

Attachment No. CC 8

Correspondence received as of 07/17/12

Alford, Patrick

From: Concerned Residents of Newport Crest [concernedresidentsofnewportcrest@yahoo.com]
Sent: Tuesday, July 17, 2012 3:25 PM
To: Gardner, Nancy; Henn, Michael; Rosansky, Steven; Hill, Rush; Daigle, Leslie; Selich, Edward; Curry, Keith
Cc: Alford, Patrick; eric.bever@costamesaca.gov; jim.righeimer@costamesaca.gov; stephen.mensing@costamesaca.gov; jay.monahan@costamesaca.gov; city.council@surfcity-hb.org; wendyleece@costamesaca.gov; johncanalis@latimes.com; letters@ocregister.com
Subject: Banning Ranch
Attachments: Blanket_Letter_Opposing_Banning_Ranch_CNB FINAL.doc; signaturestocnbcouncil.pdf

Please see letter below and attached, along with signatures also attached.

Dorothy Kraus
Newport Crest, 949-337-6651

Date: July 14, 2012
To: Honorable Mayor Nancy Gardner and City Council Members
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663
From: See Attached Signatures
Subject: Proposed Development of Banning Ranch

Dear Mayor Gardner and Council Members,

We, the undersigned, oppose proposed development of Banning Ranch. Development will adversely impact thousands of residents living in Newport Beach, Costa Mesa, Huntington Beach and surrounding communities for over ten-years of construction and will be ongoing after project completion. We, the undersigned, respectfully urge the City of Newport Beach to halt any further action on this project. We ask the City to immediately assign City resources to focus on a plan to preserve all of Banning Ranch as open space which is the priority land use option as stated in the City of Newport Beach General Plan.

The proposed development will result in major traffic congestion that will severely impact 15 major intersections in Newport Beach, Costa Mesa, Huntington Beach, and as far north as the 55 freeway corridor. Arterial roadways should not be designed to be in close proximity to residential communities. The City's assumption that the 19th Street Bridge will be built as an integral feature of traffic circulation for this project is an inaccurate and costly assumption. This issue has gone on far too long. The bridge will never be built given the massive community opposition that currently exists in Huntington Beach and Costa Mesa.

Additionally, Banning Ranch is a 68-year old oil field with nearly 500 wells. It has not been adequately tested for hazardous waste. Crude oil production creates wastes that harbors deadly toxins including benzene, which is a known carcinogen and mutagenic. Furthermore, the construction and increased traffic will create unsafe levels of several dangerous air contaminants, including nitrogen oxide, ozone and particulate matter, which are all known to cause asthma, lung damage, respiratory illness and premature death.

The proposed project will result in loss of the last coastal open space in Orange County and is the largest and most dense developments in the County's history. Noise and night light pollution impacts will be at unsafe levels. This will gravely impact thousands of people who treasure the peace, quiet and tranquility that exist today in our coastal communities.

Lower property values will be another serious outcome of this project. Ten or more years of heavy construction, excavation and remediation will drive down property values and discourage potential buyers and renters. Additionally, property values will be permanently depressed by ongoing impacts from noise, congestion, and loss of views, and quality of life.

The City's claim that there are project benefits that outweigh health and quality of life is wrong and unacceptable. Please do not ignore the City's General Plan that designates all of Banning Ranch as permanent open space. The overcrowding, noise and health and safety hazards will destroy the privacy and peace of mind for many thousands of people in Orange County.

Please include this correspondence in the official administrative record for the Newport Banning Ranch project and its successors.

Thank you.

Sincerely,

See Signatures Attached

cc:

Patrick Alford, City Planner, City of Newport Beach

Honorable Mayor Eric Bever and Members of the Costa Mesa City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Honorable Mayor Don Hansen and Members of the Huntington Beach City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Daily Pilot
Orange County Register

Date: July 14, 2012

To: Honorable Mayor Nancy Gardner and City Council Members
City of Newport Beach
3300 Newport Blvd.
Newport Beach, CA 92663

From: See Attached Signatures

Subject: Proposed Development of Banning Ranch

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potential buyers and renters. Additionally, property values will be permanently depressed by ongoing impacts from noise, congestion, and loss of views, and quality of life.

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Please include this correspondence in the official administrative record for the Newport Banning Ranch project and its successors.

Thank you.

Sincerely,

See Signatures Attached

cc:

Patrick Alford, City Planner, City of Newport Beach

Honorable Mayor Eric Bever and Members of the Costa Mesa City Council
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Honorable Mayor Don Hansen and Members of the Huntington Beach City Council
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Daily Pilot
Orange County Register

Letter to the Honorable Mayor and
Members of the Newport Beach City Council
July 14 2012

Signature: [Signature]
Print Name: Rebecca Garabedian
Address: 1478 Monrovia Ave C
City/State/Zip: Newport Beach CA 92663

Signature: [Signature]
Print Name: Steven Butler
Address: 1478 Monrovia Ave C
City/State/Zip: Newport Beach 92663

Signature: [Signature]
Print Name: JAMES O'QUINN
Address: _____
City/State/Zip: _____

Signature: [Signature]
Print Name: WILLIAM NEVINS
Address: 924 DORWOOD ST
City/State/Zip: LM. 92627

Signature: [Signature]
Print Name: CHRISTINE SULLIVAN
Address: 6 Roban Ct.
City/State/Zip: NB CA 92663

Signature: [Signature]
Print Name: [Signature]
Address: 11 BACUNE PT.
City/State/Zip: NB 92663

Signature: [Signature]
Print Name: DONALD SKRIDE
Address: 25 IMA LCA CT
City/State/Zip: Newport Beach CA 92663

Signature: [Signature]
Print Name: MARYANN GOODMAN
Address: 18 GOODWILL CT.
City/State/Zip: NEWPORT BEACH CA 92663

Signature: [Signature]
Print Name: PETER COMPTON
Address: 16461 Quantico Ln
City/State/Zip: Apple Valley CA 92301

Signature: [Signature]
Print Name: SHEILA COMPTON
Address: 16461 Quantico Rd
City/State/Zip: Apple Valley 92301

Signature: [Signature]
Print Name: Philip Kempfer
Address: 12061 Faye Ave.
City/State/Zip: GARDEN GROVE, CA 92840

Signature: _____
Print Name: MIKE RICE
Address: 2061 SEA COVE LANE
City/State/Zip: COSTA MESA CA 92627

Letter to the Honorable Mayor and
Members of the Newport Beach City Council
July 14 2012

Signature: Thomas Fisher

Print Name: THOMAS FISHER

Address: 8 Arries

City/State/Zip: Newport Beach, CA 92663

Signature: Sharon Lee Koch

Print Name: SHARON LEE KOCH

Address: 9250 PARK NEWPORT #909

City/State/Zip: Newport Beach CA 92660

Signature: _____

Print Name: RICH GRUNBERG

Address: 15 KIALDA CT

City/State/Zip: NB, CA 92663

Signature: _____

Print Name: _____

Address: _____

City/State/Zip: _____

Signature: Linda Mendinhall

Print Name: Linda Mendinhall

Address: 8 Goodwill Court

City/State/Zip: Newport Beach CA 92663

Signature: William N Villara

Print Name: WILLIAM N VILLARA

Address: 16 BRAUNA COURT

City/State/Zip: NB, CA 92663

Signature: Judith E Kauffman

Print Name: JUDITH E KAUFFMAN

Address: 1750 WHITTIER #10

City/State/Zip: CM 92627

Signature: Janna Rose

Print Name: DONNA LANE

Address: 1750 Whittier Ave #19

City/State/Zip: Costa Mesa, CA 92627

Signature: Susan Thomas

Print Name: SUSAN THOMAS

Address: 1750 WHITTIER AVE #17

City/State/Zip: COSTA MESA, CA 92627

Signature: M J MacCis

Print Name: M J MacCis

Address: 1750 Whittier #15

City/State/Zip: CM 92627

Signature: Robert P Earl

Print Name: ROBERT P EARL

Address: 1750 WHITTIER AVE #22

City/State/Zip: COSTA MESA CA 92627

Signature: _____

Signature: Margot Sbelgio

Print Name: MARGOT SBELGIO

Address: 1750 WHITTIER #16

City/State/Zip: COSTA MESA, CA

92627

Signature: _____

Letter to the Honorable Mayor and
Members of the Newport Beach City Council
July 14 2012

Signature: [Signature]
Print Name: Bevan Vassilopoulos
Address: 20 Darius Ct
City/State/Zip: Longport DE 19041

Signature: [Signature]
Print Name: Huguelle Wilson
Address: 4809 River Ave
City/State/Zip: Newport Beach CA 92663

Signature: [Signature]
Print Name: James P Neff
Address: 713 Ardor St
City/State/Zip: CA 92627

Signature: [Signature]
Print Name: Michael J Lopper
Address: 120 Continental Ave
City/State/Zip: CA 92627

Signature: [Signature]
Print Name: Christi Arndus
Address: 3 Sausage Dr
City/State/Zip: NB, CA 92663

Signature: [Signature]
Print Name: Sajha Bryanz
Address: 9531 Landtel Drive
City/State/Zip: H.B. CA 92646

Signature: [Signature]
Print Name: MICHAEL GROFIN
Address: 930 DOBWOOD ST
City/State/Zip: COSTA MESA, CA 92677

Signature: [Signature]
Print Name: David E Grodick
Address: 258 Cross St
City/State/Zip: Laguna Bch, CA 92651

Signature: [Signature]
Print Name: Erik Trussell
Address: 15 Robon Ct
City/State/Zip: Newport Beach CA 92662

Signature: [Signature]
Print Name: TEVIS HILL - 6308 W. Alenford
Address: PO 3113
City/State/Zip: NEWPORT BEACH CA 92659 (mail)

Signature: [Signature]
Print Name: Melody Perry
Address: 10 ARIES CT
City/State/Zip: NEWPORT BEACH, CA 92663

Signature: [Signature]
Print Name: James T. Mansfield
Address: 1857 Rhodes Drive
City/State/Zip: Costa Mesa, CA 92626

Letter to the Honorable Mayor and
Members of the Newport Beach City Council
July 14 2012

Signature: Alexandra Brengas
Print Name: Sasha Brengas
Address: 9531 Landfall Drive
City/State/Zip: H.B. CA 92646

Signature: [Signature]
Print Name: George J. Demas
Address: 10 Summerwind Ct
City/State/Zip: Newport Beach, CA 92663

Signature: Marilou McCarthy
Print Name: Marilou McCarthy
Address: 3 Goodwill Ct
City/State/Zip: Newport Beach, CA 92663

Signature: [Signature]
Print Name: Rebecca Charabedian
Address: 1478 Monrovia Ave #C
City/State/Zip: Newport 92663

Signature: _____
Print Name: LUKE
Address: _____
City/State/Zip: _____

Signature: [Signature]
Print Name: Steven Butler
Address: 1478 Monrovia Ave #C
City/State/Zip: Newport Beach 92663

Signature: Michael J. Logan
Print Name: MICHAEL J. LOGAN
Address: 4 AVIES COURT
City/State/Zip: NEWPORT BEACH 92663

Signature: Marinka Horack
Print Name: Marinka Horack
Address: 21742 Fairlane Cr.
City/State/Zip: Huntington Beach CA 92646

Signature: [Signature]
Print Name: J. HEIDORN
Address: 2 SEABIRD CT
City/State/Zip: NB. 92663

Signature: Eva L. Goodwin-Noriega
Print Name: Eva L. Goodwin-Noriega
Address: 2412 Lesparre Way
City/State/Zip: Costa Mesa CA 92627

Signature: [Signature]
Print Name: WILLIAM NORT
Address: 924 DOLWOOD ST
City/State/Zip: NB 92663

Signature: [Signature]
Print Name: Alex STEPHENS
Address: 11 BARUNA CT
City/State/Zip: NB Ca 92663

Please leave pen

Letter to the Honorable Mayor and
Members of the Newport Beach City Council
July 14 2012

Signature: Patricia Foster
Print Name: PATRICIA FOSTER
Address: 9442 LANAI CIR
City/State/Zip: Huntington Beach CA 92646

Signature: Brian VanDerBy
Print Name: BRIAN VANDENBERG
Address: 20 SARUNA CT.
City/State/Zip: NEWPORT BEACH, CA 92663

Signature: Lorlei Turner
Print Name: 9427 Lanai Cir.
Address: LORLEI TURNER
City/State/Zip: Huntington Beach CA 92646

Signature: Paula Star Carneal
Print Name: Paula Star Carneal
Address: 21801 Fairlane Cir.
City/State/Zip: Huntington Beach CA 92646

Signature: Gery A. Garber
Print Name: Gery A. Garber
Address: 8 Lendall Court
City/State/Zip: Newport Beach CA 92663

Signature: Gerard Proccacino
Print Name: Gerard Proccacino
Address: 5105 Lido Sands DR
City/State/Zip: Newport Beach, CA 92663

Signature: Nancy S. Heaton
Print Name: NAUCY S. HEATON
Address: 460 MENDOZA TER
City/State/Zip: CORONA DEL MAR CA 92625

Signature: _____
Print Name: _____
Address: _____
City/State/Zip: Geni Ciudad

Signature: Dorothy G. P. School
Print Name: DOROTHY G. P. SCHOOL
Address: 1750 East 17th Ave
City/State/Zip: S.M., CA-92627

Signature: Faye Lee
Print Name: FAYE LEE
Address: 14 ROBOY CT
City/State/Zip: N.P. Bch. CA 92663

Signature: Tawnya L. Southern
Print Name: TAWNVA L. SOUTHERN
Address: 2 GOODWILL CT.
City/State/Zip: NEWPORT BEACH, CA 92663

Signature: Gerry Gorman
Print Name: Gerry Gorman
Address: 459 Grand
City/State/Zip: NB 92663

Letter to the Honorable Mayor and
Members of the Newport Beach City Council
July 14 2012

Signature: Ross Ribaldo
Print Name: ROSS RIBALDO
Address: 260 CAGNEY LN. #320
City/State/Zip: NEWPORT BEACH CA 92663

Signature: MJ Fri
Print Name: Michael Kinsloc
Address: 26502 Valparaiso Drive
City/State/Zip: Mission Viejo CA 92691

Signature: Yvonne Molnar
Print Name: Yvonne Molnar
Address: 4 Ama Lea Court
City/State/Zip: Newport Beach CA 92663

Signature: Faye Lee
Print Name: FAYE LEE
Address: 14 Raton Ct
City/State/Zip: Newport Beach, CA 92663

Signature: Peter Borbas
Print Name: PETER BORBAS
Address: 4 IMA LOA CT
City/State/Zip: NB CA 92663

Signature: Paul Fuller
Print Name: Paul Fuller
Address: 1874 Parkcrest Dr
City/State/Zip: COSTA MESA CA 92627

Signature: Sasha Brengauz
Print Name: Sasha Brengauz
Address: 9531 Landfall Dr.
City/State/Zip: H.B. CA 92646

Signature: Nancy Kappelmann
Print Name: Nancy Kappelmann
Address: 1853 Parkvista Ct
City/State/Zip: COSTA MESA, CA 92627

Signature: Steve Brady
Print Name: STEVE BRADY
Address: 15 SUMMERWIND CT
City/State/Zip: NB, CA 92663

Signature: Christine J Torino
Print Name: Christine J Torino
Address: 1853 Park Vista Circle
City/State/Zip: Costa Mesa, Ca 92627

Signature: E. Olson
Print Name: E. OLSON
Address: 419 Fullerton
City/State/Zip: N.B 92663

Signature: Michael J. Logan
Print Name: MICHAEL J. LOGAN
Address: 4 ARIES COURT
City/State/Zip: NEWPORT BEACH, CA 92663

Letter to the Honorable Mayor and
Members of the Newport Beach City Council
July 14 2012

Signature: Sue Lester
Print Name: Sue Lester
Address: 283 Flower Street
City/State/Zip: Costa Mesa, CA 92627

Signature: Shelli Pfaller
Print Name: SHELLE PFAFFER
Address: 1756 WHIMPER AVE SP4
City/State/Zip: COSTA MESA, CA 92625

Signature: Jonathan Weiner
Print Name: Jonathan Weiner
Address: 14 Kialoa Ct
City/State/Zip: Newport Beach, CA 92663

Signature: Annabel Dostal
Print Name: Annabel Dostal
Address: 9 Starfish Ct
City/State/Zip: Newport Beach, CA 92663

Signature: Sandra Fazio
Print Name: Sandra Fazio
Address: 2112 Paloma W
City/State/Zip: HB CA 92646

Signature: Christina Cribbs
Print Name: CHRISTINA CRIBBS
Address: 226 LEBONIA ST
City/State/Zip: N.B. CA 92663

Signature: Brian Van Buren
Print Name: Brian Van Buren
Address: 20 Barona Ct
City/State/Zip: Newport Beach, CA 92663

Signature: Thomas Taylor
Print Name: THOMAS TAYLOR
Address: 302 Intrepid Ct.
City/State/Zip: Newport Beach, CA 92663

Signature: Wendy Leece
Print Name: Wendy Leece
Address: 1804 Capetown Circle
City/State/Zip: Costa Mesa, CA 92627

Signature: A. Foreman
Print Name: A. FOREMAN
Address: 260 Casney Lane
City/State/Zip: Newport Beach, CA 92662

Signature: Barbara Taylor
Print Name: Barbara Taylor
Address: 302 Intrepid Ct
City/State/Zip: Newport Beach, CA 92663

Signature: Donald Menagiale
Print Name: DONALD MENAGIALE
Address: 15 Landfall Court
City/State/Zip: Newport Beach, CA 92663

Letter to the Honorable Mayor and
Members of the Newport Beach City Council
July 14 2012

Signature: Pamela Barton
Print Name: Pamela Barton
Address: 3762 Carmel
City/State/Zip: IRVINE, CA 92606

Signature: Beverly Chipman Cool
Print Name: Beverly Chipman Cool
Address: 1750 Whitehouse Ave
City/State/Zip: F.M., CA-92624

Signature: Lorrie Hafner
Print Name: Lorrie Hafner
Address: 22147 Capistrano Lane
City/State/Zip: HB CA 92646

Signature: Michelle
Print Name: Michelle Simpson
Address: 900 West 19th St.
City/State/Zip: Costa Mesa, Ca 92627

Signature: James P. Neff
Print Name: James P. Neff
Address: 913 Arbor St
City/State/Zip: SM CA 92627

Signature: Brian V. Birk
Print Name: Brian V. Birk
Address: 20 Baruna Ct
City/State/Zip: Newport Beach, CA 92663

Signature: Mikel Hogan
Print Name: Mikel Hogan
Address: 20312 Wind Cave
City/State/Zip: Long Beach CA, HB 92644

Signature: Bruce Bartram
Print Name: Bruce Bartram
Address: 2 Seaside Circle
City/State/Zip: Newport Beach, CA 92663


Signature: Michael Griffin
Print Name: Michael Griffin
Address: 930 Dogwood St
City/State/Zip: Costa Mesa CA 92627


Signature: Sasha Brennan
Print Name: Sasha Brennan
Address: 9531 Landfall Drive
City/State/Zip: H.B. CA 92646

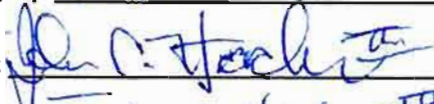
Signature: Karen Hilbert
Print Name: KAREN HILBERT
Address: 5 Immanuel Ct.
City/State/Zip: N.B. 92663

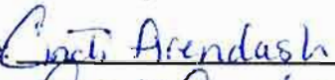
Signature: William Yarchin
Print Name: William Yarchin
Address: 9291 Hudson Drive
City/State/Zip: Huntington Beach, CA 92646


Letter to the Honorable Mayor and
Members of the Newport Beach City Council
July 14 2012

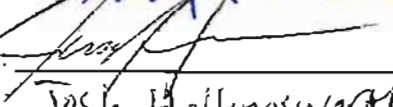
Signature: 
Print Name: Sheri Crowe
Address: 200 Intrepid St
City/State/Zip: Newport Bch CA 92663


Signature: 
Print Name: Nancy Skinner
Address: 1724 Highland Dr.
City/State/Zip: N. B.

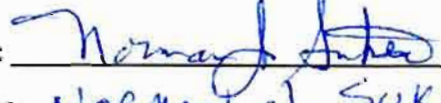
Signature: 
Print Name: John C. Hedeker
Address: 5 Seaside Dr.
City/State/Zip: Npt. Bch CA 92663

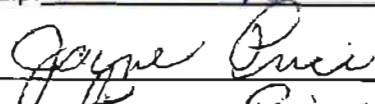
Signature: 
Print Name: Cindy Alexander
Address: 5 Seaside Dr
City/State/Zip: NB, CA 92663

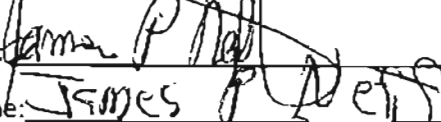
Signature: 
Print Name: Tyler Nguyen
Address: 18 Odysseus Ct
City/State/Zip: Newport Beach

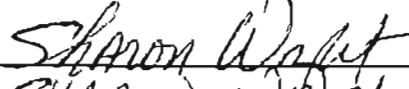
Signature: 
Print Name: Josh Hollingsworth
Address: 23 Kamalii Ct.
City/State/Zip: Newport Beach 92663

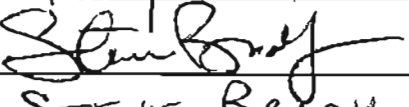
Signature: 
Print Name: Richard Crowe
Address: 200 Intrepid St
City/State/Zip: N. B. CA 92663

Signature: 
Print Name: NORMAN J. SUKER
Address: 14 ODYSSEY CT.
City/State/Zip: NB CA

Signature: 
Print Name: Gayne Price
Address: 501 Columbia St.
City/State/Zip: NB 92663

Signature: 
Print Name: JAMES P. DUFF
Address: 913 Arbor St
City/State/Zip: CM CA 92627

Signature: 
Print Name: SHARON WRIGHT
Address: 200 VIA ANTIBES #3
City/State/Zip: Newport Beach CA 92663

Signature: 
Print Name: STEVE BRADY
Address: 15 SUMMERWIND Ct
City/State/Zip: NB CA 92663

Letter to the Honorable Mayor and
Members of the Newport Beach City Council
July 14 2012

Signature: Chris Herrick
Print Name: Chris Herrick
Address: 2816 Drake Ave
City/State/Zip: Costa Mesa, CA 92626

Signature: Jeanne Fedorka
Print Name: Jeanne Fedorka
Address: 14411 E. 7th St.
City/State/Zip: Ontario CA 91764

Signature: Deborah Koken
Print Name: Deborah Koken
Address: 1778 Kenwood Pl
City/State/Zip: Costa Mesa, CA 92627

Signature: James J. Soto
Print Name: James J. Soto
Address: 1101 Breeze W
City/State/Zip: Newport Beach, CA 92660

Signature: Laurie Coch
Print Name: Laurie Coch
Address: 14 Via Almeria
City/State/Zip: San Clemente, CA 92673

Signature: Thomas Munn
Print Name: Thomas Munn
Address: 412 Hamilton
City/State/Zip: Costa Mesa, CA 92627

Signature: Ghelly Hobbs
Print Name: Ghelly Hobbs
Address: 11513 Corby Ave
City/State/Zip: Norwalk, CA 90650

Signature: Oscar Guardanno
Print Name: Oscar Guardanno
Address: 11513 Corby Ave
City/State/Zip: Norwalk, CA 90650

Signature: Bret Roth
Print Name: Bret Roth
Address: 1601 W MacArthur #11A
City/State/Zip: Santa Ana, CA 92706

Signature: James R. Pieg
Print Name: JAMES R. PIEG
Address: 1869 PARKVIEW C
City/State/Zip: COSTA MESA, CA 92627

Signature: Tim Brennan
Print Name: Tim Brennan
Address: 16792 TALISMAN W #C210
City/State/Zip: HB CA 92649

Signature: D. Silvers
Print Name: D. Silvers
Address: 12 Kialoa Ct.
City/State/Zip: NPB 92663

Letter to the Honorable Mayor and
Members of the Newport Beach City Council
July 14 2012

Signature: Mary Laurie
Print Name: NANCY LAURIE
Address: 1750 WHITTIER AVE #43
City/State/Zip: COSTA MESA CA 92627

Signature: Dolores Minerich
Print Name: DOLORES MINERICH
Address: 1750 WHITTIER AVE #37
City/State/Zip: COSTA MESA, CA 92627

Signature: Robert Minerich
Print Name: ROBERT MINERICH
Address: 3710 ATLANTIC AVE #2
City/State/Zip: LONG BEACH CA 90807

Signature: Gary
Print Name: 174 O'GARING
Address: 3710 Atlantic Ave #2
City/State/Zip: 30807 Longbeach

Signature: Vickie Munoz
Print Name: VICKIE MUNOZ
Address: 1750 Whittier #38
City/State/Zip: COSTA MESA CA 92627

Signature: Cathleen Squires
Print Name: CATHLEEN SQUIRES
Address: 1750 Whittier #38
City/State/Zip: COSTA MESA CA 92627

Signature: Lois Jones
Print Name: Lois Jones
Address: 1750 Whittier Ave. #35
City/State/Zip: Costa Mesa CA 92627

Signature: Raymond Jones
Print Name: RAYMOND J JONES
Address: 1750 WHITTIER AVE #35
City/State/Zip: COSTA MESA - 92627

Signature: Debra Nelson
Print Name: D A Nelson
Address: 1750 Whittier #38
City/State/Zip: Costa Mesa CA 92627

Signature: Donna Rogers
Print Name: Donna Rogers
Address: 1750 Whittier Ave Sp 26
City/State/Zip: Costa Mesa, Ca 92627

Signature: Fouad J. Cabrea
Print Name: Fouad CABREA
Address: 1750 Whittier Ave #38
City/State/Zip: Costa Mesa, CA 92627

Signature: J. Holman
Print Name: 1750 Whittier Ave
Address: Costa Mesa, CA
City/State/Zip: 92627

Letter to the Honorable Mayor and
Members of the Newport Beach City Council
July 14 2012

Signature: [Handwritten Signature]
Print Name: Kim Karthing
Address: 904 Oakwood
City/State/Zip: Costa Mesa, CA 92627

Signature: [Handwritten Signature]
Print Name: Linda Pedding
Address: 11 Basene Ct
City/State/Zip: NB CA 92663

Signature: [Handwritten Signature]
Print Name: Grant Collier
Address: 10 Basene Ct.
City/State/Zip: NB CA 92663

Signature: [Handwritten Signature]
Print Name: Michael Kraus
Address: 10 Wild Goose Ct
City/State/Zip: Newport Beach Ca 92663

Signature: [Handwritten Signature]
Print Name: Dorothy Kraus
Address: 10 Wild Goose Ct
City/State/Zip: Newport Beach Ca 92663

Signature: _____
Print Name: _____
Address: _____
City/State/Zip: _____

Signature: [Handwritten Signature]
Print Name: Stephanie Janji
Address: 3921 San Joaquin Ave
City/State/Zip: Los Alamitos CA 90720

Signature: [Handwritten Signature]
Print Name: Greg Lewis
Address: 2131 Eldon Ave #8
City/State/Zip: Costa Mesa 92627

Signature: [Handwritten Signature]
Print Name: Robin L Miller
Address: 27485 Alhambra Ave
City/State/Zip: Mission Viejo CA 92691

Signature: _____
Print Name: _____
Address: _____
City/State/Zip: _____

Signature: _____
Print Name: _____
Address: _____
City/State/Zip: _____

Alford, Patrick

From: bill bennett [shokobennett@gmail.com]
Sent: Tuesday, July 17, 2012 3:32 PM
To: Alford, Patrick
Subject: Fwd: Response to Public Records Act Request (Bennett, Bill; File: A12-00491)
Attachments: 00012315.pdf; 00012311.pdf; 00012310.pdf; 00012303.pdf; 00012302.pdf

**Mr. Patrick Alford,
Planning Director
City of Newport Beach**

Dear Mr. Alford,

I received the email below and its attachments from the office of Mr. Aaron Harp, City Attorney. I request that this email, and it's attachments, be made part of the Administrative Record for the Banning Ranch dEIR. It is material which originated from the City, but I want to make sure that it is included in the Banning Ranch proceedings."

**Thank you,
Bill Bennett
10 Odyssey Court, NB**

----- Forwarded message -----

From: Askling, Kristy <kaskling@newportbeachca.gov>
Date: Fri, Jul 13, 2012 at 4:42 PM
Subject: Response to Public Records Act Request (Bennett, Bill; File: A12-00491)
To: shokobennett@gmail.com

Mr. Bennett-

Please see the attached notice of determination letter in response to your July 6th Public Record Act request along with responsive records. Thank you.

** Attached file(s):

Bennett b from LM 7.13.12 NOD (00012315.pdf)

Fire Hazard Complaints 1988_2012 (00012311.pdf)

NBR from CCC 6.22.12 re vegetation removal (00012310.pdf)

CCC from Mulvihill L 7.9.12 re Rsp to CCC Staff Report CDP App 5 11 302 (00012303.pdf)

Kristy S. Askling

Paralegal

City Attorney's Office
City of Newport Beach
PO Box 1768
3300 Newport Blvd.

Newport Beach, CA 92658-8519

Phone: [\(949\) 644-3131](tel:9496443131)

Fax [\(949\) 723-3520](tel:9497233520)

kaskling@newportbeachca.gov

CONFIDENTIALITY NOTICE: This email may contain material that is confidential, privileged and/or attorney-work product for the sole use of the addressee. Any review by, reliance or distribution by others or forwarding to others without express permission is strictly prohibited. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege as to this communication. If you have received this communication in error, immediately notify the sender. Thank you.



CITY OF NEWPORT BEACH

November 22, 2011

Ms. Sherilyn Sarb, Deputy Director
California Coastal Commission
200 Oceangate, 10th Floor
Long Beach, CA 90802-4416

Subject: Vegetation Maintenance of Sunset Ridge Park Property (Newport Beach, CA)

Dear Ms. Sarb:

Thank you again for meeting with me on November 10, 2011 after our November Coastal Commission hearing on Sunset Ridge Park. As a follow-up to that meeting (and I believe consistent with our discussion that day), I have attached documentation associated with the City's annual vegetation removal completed by the City on the property located on the NE corner of West Coast Highway and Superior Avenue, and known to us as Sunset Ridge Park.

You will see that mowing and related maintenance was done under contract to Southland Landscape Maintenance and occurred at least once each year (typically twice) starting the Spring season (April 2007) immediately after Caltrans transferred the property to the City. As you know, through our project discussions and presentations, we have maintained that the vegetation on the property has been continually disked or mowed annually and, in some years more frequently, since as far back as 1965. The State of California (Caltrans) owned and was responsible for this vegetation clearance between 1965 and winter 2006-07. Upon the City's acquisition of the property on December 5, 2006 (Directors Deed DD 040767-03-01), the State continued to remove vegetation on the property through the 2006-2007 winter season.

As our records show, we then arranged for the continuance of this vegetation removal and maintenance activity on the property from April 2007 until present (see attached). As former Fire Marshal Steve Bunting noted (in a January 4, 2010 e-mail record we previously provided to you):

"The requirement to clear the lot of all weeds, grass, vines, and other vegetation came from Fire Code Section 1103.2.4 'Combustible Vegetation'. This regulation is separate and distinct from the Hazard Reduction and Fuel Modification regulations enforced throughout our Special Fire Protection Areas in that they only apply to

weed abatement and not wildland fuels."

I left our meeting with the impression that this information (as opposed to much older information from Caltrans) was what your staff needed to see that the property has been "regularly mowed" since the City acquired the property.

With these records (and any others that you may seek - please just ask), I hope that your staff will be able to conclude that the mowing was continuous so that we may now direct our collective efforts towards refining and permitting and construction of the Sunset Ridge Park project. To that end, we will very soon be submitting a revised access plan using the existing maintenance road for limited access. We will be anxious to hear back on Dr. Engle's thoughts regarding that road.

Should you have any further questions, or need additional information about the mowing information, please contact Dave Webb or myself at 949-644-3001. Thank you again and thanks in advance for your assistance and timely resolution of this matter.

Sincerely,



Dave Kiff
City Manager

cc: David Webb, Deputy Director of Public Works/City Engineer
Leonie Mulvihill, Assistant City Attorney
Project File

Attachments: Maintenance Chronology, Invoices

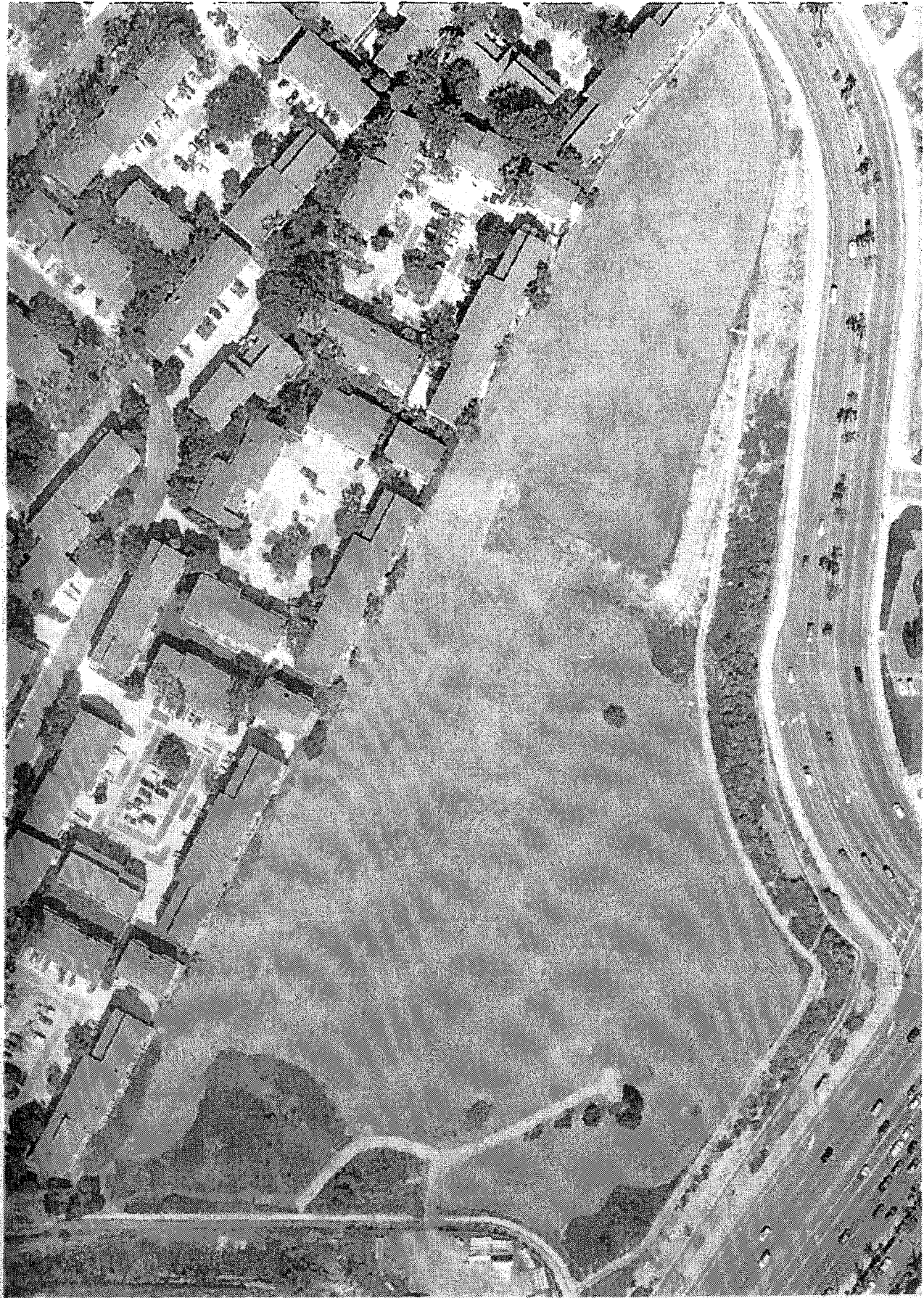
SUNSET RIDGE PARK MAINTENANCE
By SOUTHLAND LANDSCAPE
CHRONOLOGY (and AERIAL PHOTOS)

TAB NO.	YEAR	CITY CHECK NUMBER	CHECK AMOUNT	DESCRIPTION OF WORK
1.	June 2005	N/A	N/A	Seasonal Maintenance (Spring). Caltrans – see photo w/mowing patterns across park.
2.	January and October 2006	N/A	N/A	Photos only – Caltrans ownership period.
N/A	December 5, 2006	N/A	N/A	City takes title to Sunset Ridge Park property.
3.	May 2007	674717	\$7,700.00	Seasonal maintenance (Spring). Top/trim, and flush cut as close as possible of non-native and thin/limb native shrubs.
4.	July 2007	677310	\$1,675.00	Weed abatement. Clear to a minimum of 100 feet from the wall below the structures facing the park. See October 2007 photo.
5.	December 2007	682113	\$3,785.00	Seasonal Maintenance (Fall). Weed/Brush Abatement.
6.	May 2008	685957	\$7,775.00	Seasonal Maintenance (Spring). Flat Area Growth Reduction. See September 2008 photo.
7.	October 2008	694840	\$1,425.00	Seasonal Maintenance (Fall). Remove ice plant and plant growth within road along drainage swale.
		694441	\$2,265.00	Access Fire Road Work
8.	January 2009	695254	\$3,875.00	Seasonal Maintenance. Brush / Non Native Flush Cutting; Herbicide Application.
9.	June 2009	700846	\$13,215.00	Seasonal Maintenance (Spring). Weed/Brush Abatement Work; Flat Area Growth Reduction; Herbicide Application. See November 2009 photo.

10.	June 2010	712929	\$14,000.00	Seasonal Maintenance (Spring): Flat Areas Hazard Reduction; Herbicide Application.
11.	August 2010	713802	\$3,000.00	Seasonal Maintenance. Apply Insecticide. See March 2011 photo.
12.	July 2011	728594	\$7,875.00	Seasonal Maintenance. Flat Areas Hazard Reduction.

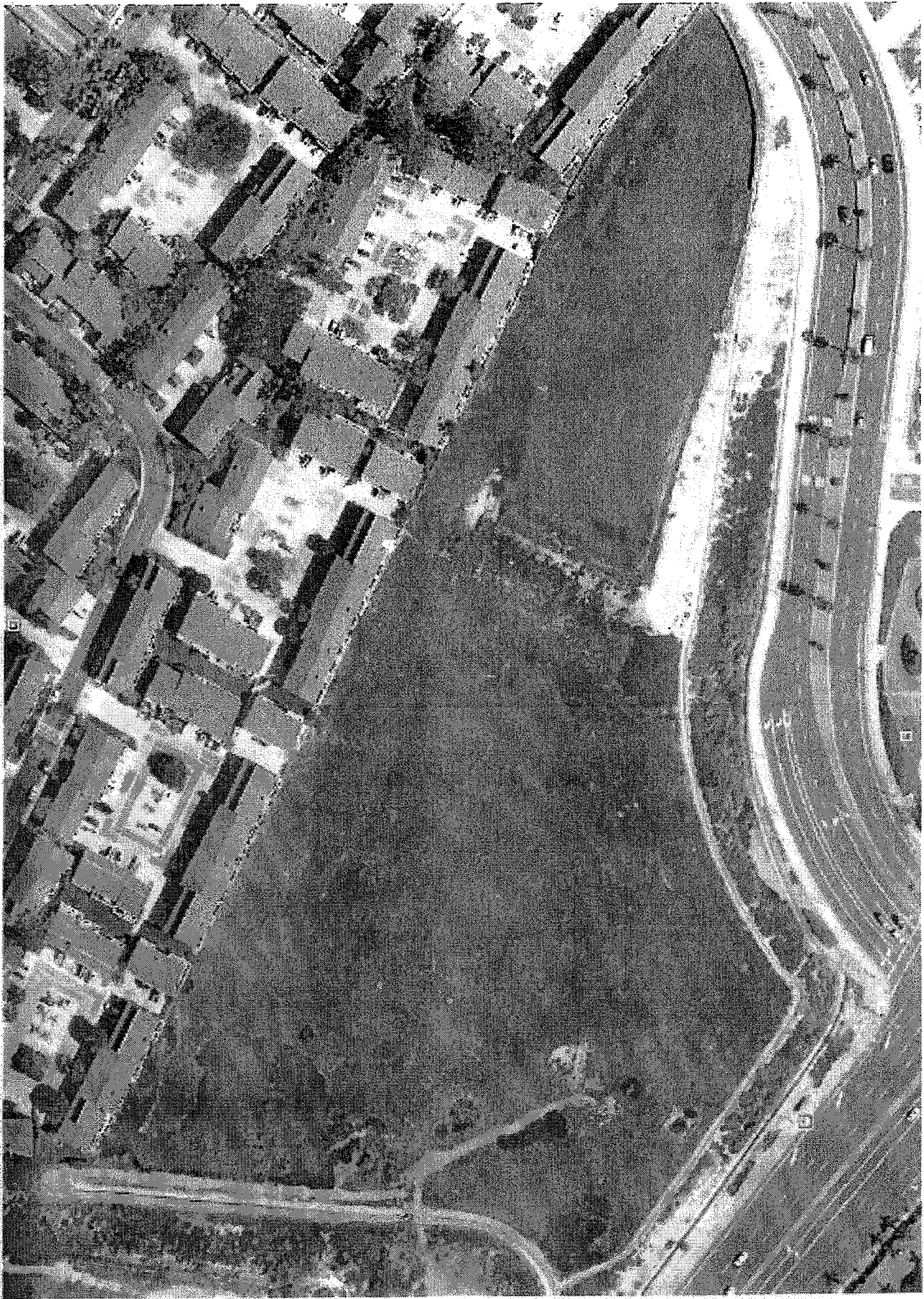
A10:00630 Southland Landscape Table

TAB 1



Sunset Ridge Park -- June 26, 2005 (Newport Banning Ranch)

TAB 2



Sunset Ridge Park – March 7, 2011 (source Google Earth)

TAB 12



CITY OF NEWPORT BEACH
 3300 NEWPORT BLVD.
 NEWPORT BEACH, CALIFORNIA 92658
 Accounts Payable (949) 644-3117

ORANGE COUNTY AIRPORT BRANCH #023
 CITY NATIONAL BANK
 18111 VonKarmen Ave
 Irvine, California
 (949) 223-4000

16-1606
 1220

CHECK DATE
 10/07/11

CHECK NO.
 728594

AMOUNT \$****28,475.00*

PAY THE SUM OF ***28475* DOLLARS AND *NO* CENTS**

TO THE ORDER OF SOUTHLAND LANDSCAPE *****
 BARRON W. HURLBUT
 P.O. BOX 11437
 COSTA MESA CA 92627

Tracy McCleaner

⑆00728594⑆ ⑆122016066⑆ 023⑆696835⑆

CITY OF NEWPORT BEACH VENDOR NO. 1065 CHECK NO. 728594

ACCOUNT	PURCH ORDER	INVOICE NUMBER	AMOUNT	DESCRIPTION
7412	CS100515	GS10148	7,875.00	
3170	8292	GS10154	9,800.00	
3170	8292	GS10155	8,900.00	
3170	8292	GS10156	1,900.00	

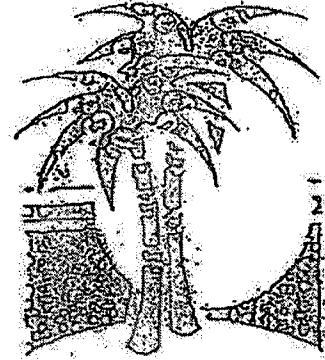
1065 SOUTHLAND LANDSCAPE *****

04443408

Sacramento 1065
Landscape Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA 92627
Office 949-515-4588
Fax 949-515-4733
7/1/2011
Vendor #1065

Billing Statement

Invoice #GS10148



Customer Information: City Of Newport Beach

General Services

Sunset Ridge Park

Sunset Ridge Park

Flat Areas Hazard Reduction

Paul Ramirez / Mike Sinicorri - DROPPED OFF INVOICE TO MIKE

Completion of all work on this site, including cutting vegetation, litter pick-up, and debris haul away.

Total billing amount.....\$7,875.00

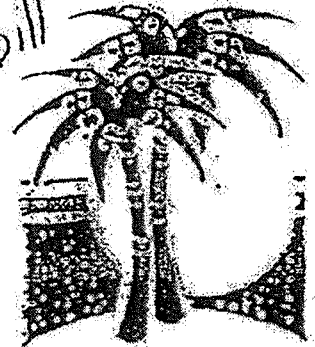
APPROVED FOR PAYMENT
BY [Signature]
PUBLIC WORKS DEPARTMENT
DATE 9/1/11
ACCOUNT NO. 7412-65700575

Thankyou

\$9,561,400.00
Remaining

Southland Landscape
Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA. 92627
949-515-4588 Office
949-515-5733 Fax

PAVING
F.V.I.
PA comes in bill
12



05/19/09

Vendor #1065

Proposal

Customer Information:

City of Newport Beach
General Services
Attn: Dan Sereno
Park & Tree Superintendent

7412-C5100515

Sunset Park- Flat Area Growth Reduction

Work will begin inside the enclosed/fenced-in area bordered by the condominium development above the park. (The access road and surrounding area coming in from Pacific Coast Highway is not part of this bid). The work will conclude along the inside of the block wall adjacent to the upper portion of the park above Superior.

The work will consist of cutting down all vegetation excepting the Mule Fat and Ice plant, down to approximately six inches above soil level. The large debris resulting from this work will be loaded into company trucks on site, and be hauled away, some small cuttings will be left on site. All disposal fees are included in this proposal.

No slope areas are included in this proposal, a separate bid will be submitted for those areas. The above bid will be honored for seven days from the submittal date due to the very rapid flat area growth rate.

Apply one spraying of a general purpose herbicide to both the lower and upper flat areas within the park. The herbicide will be mixed with an adjuvant to assist the herbicide adhering to the plants/weeds and a color tracer. The herbicide will be mixed in a minimum of 5% active solution and all areas will be covered in the application as described above.

Total Bid Amount.....\$9440.00


Southland Landscape Maintenance

 5/26/09
Approval



Sunset Ridge Park — November 14, 2009 (source Google Earth)

TAB 10



CITY OF NEWPORT BEACH
 3300 NEWPORT BLVD.
 NEWPORT BEACH, CALIFORNIA 92658
 Accounts Payable (949) 644-3117

ORANGE COUNTY AIRPORT BRANCH #023
 CITY NATIONAL BANK
 18111 VonKarman Ave
 Irvine, California
 (949) 223-4000

16-1606
 1220

CHECK DATE
 08/13/10

CHECK NO.
 712929

AMOUNT \$****28,200.00*

Pay THE SUM OF *****28200* DOLLARS AND *NO* CENTS

TO THE ORDER OF SOUTHLAND LANDSCAPE *****
 BARRON W. HURLBUT
 P.O. BOX 11437
 COSTA MESA CA 92627

Tracy McClellan

⑆00712929⑆ ⑆122016066⑆ 023⑆696835⑆

CITY OF NEWPORT BEACH

VENDOR NO. 1065

CHECK NO. 712929

ACCOUNT	PURCH. ORDER	INVOICE NUMBER	AMOUNT	DESCRIPTION
7412	C5100515	10105	11,800.00	
7412	C5100515	10106	2,200.00	
3170	8292	GS10117	6,300.00	
3170	8292	E3170058 GS10119	4,700.00	
3170	8292	E3170058 GS10120	3,200.00	

1065

SOUTHLAND LANDSCAPE *****

Southland Landscape
Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA. 92627
949-515-4588 Office
949-515-5733 Fax

06/29/10

Vendor #1065

Proposal

Customer Information:

Newport Beach Fire Dept.


Sunset Park Flat Areas Hazard Reduction

Work will begin inside the enclosed/fenced-in area bordered by the condominium development above the park. (The access road and surrounding area coming in from Pacific Coast Highway is not part of this bid). The work will conclude along the inside of the block wall adjacent to the upper portion of the park above Superior.

The work will consist of cutting down all vegetation excepting the Mule Fat and Ice plant, down to approximately six inches above soil level. The large debris resulting from this work will be loaded into company trucks on site, and be hauled away, some small cuttings will be left on site. All disposal fees are included in this proposal.

No slope areas are included in this proposal, a separate bid will be submitted for those areas. The above bid will be honored for seven days from the submittal date due to the very rapid flat area growth rate.

Total Bid Amount \$11,800.00

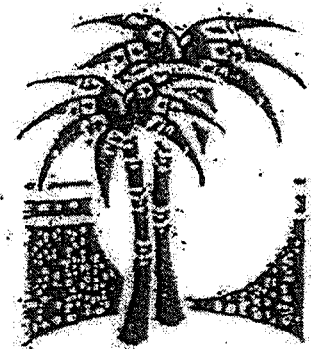
Approved for payment ^{CIP} account Southland Landscape Maintenance
with A/C # 7912 C3100515

Approval

Southland
Landscape Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA 92627
949-515-4588 office
949-515-4733 Fax

Billing Statement

7/14/10
Vendor #1065
Invoice #GS10119

Customer Information: City OF Newport Beach
General Services



Sunset Perk - Flat Areas Hazard Reduction Billing

Completion of all work contained in the approved proposal including the cutting of the vegetation within the fenced areas, collection and haul away of large debris, and collection and haul away of a majority of litter, paper, bottles, and cans.

Total Billing amount \$11,800.00

Thank you

Southland
Landscape Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA 92627
949-515-4388 office
949-515-4733 Fax
7/22/10

Billing Statement



Vendor #1065
Invoice #PW10106

City Of Newport Beach

Public Works

Sunset Park - Herbicide Application Flat Areas Following Hazard Reduction
Completion

Herbicide and adjuvant was applied to the above park using a minimum of
5% active solution.

Total billing amount.....\$2,200.00

Thankyou

Southland Landscape
Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA. 92627
949-515-4588 Office
949-515-5733 Fax

06/29/10

Vendor #1065

Proposal

Customer Information:

City of Newport Beach
General Services


Sunset Park – Herbicide Application Flat Areas Following Hazard Reduction Completion

Apply one spraying of a general purpose herbicide to both the lower and upper flat areas within the park. The herbicide will be mixed with an adjuvant to assist the herbicide adhering to the plants/weeds and a color tracer. The herbicide will be mixed in a minimum of 5% active solution and all areas will be covered in the application as described above.

Total Bid Amount.....\$2200.00

Approved for payment
with CIP Acct # 7412 CSIG0515


Southland Landscape Maintenance


Approval
NBPD

TAB 11



CITY OF NEWPORT BEACH
 3300 NEWPORT BLVD.
 NEWPORT BEACH, CALIFORNIA 92658
 Accounts Payable (949) 644-3117

ORANGE COUNTY AIRPORT BRANCH #023
 CITY NATIONAL BANK
 18111 VonKarman Ave
 Irvine, California
 (949) 223-4000

16-1606
 1220

CHECK DATE
 09/10/10

CHECK NO.
 713802

AMOUNT \$*****27,900.00*

Pay THE SUM OF *****27900* DOLLARS AND *NO* CENTS.

TO THE ORDER OF SOUTHLAND LANDSCAPE *****
 BARRON W. HURLBUT
 P.O. BOX 11437
 COSTA MESA CA 92627

Tracy McCleaver

⑆00713802⑆ ⑆122016066⑆ 023⑆646835⑆

CITY OF NEWPORT BEACH

VENDOR NO. 1065

CHECK NO. 713802

ACCOUNT	FUND	ORDER	INVOICE NUMBER	AMOUNT	DESCRIPTION
3170	8292	E3170058	GS10122	13,000.00	
7412	CS100515		GS10123	3,000.00	
3170	8292	E3170058	GS10124	9,700.00	
3170	8292	E3170058	GS10125	2,200.00	

1065 SOUTHLAND LANDSCAPE *****

Southland
Landscape Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA 92627

949-515-4588 office
949-515-4733 Fax
Invoice #GS10123

Vendor #1065

8/20/2010

Billing Statement

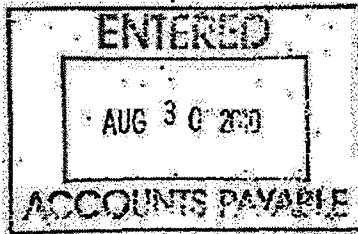


Customer Information City Of Newport Beach

General Services

Sunset Ridge Park

Apply three applications of insecticide to the park, each application
@ \$1,000.00



Total billing amount.....\$3,000.00

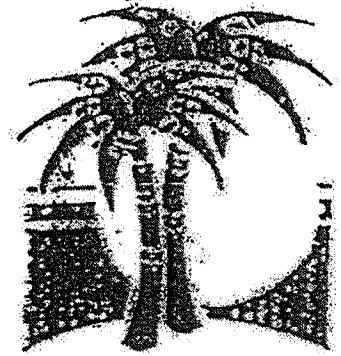
GOODS/SERVICES RECEIVED	
DATE: 8-21-10	DEPARTMENT: G.S.
PO/R #(if any):	AB00397
BUDGET #:	7417-C6100515
AUTH. SIG:	

PR

Thankyou

Southland
Landscape Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA 92627
Office 949-515-4588
Fax 949-515-4733
2/7708 5/13/08
Vendor #1065

Proposal



Customer Information: City Of Newport Beach
General Services

Sunset Park - Flat Area Growth Reduction

Work will begin inside the enclosed/fenced in area bordered by the condominium development above the park. (the access road and surrounding area coming in from Pacific Coast Highway is not part of this bid) The work will conclude along the inside of the block wall adjacent to the upper portion of the park above Superior.

The work will consist of cutting down all vegetation excepting the Mule Fat and Ice plant, down to approximately six inches above soil level. The large debris resulting from this work will be loaded into company trucks on site, and be hauled away, some small cuttings will be left on site. All disposal fees are included in this proposal.

No slope areas are included in this proposal, a separate bid will be submitted for these areas.

The above bid will be honored for seven days from the submittal date to the very rapid flat area growth rate.

Total bid amount: \$7,775.00

Southland Landscape Maintenance

Southland
Landscape Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA 92627

Office 949-515-4588
Fax 949-515-4733
Invoice #GS10066

Billing Statement

Vendor #1065

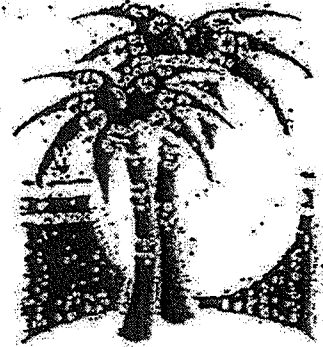
Contractor/City #AG10035

Customer Information City Of Newport Beach

Ridge

General Services

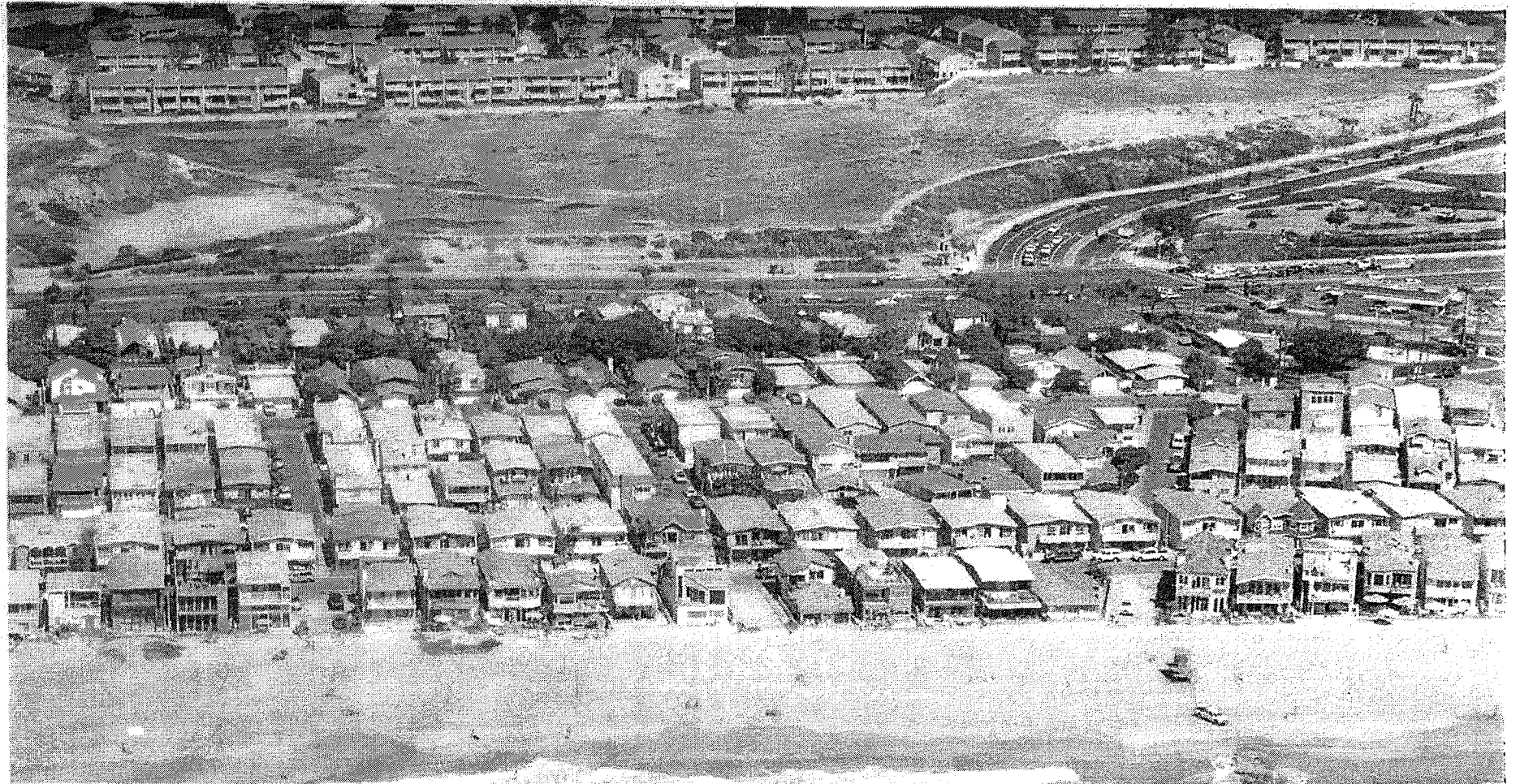
Sunset Park - Herbicide Application, Flat Areas



Perform and complete the application of the herbicide to all areas of the park excepting the areas mentioned, flat areas only.

Total billing amount.....\$1,175.00

Thankyou



Sunset Ridge Park, September 19, 2008 (Copyright (C) 2002-2011 Kenneth & Gabrielle Adelman, California Coastal Records Project, www.Californiacoastline.org)

TAB 7



CITY OF NEWPORT BEACH
 3300 NEWPORT BLVD.
 NEWPORT BEACH, CALIFORNIA 92658
 (949)644-3117

ORANGE COUNTY AIRPORT BRANCH #023
 CITY NATIONAL BANK
 18111 VonKarman Ave
 Irvine, California
 (949)223-4000

16-1606
 1220

CHECK DATE
 01/16/09

CHECK NO.
 694840

AMOUNT

\$*****3,925.00*

VOID AFTER 180 DAYS

Pay THE SUM OF *****3925* DOLLARS AND *NO* CENTS

TO THE ORDER OF SOUTHLAND LANDSCAPE *****
 BARRON W. HURLBUT
 P.O. 11437
 COSTA MESA CA 92627

Dennis C. Danner

⑆00694840⑆ ⑆122016066⑆ 023⑆694840⑆

THE REVERSE SIDE OF THIS DOCUMENT MUST HAVE AN ARTIFICIAL WATERMARK AND COLORED SAFETY PANTOGRAPH. THIS PAPER IS ALTERATION PROTECTED

CITY OF NEWPORT BEACH

VENDOR NO. 1065

CHECK NO. 694840

ACCOUNT	PURCH ORDER	INVOICE NUMBER	AMOUNT	DESCRIPTION
5600	8186	10/10/08 A	1,425.00	
3170	8292	GS10083	2,500.00	

1065 SOUTHLAND LANDSCAPE *****

Southland Landscape Maintenance

Billing Statement

P.O. Box 11437, Costa Mesa, Ca.

92627

10/10/08

Encumbrance #5600105

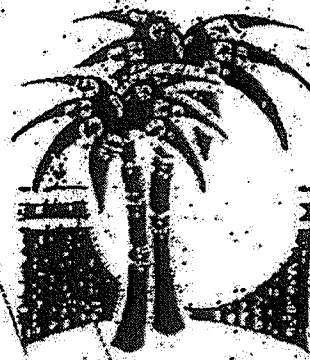
Vendor # 1065

Customer Information: City Of Newport Beach

Utilities Department

Sunset City Site Above Coast Highway

Access - Fire Road - Along Drainage Swale



Removal of the ice plant and plant growth within the road along the drainage swale.

Removal of the iceplant around the raised manhole cover at the end of the road.

All work was completed.

Load and haul away all debris resulting from the above work:

*extra work
in way
w/ Est 100105*

Total billing amount \$1,425.00

Thankyou

~~GOODS/SERVICES RECEIVED~~

~~DATE DEPT~~

~~PO/R#:~~

~~BUDGET#:~~

~~AUTH. SIG:~~

Completed for Myrach

DO NOT CASH IF THIS DOCUMENT DOES NOT HAVE A LARGE FAINT IMAGE OF THE "SECURITY PLUS" LOGO OVER A FADING PATTERN OF THE SAME LOGO



CITY OF NEWPORT BEACH
3300 NEWPORT BLVD.
NEWPORT BEACH, CALIFORNIA 92658
(949)644-3117

ORANGE COUNTY AIRPORT BRANCH #023
CITY NATIONAL BANK
18111 VonKarmann Ave
Irvine, California
(949)223-4000

16-1606
1220

CHECK DATE
01/02/09

CHECK NO.
694441

AMOUNT \$*****2,265.00*

PAY THE SUM OF *****2265* DOLLARS AND *NO* CENTS

VOID AFTER 180 DAYS

TO THE ORDER OF **SOUTHLAND LANDSCAPE *****
BARRON W. HURLBUT
P.O. 11437
COSTA MESA CA 92627**

Dennis E. Dunner

⑆00694441⑆ ⑆122016066⑆ 023⑆696835⑆

THE REVERSE SIDE OF THIS DOCUMENT MUST HAVE AN ARTIFICIAL WATERMARK AND COLORED SAFETY PANTOGRAPH. THIS PAPER IS ALTERATION PROTECTI

CITY OF NEWPORT BEACH

VENDOR NO. 1065

CHECK NO. 694441

ACCOUNT	POUCH	ORDER	INVOICE NUMBER	AMOUNT	DESCRIPTION
5600	8186	25600105	10/10/08	2,265.00	

1065 **SOUTHLAND LANDSCAPE *******

Southland
Landscape Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA 92627
949-515-4588 office
949-515-4733 Fax

Proposal



9/11/08

City OF Newport Beach

Customer Information: Utilities Department

Attention Please : Ed Burt

Sunset City Site Above Coast Highway

Access - Fire Road Work

Apply iceplant spray and herbicide spray to the existing plant growth now present within the two entry access roads beginning at the upper entry gates and proceeding to one manhole each. Within ten days the plant growth will be trimmed back and removed clearing an approximate road width of fifteen feet. The plant growth will also be trimmed back and removed around the two manholes representing a approximate eight foot radius.

All debris resulting from this work will be collected and hauled away.

Total bid amount.....\$2,265.00

A handwritten signature in black ink, appearing to read "Jim Burt". The signature is written in a cursive, flowing style.

Southland Landscape Maintenance

Approval

TAB 8



CITY OF NEWPORT BEACH
 3300 NEWPORT BLVD.
 NEWPORT BEACH, CALIFORNIA 92658
 (949)644-3117

ORANGE COUNTY AIRPORT BRANCH #023
 CITY NATIONAL BANK
 18111 VonKarmar Ave
 Irvine, California
 (949)223-4000

16-1806
 1220

CHECK DATE
 01/30/09

CHECK NO.
 695254

AMOUNT \$*****8,184.80*

Pay THE SUM OF *****8184* DOLLARS AND *80* CENTS

VOID AFTER 180 DAYS

TO THE ORDER OF SOUTHLAND LANDSCAPE *****
 HARRON W. HURLETT
 P.O. BOX 11437
 COSTA MESA CA 92627

Dennis C. Danner

⑆00695254⑆ ⑆122016066⑆ 023⑆698835⑆

THE REVERSE SIDE OF THIS DOCUMENT MUST HAVE AN ARTIFICIAL WATERMARK AND COLORED SAFETY PANTOGRAPH. THIS PAPER IS ALTERATION PROTECTED

CITY OF NEWPORT BEACH

VENDOR NO. 1065

CHECK NO. 695254

ACCOUNT	DESCRIPTION	DATE	AMOUNT
2330	8080	1/09/09	171.60
2330	8080	1/09/09	4,138.20
2330	8080	1/10/09	3,875.00

1065

SOUTHLAND LANDSCAPE *****

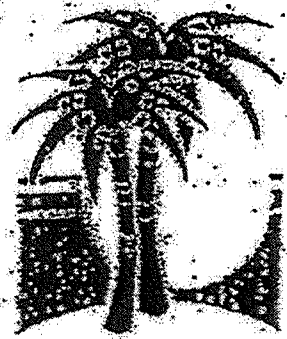
Southland
Landscape Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA 92627

APPROVED FOR PAYMENT
STEVE BUNTING
2330 - 8080

Steve Bunting
1/16/09

1 /10/09

Billing Statement



Customer Information: Newport Beach Fire Department
3300 Newport Boulevard
Newport Beach, Ca. 92658-8915

Sunset Park

Brush/Non Native

Flush Cutting

Herbicide Application

Completion of all aspects of this work per the approved bid dated 10/24/08.

All debris was loaded and hauled away at the job completion.

Billing total per bid.....\$3,875.00

Thankyou

TAB 9



CITY OF NEWPORT BEACH
 3300 NEWPORT BLVD.
 NEWPORT BEACH, CALIFORNIA 92658
 (949)644-3117

ORANGE COUNTY AIRPORT BRANCH #023
 CITY NATIONAL BANK
 18111 VonKaman Ave
 Irvine, California
 (949)223-4000

16-1606
 1220

CHECK DATE
 07/17/09

CHECK NO.
 700846

AMOUNT \$****37,815.00*

Pay THE SUM OF *****37815* DOLLARS AND *NO* CENTS

TO THE ORDER OF SOUTHLAND LANDSCAPE *****
 BARRON W. HURLBUT
 P.O. BOX 11437
 COSTA MESA CA 92627

Dennis C. Danner

⑆00700846⑆ ⑆122016066⑆ 023⑆696835⑆

CITY OF NEWPORT BEACH

VENDOR NO. 1065

CHECK NO. 700846

ACCOUNT	PURCH. ORDER	INVOICE NUMBER	AMOUNT	DESCRIPTION
3170	8292	GS10085	3,775.00*	
3170	8292	GS10086	8,200.00	
7412	C5100515	GS10087	9,440.00*	
3170	8292	GS10088	16,400.00	

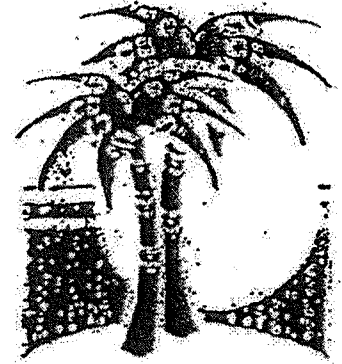
1065 SOUTHLAND LANDSCAPE *****

Landscape Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA 92627

Office 949-515-4588
Fax 949-515-4733

Billing Statement

6/10/09
Vendor #1065



Customer Information: City Of Newport Beach
General Services

Sunset Ridge Park

Weed / Brush Abatement Work

Within The Park

Invoice #GS10085

Complete the brush clearance as detailed in the approved proposal.

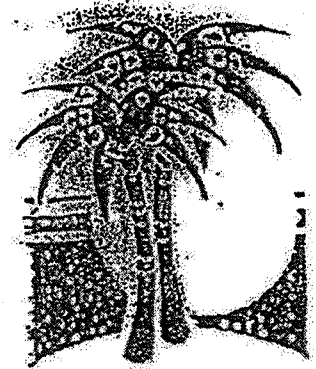
The litter and debris from the abatement was collected and hauled away in a company truck.

Total billing amount.....\$3,775.00

Thankyou

PRAR Nelson 00007

Southland Landscape
Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA. 92627
949-515-4588 Office
949-515-5733 Fax



05/13/09

Vendor #1065

Proposal

Customer Information:

City of Newport Beach
General Services

Ridge
Sunset View Park
Weed/Brush Abatement
Work Within the Park

Work Description: Perform brush clearance and weed abatement work along the upper portion of the park including the hillside, clearing one hundred feet from the residences there. All Debris, litter, trimmings will be collected and loaded into a company truck as parts of this bid. The accumulated brush along the outside of the wall above Superior will also be flush cut as part of this bid.

Total Bid Amount including disposal fees.....\$3775.00

Southland Landscape Maintenance

Approval

5/14/09

PRAR Nelson 00006

Southland
Landscape Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA 92627

Office 949-515-4588

Fax 949-515-4733

Invoice #GS10087

Vendor #1065 6/22/09

Contractor /City #AG00397

Customer Information: City Of Newport Beach

General Services

Billing Statement



Sunset Park - Flat Area Growth Reduction

Complete: The vegetation cutting, and debris collection/haul away -

Application of the herbicide with tracer -

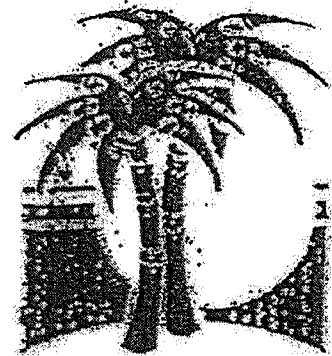
Total billing amount \$9,440.00

Thankyou

PRAR-Nelson 00004

Southland
Landscape Maintenance & Installation
O. Box 11437
Costa Mesa, CA 92627
Office 949-515-4588
Fax 949-515-4733

Proposal



Vendor #1065

4/11/07

Customer Information: City of Newport Beach
General Services

Sunset Ridge

Grounds Work

Work To Be Completed: Top, trim down, and flush cut, as close to ground level, all tall, (shrubs over four feet in height), non native shrubs and trees within this site as reviewed by the City's code enforcement officer.

All tall native shrubs as reviewed by the states wildlife biologist and Southland will be limbed up and thinned, a majority of the dead material will be pruned off of the shrubs to increase visibility within the shrub.

The litter in and around the shrubs being flush cut will be collected and removed.

The branches/cuttings resulting from the above work will be loaded into company trucks and hauled away, all disposal fees are included in the total bid price.

Total bid amount for the above work \$7,700.00

Southland Landscape Maintenance

TAB 4

DO NOT CASH IF THIS DOCUMENT DOES NOT HAVE A LARGE FAINT IMAGE OF THE "SECURITY PLUS" LOGO OVER A FADING PATTERN OF THE SAME LOGO.



CITY OF NEWPORT BEACH
3300 NEWPORT BLVD.
NEWPORT BEACH, CALIFORNIA 92658
(949)644-3117

ORANGE COUNTY AIRPORT BRANCH #023
CITY NATIONAL BANK
18111 VonKerman Ave.
Irvine, California
(949)223-4000

16-1606
1220

CHECK DATE
08/03/07

CHECK NO.
677310

AMOUNT \$****12,155.00*

PAY THE SUM OF *****12155* DOLLARS AND *NO* CENTS

VOID AFTER 180 DAYS

TO THE ORDER OF SOUTHLAND LANDSCAPE *****
BARRON W. HURLBUT
P.O. 11437
COSTA MESA CA 92627

⑆00677310⑆ ⑆122016066⑆ 083⑆698835⑆

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CITY OF NEWPORT BEACH

VENDOR NO. 1065

CHECK NO. 677310

ACCOUNT	PURCH. ORDER	INVOICE NUMBER	AMOUNT	DESCRIPTION
3170	80802	GS10021	8,900.00	
3170	80802	GS10022	1,580.00	
3170	80802	GS10023	1,675.00	

1065

SOUTHLAND LANDSCAPE *****



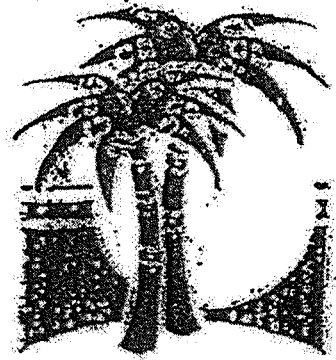
Sunset Ridge Park — October 22, 2007 (Newport Banning Ranch)

Southland
Landscape Maintenance & Installation
P.O. Box 11437
Newport Beach, CA 92627
Office 949-515-4588
Fax 949-515-4733

• Proposal

Order #1065
7/2/07

Customer Information: City Of Newport Beach
General Services



Sunset Ridge


Weed Abatement Work

Work Description: Perform weed abatement within this site cutting down the weed growth a minimum of 100 feet from the wall below the structures facing this park.

All required weed cuttings will be loaded into a company truck and hauled away upon completion. The litter within this area will also be collected and hauled away off site.

Est total including disposal fees..... \$1675.00


Southland Landscape Maintenance


Approval 7/2/07

TAB 5

THIS DOCUMENT DOES NOT HAVE TO BE PRINTED ON SECURITY PAPER. TO GO OVER A WORK PATTERN OF THE SAME LOGO.



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(949)644-3117

ORANGE COUNTY AIRPORT BRANCH #023
CITY NATIONAL BANK
18111 VonKarman Ave
Irvine, California
(949)223-4000

16:1606
1220
CHECK DATE
12/21/07
CHECK NO.
682113

AMOUNT \$****10,170.00*

PAY THE SUM OF *****10170* DOLLARS AND *NO* CENTS.

VOID AFTER 180 DAYS

TO THE ORDER OF SOUTHLAND LANDSCAPE *****
BARRON W. HURLBUT
P.O. 11437
COSTA MESA CA 92627

⑆00682113⑆ ⑆122016066⑆ ⑆023⑆096835⑆

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CITY OF NEWPORT BEACH

VENDOR NO. 1065

CHECK NO. 682113

ACCOUNT	PURCH ORDER	INVOICE NUMBER	AMOUNT	DESCRIPTION
3180	80807	GS10040	980.00	
3180	80807	GS10046	1,960.00	
3180	80807	GS10047	2,520.00	
3180	80807	GS10048	925.00	
3170	80802	GS10049	3,785.00	

1065 SOUTHLAND LANDSCAPE *****

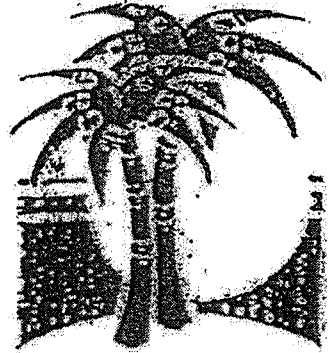
Southland
Landscape Maintenance & Installation
P.O. Box 11437
Costa Mesa, CA 92627
Office 949-515-4588
Fax 949-515-4733

Proposal

11/1/07

Vendor #1065

Customer Information: City Of Newport Beach
General Services



J.T.

Sunset View Park

Weed/Brush Abatement

Work Within The Park

And Along P.C.H.

Work Description: Perform brush clearance and weed abatement work along the upper portion of the park including the hillside, clearing one hundred feet from the residences there.

All debris, litter, trimmings will be collected and loaded into a company truck as parts of this bid.

The brush along Pacific Coast Highway from the park entrance along the sidewalk will be cut back. The walkway and highway shoulder will be blown off free of debris upon completion.

The accumulated brush along the outside of the wall above Superior will also be blown out as part of this bid.

Total bid amount including disposal fees.....\$3785.00

Randy Keenan
Approval

11/3/07

Chris Phillips

Southland Landscape Maintenance

TAB 6



CITY OF NEWPORT BEACH
 3300 NEWPORT BLVD
 NEWPORT BEACH, CALIFORNIA 92658
 (949) 644-3117

ORANGE COUNTY AIRPORT BRANCH #023
 CITY NATIONAL BANK
 18111 VonKarmen Ave
 Irvine, California
 92612-4000

16-1608
 1220
 CHECK DATE
 04/25/08
 CHECK NO
 685957

AMOUNT \$***16,125.00**
 VOID AFTER 180 DAYS

PAY THE SUM OF ***16125* DOLLARS AND *NO* CENTS

TO THE ORDER OF SOUTHLAND LANDSCAPE *****
 HARRON H. HURLBUT
 P. O. BOX 11437
 COSTA MESA, CA 92622

Dennis C. [Signature]

⑆889957⑆ 042508⑆ 685957⑆

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CITY OF NEWPORT BEACH

VENDOR NO. 1065

CHECK NO. 685957

ACCOUNT	PURCH ORDER	INVOICE NUMBER	AMOUNT
3180	8080	GS10062	1,725.00
3180	8080	GS10063	1,275.00
3170	8292	GS10064	4,175.00
2330	8080	GS10065	7,775.00
2330	8080	GS10066	1,175.00

1065 SOUTHLAND LANDSCAPE *****



Sunset Ridge Park - January 31, 2006 (Newport Banning Ranch)



Sunset Ridge Park, September 16, 2006 (Copyright (C) 2002-2011 Kenneth & Gabrielle Adelman, California Coastal Records Project, www.Californiacoastline.org)

TAB 3



CITY OF NEWPORT BEACH
 3300 NEWPORT BLVD.
 NEWPORT BEACH, CALIFORNIA 92658
 (949)644-3117

ORANGE COUNTY AIRPORT BRANCH #023
 CITY NATIONAL BANK
 18111 VonKarman Ave
 Irvine, California
 (949)223-4000

18-1606
 1220

CHECK DATE
 05/25/07

CHECK NO.
 674717

AMOUNT

\$*****9,940.00*

PAY THE SUM OF *****9940* DOLLARS AND *NO* CENTS

VOID AFTER 180 DAYS

TO THE ORDER OF **SOUTHLAND LANDSCAPE *******
BARRON W. HURLBUT
P.O. 11437
COSTA MESA CA 92627

Dennis C. Danner

⑆00674717⑆ ⑆122016066⑆ 023⑆696835⑆

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CITY OF NEWPORT BEACH

VENDOR NO. 1065

CHECK NO. 674717

ACCOUNT	INVOICE NUMBER	AMOUNT	DESCRIPTION
030	2284	975.00	
030	2284	1,265.00	
3170	80802	7,700.00	

1065 SOUTHLAND LANDSCAPE *****



CITY OF NEWPORT BEACH

CITY ATTORNEY'S OFFICE

Aaron C. Harp, City Attorney

Th11c

July 9, 2012

Via Electronic and Overnight Mail

Mary K. Shallenberger, Chair
Honorable Commissioners
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 91405

RE: Sunset Ridge Park Project – 4850 West Coast Highway, Newport Beach, California (City of Newport Beach); CDP Application No. 5-11-302

Dear Chair Shallenberger and Members of the Commission:

The City of Newport Beach ("City") submits this letter specifically to address legal issues raised by the Staff Report on the City's proposed Sunset Ridge Park Project ("Project"). This letter is in addition to materials from Schmitz & Associates, Inc., which explain why the Project is fully consistent with the Coastal Act.

As the Coastal Commission ("Commission") is aware, the Project is the product of years of City and community planning efforts, and is designed to serve the community's critical need for active recreational facilities in the coastal zone while providing significant coastal access and substantial habitat enhancement. The recreational component of the City's Project includes a playground, picnic areas, a youth baseball field, two youth soccer fields, passive recreational amenities, pedestrian paths, an overlook area with a shade structure and seating, a one-story restroom and storage facility, landscaping and planting.

HISTORY OF THE SUNSET RIDGE PROPERTY

The City began investing and expending resources to plan, design, and obtain permits for the Sunset Ridge Park after Senate Bill 124 was passed in 2001 ("SB 124") (Reg. Session 2001). SB 124 was signed into law by Governor Davis thanks, in part, to the support of the Commission's legislative unit. In SB 124, the Legislature required that the Sunset Ridge Park property, which was then commonly referred to as the CalTrans West property, be transferred to the California Parks and Recreation

California Coastal Commission

July 9, 2012

Page: 2

Department upon the payment of \$1.3 million dollars by the City. SB 124 further contemplated that the City and the California Parks and Recreation Department would enter into an operating agreement whereby the City would construct, operate, and maintain an active park and its recreation improvements on the CalTrans West property.¹

During negotiations over the operating agreement, however, and likely due to economic conditions associated with the State budget, the City began conferring with CalTrans, the California Transportation Commission, the California Department of Parks and Recreation, Governor Schwarzenegger's administration, and the Department of General Services to have the City purchase the property, rather than enter into an operating agreement, so that the much-needed recreational facilities could be constructed and brought to fruition. All of the City's effort culminated in a 2006 Purchase Agreement whereby the State of California received over \$5.2 million dollars from the City and the City in turn received a Grant Deed from the State vesting title to the CalTrans West property with the City. Under the contract between the State and the City, the property acquisition was made subject to the following conditions: (1) the use of the property was restricted to active recreational land uses;² (2) there would be no right of the City to access West Coast Highway from the property; (3) the establishment of a 197,920 square foot scenic view and open space easement over a portion of the property in which the placement of pavement and permanent structures were prohibited; and (4) a 35'-wide storm drain easement and a 30'-wide sewer easement were conveyed by the State of California to the Newport Crest Homeowners Association in 1991.

After paying the State \$5.2 million, the City turned its attention and resources to planning, designing and entitling the Sunset Ridge Park to accommodate the above noted restrictions.

¹ It is worth noting that the supporters of SB 124 included the Orange County Coastkeeper, Orange County Coastal Coalition, California Park and Recreation Society, Endangered Habitats League, Surfrider Foundation, and the Newport Crest Home Owners Association.

² The Staff Report for Agenda Item 16a for the Commission's November 2011 meeting states that the "Open Space – Active" zoning designation was eliminated from the City's Zoning Code. However, this is of no import to effectiveness of the deed restriction, as the language of the deed sets forth a restriction which cannot be modified or amended by action of the City vis-à-vis a Zoning Ordinance amendment. If Commission Staff is suggesting that the State requirement for active recreation facilities has been eliminated, such suggestion is both legally unsupportable and factually incorrect.

HISTORY OF THE CITY'S COASTAL DEVELOPMENT APPLICATION

Twelve years after the enactment of SB 124, the City is now in the final stage of permitting the construction of Sunset Ridge Park by requesting that the Commission issue a Coastal Development Permit ("CDP") authorizing the recreational facilities. Given the long history of this Project, the Purchase Agreement and extraordinary payment made by the City to acquire the property, the Legislative intent for active recreational land uses on the property, and the amount of time and resources expended to date by the City and the community, the Commission Staff's recommendation to deny Application No. 5-11-302 is disappointing. In fact, it is disingenuous, since it appears to now be based on a Staff preference that the CalTrans West property be developed exclusively for passive park purposes in direct contravention of the legislative intent to provide active recreational facilities in the Coastal zone.

In the initial Staff Report prepared for the Commission's November 2011 meeting, Staff suggested two alternatives: (1) a passive park; or (2) an active park with alternative access. In an effort to address the Commission's concern, the City removed the planned access from West Coast Highway and submitted new Application No. 5-11-302. Surprisingly, Commission Staff now suggests that only a passive park should be approved, ignoring its earlier alternative of an active park with alternative access (i.e., the Project now proposed).

Specifically, the Staff Report now identifies four alternatives: (1) passive park; (2) reduced number of sports fields as suggested by the Banning Ranch Conservancy ("BRC"); (3) alternative site north of the Newport Crest Condominium complex; and, (4) "No Project." Of these suggestions, however, only a passive park is actually feasible. First, relocating the park to north of the Newport Crest Condominiums would require the City to acquire property from Newport Banning Ranch. It defies reason to now suggest that the City purchase other property when it has already expended millions of dollars in land acquisition and development costs and waited twelve years to build the park facilities on the CalTrans West property. Also, the "No Project" alternative is inconsistent with the legislative intent of SB 124, the Purchase Agreement and the Grant Deed. Finally, the BRC has presented Commission staff with two alternative designs that involve the relocation of ball fields away from the disturbed vegetation area. These include:

- Laying the soccer fields out length-wise along the northern portion of the land, right below the Newport Crest homeowners' decks and porches; and
- Not constructing any baseball or softball fields at Sunset Ridge Park; instead putting those facilities off until a decision is reached regarding the Newport Banning Ranch's final land use.

California Coastal Commission

July 9, 2012

Page: 4

Please forgive our gentle cynicism about the BRC's suggestions. These suggestions come late in the planning process, with little or no communication with the City and no evidence that BRC has have consulted with park planners qualified to make these suggested modifications. Also, the BRC has not provided any environmental analysis to support these suggestions – implying these are not serious proposals.

More specifically, as to the first suggestion, putting fields lengthwise (and adding the parents, siblings, referees and kids that come with each field) is a recipe for angry resident opposition. The BRC's plan maximizes the sound and visual impacts to the backyards, porches and decks of dozens of homes. Many people who reside in this same development are the core supporters of BRC's opposition to an active park at Sunset Ridge. It is not serious to assume these same residents will not balk (loudly) at this field layout.

As to the second suggestion, we would offer one observation. When the City proposed an active park in 2001, families were excited about the possibility of an active park at Sunset Ridge. The City told the boys and girls (ages 10-13) who might play at Sunset Ridge, "There will be ball fields – finally within walking distance of your home." Eleven years later, some of those same children are now in their mid-twenties and their baseball and soccer days are long gone. BRC is asking us to tell the next generation of youth – also now 10-13 years old – to wait again. How long? 5 years? 10 years? It doesn't matter. It means that hundreds more kids will grow up playing somewhere else; on a cramped field competing with other teams for limited recreational opportunities. Additionally, it is also irresponsible to suggest that the City should expend in excess of \$20 million in taxpayer funds to develop two soccer fields, and not build the other recreational opportunities, such as a baseball and softball field.

In sum, the City removed the planned access from West Coast Highway, which was the expressed concern of the Commission. Yet, Commission Staff continues to promote the notion that only a passive park should be approved by the Commission. Staff now bases its recommendation for denial on the acknowledged long standing practice of CalTrans and the City to mow the property for fire safety reasons. As we explain below, we believe that the Commission should approve the City's CDP application as it is consistent with the Coastal Act given the particular history and circumstance of the CalTrans West property.

COMMISSION STAFF'S RECOMMENDATION FOR DENIAL BASED ON MOWING ACTIVITIES

Commission staff has recommended denial of the Project based on an argument that the Project will eliminate a 3.3-acre patch of disturbed vegetation located on the southern half of the property.³ The Commission's staff biologist has opined that if the mowing is legal, the disturbed vegetation would not be ESHA; however, if the mowing is not legal, the area would be ESHA. (Memo, Jonna D. Engel to John Del Arroz dated September 22, 2011, p. 7.)⁴ In essence, Staff's position is that because Encelia scrub is a type of coastal sage scrub community that could serve as habitat for the federally threatened California gnatcatcher (but does not now), the City's application should be denied. The City submits that the record demonstrates that both the Project and the actions of both CalTrans and City to date are legal and consistent with the Coastal Act.

THE CITY'S ONGOING MAINTENANCE ACTIVITIES PRE-DATE THE COASTAL ACT AND, IN ANY EVENT, THE CITY HAS A VESTED RIGHT TO CONTINUE THAT ONGOING PRE-COASTAL ACT USE

The Staff Report acknowledges the site activities of the City as well as CalTrans pre-date the Coastal Act. Therefore, we contend that they are not subject to the permit requirements of the Act. The City has already provided the Commission with ample photographic documentation of the ongoing annual historic mowing and grading activities conducted by CalTrans since as far back as the 1960s, and continued by the City subsequent to its purchase of the property from the State of California. The photographic evidence documents that this site is not and has not been in its natural state for many years pre-dating the Coastal Act. Indeed, the property was graded by CalTrans to one day become an off-ramp for the 55 Freeway.

Further, the Grant Deed conveying the property to the City provided that the City was responsible for continuing the ongoing maintenance performed by CalTrans. The City has met this obligation annually, and in some cases more often, by periodic mowing. The City's continued mowing and related maintenance has occurred at least once a year, typically twice a year, starting in the spring of 2007 immediately after

³ In 2009, the City circulated and certified EIR No. 2009051036 which concluded that the impacted area consisted of disturbed vegetation, not ESHA. During the EIR review process, the City did not receive any comments from the Commission relating to the adequacy of EIR No. 2009051036 prior to certification. As a responsible agency, the Commission was required to advise the City, and pursue a court action, if necessary, if it believed that this ESHA determination made as part of the certification of the EIR, was inadequate. (See, Public Resources Code §§ 21083, 21080.4, 21002.1(d); 14 CCR §§ 15050, 15096.) This responsibility could not have been overlooked as concurrent with the receipt of the Sunset Ridge Park EIR in 2009, the Commission Staff forwarded comments on the Draft EIR for Marina Park.

⁴ As more fully set forth on page 9, the opinions of Dr. Engel as to the disturbed vegetation, its growth cycle, and clustered growth pattern fully support the determination of the City's Fire Department that the property must be regularly mowed for fire safety purposes.

California Coastal Commission

July 9, 2012

Page: 6

CalTrans transferred the property to the City. Thus, as far back as 1966, this particular property, in its entirety, has been continually mowed on at least an annual basis by both the State of California and the City.

The Staff Report's conclusion that the ongoing mowing activities constitute unpermitted development is based on Staff's opinion that the mowed vegetation could be utilized by the California gnatcatcher. Importantly, however, this is not based on any actual use by the gnatcatcher. Rather, staff reasons the disturbed vegetation is ESHA because "it is reasonable to infer" that the gnatcatcher utilizes the disturbed vegetation due to surveys that have identified gnatcatchers on adjacent habitat, and photographic evidence which Staff asserts shows that the vegetation meets the species habitat requirements. (Staff Report, p.19) Staff's conclusion that the disturbed vegetation is ESHA is based on its opinion that the disturbed vegetation "serves as habitat for a federally listed species and plays a special role in the ecosystem which could easily be degraded by human activity" (Staff Report, p. 26) – an assertion which, given the present and past state of the property, is simply unsupported by any facts. The disturbed vegetation has not supported the gnatcatcher and it has been continually mowed and maintained for fire safety reasons.

Based on staff's unsupported premise, the Staff Report deems the mowing unpermitted development requiring a permit unless the City has a vested right to mow the property. This misses the mark. This is not a case which involves a vested right, but rather a valid ongoing use that pre-dates the Coastal Act. Even assuming that this was not an ongoing use, however, the City plainly has a vested right to continue that use.

Specifically, it bears emphasis that this is not the situation where structures were commenced and partially constructed prior to the effective date of either the 1972 or 1976 Coastal Acts. (Former Pub. Res. Code, § 27404; Pub. Res. Code, § 30608.) In that instance, the question is whether the landowner has performed substantial work and incurred substantial liabilities such that a vested right exists to permit the development to be completed without the need to apply for a permit. (*Avco Community Developers Inc. v. South Coast Regional Com.* (1976) 17 Cal.3d 785.) Instead, the property at issue is vacant land that has been mowed annually since as far back as 1966; an ongoing use established before the 1972 or 1976 Coastal Act.

The Attorney General addressed a similar vested rights issue under the 1972 Coastal Act. The Attorney General opined that no coastal permit was required for the conduct of continued operations, while a permit would be required for any new facilities or intensification of use. (56 Ops.Cal.Atty.Gen. 85 (1973) at 91-92.) Further, the Attorney General concluded that the Coastal Act permit requirement did not "in any sense prohibit the continued present management or use of existing structures or facilities" and was "not designed to stop present use or to allow present use to deteriorate." (*Monterey Sand Company, Inc. v. California Coastal Commission* (1987)

191 Cal.App.3d 169, 175 fn 3.) The Court of Appeal in *Monterey Sand* has referred to this as the "continuing use of a past allocation of coastal resources" theory. (*Id.*) Thus, no permit is required for the continuation of the ongoing mowing activities on the Sunset Ridge Park property. This is no different than a house completed prior to the effective date of the Coastal Act, or a commercial use established before the Act, or continued operations in an oil well field which does not include new facilities or an intensification of use. In none of these examples is a permit required or an effort by the property owner to go through the motions of seeking a vested rights determination from the Commission. Staff's apparent suggestion to the contrary would have sweeping implications for CalTrans, counties, cities, and special districts that, since well before the Coastal Act, have routinely performed exactly the same kind of maintenance as CalTrans and the City have consistently done here.

Even assuming this was properly cast as a vested rights issue, the requisite thresholds identified by Commission staff have been met. First, viewing this application as functionally a request for a vested rights determination, CalTrans' pre-Coastal Act mowing activities did not require a permit. Second, since 1966, there has been substantial work performed and substantial liabilities incurred in good faith reliance on CalTrans' approval of this activity. This includes but is not limited to: CalTrans' purchase of the property in 1966 for the never-built 55 Freeway off-ramp; major grading of the property undertaken thereafter by CalTrans; the removal of thousands of cubic yards of dirt from the property; regular annual maintenance of the property through mowing; and the City's continued mowing of the property. Finally, it bears emphasis again that the continued mowing of the City's property does not involve a development partially constructed or undertaken at the time either the 1972 or 1976 Coastal Act took effect. It concerns development ongoing at the time both Acts became effective and has been regularly performed since. Hence, even if this was a vested rights issue, the City plainly has a vested right to continue this use.

THE CITY'S ON-GOING MAINTENANCE ACTIVITIES ARE LEGAL BECAUSE THEY CONSTITUTE NUISANCE ABATEMENT WHICH IS NOT SUBJECT TO COASTAL DEVELOPMENT PERMIT REQUIREMENT

Mowing activities are also exempt from the permit requirements of the Coastal Act under the abatement exemption for vegetation/brush clearance in the coastal zone determined necessary by the local fire authority to abate a nuisance. This is not a new issue. The Commission has previously acknowledged that because the failure to comply with the directives to provide a defensible space results in a nuisance, a coastal

development permit is not required. This is based on Coastal Act Section 30005, which expressly provides:

“No provision of this division [the Coastal Act] is a limitation on any of the following: . . . (b) On the power of any city or county or city and county to declare, prohibit, and abate nuisances.”

This has been the position of the Commission throughout the County and State. For instance, in March 2009, Commission staff wrote the Orange County Fire Authority, responding to an inquiry regarding vegetation/brush clearance related activities in the City of San Clemente's coastal canyons - all seven of which were deemed ESHA in the City's certified LUP. Staff advised:

“The course of action that OCFA requires of San Clemente coastal canyon property owners (i.e., provide a ‘defensible space’ on the canyonward portion of the property that meets the minimum fire safety standards) is consistent with the course of action that is statutorily mandated under Government Code Section 51182 and Public Resources Code 4291. Moreover, failure to comply with the statutory mandate in Government Code § 51182 ‘may be considered a nuisance pursuant to Section 38773’ Cal. Government Code § 51187. Thus, the failure to comply is, in effect, declared a nuisance by the statutes. Because the Coastal Act expressly states that it does not create any limitation on ‘the power of any city or county or city and county to declare, prohibit, and abate nuisances,’ Cal. Public Resources Code § 30005(b), the recommendations in your notices to San Clemente canyon property owners are beyond the Commission’s jurisdiction in this case.” (See, Attachment No. 1, Letter from Liliانا Roman, Coastal Program Analyst, CCC, to Bryan Healey, Assistant Fire Marshall OCFA, March 3, 2009 (emphasis added).)

Pursuant to Newport Beach Municipal Code (hereinafter “NBMC”) Section 2.12.050, the City's Fire Department is mandated to identify and prevent hazards to life, health, property and the environment. The City's Fire Code is codified within Chapter 9.04 of the NBMC. The intent of Chapter 9.04 is to coordinate its requirements along with the International Fire Code (“IFC”), 2009 Edition, and the California Fire Code (“CFC”), 2010 Edition.⁵ As a result, the City's Fire Code incorporates by reference all of

⁵ During the hearing in November 2011 of this matter, it was suggested that the 1991 Edition of the IFC provided guidance or restrictions on the City's mowing activities. Specifically, Section 11.302(d) of the 1991 IFC reads: “**Combustible Vegetation. Cut or uncut weeds, grass, vines and other vegetation shall be removed when determined by the chief to be a fire hazard. When the chief determines that the total removal of growth is impractical due to its size or environmental factors, approved fuel breaks shall be established.**” Thus, it was suggested that the Fire Official's determination to require more than 100 feet of brush clearance was subject to an analysis of environmental factors. However, the 1991 IFC cannot provide guidance as it is not the law in California. Rather, the 2009 Uniform Fire Code is applicable to the City and the State and that is relied upon in this analysis.

California Coastal Commission

July 9, 2012

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the provisions of the CFC and the 2009 IFC unless the City adopts specific amendments thereto.

Pertinent to the mowing of Sunset Ridge Park are the local amendments to Chapter 49 that have been adopted by the City, and which are set forth in NBMC Section 9.04.120. The City's local ordinance included Chapter 49 of the CFC and, in particular, Section 4903.2, which is a requirement for the clearance of shrubs and brushes located within 100 feet of any structures. The NBMC also includes Section 4903 of Chapter 49, which provides that the Fire Chief may require more than the 100 feet when the Fire Chief determines that conditions exist, which necessitate greater fire protection measures.

This is the case as to the Sunset Ridge Park property, and it is why the entire property was mowed on a regular basis by CalTrans and it is why the City has continued to do so. Specifically, the Fire Official has determined that the site specific conditions of the property warrant removal of more than 100 feet (from Newport Crest) of vegetation. The Fire Official's determination is based on the known accumulation of light flashy fuel that dries quickly during the summer months; the bowl shape of the property; the 30 foot embankments limiting emergency access; the history of fire and transient use; and, prevailing winds. (See, Attachment No. 2, Correspondence from City's Fire Department dated January 31, 2012 and June 8, 2012.) Specifically, the Fire Division Chief of the City's Fire Prevention Unit has advised that the light flashy fuels in this area could cause the structures in the adjacent condominium complex to ignite with either radiant or direct flame contact and the flowing embers could ignite other structures a few blocks in the development when the firebrands contact roofs, attic vents, decks or other combustible fuels in the fire's path. As a result, the City has eliminated this life safety and property hazard through weed abatement.

Notably, the Fire Chief's directives are fully supported by the Commission's biologist in that she acknowledges that the *Encelia* scrub is a fast growing shrub and that the disturbed vegetation would reach heights of two to three feet over one growing season. (Memo, Jonna D. Engel to John Del Arroz dated September 22, 2011, p. 7). Dr. Engel further states that but for the City's mowing, the disturbed vegetation would be closely spaced and include highly flammable and undesirable plant species, such as black mustard and thistle. Dr. Engel's description of the disturbed vegetation perfectly describes the target vegetation of both the local and State fire hazard reduction efforts. (See, Attachment No. 3, Vegetation Management Technical Design Guidelines, Undesirable Plant Species (Target Species), Orange County Fire Authority, January 1, 2011.) For instance, the California Department of Forestry and Fire Protection (CalFire) has concluded the following:

"If enough heat is present almost any plant will burn. The objective of fire resistive landscaping is to reduce the heat available and reduce the change of ignition. Fire resistive

landscaping combines natives or ornamental plants with proper placement and proper maintenance. The key is separating plants vertically and horizontally to prevent fire spread and extension.” (See, Cal. Dept. of Forestry and Fire Protection, Structural Fire Prevention Field Guide for Mitigation of Wildland Fires, (April 2000) p. 55.)

The mowing activity by the City here has been for the sole purpose of conducting necessary weed abatement on a parcel that is difficult to access, adjacent to residences and without any irrigation system. As to CalTrans, this is and always has been an essential function in its maintenance of the State highway system and its adjacent properties, both within and outside the coastal zone. As to the City -- as those Commissioners who represent cities and counties well know, weed abatement is an essential municipal function, especially for unimproved properties with ruderal vegetation immediately adjacent to existing residential development, as here. This need is driven by safety concerns, such as minimizing fire potential by reducing vegetative biomass. Moreover, the necessity here for regular and ongoing weed abatement cannot be overstated. A vegetative fire actually occurred on the property in 1988 and spread to the adjacent condominiums causing significant damage to structures. (See, Attachment No. 4, Orange County Register article, July 11, 1988.)

As a result, the property has been subject to the City’s weed abatement schedule for many years. Numerous complaints are received every summer advising the City of the vegetation growth, requesting mowing, and putting the City on notice of a perceived dangerous condition. (See, Attachment No. 5, Complaint Reports and related correspondence.) Given this notice, the City has continually maintained the property in an effort to help avoid risk to the health and safety of the City residents. Under Section 30005, so long as the scope of the City’s activity is narrow and carefully tailored to address only the specific weed abatement nuisance on this property, that necessary municipal activity may continue without the need to obtain a CDP. (See, *Citizens for a Better Eureka v. California Coastal Com.* (2011) 196 Cal.App.4th 1577.)

That has been the case here, where the City’s Fire Official has determined that the site specific conditions – the known accumulation of light flashy fuel that dries quickly during the summer months; the bowl shape of the property; the 30 foot embankments limiting emergency access; and significant prevailing winds which blow inland from the ocean -- warrant removal of the vegetation on the property.

THE STAFF’S RECOMMENDATION WOULD WORK A “TAKING” AND A BREACH OF THE PURCHASE AGREEMENT BETWEEN THE STATE AND THE CITY

Finally, in recommending that the Sunset Ridge Park property be relegated to “passive park” and basically open space, the Staff Report would have the unfortunate effect of working a regulatory taking of the City’s property. Under the circumstances,

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the Commission's decision would deny the City all reasonable use of its property and lack the "essential nexus" and "rough proportionality" required, in violation of *Nollan v. California Coastal Commission* (1987) 483 U.S. 825, and *Dolan v. City of Tigard* (1994) 512 U.S. 374.

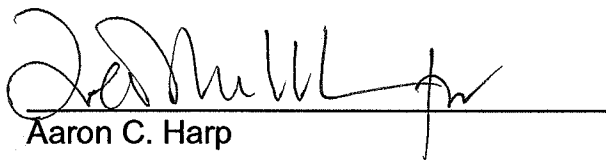
Further, as explained above, under the Purchase Agreement negotiated between the State of California and the City, the City acquired the property for active recreational purposes, consistent with the intent of the Legislature, and paid \$5.2 million of its precious taxpayer dollars for the right to undertake precisely that improvement of the property. If the Commission were to accept Staff's recommendation, it would unnecessarily place the State in breach of its contractual obligation. Having now modified the Project to respond to the concerns expressed by certain Commissioners last November, the City respectfully submits that the better, more prudent and fair course is for the Commission to approve the Project so that the significant public access, public recreation and habitat benefits resulting from the Sunset Ridge Park Project can now be realized.

Sunset Ridge Park is a wonderful and well-planned dream right now. The people in cities like Newport Beach – as lucky as we are to live, work, and play by the ocean – still need active parks, ball fields and soccer fields.

It was the people of Newport Beach who – in the 1970s when Ronald Reagan was Governor – looked at this same parcel and said it's too valuable to be cemented over for the 55 Freeway. It was the people of Newport Beach who – in the 1990s when Pete Wilson was Governor – fought to keep CalTrans from selling the property to the highest bidder, one who would put dozens of multi-family and single family homes all over the land, blocking and making private the beautiful views of Sunset Ridge. It was the people of Newport Beach who – in 2001 when Gray Davis was Governor – worked hard to wrest the land away from CalTrans using the California Constitution's special vision for coastal properties. Now, it is also the people of Newport Beach who are simply asking the Commission to allow us to finish the job by building a much-needed and long-awaited active community park on a site where a freeway or homes would have been, but for the determination of the people of Newport Beach

In conclusion, we beseech you to let us build the park – a simple park.

CITY ATTORNEY'S OFFICE



Aaron C. Harp

City Attorney
LM:emg

California Coastal Commission

July 9, 2012

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cc: Dr. Charles Lester, Director
Sherilyn Sarb, Deputy Director
John Del Arroz, Coastal Program Analyst
Mayor and City Council
Dave Kiff, City Manager
Dana Smith, Assistant City Manager

[A10-00630

ATTACHMENT 1

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSIONSouth Coast Area Office
200 Oceanside, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

ARNOLD SCHWARZENEGGER, Governor



March 3, 2009

Bryan Healey, Assistant Fire Marshall OCFA
1 Fire Authority Road, Building A
Irvine, CA 92602

Dear Mr. Healey,

This letter is in response to your inquiry regarding the requirement for homeowners to obtain a coastal development permit (CDP) from the California Coastal Commission prior to vegetation/brush clearance and related activities in the City of San Clemente coastal canyons. The City has identified all seven of its coastal canyons as environmentally sensitive habitat in its certified Land Use Plan.

Pursuant to Section 30106 of the Coastal Act (Cal. Public Resources Code § 30106), except in certain situations relating to agriculture, kelp harvesting, and timber operations, "removal or harvesting of major vegetation" constitutes "development" for purposes of the Coastal Act, and thus requires a CDP unless exempt. However, a CDP is not required in the instance that OCFA finds that vegetation clearance is necessary to abate a nuisance.

The course of action that OCFA requires of San Clemente coastal canyon property owners (i.e., provide a "defensible space" on the canyonward portion of the property that meets the minimum fire safety standards) is consistent with the course of action that is statutorily mandated under Government Code Section 51182 and Public Resources Code 4291.¹ Moreover, failure to comply with the statutory mandate in Government Code § 51182 "may be considered a nuisance pursuant to Section 38773" Cal. Government Code § 51187. Thus, the failure to comply is, in effect, declared a nuisance by the statutes. Because the Coastal Act expressly states that it does not create any limitation on "the power of any city or county to declare, prohibit, and abate nuisances," Cal. Public Resources Code § 30005(b), the recommendations in your notices to San Clemente canyon property owners are beyond the Coastal Commission's jurisdiction in this case.

To ensure proper protection of the coastal canyon resources, homeowners should be encouraged to trim, prune, remove dead/dry plant litter and overall maintain vegetation on canyon slopes to avoid removal of major vegetation.

Sincerely,

Lillana Roman
Coastal Program Analyst

¹ Although we have not verified that the requirements are identical, they are clearly substantially the same.

ATTACHMENT 2



NEWPORT BEACH FIRE DEPARTMENT

P.O. Box 1768, 3300 NEWPORT BLVD., NEWPORT BEACH, CA 92658-8915

January 31, 2012

Owner

City of Newport Beach

3300 Newport Blvd

Newport Beach, CA 92663

Re: Property located at the NW corner of W. Coast Hwy and Superior Avenue

APN 424-041-10, 424-041-08

Dear Owner:

According to California Fire Code Section 305.5, "Ignition Sources" you are required to clear your premises of all weeds, grass, vines and other growth that is capable of being ignited and endangering property. This regulation is separate and distinct from the Hazard Reduction and Fuel Modification regulations enforced City wide by the designation of Special Fire Protection Areas in that Section 305.5 focus is on weed abatement as a general precaution against fires and not wildland fuels.

In accordance with this regulation, the Fire Department has identified this property as having a flammable vegetation hazard and has consistently included this property within the City's weed abatement program administered by the Fire Department. Such properties are required to be abated at least annually to protect nearby structures. In some extreme cases or when the amount of rainfall during the year has caused a growth increase of weeds and dry, light, and flashy fuel, weed abatement may be required to be removed bi-annually.

The above-referenced property consists of an undeveloped 13.6 acre parcel located on the north/west corner of West Coast Highway and Superior Avenue and is identified as having a flammable vegetation hazard. Historically, the flammable vegetation hazard on this parcel has been cleared annually since the 1970's and in some years even more frequently. This parcel is known to have an accumulation of light flashy fuel that dries quickly during the summer months.

It is the Fire Department's opinion that this fuel poses a serious threat to the Newport Crest Condominiums located directly to the north and abutting the parcel. . This bowl shaped open land is surrounded by 30 foot embankments off of West Coast Highway and access for emergency responders is limited to a gated maintenance road. Prevailing west winds would quickly send a fire originating from

this parcel towards the wood sided condominiums and unprotected open balconies causing a life safety hazard. As a result of these enumerated conditions, and pursuant to the authority of California Fire Code Section 4903, the Fire Department has determined that conditions exist, which necessitate greater fire protection measures. Specifically, these specified conditions require abatement of the entire undeveloped parcel because fire brands or embers created by unmaintained vegetation could ignite multiple homes prior to the Fire Department's arrival and limit its ability to attack the fire.

As owner of this property, please continue to maintain the property such that it is abated of weeds and flammable vegetation at least once a year to remove the threat of ignition to the adjacent structures.

A handwritten signature in black ink, appearing to read 'Ron Gamble', written over a horizontal line.

Ron Gamble
Newport Beach Fire Marshal



NEWPORT BEACH FIRE DEPARTMENT

P.O. Box 1768, 3300 NEWPORT BLVD., NEWPORT BEACH, CA 92658-8915
PHONE: (949) 644-3104 FAX: (949) 644-3120 WEB: WWW.NBFD.NET

SCOTT L. POSTER
FIRE CHIEF

June 8, 2012

Notice of Nuisance

Parcel Number: 424 041 10
Address: 4850 W Coast Hwy (Sunset Ridge Park property)
Newport Beach, CA

Dear Property Owner:

This notice is sent to inform you of the start of the City of Newport Beach 2012 Weed and Nuisance Abatement Program.

Based on the results of a recent weed and nuisance inspection conducted by the Newport Beach Fire Department, the referenced property is not in compliance with the City's guidelines as set forth in Newport Beach Municipal Code Chapter 10.48. Therefore, the property will need to be cleaned of all dry grass, stubble, brush, garden refuse, litter, or other flammable material that constitutes a fire hazard or that will when dry.

The field inspector provided the following narrative describing the nature and extent of the violation noted: Remove light, flashy fuels (weeds).

This notice of non-compliance requires you to abate the fire hazard. If the hazard is not abated, the City will take further action that can include:

- 1) The City, or its contractor, may enter upon the parcel of land and remove or otherwise eliminate or abate the hazard,
- 2) That upon completion of such work the cost thereof, including Nuisance Abatement Services, will be billed to the property owner and can become a special assessment against that parcel, and
- 3) That upon City Council confirmation of the assessment and recordation of that order, a lien may be attached to the parcel to be collected on the next regular property tax bill levied against the parcel.

A second weed and nuisance inspection will be conducted on or after July 9, 2012. If as a result of the second inspection it is determined that the property is still not in compliance with the guidelines, the property will be subject to cleaning by the City's contractor. Actual cleaning by the City's contractor will start on or after August 13, 2012.

June 8, 2012
Notice of Nuisance
Page 2

All property owners may appeal the decision requiring the abatement of the nuisance by sending a written appeal to the Fire Chief requesting a hearing with the City Manager within ten (10) days of this notice.

Thank you for your attention to this very important matter. If you have any questions or require further assistance, I can be reached at (949) 644-3108 or smichael@nbfd.net.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Michael", with a large, stylized flourish at the end.

Steve Michael
Fire Inspector

ATTACHMENT 3

ORANGE COUNTY FIRE AUTHORITY

Planning & Development Services Section

1 Fire Authority Road, Building A, Irvine, CA 92602 714-573-6100 www.ocfa.org

Vegetation Management Technical Design Guideline



Approved and Authorized by

Guideline C-05

Laura Blaul
Fire Marshal / Assistant Chief

Date: January 1, 2011

Serving the Cities of: Aliso Viejo • Buena Park • Cypress • Dana Point • Irvine • Laguna Hills • Laguna Niguel • Laguna Woods • Lake Forest • La Palma • Los Alamitos • Mission Viejo • Placentia • Rancho Santa Margarita • San Clemente • San Juan Capistrano • Santa Ana • Seal Beach • Stanton • Tustin • Villa Park • Westminster • Yorba Linda • and Unincorporated Areas of Orange County

Attachment 7

UNDESIRABLE PLANT SPECIES (Target Species)

Certain plants are considered to be undesirable in the landscape due to characteristics that make them highly flammable. These characteristics can be either physical or chemical. Physical properties that would contribute to high flammability include large amounts of dead material retained within the plant, rough or peeling bark, and the production of copious amounts of litter. Chemical properties include the presence of volatile substances such as oils, resins, wax, and pitch. Certain native plants are notorious for containing these volatile substances.

Plants with these characteristics shall not be planted in any of the fuel modification zones. Should these species already exist within these areas, they shall be removed because of the potential threat they pose to any structures. They are referred to as target species since their complete removal is a critical part of hazard reduction. These fire-prone plant species include (but not limited to):

FIRE PRONE PLANT SPECIES (MANDATORY REMOVAL)

<u>Botanical Name</u>	<u>Common Name</u>
Cynara Cardunculus	Artichoke Thistle
Ricinus Communis	Castor Bean Plant
Cirsium Vulgare	Wild Artichoke
Brassica Nigra	Black Mustard
Silybum Marianum	Milk Thistle
Sacsola Austails	Russian Thistle/Tumblewood
Nicotiana Bigelevil	Indian Tobacco
Nicotiana Glauca	Tree Tobacco
Lactuca Serriola	Prickly Lettuce
Conyza Canadensis	Horseweed
Heterothaca Grandiflora	Telegraph Plant
Anthemix Cotula	Mayweed
Urtica Urens	Burning Nettle
Cardaria Draba	Noary Cress, Perennial Peppergrass
Brassica Rapa	Wild Turnip, Yellow Mustard, Field Mustard
Adenostoma Fasciculatum	Chamise
Adenostoma Sparsifolium	Red Shanks
Cortaderia Selloana	Pampas Grass
Artemisia Californica	California Sagebrush
Eriogonum Fasciculatum	Common Buckwheat
Salvia Mellifera	Black Sage
Ornamental:	
Cortaderia	Pampas Grass
Cupressus sp	Cypress
Eucalyptus sp	Eucalyptus
Juniperus sp	Juniper
Pinus sp	Pine

ATTACHMENT 4

Firecrackers suspected in grass fire Newport blaze hits condo, causing \$50,000 damage

July 11, 1988

Byline: Jeff D. Opdyke

The Register

Firecrackers are believed to have caused a grass fire Sunday that spread to a \$270,000 condominium, officials said.

Firefighters and police officials on the scene found four M-80 casings and the casing to what appeared to be a homemade firecracker in a field adjacent to the blackened condominium at No. 6 Landfall Court on the cliffs overlooking the Coast Highway.

"We are pretty sure this one was started by the firecrackers," said battalion chief Tom Arnold.

The fire caused an estimated \$50,000 damage and scorched the patio, kitchen and upstairs bedroom, fire officials said.

No injuries were reported, and the condominium owners were in Los Angeles, according to friends.

The fire was reported at 2 p.m. after condominium tenant Louis Vignes heard two firecrackers explode, then smelled smoke. It took firefighters about 1 1/2 hours to control the blaze.

"I was in my garage and I went outside to look around," Vignes said. "I, along with another neighbor, got some garden hoses and tried to fight the fire."

Vignes said they had the fire contained, but a gust of wind sent sparks into pampas grass bordering the condominium.

"That's all it took. After that it was history," Vignes said. "The pampas grass went up like a torch and set the balcony on fire. We couldn't do much from then on."

Arnold said the fire spread between the inner and outer walls of the condominium.

"That's what made it tough to get to. We had to tear down walls to find the fire," Arnold said.

Residents in neighboring condominiums were temporarily evacuated from their homes as a precaution.

"We're lucky it didn't spread to additional units," Arnold said.

The patio and bedroom suffered the most extensive damage. Both areas were completely burned.

Newport Crest resident Mike Lombardi said the field had been bulldozed last week to prevent such fires.

No arrests had been made Sunday in connection with the fire.

Story appeared in METRO section

on page b05

ID: OCR118326

Illustration: BLACK & WHITE PHOTO

Edition: EVENING

Correction:

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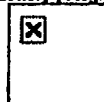
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Freedom Communications, Inc.

ATTACHMENT 5



NEWPORT BEACH FIRE DEPARTMENT

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915
(714) 644-3103

Newport Crest
201 Intrepid St

Timothy Riley
Fire Chief

September 12, 1996

Robert Mendoza
Department of Transportation
2501 Pullman Street
Santa Ana, CA 92705

Dear Mr. Mendoza,

Thank you for investigating the lots located adjacent to West Coast Highway and Superior. The parcel numbers are AP 424-041-07 and AP 424-041-03. As we discussed in our phone conversation these lots are overgrown with light grassy fuels which present a fire hazard to the homes located within Newport Crest. This fuel needs to be cut to a height of approximately three inches. The Newport Beach Fire and Marine Department appreciates the spirit of cooperation in mitigating this problem. If you need additional information please call me at (714) 644-3108.

Mike Macey
Deputy Fire Marshal

LOTS CLEARCD
OCT. 1996
Macey

3300 Newport Boulevard, Newport Beach

NEWPORT BEACH FIRE AND MARINE DEPARTMENT
COMPLAINT REPORT

Company Assignment: (if applicable)

Legal Description: 201 Intrepid

Location: _____

Owner/Tenant: Caltrans West

Complaint: overgrown, dead brush & weeds.
Concerned for the H/O's in the
Area who all have wood roofs.

Complainant Name: Georgia

Complainant Address: (H/O's ASSOC.)

Complainant Phone #: 650-6720

Remain Anonymous

Received by: Name: Nadine

Date: 5-7-97

Time: 1:10 pm

↓ LPT. MESSAGE
5-14-97

✓ TALKED TO
GEORGIA

Conditions Found: WEEDS

Disposition: FORWARDED TO ALAN KATO AT CALTRANS
724-2607

Inspection date: 5-14-97

Inspected by: 173



NEWPORT BEACH FIRE AND MARINE DEPARTMENT

June 24, 1997

Robert Mendoza
Caltrans
2501 Pullman Street R/W Bldg. C
Santa Ana, CA 92705

Tammy Riley
Fire and Marine Chief
3306 Newport Blvd.
P.O. Box 1768
Newport Beach, CA 92658-8915

Mr. Mendoza,

The purpose of this letter is to serve as written documentation to our phone conversation held on June 24, 1997. During that conversation we discussed the parcel of land located near the intersection of Superior and East Coast Highway (see attached map). In the past, Caltrans has cleared the entire lot; however, this year a 20-foot firebreak was cut. The Newport Beach Fire and Marine Department request that the entire lot be cleared of all dry grass, stubble, brush, garden refuse, litter, or other flammable material which constitutes a fire hazard. This action will bring the lot into compliance with the requirements of the Municipal Code, Chapter 10.48. This parcel is especially sensitive due to the size of the lot and its proximity to the structures. The adjoining structures are condominium style residential units built of type V construction and contain wood shake roofs.

The Newport Beach Fire and Marine Department thanks you for your cooperation and expedient mitigation of this weed abatement issue. Please call me at 644-3108 if I can be of any assistance.

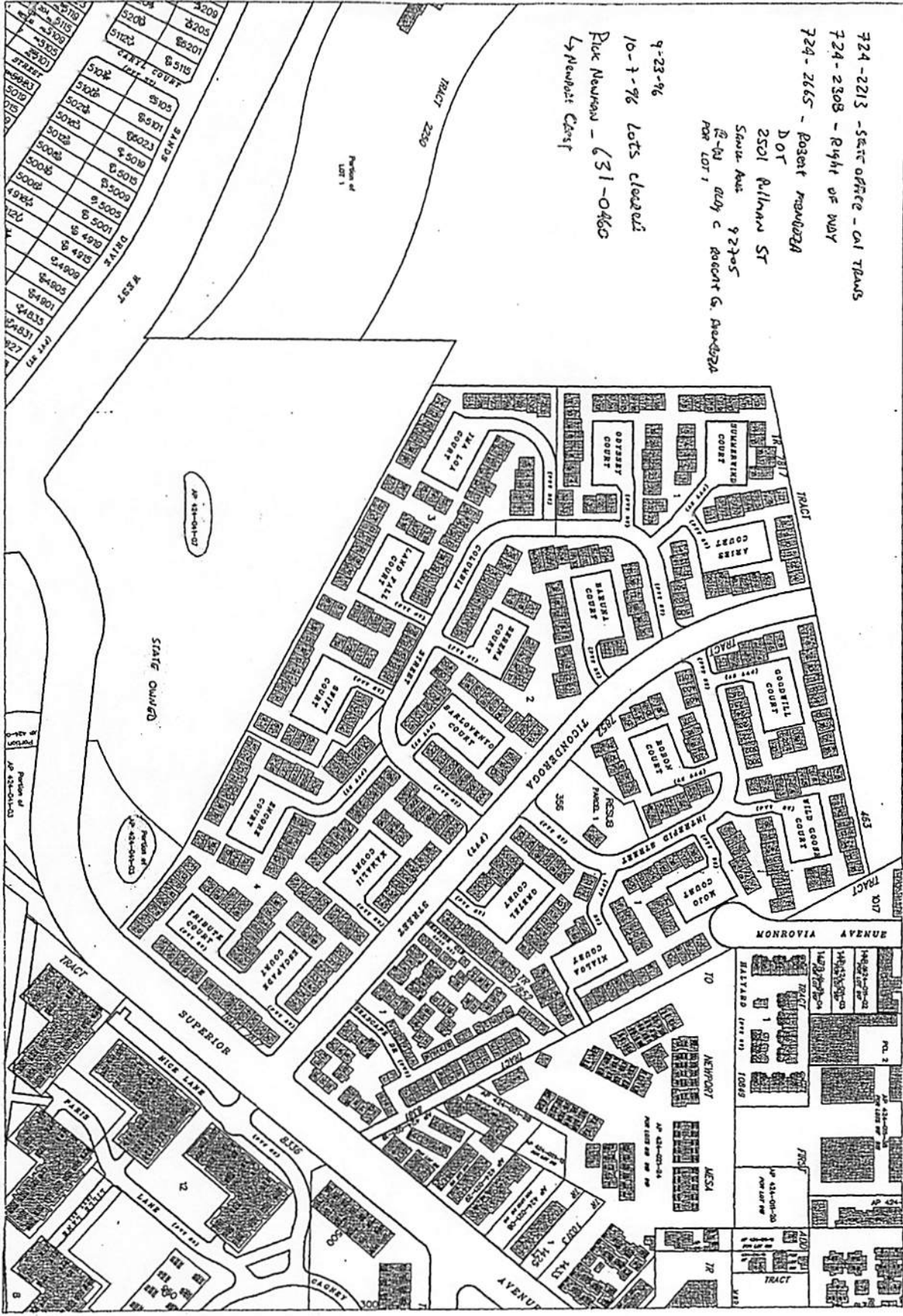
Sincerely,

A handwritten signature in black ink, appearing to read "Mike Macey".

Mike Macey
Deputy Fire Marshal

724-2213 - SECT OFFICE - CAL TRAMS
 724-2308 - Right of Way
 724-2665 - ROBERT MORGAN
 DOT
 2501 RULMAN ST
 SARA ANN 927-05
 PER LOT 1 ROBERT G. MORGAN

9-23-96
 10-1-96 Lots cleared
 Rick Newman - 631-0460
 Lyndee Cart



NEWPORT BEACH FIRE AND MARINE DEPARTMENT
COMPLAINT REPORT

Company Assignment:
(if applicable)

Legal Description: _____

Location: Coast Hwy / Superior

Owner/Tenant: CAL TRANS property.

Complaint: Caller feels the lot is a
fire hazard - high weeds present.

Believes the lot was cleared earlier this
year, but needs it again. Call her and
advise if this is not so

Complainant Name: Vivian Cellni

Complainant Address: 8 Tribute Ct.

Complainant Phone #: (949) 1045-6003

Remain Anonymous

Received by: Name: Nadine

Date: 8-10-99

Time: 12:00

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

Conditions Found: Re-growth present -

Disposition: Spoke to Robert Mendoza (Cal Trans) He will visit
the site on Monday (8-16-99) & make appropriate contacts

9-2-99 site cleared

Inspection date: 8-12-99

Inspected by: 173



NEWPORT BEACH FIRE AND MARINE DEPARTMENT

June 23, 1998

Robert Mendoza
Cal Trans
2501 Pullman Street R/W Bldg. C
Santa Ana, CA 92705

(949)
→ 724-2665

Timothy Riley
Fire and Marine Chief

3300 Newport Blvd.
P.O. Box 1768
Newport Beach, CA 92658-8915

Dear Mr. Mendoza,

I am writing to address the issue of weed abatement on the "excess land" adjacent to the Newport Crest complex located in Newport Beach. This property is located in the area surrounded by West Coast Highway, Superior, and Ticonderoga. I ask that you please schedule this property for weed abatement and advise me of the projected completion date. This will allow me to notify the Homeowner's Association who will in turn notify the residence. In the past Cal Trans has used a disc to cut the field, thus meeting the City standard of three-inch weed height. If you have any questions or concerns please call me at 644-3108.

Sincerely,

Mike Macey
Deputy Fire Marshal

6-26-98 MR. MENDOZA STATED THE LOT WILL
BE CLEARED PRIOR TO JULY 9th

7-1-98 called LFT. MSG. re: Follow up w/A

7-10-98 SLATER CALLED LEONARD ANDERSON TO ABATE WEEDS
ON ARMSTRONG PETROLEUM PROPERTY + WE GAUG
HIM TIL 7/28 TO ABATE (2 weeks) 631-1100 2244 WPCH#200

g:/Mendoza-Cal Trans



NEWPORT BEACH FIRE AND MARINE DEPARTMENT

May 12, 1999

Robert Mendoza
Cal Trans
2501 Pullman Street R/W Bldg. C
Santa Ana, CA 92705

Dear Mr. Mendoza,

I am writing to address the issue of weed abatement on the "excess land" adjacent to the Newport Crest complex located in Newport Beach. This property is located in the area surrounded by West Coast Highway, Superior, and Ticonderoga. I ask that you please schedule this property for weed abatement and advise me of the projected completion date. This will allow me to notify the Homeowner's Association who will in turn notify the residence. In the past Cal Trans has used a disc to cut the field, thus meeting the City standard of three-inch weed height. If you have any questions or concerns please call me at 644-3108.

Sincerely,

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Mike Macey
Deputy Fire Marshal

g:/Mendoza-Cal Trans



NEWPORT BEACH FIRE AND MARINE DEPARTMENT

May 30, 2001

Robert Mendoza
Cal Trans
2501 Pullman Street R/W Bldg. C
Santa Ana, CA 92705

Subject: Assessor Parcel No. 424 041 08 and 424 041 10

The purpose of this letter is to serve as written documentation to our phone conversation held on May 18, 2001. During that conversation we discussed the parcel of land surrounding Coast Hwy. West, Superior Avenue, Ticonderoga Street, and Monrovia Avenue.

The Newport Beach Fire Department requests that this property be scheduled for weed abatement and inform our office of the projected completion date. The entire lot needs to be cleared of all dry grass, stubble, brush, garden refuse, litter, or other flammable material that constitutes a fire hazard. This action will bring the lot into compliance with the requirements of the Newport Beach Municipal Code Chapter 10.48.

The Newport Beach Fire Department thanks you for your cooperation and expedient mitigation of this weed abatement issue. If we can be of further assistance, please call (949) 644-3106.

Sincerely,

A handwritten signature in cursive script that reads "Nadine Morris".

Nadine Morris
Fire Inspector

- >> [Admin Home](#)
- >> [Print View](#)
- >> [Recreate Request Type](#)

Customer Information [hide detail](#)

Name: GARY GARBER **Phone #:** 949-650-6661
Address: 8 LANDFALL COURT **Email:** GARBERGARY@YAHOO.COM
 NEWPORT BEACH, CA 92663

[Share](#) (0)

Request Details

[enter](#) [edit](#) [mode](#)

reQuest:

Type: Fire Code Complaint **Case #:** 1010479610

Location Type: Address **Compl. Date:** 6/8/2010

Location: 8 Landfall Court, Newport B. **Status:** Completed [\[hist\]](#)

[map it!](#) **Case Worker:** Ronald Larson

Orig. Dept.: FALSE **Budget No.:**

Name of Caller: Gary Garber **Fault:** --Select--

Phone: 949-650-6661 **Division:**

Complaint Date: 6/8/2010 **Property Owner:**

First Insp. Date: 6/8/2010 **Tenant:**

Re-Insp. Date:

Resolution Target:

Resolution Date: 6/8/2010

Citation Date:

Time Tracking

[+ Time](#)

Date	Time In	Time Out	Crew	#	MH		
6/8/2010	09:00 AM	09:45 AM	Ron Larson	1	0.75	edit	delete

Total Manhours: 0.75

File Attachments

[+ Attachment](#)

Add Comments:

Comments/History

By: Ronald Larson (cnb) **6/8/2010 10:14:59 AM** **Visibility:** Requestor [edit](#) [delete](#)
Type: Comments

Met with complainant to discuss the fire danger of the rotten deck material. The structural members have been double joisted for support and the wood is not a fire hazard at this time.

By: Gary(user) **6/8/2010 7:29:26 AM** **Visibility:** Requestor [edit](#) [delete](#)
Type: Details

This is a follow up to Mr. Larson's 9/17/09 inspection of my lower rear balcony, at 8 Landfall Court, for potential fire hazard. The inspection was due to my 9/16/09 Fire Code Complaint (Case# 385009092). The original complaint indicated my concern that dry rotted floor joists are not painted where damage is and appears to be highly flammable. I have repeatedly request that the Newport Crest Homeowner Association make necessary repairs. As of this date no repairs have been done and condition is worst then when you inspected the balcony on 9/17/09. As you can see from the photographs I submitted by email to Mr. Larson yesterday the floor joists directly under the balcony flooring are decomposing into kindling. We are entering the fire season and my property backs up to Sunset Ridge where the high grass and weeds are drying out. It only will take a small spark from a grill or cigarette to start a fire. With July 4th coming up there is additional concerns due to fireworks. During the last inspection it was indicated if the necessary repair work was not completed in a timely manner contact the Fire Department again. Please call me before any inspection. My phone number is 949-650-6661.

Make Comments Private

Search Tags:

Michael, Steve

From: Kearns, Randy
Sent: Tuesday, May 19, 2009 8:25 AM
To: Michael, Steve
Subject: FW: Sunset Ridge Park fire abatement clearing

Southland has begun the fire abatement work at Sunset Ridge.

From: Michael, Steve
Sent: Monday, May 11, 2009 4:08 PM
To: Kearns, Randy
Subject: Sunset Park

Randy,

We received a complaint about the weeds in the upper section of Sunset Park from a caller that lives on Tribute Ct. I went out today and confirmed that the weeds are about four feet tall on city property, the callers name is Ken Larson (425-503-9582). Is that area on Barron's list to cut back? The attached picture shows the area in question.

Thanks, Steve

Steve Michael
Newport Beach Fire Department
Office 949-644-3108

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
200 Oceangate, 10th Floor
Long Beach, CA 90802
(562) 590-5071



June 22, 2012

April Winecki
Dudek
621 Chapala Street
Santa Barbara, CA 93101

Michael Mohler
Newport Banning Ranch LLC
1300 Quail Street, Suite 300
Newport Beach, CA 92660

Dear Ms. Winecki and Mr. Mohler:

Thank you for speaking with me, Ms. Winecki, regarding vegetation removal at Newport Banning Ranch ("NBR") and our desire to coordinate and avoid any conflicts and potential violations of the Coastal Act. Commission staff is particularly concerned with removal of native vegetation and ecologically significant non-native vegetation well beyond any standard fuel management zone that has resulted from mowing undertaken on NBR.

As we have noted in past correspondence, NBR is within the coastal zone and is subject to the permit requirements of the Coastal Act. Under the Coastal Act, removal of major vegetation constitutes 'development' and requires a coastal development permit. The mowing that has occurred on NBR resulted in removal of major vegetation. The Commission has not reviewed and approved mowing on the property, nor is it likely that staff could recommend approval of such mowing at NBR that has already occurred due to the methods used, the extent of removal of native and ecologically significant non-native vegetation, and the lack of mitigation to offset impacts to native habitats. The mowing that has occurred on NBR is particularly problematic due to its impacts to native habitats, including Environmentally Sensitive Habitat Areas ("ESHA") or locations that would be ESHA were it not for prior vegetation removal undertaken without a coastal development permit if a permit was required. I look forward to meeting with you soon to discuss resolution of this matter.

In addition, the fuel management that you noted NBR LLC is contemplating potentially would result in the removal of major vegetation, thus any necessary Coastal Act authorization needs to be in place prior to fuel management on the property. Commission staff realizes that appropriate fuel modification obligations are typically associated with property ownership in this area and we appreciate NBR LLC's desire to protect habitable structures from fire hazard. If fuel modification is required on the property, it is Commission staff's desire to have a fuel management program in place that proactively addresses both public safety and habitat protection concerns. To that end, we are happy to set up a meeting to discuss Commission authorization of any necessary fuel management at NBR and I will send potential meeting dates to you separately. A well maintained fire management area adjacent to habitable structures

Newport Banning Ranch

June 22, 2012

Page 2 of 2

would provide both the public safety protection needed and will minimize adverse impacts on habitat.

We ask that you do not undertake vegetation removal without first contacting Commission staff to discuss necessary authorization and we look forward to meeting with you to discuss a fuel management plan that balances protection of habitable structures from potential fire hazard with protection of ESHA. It is an important challenge and we want to work cooperatively with NBR LLC on this effort. Please call me at (562) 590-5071 if you have any questions regarding this letter or you would like to talk prior to our meeting.

Sincerely,



Andrew Willis
Enforcement Analyst
California Coastal Commission

cc: West Newport Oil Company, c/o Tim Paone
Lisa Haage, Chief of Enforcement, CCC
Sherilyn Sarb, Deputy Director, CCC

Firecrackers suspected in grass fire Newport blaze hits condo, causing \$50,000 damage

July 11, 1988

Byline: Jeff D. Opdyke

The Register

Firecrackers are believed to have caused a grass fire Sunday that spread to a \$270,000 condominium, officials said.

Firefighters and police officials on the scene found four M-80 casings and the casing to what appeared to be a homemade firecracker in a field adjacent to the blackened condominium at No. 6 Landfall Court on the cliffs overlooking the Coast Highway.

"We are pretty sure this one was started by the firecrackers," said battalion chief Tom Arnold.

The fire caused an estimated \$50,000 damage and scorched the patio, kitchen and upstairs bedroom, fire officials said.

No injuries were reported, and the condominium owners were in Los Angeles, according to friends.

The fire was reported at 2 p.m. after condominium tenant Louis Vignes heard two firecrackers explode, then smelled smoke. It took firefighters about 1 1/2 hours to control the blaze.

"I was in my garage and I went outside to look around," Vignes said. "I, along with another neighbor, got some garden hoses and tried to fight the fire."

Vignes said they had the fire contained, but a gust of wind sent sparks into pampas grass bordering the condominium.

"That's all it took. After that it was history," Vignes said. "The pampas grass went up like a torch and set the balcony on fire. We couldn't do much from then on."

Arnold said the fire spread between the inner and outer walls of the condominium.

"That's what made it tough to get to. We had to tear down walls to find the fire," Arnold said.

Residents in neighboring condominiums were temporarily evacuated from their homes as a precaution.

"We're lucky it didn't spread to additional units," Arnold said.

The patio and bedroom suffered the most extensive damage. Both areas were completely burned.

Newport Crest resident Mike Lombardi said the field had been bulldozed last week to prevent such fires.

No arrests had been made Sunday in connection with the fire.

Story appeared in METRO section

on page b05

ID: OCR118326

Illustration: BLACK & WHITE PHOTO

Edition: EVENING

Correction:

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Freedom Communications, Inc.



NEWPORT BEACH FIRE DEPARTMENT

P.O. BOX 1768, NEWPORT BEACH, CA 92658-8915
(714) 644-3103

Timothy Riley
Fire Chief

Newport Crest
501 Newport St

September 12, 1996

Robert Mendoza
Department of Transportation
2501 Pullman Street
Santa Ana, CA 92705

Dear Mr. Mendoza,

Thank you for investigating the lots located adjacent to West Coast Highway and Superior. The parcel numbers are AP 424-041-07 and AP 424-041-03. As we discussed in our phone conversation these lots are overgrown with light grassy fuels which present a fire hazard to the homes located within Newport Crest. This fuel needs to be cut to a height of approximately three inches. The Newport Beach Fire and Marine Department appreciates the spirit of cooperation in mitigating this problem. If you need additional information please call me at (714) 644-3108.

Mike Macey
Deputy Fire Marshal

LOTS CLEARED
OCT. 1996
Macey

3300 Newport Boulevard, Newport Beach

NEWPORT BEACH FIRE AND MARINE DEPARTMENT
COMPLAINT REPORT

Company Assignment:
(if applicable)

Legal Description: 201 Intrepid

Location: _____

Owner/Tenant: Caltrans West

Complaint: Overgrown, dead brush & weeds.
Concerned for the H/O's in the
Area who all have wood roofs,

Complainant Name: Georgia

Complainant Address: (H/O's Assoc.)

Complainant Phone #: 650-6720

Remain Anonymous

Received by: Name: Nadine

Date: 5-7-97

Time: 1:10 pm

↓ LPT. MESSAGE
5-14-97

✓ TALKED TO
GEORGIA



Conditions Found: WEEDS

Disposition: FORWARDED TO ALAN KATO AT CALTRANS
724-2607

Inspection date: 5-14-97

Inspected by: 173

W X
Y Z



4421

4520

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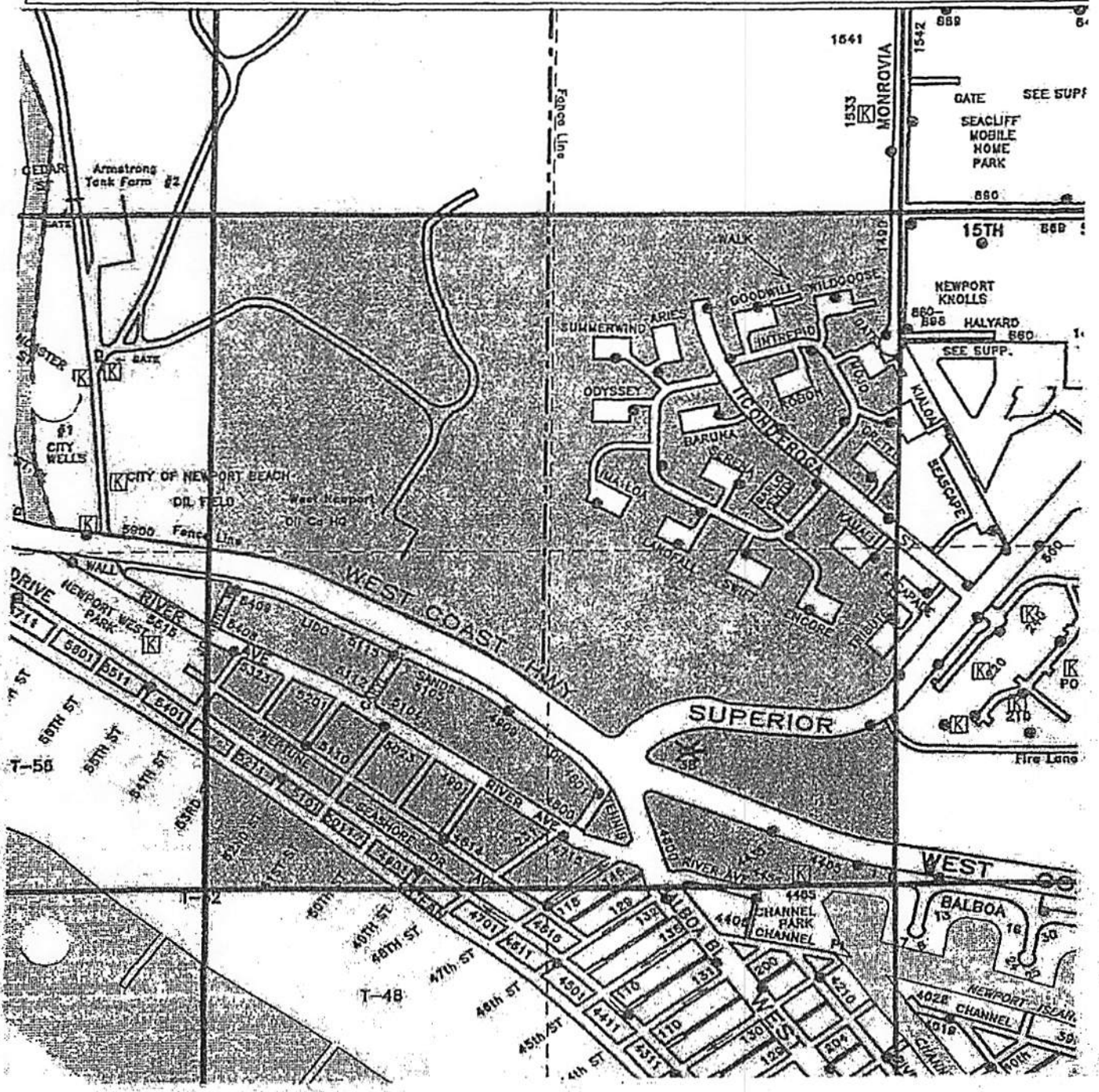
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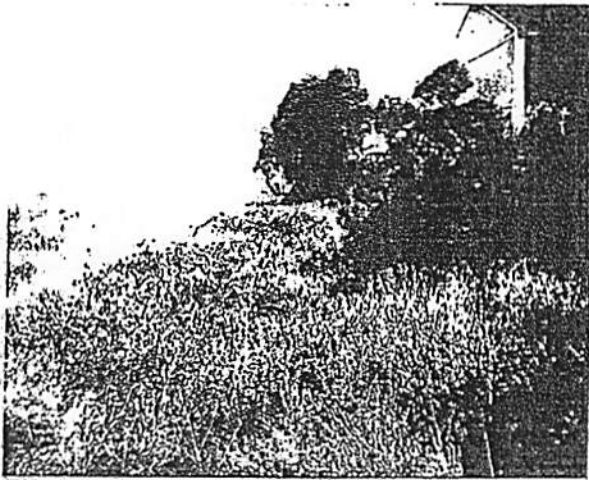
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NEWPORT

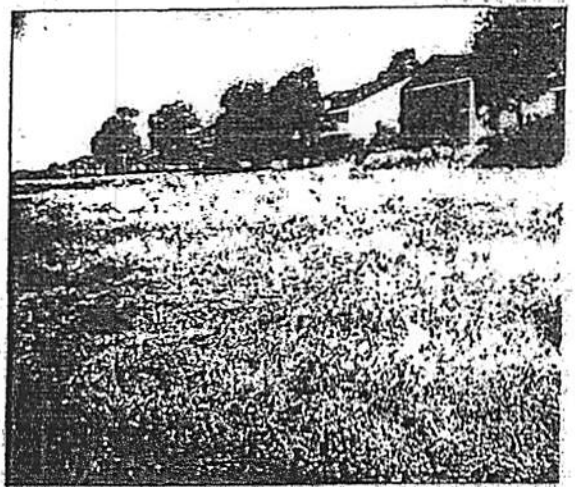
Newport Information System
Fire Department

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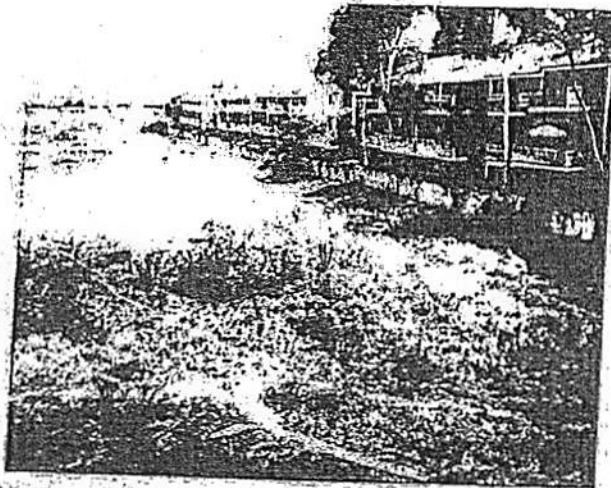




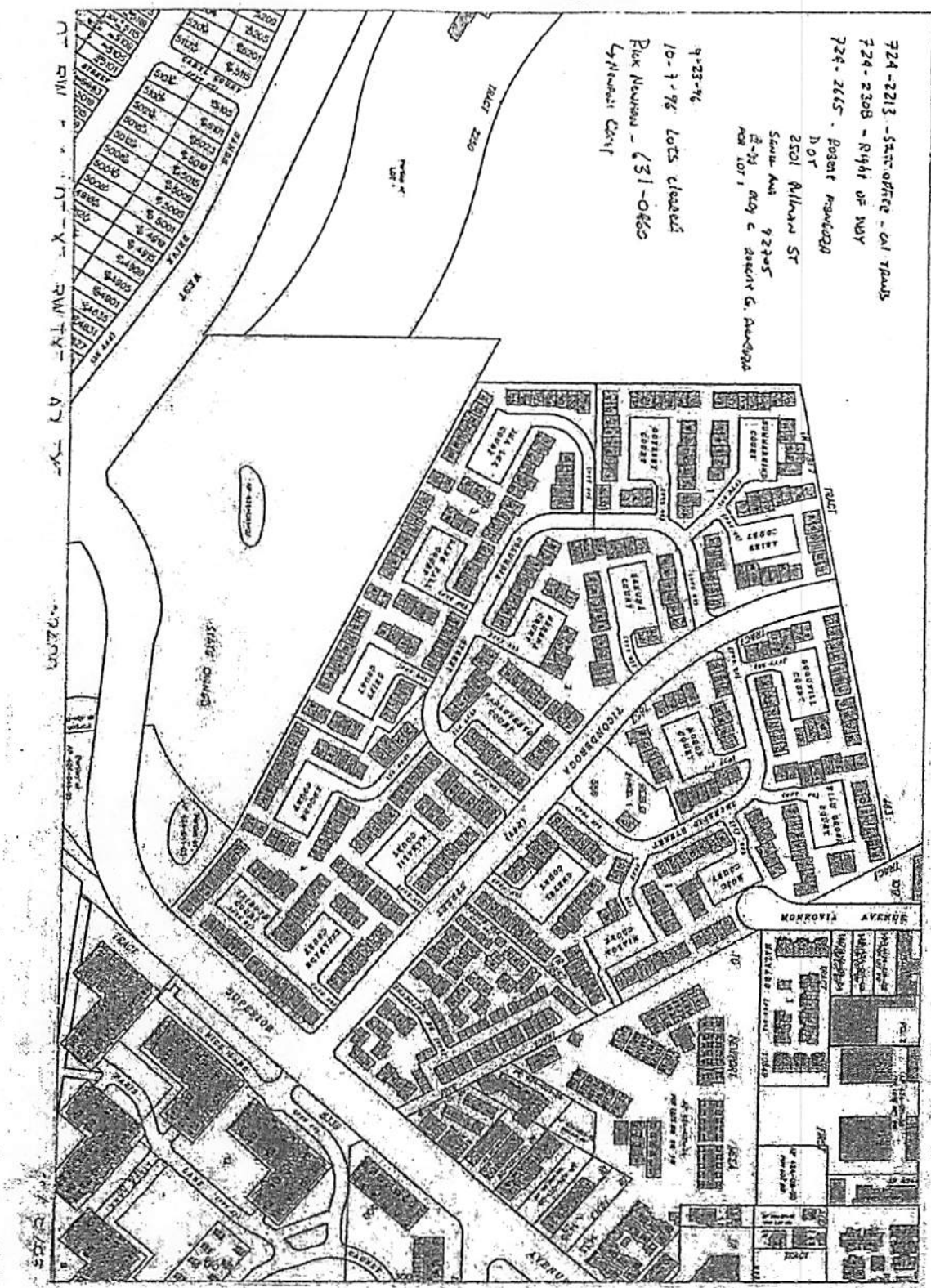
BRUSH - 1/24 7245 2-3 ft. ht.



TAKEN FROM SPECIAL FENCING WORK
4-11-46 200
ONSHAW - ME = 1/2 and 1/2



APPROX. LOCATION IMA LOMA FENCING WORK
7-11-46 1000 - 1500 ft. WOOD - 0109. NOOD
E. 1/2 and 1/2 - 1/2 and 1/2



724-2213 - State office - on 7245
 724-2308 - Right of way
 724-2665 - Post office
 B.O.P.
 2501 Allman St
 South Ave 92245
 2-24 200 c street G. Avenue
 Ave 1071

9-23-96
 10-1-96 Lots cleared
 Pick Newsum - 631-0466
 Lyman's Court



NEWPORT BEACH FIRE AND MARINE DEPARTMENT

June 24, 1997

Robert Mendoza

Caltrans

2501 Pullman Street R/W Bldg. C

Santa Ana, CA 92705

Mr. Mendoza,

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Mike Macey

Deputy Fire Marshal



NEWPORT BEACH FIRE AND MARINE DEPARTMENT

June 23, 1998

(949)
→ 724-2665

Robert Mendoza
Cal Trans
2501 Pullman Street R/W Bldg. C
Santa Ana, CA 92705

Timothy Riley
Fire and Marine Chief

3300 Newport Blvd.
P.O. Box 1768
Newport Beach, CA 92658-8915

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Sincerely,

Mike Macey
Deputy Fire Marshal

6-26-98 MR. MENDOZA STATED THE LOT WILL
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7-1-98 CALLED LFT. MS9. re: Follow up w/A

~~7-10-98 SLATER CALLED LEONARD ANDERSON TO REMOVE WEEDS
ON AN ARMSTRONG PETROLEUM PROPERTY 4 AC GALT
HIM TIA 7/28 TO ASK (2 weeks) 631-1100 2244 WPC#200~~

g/Mendoza-Cal Trans



NEWPORT BEACH FIRE AND MARINE DEPARTMENT

May 12, 1999

Robert Mendoza
Cal Trans
2501 Pullman Street R/W Bldg. C
Santa Ana, CA 92705

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NEWPORT BEACH FIRE AND MARINE DEPARTMENT
COMPLAINT REPORT

Company Assignment: (if applicable)

Legal Description: _____

Location: Coast Hwy / Superior

Owner/Tenant: CAL TRANS property.

Complaint: Caller feels the lot is a
fire hazard - high weeds present.

Believes the lot was cleared earlier this
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is not so

Complainant Name: Vivian Cellni

Complainant Address: 8 Tribute Ct.

Complainant Phone #: (949) 1245-6003

Remain Anonymous

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Date: 8-10-99

Time: 12:00

◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆ ◆

Conditions Found: Re-growth present -

Disposition: Spoke to Robert Mendoza (Cal Trans) He will visit
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9-2-99 site cleared

Inspection date: 8-12-99

Inspected by: 173



NEWPORT BEACH FIRE AND MARINE DEPARTMENT

May 30, 2001

Robert Mendoza
Cal Trans
2501 Pullman Street R/W Bldg. C
Santa Ana, CA 92705

Subject: Assessor Parcel No. 424 041 08 and 424 041 10

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Nadine Morris
Fire Inspector

W X
Y Z



4421

4520 **4521** 4522

4621

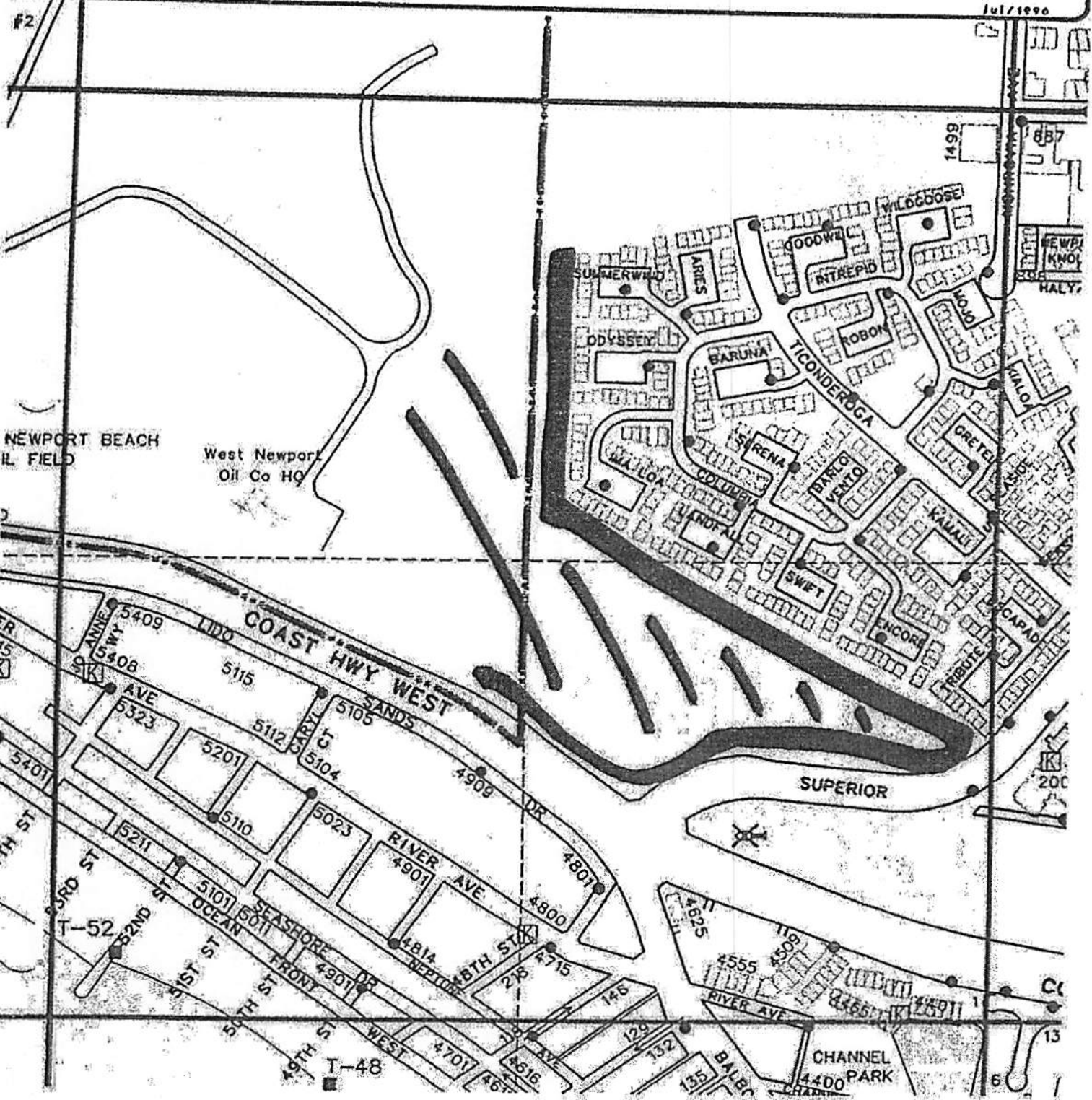


4521

NEWPORT



Jul/1996



Michael, Steve

From: Kearns, Randy
Sent: Tuesday, May 19, 2009 8:25 AM
To: Michael, Steve
Subject: FW: Sunset Ridge Park fire abatement clearing

Southland has begun the fire abatement work at Sunset Ridge.

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Sent: Monday, May 11, 2009 4:08 PM
To: Kearns, Randy
Subject: Sunset Park

Randy,

We received a complaint about the weeds in the upper section of Sunset Park from a caller that lives on Tribute Ct. I went out today and confirmed that the weeds are about four feet tall on city property, the callers name is Ken Larson (425-503-9582). Is that area on Barron's list to cut back? The attached picture shows the area in question.

Thanks, Steve

Steve Michael
Newport Beach Fire Department
Office 949-644-3108

- >> Admin Home
- >> Print View
- >> Recreate Request Type

Customer Information hide detail

Name: GARY GARBER Phone #: 949-650-6661
 Address: 8 LANDFALL COURT Email: GARBERGARY@YAHOO.COM
 NEWPORT BEACH, CA 92663

Share (0)

Request Details enter edit mode

reQuest:
 Type: Fire Code Complaint Case #: 1010479610
 Location Type: Address Compl. Date:
 Location: Status: Completed [hist]
 map.it!
 Case Worker: Ronald Larson
 Orig. Dept.: FALSE Budget No:
 Name of Caller: Fault: --Select--
 Phone: Division:
 Complaint Date: Property Owner:
 First Insp. Date: Tenant:
 Re-Insp. Date:
 Resolution Target:
 Resolution Date:
 Citation Date:

Time Tracking + Time

Date	Time In	Time Out	Crew	#	MH		
6/8/2010	09:00 AM	09:45 AM	Ron Larson	1	0.75	edit	delete

Total Manhours: 0.75

File Attachments + Attachment

Comments/History

By: Ronald Larson (cnb) 6/8/2010 10:14:59 AM Visibility: Requestor edit delete
 Type: Comments

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 Type: Details

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Spell

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September 13, 2010

Russell Cheek
1406 Clay St.
Newport Beach, CA 92663

Mr. Mike Sinacori, P.E.
City of Newport Beach
Public Works Department
3300 Newport Blvd.
Newport Beach, CA 92658

Dear Mr. Sinacori:

This letter is in response to your inquiry regarding the annual clearance of dead and dying vegetation at the property located on the North West corner of Coast Highway and Superior Ave.

I began working for the Newport Beach Fire Department in 1979. I was promoted to Fire Inspector in 1983. One of my responsibilities as inspector was the management of the City's annual weed abatement program.

I received my training for this program from my predecessor in the position, Inspector Al Haskell who was responsible for the weed abatement program since the early 70's. During my training, Inspector Haskell and I discussed among many other things, the state owned property at the North West corner of Coast Highway and Superior Ave. Inspector Haskell told me the property was owned by the state and that the California Department of Transportation was very good about "disking" the property at the beginning of fire season each year and never had to be asked. This was indeed my experience with the Department of Transportation during my employment with the City until I retired in December of 2001.

Despite the Department of Transportation's diligence in clearing this lot each year, there was a vegetation fire on the property sometime in the early 80's. The fire spread from the vegetation in the field to the adjacent condominiums and caused significant damage to a wooden deck and sidewall of the structure.

I hope this letter is of assistance to you. Please call me if you have any further questions.

Sincerely,


Russ Cheek

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of ORANGE }

On OCTOBER 10, 2010 before me, LILLIAN WASHINGTON, NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared RUSSELL CREEK
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: LETTER SIGNED BY RUSSELL CREEK

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

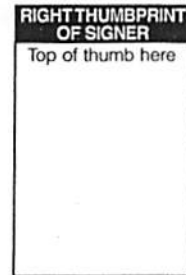
- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Sinacori, Mike

From: Bunting, Steve
Sent: Monday, January 04, 2010 4:19 PM
To: Sinacori, Mike
Subject: Weed Abatement at Sunset Ridge Park

Mike,

In 1993, I took over all weed abatement duties for the Fire Department. At that time, the lot at the north/west corner of W. Coast Hwy and Superior Ave was owned by CalTrans. The property was on a list of weed abatement sites which required annual clearing. It was my impression that the site had been on the list for many years prior to my taking over. It was explained to me by my predecessor, Fire Inspector Russ Cheek, that I never needed to worry about the site because "Caltrans always took care of it". Our physical record of abatement at the site dates back to 1997.

Until 2000, CalTrans performed annual weed abatement at the site by disking the property with a tractor and attached disk tool. Subsequent to 2001, CalTrans performed weed abatement by mowing. After the City took possession, the work was performed by hand using "weed whackers".

The requirement to clear the lot of all weeds, grass, vines and other vegetation came from Fire Code Section 1103.2.4, "Combustible Vegetation". This regulation is separate and distinct from the Hazard Reduction and Fuel Modification regulations enforced throughout our Special Fire Protection Areas in that they only apply to weed abatement and not wildland fuels.

Steve Bunting

Division Chief / Fire Marshal
Newport Beach Fire Department
Safety, Service, and Professionalism
1-949-644-3106

2/1/10/06 → updated



NEWPORT BEACH FIRE DEPARTMENT
P.O. Box 1768, 3300 NEWPORT BLVD., NEWPORT BEACH, CA 92658-8915

May 12, 2011

Newport Banning Ranch
C/O Mike Mohler
1300 Quail Street #100
Newport Beach CA, 92660

Subject: Fire Hazard - Banning Ranch Property

Dear Mr. Mohler,

The Fire Prevention Division of the Newport Beach Fire Department received a complaint regarding the dead vegetation on the Banning Ranch property abutting the homes in the Newport Crest community.

A visit to your property on May 4, 2011, revealed this concern is valid. Further, that the condition not only poses a fire hazard to your property, but also could endanger surrounding properties should the vegetation be ignited.

With the summer fire season fast approaching, you are requested to immediately remove all dry and dead vegetation and other combustible materials pursuant to the Newport Beach Municipal Code Chapter 10.48, Section 10.48.020 "*dry grass, stubble, brush, garden refuse, litter, or other flammable material which constitutes a fire hazard or which, when dry, will in reasonable probability constitute a fire hazard.*"

To ensure compliance, a reinspection will be conducted on or after May 30, 2011. If you have any questions please call (949) 644-3108.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Michael".

Steve Michael
Fire Inspector



NEWPORT BEACH FIRE DEPARTMENT
P.O. Box 1768, 3300 NEWPORT BLVD., NEWPORT BEACH, CA 92658-8915

January 31, 2012

Owner

City of Newport Beach

3300 Newport Blvd

Newport Beach, CA 92663

Re: Property located at the NW corner of W. Coast Hwy and Superior Avenue

APN 424-041-10, 424-041-08

Dear Owner:

According to California Fire Code Section 305.5, "Ignition Sources" you are required to clear your premises of all weeds, grass, vines and other growth that is capable of being ignited and endangering property. This regulation is separate and distinct from the Hazard Reduction and Fuel Modification regulations enforced City wide by the designation of Special Fire Protection Areas in that Section 305.5 focus is on weed abatement as a general precaution against fires and not wildland fuels.


In accordance with this regulation, the Fire Department has identified this property as having a flammable vegetation hazard and has consistently included this property within the City's weed abatement program administered by the Fire Department. Such properties are required to be abated at least annually to protect nearby structures. In some extreme cases or when the amount of rainfall during the year has caused a growth increase of weeds and dry, light, and flashy fuel, weed abatement may be required to be removed bi-annually.

The above-referenced property consists of an undeveloped 13.6 acre parcel located on the north/west corner of West Coast Highway and Superior Avenue and is identified as having a flammable vegetation hazard. Historically, the flammable vegetation hazard on this parcel has been cleared annually since the 1970's and in some years even more frequently. This parcel is known to have an accumulation of light flashy fuel that dries quickly during the summer months.

It is the Fire Department's opinion that this fuel poses a serious threat to the Newport Crest Condominiums located directly to the north and abutting the parcel. This bowl shaped open land is surrounded by 30 foot embankments off of West Coast Highway and access for emergency responders is limited to a gated maintenance road. Prevailing west winds would quickly send a fire originating from

this parcel towards the wood sided condominiums and unprotected open balconies causing a life safety hazard. As a result of these enumerated conditions, and pursuant to the authority of California Fire Code Section 4903, the Fire Department has determined that conditions exist, which necessitate greater fire protection measures. Specifically, these specified conditions require abatement of the entire undeveloped parcel because fire brands or embers created by unmaintained vegetation could ignite multiple homes prior to the Fire Department's arrival and limit its ability to attack the fire.

As owner of this property, please continue to maintain the property such that it is abated of weeds and flammable vegetation at least once a year to remove the threat of ignition to the adjacent structures.

A handwritten signature in black ink, appearing to read 'Ron Gamble', written over a horizontal line.

Ron Gamble
Newport Beach Fire Marshal

File: C-3449



NEWPORT BEACH FIRE DEPARTMENT

P.O. Box 1768, 3300 NEWPORT BLVD., NEWPORT BEACH, CA 92658-8915
PHONE: (949) 644-3104 FAX: (949) 644-3120 WEB: WWW.NBFD.NET

SCOTT L. POSTER
FIRE CHIEF

June 8, 2012

Notice of Nuisance

Parcel Number: 424 041 10
Address: 4850 W Coast Hwy (Sunset Ridge Park property)
Newport Beach, CA

Dear Property Owner:

This notice is sent to inform you of the start of the City of Newport Beach 2012 Weed and Nuisance Abatement Program.

Based on the results of a recent weed and nuisance inspection conducted by the Newport Beach Fire Department, the referenced property is not in compliance with the City's guidelines as set forth in Newport Beach Municipal Code Chapter 10.48. Therefore, the property will need to be cleaned of all dry grass, stubble, brush, garden refuse, litter, or other flammable material that constitutes a fire hazard or that will when dry.

The field inspector provided the following narrative describing the nature and extent of the violation noted: Remove light, flashy fuels (weeds).

This notice of non-compliance requires you to abate the fire hazard. If the hazard is not abated, the City will take further action that can include:

- 1) The City, or its contractor, may enter upon the parcel of land and remove or otherwise eliminate or abate the hazard,
- 2) That upon completion of such work the cost thereof, including Nuisance Abatement Services, will be billed to the property owner and can become a special assessment against that parcel, and
- 3) That upon City Council confirmation of the assessment and recordation of that order, a lien may be attached to the parcel to be collected on the next regular property tax bill levied against the parcel.

A second weed and nuisance inspection will be conducted on or after July 9, 2012. If as a result of the second inspection it is determined that the property is still not in compliance with the guidelines, the property will be subject to cleaning by the City's contractor. Actual cleaning by the City's contractor will start on or after August 13, 2012.

June 8, 2012
Notice of Nuisance
Page 2

All property owners may appeal the decision requiring the abatement of the nuisance by sending a written appeal to the Fire Chief requesting a hearing with the City Manager within ten (10) days of this notice.

Thank you for your attention to this very important matter. If you have any questions or require further assistance, I can be reached at (949) 644-3108 or smichael@nbfd.net.

Sincerely,



Steve Michael
Fire Inspector



CITY OF NEWPORT BEACH

CITY ATTORNEY'S OFFICE

Aaron C. Harp, City Attorney

July 13, 2012

Via email at shokobennett@gmail.com

Bill Bennett
10 Odyssey Court
Newport Beach, CA 92663

**RE: PUBLIC RECORDS ACT REQUEST DATED JULY 6, 2012
NOTICE OF DETERMINATION**

Dear Mr. Bennett:

The City of Newport Beach ("City") has received and reviewed your California Public Records Act request dated July 6, 2012. This response will serve as the City's notice of determination as to whether the request in whole or part seeks the production of non-exempt, non-privileged, disclosable public records in the possession of the City, pursuant to the California Public Records Act ("Act") (Gov. Code §§ 6250 *et seq.*).

Based on your request for: 1) "Staff Reports or studies regarding [fuel abatement program at Sunset Ridge Park];" 2) "...correspondence or emails between the City and Banning Ranch owners regarding [fuel abatement at Sunset Ridge Park];" and 3) "details on [mowing] violation (including all of the information known by the City Attorney's Office) and whether it is relevant to the mowing on Sunset Ridge...." all non-exempt, non-privileged, disclosable public records in possession of the City responsive to your request have been gathered. Certain records were not produced due to the following exemptions in accordance with the Act:

1. **Focused and Specific**: A public records Act request must reasonably describe an identifiable record or records. It must be focused and specific and clear enough so that the agency can decipher what record or records are being sought. (Gov. Code § 6253(b)); *Cal. First Amend. Coalition vs. Superior Court* (1998) 67 Cal.App. 4th 159.) Based on the information provided in the second and third parts of your request, the City is unable to determine what records you specifically seek to review.

In an effort to assist you with identifying the record or records you may seek, a number of records are available on the City's website, including, but not limited to, City Council staff reports, City Council meeting Minutes, Planning Commission Staff reports, Planning Commission meeting Minutes and archived

Mr. Bennett
July 13, 2012
Page: 2

building permits. Please visit the City's website at www.newportbeachca.gov. Select "Online Services" and then "Document Imaging," for the City's database of searchable records.

2. Attorney-Client Privilege / Attorney Work-Product: Records falling within the attorney-client privilege or attorney work-product are exempt from production pursuant to California Government Code Section 6254(k). (See *City of Hemet v. Superior Court* (1995) 37 Cal. App. 4th 1411, 1422; Evid. Code § 952 *et seq.* and Code Civ. Proc. § 2018.010 *et seq.*)

Based on the foregoing, and the City has granted your request in part. Enclosed please find the non-exempt responsive records to your request.

Sincerely,

CITY ATTORNEY'S OFFICE



Leonie Mulyihill
Assistant City Attorney

LM:ksa

Encl.

[A12-00491]-Bennett from LM NOD

Alford, Patrick

From: bill bennett [shokobennett@gmail.com]
Sent: Tuesday, July 17, 2012 3:33 PM
To: Alford, Patrick
Subject: Fwd: Response to Public Records Act Request (Bennett, Bill; File: A12-00491)
Attachments: NBR from Willis (CCC) 5.18.12 re Removal of major vegetation NOV.pdf

**Mr. Patrick Alford,
Planning Director
City of Newport Beach**

Dear Mr. Alford,

I received the email below and its attachment from the office of Mr. Aaron Harp, City Attorney. I request that this email, and it's attachment, be made part of the Administrative Record for the Banning Ranch dEIR. It is material which originated from the City, but I want to make sure that it is included in the Banning Ranch proceedings."

**Thank you,
Bill Bennett
10 Odyssey Court, NB**

----- Forwarded message -----

From: Askling, Kristy <kaskling@newportbeachca.gov>
Date: Fri, Jul 13, 2012 at 4:53 PM
Subject: RE: Response to Public Records Act Request (Bennett, Bill; File: A12-00491)
To: shokobennett@gmail.com

Mr. Bennett-

Attached please find an additional responsive record.

Thank you-

Kristy S. Askling

Paralegal

City Attorney's Office

City of Newport Beach

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From: Askling, Kristy
Sent: Friday, July 13, 2012 4:43 PM
To: 'shokobennett@gmail.com'
Subject: Response to Public Records Act Request (Bennett, Bill; File: A12-00491)

Mr. Bennett-

Please see the attached notice of determination letter in response to your July 6th Public Record Act request along with responsive records. Thank you.

** Attached file(s):

Bennett b from LM 7.13.12 NOD (00012315.pdf)

Fire Hazard Complaints 1988_2012 (00012311.pdf)

NBR from CCC 6.22.12 re vegetation removal (00012310.pdf)

CCC from Mulvihill L 7.9.12 re Rsp to CCC Staff Report CDP App 5 11 302 (00012303.pdf)

CCC from Kiff D 11.22.11 re Documentation of Annual vegetation removal (00012302.pdf)

Kristy S. Askling

Paralegal

City Attorney's Office
City of Newport Beach

PO Box 1768
3300 Newport Blvd.

Newport Beach, CA 92658-8519
Phone: [\(949\) 644-3131](tel:9496443131)
Fax [\(949\) 723-3520](tel:9497233520)
kaskling@newportbeachca.gov

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CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA
200 Oceangate, 10th Floor
Long Beach, CA 90802
(562) 590-5071

**NOTICE OF VIOLATION OF THE CALIFORNIA COASTAL ACT**

May 18, 2012

West Newport Oil Company
Attn: Tom McCloskey
1080 West 17th Street
Costa Mesa, CA 92627

Newport Banning Ranch, LLC
Attn: Michael Mohler
1300 Quail Street, Suite 100
Newport Beach, CA 92660

Violation File Number: V-5-11-005

Property Location: Newport Banning Ranch
Newport Beach, Orange County

Unpermitted Development: Removal of major vegetation

Dear Mr. McCloskey and Mr. Mohler:

Thank you, Mr. McCloskey, for taking time today to discuss mowing that is occurring on Newport Banning Ranch and agreeing to halt the mowing in order to allow all the parties involved an opportunity to discuss the issue. As I noted during our telephone conversation, our staff has confirmed that removal of major vegetation¹ has occurred at Newport Banning Ranch, which is located within the Coastal Zone. Pursuant to Section 30600(a) of the Coastal Act, any person wishing to perform or undertake development in the Coastal Zone must obtain a coastal development permit, in addition to any other permit required by law. "Development" is defined by Section 30106 as:

"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of the use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of water, or of access thereto;

¹ Please note that the description herein of the violation at issue is not necessarily a complete list of all development on the subject property that is in violation of the Coastal Act and/or that may be of concern to the Commission. Accordingly, you should not treat the Commission's silence regarding (or failure to address) other development on the subject property as indicative of Commission acceptance of, or acquiescence in, any such development.

construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvest of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations... [emphasis added]

The protections provided by the Coastal Act for "major vegetation" as used in the Coastal Act extend to many different vegetative communities and, under certain circumstances, even to individual plants found in an array of coastal habitats. Vegetation can qualify as "major vegetation" based on its importance to coastal habitats, the presence of sensitive species, or, in the case of rare or endangered vegetation, its limited distribution. Commission staff has reviewed the Draft Environmental Impact Report for the proposed residential and commercial development at Newport Banning Ranch, which describes the vegetation on site that is impacted by the subject mowing. The DEIR identifies a number of sensitive habitats, including habitats for sensitive species, within and adjacent to the mowed areas. The mowing at issue thus involves removal of vegetation that constitutes development under the Coastal Act and, therefore, requires a coastal development permit. Any development activity conducted in the Coastal Zone without a valid coastal development permit, and with limited exceptions not applicable here, constitutes a violation of the Coastal Act.

As noted above, the subject mowing is not exempt from Coastal Act permitting requirements. The DEIR erroneously characterizes the subject mowing as a component of ongoing oil field operations that purportedly began in the 1940s. The DEIR suggests that the existing oil operations, including the mowing, are merely a continuation of those began in the 1940s, and cites authorization for continuation of those oil operations after passage of Proposition 20 under California Coastal Commission South Coast Regional Coastal Zone Conservation Commission Claim for Exemption No. E-7-27-73-144.

To show the locations where these ongoing oilfield operations purportedly occur on the site, the DEIR includes a map of areas subject to ongoing oilfield operations. Commission staff has significant concerns about whether the map accurately depicts the areas subject to oilfield operations. For instance, the map includes areas that the Commission has previously found in a previous action to be Environmentally Sensitive Habitat Areas. Moreover, the subject mowing is impacting vegetation inside and outside of the areas mapped in the DEIR as areas subject to ongoing oilfield operations. Thus, the DEIR acknowledges that, at a minimum, some portions of the mowing are not within the areas subject to ongoing oilfield operation. This activity is therefore non-exempt unpermitted development undertaken in violation of the Coastal Act.

The DEIR appears to also suggest a claim that there is vested right to mow the site. However, there is no established vested right to mow the site, or even an application before the Commission to consider the issue. There is a specific and formal process for establishing a vested right to an activity under the Coastal Act, as set forth in Section 30608 and its implementing regulations. No such application has been filed, and no such vested right has been established, nor does the oilfield operator or property owner assert that it has done such. "A developer who claims exemption from the permit requirement of the [Coastal] act on grounds that he has a vested right to continue his development is required to seek confirmation of his vested right claim ... and may not first assert the claim in defense." Halaco Engineering Co. v. South Central Coast Regional Commission (1986) 42 Cal.3d 52, 63; see also LT-WR (2007) 152 Cal.App.4th 770, 785; Davis v. CCZCC (1976) 57 Cal.App.3d 700.

We would like to work with the parties involved to resolve these issues and would like to discuss with you options to do so. As you agreed to do during our telephone conversation, **please immediately stop all unpermitted development activity on the subject site** and contact me by **May 24, 2012** to discuss resolution of this violation.

While we are hopeful that we can resolve this matter amicably, please be advised that the Coastal Act has a number of potential remedies to address violations of the Coastal Act including the following:

Section 30809 states that if the Executive Director of the Commission determines that any person has undertaken, or is threatening to undertake, any activity that may require a permit from the Coastal Commission without first securing a permit, the Executive Director may issue an order directing that person to cease and desist. Section 30810 states that the Coastal Commission may also issue a cease and desist order. A cease and desist order may be subject to terms and conditions that are necessary to avoid irreparable injury to the area or to ensure compliance with the Coastal Act. A violation of a cease and desist order can result in civil fines of up to \$6,000 for each day in which the violation persists.

Additionally, Sections 30803 and 30805 authorize the Commission to initiate litigation to seek injunctive relief and an award of civil fines in response to any violation of the Coastal Act. Section 30820(a)(1) provides that any person who violates any provision of the Coastal Act may be subject to a penalty amount that shall not exceed \$30,000 and shall not be less than \$500. Section 30820(b) states that, in addition to any other penalties, any person who "knowingly and intentionally" performs or undertakes any development in violation of the Coastal Act can be subject to a civil penalty of not less than \$1,000 nor more than \$15,000 for each day in which the violation persists.

In addition to these other remedies, Section 30812 of the Coastal Act also allows the Executive Director, after providing formal notice and opportunity for a hearing, to record a Notice of Violation of the Coastal Act against the property if this matter is not resolved administratively. We of course would prefer to resolve this matter informally and would like to discuss the options for resolution with you at your earliest convenience by the deadline noted above.

Thank you for your attention to this matter. If you have any questions regarding this letter or the pending enforcement case, please feel free to contact me at (562) 590-5071.

Sincerely,



Andrew Willis
Enforcement Analyst
California Coastal Commission