

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Long Beach, CA 90802-4302
(562) 590-5071



September 13, 2012

Brenda Wisneski
Deputy Community Development Director
City of Newport Beach
P.O. Box 1768
Newport Beach, CA 92658

Re: **2nd NOTICE OF INCOMPLETE APPLICATION**
Coastal Development Permit Application No. 5-12-134 - Removal of beach fire rings.
Location: Balboa Pier area and Big Corona State Beach, Newport Beach (Orange County)

Dear Ms. Wisneski:

We appreciated the opportunity to meet with you on Friday, September 7, 2012 to discuss the status of the City's application for a Coastal Development Permit to remove 60 fire rings in the Balboa Pier area and Big Corona State Beach. As we discussed, the city's application to remove the fire rings remains incomplete at this time. We have reviewed all of the materials you have submitted and have concluded that additional information needs to be provided to complete your application and schedule it for a public hearing.

To complete your application, please address the following issues:

- **Health and safety:** During our recent meeting, we requested that the city provide an air quality study to substantiate your claim that "fire rings clearly present a health and safety impact to the public...." In your August 10, 2012 response to our incomplete letter of June 11, 2012, you wrote that: "The City explored the possibility of conducting an air quality study and monitoring program, but the determination was made that it was not feasible. Air quality consultants that were contacted indicated that a scientific study would not provide a definitive answer with respect to the source of the wood burning smoke as the particulate matters are the same, be it public or private. In addition, an air quality study would involve numerous variables such as wind direction, fog conditions, type of wood burned, and would vary by season or time of day."

In our last letter we asked you a series of questions regarding the alleged air quality impacts of the fire rings to which you didn't fully respond. Therefore, we request your response to the following questions: How has the city documented the air quality impacts of the fire rings? Have air samples been taken at the beach or neighboring homes? If so, please provide the results of that sampling. How does the city know definitively the source of smoke in adjacent neighborhoods? Are there regular air quality monitoring stations in Corona del Mar and the vicinity of the Balboa Pier?

The city's application notes that "users of the fire rings have the tendency to burn inappropriate materials such as treated paper or plastic creating toxic smoke." What evidence does the city have that this is the case? In your August 10 letter you indicate that the city's Fire Code limits materials that can be burned in fire rings to natural wood or commercial logs. Is the City enforcing this restriction? What is the penalty for failing to abide by this restriction?

For the record, as we noted during our recent meeting, the South Coast Air Quality Management District's Rule 445 exempts campfires, beach bonfires and ceremonial burning from restrictions on wood-burning fireplaces.

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- **Use of the fire rings:** In our June 11 incomplete letter, we asked the city to submit all data on the number of people who use the fire rings that the city proposes to remove. We are still waiting for that data. We asked when the fire rings are used most heavily – days, nights, weekends, holidays, seasonally? You replied that the heaviest use was typically experienced during the summer months. What about the rest of the year? How extensively are the fire rings used during the months of November, December, January and February?

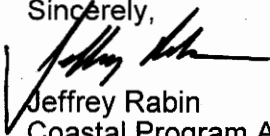
To help us understand the overall pattern of use at Corona del Mar State Beach, please submit copies of the annual report covering the last five fiscal years (2007-08, 2008-09, 2009-10, 2010-11, 2011-12), which the City files each year with California Department of Parks and Recreation. This document should include "a reasonable weekly estimate of the number of visitors to the area, as well as the number of vehicles" and a monthly attendance report.

- **Authority to remove the fire rings:** As requested in our prior letter, please answer the following questions: Please provide copies of any correspondence and/or written authorization from the California Department of Parks and Recreation related to the removal of the fire rings in Newport Beach. Has State Parks agreed that the fire rings should be removed from Corona del Mar State Beach? Has State Parks agreed to the replacement of the fire rings at Corona del Mar State Beach with other recreational facilities such as additional volleyball nets or a children's playground?
- **History of fire rings in Newport Beach:** As requested in our prior letter, please answer the following questions: When were fire rings installed at Corona del Mar State Beach and in the vicinity of the Balboa Pier? Has the number of fire rings at those locations changed (i.e. increased or decreased) over the years? Have the fire rings always been as densely concentrated as they are today? Did the city have fire rings at other beach locations prior to concentrating the fire rings at Corona del Mar State Beach and adjacent to the Balboa Pier? If so, please explain what happened to those fire rings and identify when those changes were made.

Please do not limit your submittal to the above mentioned items. You may submit any information which you feel may help Commission staff gain a clear understanding of the scope of your project. Upon receipt of the requested materials we will proceed with determining the completeness of your application.

Thank you for your attention to these matters. If you wish to discuss the requirements above, I can be contacted at (562) 590-5071.

Sincerely,


Jeffrey Rabin
Coastal Program Analyst