed revegetation project.

The Upper Newport Bay Regional Park consists of grasslands, brushlands, and freshwater wetlands adjacent to the 752 acre Upper Newport Bay Ecological Reserve, a coastal estuary which contains intertidal marshes and marine aquatic habitat. The upland habitat communities include grasslands, coastal

sage scrub, maritime desert scrub, coastal chaparral, elderberry scrub, uplands, riparian, southern dune scrub, freshwater marsh, intertidal marsh and marine aquatic. In the bay area there are 72 kinds of fish, 242 species of birds, 7 amphibians, 12 reptiles and 17 mammals. The bay functions as a winter resting ground and migratory stopover for wetland avifauna. Approximately 56,000 birds visit the bay via the Pacific Flyway between January and March.

The bay is also home to a number of rare, sensitive, threatened and endangered animals and plants, including the California Brown Pelican, the Bald Eagle, the Peregrine Falcon, the Light-Footed Clapper Rail, Belding's Savannah Sparrow, California Least Tern, and Salt Marsh Bird's Beak. In addition, the site contains the California Gnatcatcher, the Cactus Wren, Burrowing Owl and possibly the Least Bell's Vireo. Sensitive plants include the Southwestern Spiny Rush, the Southern Spikeweed, the Estuary Sea Blite, the Salt Marsh Bird's Beak, and the Southern Tarplant.

## 2. Existing Habitat

Exhibit 12 is a map of the existing vegetation on the Westbay and Santa Ana Heights site. Most of the upland terrace in the Westbay parcel currently is covered with adventive annual grasses, such as slender wild oat (*Avena barbata*), common wild oat (*Avena fatua*), several varieties of mustard (*Brassica geniculata*, *nigra*, and *sylvestris*), brome (*Bromus carinatus*, *diandrus*, and *rubens*), among many others.

The existing scrubland community is located primarily on bluff slope faces in the Westbay and Santa Ana Heights parcels. Scrub communities are divided into maritime desert scrub, coastal sage scrub, coastal chaparral, and mesic and xeric barrens. The predominant community is the maritime desert scrub, which consists of coastal prickly pear, oracle cactus, hybrid western prickly pear, coastal cholla, bladderpod, California box thorn and California encelia. The most well developed stands of desert scrub are found in the central and southern portion of the Westbay and the bluff feature adjacent to the Santa Ana-Delhi Channel in the Santa Ana Heights parcel. The barrancas, although degraded, contain populations of maritime desert and coastal sage scrub.

The wetland community is made up of riparian wetlands (mulefat, coyote brush, sandbar willow and giant reed), forested wetlands (willows, elderberries, acacias, Brazilian pepper, and palms), southern dune scrub (mulefat, willows, *Baccharis*), elderberry scrub, moist alkaline marsh (Southwestern Spiny Rush, Southern Spikeweed, and Yerba Mansa), upper emergent wetlands (sedges, bulrush, spike rush, and cattail), seasonal wetlands (predominantly pampas grass and cattails), freshwater aquatic, and intertidal marshes. These various communities form the boundary between the upland and the Ecological Reserve tidally inundated area. Some of the invasive wetland plants include Glaucous Saltbush, Broom *Baccharis*, Brittlebush, Meadow Fescue and *Gazinia*.

Invasive and non-native plants have intruded on all three communities, with the exception of existing pristine stands of maritime scrub. The grassland has suffered the most from human intrusion because of vegetation clearance for fire control, pedestrians use, and domesticated animals. The existing ravines or barrancas in the Westbay parcel show signs of prior grading, erosion and

human disturbance. Existing low wetlands in the southwestern portion of the Westbay are dominated by pampas grass and other invasives, due to seeds contained in runoff from an existing drainage channel. The most pristine natural areas are the bluff faces which because of their steepness have not been subject to human disturbance. In the Santa Ana Heights parcel there are concentrated stands of artichoke thistle, pepper trees, some palms and other invasives.

### 3. Proposed Revegetation

The County is proposing a massive revegetation of the Westbay and Santa Ana Heights parcels. The development plan separates the plant communities into three parts: grassland, scrub and wetlands. The plan further delineates areas of high, medium and low sensitivity (see Exhibit 13). Areas of high sensitivity are those adjacent to nesting and foraging areas of endangered birds, areas of pristine habitat, and in areas adjacent to the Ecological Reserve.

The Resources Management Plan includes plans for elimination of non-native plants, revegetation with native plants, maintenance and monitoring for all three community groups. The revegetation plan for each native community includes a plant palette (where it can be obtained, current & former range), a restoration overview (site selection, site preparation, planting, weed eradication), and a management schedule which includes issue areas for future investigation or monitoring (weed control, sensitive species monitoring) and an indication of when (daily, weekly, monthly, etc.) the issue area will be checked.

a. Grasslands: As can be seen from Exhibits 14 and 15 the proposed grasslands will occupy most of the terrace area with the exception of the barrancas and a blufftop buffer in the Westbay parcel. The grassland portion of the Santa Ana Heights occupies most of the area inland from the existing trails, with the exception of pockets of desert scrub and coastal sage scrub. Originally, the County proposed to restore the grassland area of Santa Ana Heights to native grassland, however, the U.S. Fish and Wildlife Service recommended that the County establish a continuous strip of maritime scrub and coastal sage scrub/chaparral from the southwestern portion of the Westbay to Jamboree Rd. The County revised their revegetation plan for both parcels to incorporate this recommendation.

The County is planning on planting *Stipa pulchra* (purple needlegrass), a native perennial grass. The needlegrass will be the dominant community, and the County also plans on planting wildflowers and assorted associated native bulbs and corms. The revegetation program consists of removal of non-native grasses with herbicides, mowing prior to seeding, and planting nursery plugs of *Stip* in colonies 12-18" on center. Then the County will apply a pre-emergent herbicide, conduct spot applications of herbicides, mowing again in the spring, wildflower seeding, and long-term monitoring. Chart 5-5 of the Resource Management Plan is a schedule for site preparation, invasive eradication, and revegetation. Chart 5-4 of the Resource Management Plan includes a select plant palette which includes information on how the plant will be obtained, its current range, and whether the plant is now or historically was present in the upper bay. Chart 5-7 of the plan is a



management schedule for the monitoring and maintenance of the revegetated grasslands. The schedule includes measures for sensitive species monitoring and weed eradication.

b. Scrubland: Exhibits 14 and 15 show the location of the proposed scrubland community. As per the U.S. Fish and Wildlife Service's recommendation the County has amended its revegetation plan to enlarge the scrub area and provide a continuous strip of scrub from the Westbay parcel to Jamboree Road Resource Agency comments will be discussed following the wetlands subsection. This community is found primarily on bluff faces and bluff tops and in the barrancas and is critical habitat for small mammals. All of the scrub within the two parcels is considered high sensitivity. Chart 6-3 in the Resource Plan details the revegetation plan for the barrancas with toyon, holly-leaved cherry, lemonadeberry, fuchsia-flowering gooseberry, and mexican elderberry. The maritime desert scrub plantings will consist of California encelia, bladderpod, California box thorn, and various prickly pear cacti. The revegetation charts contain information on where the plants should be planted and whether the plants will be from containers, hydro-mulch or hand-seeded, or field-gathered cuttings from existing plants. In addition, the plan would include handseeding of locally collected seeds from California sagebrush, California encelia, orange bush monkeyflower, golden yarrow, bladderpod, and coastal goldenbush. As with the grasslands, there is a management schedule for the proposed scrub revegetation.

c. Wetlands: The wetland rehabilitation zone map is included as Exhibits 14 and 15. The proposed development plan for the wetland community is modeled after the Department of Fish and Game management plan for the Ecological Reserve. It includes five proposed actions:

1. maintain the existing wetland habitat values,
2. expand the wetland habitat areas and values,
3. improve the public use opportunities,
4. increase protection from overuse by the public,
5. convert selected barren and upland habitats to wetlands.

According to the sensitive sectors analysis, high sensitivity areas as defined as those adjacent to DFG marsh management areas will accommodate no public use. The plan notes that wetland revegetation would occur at this time only in the Bayview development area of the Santa Ana Heights from Mesa Drive to Jamboree Road and the Santa Ana-Delhi Channel area near the bridge crossing. The area in the southwestern portion of the Westbay parcel scheduled for rehabilitation as a vernal pool was deleted from this project.

As with the other communities, the plan includes a proposed plant list, planting and irrigation schedule, and wetland management schedule.

#### 4. Monitoring and Maintenance

The park-wide zone of the Resource Management Plan contains measures for monitoring and rehabilitation of resources. These measures include:

Human Activity

- a. park hours are from 7 a.m. to sunset,
- b. maintain a park violations record,
- c. trail and center counts
- d. enforcement guidelines, including
  - 1. providing security after park closure
  - 2. utilize park ranger with citation power during periods of high violation
  - 3. provide educational signage
  - 4. maintain an agreement with surrounding cities to provide surveillance and enforcement
- e. animal control
  - 1. no dogs on or off leash in the Westbay
  - 2. dogs on leash in Santa Ana Heights

Park Resource Monitoring

- a. sensitive animal/plant species monitoring
  - 1. data base of sensitive/endangered species
  - 2. effectiveness of habitat restoration programs,
  - 3. overuse of park facilities,
- b. control of invasive exotics and weeds (chart 4-6, RMP)
  - 1. list of targeted plants
  - 2. plant specific removal measures
  - 3. seriousness of problem and location
- c. irrigation schedule
  - 1. limit irrigation runoff within sensitive habitats
  - 2. coordinate irrigation with plant establishment
  - 3. areas for permanent irrigation (grasslands)
- d. resource monitoring
  - a. aerial photography
  - b. night monitoring
  - c. transect monitoring
  - d. sensitive species monitoring.
- e. Rehabilitation measures
  - a. resource stress assessment
  - b. evaluation of extent of disturbance
  - c. fencing of closure and restoration areas
    - 1. utilize County temporary fencing
    - 2. fence within a 20 foot periphery of area
    - 3. fencing remains until habitat is established

Chart 4-7 of the RMP is a schedule for the sensitivity status, habitat location, and peak monitoring period for sensitive species. Chart 4-8 of the RMP is a park-wide management schedule for animal control, archaeology, area closure, carrying capacity, enforcement, fire control, invasive weed & exotic control, irrigation and assorted record-keeping. (see Exhibit 16)

4. Resource Agency Comments

In a project of this size and magnitude in such a critical habitat area containing multiple endangered species, the Coastal Commission relies on the

comments of the resource agencies in analyzing development plans. Both the California Department of Fish and Game and the U.S. Fish and Wildlife Service have commented on the proposed development plan for the Upper Newport Bay Regional Park plan. The Department of Fish and Game is responsible directly for the Ecological Reserve, while the U.S. Fish and Wildlife Service is responsible for enforcing the Endangered Species Act.

In a letter dated June 5, 1992, the Fish and Wildlife Service expressed concerns regarding analysis of adverse impacts to the California gnatcatcher, regional wildlife resource considerations, management of human ingress into sensitive habitat, project phasing, the presence of dogs in Westbay, the location of interpretive nodes, and waste disposal. In a letter dated December 14, 1993 the Fish and Wildlife Service reiterated the concerns expressed in the June 5, 1992 letter and also noted concern over the extent of grassland vs. coastal sage scrub, a trail on the Westbay side parallel with the marsh, and creation of a vernal pool.

Finally, on June 14, 1994 the Fish and Wildlife Service wrote a letter stating that the County has agreed to increase the amount of coastal sage scrub, provide a linear corridor of continuous coast sage scrub, remove a trail parallel to the marsh on the Westbay and not attempt vernal pool restoration. As a result of these changes the Fish and Wildlife Service states that their concerns have been resolved. Exhibits 15-16 is a map of the revised revegetation plan for coastal sage scrub.

The Department of Fish and Game commented on the EIR in a letter dated June 11, 1992 in which it expressed concerns about the development project. In general their concerns were that the EIR does not adequately address potential impacts to the California gnatcatcher, does not address the functional interaction between upland and marsh, does not adequately address the issue of wildlife corridors, and does not adequately address the concept of buffers. In a letter dated January 28, 1994, the Department of Fish and Game writes:

The Department of Fish and Game was recently informed that Harbors, Beaches and Parks has submitted an application to the California Coastal Commission seeking permission to proceed with its plan to develop the Upper Newport Bay Regional Park and interpretive center. As you know, the Department supports the County's plans for the facility.

At the time of the EIR, the resource agencies did not have the General Development Plan and the Resource Management Plan of the Upper Newport Bay Regional Park. Both of these documents provide in-depth material on the development plan for the park. The last concerns of the Fish and Wildlife Service were satisfactorily addressed when the County agreed to expand the scrub habitat and provide a continuous strip of coastal sage scrub over the Westbay and Santa Ana Heights parcels.

Therefore, the Department of Fish and Game and the Fish and Wildlife Service are satisfied with the Upper Newport Bay Regional Park plan.

## 5. Conclusion

Implementation of the Upper Newport Bay Regional Park will take an existing terrace area dominated by exotic annual grasses and convert it to a native perennial grassland, dramatically increase the amount of coastal sage scrub, and increase the amount of wetlands. The monitoring program provides for on-going surveillance of the restored habitat and includes measures for protection of the habitat as detailed in the section on biological resources. The resource management plan provides for fencing of sensitive areas and fencing of areas undergoing revegetation. In addition, the plan provides for closure of areas which experience degradation and stress. The plan limits the pedestrian public to select interpretive nodes near the marsh and to a blufftop trail in the Westbay parcel. The plan provides for measures for animal control and monitoring of sensitive species. The Fish and Wildlife Service has agreed that transplantation is an acceptable method with regards to the Southern Tarplant. Trails are routed away from the burrowing owl nesting areas. An educational signage plan will inform pedestrians of the respective do's and don't. Bicycle and equestrian traffic will be confined to established trails on both the Westbay and Santa Ana Heights parcels. Upon the recommendation of the resource agencies, these trails are located along Irvine Avenue in the Westbay parcel. Concerns about the California gnatcatcher are addressed in the expansion of coastal sage scrub and provision of a continuous coastal sage scrub corridor from the southwestern Westbay parcel to Jamboree Road which connects with the San Diego Creek and inland area and the San Joaquin Marsh.

Of primary concern to the resource agencies is the protection of marsh habitat, particularly the closing of the path adjacent to the marsh and providing continuous rather than segmented habitat. The RMP includes general provisions on closure of habitat in the event of resource damage, but does not indicate precisely how the revegetated habitat will be buffered from the bluff top trail and how pedestrians will be kept from the trail along the marsh. Staff concurs that the general details of the resource protection plan are good, but in order to ensure the protection of sensitive resources, needs revised plans showing how the County plans to close the marsh trail off. The Commission finds that the applicant needs to clarify the measures for closure of existing unauthorized trails and measures to protect the existing and proposed natural resources. Therefore the Commission finds that the applicant shall provide revised plans showing cross-sections of trails adjacent to sensitive areas, and disclose on the plans what measures will be taken to close existing trails, to protect revegetation underway, and to protect stressed areas in the event those areas need to be closed. The sensitive habitat areas along the Bay margin and the bluffs are being reserved for resource enhancement. The applicant is taking measures to ensure the protection of sensitive habitat areas through its monitoring plan. Therefore, the Commission finds that the proposed project as conditioned conforms with Section 30240 of the Coastal Act.

D. Cultural Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

The Newport Bay area has been continuously inhabited for 7,000 years, the earliest dated site for a settlement in Orange County. More recently, 2,000-1,800 years ago, the site was inhabited by the Gabrielinos. Archaeological sites in the bay area have been recorded by the Pacific Coast Archaeological Society, vary in size and are generally 18-36 inches in depth. Thirty-two recorded sites are located within one mile of the study area and eight sites are located adjacent to the project. Sixteen sites are located within the project area. Reports on the cultural and paleontological resources of the site were written by RMW Paleo Associates, Inc. in 1991. Page 71 of the EIR includes the following statement:

The Upper Newport Bay Regional Park site occupies some of the most archaeologically sensitive land in Southern California.

In addition, there are significant fossil finds in the bluffs of the upper bay.

The mitigation measures in the EIR state that for any archaeological site which may be adversely impacted a County-certified archaeologist shall conduct subsurface tests and surface collection, and the ensuing report shall include a discussion of level of significance, final mitigation, and recommendations. Final measures concerning the sites include preservation, salvage, partial salvage and no mitigation necessary.

In addition, a County-certified archaeologist shall be retained, present at pre-grading conferences, shall set procedures for archaeological resource surveillance, and shall establish measures for halting or redirecting work to permit the investigation of artifacts. If an unexpected archaeological feature is found, findings shall be directed to the Manager of the Harbors, Beaches and Parks program, a determination of significance shall be made, and measures for disposition of the site shall be implemented.

There are similar mitigation measures for scientific resources, and the same mitigation measures incorporated in the EIR are also incorporated by the City of Newport Beach in their findings of approval.

The EIR includes the following statement concerning impacts after mitigation:

After implementation of the mitigation measures listed above, the potential impacts of the project on cultural and scientific resources will be reduced to a level of insignificance. No unavoidable adverse impacts to cultural and scientific resources will occur as a result of the development of the proposed project.

The Upper Newport Bay Regional Park contains significant archaeological and paleontological resources. The Coastal Commission has incorporated by special

condition mitigation measures 9 and 10 of the City of Newport Beach's findings of approval. The EIR states that no unavoidable adverse impacts will result from development of the project if the mitigation measures are implemented. Therefore, the Commission finds that as conditioned to include the above-referenced mitigation measures, the proposed development conforms with Section 30244 of the Coastal Act.

E. Visual Resources

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic area such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Grading for the proposed development consists of 30,276 cubic yards of fill and 17,528 cubic yards of cut. Grading for the proposed Interpretive Center would result in 7,268 cubic yards of cut and 2,081 cubic yards of fill, for a total of 9,349 cubic yards. Grading for the proposed bicycle trail adjacent to Irvine Avenue would result in 8,751 cubic yards of cut and 27,515 cubic yards of fill, for a total of 36,266 cubic yards.

Plans for the interpretive center show that it would be located on a gently sloping hillside adjacent to the current entrance to the site off of University Avenue. The proposed 100-car parking lot would be located on a relatively flat portion of the lot adjacent to the automobile entry and above the Interpretive Center. The shape of the proposed Interpretive Center would be a fan-shaped building cut into the existing hillside. There would be a walkway from the parking lot which would terminate at an open terraced area with views of the bay (see Exhibit 16). The County will utilize contour grading so that the building lines blend in with the existing hillside. The roof for the proposed structure would be covered with earth and planted, also to blend in with the existing topography. The building would not be visible from the parking lot and would not interfere with views of the bay from the parking lot and point of entry. The only structures visible would be two 25 foot towers.

The Interpretive Center is the only structure proposed for the park. Grading for the structure consists primarily of cut so that the building can be set into the hillside, rather than above grade. The building construction would utilize contour grading so that the building blends in with the existing topography. Although the building would be visible from peripheral areas of the park, it would not be visible from the parking/entry area and would not obstruct views from that point. The building is designed to fit in with the surrounding environment and is subordinate to the character of its setting.

The only development proposed on the remainder of the site is trails, erosion control and revegetation. No structures are proposed between the main pedestrian blufftop trail in the Westbay and the bay. The same is true for the Santa Ana Heights trail. Existing views from the trail system will be protected.

For the above reasons, the Commission finds that the proposed development maintains and protects the scenic and visual qualities of the coast, development is sited and designed to protect views, and is subordinate to the character of its setting. Therefore, the Commission finds the development in conformance with Section 30251 of the Coastal Act.

#### F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. As conditioned the proposed development is consistent with the policies contained in the certified Land Use Plan. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program Implementation Plan for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by section 30604(a).

#### G. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The Environmental Impact Report includes a no project alternative, low intensity alternative, medium intensity alternative and high intensity alternative. The no project alternative would keep in effect the Interim Operation Plan (1990). The interpretive center would not be constructed, nor would any of the erosion control measures, vegetation enhancement, and trail improvements. Existing resource damage would continue.

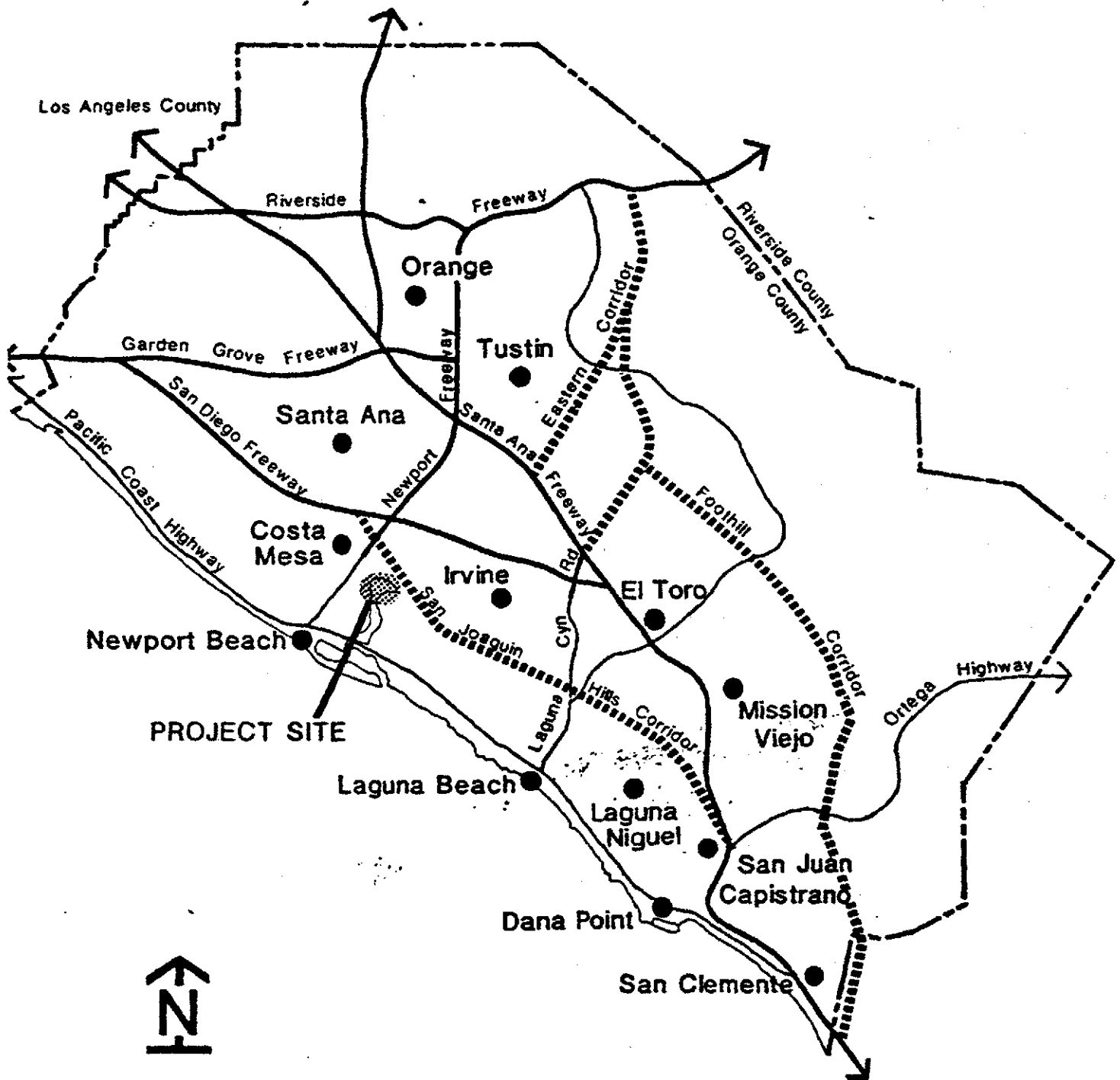
The low intensity alternative would provide for a less intense use of the project site in that no additional trails would be provided in the Santa Ana Heights parcel and no blufftop trail would be provided in the Westbay parcel. Pedestrians in the Westbay would be confined primarily to the trail along Irvine Avenue. No interpretive center would be built and no automobile access would be provided. The medium density alternative would include the interpretive center, limited parking, a blufftop trail in the Westbay, and increased trails in the Santa Ana Heights. The high intensity alternative provides for more extensive bicycle and pedestrian trails in the Westbay

parcel, including trails along the bay margin. This alternative would maintain human encroachment into sensitive biological areas


The proposed project has been conditioned in order to be found consistent with public access and recreation, cultural and historical, and resource protection policies of the Coastal Act. These conditions, include provision of revised fencing and buffer plans and proof of ability to develop the site. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts can be found consistent with the requirements of the Coastal Act to conform to CEQA.

2212F





  
 NOT TO SCALE

EXHIBIT NO. 1
APPLICATION NO. 5-93-382
VICINITY
 California Coastal Commission

# REGIONAL LOCATION



# PROPOSED TRAILS AND INTERPRETIVE CENTER WITH SENSITIVE BIOLOGICAL RESOURCES

## LEGEND

### PLANTS

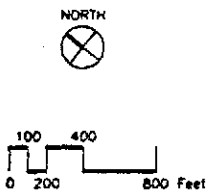
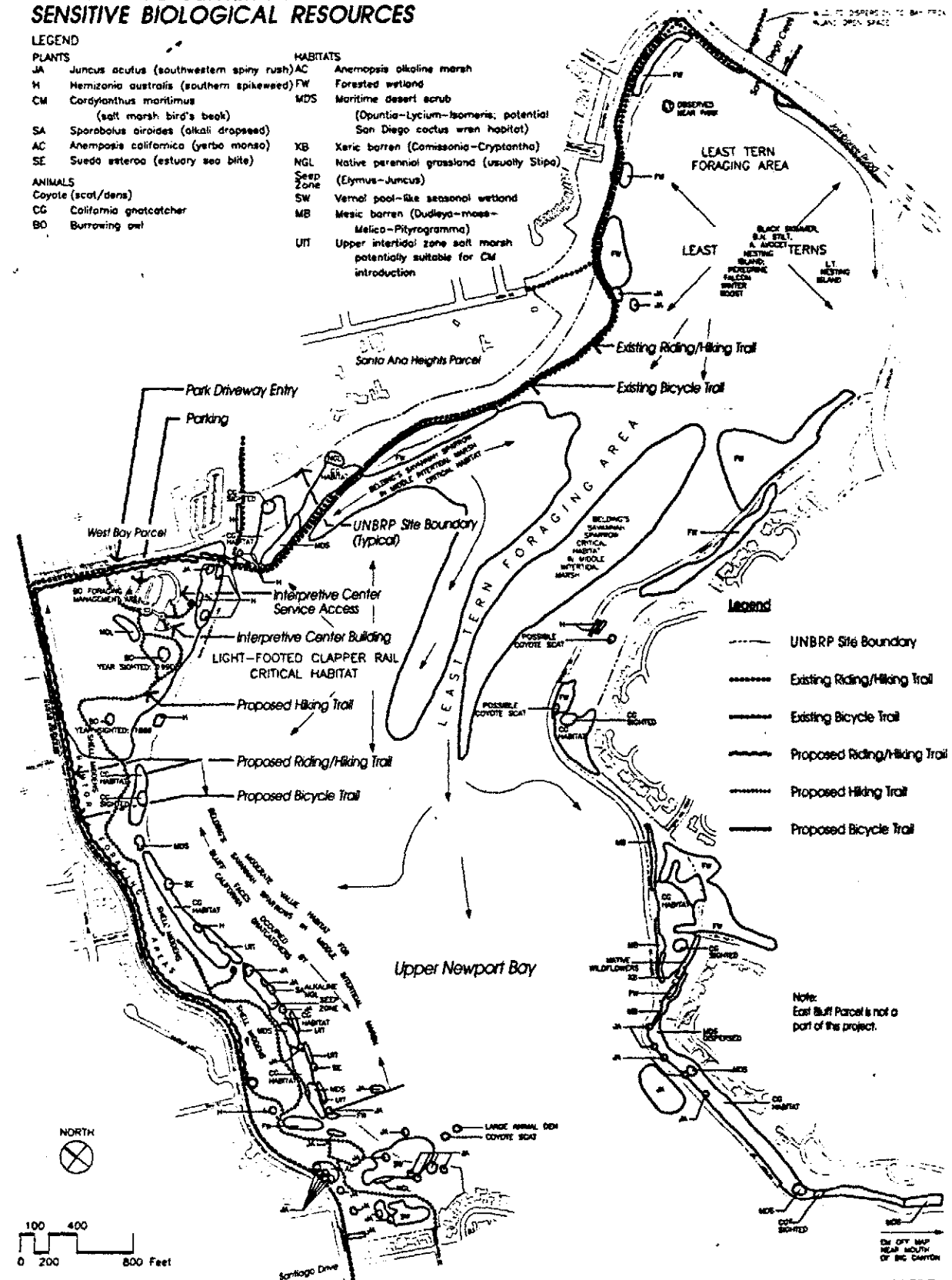
- JA *Juncus acutus* (southwestern spiny rush)
- H *Hemizonia australis* (southern spikeweed)
- CM *Cordyallanthus maritimus* (salt marsh bird's beak)
- SA *Sporobolus airoides* (alkali dropseed)
- AC *Anemopsis californica* (yerba mansa)
- SE *Suaeda sterrea* (estuary sea blite)

### ANIMALS

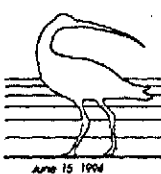
- Coyote (scat/dens)
- CG California gnatcatcher
- BD Burrowing owl

### HABITATS

- AC Anemopsis alkaline marsh
- FW Forested wetland
- WDS Maritime desert scrub (Opuntia-Lycium-Isomeris; potential San Diego cactus wren habitat)
- XB Xeric barren (Comissonia-Cryptantha)
- NGL Native perennial grassland (usually Stipa) (Elymus-Juncus)
- SW Vernal pool-like seasonal wetland
- MB Mesic barren (Dudleya-moss-Melicoid-Pityrogramma)
- UIT Upper intertidal zone salt marsh potentially suitable for CM introduction



## UPPER NEWPORT BAY REGIONAL PARK



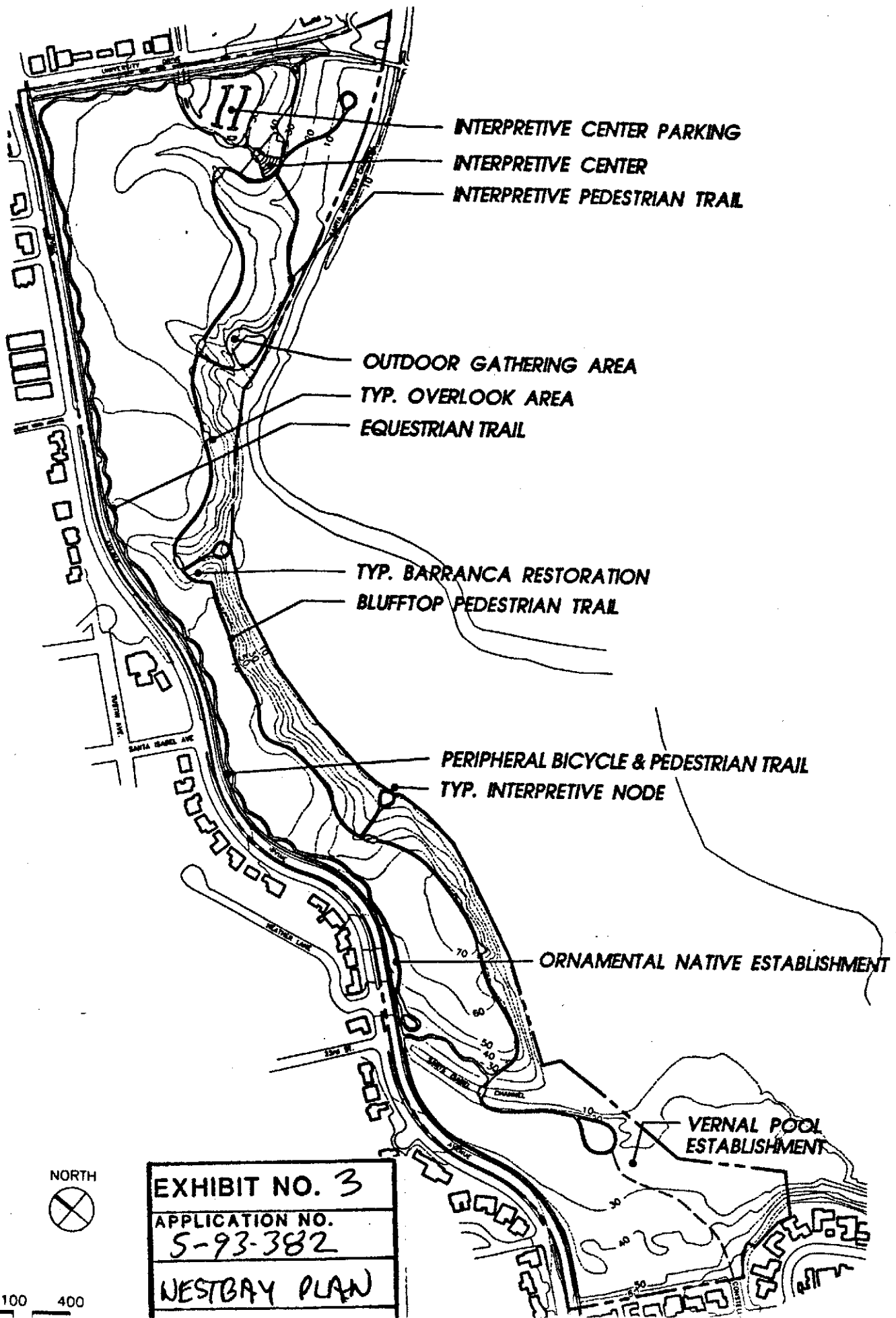
April 15 1994

CC HARBORS.

<b>EXHIBIT NO. 2</b>	
APPLICATION NO. 5-93-38-2	
<b>SITE PLAN</b>	

California Coastal Commission

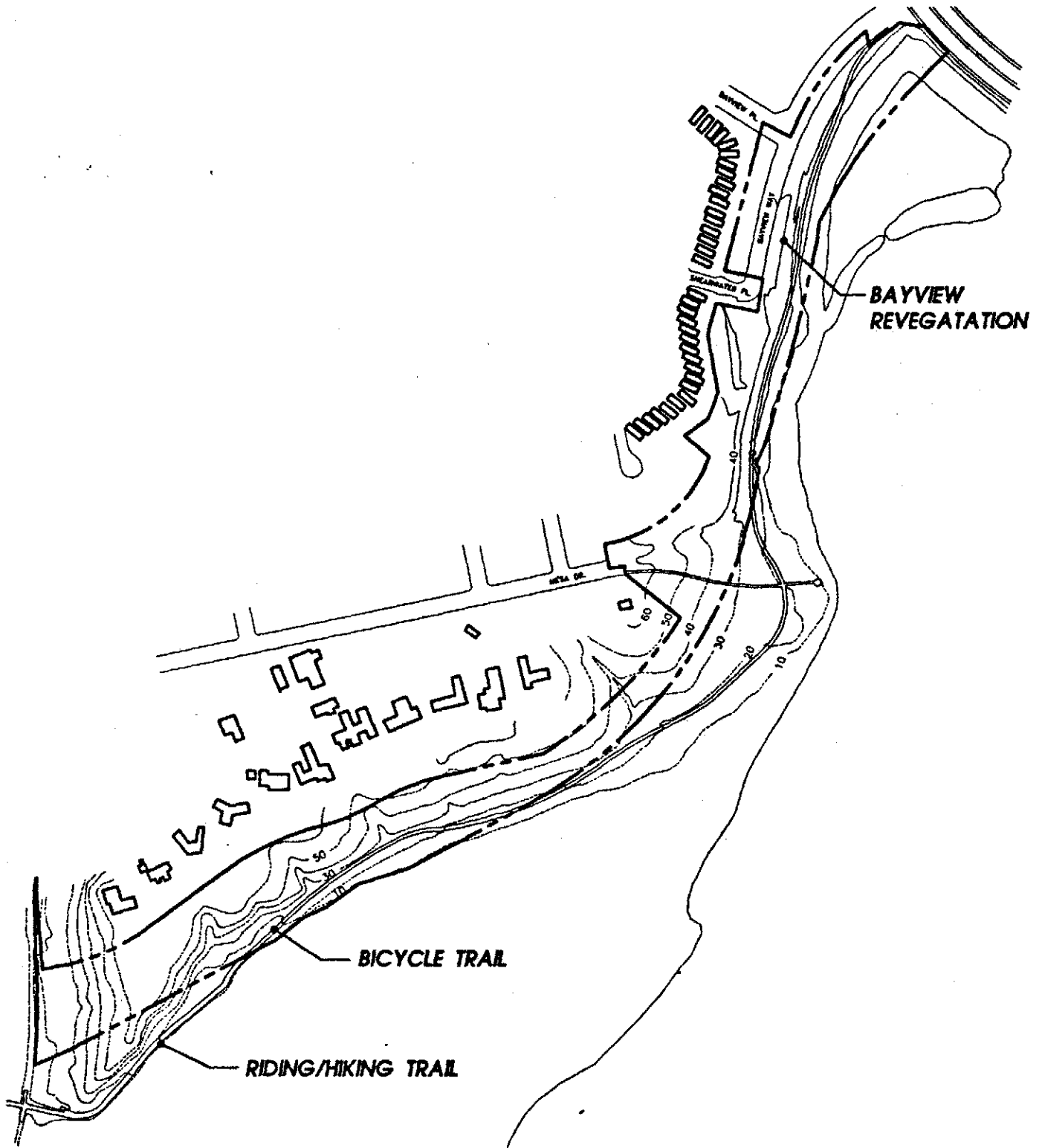
# WESTBAY DEVELOPMENT PLAN



<b>EXHIBIT NO. 3</b>
<b>APPLICATION NO.</b> 5-93-382
<b>WESTBAY PLAN</b>

100 400

# SANTA ANA HEIGHTS DEVELOPMENT PLAN



NORTH

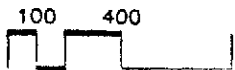


EXHIBIT NO. 4
APPLICATION NO. 5-93-382
S.A. HEIGHTS - PLAN

# SENSITIVITY SECTORS PLAN

## LEGEND

- (H) HIGH SENSITIVITY
- (M) MEDIUM SENSITIVITY
- (L) LOW SENSITIVITY

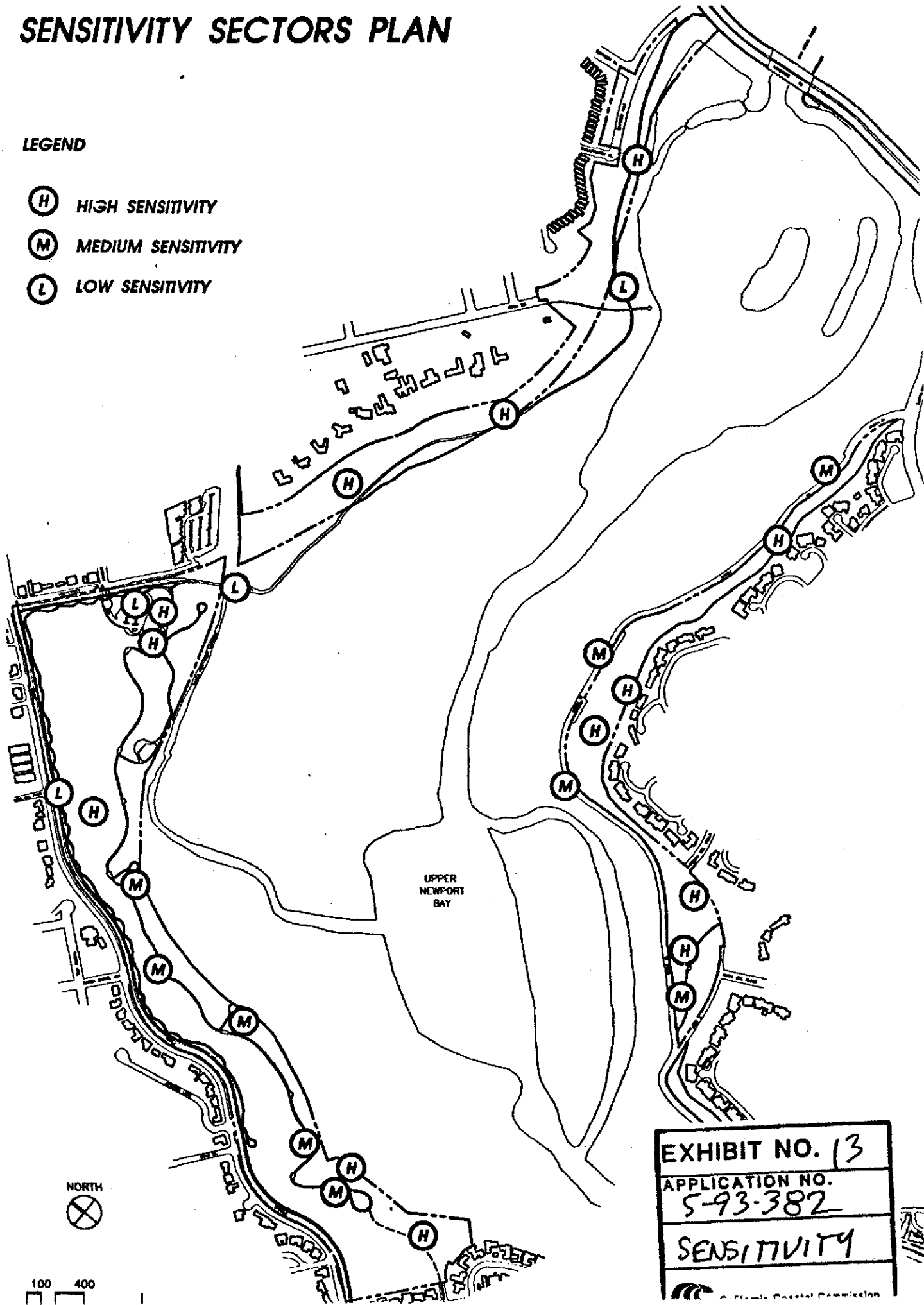
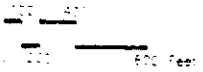
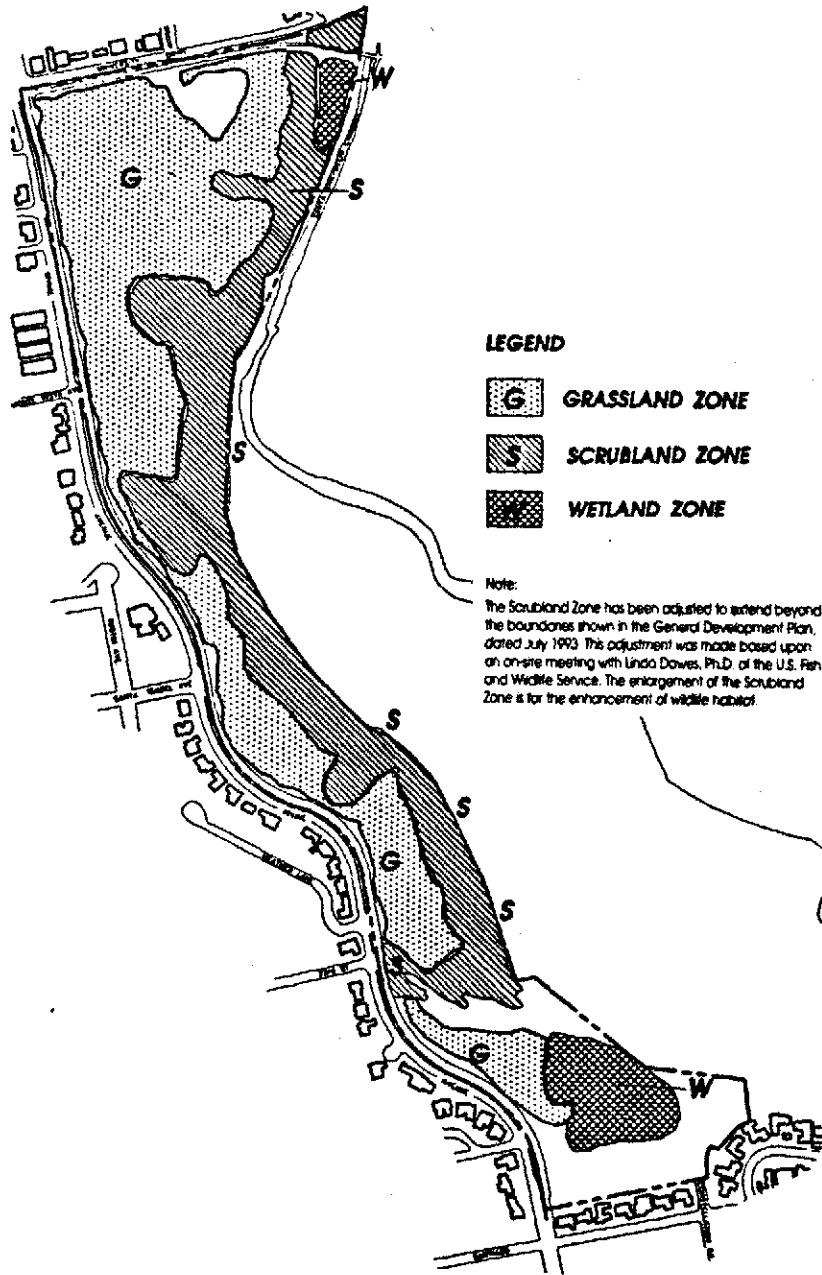


EXHIBIT NO. 13
APPLICATION NO. 5-93-382
SENSITIVITY
<small>City of Newport Coastal Commission</small>

# WESTBAY VEGETATION ENHANCEMENT PLAN



**UPPER NEWPORT BAY  
 REGIONAL PARK**

**COUNTY OF ORANGE  
 HARBORS, BEACHES & PARKS**

**EDAW, Inc.**  
 Landscape Architecture & Planning  
 Sun Yoo, FAIA Architect, Inc.  
 Architecture

<b>EXHIBIT NO. 14</b>
APPLICATION NO. <b>S-93-382</b>
PROPOSED <b>VEGETATION</b>
<b>WESTBAY</b> California Coastal Commission

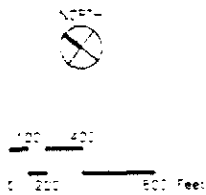
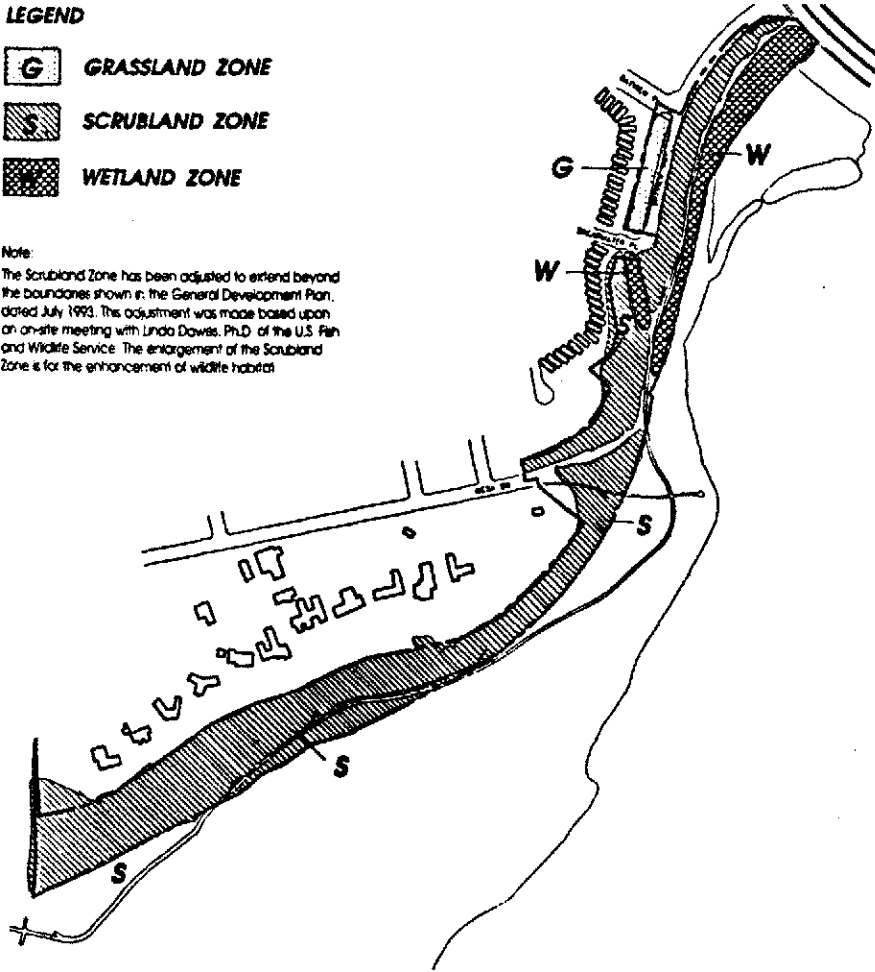
JUNE 15 1992

# SANTA ANA HEIGHTS VEGETATION ENHANCEMENT PLAN

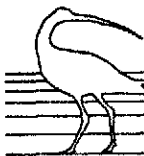
## LEGEND

-  **GRASSLAND ZONE**
-  **SCRUBLAND ZONE**
-  **WETLAND ZONE**

**Note:**  
The Scrubland Zone has been adjusted to extend beyond the boundaries shown in the General Development Plan, dated July 1993. This adjustment was made based upon an on-site meeting with Linda Dawes, Ph.D. of the U.S. Fish and Wildlife Service. The enlargement of the Scrubland Zone is for the enhancement of wildlife habitat.



**UPPER NEWPORT BAY  
REGIONAL PARK**



June 15 1994

COUNTY OF ORANGE  
HARBORS, BEACHES & PARKS

EDAW, Inc.  
Landscape Architecture & Planning  
Ron Yao, FAMA Architect, Inc.  
Architecture

<b>EXHIBIT NO. 15</b>
<b>APPLICATION NO. 5-93-382</b>
<b>PROPOSED REVEGETATION</b>
<b>S.A.M.</b> California Coastal Commission

## PARK-WIDE MANAGEMENT CHECKLIST SCHEDULE

ISSUE DESCRIPTION	DAILY	WEEKLY	MONTHLY	SEMI-ANNUAL	ANNUAL
Animal Control					
Archeological / Paleontological Control					
Area Closures					
Carrying Capacity Level Management		Scheduling			
Enforcement					
Fire Control					
Invasive Weed & Exotic Control					
Irrigation Scheduling (To Be Determined)					
Irrigation Maintenance					
Mosquito Control					Summer
Record Keeping - Park Violations					
Record Keeping - Visitor Questionnaire					
Record Keeping - Trail Traffic Counts					
Record Keeping - Plant & Animal Sensitive Species (monitoring interval dependent on species)					
Routine Sensitive Species Monitoring					


 California Coastal Commission	<b>MANAGEMENT</b>	APPLICATION NO. 5-95-382	<b>EXHIBIT NO. 16</b>
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CHART 4-8



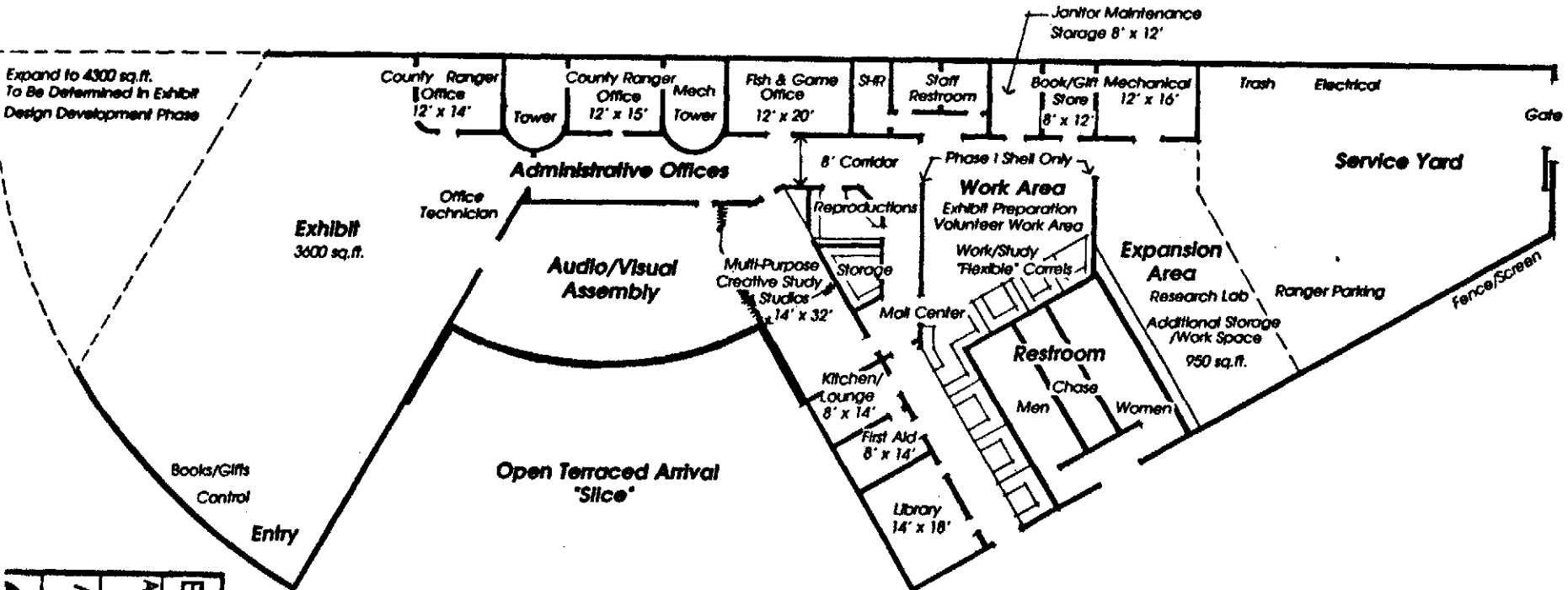
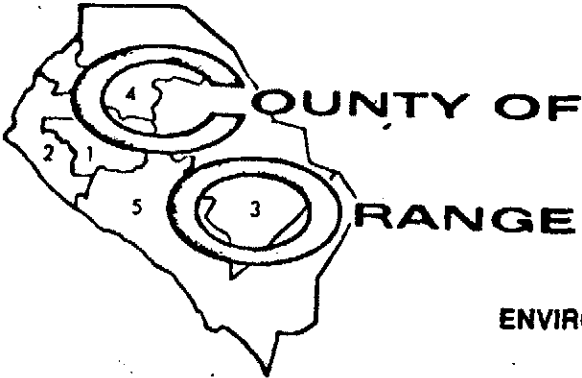


EXHIBIT NO. 17  
APPLICATION NO.  
S-93-382  
INTERPRETIVE  
CENTER

**CONCEPTUAL  
INTERPRETIVE CENTER FLOOR PLAN**



FIGURE 4-5



COUNTY OF  
ORANGE

ENVIRONMENTAL MANAGEMENT AGENCY  
HARBORS, BEACHES AND PARKS  
June 14, 1994

MICHAEL M. RUANE  
DIRECTOR, EMA

ROBERT G. FISHER  
DIRECTOR OF HARBORS, BEACHES & PARKS

LOCATION:  
300 N. FLOWER ST.  
FOURTH FLOOR  
SANTA ANA, CALIFORNIA

MAILING ADDRESS:  
P.O. BOX 4048  
SANTA ANA, CA 92702-4048

TELEPHONE:  
(714) 834-6667  
FAX # 834-4744

Mr. Charles Damm, District Director  
California Coastal Commission  
South Coast District  
P. O. Box 1450  
Long Beach, CA 90801-1450

Subject: Upper Newport Bay Regional Park  
Project File Number: 5-93-382

Dear Mr. Damm:

The Orange County Environmental Management Agency requests an amendment to the Coastal Development Permit application for Upper Newport Bay Regional Park to delete two areas from the project. The areas to be deleted from our permit application are the Eastbluff parcel and Shellmaker Island as noted on the attached project key map.

The balance of our application is still being processed by your staff in preparation for the July Coastal Commission hearing. I look forward to seeing you at the hearing.

If there are any questions, please contact me or the Project Manager, Ernest Seidel, at (714) 834-6668.

Very truly yours,

Robert G. Fisher, Director  
Harbors, Beaches and Parks

ES/KM:pr  
4060908163314

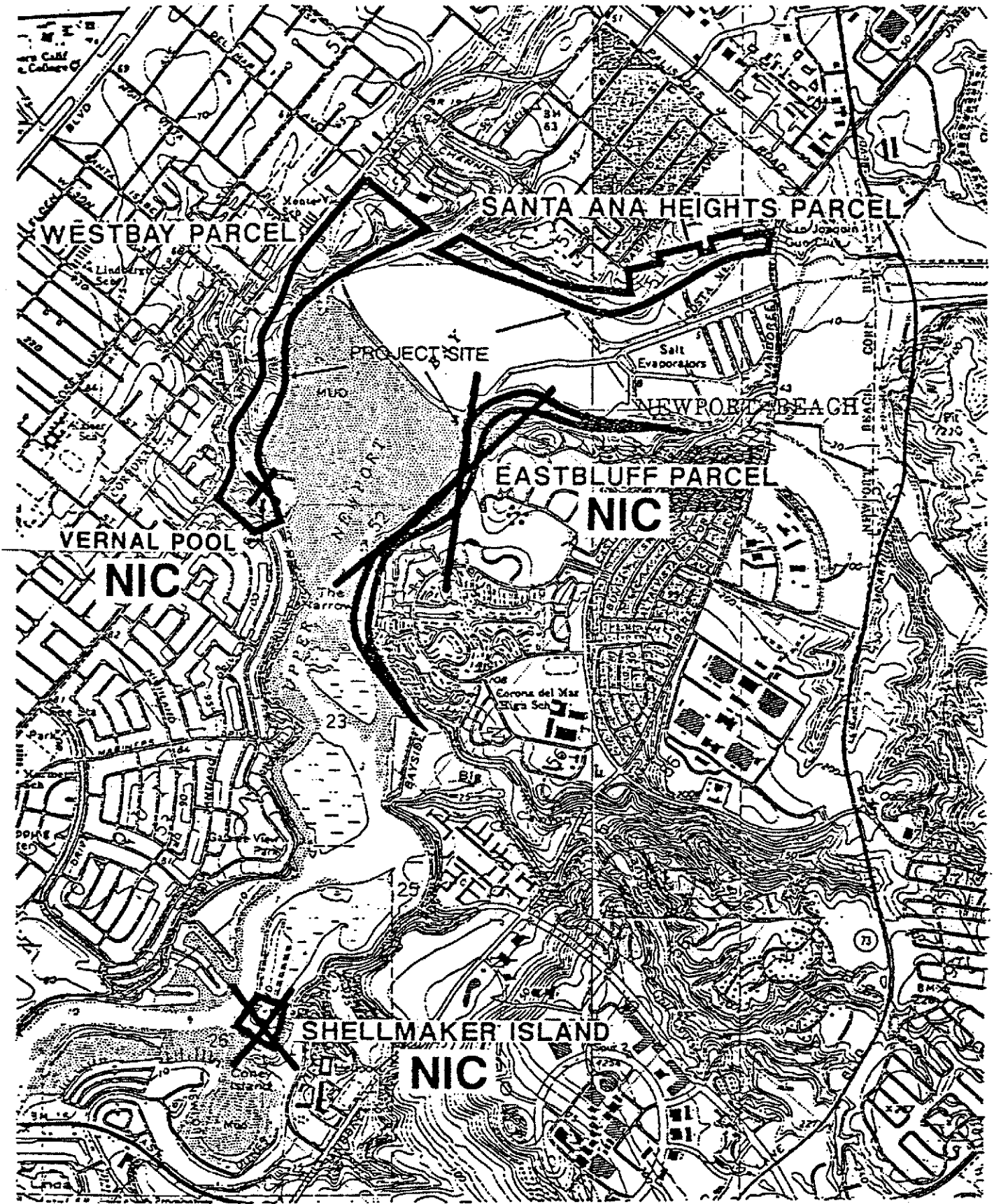
Attachment

EXHIBIT NO. 5
APPLICATION NO. 5-93-382
AMENDING LETTER

RECEIVED

JUN 16 1994

CALIFORNIA  
COASTAL COMMISSION  
SOUTH COAST DISTRICT



SA

# PROJECT KEY MAP

## Upper Newport Bay Regional Park

OCEMA HARBORS, BEACHES AND PARKS

# ATTACHMENT APPENDIX E

## FINAL

(As adopted by the City Council 6/14/93)

FINDINGS AND CONDITIONS OF APPROVAL  
UPPER NEWPORT BAY REGIONAL PARK  
GENERAL PLAN AMENDMENT 92-3(E)  
LOCAL COASTAL PROGRAM AMENDMENT NO. 31  
AMENDMENT NO. 779  
USE PERMIT NO. 3488

### A. ENVIRONMENTAL DOCUMENT

Resolution No. 93-42 making the required findings under CEQA for acceptance of Final EIR No. 525 prepared by the County of Orange as Lead Agency and approval of the project by the City of Newport Beach as a Responsible Agency.

#### Mitigation Measures:

1. Prior to the issuance of a building permit including grading, the construction documents for the Interpretive Center, including the final geotechnical report, shall be submitted to the Manager, Development Services. The report will be based on 80-scale maps and will primarily involve assessment of potential soil related constraints and hazards, such as landslides, settlement, liquefaction, or related seismic impacts where determined to be appropriate by the County of Orange. The report shall also include evaluation of potentially expansive soils and recommend construction procedures and/or design criteria to minimize the effects of these soils on the proposed project, as well as an analysis of soils properties to determine any existence of soluble sulfate in the soil. The report shall also establish foundation design parameters. This report shall recommend appropriate mitigation measures for the grading and shall be completed in a manner specified by the County of Orange Grading Code.
2. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements to meet: SCAQMD Rule 403 which will require watering during earth moving operations, soil binders to be spread on construction sets or unpaved roads and/or parking areas, street sweeping of roads adjacent to the project site, that trucks be washed off before leaving the construction site, that construction equipment be properly maintained and tuned, and that grading be suspended during second stage (or worse) smog alerts.

EXHIBIT NO. 6
APPLICATION NO. 5-93-382
MIT. MEASURES

3. Prior to the award of a construction or grading contract, the contract plans shall be submitted to the Program Manager, Transportation Planning including requirements that construction personnel should be provided with preferential parking for carpools, bicycle racks, and free bus passes. Parking for construction personnel should not interfere with traffic flows. Personnel parking and construction vehicle staging areas shall be placed in a manner to avoid sensitive resources on the property. Construction affecting roadways should be performed during non-peak hours. A flag person should be provided during times when construction affects roadways, and one lane in each direction should remain open.
4. Prior to the issuance of a certificate of use and occupancy, the following measures shall be incorporated into the project in a manner meeting the approval of the Program Manager, Transportation Planning:
  - a. Encourage the use of alternate transportation modes by promoting public transit usage and providing secure bicycle facilities.
  - b. Provide mass transit accommodations such as bus turnout lanes, park and ride areas, and bus shelters.
  - c. Provide energy-conserving lighting.
  - d. Provide landscaping with native drought resistant plant species to shade buildings during summer.
5. Prior to the execution of a construction or grading contract, the following drainage studies shall be submitted to and approved by the Manager, Harbors, Beaches & Parks/Parks Design:
  - a. A drainage study of the project site including diversions, off-site areas that drain onto and/or through the project, and justification for any diversions; and
  - b. A drainage study demonstrating that proposed drainage patterns will not overload existing storm drains; and
  - c. Detailed drainage studies indicating how the project grading in conjunction with the drainage conveyance system including applicable swales, channels, street flows, catch basins, storm drains, and flood water retarding will allow building pads to be safe from inundation from rainfall which may be expected from all storms up to and including the theoretical 100-year flood.

6. Prior to the execution of a construction or grading contract, the contract and plans, including the following improvements, shall be submitted for approval to the Manager, Harbors, Beaches, and Parks/Parks Design:
  - a. All provision for surface drainage; and
  - b. All necessary storm drain facilities extending to a satisfactory point of disposal for the proper control and disposal of storm runoff.

Prior to the issuance of a certificate of use and occupancy, said improvements shall be constructed in a manner meeting the approval of the Manager, EMA/Construction Division.

7. Prior to the initiation of grading, the applicant (County or contractor) shall obtain approval of an NPDES permit from the Regional Water Quality Control Board. Said permit shall specify appropriate storm water Best Management Practices to be incorporated into the project to ensure an acceptable level of control of non-point pollution sources.
8. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches, and Parks/Parks Design. Said plans shall indicate the following:
  - a. Landscaping and trails are sited in such a manner as to not disturb the scattered populations of Southern Tarplant. Individual plants to be disturbed shall be transplanted to appropriate habitat; and
  - b. If establishment of the "vernal pool" is undertaken, it shall be done in a manner so as to not disturb the hydrologic or vegetative character of the area, especially the limited alkaline wetland habitat adjacent to the proposed "Vernal Pool"; and
  - c. The "Vista del Playa" access shall be relocated such that the California Gnatcatcher habitat which it currently crosses is not disturbed.
  - d. The trails serving the Interpretive Center shall be relocated, or appropriate buffer provided, to protect the burrowing owl nesting site.
9. For any archaeological site which may be adversely impacted, a County-certified archaeologist shall be retained by the applicant to perform a subsurface test level investigation and surface collection as appropriate. The test level report evaluating the site shall include discussion of significance (depth, nature, condition and extent of the resources), final mitigation

recommendations and cost estimates. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. Final mitigation shall be carried out based upon the recommendations and a determination as to the site's disposition by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. Possible determinations include, but are not limited to, preservation, salvage, partial salvage or no mitigation necessary.

Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified archaeologist has been retained, shall be present at the pre-grading conference, shall establish procedures for archaeological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the artifacts as appropriate. If additional or unexpected archaeological features are discovered, the archaeologist shall report such findings to the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. If the archaeological resources are found to be significant, the archaeological observer shall determine appropriate actions for exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division.

10. Prior to award of any construction or grading contract, the contract and plans shall be provided to the Chief, EMA/Regulation/Grading Section, including written evidence that a County-certified paleontologist has been retained to conduct pregrading salvage, observe any grading activities, salvage fossils as necessary, and prepare a catalogue of the exposed resources. The paleontologist shall be present at the pre-grading conference, shall establish procedures for paleontological resource surveillance, and shall establish procedures for temporarily halting or redirecting work to permit the salvage, sampling, identification, and evaluation of the fossils. If major paleontological resources are discovered, which require long-term halting or redirecting of grading, the paleontologist shall report such findings to the Manager,

EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall determine appropriate actions to ensure proper exploration and/or salvage. Excavated finds shall be offered to the County of Orange, or designee, on a first refusal basis. Applicant may retain said finds if written assurance is provided that they will be properly preserved in Orange County, unless said finds are of special significance, or a museum in Orange County indicates a desire to study and/or display them at this time, in which case items shall be donated to County, or designee. These actions, as well as final mitigation and disposition of the resources, shall be subject to the approval of the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division. The paleontologist shall submit a follow-up report for approval by the Manager, EMA/Harbors, Beaches, and Parks/Program Planning Division, which shall include the period of inspection, methodology, an analysis of the artifacts found, a catalogue of artifacts, and their present repository.

11. Prior to issuance of a building permit including grading, for the Interpretive Center, plans shall be submitted for the review and approval of the Manager, EMA/Harbors, Beaches and Parks/Parks Design and the Newport Beach Building Director. Said plans shall demonstrate compliance with the City of Newport Beach 24/28-foot height limit, shall be designed so as to minimize adverse impacts to public views from Irvine Avenue, and shall indicate that non-reflective glass shall be used on all windows overlooking Upper Newport Bay.
12. Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services and the Newport Beach Building Director for the area surrounding the Interpretive Center, ensuring that the parking lot shall be landscaped, equipped for irrigation, and improved as stated below:
  - a. Preliminary Plan - Prior to the issuance of a building permit, a preliminary landscape plan, indicating use of native and drought tolerant species, and a cost estimate shall be submitted for the review and approval of the Manager, Subdivision Division.
  - b. Detailed Plan - Prior to the initiation of construction, a detailed landscape plan shall be submitted to and approved by the Manager, Subdivision Division and the Newport Beach Public Works Department. Detailed plans shall show the detailed landscaping and irrigation design, and the preservation of views from Irvine Avenue.



- c. **Installation Certification - Prior to the issuance of final certificates of use and occupancy, said improvements shall be installed and shall be certified by a licensed landscape architect as having been installed in accordance with the approved detailed plans. Said certification shall be furnished in writing to the Manager, EMA/Public Works/Construction Division and the Newport Beach Building Director.**
13. **Prior to the issuance of a building permit including grading the County shall submit an application to the City of Newport Beach for amendment of the City's General Plan and Local Coastal Program to accommodate the 10,000 square foot Interpretive Center as proposed. After approval by the City, said approvals and an application for a Coastal Development Permit shall be referred to the State Coastal Commission for approval.**
14. **(Deleted)**
15. **Prior to the issuance of a building permit including grading, an access and parking plan for the Interpretive Center shall be submitted for the review and approval of the Director, EMA/Transportation and the City of Newport Beach Traffic Engineer. Said plan shall indicate that access and parking have been designed to appropriate standards for sight distance, parking and accessways, bus and vehicle turn-outs, etc.**
16. **Construction activities shall be conducted in accordance with the City of Newport Beach Municipal Code, which limits the hours of construction and excavation work to 7:00 a.m. to 6:30 p.m. on weekdays and 8:00 a.m. to 6:00 p.m. on Saturdays. No person shall, while engaged in construction, remodeling, digging, grading, demolition, painting, plastering, or any other related building activity, operate any tool, equipment or machine in a manner which produces loud noise that disturbs, or could disturb, a person of normal sensitivity who works or resides in the vicinity, on any Sunday or on any holiday.**
17. **Prior to the issuance of a building permit including grading, the construction documents shall be submitted for approval to the Manager, Development Services, including written evidence that:**
- a. **All construction vehicles or equipment, fixed or mobile, operated within 1,000 feet of a dwelling shall be equipped with properly operating and maintained mufflers.**
- b. **All operations shall comply with Orange County Codified Ordinance Division 6 (Noise Control).**

- c. Stockpiling and/or vehicle staging areas shall be located as far as practicable from dwellings.

**B. GENERAL PLAN AMENDMENT 92-3(E)**

Resolution No. 93-43 approving General Plan Amendment 92-3(E).

**C. LOCAL COASTAL PROGRAM AMENDMENT NO. 31**

Resolution No. 93-44 approving Local Coastal Program Amendment No. 31.

**D. AMENDMENT NO. 779**

Ordinance No. 93-13 approving Amendment No. 779.

**E. USE PERMIT NO. 3488:**

Findings:

1. That the proposed development is consistent with the General Plan, and is compatible with surrounding land uses.
2. That the design of the proposed improvements will not conflict with any easements acquired by the public at large for access through or use of property within the proposed development.
3. That the establishment of the regional park will not have any significant environmental impact.
4. That the approval of Use Permit No. 3488 will not result in abrupt scale relationships between the subject site and the neighboring properties.
5. That the approval of Use Permit No. 3488 for the establishment, maintenance and operation of the proposed regional park use will not, under the circumstances of this case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing and working in the neighborhood or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the City.

**Conditions:**

1. That the development shall be in substantial conformance with the approved General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park except as noted below.
2. That all the Mitigation Measures contained in Final EIR 525 shall be fulfilled as conditions of approval.
3. Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall prepare and record an easement acceptable to the City Attorney showing the relocation of the pedestrian and bicycle trails if these trails are not provided in the location shown in the existing easement.
4. That a Coastal Development Permit shall be required prior to the issuance of a building permit.
5. That disruption caused by construction work along roadways and by movement of construction vehicles shall be minimized by proper use of traffic control equipment and flagmen. Traffic control and transportation of equipment and materials shall be conducted in accordance with state and local requirements.
6. That the entire site shall be maintained in a clean and orderly manner.
7. That the Planning Commission may add or modify conditions of approval to this use permit, or recommend to the City Council the revocation of this use permit, upon a determination that the operation which is the subject of this use permit causes injury, or is detrimental to the health, safety, peace, morals, comfort, or general welfare of the community.
8. This use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.80.090(A) of the Newport Beach Municipal Code.
9. In addition, the normal hours of park operation specified in the County's General Development Plan and Resource Management Plan for Upper Newport Bay Regional Park shall not be interpreted so as to prohibit visitors from using park trails at other times when the park is not staffed.
10. Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall prepare and record an easement

acceptable to the City Attorney showing the relocation of the pedestrian and bicycle trail easements to the locations shown in the General Development Plan, with the addition of at least one east-west connection across the Westbay parcel so as to provide a loop trail system. A final copy of the GDP showing the revised trail network shall be provided to the Planning Director prior to issuance of a grading or building permit.

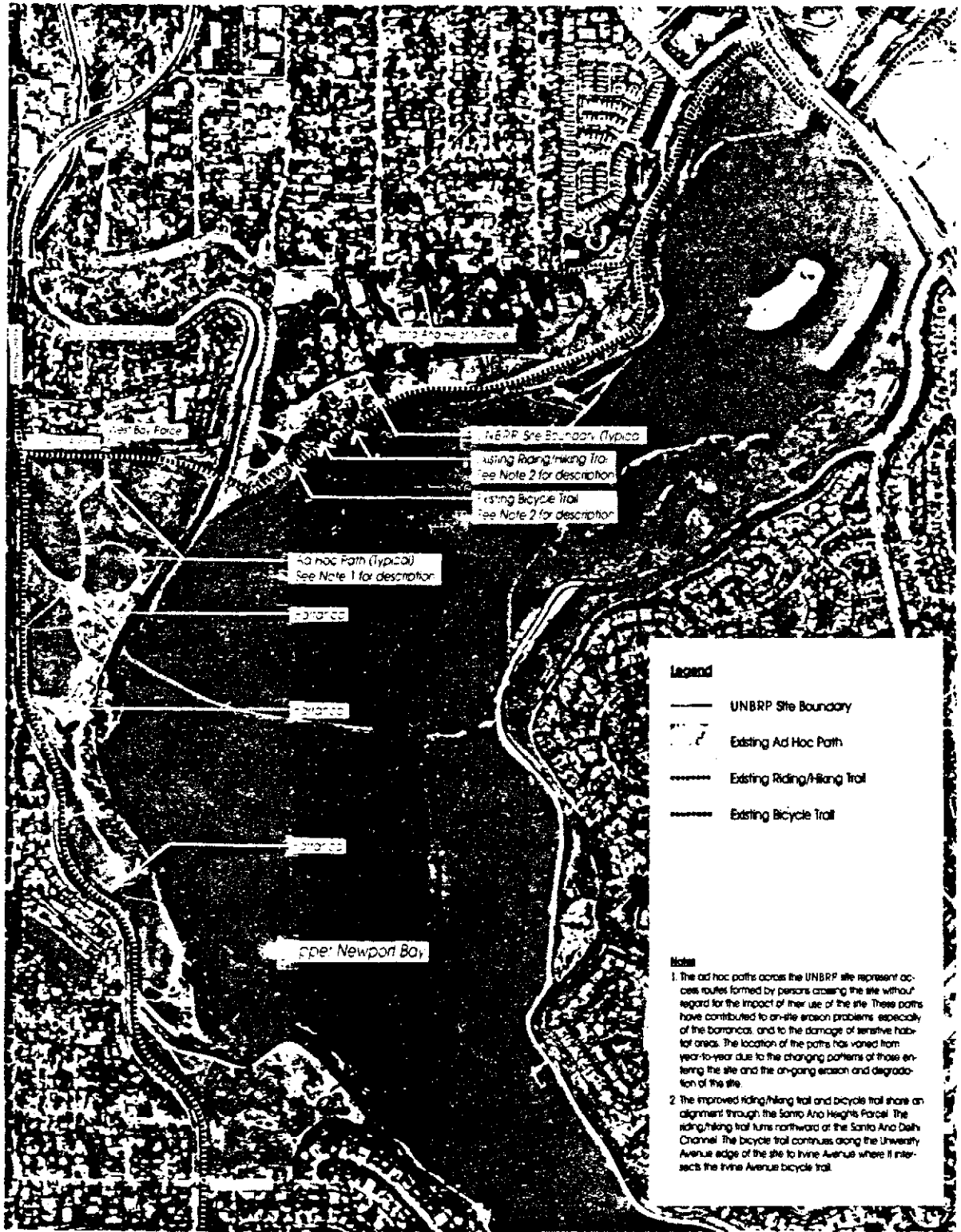
11. Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall submit a revised General Development Plan and Resource Management Plan to the City Planning Director indicating that equestrian use is permitted on the unpaved trail paralleling University Drive and Irvine Avenue.

f:\... \JOHN.D \UNBRP \FINAL.F&C

acceptable to the City Attorney showing the relocation of the existing pedestrian and bicycle trail easements to the locations shown in the General Development Plan, with the addition of at least one east-west connection across the Westbay parcel so as to provide a loop trail system. A final copy of the GDP showing the revised trail network shall be provided to the Planning Director prior to issuance of a grading or building permit.

11. Prior to issuance of a grading or building permit for the Westbay portion of the park, the County of Orange shall submit a revised General Development Plan and Resource Management Plan to the City Planning Director indicating that equestrian use is permitted on the unpaved trail paralleling University Drive and Irvine Avenue.
12. Dogs on leash shall be permitted in the Westbay parcel. Prior to issuance of any grading or building permit for the Westbay parcel, a revised General Development Plan shall be submitted to the Newport Beach Planning Director stating this policy.

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**Legend**

- UNBRP Site Boundary
- - - Existing Ad Hoc Path
- Existing Riding/Hiking Trail
- Existing Bicycle Trail

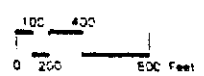
**Notes**

1. The ad hoc paths across the UNBRP site represent access routes formed by persons crossing the site without regard for the impact of their use of the site. These paths have contributed to on-site erosion problems, especially of the barrancas, and to the damage of sensitive habitat areas. The location of the paths has varied from year-to-year due to the changing patterns of those entering the site and the on-going erosion and degradation of the site.
2. The improved riding/hiking trail and bicycle trail share an alignment through the Santa Ana Heights Parcel. The riding/hiking trail turns northward of the Santa Ana Dells Channel. The bicycle trail continues along the University Avenue edge of the site to Irvine Avenue where it intersects the Irvine Avenue bicycle trail.



Note:  
East Butte Parcel is not a part of the project.

**AERIAL PHOTOGRAPH / EXISTING PATHS AND TRAILS**



**UPPER NEWPORT BAY REGIONAL PARK**

April 15, 1994

CC  
HARBORS,  
CALIF.

<b>EXHIBIT NO. 7</b>
<b>APPLICATION NO. 5-93-382</b>
<b>TRAILS</b>
California Coastal Commission

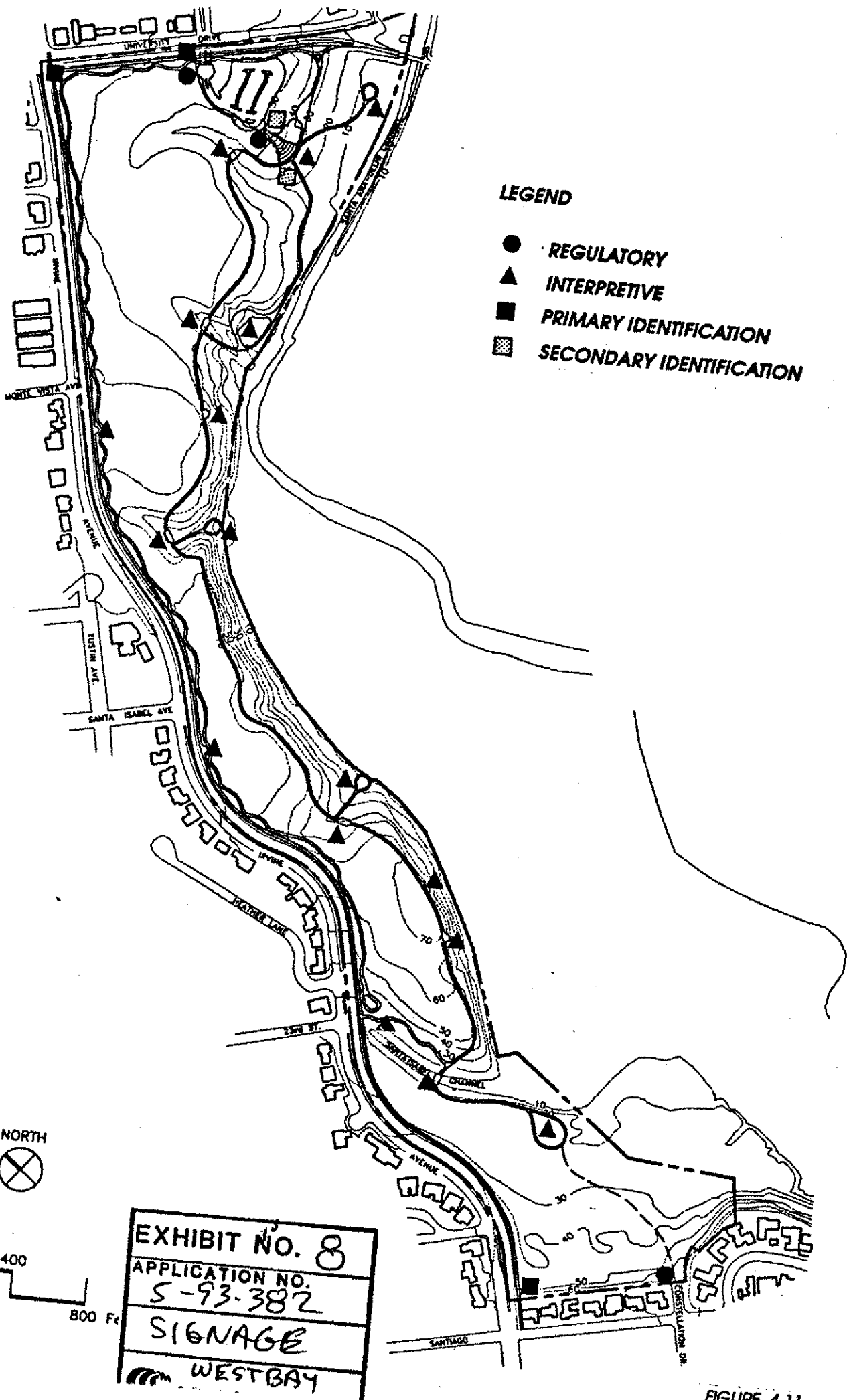
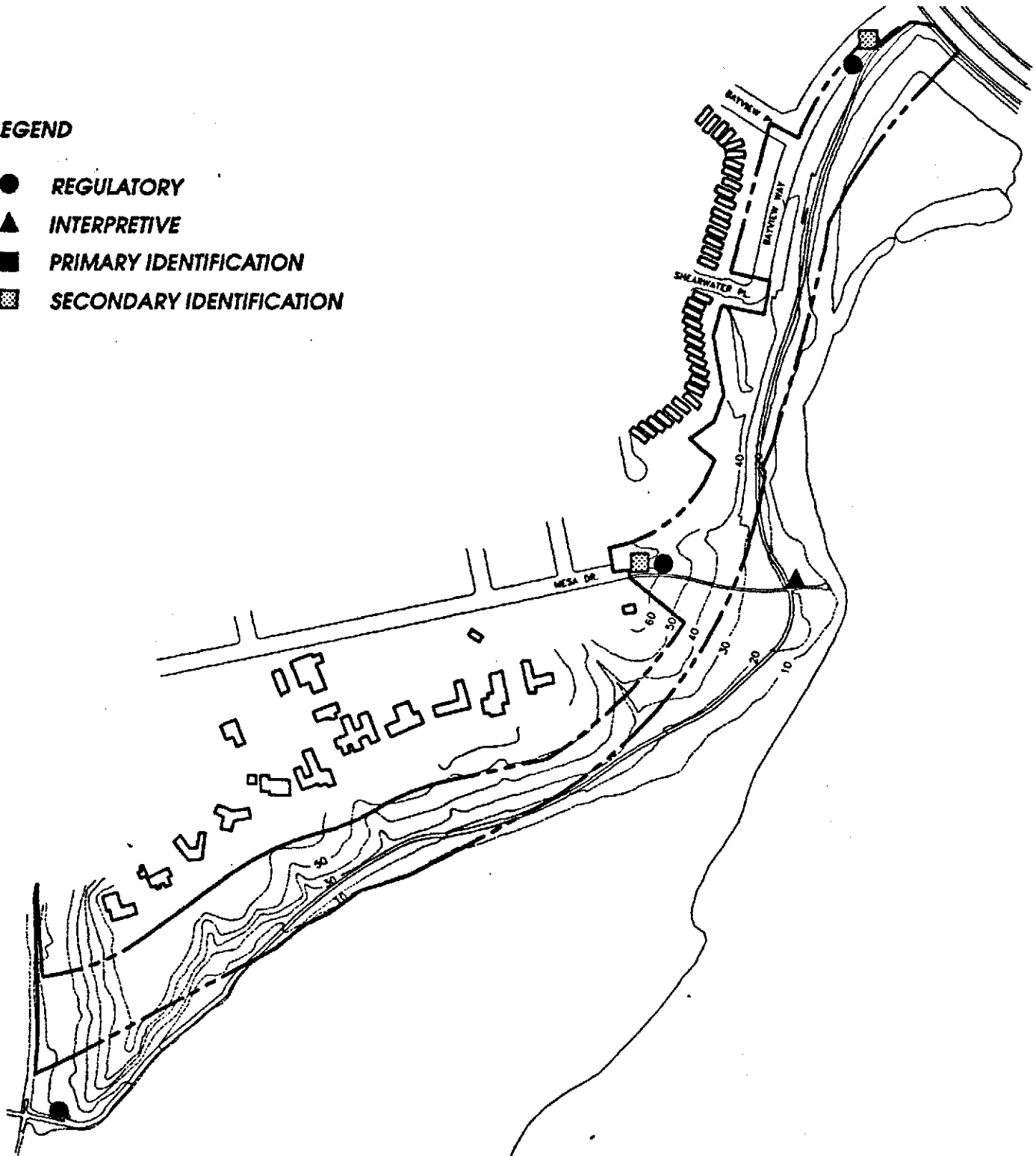


FIGURE 4-11

# SANTA ANA HEIGHTS SIGNAGE PLAN

## LEGEND

- REGULATORY
- ▲ INTERPRETIVE
- PRIMARY IDENTIFICATION
- ▣ SECONDARY IDENTIFICATION



NORTH

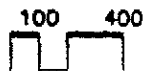
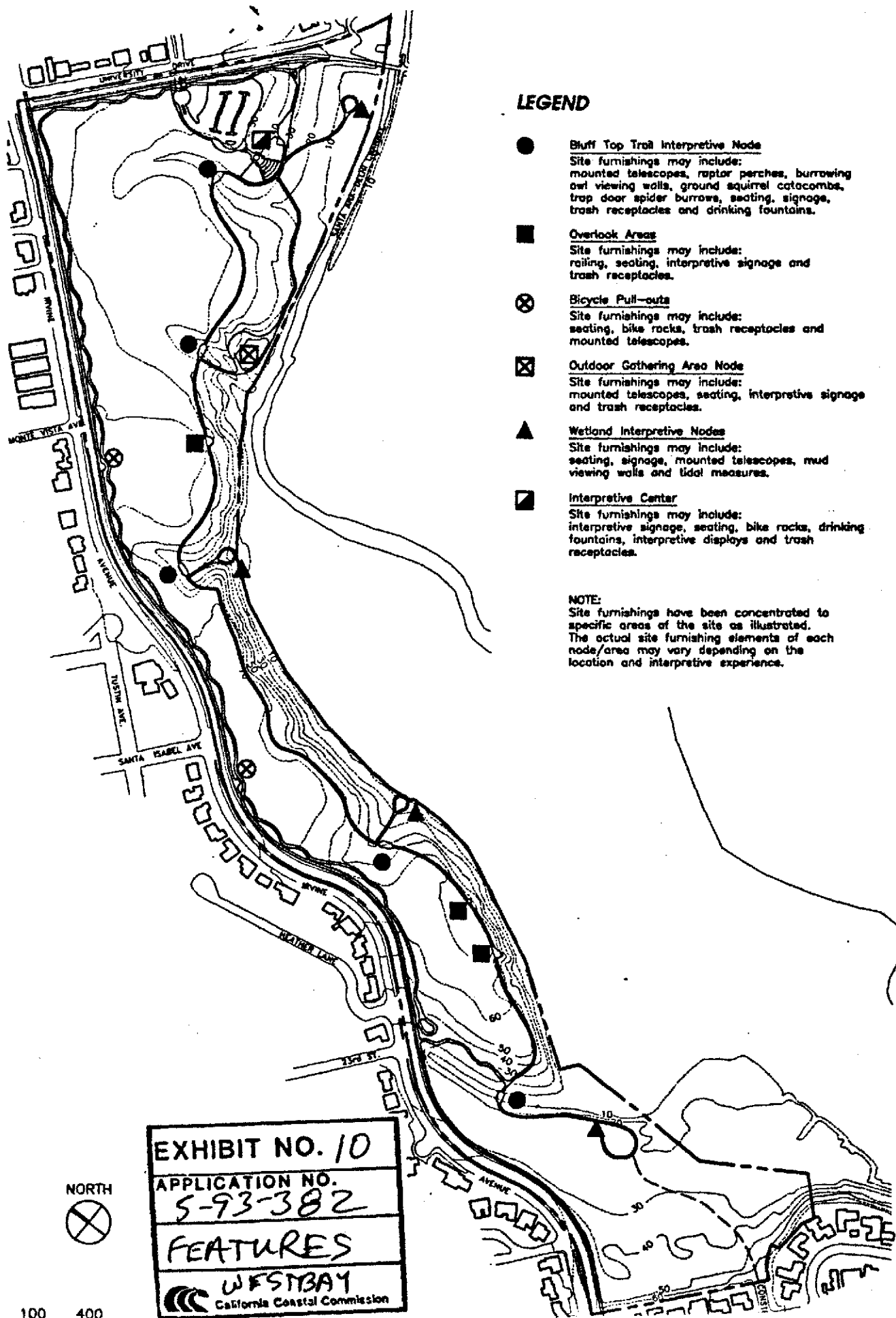


EXHIBIT NO. 9
APPLICATION NO. 5-93-382
SIGNAGE
S.A.H.



# WESTBAY SITE FURNISHINGS PLAN



## LEGEND

- **Bluff Top Trail Interpretive Node**  
Site furnishings may include: mounted telescopes, raptor perches, burrowing owl viewing walls, ground squirrel catcombs, trap door spider burrows, seating, signage, trash receptacles and drinking fountains.
- **Overlook Areas**  
Site furnishings may include: railing, seating, interpretive signage and trash receptacles.
- ⊗ **Bicycle Pull-outs**  
Site furnishings may include: seating, bike racks, trash receptacles and mounted telescopes.
- ⊠ **Outdoor Gathering Area Node**  
Site furnishings may include: mounted telescopes, seating, interpretive signage and trash receptacles.
- ▲ **Wetland Interpretive Nodes**  
Site furnishings may include: seating, signage, mounted telescopes, mud viewing walls and tidal measures.
- ◼ **Interpretive Center**  
Site furnishings may include: interpretive signage, seating, bike racks, drinking fountains, interpretive displays and trash receptacles.

**NOTE:**  
Site furnishings have been concentrated to specific areas of the site as illustrated. The actual site furnishing elements of each node/area may vary depending on the location and interpretive experience.

<b>EXHIBIT NO. 10</b>
APPLICATION NO. 5-93-382
<b>FEATURES</b>
<b>WESTBAY</b> California Coastal Commission



100 400

# SANTA ANA HEIGHTS SITE FURNISHINGS PLAN

## LEGEND



### Interpretive Node

Site furnishings may include: seating, bike racks, mounted telescopes, interpretive signage, trash receptacles and interpretive displays.

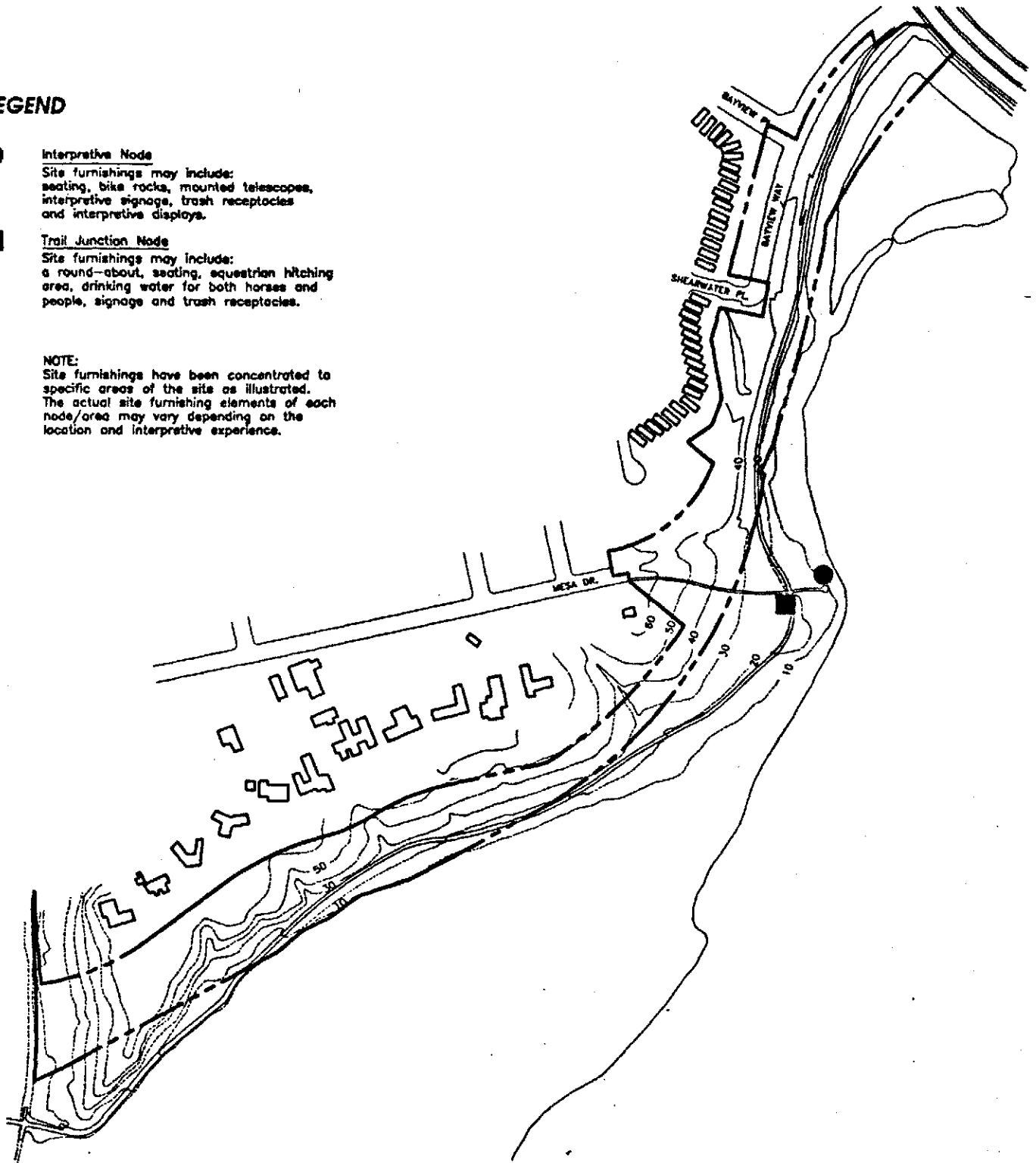


### Trail Junction Node

Site furnishings may include: a round-about, seating, equestrian hitching area, drinking water for both horses and people, signage and trash receptacles.

### NOTE:

Site furnishings have been concentrated to specific areas of the site as illustrated. The actual site furnishing elements of each node/area may vary depending on the location and interpretive experience.



NORTH

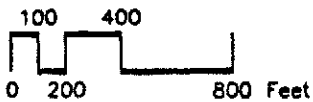
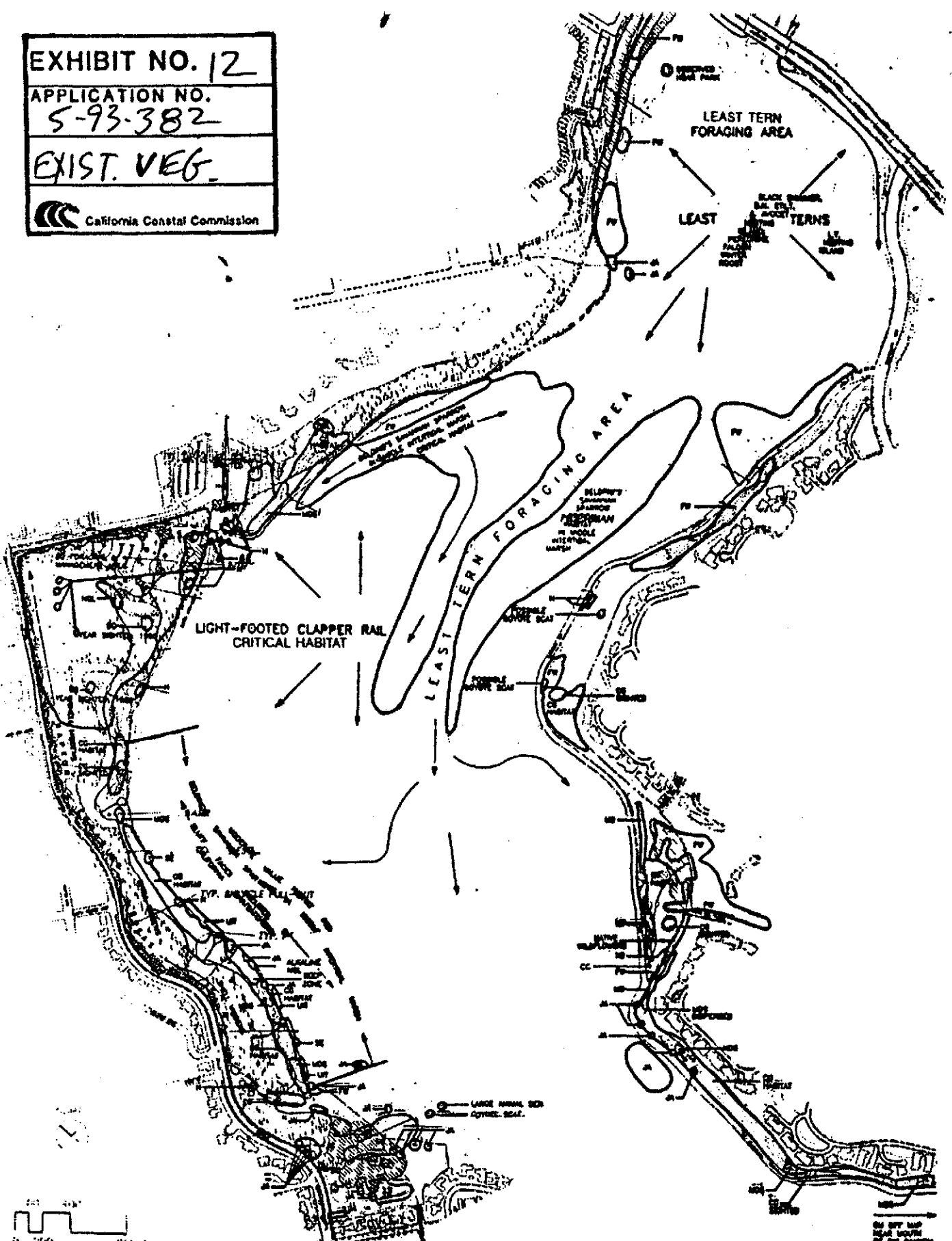


EXHIBIT NO. 11
APPLICATION NO. S-93-382
FEATURES
S.A.H. California Coastal Commission

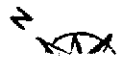
**EXHIBIT NO. 12**  
**APPLICATION NO.**  
**5-93-382**  
**EXIST. VEG.**



- PLANTS**
- JA Southwestern Spiny Rush (*Juncus acutus*)
  - M Southern Spikeweed (*Hemizonia australis*)
  - SE Estuary Sea Blite (*Suaeda esterosa*)
- ANIMALS**
- CG California Gnatcatcher
  - BO Burrowing Owl

- HABITATS**
- AC Anemopsis Alkaline Marsh
  - FW Forested Wetland
  - MOS Maritime Desert Scrub (*Opuntia-Lycium-Isomeris*; Potential San Diego Cactus Wren Habitat)
  - XB Xeric Barren (*Comissonia-Cryptantha*)
  - NGL Native Perennial Grassland (Usually *Stipa*)
  - Sscr (*Elymus Junceus*)

- MB Mesic Barren (*Dudleya-Moss-Melica-Pityrogramme*)
- UIT Upper Intertidal Zone Salt Marsh (Potentially Suitable For CM Introduction)





# CITY OF NEWPORT BEACH

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915

PLANNING DEPARTMENT (714) 644-3225

August 31, 1994

Mr. Chuck Damm, Regional Director  
California Coastal Commission  
South Coast Area  
P.O. Box 1450  
Long Beach, CA 90802-4416

RE: Upper Newport Bay Regional Park (Project File No. 5-93-382)

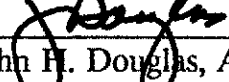
Dear Mr. Damm,

The City of Newport Beach owns a 6-acre parcel within the Upper Newport Bay Regional Park. One of the requirements imposed by the Coastal Commission in its approval of the CDP for the park is that the County demonstrate its ownership or legal authority to carry out the project. The County of Orange has requested that the City convey its parcel to the County for inclusion in the regional park.

The City is currently working with the County to complete this conveyance. In the interim, use of this parcel for regional park purposes is consistent with the City's General Plan and the Use Permit approved by the City Council. The City supports the County's application and the construction of park trails and other improvements as described in the General Development Plan and Resource Management Plan approved by the City. Final design and specifications are also subject to approval by the City.

If you have any questions regarding this matter, please contact me at (714) 644-3230.

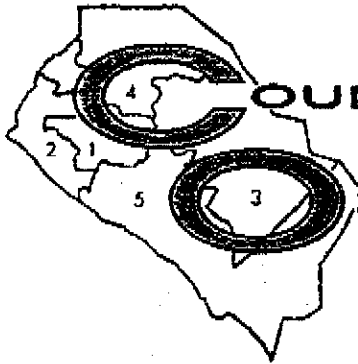
PLANNING DEPARTMENT  
JAMES D. HEWICKER, Director

By:   
John H. Douglas, AICP  
Principal Planner/Environmental Coordinator

cc: Ken Delino, Assistant City Manager  
Denny Turner, Manager, OCEMA/Harbors, Beaches and Parks/Design  
Robin Maloney-Rames, California Coastal Commission

F:\...JOHN-D\UNBRP\COASTAL2.LTR

3300 Newport Boulevard, Newport Beach



COUNTY OF  
ORANGE

ENVIRONMENTAL MANAGEMENT AGENCY  
HARBORS, BEACHES AND PARKS

MICHAEL M. RUANE  
DIRECTOR, EMA

ROBERT G. FISHER  
DIRECTOR OF HARBORS, BEACHES & PARKS

LOCATION:  
300 N. FLOWER ST.  
FOURTH FLOOR  
SANTA ANA, CALIFORNIA

MAILING ADDRESS:  
P.O. BOX 4048  
SANTA ANA, CA 92702-4048

TELEPHONE:  
(714) 834-6667  
FAX # 834-4744

TO: CITY OF NEWPORT BEACH

FAX: (714) 644-3250

ATTN.: JOHN DOUGLAS

PROJECT: UPPER NEWPORT BAY REGIONAL PARK

- |  |   |  |
|--|---|--|
| WE ARE TRANSMITTING:                         | THE FOLLOWING:                                    | ACTION:  |
| <input type="checkbox"/> BY MESSENGER        | <input type="checkbox"/> ORIGINALS                | <input type="checkbox"/> AS REQUESTED BY:            |
| <input type="checkbox"/> BY MAIL             | <input checked="" type="checkbox"/> PRINTS/COPIES | _____  |
| <input type="checkbox"/> BY HAND             | <input type="checkbox"/> WORKING DRAWINGS         | <input type="checkbox"/> FOR APPROVAL                |
| <input checked="" type="checkbox"/> BY FAX * | <input type="checkbox"/> SPECIFICATIONS           | <input checked="" type="checkbox"/> REVIEW & COMMENT |
| <input type="checkbox"/> _____               | <input type="checkbox"/> REDLINED COMMENTS        | <input type="checkbox"/> INFORMATION/FILE            |

NO. COPIES	DESCRIPTION
1	DRAFT-LETTER FROM NEWPORT BEACH TO TO COASTAL COMMISSION

\* We are transmitting a total of 2 pages, including this cover page.  
If you have a problem with the transmission, please call (714) 834-6661.

REMARKS:  
PER OUR TELECON EARLY THIS WEEK, I HAVE DRAFTED A LETTER FOR YOU TO REVIEW, REVISE AND SEND TO THE COASTAL COMMISSION TO SATISFY A SPECIAL CONDITION OF UNERP CCP. IF THERE ARE ANY QUESTIONS, PLEASE CALL ME AT 834-6668. THANKS FOR YOUR COOPERATION. PROMPT ACTION IS APPRECIATED.

SENT BY: ERNEST SEIDEL  
DATE: 8/30/94

COPY TO: 616

shall it prohibit the Director from issuing permits pursuant to section 2-5-25 for group activities wherein dogs will be under the responsible care of a person while not restrained by a leash or enclosed in a car, cage or similar enclosure while participating in a permitted canine event. (Code 1961, § 25.0215; Ord. No. 3142, § 1, 7-17-79; Ord. No. 3587, § 10, 5-13-86)

**Sec. 2-5-40—2-5-44. Reserved.**

**Sec. 2-5-45. Athletic activities.**

No person shall conduct or participate in any sport or in any organized athletic activities within any recreational area other than in such areas as may be designated for such sports, games or athletic activities, nor in any areas where the Director has posted signs prohibiting such activities. (Code 1961, § 25.0216; Ord. No. 3089, § 2, 10-3-78)

**Sec. 2-5-46. Trails and closed areas.**

(a) *Designation and Use.* The Director may designate horseback riding and hiking trails in beaches and parks. He may also designate closed areas where entry is prohibited in the interest of public convenience or safety. No person may leave a designated trail in any beach or park on foot, or on horseback or otherwise, other than for law enforcement, lifesaving or emergency purposes or for beach or park maintenance, at other than designated entry or exit points. No person shall enter on foot, or horseback or otherwise, any areas in any beach or park which the Director has posted as a closed area.

(b) *Trails Along or Through Private Property.* No person within any recreational area shall enter on or go upon the lands of another, under cultivation or enclosed by a fence, for any purpose whatever, without the consent in writing of the owner of said premises or of the person or persons entitled to the use and occupancy thereof, except in the lawful performance of an official duty.

(c) *Gates.* No person opening a closed gate shall proceed beyond said gate without first closing it.

\* (d) *Closure.* The Director may close parks, beaches and recreational areas and facilities when such areas and facilities are filled to capacity or a hazardous condition poses potential danger to citizens, County employees or County property. Any

such closure shall be for the duration of said capacity or hazardous condition situation as determined by the Director. (Code 1961, § 25.0217; Ord. No. 3088, § 1, 10-3-78)

Post-It® Fax Note	7671	Date	12/20	# of pages	1
To	Craig Bluell	From	Bob Hamilton		
Co./Dept.	Npt. Beach	Co.	EMA/HBP		
Phone #		Phone #	834-6779		
Fax #	644-3850	Fax #			

person. No person shall ride any saddle animal in any manner that endangers any other person or animal. No person shall allow his saddle or pack animal to stand unattended or improperly tied.

(b) *Livestock.* No person shall molest livestock in or adjacent to a park. (Code 1961, § 25.0218)

**Sec. 2-5-48. Construction.**

No person shall erect structures within any recreational area without the consent of the Director. (Code 1961, § 25.0219)

**Sec. 2-5-49. Diving/jumping.**

No person shall dive or jump into any body of water in any recreational area from any pier, bridge, rock or precipice other than at those places designated and posted for diving or jumping by the Director, as authorized by resolution of the Board of Supervisors. Violation of this section shall be an infraction. (Code 1961, § 25.0220; Ord. No. 3646, § 1, 7-21-87)

**Sec. 2-5-49.1. Landing in water after having jumped or dived.**

No person shall land in any body of water in any recreational area after having jumped or dived from any pier, bridge, rock or precipice above such body of water, other than at those places designated and posted for diving and jumping by the Director, as authorized by resolution of the Board of Supervisors. Violation of this section shall be an infraction. (Ord. No. 3646, § 2, 7-21-87)

**Sec. 2-5-50. False drowning alarm.**

No person in any recreational area shall give or cause a false alarm of drowning to be given in any manner. Any person who knows that an alarm

**Douglas, John**

---

**From:** Delino, Ken  
**To:** DOUGLAS  
**Subject:** RE: Westbay Parcel  
**Date:** Wednesday, July 06, 1994 5:36PM

Can you send me a copy of the Use Permit? Thanks.

---

**From:** Douglas, John on Wed, Jul 6, 1994 4:26 PM  
**Subject:**  
**To:** Delino, Ken  
**Cc:** CHNET/CITYHALL/TEMPLE

ect: W

Ken -- A Use Permit for the County park was approved by the City Council last year. The conveyance should be conditioned to be consistent with the plans and conditions approved by the City. Call if you need more info.  
John D.

**Douglas, John**

---

**From:** Temple, Patty  
**To:** Douglas, John  
**Subject:** FW: West Bay Park Parcel  
**Date:** Wednesday, July 06, 1994 3:46PM

-----  
**From:** Delino, Ken  
**To:** Staneart, Jeff; Nolan, Ben; Niederhaus, Dave; Murphy, Kevin; TEMPLE; BURNHAM  
**Subject:** Sub<sup>11</sup>  
**Date:** Wednesday, July 06, 1994 3:42PM

ect: W

The County Harbor, Beaches & Parks is asking us to complete the conveyance of the 6 acre City owned parcel on Irvine Ave to the County for completion of the Regional Park. Ron Whitley was coordinating this and now its sort of in limbo. If anyone has any reason why this should be denied or postponed, or if any special conditions or restrictions on the transfer are necessary, please let me know.



## Coastal Commission Hearing

7/15/94

Park located within City of NB - also City owns in fee bar  
LCP Amendment and joint ownership of trail easements

1. Increase 8,000 \$ → 10,000 \$ interp. center
2. Clarify intent of hours of park operation  
(Support requested revision by County)

### CDP - City Use Permit

1. 10,000 \$ interp. center; clarification of hours of park use
2. Request OCEMA coord. w/ DFG re. trail ext.
3. Easement relocation - east/west trail connection (loop trail)
4. Equestrian use allowed on trail adjacent to Lrume Ave
5. Dogs on leash permitted in Westbay Parcel
6. City's participation in Lrume Ave improvements contingent on SB821 funds

City understands the Commission staff rec. incorporates these items

### Pub. hearing - opposition

Steve Koontz - Attorney

App. violates Coastal Act

1. Max access - eliminates pub. access, equestrian; dogs
2. Elim. access on pub. easements
3. Private prop. rights - <sup>conflict w/</sup> equestrian easements; access to horse <sup>ring</sup>
4. Interp. center & parking - overuse of resources
5. CEQA conflict - feasible alts.

Carla Brockman

TIC dedication - not nature preserve

Jouise Hoffstedler - opposed

John Stevenson -

Amy Morrison - opposed

Jane Clayton -

Bill Anderson - opposed

Elizabeth Conway - opposed

Paul Roach - opposed

Cohn - opposed

Patrick Henry - opposed

Irene Dunlap - opposed

Francis Gioia - opposed

Robin ? -

Jessica Green -

Mara? Curran -

Sage -

Donna Trenaway? -

## Chuck Samm

- Co. requested language re. hours OK
- Support CNB requirements
- Conforms w/ Coastal Act

## Moulton - Patterson

- 10,000 \$ ? seems big

## Peter Douglas

- Believe size is appropriate

## Carole Comm. Stenens

Plan can satisfy everybody

Proposed Amendment - Reduce interp center & parking lot (8000 \$)

## Comm. Sam Karas

- What is basis for 150-car parking lot (R6F - planning process)
- Blacktop or concrete parking lot? (softer surface - turf block/OG)
- Funded? (\$1M donation, balance budgeted, SB B21)

## Moulton - Patterson

- Size appropriate? (P. Douglas - yes)

## Comm. Wright

- Pop. pressure → more regulation needed, carrying capacity

Karas - Motion for approval of CNB LCP amendment  
(Council comment re. prescriptive assessments)

approved (Stevens NO) 7-1

CDP

Wright - motion for approval w/ County requested revision  
Approved (Stevens NO) 7-1

**CITY OF NEWPORT BEACH**  
**PLANNING DEPARTMENT**

July 15, 1994

**TO:** California Coastal Commission  
**FROM:** City of Newport Beach  
**SUBJECT:** CDP 5-93-382 (Upper Newport Bay Regional Park)

On June 14, 1993 the Newport Beach City Council approved a General Plan Amendment, Local Coastal Program Land Use Plan Amendment, and Use Permit for the Upper Newport Bay Regional Park General Development Plan. The plan approved by the City Council reflects minor revisions to the County's original plan in response to concerns expressed by park users, specifically with regard to the hours of park use, equestrian trail location, and access to people with dogs.

It is my understanding, through conversations with Coastal Commission staff, that the recommended action today incorporates the General Development Plan revisions adopted by the City Council.

I would be happy to answer any questions you may have regarding this item.

  
\_\_\_\_\_  
John H. Douglas, AICP  
Principal Planner/Environmental Coordinator

f:\... \JOHN-D \UNBRP \COASTAL.MEM

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**PLANNING DEPARTMENT**

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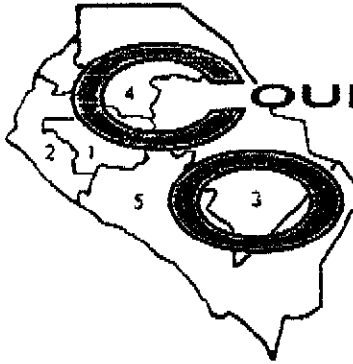
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John H. Douglas, AICP  
Principal Planner/Environmental Coordinator

F:\... \JOHN-D\UNBRP\COASTAL.MEM





COUNTY OF ORANGE

ENVIRONMENTAL MANAGEMENT AGENCY  
HARBORS, BEACHES AND PARKS

MICHAEL M. RUANE  
DIRECTOR, EMA

ROBERT G. FISHER  
DIRECTOR OF HARBORS, BEACHES & PARKS

LOCATION:  
300 N. FLOWER ST.  
FOURTH FLOOR  
SANTA ANA, CALIFORNIA

MAILING ADDRESS:  
P.O. BOX 4048  
SANTA ANA, CA 92702-4048

TELEPHONE:  
(714) 834-6667  
FAX # 834-4744

TO: CITY OF NEWPORT BEACH  
PLANNING DEPARTMENT

FAX: \_\_\_\_\_

ATTN.: JOHN DOUGLAS

PROJECT: UPPER NEWPORT BAY REGIONAL PARK

WE ARE TRANSMITTING:

THE FOLLOWING:

ACTION:

BY MESSENGER

ORIGINALS

AS REQUESTED BY:

BY MAIL

PRINTS/COPIES

FOR APPROVAL

BY HAND

WORKING DRAWINGS

REVIEW & COMMENT

BY FAX \*

SPECIFICATIONS

INFORMATION/FILE

\_\_\_\_\_

REDLINED COMMENTS

NO. COPIES

DESCRIPTION

<u>1</u>	<u>WESTERN VEGETATION ENHANCEMENT PLAN - PER GCP # REFINED</u>
<u>1</u>	<u>SANTA ANA HEIGHTS VEGETATION ENHANCEMENT PLAN - PER GCP # REFINED</u>

\* We are transmitting a total of 5 pages, including this cover page.  
If you have a problem with the transmission, please call (714) 834-6661.

REMARKS:

THESE GRAPHICS DEPICT THE VEGETATION REFINEMENT FOR DENNY'S TELECOM  
WITH YOU THIS AFTERNOON. THE REFINEMENT INCLUDES EXPANDED SCRUBLAND  
ZONE CREATING/PROVIDING A CONTINUOUS SCRUBLAND CORRIDOR FROM THE  
SANTA ISABEL CHANNEL TO SAN DIEGO CREEK. PLEASE CALL TO DISCUSS. THANKS

SENT BY: ERNESTO (834-6668) COPY TO: file

DATE: 7/5/94

# WESTBAY VEGETATION ENHANCEMENT PLAN (POL. GDP)

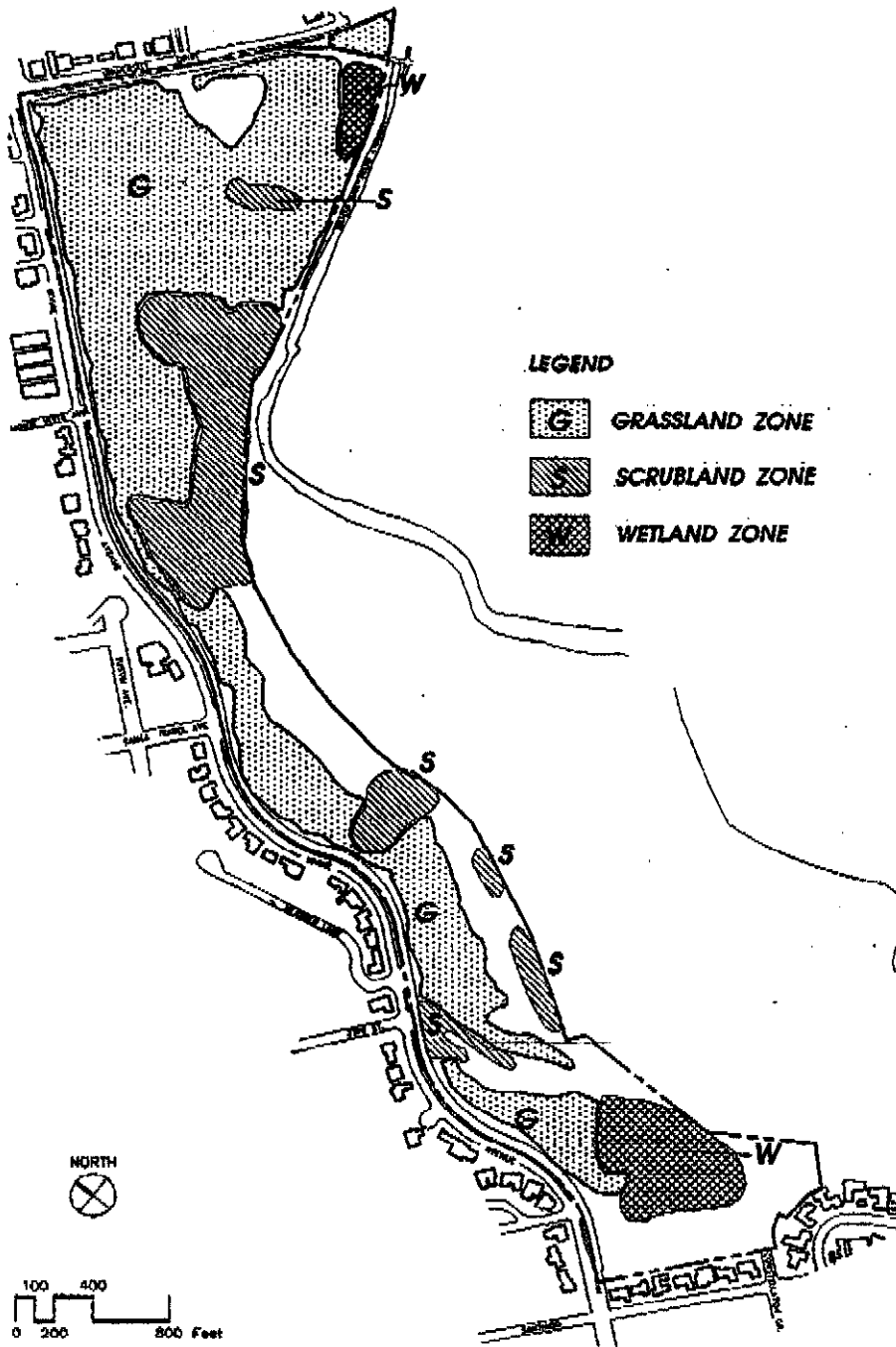
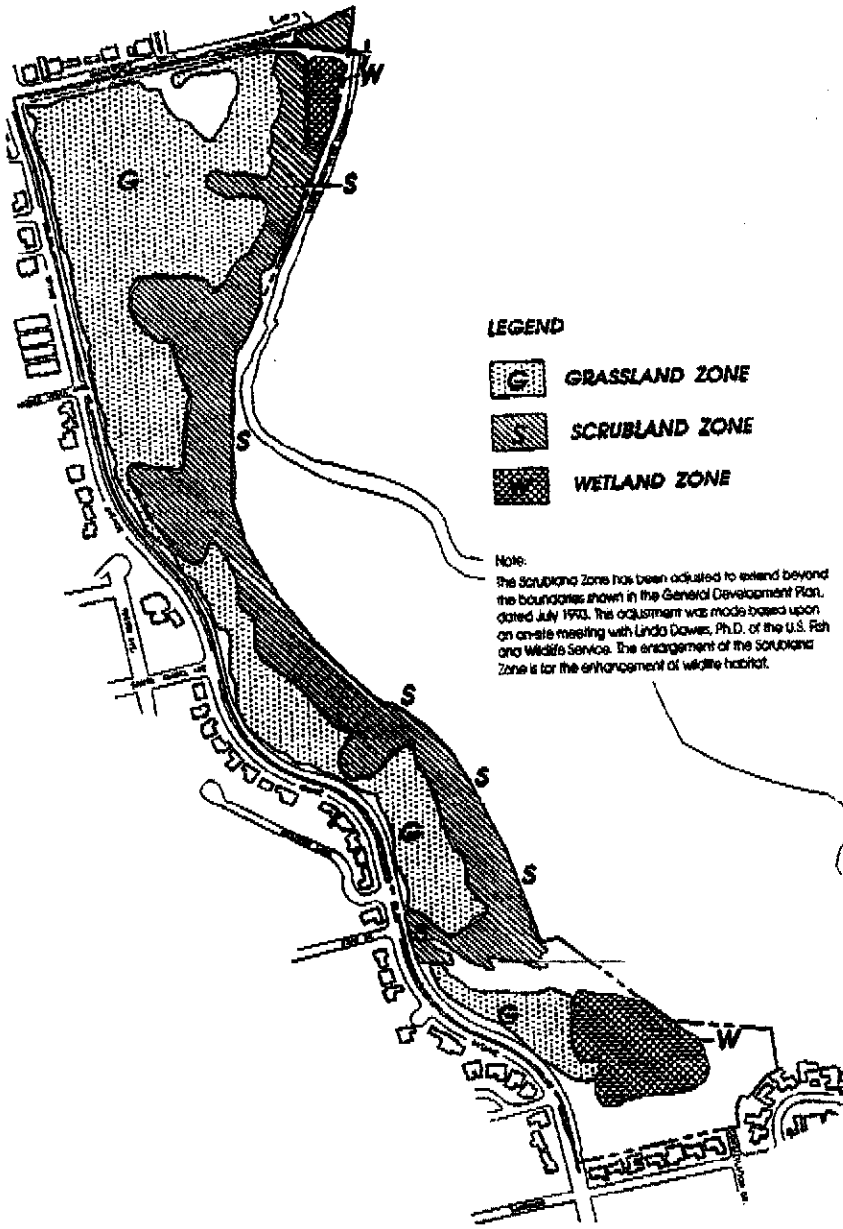





FIGURE 4-10

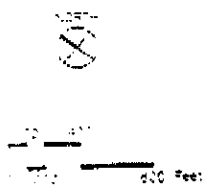
# WESTBAY VEGETATION ENHANCEMENT PLAN (REFINED)



### LEGEND

-  GRASSLAND ZONE
-  SCRUBLAND ZONE
-  WETLAND ZONE

Note:  
 The Scrubland Zone has been adjusted to extend beyond the boundaries shown in the General Development Plan, dated July 1993. The adjustment was made based upon an on-site meeting with Linda Dawes, Ph.D. of the U.S. Fish and Wildlife Service. The enlargement of the scrubland zone is for the enhancement of wildlife habitat.



**UPPER NEWPORT BAY  
 REGIONAL PARK**

**COUNTY OF ORANGE  
 HARBORS, BEACHES & PARKS**  
 EDAW, INC.  
 Landscape Architecture & Planning  
 Ken Yeo, F.A.A. Architect, Inc.  
 Architecture

# SANTA ANA HEIGHTS VEGETATION ENHANCEMENT PLAN (PER GDP)

## LEGEND

-  GRASSLAND ZONE
-  SCRUBLAND ZONE
-  WETLAND ZONE

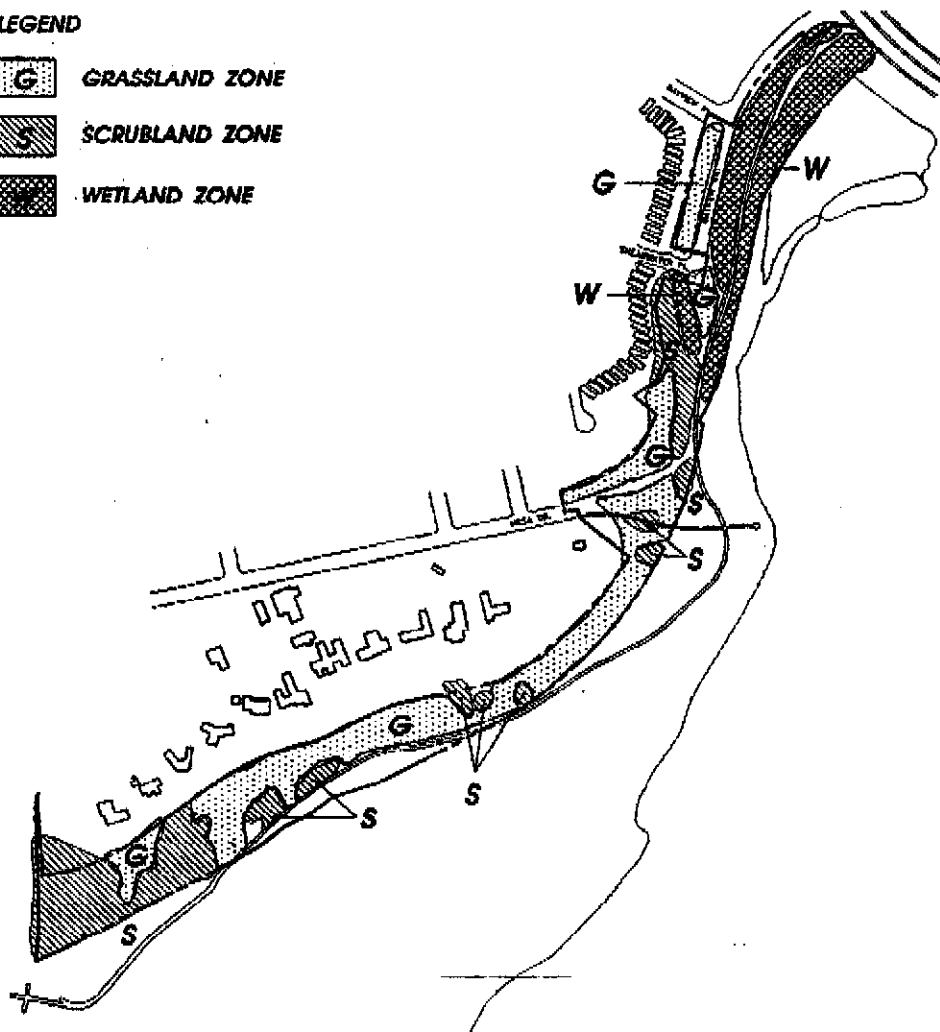


FIGURE 4-16

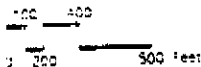
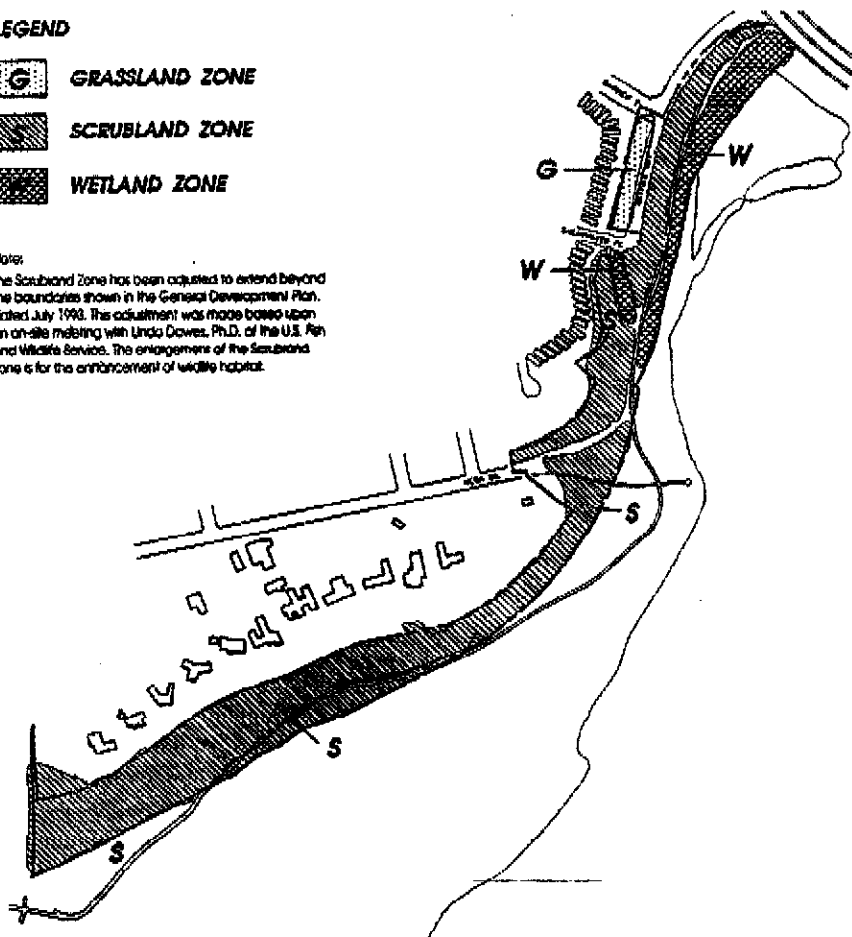
# SANTA ANA HEIGHTS VEGETATION ENHANCEMENT PLAN (REVISED)

## LEGEND

-  GRASSLAND ZONE
-  SCRUBLAND ZONE
-  WETLAND ZONE

### Note:

The Scrubland Zone has been adjusted to extend beyond the boundaries shown in the General Development Plan, dated July 1993. This adjustment was made based upon an on-site meeting with Linda Doves, Ph.D., of the U.S. Fish and Wildlife Service. The enlargements of the Scrubland Zone is for the enhancement of wildlife habitat.



**UPPER NEWPORT BAY  
REGIONAL PARK**



June 15, 1994

**COUNTY OF ORANGE  
HARBORS, BEACHES & PARKS**

EDAW, Inc.  
Landscape Architecture & Planning  
Ron Tao, F.A.S. Architect, Inc.  
Architecture

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport Beach will hold a public hearing on the application of the County of Orange on property located at Upper Newport Bay Regional Park in the city of Newport Beach. The proposal includes a request to amend the Land Use Element of the General Plan (GPA 92-3(E)) and the Local Coastal Program Land Use Plan (LCP No. 31) so as to increase the allowable size of the proposed interpretive center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft.; a request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from "U" (Unclassified) and "R-3-B" (Multiple-Family Residential) to "PC" (Planned Community) [A 779]; and a request to approve Use Permit No. 3488 for a General Development Plan for Upper Newport Bay Regional Park, which surrounds the northern portion of Upper Newport Bay in three discontinuous parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Preserve boundary adjacent to the mouth of Big Canyon on the east.

NOTICE IS HEREBY FURTHER GIVEN that a Final Environmental Impact Report (FEIR) has been prepared by the County of Orange in connection with the application noted above. The Newport Beach Planning Commission will consider the FEIR and supporting documents in connection with these applications. The City encourages members of the general public to review and comment on these documents. Copies of the FEIR and supporting documents are available for public review at the Planning Department, City of Newport Beach, 3300 Newport Boulevard, Newport Beach, California, 92659-1768.

NOTICE IS HEREBY FURTHER GIVEN that the public hearing will be held on the 8th day of April, 1993, at the hour of 7:30 p.m., in the Council Chambers of the Newport Beach City Hall, 3300 Newport Boulevard, Newport Beach, California, at which time and place any and all persons interested may appear and be heard thereon. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City at, or prior to, the public hearing. For further information call John Douglas, Environmental Coordinator at (714) 644-3225.

Harry Merrill, Secretary, Planning Commission, City of Newport Beach.



PLANNING DEPARTMENT

CITY HALL

3300 Newport Boulevard  
P.O. Box 1768  
Newport Beach, CA 92659-1768

**IMPORTANT**  
Public Hearing Notice

# STATE OF CALIFORNIA

## County of Orange

I am a Citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the below entitled matter. I am a principal clerk of the NEWPORT BEACH-COSTA MESA DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa, County of Orange, State of California, and that attached Notice is a true and complete copy as was printed and published on the following dates:

March 27, 1993

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on March 27, 1993  
at Costa Mesa, California

*Jan Merrill*

Signature

### PUBLIC NOTICE

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NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Newport Beach will hold a public hearing on the application of the County of Orange on property located at Upper Newport Bay Regional Park in the city of Newport Beach. The proposal includes a request to amend the Land Use and Circulation Elements of the General Plan (GPA 92-3(E)) and the Local Coastal Program Land Use Plan (LCP No. 31) so as to increase the allowable size of the proposed interpretive center on the Westbay parcel of the Upper Newport Bay Regional Park site from 8,000 sq. ft. to 10,000 sq. ft. and delete a secondary bicycle trail along the Westbay blufftop; a request to amend a portion of Districting Maps No. 36, 39, 40, 42, 43, 44 and 61 so as to redesignate portions of the Upper Newport Bay Regional Park property from "U" (Unclassified), "R-3-B" and "R-4-B-2" (Multiple-Family Residential) to "PC" (Planned Community) (A 779); and a request to approve Use Permit No. 3488 for a General Development Plan for Upper Newport Bay Regional Park, which surrounds the northern portion of Upper Newport Bay in three discontinuous parcels forming an arc from approximately Santiago Drive on the west to the Upper Newport Bay Ecological Preserve boundary adjacent to the mouth of Big Canyon on the east.

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**Harry Merrill, Secretary, Planning Commission, City of Newport Beach.**

Published Newport Beach-Costa Mesa Daily Pilot March 27, 1993.

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PLANNING DEPARTMENT  
CITY OF NEWPORT BEACH

MAR 31 1993  
AM 7 8 9 10 11 12 1 2 3 4 5 6 PM

PROOF OF PUBLICATION

4-25



Carol Williams  
268 Walnut  
Costa Mesa, CA 92627

Nancy Bruland  
Upper Newport Bay Park  
600 Shellmaker Island  
Newport Beach, CA 92660

John Scholl  
Dept. Fish and Game  
600 Shellmaker Isl.  
Newport Beach, CA 92663

Kathleen & Philip Hughes  
4210 Park Newport #209  
Newport Beach, CA 92660

Garvin L. Walker  
14712 Emerywood Rd.  
Tustin, CA 92680

Steve Kumar  
9402 Darrow Dr.  
Huntington Beach, CA  
92646

Jane Farwell  
2426 Santiago Dr.  
Newport Beach, CA 92660

Virginia Chester  
Sea & Sage Audubon  
P.O. Box 25  
Santa Ana, CA 92702

Betty Orbach  
2726 Vista del Oro  
Newport Beach, CA 92660

Gus Chabre  
1130 E. Balboa Blvd.  
Newport Beach, CA 92660

Gayle Gardner  
315 Santa Isabel Ave.  
Costa Mesa, CA 92627

Frances A. Gioia  
392 Sunrise Circle  
Costa Mesa, CA 92627

Gail & Shirley Green  
10211 Cliff Drive  
Huntington Beach, CA 92646

John B. Keating  
2607 Alta Vista Drive  
Newport Beach, CA 92660

Amy Litton  
2222 Pacific Avenue  
Costa Mesa, CA 92627

Tom & Arline Parker  
636 St. James Rd.  
Newport Beach, CA 92663

Donna Specht  
22221 Wood Island Lane  
Huntington Beach, CA 92646

Wayne Koluvek  
610 Tustin Ave.  
Newport Beach, CA 92663

Jim Cokas  
3438 Irvine Ave.  
Newport Beach, CA 92660

Denise Sullivan  
34 Baycrest Court  
Newport Beach, CA 92660

Donna McMeikan  
20422 Bayview Cr.  
Newport Beach, CA 92660

Penny Pilgrim  
3436 Irvine Ave.  
Newport Beach, CA 92660

Dean Cheley  
15201 Brighton St.  
Westminster, CA 92683

Frank Selby  
307 Catalina  
Newport Beach, CA 92663

Bill Anderson  
2089 Orange Ave.  
Costa Mesa, CA 92627

Jeff Hamilton  
20102 Cypress St.  
Newport Beach, CA 92661

Jim Dixon  
2115 Indian Springs Lane  
Newport Beach, CA 92660

Martha Wetzel  
13742 Onkayha Cr.  
Irvine, CA 92720

CITY COUNCIL MAILING LIST  
UPPER NEWPORT BAY REGIONAL PARK

Carol Williams  
268 Walnut  
Costa Mesa 92627

Virginia Chester  
Sea & Sage Audubon  
PO Box 25  
Santa Ana 92702

Nancy Bruland  
Upper Newport Bay Regional Park  
600 Shellmaker Island  
Newport Beach 92660

Betty Orbach  
2726 Vista del Oro  
Newport Beach 92660

John Scholl  
Dept. of Fish and Game  
600 Shellmaker Island  
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Huntington Beach 92646

Gail & Shirley Green  
10211 Cliff Drive  
Huntington Beach 92646

Jane Farwell  
2426 Santiago Drive  
Newport Beach 92660

John B. Keating  
2607 Alta Vista Drive  
Newport Beach 92660

*in mail list*  
M.C. Horning, Jr.  
2182 Mesa Drive  
Newport Beach 92660

✓ Russ & Anne Kerr  
527 Playa  
Newport Beach 92660

✓ Marilee Terrell  
1725 Port Charles Place  
Newport Beach 92660

Amy Litton  
2222 Pacific Avenue  
Costa Mesa 92627

✓ Carla Brockman  
2700 Harbor View Drive  
Corona del Mar 92625

Tom & Arline Parker  
636 St. James Rd.  
Newport Beach 92663

Frank Robinson  
1007 Nottingham Road  
Newport Beach

Donna Specht  
22221 Wood Island Lane  
Huntington Beach 92646

F:\... \UNBRP\CC-MAILLST

Business/Properties Within 300' UNBay

Wylar Apartment Group  
10880 Wilshire Blvd., #10  
Los Angeles, CA 90024

Wells Fargo Bank  
P. O. Box 63700  
San Francisco, CA 94163

Arrowhead Mmanagement Co.  
666 Bake St., Suite 401  
Costa Mesa, CA 92626

Omega 3rd  
P.O. Box 5757  
Pasadena, CA 91104

Painewebber Income  
Attn: Portfolio Manager  
265 Franklin St.  
Boston, MA 02110

First California Bank  
P. O. Box 109  
San Diego, CA 92112

Irvine Co.  
550 Newport Center Drive  
Newport Beach, CA 92663

Lenders Standard Inc.  
P. O. Box 18851  
Irvine, CA 92713

Christian Church of  
Southern California  
2401 Irvine Avenue  
Newport Beach, CA 92660

Back Bay Village H.O.A.  
c/o Kevin Meleshi  
2535 Back Bay Loop  
Costa Mesa, CA 92627

BE:cvHBD02-141  
(3013)3011319594002

First American Trust Co.  
P. O. Box 267  
Santa Ana, CA 92702

Southern Commercial Corp.  
P.O. Box 352  
Riverside, CA 92502

*County of Orange  
Harbors, Beaches + Parks  
P.O. Box 4048  
Santa Ana, CA 92702-4048*

Bank of America  
801 N. Main St.  
Santa Ana, CA 92701

Back Bay Assoc.  
The Caldwell Co.  
P. O. Box 8444  
Newport Beach, CA 92658

Bay/Gateway 4 Inc.  
1910 Pacific Avenue, #400  
Dallas, Texas 75201

Young Men's Christian  
13252 Garden Grove Blvd.  
Garden Grove, CA 92643

Chris Wilkinson  
20401 Bayview Ave.  
Santa Ana, CA 92707

Tsumura International, Inc.  
1550 N. Bristol St.  
Newport Beach, CA 92660

Mercury Property Management  
96 Corporate Park #300  
Irvine, CA 92714

Happyland Preschool, Inc.  
398 University Dr.  
Costa Mesa, CA 92627

Preferred Dev.  
4665 MacArthur Ct., Suite 23  
Newport Beach, CA 92660

~~P. Chicardy/HBP/Design 568-4978~~  
~~UPPER NEWPORT BAY Homeowners within 300'~~  
~~January 13, 1995~~

Betty A. Abersold  
 418 Vista Quinta  
 Newport Beach, CA 92660

Kenneth H. Alberg  
 2463 Irvine Ave., #A-2  
 Costa Mesa, CA 92627

Richard Holcomb Barden  
 205 Nata  
 Newport Beach, CA 92660

Belinda A. Adams  
 2907 Quedada  
 Newport Beach, CA 92660

Mana Amidi  
 2611 Vista Ornada  
 Newport Beach, CA 92660

George Barkouras  
 2151 Michelson Dr. Ste. 1  
 Irvine, CA 92714

Cornelus A. Adriaans  
 2421 Tustin Ave.  
 Costa Mesa, CA 92627

Dale Anderson  
 388 Granada Way  
 Costa Mesa, CA 92627

John O. Barlon  
 523 Playa  
 Newport Beach, CA 92660

Harold W. Aebischer  
 20392 Bayview Ave.  
 Santa Ana, CA 92707

Harold B. Anson  
 304 Avenida Carlos  
 Newport Beach, CA 92660

Arthur Barlow  
 2000 Vista Caudal  
 Newport Beach, CA 92660

Thomas Albert  
 2036 Santiago Dr.  
 Huntington Beach, CA 92646

Arnold B. Appleman  
 P.O. Box 1942  
 Costa Mesa, CA 92628

Ramon Barragan  
 535 Playa  
 Newport Beach, CA 92660

Ramona J. Alfieri  
 2921 Perla  
 Newport Beach, CA 92660

Raymond Armstrong  
 2331 Heather Ln.  
 Newport Beach, CA 92660

James Barrett  
 2202 Private Rd.  
 Newport Beach, CA 92660

Helen L. Allen  
 2649 Vista Ornada  
 Newport Beach, CA 92660

Robert W. Ashin  
 390 Seawind Dr.  
 Newport Beach, CA 92660

Antone Bartolic  
 2516 University Dr.  
 Newport Beach, CA 92660

Timothy Jon Allen  
 2933 Quedada  
 Newport Beach, CA 92660

Randall Aten  
 53 Cormorant Circle  
 Newport Beach, CA 92660

Joan B. Barton  
 P.O. Box 952  
 Trabuco Canyon, CA 92678

Robyn A. Allen  
 2638 Vista Ornada  
 Newport Beach, CA 92660

David M. Ault  
 533 Playa  
 Newport Beach, CA 92660

Kenneth Bassman  
 224 Nata  
 Newport Beach, CA 92660

Susan L. Allison  
 384 Sunrise Circle  
 Costa Mesa, CA 92627

Victoria S. Baldwin  
 383 Seawind Dr.  
 Newport Beach, CA 92660

Sandra J. Bauer  
 2441 Vista Nobleza  
 Newport Beach, CA 92660

P. Chicardy/HBP/Design 568-49  
UPPER NEWPORT BAY Homeowners within 300'  
 January 13, 1993

Ernest W. Baumgardner  
 587 Fern Canyon Dr.  
 Palm Springs, CA 92262

Leonard Berlin  
 P.O. Box 17509  
 Irvine, CA 92713

Curtis O. Bluemke  
 74 Shearwater Pl.  
 Newport Beach, CA 92660

Robert W. Beck  
 54 Cormorant Circle  
 Newport Beach, CA 92660

Herbert Bernard  
 303 Esquina  
 Newport Beach, CA 92660

Craig Boardman  
 27 Glorieta East  
 Irvine, CA 92720

Hartford Beitman  
 P O Box 997  
 Mercer Island, WA 98040

Victor L. Berry  
 2141 Indian Springs  
 Newport Beach, CA 92660

Joseph E. Bockrath  
 20451 Bayview Ave.  
 Santa Ana, CA 92707

Dale J. Bell  
 2631 Vista Ornada  
 Newport Beach, CA 92660

Jerome T. Bertrand  
 2309 Irvine Ave.  
 Newport Beach, CA 92660

Kelvin D. Borcoman  
 2217 Private Rd.  
 Newport Beach, CA 92660

Frank M. Bell  
 P.O. Box 151  
 Anaheim, CA 92805

Frank Bianchini  
 42 Gannet Lane  
 Newport Beach, CA 92660

William H. Bossert  
 2009 Irvine Ave.  
 Newport Beach, CA 92660

Rex A. Bell  
 1231 Shadow Lane  
 Las Vegas, NV 89102

Robert E. Bickner  
 1991 Vista Caudal  
 Newport Beach, CA 92660

Rick A. Bottome  
 1982 Vista Caudal  
 Newport Beach, CA 92660

Gladys E. Bemis  
 2404 University Pl.  
 Newport Beach, CA 92660

LaVonne Biddle  
 78 Shearwater Pl.  
 Newport Beach, CA 92660

Donald R. Bourassa  
 2619 Vista Ornada  
 Newport Beach, CA 92660

Joseph A. Benjamin  
 P.O. Box 7055  
 Newport Beach, CA 92660

Grace I. Bishop  
 2115 Vista Entrada  
 Newport Beach, CA 92660

Samuel W. H. Boyce  
 301 Avenida Cerritos  
 Newport Beach, CA 92660

Robert Allan Benowitz  
 334 Vista Madera  
 Newport Beach, CA 92660

Greg Bloom  
 1967 Vista Caudal  
 Newport Beach, CA 92660

Robert R. Boyd  
 348 Otero  
 Newport Beach, CA 92660

Hansel D. Benvenuti  
 27 Harbor Island  
 Newport Beach, CA 92660

Craig T. Bluell  
 389 Mira Loma Pl.  
 Costa Mesa, CA 92627

Fordyce Boyd  
 P.O. Box 267  
 Santa Ana, CA 92702

~~P. Chicardy/HBP/Design 568-4978~~

UPPER NEWPORT BAY Homeowners within 300\*

January 13, 1993

Ralph R. Boyer  
2341 Irvine Ave.  
Newport Beach, CA 92660

Michael Buchan  
422 Vista Parada  
Newport Beach, CA 92660

Richard D. Campbell  
2561 Irvine Ave.  
Costa Mesa, CA 92627

Marit Braemer  
321 Avenida Cerritos  
Newport Beach, CA 92660

Frank W. Bueche  
416 Plata  
Newport Beach, CA 92660

Clinton C. Campbell  
301 Esperanza  
Newport Beach, CA 92660

Medford N. Bragg  
2963 Quedada  
Newport Beach, CA 92660

Douglas W. Bulley  
303 Enero  
Newport Beach, CA 92660

S. R. Campoy  
504 Playa  
Newport Beach, CA 92660

Marlon Brando  
11940 San Vicente Blvd.  
Los Angeles, CA 90049

Patricia Jo Burke  
42 Corporate Park #210  
Irvine, CA 92714

Allan J. Carlton, Jr.  
7734 E. Adams St.  
Paramount, CA 90723

Carla Zwart Brockman  
2700 Harbor View Dr.  
Corona Del Mar, CA 92625

Robert W. Burns  
2415 Tustin Ave.  
Costa Mesa, CA 92627

Jay Douglas Carnahan  
182 Shorecliff Rd.  
Corona Del Mar, CA 92625

Rebecca H. Brooks  
2027 Vista Caudal  
Newport Beach, CA 92660

Joseph M. Burtnett  
2510 University Dr.  
Newport Beach, CA 92660

Gertrude E. Caronna  
2424 University Dr.  
Newport Beach, CA 92660

Floyd V. Brown  
428 Vista Parada  
Newport Beach, CA 92660

Marguerite G. Butler  
2508 University Dr.  
Newport Beach, CA 92660

Dennis Carpenter  
2147 Vista Entrada  
Newport Beach, CA 92660

Paul P. Brown  
P.O. Box 10009  
Newport Beach, CA 92660

Alvin M. Cachola  
38 Gannet Lane  
Newport Beach, CA 92660

J. Cashman  
2002 Vista Caudal  
Newport Beach, CA 92660

Rodney E. Brown  
2233 Heather Lane  
Newport Beach, CA 92663

William W. Calhoun  
2116 Vista Entrada  
Newport Beach, CA 92660

Joseph A. Cencel  
2225 Private Rd.  
Newport Beach, CA 92660

Peter J. Bryant  
426 Vista parada  
Newport Beach, CA 92660

Thomas K. Callister  
1501 Dolphin Terrace  
Corona Del Mar, CA 92625

Jane L. Chamberlin  
2153 Vista Entrada  
Newport Beach, CA 92660

~~P. Chicardy/HBP/Design 568-4978~~  
~~UPPER NEWPORT BAY Homeowners within 300'~~  
~~January 13, 1993~~

Judith Mae Chapel  
 386 Seawind Dr.  
 Newport Beach, CA 92660

Robert B. Clasen  
 2021 Avenida Chico  
 Newport Beach, CA 92660

Shirlee Dunn Davis  
 2901 Quedada  
 Newport Beach, CA 92660

Rita Charlesworth  
 2214 Santiago Dr.  
 Newport Beach, CA 92660

Andrew S. Cohen  
 2335 Irvine Ave.  
 Newport Beach, CA 92660

James D. Day  
 1939 Tradewinds Lane  
 Newport Beach, CA 92660

Candelario S. Chavez  
 42 Cormorant Circle  
 Newport Beach, CA 92660

John M. Coombe  
 717 Lido Park Dr.  
 Newport Beach, CA 92663

Edward R. Dayton  
 519 Playa  
 Newport Beach, CA 92660

Sitheris V. Chebithes  
 2653 Vista Ornada  
 Newport Beach, CA 92660

Alvin W. Cox  
 2612 SE Mesa Dr.  
 Santa Ana, CA 92707

Ruth Lois De Lamar  
 309 Avenida Cerritos  
 Newport Beach, CA 92660

Chung Houg Chian  
 1936 Irvine Ave.  
 Newport Beach, CA 92660

Gary K. Cox  
 2645 Vista Ornada  
 Newport Beach, CA 92660

Winnifred Deane  
 30 Cormorant Circle  
 Newport Beach, CA 92660

Shirley Chiaverini  
 22 Egret Ct.  
 Newport Beach, CA 92660

Stanley Crandon  
 2957 Quedada  
 Newport Beach, CA 92660

Gordon Deboer  
 8 Cormorant Circle  
 Newport Beach, CA 92660

Leslie H. Chillcott  
 387 Sunrise Circle  
 Costa Mesa, CA 92627

Albert E. Cranston  
 2455-H Irvine Ave.  
 Costa Mesa, CA 92627

Edward Deeb  
 10120 Riverside Dr.  
 Toluca Lake, CA 91602

Mark C. Christine  
 316 Otero  
 Newport Beach, CA 92660

John C. Crean  
 2115 Bayside Dr.  
 Corona Del Mar, CA 92625

Hildegarde H. Denno  
 2170 Vista Entrada  
 Newport Beach, CA 92660

Nikolas V. Chugay  
 2101 Indian Springs Lane  
 Newport Beach, CA 92660

Jerome W. Cwiertnia  
 420 Vista Parada  
 Newport Beach, CA 92660

Chris P. Dialynas  
 2140 Mesa Dr.  
 Newport Beach, CA 92660

John S. Clarke  
 389 Sunrise Cir.  
 Costa Mesa, CA 92627

Anthony Daukas  
 2171 Vista Entrada  
 Newport Beach, CA 92660

William P. Dietz  
 308 Avenida Carlos  
 Newport Beach, CA 92660 30



~~P. Chircardy/HBP/Design-568-4978.~~

UPPER NEWPORT BAY Homeowners within 300'

January 13, 1993

Craig R. Dimond  
2463 Irvine Ave. E-3  
Costa Mesa, CA 92627

Marion D. Duffy  
2403 Vista Nobleza  
Newport Beach, CA 92660

James H. Eisenberg  
2200 Heather Lane  
Newport Beach, CA 92660

Richard C. Dinkins  
2416 University Dr.  
Newport Beach, CA 92660

Kent Dunlap  
2201 22nd St.  
Newport Beach, CA 92660

Lester P. Elmore  
2252 Mesa Dr.  
Newport Beach, CA 92663

Robert S. Divine  
2022 Avenida Chico  
Newport Beach, CA 92660

Ronald A. Dunning  
P.O. Box 2000  
Corona Del Mar, CA 92625

Bruce Englebrecht  
2501 Vista Baya  
Newport Beach, CA 92660

James L. Dixon  
2115 Indian Springs Lane  
Newport Beach, CA 92660

Dale L. Dykema  
1969 Vista Caudal  
Newport Beach, CA 92660

Richard P. Ettinger  
350 Buena Vista  
Balboa, CA 92661

Barbara J. Dixon  
2647 Vista Ornada  
Newport Beach, CA 92660

Constance Ann Dynak  
386 Sunrise Circle  
Costa Mesa, CA 92627

Sandra A. Fadel  
2643 Vista Ornada  
Newport Beach, CA 92660

Wesley L. Dooley  
1989 Vista Caudal  
Newport Beach, CA 92660

Robert S. Ebbert  
2156 Vista Entrada  
Newport Beach, CA 92660

Kathryn L. Farley  
2430 University Dr.  
Newport Beach, CA 92660

Richard Dorsey  
2018 Santiago Dr.  
Newport Beach, CA 92660

Richard A. Eddy  
P.O. Box 2759  
Newport Beach, CA 92660

George Fattal  
91 Pelican Ct.  
Newport Beach, CA 92660

Helen B. Dowd  
2933 Quedada  
Newport Beach, CA 92660

Lester A. Edelberg  
330 Vista Madera  
Newport Beach, CA 92660

Michael J. Feeney  
77 E. Missouri  
Phoenix, AZ 85012

Louise Wells Dray  
1974 Vista Caudal  
Newport Beach, CA 92660

Christina Edler  
2101 Anniversary Lane  
Newport Beach, CA 92660

Edward C. Field  
25 Rue Cannes  
Newport Beach, CA 92660

Robert W. Duff  
P.O. Box 1242  
Santa Ana, CA 92702

Richard S. Ehrenfeld  
2625 Vista Ornada  
Newport Beach, CA 92660

Reginald D. Fifer  
2131 Santiago Dr.  
Newport Beach, CA 92660

~~P. Chicardy/HBP/Design 568-49,8~~  
 UPPER-NEWPORT BAY Homeowners within 300'  
 January 13, 1993

William O. Findley  
 2629 Vista Ornada  
 Newport Beach, CA 92648

William E. Forsythe  
 2332 Tustin Ave.  
 Newport Beach, CA 92660

Raymond J. Garcia  
 1958 Vista Caudal  
 Newport Beach, CA 92660

Wendell W. Finley  
 300 Avenida Carlos  
 Newport Beach, CA 92660

Douglas O. Foster  
 2338 Tustin Ave.  
 Newport Beach, CA 92660

Martin Gardner  
 304 Otero  
 Newport Beach, CA 92660

John D. Finnegan  
 222 Nata  
 Newport Beach, CA 92660

Jack Fox  
 2640 Vista Ornada  
 Newport Beach, CA 92660

Holly Gatehouse  
 P.O. Box 9023  
 Newport Beach, CA 92660

William J. Fisk  
 23221 Woodleaf  
 Diamond Bar, CA 91765

Helen R. Francisco  
 2135 Vista Entrada  
 Newport Beach, CA 92660

Alan E. Geisler  
 2107 Indian Springs Lane  
 Newport Beach, CA 92660

John Basil Fitzgerald  
 One Erieview Plaza #1300  
 Cleveland, OH 44114

Douglass H. Frapwell  
 396 Seawind Dr.  
 Newport Beach, CA 92660

Paul A. Gentosi  
 26 Egret Ct.  
 Newport Beach, CA 92660

William E. Fleischman  
 2159 Vista Entrada  
 Newport Beach, CA 92660

Bryan L. Frazier  
 395 Sunrise Cir.  
 Costa Mesa, CA 92627

Sheldon S. Gersten  
 2933 Perla St.  
 Newport Beach, CA 92660

Curtis A. Fleming  
 2143 Vista Entrada  
 Newport Beach, CA 92660

Theodore L. Freeman  
 2427 Vista Nobleza  
 Newport Beach, CA 92660

Mohammed K. Ghazi  
 1979 Vista Caudal  
 Newport Beach, CA 92660

Jack C. Fletcher  
 2575 Irvine Ave.  
 Costa Mesa, CA 92627

Herbert B. Frommholz  
 2463 Irvine Blvd., #D-2  
 Costa Mesa, CA 92627

Vonnie Gibbons  
 93 Pelican Ct.  
 Newport Beach, CA 92660

Robert D. Fletcher, Jr.  
 2644 Vista Ornada  
 Newport Beach, CA 92660

Thomas A. Fuentes  
 2532 University Ave.  
 Newport Beach, CA 92663

Mike W. Giddings  
 2463 Irvine Blvd.  
 Costa Mesa, CA 92626

Raymond Floyd  
 387 Seawind Dr.  
 Newport Beach, CA 92660

R. M. Galantine  
 2329 Irvine Ave.  
 Newport Beach, CA 92660

Russell T. Gilbert  
 2500 Vista Baya  
 Newport Beach, CA 92660

Lucia F. Gilliland  
One Commerce Sq. 17th Fl.  
Memphis, TN 38103

Keith T. Goodell  
2107 Anniversary Lane  
Newport Beach, CA 92660

William F. Grgurich  
287 Granada Way  
Costa Mesa, CA 92627

Frances Gioia  
392 Sunrise Cir.  
Costa Mesa, CA 92627

Lester K. Goodwin  
303 Esperanza  
Newport Beach, CA 92660

Glenn O. Gross  
2463 Irvine Ave., #B-1  
Costa Mesa, CA 92627

James K. Givens, Jr.  
2168 Vista Entrada  
Newport Beach, CA 92660

Michael Gordon  
2001 Santiago Dr.  
Newport Beach, CA 92663

Kenneth D. Grumbles  
2163 Vista Entrada  
Newport Beach, CA 92660

John J. Glain  
454 Tumble Creek Lane  
Fallbrook, CA 92028

B. R. Gould  
508 Playa  
Newport Beach, CA 92660

David A. Gryvnak  
2921 Quedada  
Newport Beach, CA 92660

Carolyn Goates  
2017 Vista Caudal  
Newport Beach, CA 92660

G. A. Gould  
324 Vista Madera  
Newport Beach, CA 92660

Frank E. Gustafson  
2231 Irvine Ave.  
Newport Beach, CA 92660

G. F. Goggin  
2408 University Dr.  
Newport Beach, CA 92660

Marilyn D. Gramwall  
2524 University Dr.  
Newport Beach, CA 92660

Robert Haig  
1945 Tradewinds Ln.  
Newport Beach, CA 92660

Phyllis K. Goggio  
1956 Vista Caudal  
Newport Beach, CA 92660

John A. Graves  
2316 Private Rd.  
Newport Beach, CA 92660

Robert S. Hamill  
2300 Private Rd.  
Newport Beach, CA 92660

Lawrence L. Goldberg  
306 Avenida Carlos  
Newport Beach, CA 92660

Harold Ford Greene  
2042 Galaxy Dr.  
Newport Beach, CA 92660

Ivan Hamilton  
2166 Vista Entrada  
Newport Beach, CA 92660

Frank Gonzales  
390 Sunrise Circle  
Costa Mesa, CA 92627

Karen Greenly  
2154 Vista Entrada  
Newport Beach, CA 92660

Frans R. Hanson  
1826 Commodore Rd.  
Newport Beach, CA 92660

Walter L. Good, Jr.  
2912 Quedada  
Newport Beach, CA 92660

William R. Gresh  
2927 Perla  
Newport Beach, CA 92660

Richard E. Hart  
2009 Vista Caudal  
Newport Beach, CA 92660

~~P. Chicardy/HBP/Design 568-4978~~  
~~UPPER NEWPORT BAY Homeowners within 300~~  
~~January 13, 1993~~

Terry J. Hartman  
 414 Plata  
 Newport Beach, CA 92660

Larry Heads  
 2463 Irvine Ave. #F-1  
 Costa Mesa, CA 92627

Michael C. Hoctor  
 302 Enero  
 Newport Beach, CA 92660

Patricia H. Harvey  
 2112 Santiago Dr.  
 Newport Beach, CA 92660

Robert B. Hicks  
 1983 Vista Caudal  
 Newport Beach, CA 92660

Dorothy M. Hodges  
 2401 Vista Nobleza  
 Newport Beach, CA 92660

Marlene E. Hassel  
 394 Sunrise Cir.  
 Costa Mesa, CA 92627

John F. Higgs  
 2160 Vista Entrada  
 Newport Beach, CA 92660

Joseph E. Hoerdemann Sr.  
 1963 Vista Caudal  
 Newport Beach, CA 92660

Arthur L. Hastings  
 2137 Vista Entrada  
 Newport Beach, CA 92660

Hugh E. Hill  
 2175 Vista Entrada  
 Newport Beach, CA 92660

Richard M. Hollar  
 2651 Vista Ornada  
 Newport Beach, CA 92660

Dale E. Havens  
 323 Avenida Cerritos  
 Newport Beach, CA 92660

George R. Hill  
 1200 Quail St Ste. 110  
 Newport Beach, CA 92660

John F. Honey  
 2014 Vista Caudal  
 Newport Beach, CA 92660

Michael R. Haviken  
 70 Cormorant Circle  
 Newport Beach, CA 92660

Thomas M. Hill  
 1965 Vista Caudal  
 Newport Beach, CA 92660

Mark H. Hoover  
 82 Shearwater Pl.  
 Newport Beach, CA 92660

Stephen A. Hay  
 2987 Quedada  
 Newport Beach, CA 92660

Yutaka Hirano  
 2308 Private Rd.  
 Newport Beach, CA 92660

Doris M. Hope  
 2422 University Dr.  
 Newport Beach, CA 92660

Anne K. Hayden  
 2419 Vista Nobleza  
 Newport Beach, CA 92660

Herbert Y. Hirashima  
 395 Granada Way  
 Costa Mesa, CA 92627

Webster C. Hopkins  
 2506 University Dr.  
 Newport Beach, CA 92660

Mr. Hayward  
 2425 Vista Nobleza  
 Newport Beach, CA 92660

Alfred E. Hobson  
 2431 Mesa Dr.  
 Santa Ana, CA 92707

Peggy E. Hopkins  
 20441 Bayview Ave.  
 Santa Ana, CA 92707

Marilyn D. Hazlett  
 2520 University Dr.  
 Newport Beach, CA 92660

David A. & Randi R. Hochwald  
 1500 Kings Rd.  
 Newport Beach, CA 92663

M. C. Horning, Jr.  
 2182 Mesa Dr.  
 Newport Beach, CA 92660

~~P. Chicardy/HBP/Design 568-49/8~~  
~~UPPER-NEWPORT-BAY Homeowners within 300'~~  
January 13, 1993

John Scott Hornsby  
 1961 Vista Caudal  
 Newport Beach, CA 92660

Mary E. Jacobs  
 201 Nata  
 Newport Beach, CA 92660

Mildred B. Johnson  
 312 Otero  
 Newport Beach, CA 92660

Arlene P. Howard  
 215 Nata  
 Newport Beach, CA 92660

Nancy Jaffee  
 1972 Vista Caudal  
 Newport Beach, CA 92660

Judy F. Jones  
 2975 Quedada  
 Newport Beach, CA 92660

Raymond H. Hsieh  
 20332 Everglades Ln.  
 Huntington Beach, CA 92646

William A. James  
 4 Cormorant Circle  
 Newport Beach, CA 92660

Elizabeth Cole Jones  
 308 Otero Dr.  
 Newport Beach, CA 92660

Robert A. Hughes  
 2326 Tustin Ave.  
 Newport Beach, CA 92660

Yasmin K. Jangi  
 1980 Vista Caudal  
 Newport Beach, CA 92660

John Judd  
 28 Cormorant Circle  
 Newport Beach, CA 92660

Dennis W. Iden  
 2463 Irvine Ave., #E-2  
 Costa Mesa, CA 92627

George R. Jansen  
 2124 Santiago Dr.  
 Newport Beach, CA 92660

Donald F. Julien  
 P.O. Box 208  
 Costa Mesa, CA 92627

Anne E. Iliff  
 2901 Perla  
 Newport Beach, CA 92660

Kurt I. Johannson  
 300 Vista Madera  
 Newport Beach, CA 92660

Susan A. Karch  
 525 Playa  
 Newport Beach, CA 92660

Arthur G. Imbrecht  
 2417 Novia St.  
 Newport Beach, CA 92660

William B. Johns  
 2600 Mesa Dr.  
 Santa Ana, CA 92707

Ronald J. Kasper  
 40 Cormorant Circle  
 Newport Beach, CA 92660

Pamela K. Irish  
 2012 Vista Caudal  
 Newport Beach, CA 92660

Maynard J. Johnson  
 320 Vista Madera  
 Newport Beach, CA 92660

Don B. Kates  
 36 Gannet Lane  
 Newport Beach, CA 92660

Yoshio G. Ishida  
 391 Sunrise Cir.  
 Costa Mesa, CA 92627

Allan S. Johnson  
 2018 Galaxy Dr.  
 Newport Beach, CA 92660

Nora E. Kaufman  
 1964 Vista Caudal  
 Newport Beach, CA 92660

Frank B. Ivanovich  
 2609 Vista Oranda  
 Newport Beach, CA 92660

Helen M. Johnson  
 2410 University Dr.  
 Newport Beach, CA 92660

Shirley E. Kautz  
 351 Vista Madera  
 Newport Beach, CA 92660

~~P. Chiardy/HBP/Design 568-4978~~  
 UPPER NEWPORT BAY Homeowners within 300'  
 January 13, 1993.

Daniel M. Kavert  
 101 Lombard St. #204E  
 San Francisco, CA 94111

Helen C. Kirkpatrick  
 388 University Dr.  
 Costa Mesa, CA 92627

Caroline Kreiss  
 40 Ganne LN  
 Newport Beach, CA 92660

John A. Kelly  
 324 Otero  
 Newport Beach, CA 92660

Harry H. Kitahata  
 2242 Heather Lane  
 Newport Beach, CA 92660

Satish Kumar  
 9402 Darrow Dr.  
 Huntington Beach, CA 92646

Raymond S. Kenison  
 403 Vista Parada  
 Newport Beach, CA 92660

Robert E. Klein  
 424 Vista Quinta  
 Newport Beach, CA 92660

Catherine La Cascia  
 1731 Medical Center Dr.  
 Anaheim, CA 92801

Charles F. Kenney  
 410 E. Pine St.  
 Santa Ana, CA 92701

Joseph A. Knox  
 302 Avenida Carlos  
 Newport Beach, CA 92660

Robert Lasnik  
 25 Egret Ct.  
 Newport Beach, CA 92660

Kathryn Ann Kent  
 P.O. Box 5446  
 Newport Beach, CA 92662

Dean Leroy Knutson  
 4372 Camellia Ave.  
 North Hollywood, CA 91604

Jerry Le Bouef  
 1229 N. Olive St.  
 Anaheim, CA 92801

Russell W. Kerr  
 527 Playa  
 Newport Beach, CA 92660

Roy G. Knutson  
 2504 University Dr.  
 Newport Beach, CA 92660

Leo L. Leeder  
 29 Egret Ct.  
 Newport Beach, CA 92660

Mark Kerry  
 44 Gannet Lane  
 Newport Beach, CA 92660

Edward J. Kohlmeier  
 440 Vista Parada  
 Newport Beach, CA 92660

Harry A. Leslie  
 2110 Vista Entrada  
 Newport Beach, CA 92660

Thomas L. Kezar  
 398 University Ave.  
 Costa Mesa, CA 92651

Gojko Komlenac  
 22 Cormorant Circle  
 Newport Beach, CA 92660

Kenneth E. Lindberg  
 385 Mira Loma Pl.  
 Costa Mesa, CA 92627

Khosro Khaloghli  
 P.O. Box 443  
 Costa Mesa, CA 92627

Stanley Kostecki  
 2007 Santiago Dr.  
 Newport Beach, CA 92663

Camile Lindquist  
 27 Egret Ct.  
 Newport Beach, CA 92660

Laurie A. Kirchen  
 2132 Anniversary Lane  
 Newport Beach, CA 92660

Paul Kouri  
 64 Cormorant Circle  
 Newport Beach, CA 92660

Warren R. Lindsay  
 2060 E. Oceanfront  
 Balboa, CA 92661

~~P. Chiardy/HBP/Design 568-4978~~  
~~UPPER NEWPORT BAY Homeowners within 300'~~  
~~January 13, 1993~~

W. Lochemes  
 441 Vista Parada  
 Newport Beach, CA 92660

Marjorie C. Luesebrink  
 200 Nata  
 Newport Beach, CA 92660

Brian Markham  
 2021 Santiago Dr.  
 Newport Beach, CA 92663

Alison P. Locke  
 950 Ferngrove Dr.  
 Cupertino, CA 95014

Jake J. Luetto  
 2015 Santiago Dr.  
 Newport Beach, CA 92660

John E. Marr  
 2001 Vista Caudal  
 Newport Beach, CA 92660

Brian J. Loftus  
 2635 Vista Ornada  
 Newport Beach, CA 92660

Anton Lukas  
 2118 Santiago Dr.  
 Newport Beach, CA 92660

Phyllis Ann Marshall  
 2463 Irvine Ave., #E-1  
 Costa Mesa, CA 92627

Sheri & Leon Long  
 20412 Bayview Ave.  
 Santa Ana, CA 92707

Bret R. Lundberg  
 2118 Vista Entrada  
 Newport Beach, CA 92660

Michael J. Martin  
 97 Pelican Ct.  
 Newport Beach, CA 92660

Lucy F. Looney  
 2900 Bristol St. #G106  
 Costa Mesa, CA 92626

John F. Lyons  
 74 Pelican Ct.  
 Newport Beach, CA 92660

Lucille Martin  
 2405 Vista Nobleza  
 Newport Beach, CA 92660

Leone Loos  
 2024 Avenida Chico  
 Newport Beach, CA 92660

Dorothy M. MacDonald  
 2026 Avenida Chico  
 Newport Beach, CA 92660

Frederic W. Martin  
 424 Vista Parada  
 Newport Beach, CA 92660

Daniel C. Lorti  
 425 Vista Parada  
 Newport Beach, CA 92660

Gerald G. Mackey  
 20402 Bay View Ave.  
 Newport Beach, CA 92663

Richard Alan Marting  
 2173 Vista Entrada  
 Newport Beach, CA 92660

Ronald Louterback  
 203 Nata  
 Newport Beach, CA 92660

Joseph Madl, Jr.  
 2161 Vista Entrada  
 Newport Beach, CA 92660

Inv L. P. Mas  
 390 Granada Way  
 Costa Mesa, CA 92627

James B. Lovell  
 2661 Vista Ornada  
 Newport Beach, CA 92660

Samuel J. Mangione  
 34 Cormorant  
 Newport Beach, CA 92660

Marilyn L. Matthews  
 1981 Vista Caudal  
 Newport Beach, CA 92660

J. L. Ludwig  
 2429 Vista Nobleza  
 Newport Beach, CA 92660

Gary N. Mara  
 2409 Novia  
 Newport Beach, CA 92660

Richard D. Mau  
 1200 N. Tustin #240  
 Santa Ana, CA 92705

~~P. Chicardy/HBP/Design 568-4978~~~~UPPER-NEWPORT-BAY Homeowners within 300'~~~~January 13, 1993~~

Eunice H. Maudlin  
76385 Lark Dr.  
Indian Wells, CA 92210

Francis J. McGovern  
2130 Santiago Dr.  
Newport Beach, CA 92660

William Menge  
2414 University Dr.  
Newport Beach, CA 92660

James G. Maynard  
2141 Vista Entrada  
Newport Beach, CA 92660

Alex A. McGregor  
P.O. Box 7544  
Newport Beach, CA 92660

Charles D. Merritt  
2318 Heather Lane  
Newport Beach, CA 92660

James R. Mc Clain  
2643 Vista Ornada  
Newport Beach, CA 92660

Barry J. McKay  
56 Cormorant Circle  
Newport Beach, CA 92660

Richard E. Meyer  
408 Onda  
Newport Beach, CA 92660

Michael A. Mc Cowan  
1960 Vista Caudal  
Newport Beach, CA 92660

Stanley V. McKeever  
2104 Vista Entrada  
Newport Beach, CA 92660

Jack E. Meyerhofer  
11208 NE 68th St.  
Kirkland, WA 98033

Edward M. Mc Donald  
309 Vista Madera  
Newport Beach, CA 92660

Derrell F. McKinley  
2939 Perla  
Newport Beach, CA 92660

Martin Bernard Migdall  
406 Plata  
Newport Beach, CA 92660

Pamela Gail Mc Intosh  
2011 Vista Caudal  
Newport Beach, CA 92660

Bruce J. McMeikan  
20422 Bayview Ave.  
Santa Ana, CA 92707

Steve Millen  
2251 Santiago Dr.  
Newport Beach, CA 92660

Bruce N. Mc Loud  
1962 Vista Caudal  
Newport Beach, CA 92660

Frank F. Mead  
1959 Vista Caudal  
Newport Beach, CA 92660

John S. Miller  
60 Cormorant Circle  
Newport Beach, CA 92660

Geraldine McCallum  
2426 Vista Nobleza  
Newport Beach, CA 92660

Rodney L. Medler  
2408 23rd St.  
Newport Beach, CA 92660

Jack W. Minor  
2139 Vista Entrada  
Newport Beach, CA 92660

Franklin M. McCune  
2101 Santiago Dr.  
Newport Beach, CA 92660

James C. Medved  
2952 Quedada  
Newport Beach, CA 92660

Khosrow Mirhadi  
2406 Via Marina  
Newport Beach, CA 92669

Kathryn G. McEntyre  
2019 Vista Caudal  
Newport Beach, CA 92660

John M. Meindl  
1957 Vista Caudal  
Newport Beach, CA 92660

Martin Bernard Mitchell  
340 Otero  
Newport Beach, CA 92660



~~P. Chircardy/HBP/Design 568-4978~~  
~~UPPER NEWPORT BAY HOMEOWNERS WITHIN 300'~~  
~~January 13, 1993~~

David B. Mohs  
 221 Nata  
 Newport Beach, CA 92660

Arthur J. Morris  
 10701 Western Ave.  
 Downey, CA 90241

Lynne H. Newman  
 383 Seawind  
 Newport Beach, CA 92660

Robert Montes  
 2611 Mesa Dr.  
 Santa Ana, CA 92707

Edwin C. Moses  
 328 Otero  
 Newport Beach, CA 92660

Burt Nienhuis  
 2402 University Dr.  
 Newport Beach, CA 92660

Donald V. Montooth  
 29218 Mescal Highlands  
 Llano, CA 93544

Marshall M. Mosher  
 2210 Private Rd.  
 Newport Beach, CA 92660

Georgia S. Noon  
 2421 Vista Nobleza  
 Newport Beach, CA 92660

Robert M. Moodey  
 336 Otero  
 Newport Beach, CA 92660

Robert R. Mosier, Jr.  
 2414 23rd St.  
 Newport Beach, CA 92660

William T. O'Brien  
 2 Cormorant Circle  
 Newport Beach, CA 92660

John Bender Moore  
 316 Vista Madera  
 Newport Beach, CA 92660

Iona Mouron  
 2518 University Dr.  
 Newport Beach, CA 92660

Chadwell O'Connor  
 2024 Galaxy Dr.  
 Newport Beach, CA 92660

Henry T. Moore, Jr.  
 P.O. Box 8536  
 Newport Beach, CA 92658

G. D. Muirhead  
 2129 Vista Entrada  
 Newport Beach, CA 92660

Seth M. Oberg, Jr.  
 2012 Galaxy Dr.  
 Newport Beach, CA 92660

Robert Joseph Moralice  
 2526 University Dr.  
 Newport Beach, CA 92660

Glenn C. Myers  
 16 Cormorant Circle  
 Newport Beach, CA 92660

Shirley Oberstein  
 211 Nata  
 Newport Beach, CA 92660

Phyllis A. Morgan  
 2404 University Dr.  
 Newport Beach, CA 92660

William G. Myers  
 2662 Vista Ornada  
 Newport Beach, CA 92660

Virginia Ochsner  
 1834 Leeward Ln.  
 Newport Beach, CA 92660

Jean R. Moriarty  
 52 Cormorant Circle  
 Newport Beach, CA 92660

Bruce E. Nelson  
 332 Otero  
 Newport Beach, CA 92660

Francis E. Odell  
 2023 Avenida Chico  
 Newport Beach, CA 92660

Bill Morris  
 388 Seawind Dr.  
 Newport Beach, CA 92660

Gloria G. Nesbitt  
 512 Playa  
 Newport Beach, CA 92660

Mildred A. Olivet  
 2023 Vista Caudal  
 Newport Beach, CA 92660

~~P. Chicardy/HBP/Design 568-4978~~

~~UPPER-NEWPORT BAY Homeowners within 300'~~

~~January 13, 1993~~

John F. Jr Ordway  
2407 Novia  
Newport Beach, CA 92660

Margaret R. Paulsen  
2502 University Dr.  
Newport Beach, CA 92660

Thomas G. Pflagep  
430 Vista Parada  
Newport Beach, CA 92660

John L. Osteen  
1877 Vanderhorn Dr.  
Memphis, TN 38134

Merle G. Pautsch  
223 Nata  
Newport Beach, CA 92660

Andrew P. Pflueger  
2630 Vista Ornada  
Newport Beach, CA 92660

Peter C. Painter Jr.  
2122 Descanso  
Newport Beach, CA 92660

Pierson L. Pedley  
836 Harbor Island Dr.  
Newport Beach, CA 92660

Oscar B. Phillips  
2201 Heather Lane  
Newport Beach, CA 92660

Frances A. Palm  
1635 S. State College Blvd.  
Anaheim, CA 92806

Bess J. Perrino  
1987 Vista Caudal  
Newport Beach, CA 92660

Richard Pick  
2128 Mesa Dr.  
Newport Beach, CA 92660

Lori Pangborn  
99 Pelican Ct.  
Newport Beach, CA 92660

Roberto A. Perussi  
1252 La Loma  
Santa Ana, CA 92705

Martha M. Pine  
2004 Vista Caudal  
Newport Beach, CA 92660

Richard E. Pangburn  
301 Enero St.  
Newport Beach, CA 92660

Theodore Peterson  
2152 Vista Entrada  
Newport Beach, CA 92660

Morris Pivaroff  
2179 Vista Entrada  
Newport Beach, CA 92660

Donna L. Parker  
394 Seawind Dr.  
Newport Beach, CA 92660

Steven B. Peterson  
400 Onda  
Newport Beach, CA 92660

Peter A. Planchock  
1984 Vista Caudal  
Newport Beach, CA 92660

Rose A. Parvin  
312 Vista Madera  
Newport Beach, CA 92660

Robert A. Peterson  
2465 Marino  
Newport Beach, CA 92663

Robert Plevin  
531 Playa  
Newport Beach, CA 92660

Audrey Pashley  
2404 Vista Nobleza  
Newport Beach, CA 92660

Ivan D. Petrey  
2127 Indian Springs Lane  
Newport Beach, CA 92660

Bradford Lane Polley  
82 Pelican Ct.  
Newport Beach, CA 92660

David L. Patterson  
209 Nata  
Newport Beach, CA 92660

Peter Pflaum  
2157 Vista Entrada  
Newport Beach, CA 92660

Van E. Pomeroy  
1968 Vista Caudal  
Newport Beach, CA 92660

~~P. Chircardy/HBP/Design 568-4978~~  
~~UPPER NEWPORT BAY Homeowners within 300'~~  
~~January 13, 1993~~

Norban F. Poor  
 2015 Vista Caudal  
 Newport Beach, CA 92660

Willard D. Reece  
 2223 Irvine Ave.  
 Newport Beach, CA 92660

Harry S. Rinker  
 P.O. Box 7250  
 Newport Beach, CA 92663

Nadja Posey  
 2221 Heather Lane  
 Newport Beach, CA 92660

Wilbur E. Reeves  
 517 Playa  
 Newport Beach, CA 92660

Walter B. Rios  
 2415 Novia Pl.  
 Newport Beach, CA 92660

John P. Queen  
 2145 Vista Entrada  
 Newport Beach, CA 92660

Darwin Reinglass  
 308 Vista Madera  
 Newport Beach, CA 92660

Jerry M. Robinson  
 219 Nata  
 Newport Beach, CA 92660

Janice E. Rannick  
 384 Seawind Dr.  
 Newport Beach, CA 92660

Carl E. Remelin  
 2515 Island View Dr.  
 Corona Del Mar, CA 92625

Louin P. Robinson  
 2615 Vista Ornada  
 Newport Beach, CA 92660

Frieda Rapp  
 84 Pelican Ct.  
 Newport Beach, CA 92660

William Retzlaff  
 2134 Vista Entrada  
 Newport Beach, CA 92660

Jack W. Robinson  
 66 Cormorant Circle  
 Newport Beach, CA 92660

Peter K. Rathgeb  
 2633 Vista Ornada  
 Newport Beach, CA 92660

Ivan L. Richardson  
 2938 Perla  
 Newport Beach, CA 92660

Brian C. Rogers  
 217 Nata  
 Newport Beach, CA 92660

John Ravera  
 412 Vista Quinta  
 Newport Beach, CA 92660

James A. Richmond  
 2033 Santiago Dr.  
 Newport Beach, CA 92660

John C. Rogers  
 2463 Irvine Ave. #B-2  
 Costa Mesa, CA 92627

James Winfield Raymond  
 2627 Vista Ornada  
 Newport Beach, CA 92660

R. Ries  
 2007 Vista Caudal  
 Newport Beach, CA 92660

Allan J. Rohrer  
 20452 Bayview  
 Santa Ana, CA 92707

John M. Raymont  
 1721 Palmetto Ln.  
 Kingwood, TX 77339

Philip B. Righter  
 2218 Private Rd.  
 Newport Beach, CA 92660

Tobey Rosen  
 202 Nata St.  
 Newport Beach, CA 92660

Mark N. Reade  
 2003 Vista Caudal  
 Newport Beach, CA 92660

David Riley  
 10 Cormorant Circle  
 Newport Beach, CA 92660

Carolyn Rosenow  
 2659 Vista Ornada  
 Newport Beach, CA 92660

~~P. Chicardy/HBP/Design 568-4978~~  
~~UPPER NEWPORT BAY Homeowners within 300'~~  
~~January 13, 1993~~

Willard A. Ross  
 346 Vista Madera  
 Newport Beach, CA 92660

Earl G. Sawyer  
 535 Via Lido Soud  
 Newport Beach, CA 92660

Chester A. Silva  
 2230 Heather Lane  
 Newport Beach, CA 92660

Bruce G. Rossiter  
 14 Cormorant Circle  
 Newport Beach, CA 92660

Melvin E. Schimkel  
 2027 Santiago Dr.  
 Newport Beach, CA 92660

Susan Simpson  
 2006 Galaxy Dr.  
 Newport Beach, CA 92660

Caroline A. Ryan-Carey  
 350 Vista Madera  
 Newport Beach, CA 92660

Donald F. Schneider  
 P.O. Box 1628  
 El Centro, CA 92244

Florence Velo Simpson  
 2441 Bunya St.  
 Newport Beach, CA 92660

Leslie W. Sachs  
 2114 Vista Entrada  
 Newport Beach, CA 92660

Gary A. Serklew  
 24 Egret Ct.  
 Newport Beach, CA 92660

Thomas A. Sinclair  
 526 Passiflora Dr.  
 La Habra, CA 90631

Helen F. Salmond  
 2164 Vista Entrada  
 Newport Beach, CA 92660

Tully H. Seymour  
 2621 Vista Ornada  
 Newport Beach, CA 92660

George Skaug  
 1224 Phillipp St.  
 San Fernando, CA 91340

Tarek Samee  
 80 Shearwater Pl.  
 Newport Beach, CA 92660

Susan Shafer  
 P.O. Box 428  
 Balboa Island, CA 92663

June Louise Slack  
 2424 Vista Nobleza  
 Newport Beach, CA 92660

Anthony Sansone  
 3025 Corte Hermosa  
 Newport Beach, CA 92660

Robert K. Shepherd  
 1893 Parkview Circle  
 Costa Mesa, CA 92627

Stephen A. Slykhous  
 307 Avenida Cerritos  
 Newport Beach, CA 92660

Risto T. Santala  
 2344 Tustin Ave.  
 Newport Beach, CA 92660

Marian Marshack Shulman  
 2915 Perla  
 Newport Beach, CA 92660

David G. Smith  
 45 Cormorant Circle  
 Newport Beach, CA 92660

N. R. Saunders  
 2131 Vista Entrada  
 Newport Beach, CA 92660

John M. Siefert  
 2117 Vista Entrada  
 Newport Beach, CA 92660

Frances M. Smith  
 2969 Quedada  
 Newport Beach, CA 92660

Gary W. Sauter  
 383 Monte Vista #B  
 Costa Mesa, CA 92627

John L. Sigrist  
 1801 Glenwood Lane  
 Newport Beach, CA 92660

Arjay Smith  
 500 Playa  
 Newport Beach, CA 92660

P. Chicardy/HBP/Design 568-4978  
 UPPER NEWPORT BAY Homeowners Within 300'  
 January 13, 1993

Peter W. Smith  
 436 Vista Parada  
 Newport Beach, CA 92660

Inez A. Stansbury  
 2530 University Dr.  
 Newport Beach, CA 92660

Matthew W. Szawlowski  
 11180 Warner Ave. Suite 151  
 Fountain Valley, CA 92708

Francis L. Smith  
 2039 Santiago Dr.  
 Newport Beach, CA 92660

Edward F. Stapleton  
 2637 Vista Ornada  
 Newport Beach, CA 92660

Paul Tafoya  
 2306 Heather Lane  
 Newport Beach, CA 92660

Marion Smith, Jr.  
 2106 Santiago Dr.  
 Newport Beach, CA 92660

Oscar Steinberg  
 2212 Vista Dorado  
 Newport Beach, CA 92660

Naoshige Takahashi  
 2115 Anniversary Lane  
 Newport Beach, CA 92660

Elizabeth P. Smoot  
 2010 Vista Caudal  
 Newport Beach, CA 92660

Michael A. Steiner  
 2585 Irvine Ave.  
 Costa Mesa, CA 92626

Terumi T. Takata  
 397 Granada Way  
 Costa Mesa, CA 92627

Clay T. Snider  
 2958 Quedada  
 Newport Beach, CA 92660

Kenneth Stewart  
 2130 Vista Entrada  
 Newport Beach, CA 92660

Ruth M. Tallman  
 1973 Vista Caudal  
 Newport Beach, CA 92660

John Snyder  
 2097 Crestview  
 Laguna Beach, CA 92651

Eric R. Stice  
 220 Nata  
 Newport Beach, CA 92660

Yuan Chuan Tang  
 2245 Irvine Ave.  
 Newport Beach, CA 92660

Marilyn J. Soukesian  
 711 N. Tamarisk Ln.  
 Palm Springs, CA 92262

Richard L. Stott  
 2111 Vista Entrada  
 Newport Beach, CA 92660

William P. 3rd Tanner  
 2655 Vista Ornada  
 Newport Beach, CA 92660

Thelma S. Spencer  
 521 Playa  
 Newport Beach, CA 92660

Barbara Jane Straeter  
 2940 Quedada  
 Newport Beach, CA 92660

Theodore R. Tapfer  
 317 Avenida Cerritos  
 Newport Beach, CA 92660

William Spencer  
 304 Vista Madera  
 Newport Beach, CA 92660

Joseph Surra  
 2951 Quedada  
 Newport Beach, CA 92660

Glen M. Tarin  
 2100 Santiago Dr.  
 Newport Beach, CA 92660

Donald L. St Ours  
 2012 Santiago Dr.  
 Newport Beach, CA 92660

Nancy J. Szawlowski  
 418 Plata  
 Newport Beach, CA 92660

Zada F. Taylor  
 2514 University Dr.  
 Newport Beach, CA 92660

~~P. Chicardy/HBP/Design 568-4978~~  
~~UPPER NEWPORT BAY Homeowners within 300'~~  
~~January 13, 1993~~

Charles Frasier Taylor  
 78 Pelican Ct.  
 Newport Beach, CA 92660

Beverly J. Toomey  
 2907 Perla  
 Newport Beach, CA 92660

Eugene E. Verge  
 2133 Vista Entrada  
 Newport Beach, CA 92660

Ellen R. Taylor  
 2420 Vista Nobleza  
 Newport Beach, CA 92660

Gabor A. Toth  
 2236 Heather Lane  
 Newport Beach, CA 92660

James A. Verhovek  
 2209 Private Rd.  
 Newport Beach, CA 92660

Fred W. Ten Eyck  
 2215 Heather Lane  
 Newport Beach, CA 92663

Donna J. Trenary  
 2323 Irvine Ave.  
 Newport Beach, CA 92660

Robert A. Voigt  
 307 Esquina  
 Newport Beach, CA 92660

Bernard G. Terry  
 404 Vista Parada  
 Newport Beach, CA 92660

Robert S. Tripp  
 20421 Bay View Ave.  
 Santa Ana, CA 92707

Robert G. Vollmer  
 2463 Irvine Ave., #B4  
 Costa Mesa, CA 92627

Alice E. Testa  
 2151 Vista Entrada  
 Newport Beach, CA 92660

Paul F. Troegner  
 2401 Via Marina  
 Newport Beach, CA 92660

GEB F Von Mueffling  
 404 Onda  
 Newport Beach, CA 92660

John R. Thomas  
 2411 Novia  
 Newport Beach, CA 92660

Eleanor P. Tucker  
 1970 Vista Caudal  
 Newport Beach, CA 92660

Melanie J. Voss  
 18 Cormorant Circle  
 Newport Beach, CA 92660

Robert B. Thompson  
 2 Cormorant Circle  
 Newport Beach, CA 92660

Alanna M. Urbanus  
 46 Cormorant Circle  
 Newport Beach, CA 92660

Bobby R. Waddell  
 384 University Ave.  
 Costa Mesa, CA 92627

Mark A. Thon  
 2402 Vista Nobleza  
 Newport Beach, CA 92660

Farshid Vahed  
 3857 Birch St., #220  
 Newport Beach, CA 92660

Arthur C. Wahlstedt, Jr.  
 2325 Heather Lane  
 Newport Beach, CA 92660

Thomas T. Tierney  
 2412 Mesa Dr.  
 Santa Ana, CA 92707

Jane Van Horne  
 2030 Galaxy Dr.  
 Newport Beach, CA 92660

Richard Walfish  
 1480 N.E. 131st St.  
 North Miami Beach, FL 33161

Robert W. Tompkins  
 2423 Vista Nobleza  
 Newport Beach, CA 92660

Jon Van Putten  
 381 Seawind Dr.  
 Newport Beach, CA 92660

Robert A. Walker  
 2001 Irvine Ave.  
 Newport Beach, CA 92660

~~P. Chicardy/HBF/Design 568-4928~~  
~~UPPER NEWPORT BAY Homeowners within 300'~~  
~~January 13, 1993~~

David H. Wallace  
 305 Esperanza  
 Newport Beach, CA 92660

Earl M. Weitzman  
 2025 Avenida Chico  
 Newport Beach, CA 92660

Leroy H. Willert  
 2623 Vista Ornada  
 Newport Beach, CA 92660

Charles R. Warfield  
 2634 Vista Ornada  
 Newport Beach, CA 92660

John W. Wells  
 5720 140th Pl. SE  
 Bellevue, WA 98006

Donald W. Williams  
 392 Seawind Dr.  
 Newport Beach, CA 92660

John Watcher  
 25192 Cineria Way  
 El Toro, CA 92630

Jan H. Westerman, Jr.  
 2131 Anniversary Lane  
 Newport Beach, CA 92660

Frances T. Williams  
 2008 Vista Caudal  
 Newport Beach, CA 92660

Barbara S. Wavell  
 2906 Quedada  
 Newport Beach, CA 92660

Ronald M. White  
 49 Cormorant Circle  
 Newport Beach, CA 92660

Michael K. Williams  
 325 Crescent Bay Dr.  
 Laguna Beach, CA 92651

Martha P. Webb  
 2218 Santiago Dr.  
 Newport Beach, CA 92660

Robert T. Whitehead  
 51 Cormorant Circle  
 Newport Beach, CA 92660

Ethyle Constance Wilson  
 3412 Ocean Blvd.  
 Corona Del Mar, CA 92625

Pat Weber-Fulco  
 2945 Quedada  
 Newport Beach, CA 92660

Claude E. Whitney  
 311 Avenida Cerritos  
 Newport Beach, CA 92660

George J. Wimberly  
 2300 Heather Lane  
 Newport Beach, CA 92660

Donald A. Webster  
 429 Vista Parada  
 Newport Beach, CA 92660

Earl R. Wickham  
 2005 Vista Caudal  
 Newport Beach, CA 92660

Allison Wimberly  
 2260 University Dr.  
 Newport Beach, CA 92660

David G. Webster  
 1021 Patten Creek Rd.  
 Glendo, WY 82213

Ruth G. Wiese  
 2025 Vista Caudal  
 Newport Beach, CA 92660

Robert S. Winsten  
 2227 Heather Lane  
 Newport Beach, CA 92660

Jean Wegener  
 2108 Vista Entrada  
 Newport Beach, CA 92660

William E. Wilkinson  
 2605 Vista Ornada  
 Newport Beach, CA 92660

Barbara Wold  
 47 Cormorant Circle  
 Newport Beach, CA 92660

Edward Weggeland  
 342 Vista Madera  
 Newport Beach, CA 92660

Richard W. Wilkinson  
 406 Vista Quinta  
 Newport Beach, CA 92660

Kearney Wolven  
 2132 Vista Entrada  
 Newport Beach, CA 92660

~~P. Chieardy/HBP/Design 568-4978~~  
~~UPPER-NEWPORT-BAY Homeowners within 300'~~  
~~January 13, 1993~~

Lucille C. Woods  
 2237 Irvine Ave.  
 Newport Beach, CA 92660

Eugene E. York  
 2006 Vista Caudal  
 Newport Beach, CA 92660

Paul Toma  
 75 Shearwater Pl.  
 Newport Beach, CA 92660

David S. Wooters  
 20442 Bayview Ave.  
 Santa Ana, CA 92707

Larry G. Young  
 2943 Perla  
 Newport Beach, CA 92660

Janice L. Renne  
 77 Shearwater Pl.  
 Newport Beach, CA 92660

Ronald E. Wright  
 P.O. Box 2502  
 Newport Beach, CA 92663

Michael C. Zimmerman  
 2115 Santiago Dr.  
 Newport Beach, CA 92660

Telford Walker  
 17744 Skypark Cir.  
 Irvine, CA 92714

Anhsi Wu  
 2317 Irvine Ave.  
 Newport Beach, CA 92660

Resident  
 6 Cormorant Circle  
 Newport Beach, CA 92660

Shu-Yuan Chu  
 38 Cormorant Cir.  
 Newport Beach, CA 92660

Victor D. Wu  
 2107 Santiago Dr.  
 Newport Beach, CA 92660

Resident  
 2020 Ave. Chico  
 Newport Beach, CA 92660

Stephanie Voss  
 36 Cormorant Cir.  
 Newport Beach, CA 92660

Levonne A. Yardum  
 15915 Ventura Blvd.  
 Encino, CA 91436

BE:lt/jwHBD02-140  
 (3019)3011508540047

Jacob B. Yarnell  
 4121 Seaview Ave.  
 Los Angeles, CA 90065

Ardelle Jacobson  
 48 Pelican Ct.  
 Newport Beach, CA 92660

Masaru Yokota  
 2639 Vista Ornada  
 Newport Beach, CA 92660

Reginald C. Broughton  
 7088 Iris Ave.  
 Corona Del Mar, CA 92625

Haroon Yomtoubian  
 2510 Vista Baya Circle  
 Newport Beach, CA 92660

John B. Potter  
 44 Pelican Ct.  
 Newport Beach, CA 92660

John K. Yonkers  
 2915 Quedada  
 Newport Beach, CA 92660

Elliott S. Faxstein  
 42 Pelican Ct.  
 Newport Beach, CA 92660



# U. N. Bay Homeowner's Assoc.

Sherwood Estates Homeowners Assoc.  
Chet Groskreutz, President  
1551 Pegasus Street  
Santa Ana Heights, CA 92707

Riverside Drive Kennel Owners  
Brian G. Phillips  
20332 Riverside Drive  
Santa Ana Heights, CA 92707

Back Bay Community Association  
Nancy Kaufman, President  
217 N. Main, Ste. LL30  
Santa Ana, CA 92701-4850

The Bluffs Homeowners Association  
Arthur H. F. Barlow, President  
P. O. Box 8167  
Newport Beach, CA 92658-8167

Dover Shores Community Assoc.  
Alan Reedy, President  
1930 Santiago Dr.  
Newport Beach, CA 92660

East Bluff Apts. Owners Assoc.  
Tahwannah Fox, President  
c/o Villageway Management Co.  
P. O. Box 4708  
Irvine, CA 92716

East Bluff Homeowners Assoc.  
Charles Griffin  
732 Bison  
Newport Beach, CA 92660

Newport Upper Bay Estates  
Keith Goodell, President  
2107 Anniversary Lane  
Newport Beach, CA 92661

Bayview Court H.O. Assoc.  
Nancy Helmer, President  
112 Baycrest  
Newport Beach, CA 92660

Mariners Community Assoc.  
Rac Cohen, President  
1501 Antigua Way  
Newport Beach, CA 92660

N. Bluff Bayview Comm. Assoc.  
Stan Crandon, President  
2957 Quedada  
Newport Beach, CA 92660

N. Bluff Park Comm. Assoc.  
Ed Watson, President  
454 Vista Roma  
Newport Beach, CA 92660

Plaza Homeowners Comm. Assoc.  
Roman Kallmas, President  
2408 Vista Hogar  
Newport Beach, CA 92660

N. Bluff Villa Comm. Assoc.  
Carolyn Fitz-Gibbon, President  
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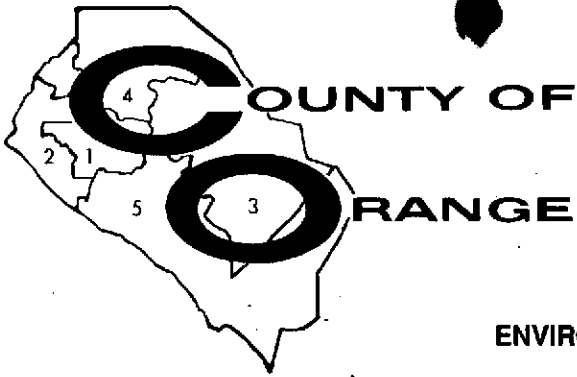
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TELEPHONE:  
(714) 568-5100  
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FAX: (714) 571-5618

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HARBORS, BEACHES AND PARKS

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3300 Newport Blvd.  
Newport Beach, CA 92658-8915

FAX: \_\_\_\_\_

ATTN: John Douglas

PROJECT: Upper Newport Bay Regional Park

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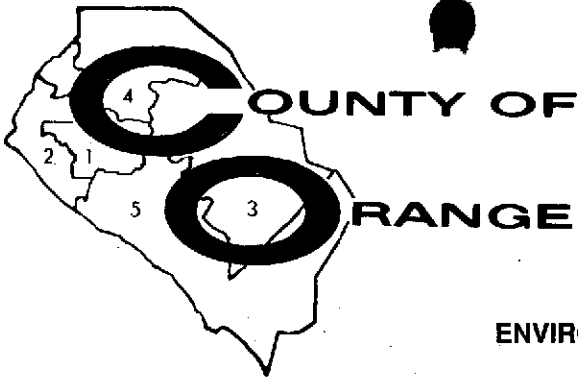
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REMARKS:

John - Per your request I am transmitting  
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Please let me know when you have set a tentative  
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DATE: 3/1/93



**MICHAEL M. RUANE**  
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Planning Department  
3300 Newport Blvd.  
Newport Beach, CA 92658-8915

FAX: \_\_\_\_\_

ATTN: W. William Ward, Senior Planner

PROJECT: Upper Newport Bay Regional Park General Development Plan

- |  |  |   |
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<u>5</u>	<u>Draft EIR No. 525</u>
<u>1 set</u>	<u>Gummed Labels, names &amp; addresses within 300'</u>
<u>1 set</u>	<u>Assessors Parcel Map indicating 300' radius line</u>

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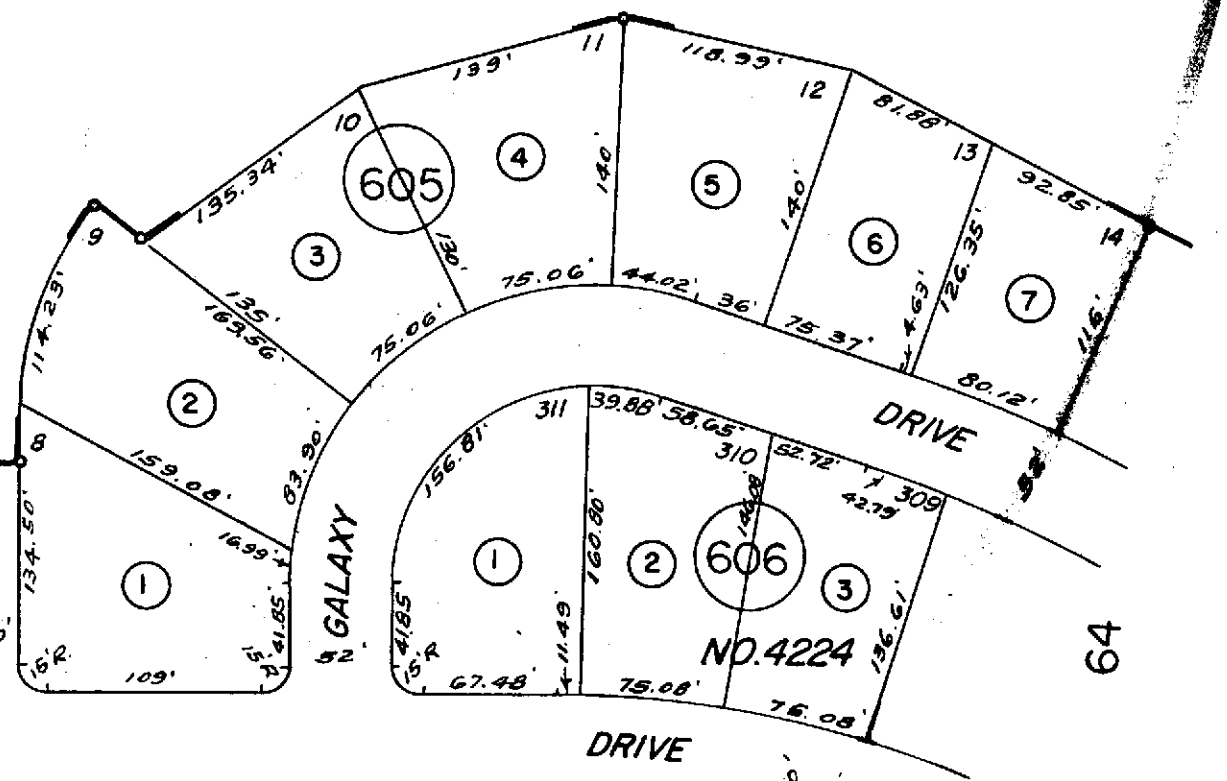
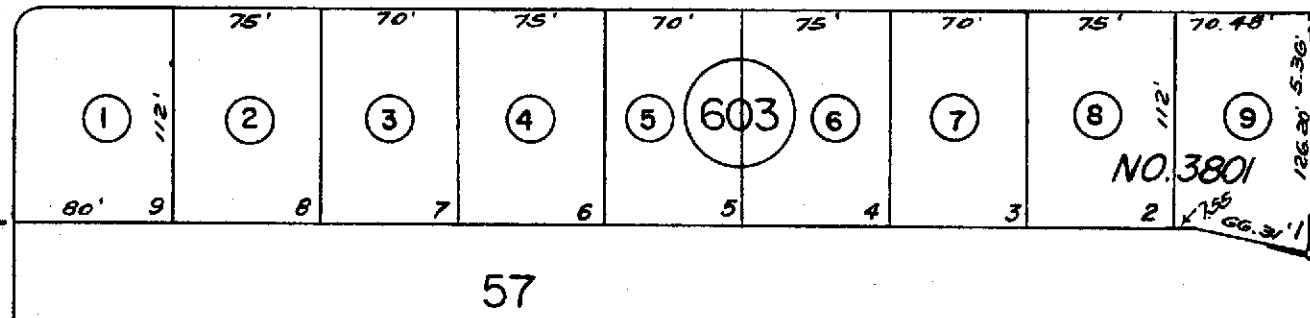
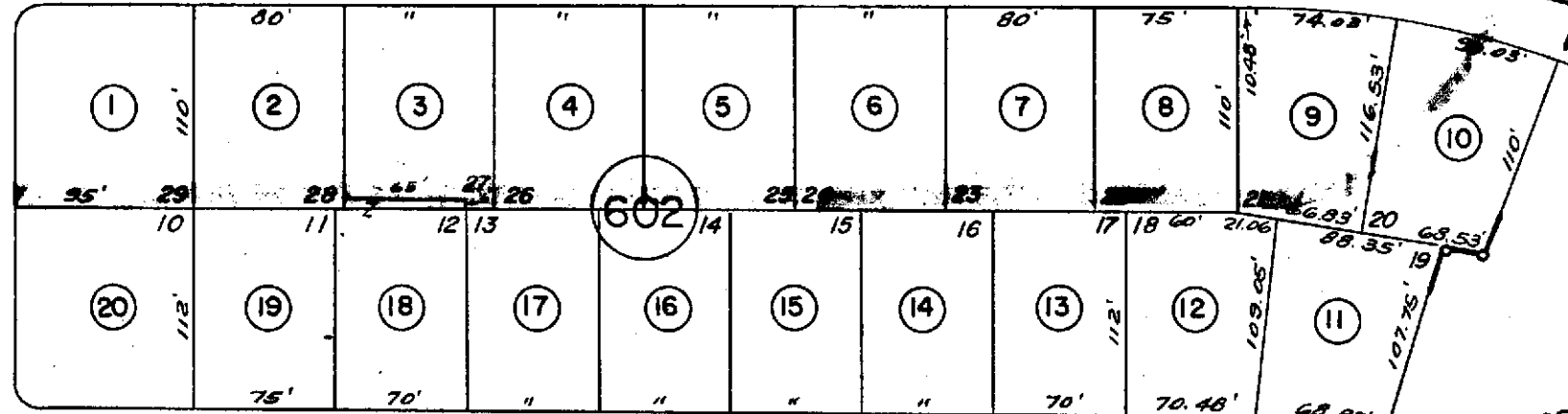
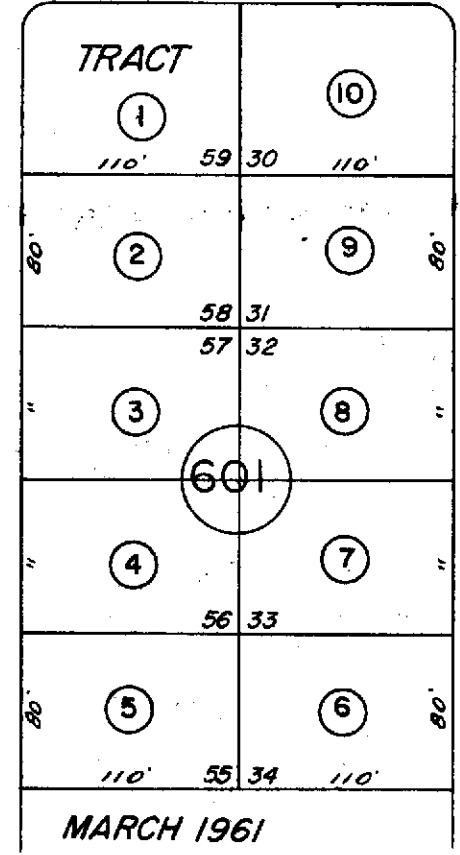
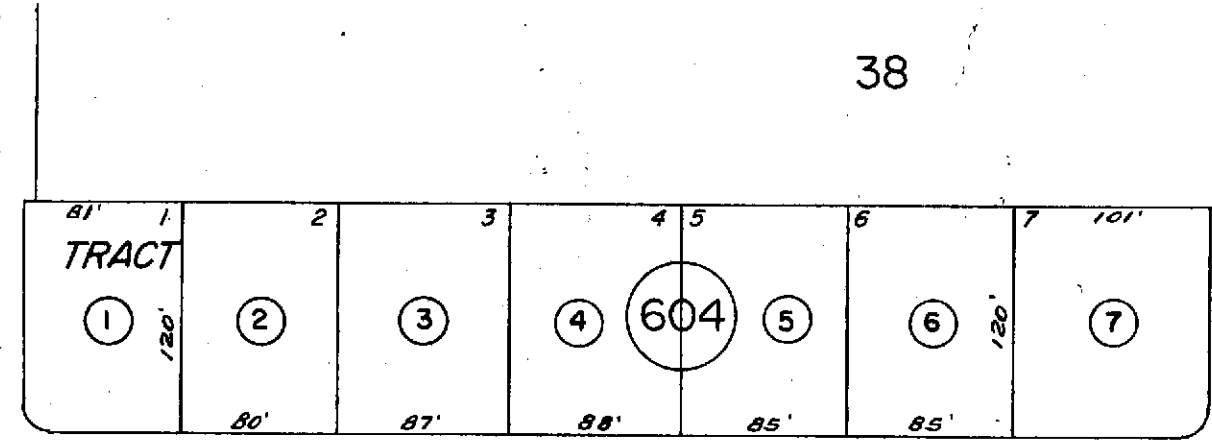
Bill - Please review and agendize for Planning Commission and City Council.  
Call me if you have any questions and to let me know how many additional  
documents are required.

SENT BY: Mary Murray COPY TO: File  
DATE: January 29, 1993

# UPPER NEWPORT BAY

1" = 100'

118-32  
 22ND ST.  
 426-01  
 IRVINE

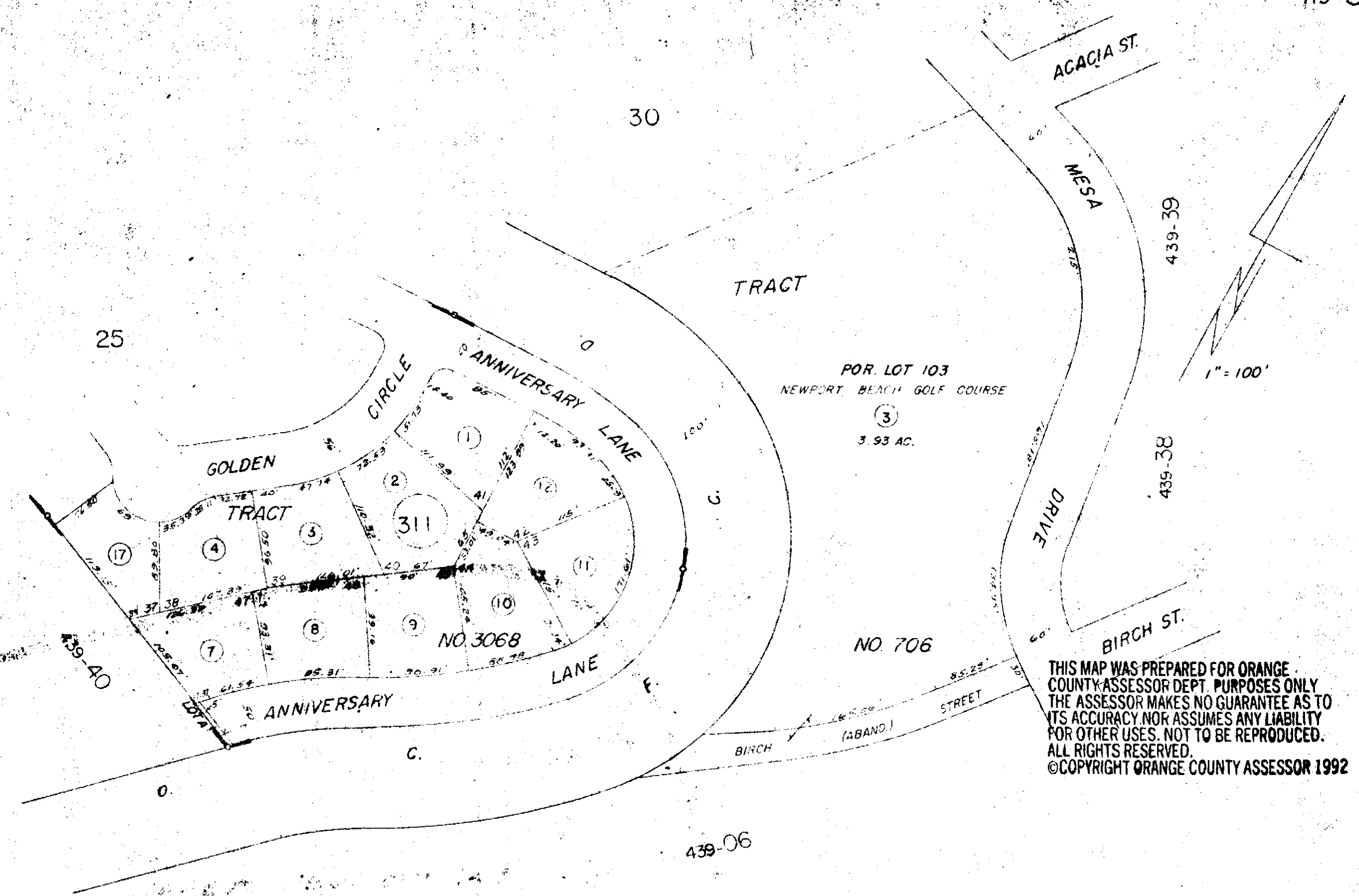


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TR. NO. 3801 M. M. 136-3,4,5  
 TR. NO. 4224 M. M. 157-1 TO 14 INC.

NOTE - ASSESSOR'S BLOCK B  
 PARCEL NUMBERS  
 SHOWN IN CIRCLES

ASSESSOR'S MAP  
 BOOK 117 PAGE 60  
 COUNTY OF ORANGE



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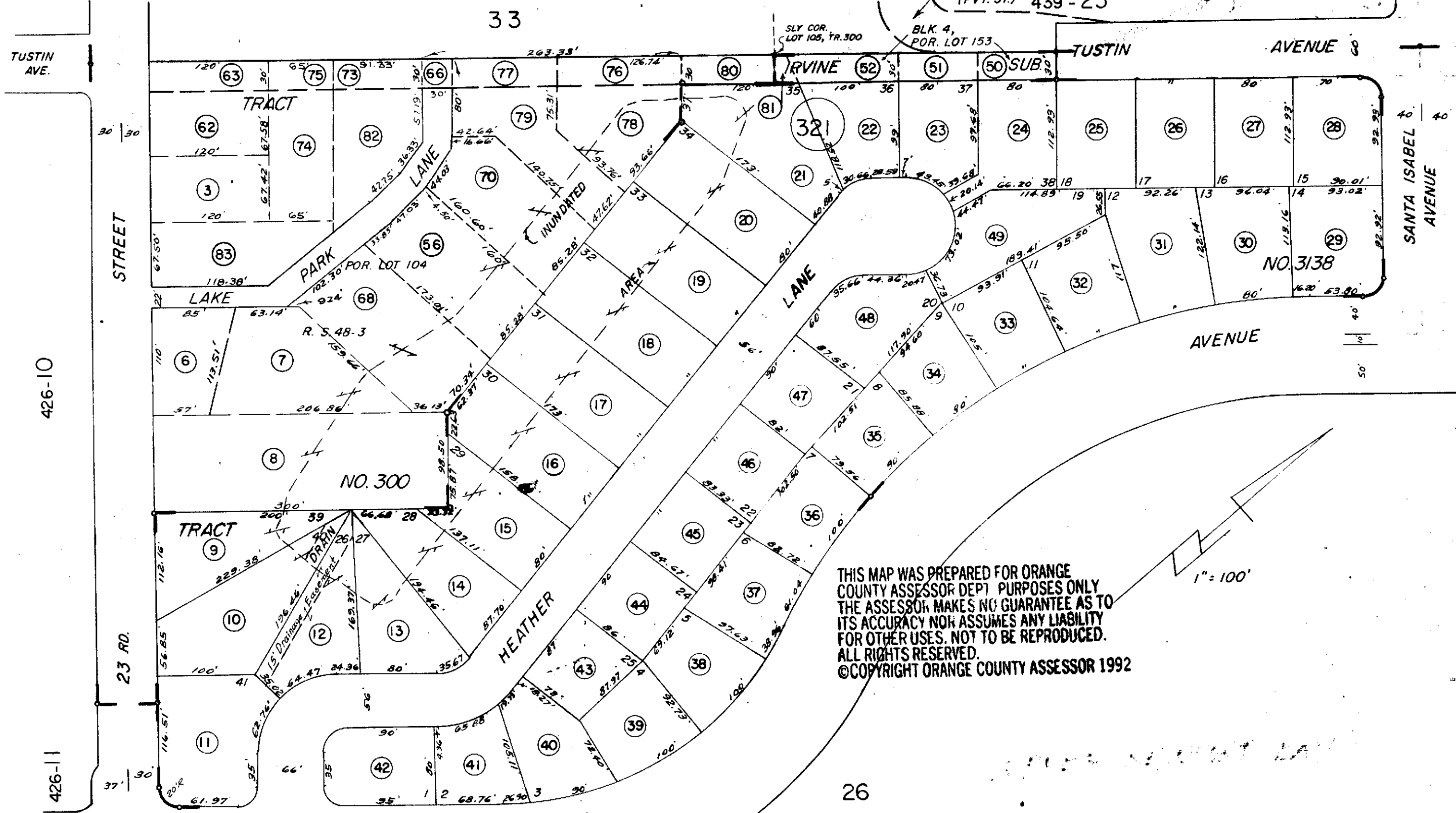
MARCH 1957

TR. NO. 706 M. M. 21-25  
TR. NO. 3068 M. M. 93-9, 10, 11

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 119 PAGE 31 COUNTY OF ORANGE

NEWPORT GLEN COURT (PVT. ST.) 439-23



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426-10

439-15

MARCH 1959

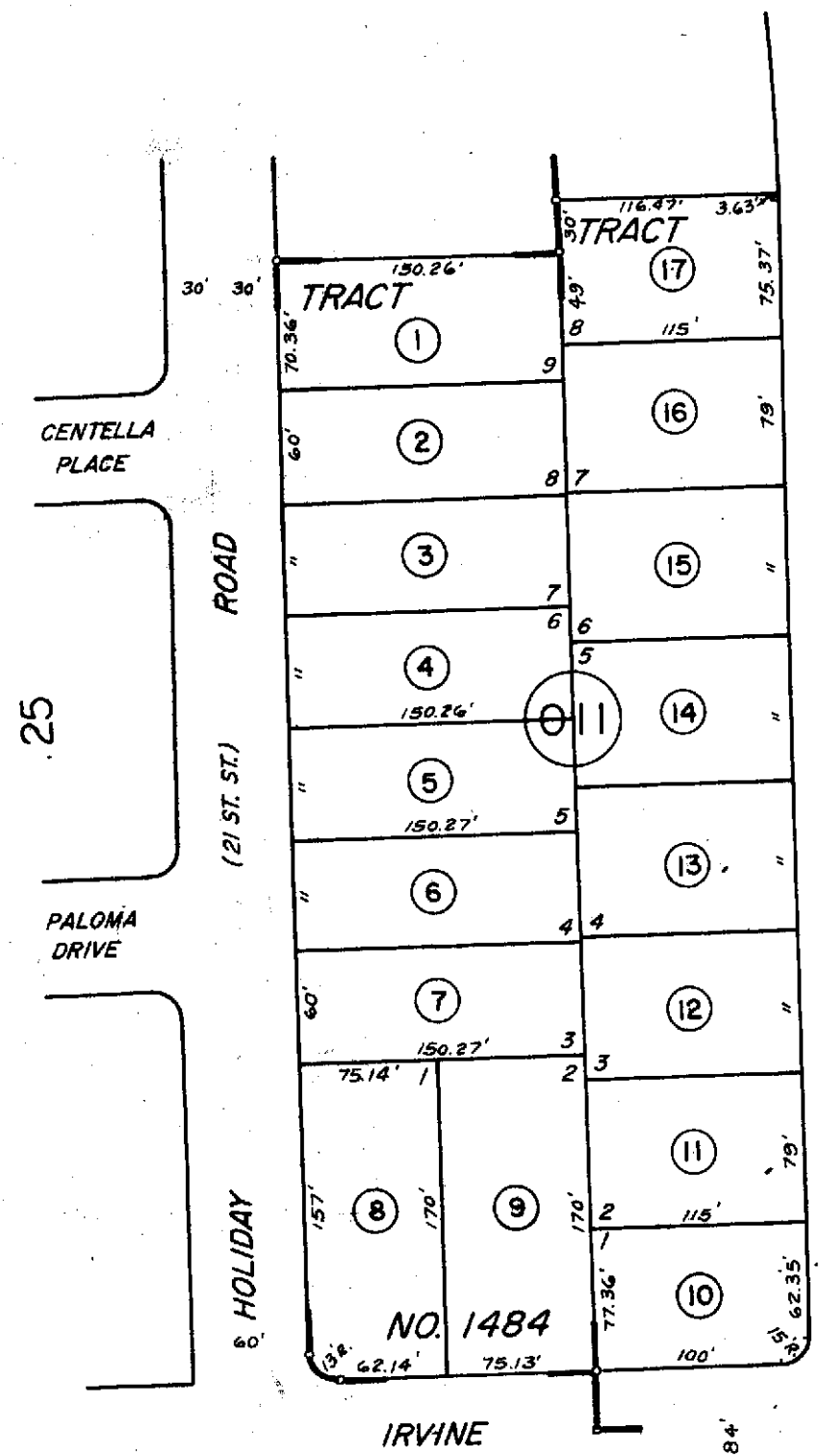
IRVINE SUB. TRACT 300  
 TRACT 3138  
 M.M. 1-88  
 M.M. 14-11,12  
 M.M. 103-31,32,33

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

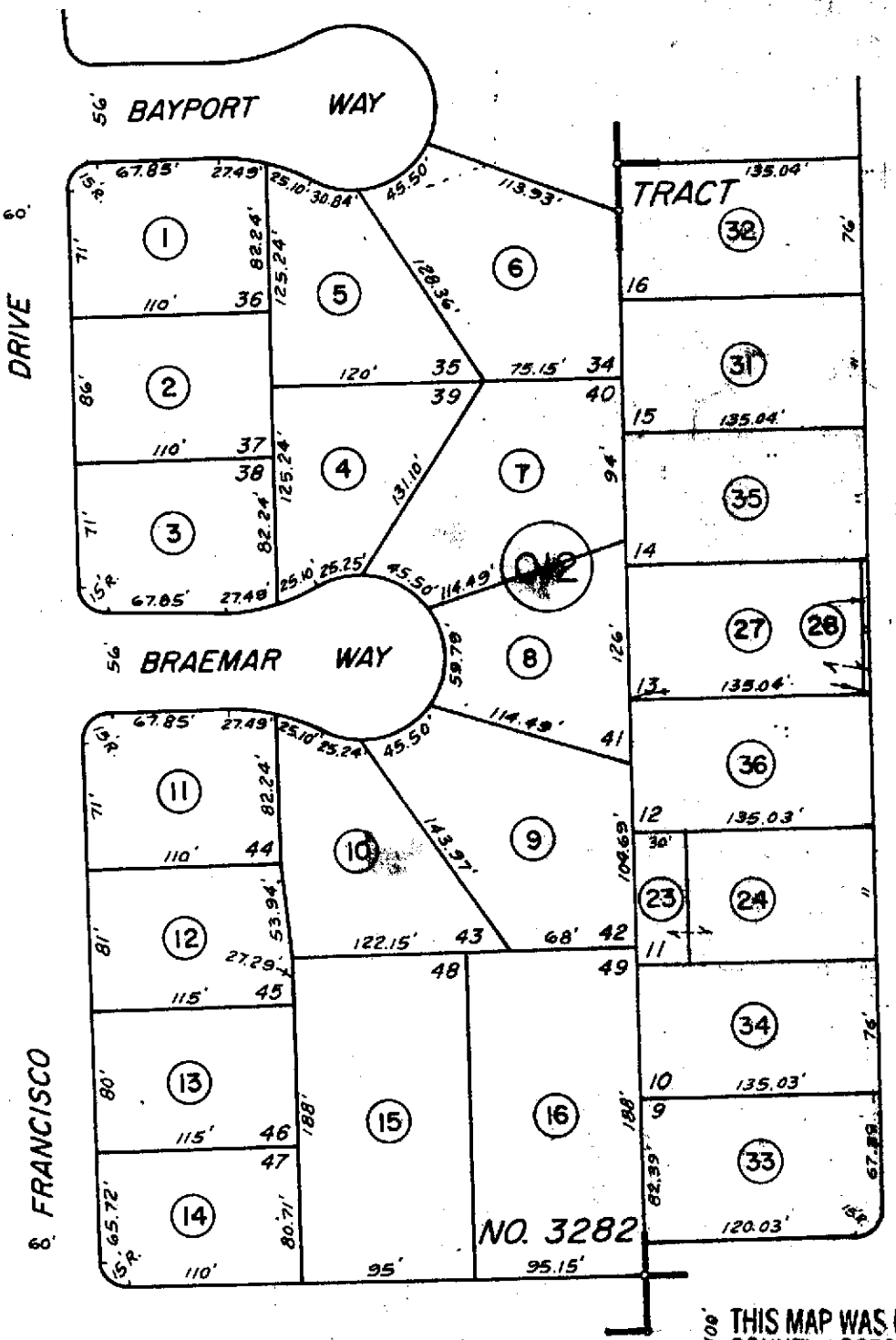
ASSESSOR'S MAP BOOK 119 PAGE 32 COUNTY OF ORANGE

THIS MAP WAS PREPARED FOR ORANGE COUNTY ASSESSOR DEPT. PURPOSES ONLY. THE ASSESSOR MAKES NO GUARANTEE AS TO ITS ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. © COPYRIGHT ORANGE COUNTY ASSESSOR 1988.

1"=100'



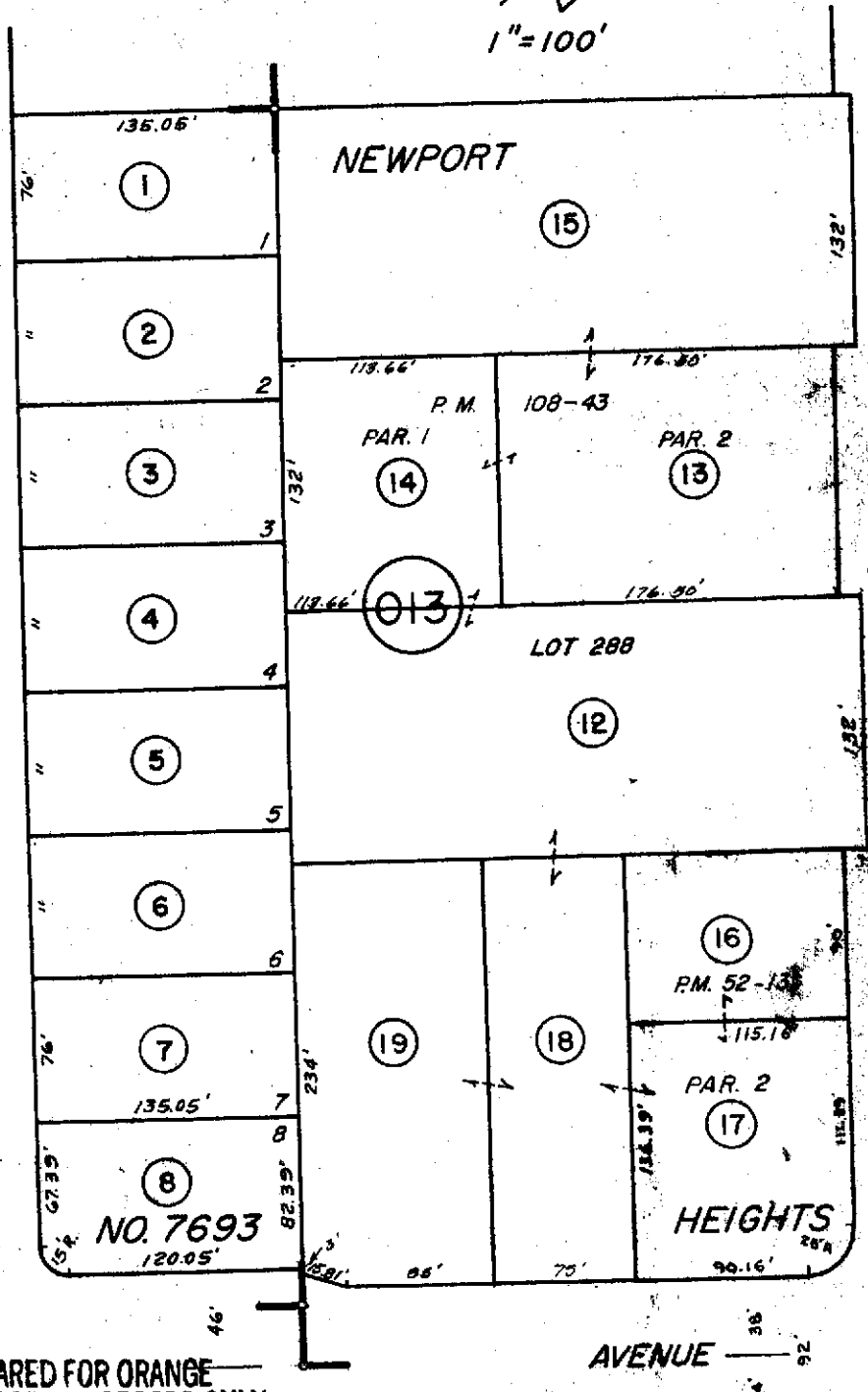
MARCH 1973



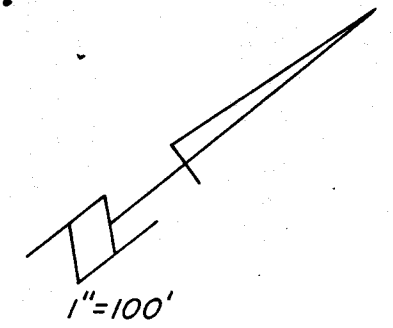
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117-57  
 NEWPORT HEIGHTS M.M. 4 - 83  
 TRACT NO. 1484 M.M. 44 - 1  
 TRACT NO. 3282 M.M. 102 - 49  
 TRACT NO. 7693 M.M. 311 - 43, 44  
 PARCEL MAP P.M. 52-13, 108-43

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

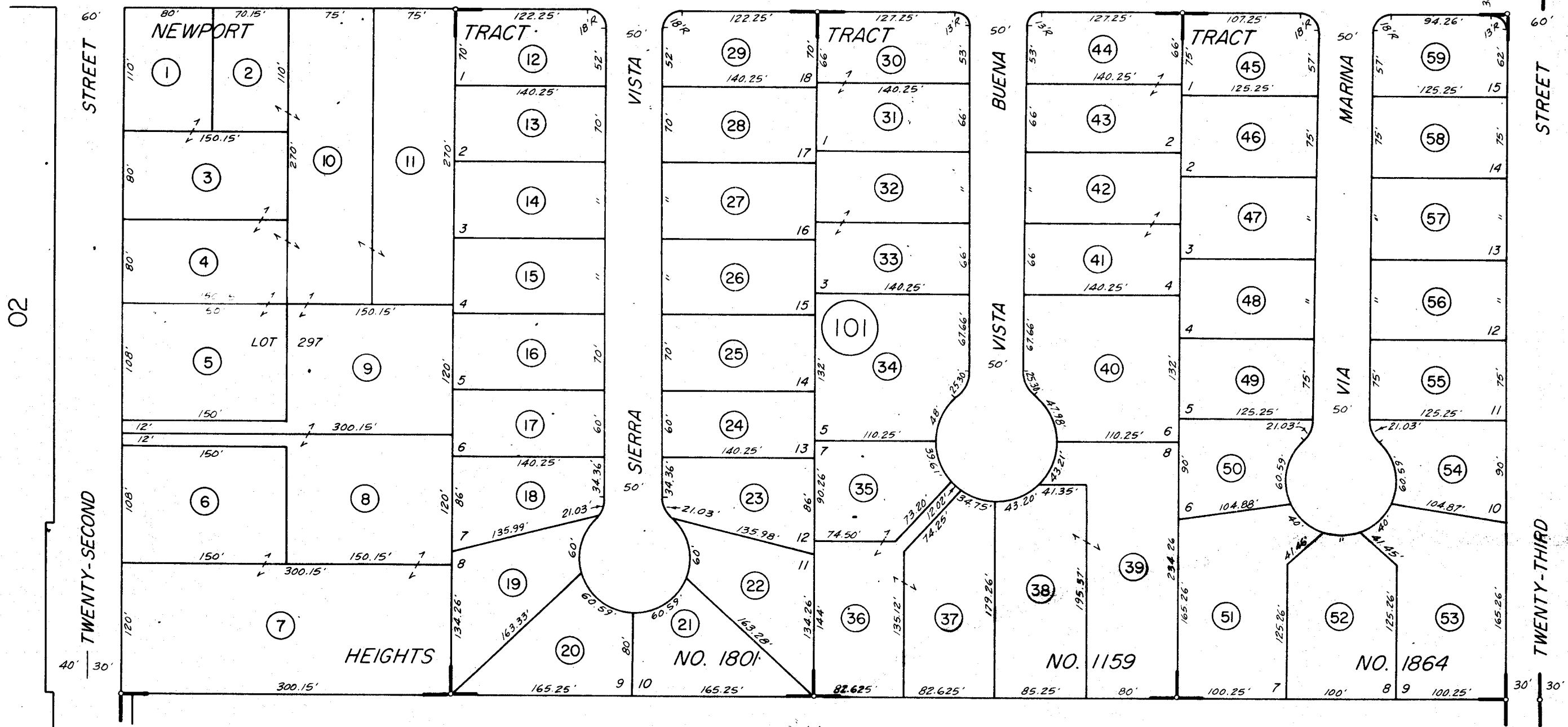
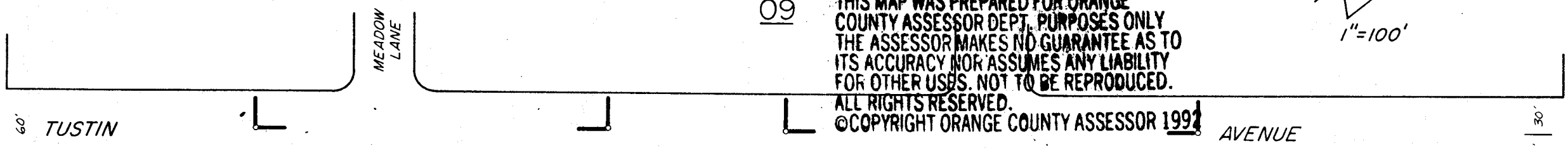


ASSESSOR'S MAP BOOK 426 PAGE 01 COUNTY OF ORANGE



09

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MARCH 1979

NEWPORT HEIGHTS TRACT NO. 1159 TRACT NO. 1801 TRACT NO. 1864

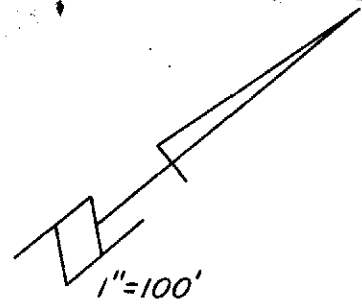
M.M. 4-83 M.M. 44-49 M.M. 53-7 M.M. 57-21

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 426 PAGE 10 COUNTY OF ORANGE





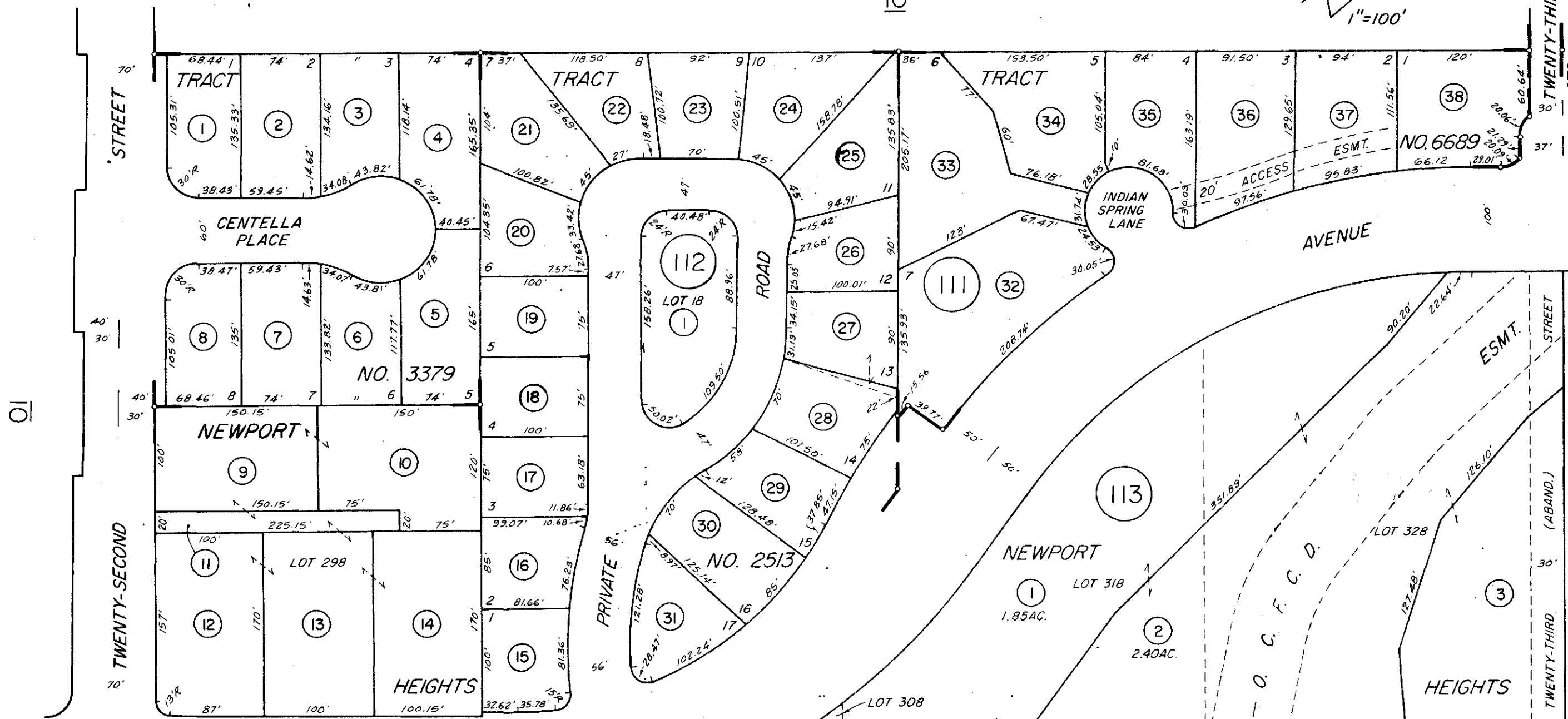


1"=100'

10

119-32

119-26



10

STREET

TWENTY-SECOND

IRVINE

PRIVATE

ROAD

INDIAN SPRING LANE

AVENUE

TWENTY-THIRD STREET

TWENTY-THIRD STREET (ABAND.)

Map text including lot numbers (1-38), tract names (NEWPORT HEIGHTS, CENTELLA PLACE, TRACT NO. 2513, TRACT NO. 3379, TRACT NO. 6689), and acreage (LOT 318 1.85AC, LOT 328 2.40AC).

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MARCH 1979

NEWPORT HEIGHTS TRACT NO. 2513 TRACT NO. 3379 TRACT NO. 6689

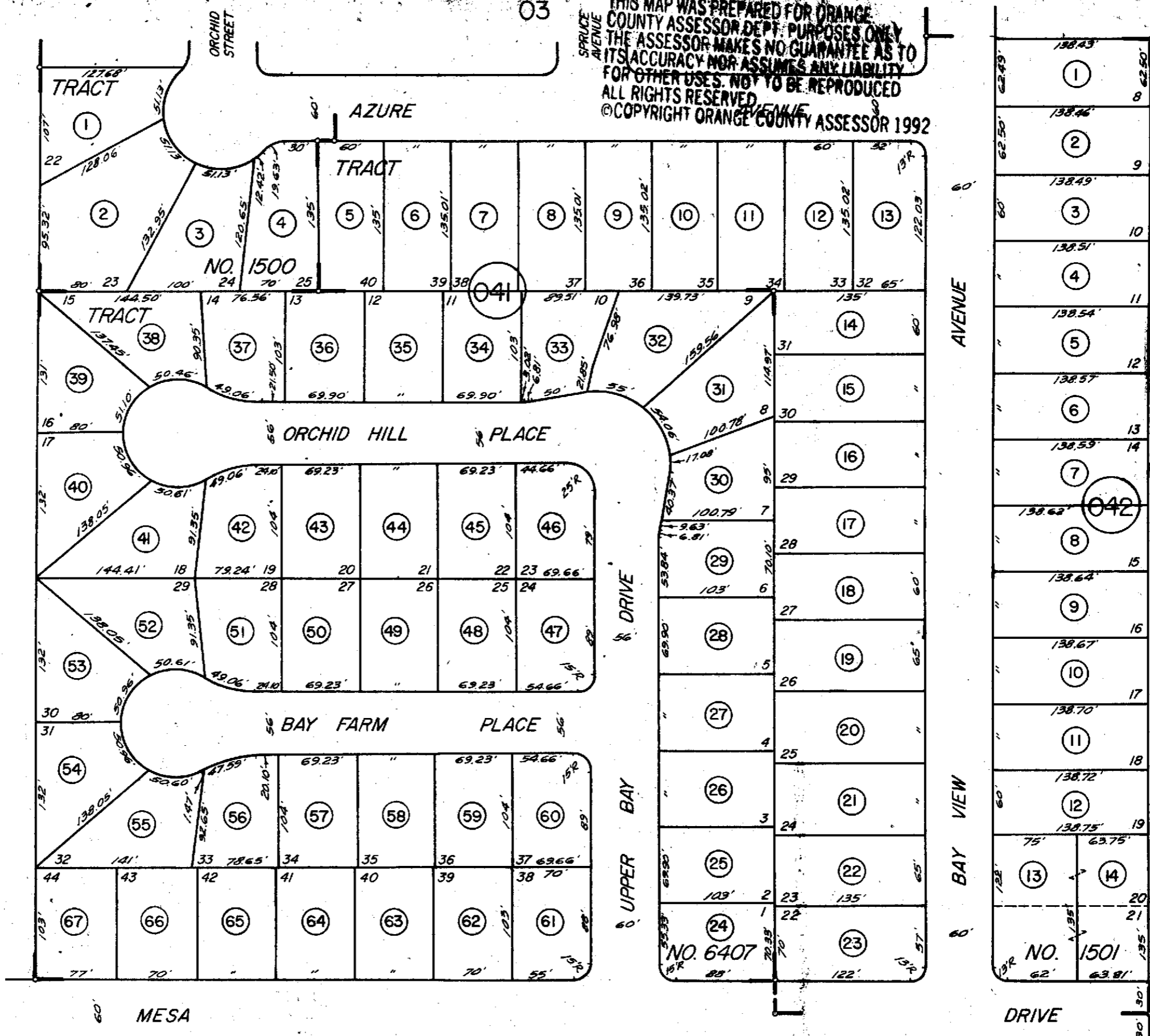
M.M. 4-83 M.M. 110-11,12 M.M. 117-23 M.M. 250-45,46

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 426 PAGE 11 COUNTY OF ORANGE



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37

442-40

440-14

TRACT NO. 1500  
TRACT NO. 1501  
TRACT NO. 6407

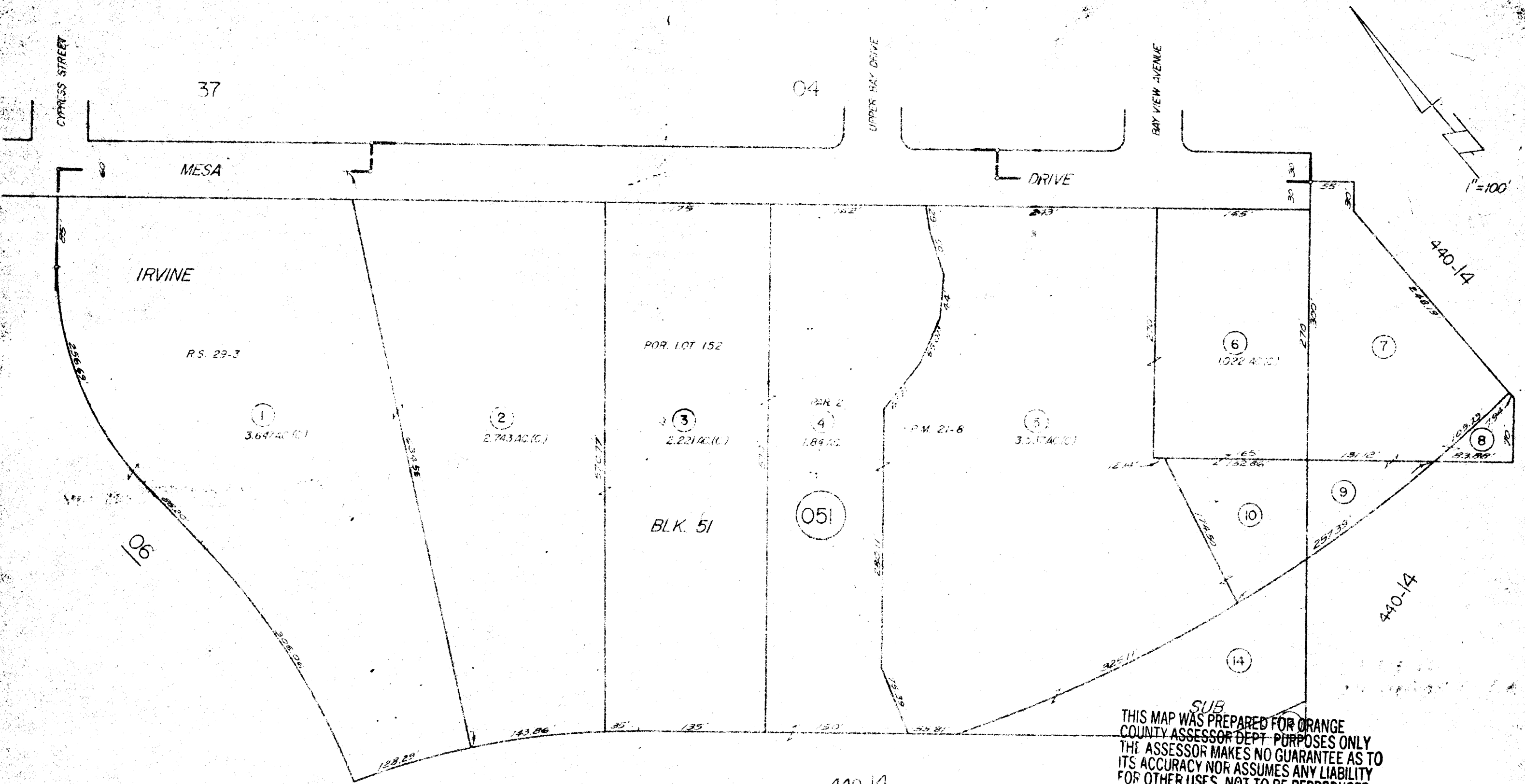
M.M. 45-39  
M.M. 50-16  
M.M. 237-40,41

05

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 439 PAGE 04 COUNTY OF ORANGE

MARCH 1974



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MARCH 1974

IRVINE SUB PARCEL MAP

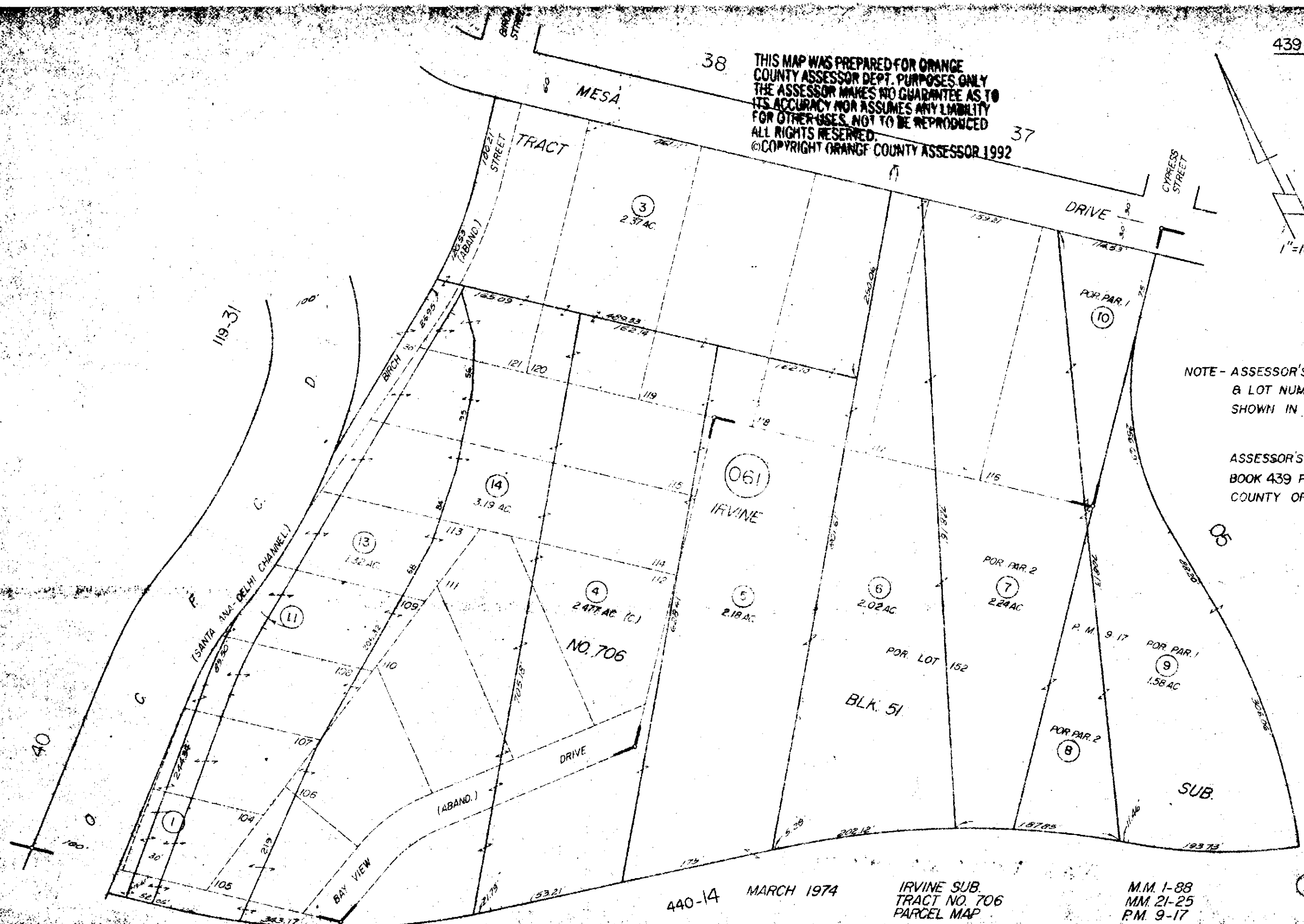
M.M. 1-88 P.M. 21-8

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 439 PAGE 05 COUNTY OF ORANGE

4

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NOTE - ASSESSOR'S BLOCK & LOT NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 439 PAGE 06 COUNTY OF ORANGE

1"=100'

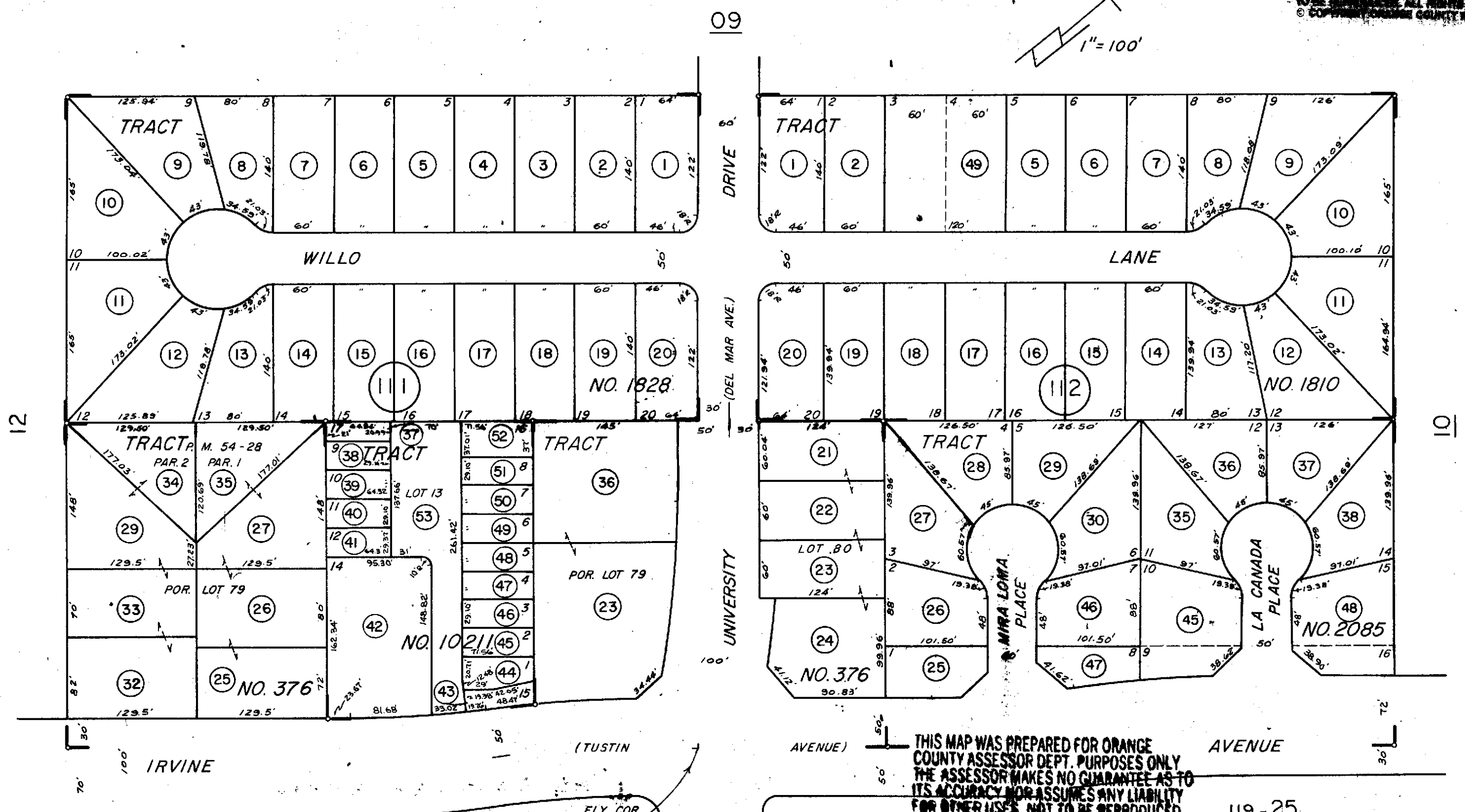
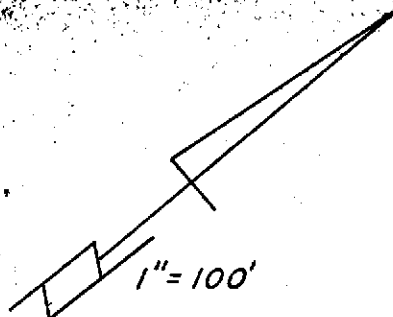
440-14 MARCH 1974

IRVINE SUB. TRACT NO. 706 PARCEL MAP

M.M. 1-88 MM. 21-25 P.M. 9-17

4

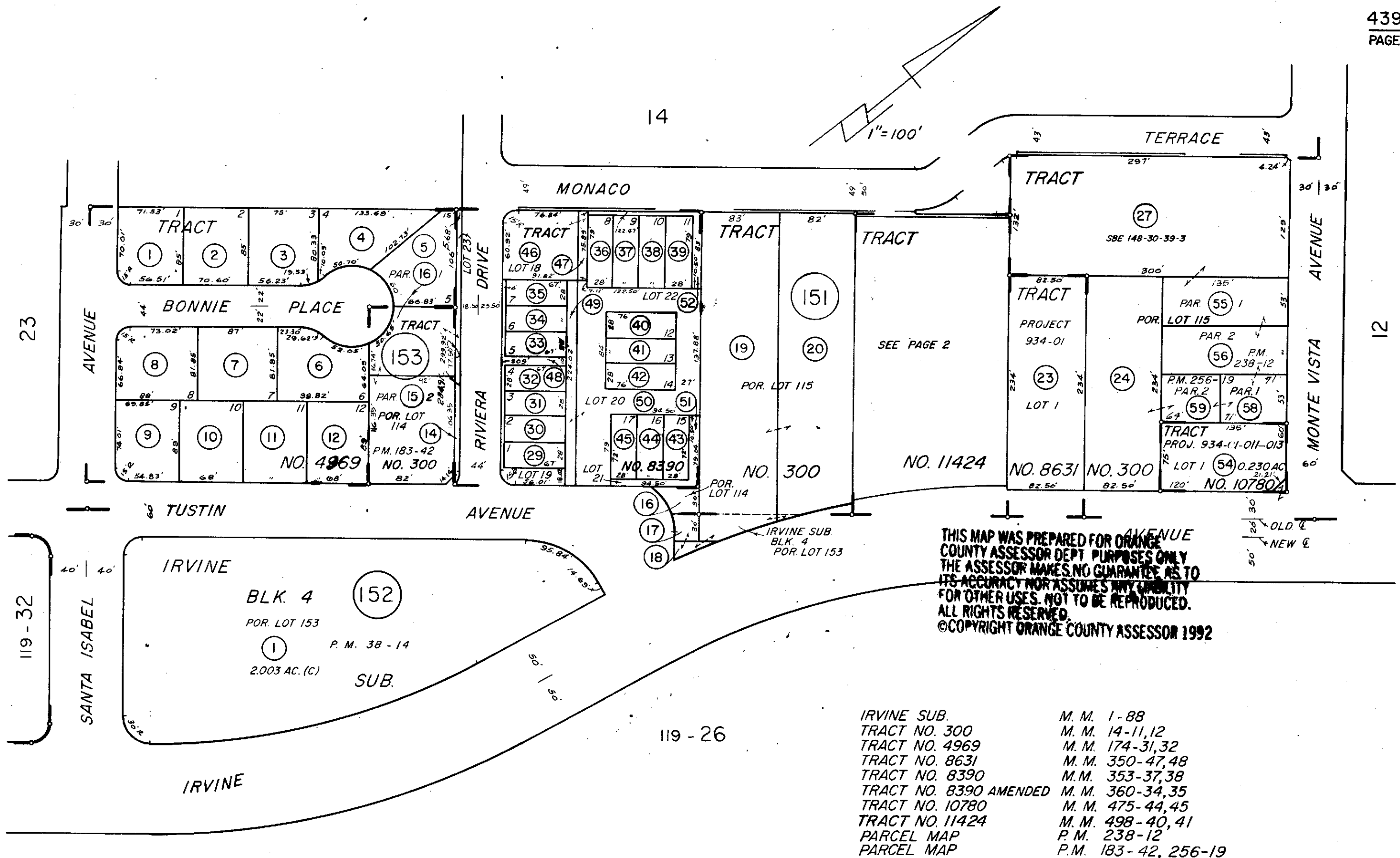
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119-26  
MARCH 1975  
TRACT NO. 376  
TRACT NO. 1828  
TRACT NO. 1810  
TRACT NO. 2085  
TRACT NO. 10211  
PARCEL MAP  
M.M. 15-29  
M.M. 53-50  
M.M. 55-32  
M.M. 63-17  
M.M. 443-20  
P.M. 54-28

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES  
ASSESSOR'S MAP BOOK 439 PAGE 11  
COUNTY OF ORANGE



MARCH 1975

- |                        |                      |
|------------------------|----------------------|
| IRVINE SUB.            | M. M. 1-88           |
| TRACT NO. 300          | M. M. 14-11,12       |
| TRACT NO. 4969         | M. M. 174-31,32      |
| TRACT NO. 8631         | M. M. 350-47,48      |
| TRACT NO. 8390         | M. M. 353-37,38      |
| TRACT NO. 8390 AMENDED | M. M. 360-34,35      |
| TRACT NO. 10780        | M. M. 475-44,45      |
| TRACT NO. 11424        | M. M. 498-40,41      |
| PARCEL MAP             | P. M. 238-12         |
| PARCEL MAP             | P. M. 183-42, 256-19 |

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 439 PAGE 15 COUNTY OF ORANGE



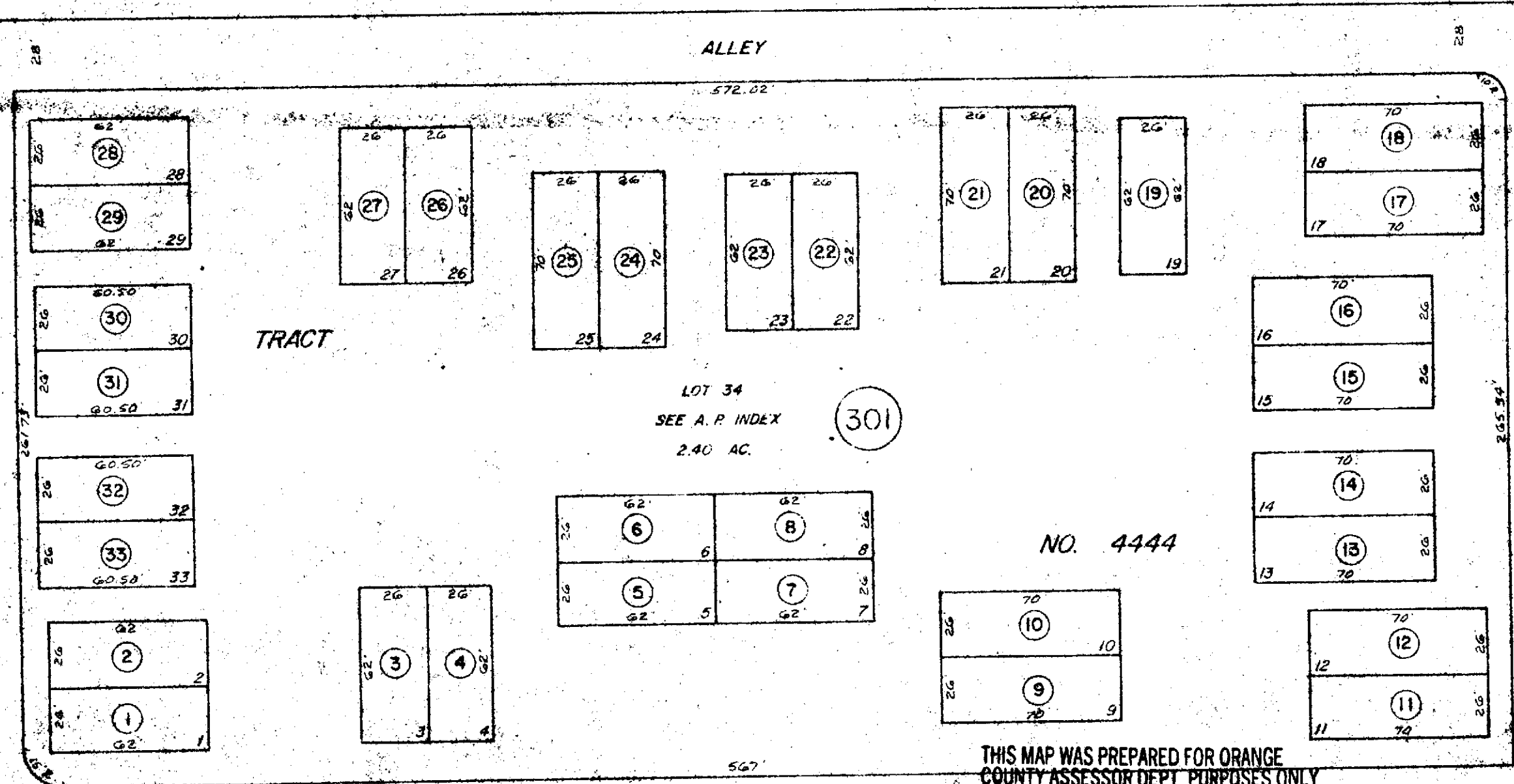
119-25

IRVINE AVENUE

100

(JUSTIN AVENUE)

IRVINE AVENUE



LOT 34  
SEE A.P. INDEX  
2.40 AC.

301

NO. 4444

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UNIVERSITY (DEL MAR AVENUE)

MARCH 1981

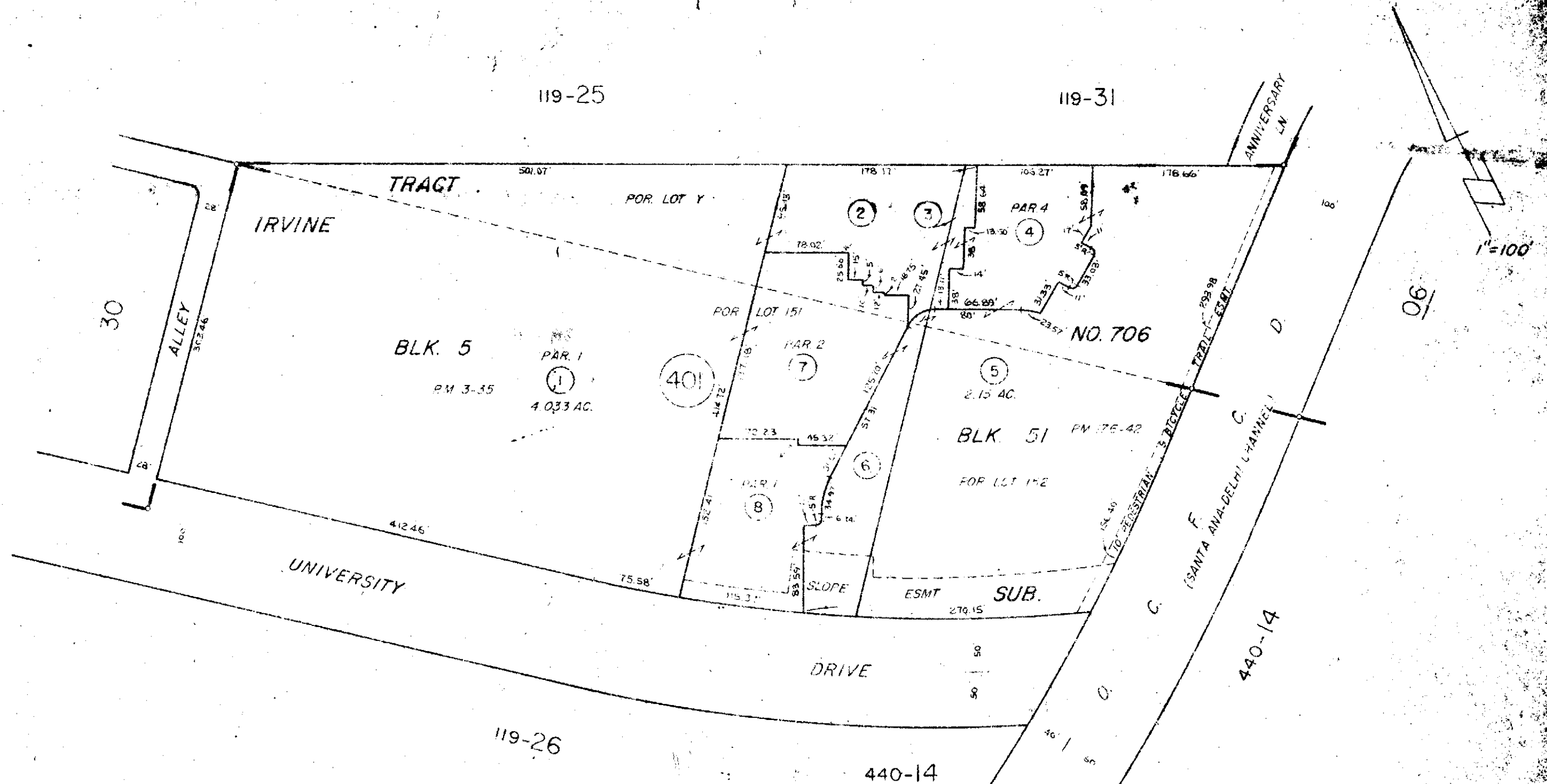
TRACT NO. 4444 M.M. 156-11, 12

119-26

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 439 PAGE 30 COUNTY OF ORANGE

4



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MARCH 1984

IRVINE SUB.  
TRACT NO. 706  
PARCEL MAP

M.M. 1-88  
M.M. 21-25  
P.M. 3-35, 176-42

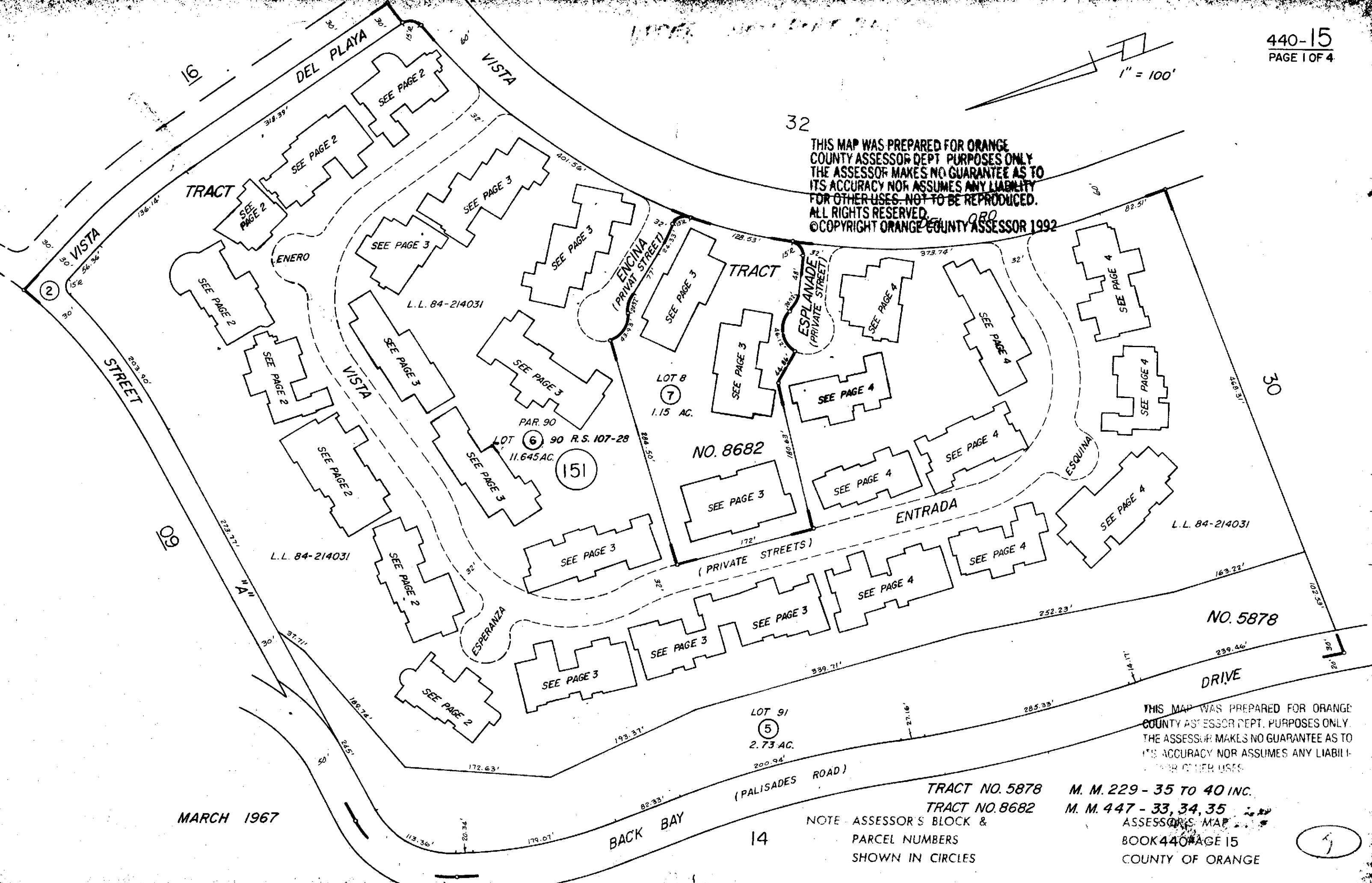
NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP  
BOOK 439 PAGE 40  
COUNTY OF ORANGE



1" = 100'

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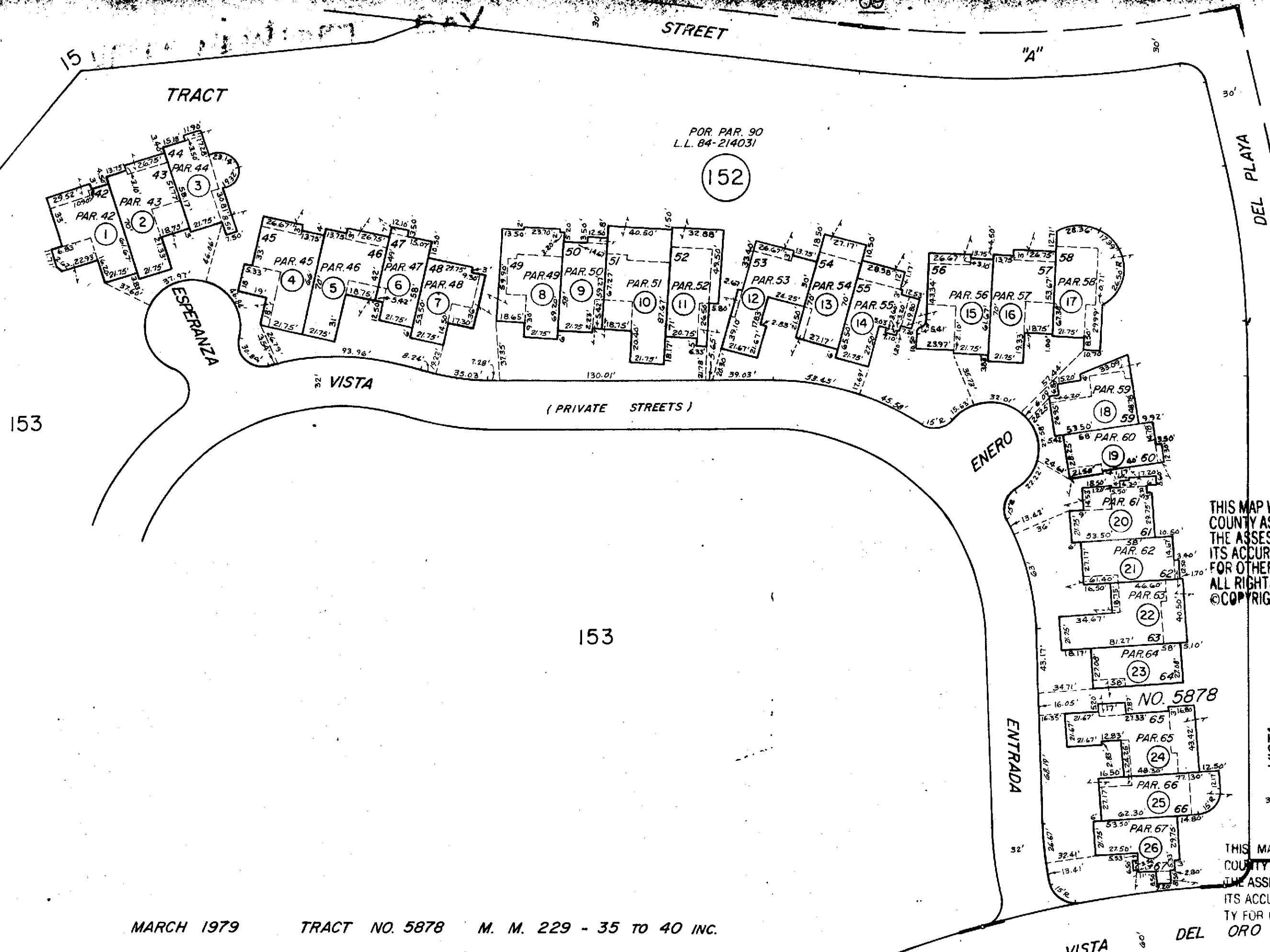


MARCH 1967

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

TRACT NO. 5878 M. M. 229 - 35 TO 40 INC.  
TRACT NO. 8682 M. M. 447 - 33, 34, 35  
ASSESSOR'S MAP  
BOOK 440 PAGE 15  
COUNTY OF ORANGE

9



153

153

15

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NOTE-ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 440 PAGE 152

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MARCH 1979 TRACT NO. 5878 M. M. 229 - 35 TO 40 INC.

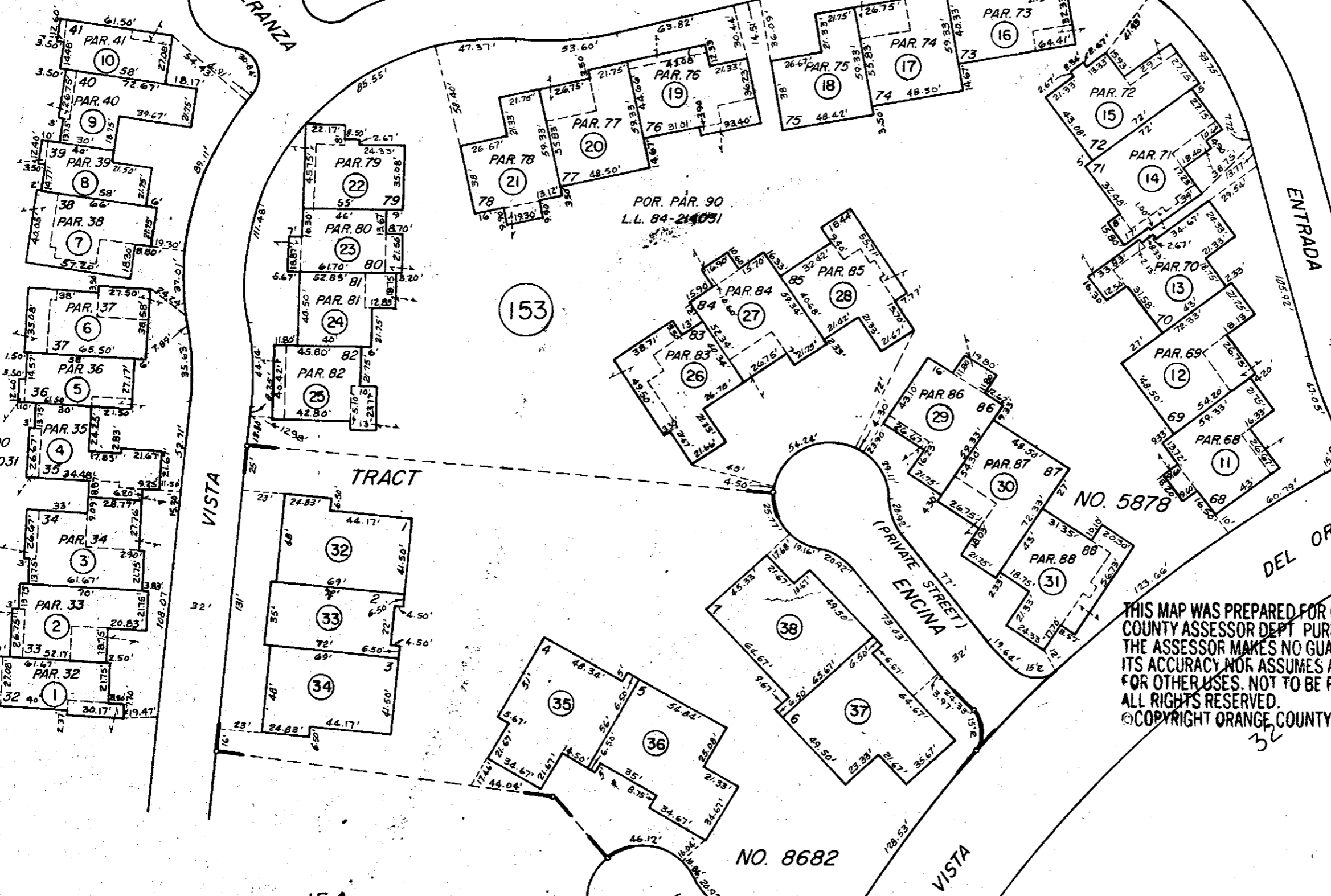
152

TRACT

ESPERANZA

( PRIVATE STREETS )

ENERO



1" = 60'

NO. 5878

NO. 8682

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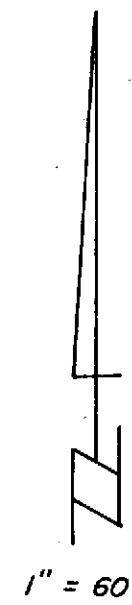
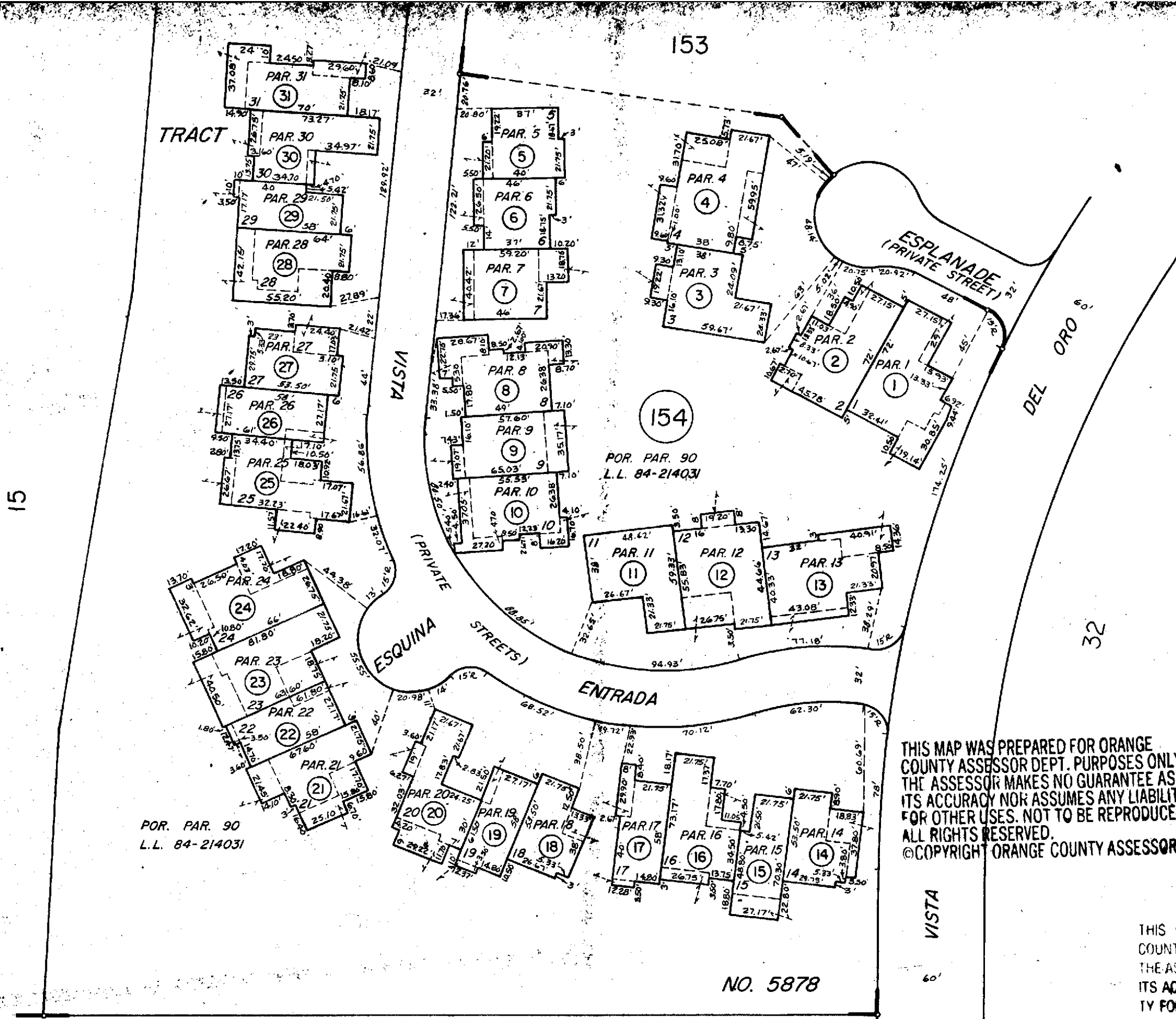
MARCH 1979

TRACT NO. 5878 M. M. 229 - 35 TO 40 INC.  
TRACT NO. 8682 M. M. 447 - 33, 34, 35

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP  
BOOK 440 PAGE 153  
COUNTY OF ORANGE





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ASSESSOR'S MAP  
BOOK 440 PAGE 154  
COUNTY OF ORANGE

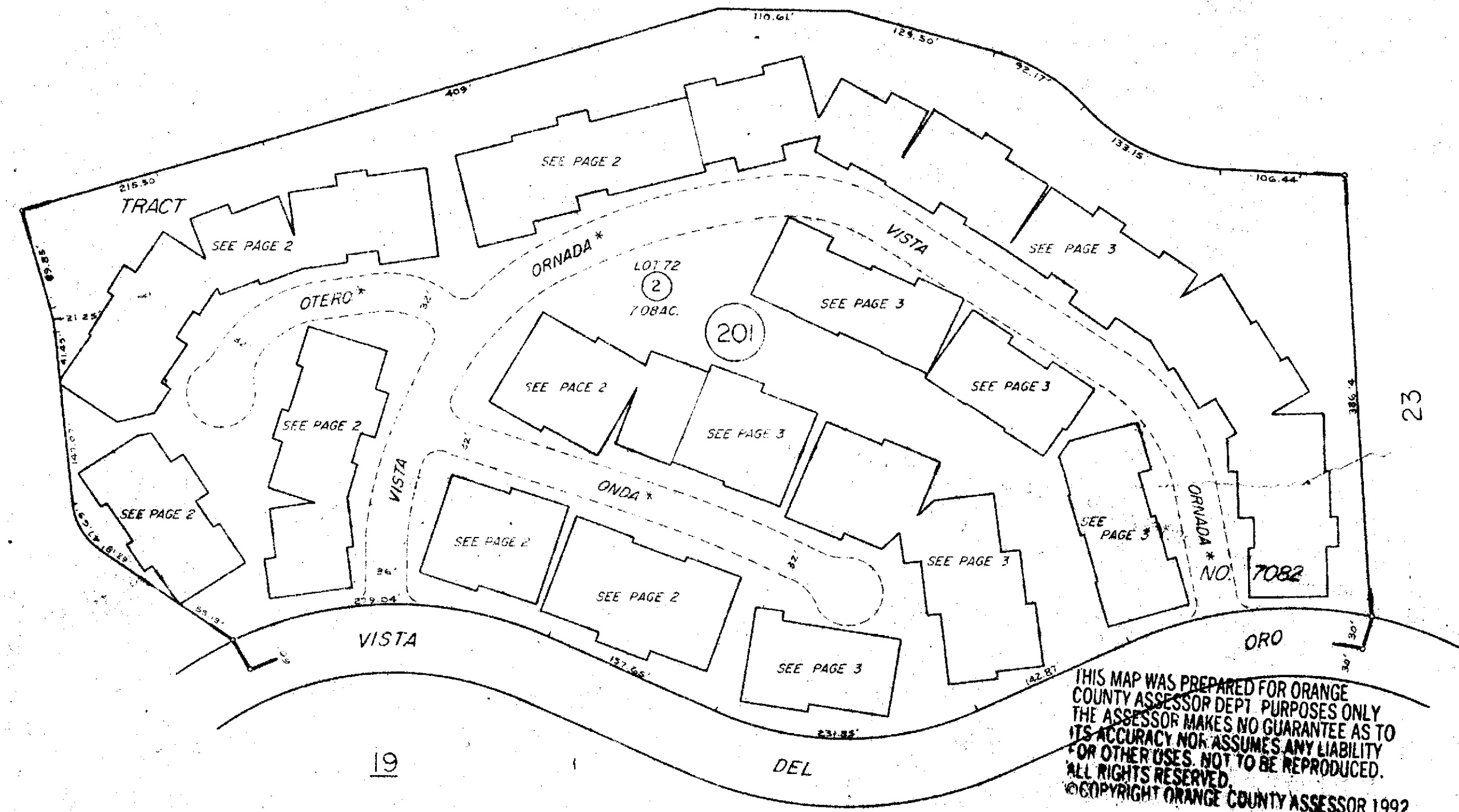
MARCH 1979

TRACT NO. 5878 M. M. 229 - 35 TO 40 INC.

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES



09



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MARCH 1970

TRACT NO. 7082 M.M. 269-23, 24, 25 (AMENDED)

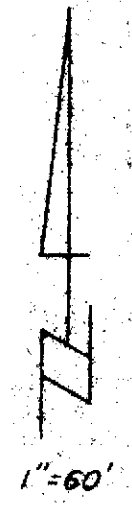
NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

\* PRIVATE STREET  
 ASSESSOR'S MAP  
 BOOK 440 PAGE 20  
 COUNTY OF ORANGE





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MARCH 1970

TRACT NO. 7082

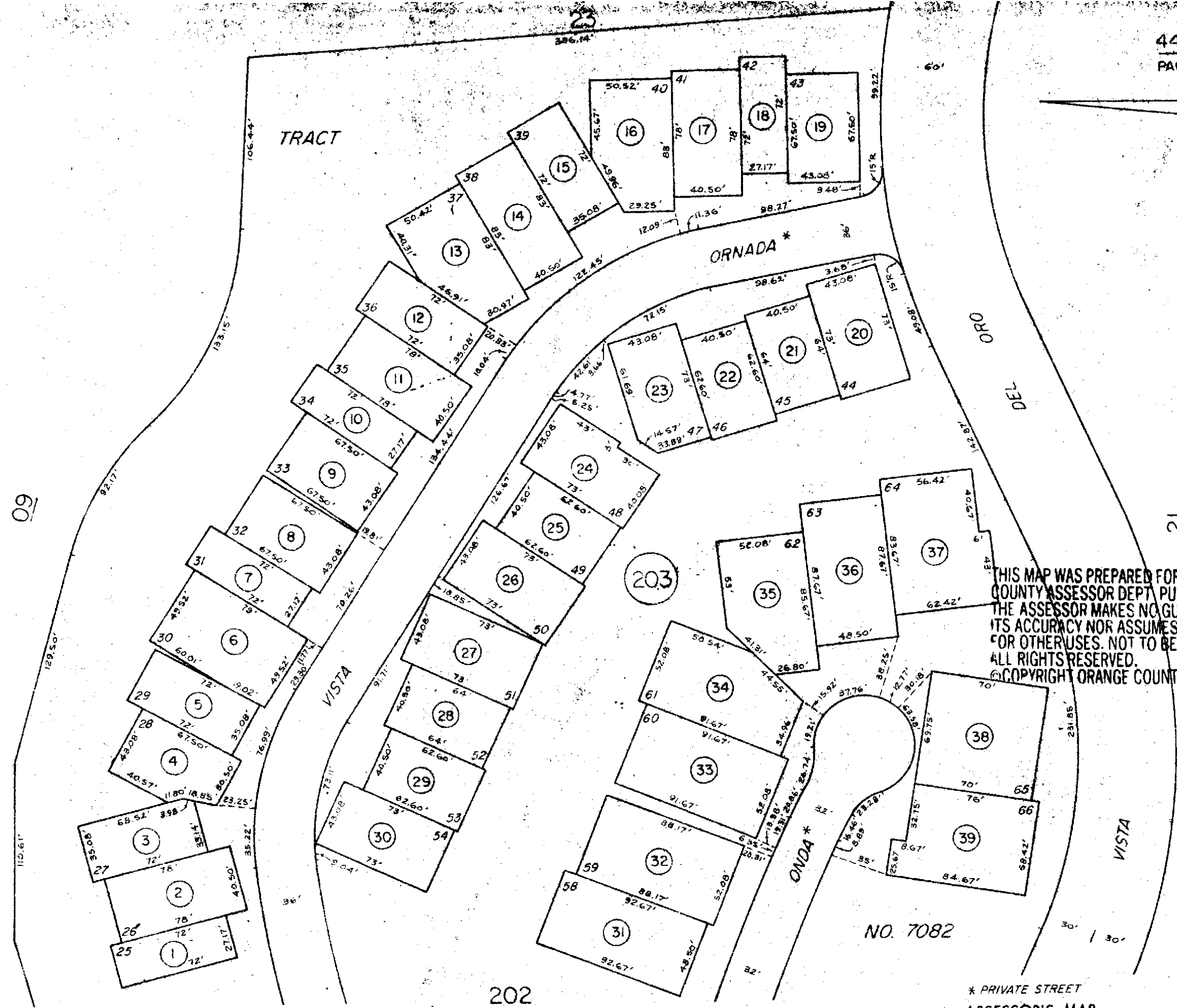
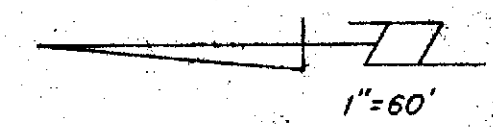
M. M. 269-23,24,25 (AMENDED)

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

\* PRIVATE STREET  
ASSESSOR'S MAP  
BOOK 440 PAGE 202  
COUNTY OF ORANGE







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MARCH 1970

TRACT NO. 7082

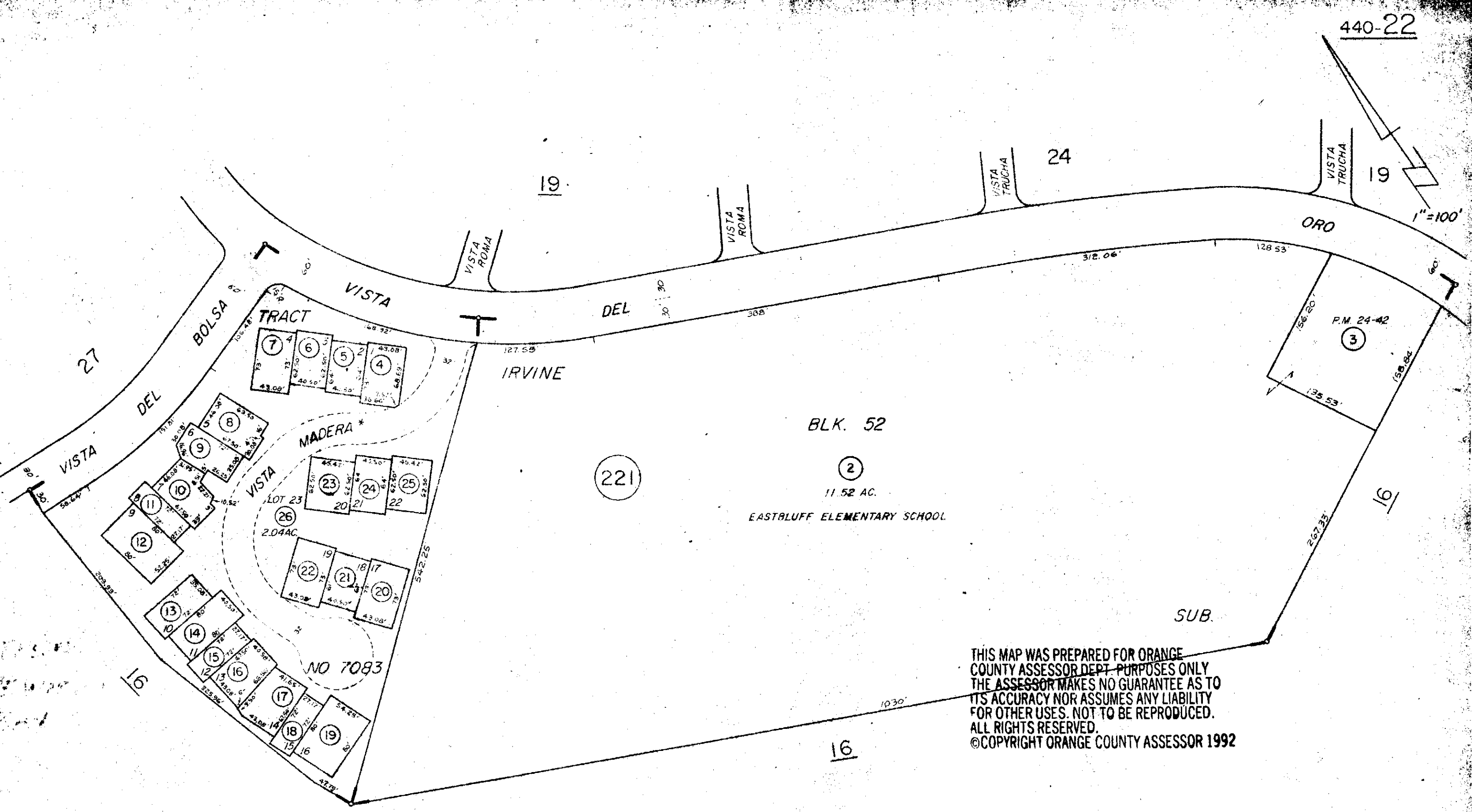
M. M. 269-23,24,25 (AMENDED)

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

\* PRIVATE STREET  
ASSESSOR'S MAP  
BOOK 440 PAGE 203  
COUNTY OF ORANGE



1"=100'



MARCH 1971

IRVINE SUB.  
TRACT NO. 7083

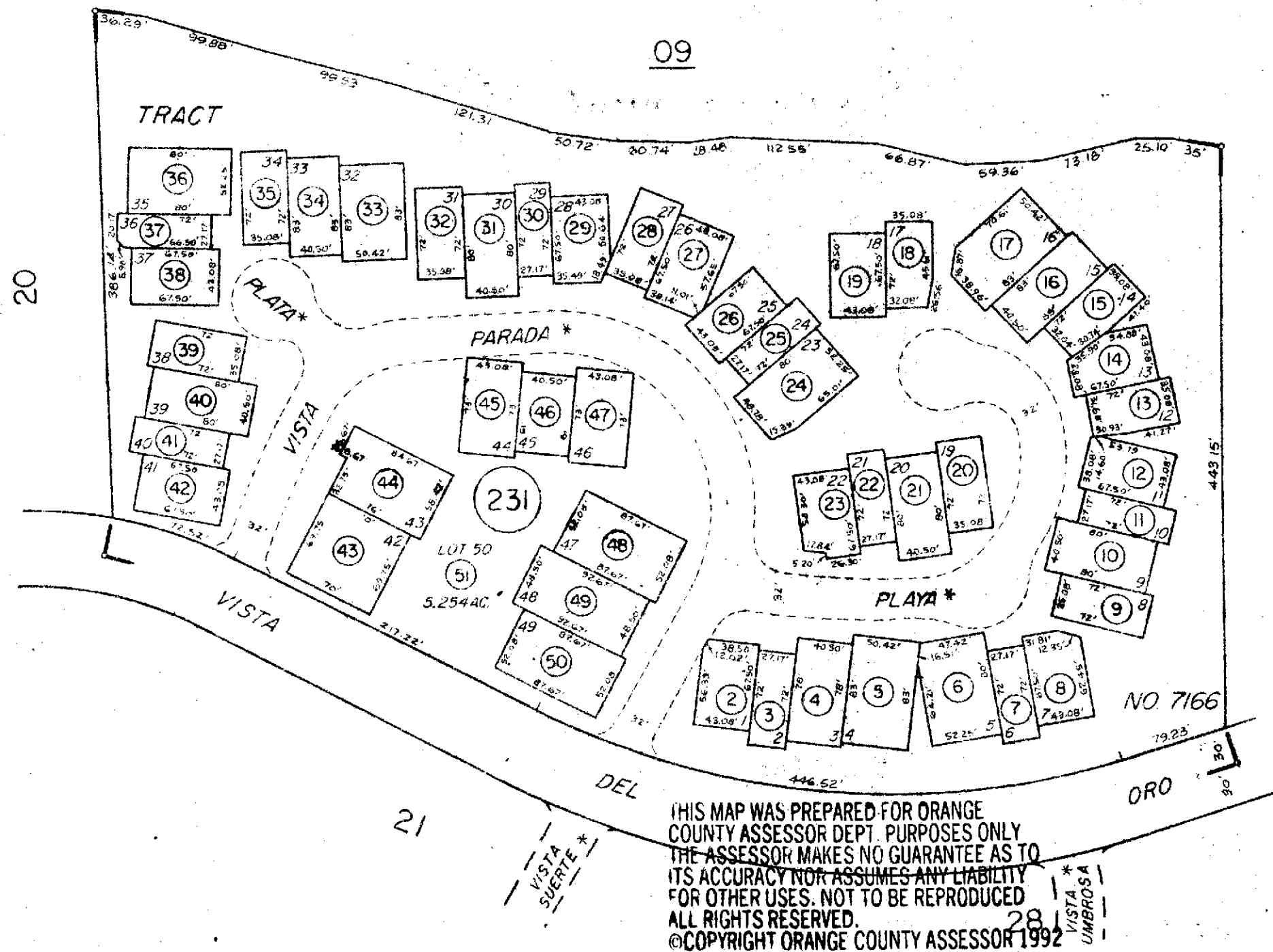
M.M. 1-88  
M.M. 274-34,35,36,37

NOTE - ASSESSOR'S BLOCK &  
PARCEL NUMBERS  
SHOWN IN CIRCLES

\* PRIVATE STREET  
ASSESSOR'S MAP  
BOOK 440 PAGE 22  
COUNTY OF ORANGE







MARCH 1971

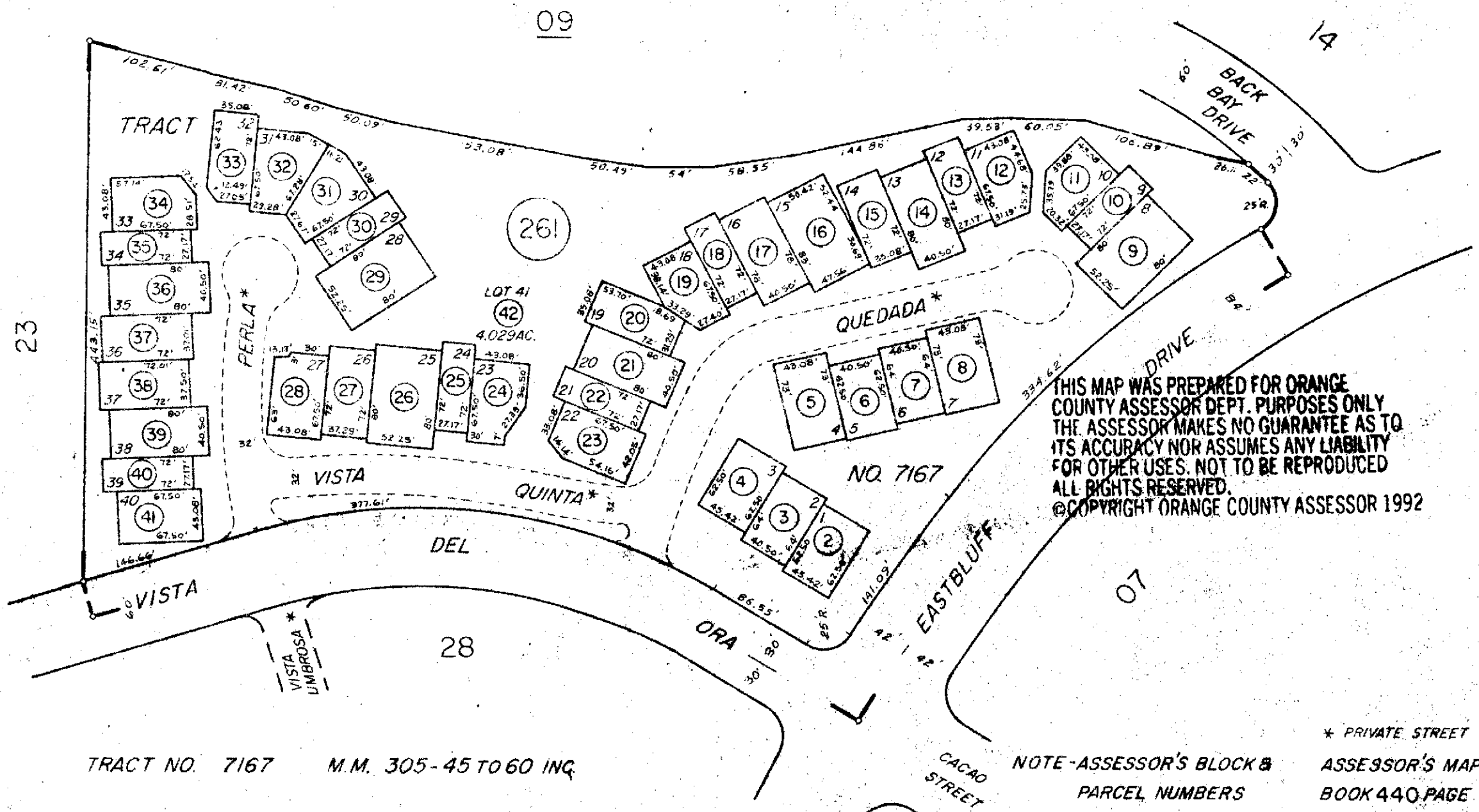
TRACT NO. 7166

M.M. 275-17T022INC.

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

\* PRIVATE STREET  
ASSESSOR'S MAP  
BOOK 440 PAGE 23  
COUNTY OF ORANGE

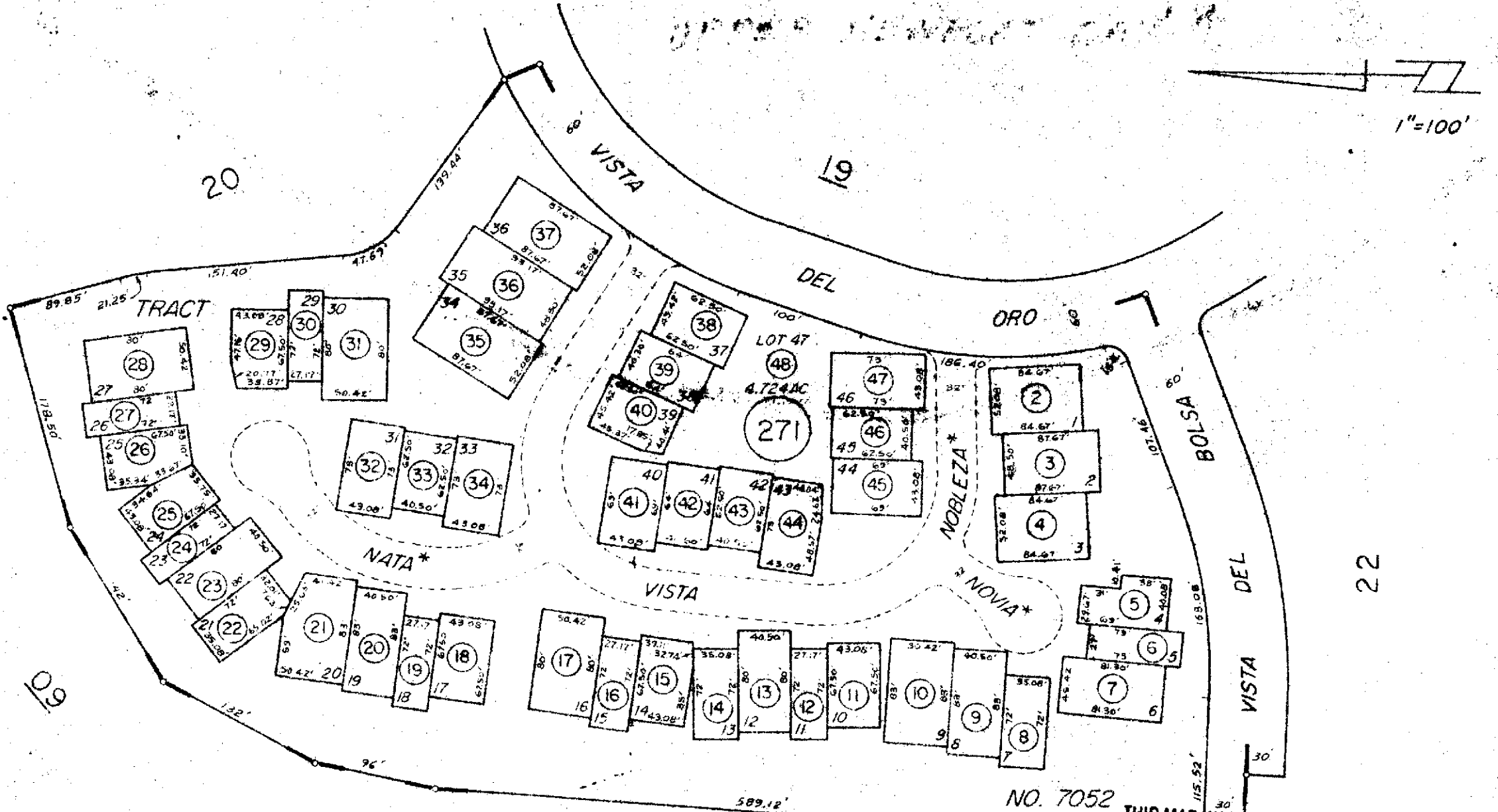




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MARCH 1973 TRACT NO. 7167 M.M. 305-45 TO 60 INC

NOTE-ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES \* PRIVATE STREET ASSESSOR'S MAP BOOK 440 PAGE 26 COUNTY OF ORANGE



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MARCH 1973

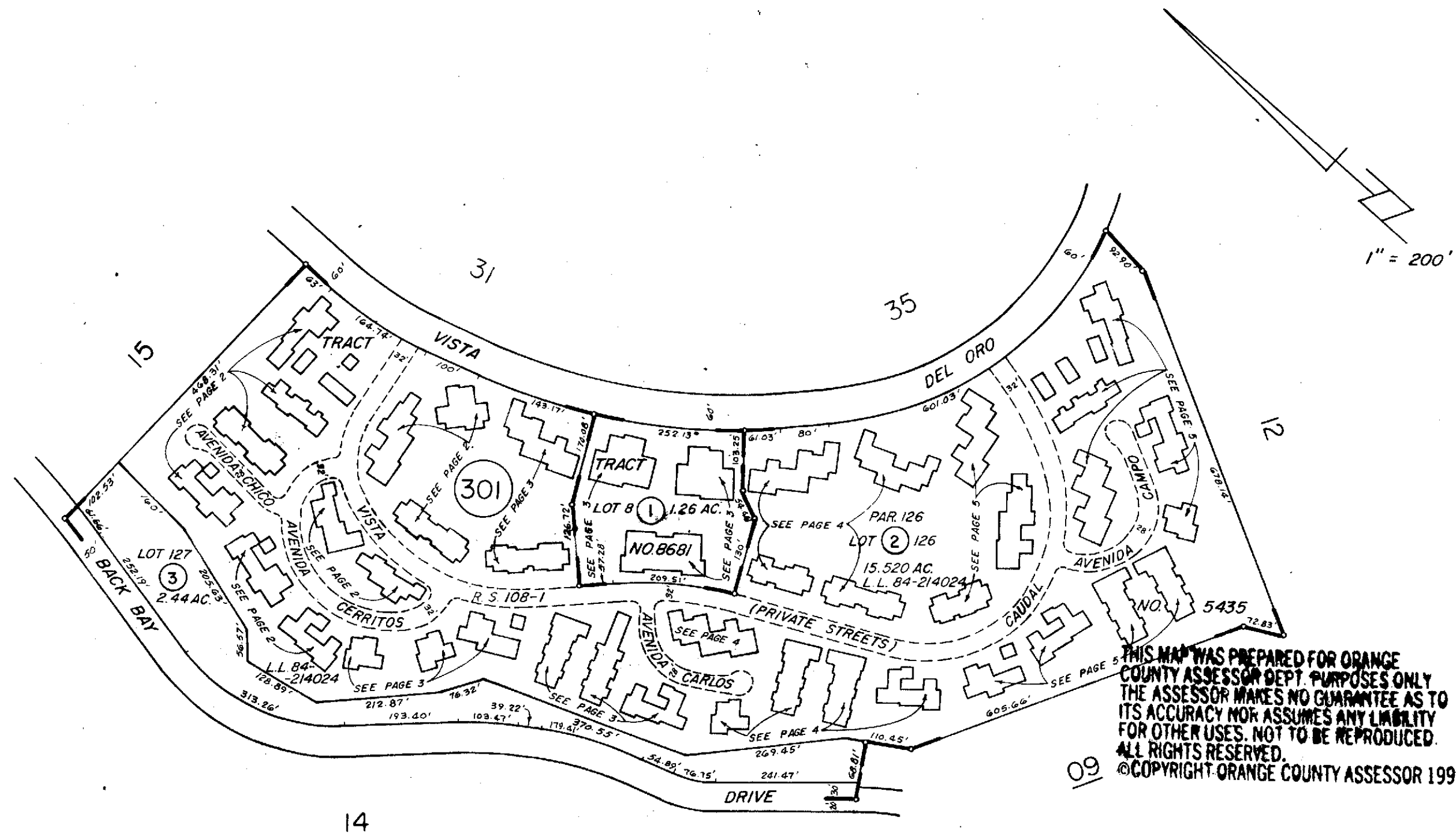
TRACT NO. 7052

M.M. 301-1 TO 6 INC.

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

\* PRIVATE STREET  
ASSESSOR'S MAP  
BOOK 440 PAGE 27  
COUNTY OF ORANGE





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MARCH 1979

TRACT NO. 5435  
TRACT NO. 8681

M. M. 200 - 17 TO 21 INC.  
M. M. 447 - 30, 31, 32

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP BOOK 440 PAGE 30 COUNTY OF ORANGE

15

TRACT

POR. PAR. 126  
L.L. 84-214024

DRIVE

60'

DEL ORO

CAUDAL

VISTA

31

1" = 60'

14

30

BACK BAY

CERRITOS

VISTA

303

303

NO. 5435

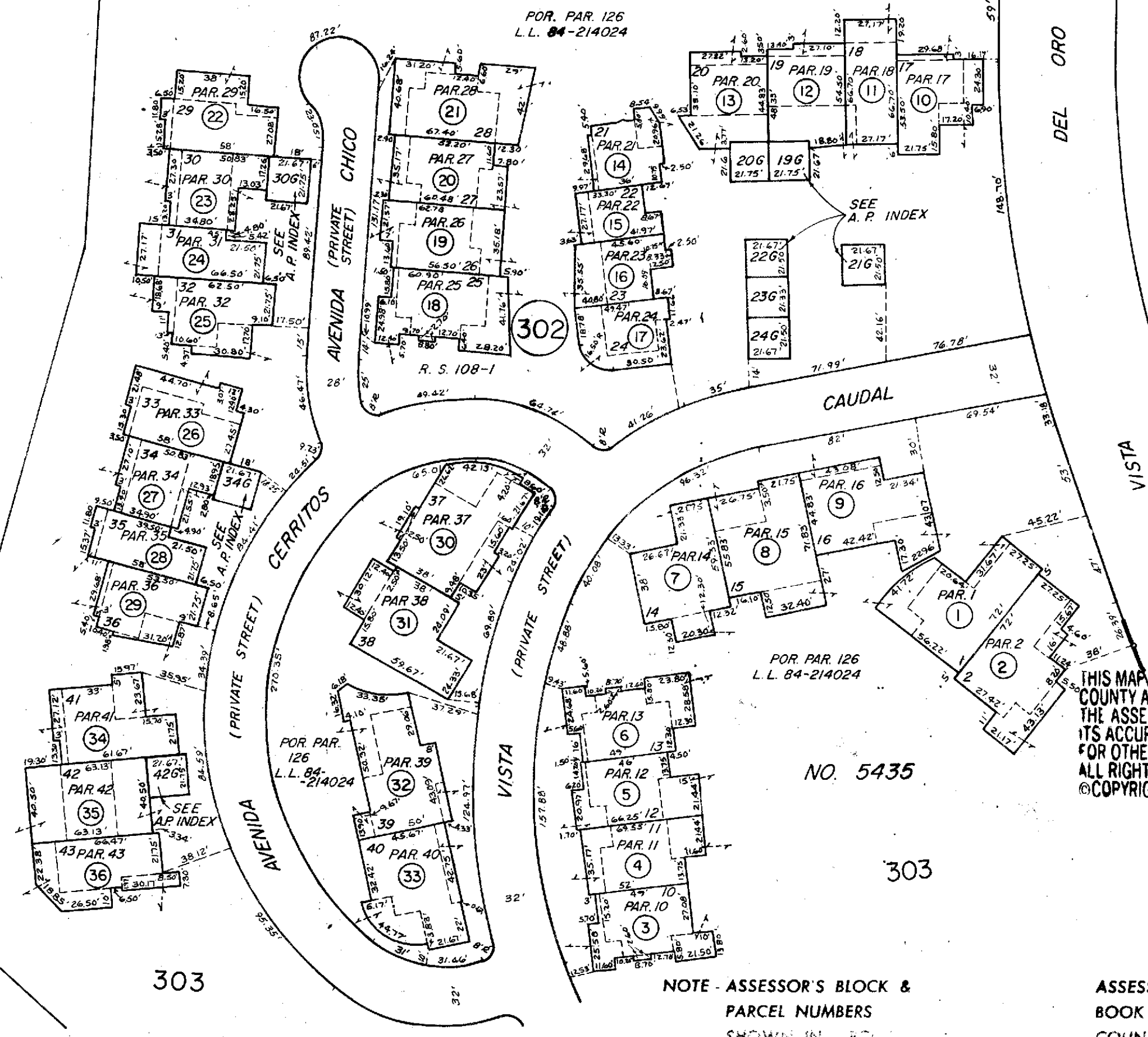
POR. PAR.  
126  
L.L. 84-  
214024

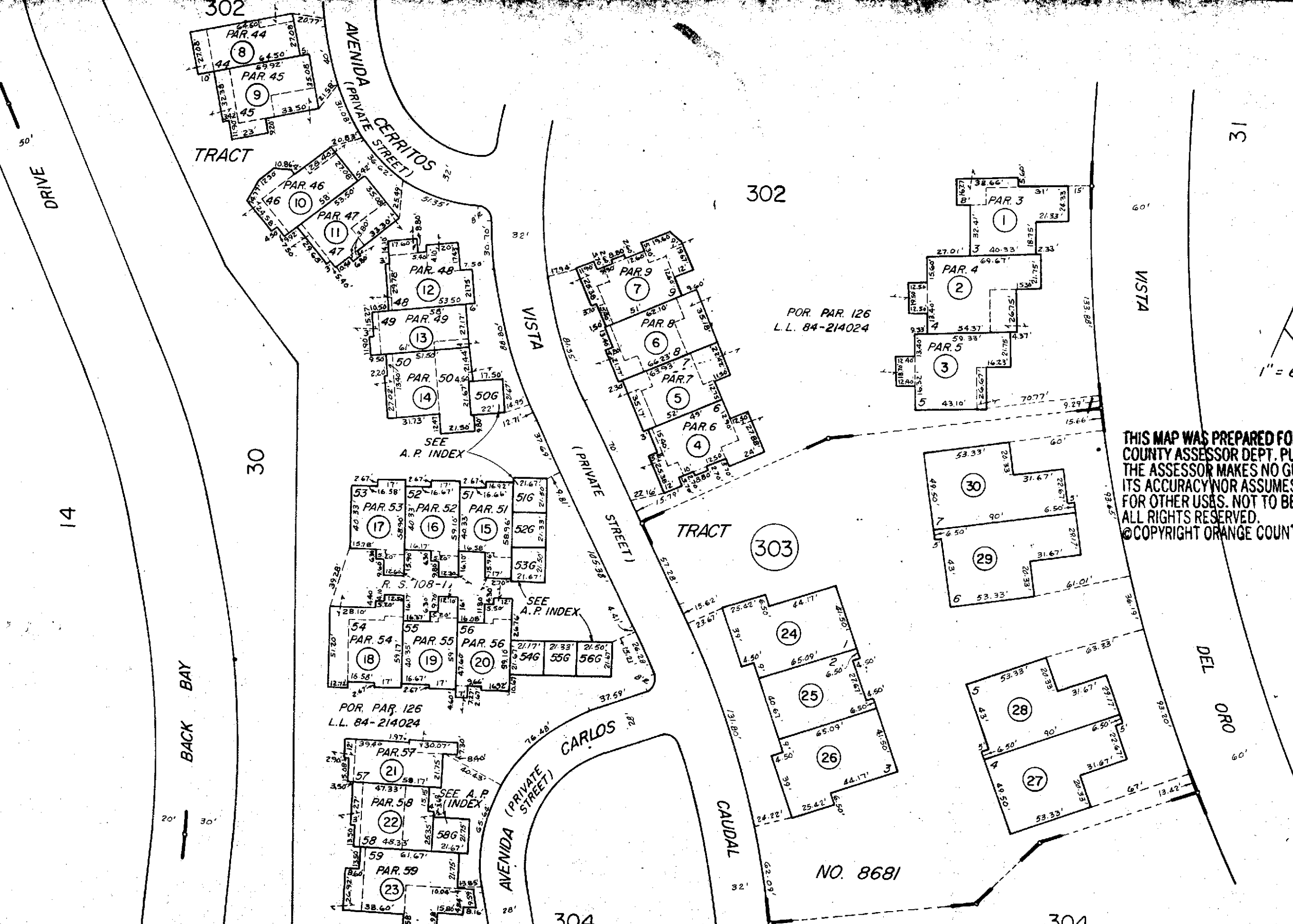
POR. PAR. 126  
L.L. 84-214024

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ASSESSOR'S MAP BOOK 440 PAGE 302 COUNTY OF ORANGE





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NO. 5435

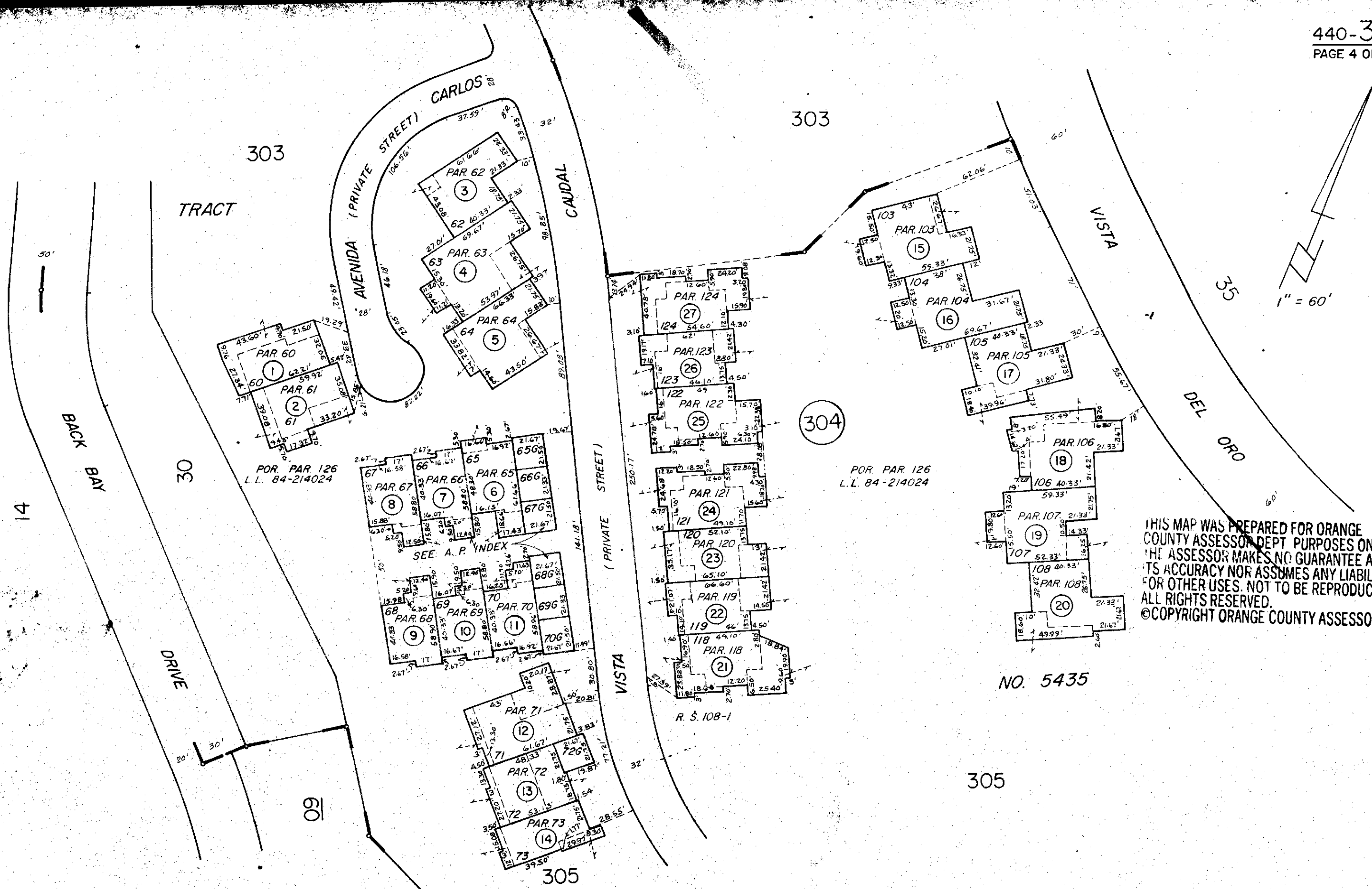
MARCH 1979

TRACT NO. 5435  
TRACT NO. 8681

M. M. 200-17 TO 21 INC.  
M. M. 447-30, 31, 32

NOTE - ASSESSOR'S BLOCK & PARCEL NUMBERS SHOWN IN CIRCLES

ASSESSOR'S MAP  
BOOK 440 PAGE 303  
COUNTY OF ORANGE



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NO. 5435

MARCH 1979

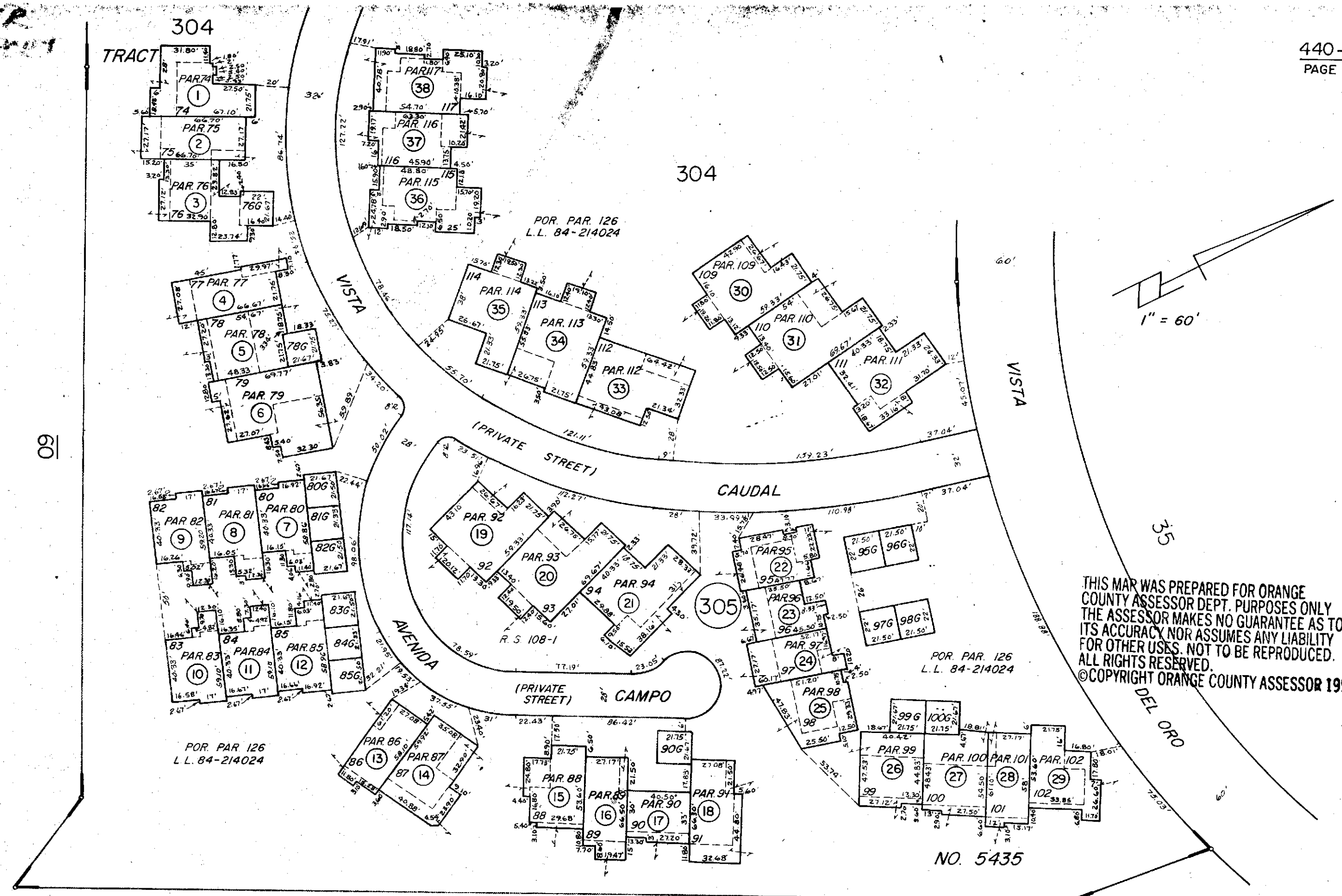
TRACT NO. 5435 M. M. 200-17T021INC.

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ASSESSOR'S MAP BOOK 440 PAGE 304 COUNTY OF ORANGE



UPPER  
NEWSPAPER  
2A



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MARCH 1979

TRACT NO. 5435

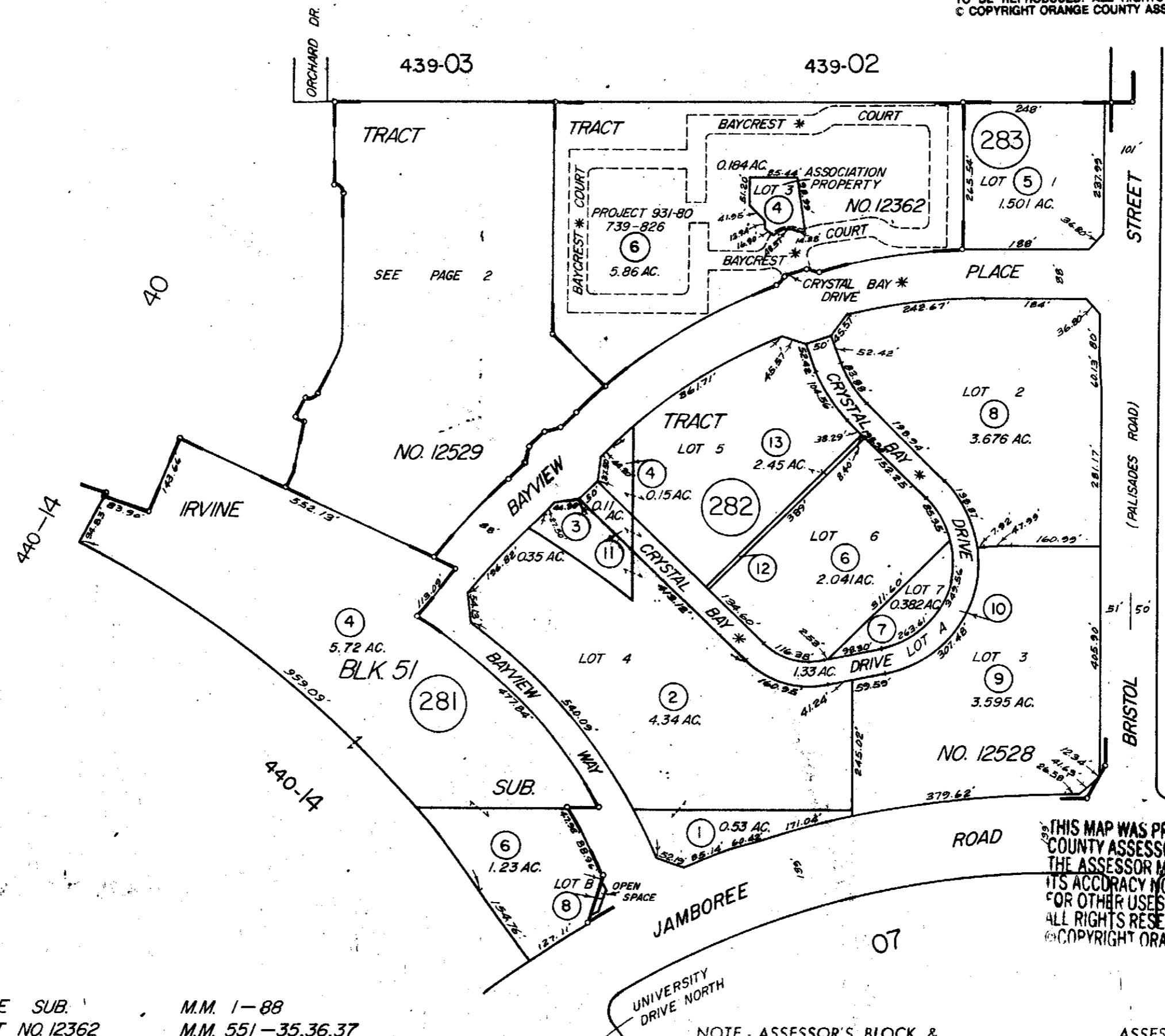
M. M. 200 - 17 TO 21 INC.

12

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ASSESSOR'S MAP BOOK 440 PAGE 305 COUNTY OF ORANGE





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\* PRIVATE STREET

MARCH 1979

IRVINE SUB.  
TRACT NO. 12362  
TRACT NO. 12528  
TRACT NO. 12529

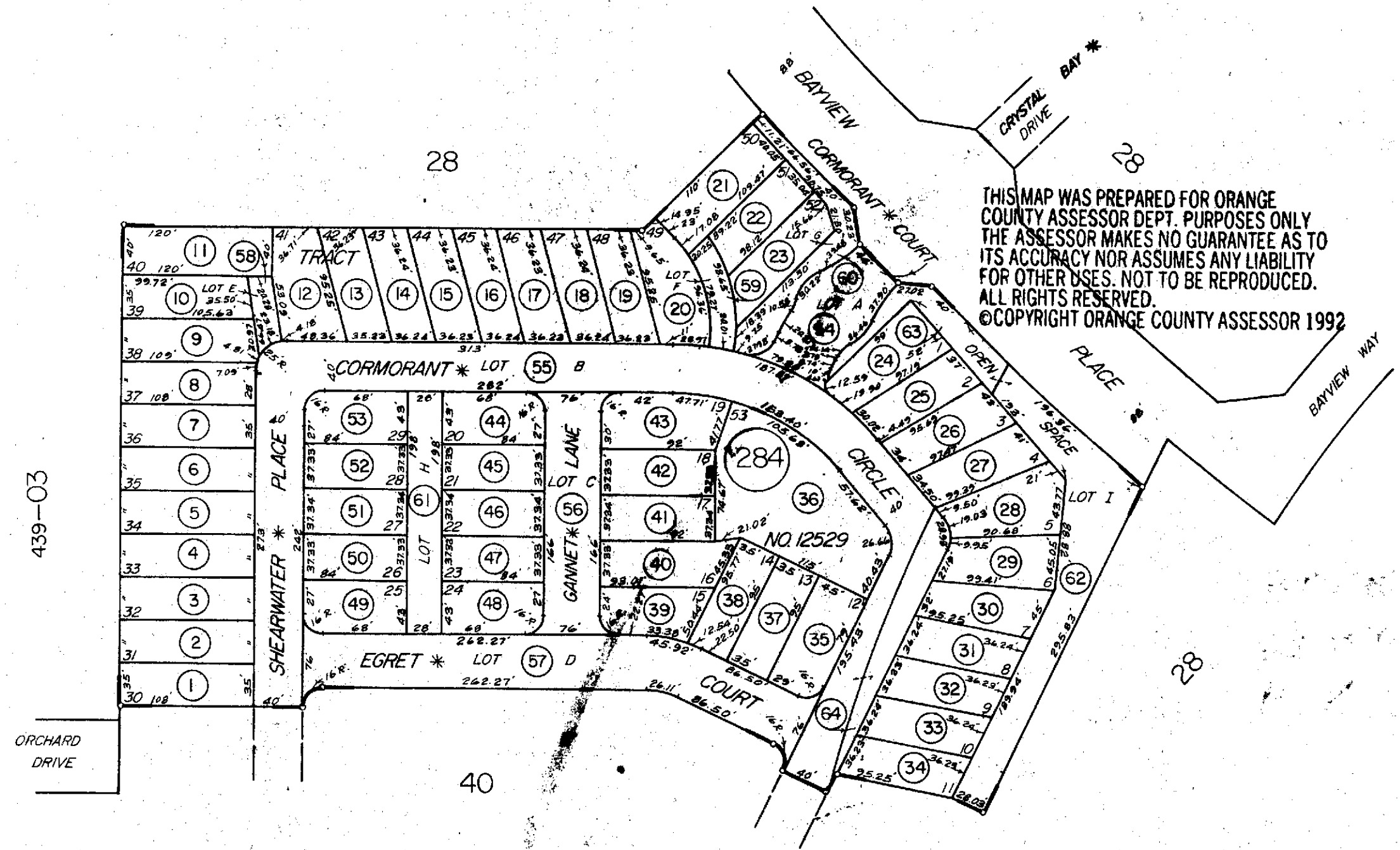
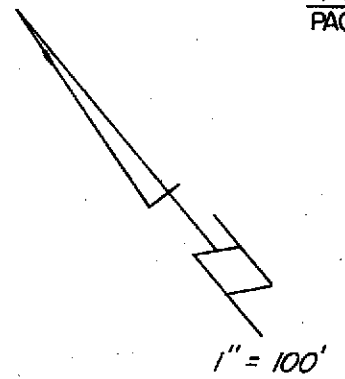
M.M. 1-88  
M.M. 551-35,36,37  
M.M. 551-38 TO 41 INC.  
M.M. 551-42,43,44

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ASSESSOR'S MAP  
BOOK 442 PAGE 28  
COUNTY OF ORANGE

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439-03

ORCHARD DRIVE

\* PRIVATE STREET

MARCH 1979

TRACT NO 12529

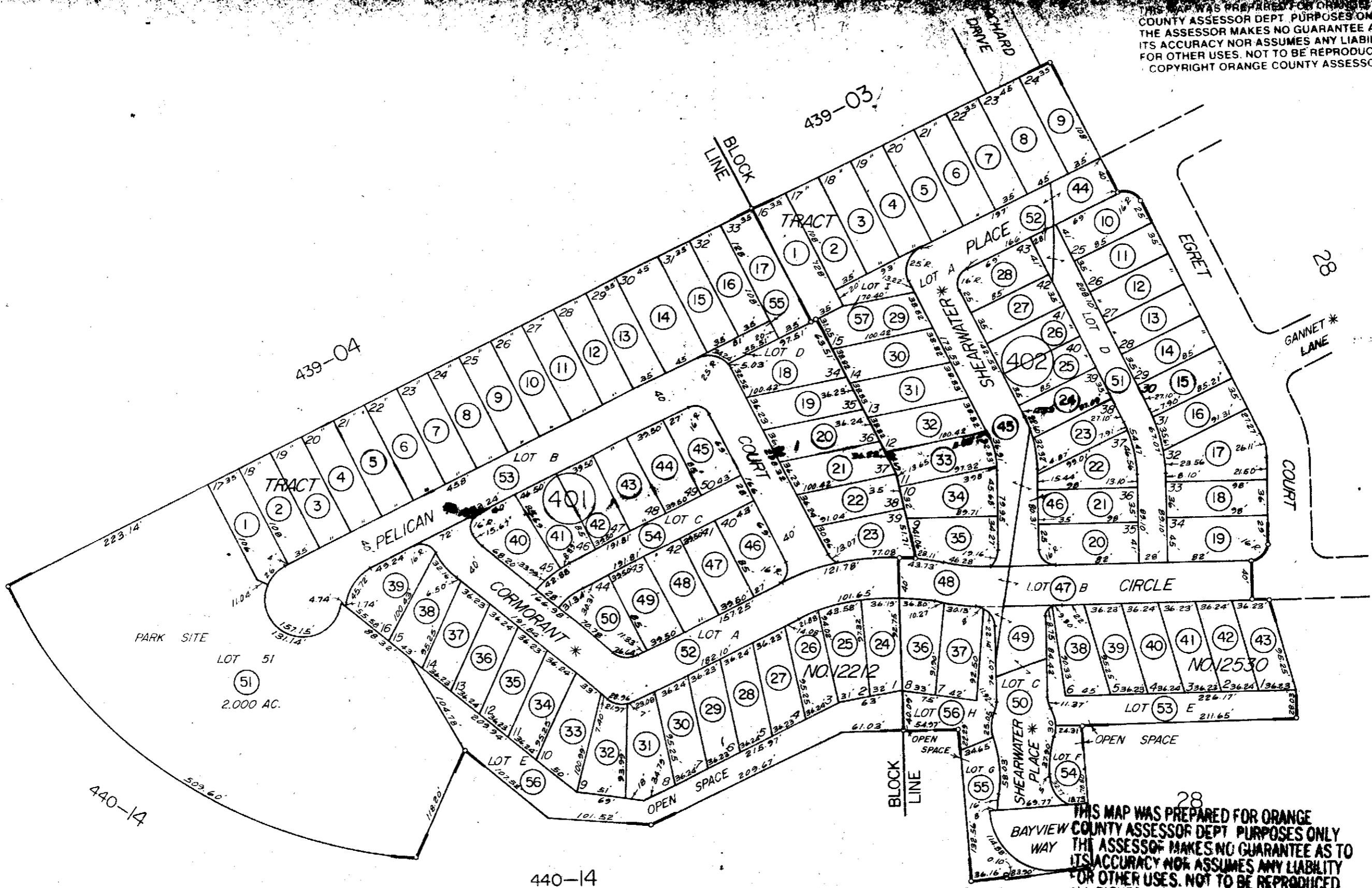
M.M. 551-42,43,44

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ASSESSOR'S MAP BOOK 442 PAGE 284 COUNTY OF ORANGE



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\* PRIVATE STREET

MARCH 1986

TRACT NO. 12212  
TRACT NO. 12530

M.M. 551-32,33,34  
M.M. 551-45,46,47

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