

Sinacori, Mike

From: Kim Quinn [KQuinn@bonterraconsulting.com]
Sent: Tuesday, July 13, 2010 12:57 PM
To: Sinacori, Mike
Subject: Sunset Ridge Park
Attachments: Memo MSinacori-071310.pdf

Hi Mike,

See attached. Note that only letters P36, P40 and P44 specifically question why the site is mowed but the other comments had responses regarding mowing or explains that the Encelia scrub/ornamental and disturbed Encelia scrub are not considered special status because of the frequent mowing for fuel modification and weed abatement purposes....

Please call me or Dana with any questions.

Thanks,

Kim Quinn
Project Manager

BonTerra Consulting
Costa Mesa | Pasadena
151 Kalmus Drive, Suite E-200
Costa Mesa, CA 92626
T: (714) 444-9199 F: (714) 444-9599
www.BonTerraConsulting.com



MEMORANDUM

July 13, 2010

To: Mike Sinacori
From: Dana Privit
Cc:
Subject: Sunset Ridge Park

The following provides a list of responses to comments from persons, organizations, and/or public agencies who commented on the landscape plan, impact acreages of on-site vegetation, or mowing/disking of the Sunset Ridge Park site. The corresponding letter number and comment number is also provided. These can be located in Section 4.0 List of Respondents in the Response to Comments Document.

- Letter L1, Comment #43: City of Newport Beach Environmental Quality Affairs Citizens' Advisory Committee (EQAC) includes a general question regarding the landscape plan.
- Letter 05, Comment 1: Friends of Harbors, Beaches and Parks includes a question regarding the impact acreages of on-site vegetation.
- Letter P36, Comment #10 and #14: Hamilton Biological asks why the site is mowed.
- Letter P40, Comment #59: Sandra Genis asks why the site is mowed.
- Letter P44, Comment #3: Matthew Erwin general question regarding weed abatement.
- Letter N, Comment #7: Kevin Nelson question regarding native plants specifically Encelia and Deerweed.

BonTerra's typical response to these comments is as follows. To see the entire response to each comment please see Section 3.0 Responses to Environmental Comments.

Until 2000, Caltrans performed annual weed abatement of the Project site by disking the property with a tractor and attached a disc tool. Subsequent to 2001, Caltrans performed weed abatement by mowing. After the City took ownership of the property, the work was performed by hand using "weed whacker". The requirement to clear the property of all weeds, grass, vines, and other vegetation comes 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 the City's Special Fire Protection Areas in that they only apply to weed abatement and not wildland fuels.

Section 6.0 Clarification and Revisions also provides clarifications and revisions to the EIR.

Pages 4.6-27 and 4.6-28 are revised and incorporated into the Final EIR as follows:

Implementation of the proposed Project would impact approximately 25.34 acres of native and non-native vegetation types and other areas. The impact areas for the proposed Project are shown in Exhibit 4.6-4, Project Impacts, and impact acreages are provided in Table 4.6-4, Vegetation Types and Other Areas Impacted by the Proposed Project. In summary, a total of ~~0.67~~ 0.41 acre of coastal sage scrub (i.e., areas mapped as southern coastal bluff scrub [0.14 acre] and Encelia scrub [0.53 acre]) and 0.06 acre of riparian vegetation (i.e., the area mapped as willow scrub) types would be removed through construction impacts. Impacts on sage scrub vegetation types are significant due to the ongoing loss of this vegetation type in Southern California and the potential for this habitat to support special status species. Impacts on riparian vegetation types would also be considered significant due to the limited distribution of these vegetation types in California. Implementation of MM 4.6-4 and MM 4.6-5 would reduce these impacts to a less than significant level. In addition, the City would be required to follow the construction minimization measures listed in MM 4.6-3.

The proposed Project would impact approximately ~~0.26~~ acre of Encelia scrub, 0.21 acre of Encelia scrub/ornamental, 3.64 acres of disturbed Encelia scrub, 6.03 acres of non-native grassland, 7.75 acres of ruderal vegetation, 3.13 acres of ornamental vegetation, and 0.49 acre of flood control channel. The proposed Project would also impact 2.88 acres of disturbed areas. The Encelia scrub/ornamental and disturbed Encelia scrub are not considered special status because of the frequent mowing for fuel modification and weed abatement purposes, their fragmentation from high value areas, presence of invasive non-native species, maintenance of concrete v-ditch under the shrubs, presence of trash, and/or proximity to high foot/bicycle and vehicle traffic. ~~is regularly mowed for fuel modification and weed abatement purposes and contains a high percentage of non-native weeds. In addition, two small areas of scrub are not considered special status because of their fragmentation from high value areas, presence of invasive non-native species, maintenance of concrete v-ditch under the shrubs, presence of trash, and proximity to high foot/bicycle, and vehicle traffic. In addition, Therefore, these areas are not considered special status as they are not expected to support gnatcatchers during the nesting season. The non-native grassland, ruderal, ornamental, and flood control channel areas generally have low biological value because they are composed of unvegetated areas or are vegetated with non-native species and subject to significant disturbance. These areas generally provide limited habitat for native plant and wildlife species although they may occasionally be used by native species. Therefore, impacts on all these areas would not be considered significant, and no mitigation would be required.~~

Please contact Dana Privitt at (714) 444-9199 with any questions or comments.

Sinacori, Mike

From: Sinacori, Mike
Sent: Thursday, April 29, 2010 11:28 AM
To: 'Christine_Medak@fws.gov'
Cc: Mike Mohler; Tony Bomkamp (GLA); William_B_Miller@fws.gov
Subject: RE: Sunset Ridge - Revised Planting Diagram
Attachments: 7511-PlantingDesign -Package 04-26-2010.pdf; 192-SRP NBR GRADING 4-28-10.pdf

Hi Chris,

Nice chatting with you yesterday....and welcome back.

To make things a little easier, I have provided a response to each issue raised in your March 19th E-mail below. I am very pleased with where our team has been in the last two months in refining our Preliminary Planting Diagram (attached). I have also attached our latest grading foot print for the entire Sunset Ridge Park Project. We are still refining the grading plan, but this should be good enough for you to start the Biological Opinion for us. Please let us know if you need anything else.

Thanks again for all your efforts with us. It's going to be a very nice looking park.

Michael J. Sinacori, P.E.
Assistant City Engineer
City of Newport Beach
Phone: 949-644-3342 * Fax: 949-644-3308 * Cell: 949-795-8948
Email: Msinacori@newportbeachca.gov
Public Works Department ~ A Well-Engineered Machine
Protecting and providing quality public improvements and services

-----Original Message-----

From: Christine_Medak@fws.gov [mailto:Christine_Medak@fws.gov]
Sent: Friday, March 19, 2010 12:25 PM
To: Sinacori, Mike
Cc: Mike Mohler; Tony Bomkamp (GLA); William_B_Miller@fws.gov
Subject: Re: Sunset Ridge - Revised Planting Diagram

Mike,

We have reviewed your revised planting diagram and have couple of comments regarding the proposed planting and the information needed to prepare the project description.

1) The impacts associated with construction of the park (including all areas that will require ground disturbance - access roads, park, disposal areas) should be separated out from impacts associated with construction of Banning Ranch. (overlapping impacts for the two projects should not be counted twice in the biological opinion). If it is likely the park will be constructed first then that is how the information will be presented in the biological opinion. We assume restoration of habitat for the gnatcatcher will occur at the same time as construction of the rest of the project. Please provide a figure that overlays the Sunset Ridge Park Project on the Banning Ranch Project so that we can discern which vegetation will be impacted again once Banning Ranch is developed. The information provided by Tony shows that Banning Ranch will be impacting a large section of the

Park site, but the park is built first then those impacts should not be attributed to Banning Ranch. Please let me know if you do not understand what I am looking for.

Response: We are working closely with GLA (Tony Bomkamp) to show the overlap areas. Hopefully between our two re-submittals clear this up.

2) The project description should include a conservation measure that states no plant species identified by the California Exotic Pest Plant Council as an invasive risk in southern California will be incorporated into the landscaping. Please ensure that the final plant plan is reviewed and that invasives are excluded. The incorporation of invasive species in the plant plan will increase the amount of maintenance required to ensure habitat for the gnatcatcher on the project site remains viable over the long term.

Response: We have finalized our list to ensure the conservation measure regarding no plant species identified by California Exotic Pest Plant Council as an invasive risk. Once the plans are completed we will review with BonTerra one last time.

3) Expanded CSS - The acreage of "Expanded CSS" on page 1 (3.20 ac) is inconsistent with the acreage on page 2 (2.65 ac). Please check these figures. If the total CSS habitat on site is close to 3.57 ac (the average territory size for gnatcatchers on Banning Ranch), it is likely to be adequate to support a gnatcatcher territory. Because the habitat will be surrounded by non-native vegetation and bordered by a parking lot and roadway, long-term maintenance of the native vegetation will be necessary to ensure non-native vegetation and recreational use (trampling by pedestrians, trash) does not contribute to degradation of native habitat on the site. Removal of non-native plant species from the "disturbed CSS" area and planting additional CSS (as necessary) would increase the quality of the habitat for the gnatcatcher and the likelihood that a territory will be supported on the project site over the long term (note that a small section of the "Existing Disturbed CSS" area is identified by Tony as part of the Banning Ranch restoration area; however, this whole area should be restored at the same time to prevent weeds in one area from degrading adjacent restoration areas). Ideally native habitat on the park site would be managed by the same entity who will be managing habitat on the Banning Ranch site. Management of the habitat for the gnatcatcher should include non-native plant removal, trash removal, control of unauthorized access (with fencing, signs, and/or security patrol), and restoration of habitat that is impacted by unauthorized access. We also recommend any night lighting associated with the project is directed or shielded so as to minimize artificial lighting from reflecting into the gnatcatcher habitat.

Response: Comment noted. Removal of non-native plant species from the "disturbed CSS" area and planting additional CSS (as necessary) shall be included within our planting plan. Regarding the project lighting, all lights are 42" bollards with cut-off louvers. These have been spaced at 125' on center.

4) Residential Buffer - We recommend you review the native plant species that Orange County Fire Authority approves for use in fuel modification zones and include these species in the residential buffer to expand the foraging opportunities for gnatcatcher and other resident bird species in the project vicinity. In addition to coyote bush (*Baccharis pilularis*), plant species could include coast prickly pear (*Opuntia littoralis*), California sunflower (*Encelia californica*), deerweed (*Lotus scoparius*),

etc. Your biological consultant should be able to recommend appropriate coastal sage species for this area. Since all of the park site is included in critical habitat for the gnatcatcher, as much of the site as possible should be maintained with some habitat value for the gnatcatcher to ensure the function of the critical habitat (to maintain a core population) is not impacted.

Response: Comment noted. We have incorporated the requested plant material and added Gnatcatcher planting pockets throughout the site.

5) Streetscape Slope - The area should include native plants that have value as gnatcatcher foraging habitat (as well as aesthetic value). *Encelia* is a great example of a plant species that could be incorporated into the streetscape slope planting plan. This would help to offset the loss of *encelia* foraging habitat for the gnatcatcher due to construction of the ball fields. Again your biological consultant should be able to recommend appropriate coastal sage species for this area.

Response: Comment noted. We have incorporated the requested plant material and added Gnatcatcher planting pockets throughout the site.

6) The hardscape trail through the site provides an excellent opportunity to include some interpretive signs highlighting natural features on the site, such as the mesa and native plants and animals that utilize the site.

Response: Comment noted. Excluding the baseball and soccer fields, the rest of the site has been design as a passive park. Adding interpretive signage at these locations may invite pedestrians within the sensitive habitat areas and contribute to degradation of native habitat. Interpretive trails and signage may be included in other areas of the City, if required and necessary for approval of the SRP.

7) Water infiltration - We recommend including mulefat in the water infiltration area adjacent to the CSS (near the entry road). It is a plant that is going to want to be there anyway and provides great foraging habitat for the gnatcatcher during the dry months when CSS is dormant.

Response: Comment noted. We have incorporated the requested plant material.

I have attached a biological opinion for the gnatcatcher that was completed on a development site that is similar to Banning Ranch so you can see the types of measures that were incorporated to minimize the impacts of the project on the gnatcatcher (see in particular measures 4, 5, 6, 9, 13, 19). I will be in the office until 5:00 today if you would like to discuss these comments. I will be out of the office between March 22 and April 13. Should you need assistance in my absence please contact Will Miller at extension 206.

Response: Thank you for providing this sample Biological Opinion. The following would be our comments to that sample if such conditions were put on the Sunset Ridge Park.

Measure 4) Signs Indicating Sensitive Habitat. Response: Signs shall be added to identify Sensitive Habitat locations.

Measure 5) Reduce lighting near Sensitive Habitat. Response: Bollards are the only source of park lighting. They have been added to the parking lot and loop access pathway.

Measure 6) Manufactured slopes will include benches and Drains every 30' vertical feet to control run-off. Response: Benches and Drains have been added to manufactured slope areas.

Measure 9) Native Plant Seeds collected from Banning ranch will be Primary Source of seeds for revegetation on manufactured slopes. Response: Our planting plans shall indicate Native Plant Seeds shall be collected from the banning ranch as the Primary Source for revegetation.

Measure 13) Draft Long Term Management Plan. Conducting inspections of infrastructure and habitat. Controlling unauthorized human access. Maintenance gates and fencing shall be added. Trash removal and habitat management. Response: An appropriate plan will be developed regarding long term management. Maintenance gates and fences have been added as well.

Measure 19) Revegetate fuel mod with approved CSS plant material. Response: We have incorporated approved CSS plant material from OCFA and have reviewed with BonTerra for approval.

Christine L. Medak
Fish and Wildlife Biologist
U.S. Fish and Wildlife Service
6010 Hidden Valley Road
Carlsbad, CA 92011
(760) 431-9440 ext. 298

(See attached file: 08B0500-08F0552 [LA] BO - Montebello Hills Development s04-02-09-JBartel.pdf)

"Sinacori, Mike"
<MSinacori@newpor
tbeachca.gov>

03/11/2010 05:28
PM

<Christine_Medak@fws.gov>

To

cc

"Tony Bomkamp (GLA)"
<tbomkamp@wetlandpermitting.com>,
"Mike Mohler"
<mohler@brook-street.com>

Subject

Sunset Ridge - Revised Planting
Diagram

Hi Chris,

Though a couple days late, here is our latest and greatest information

regarding the Sunset Ridge Park. We have coordinated this with the Banning Ranch Team and believe we are now consistent with what they submitted recently. We hope you agree.

Please note, this is draft and we are open to suggestions on the plant material and concerns that you might have.

We would be available to meet anytime next week either on the site or conference call. We understand you will be out for three weeks starting on 3/22 and would appreciate input and concurrence before our EIR hearing on 3/23. I will give you a call on Monday to see what we can set up so we can review what other information you might need to complete the Biological Opinion for the project.

Thanks again for your help here.

Michael J. Sinacori, P.E.
Assistant City Engineer
City of Newport Beach
Phone: 949-644-3342 * Fax: 949-644-3308 * Cell: 949-795-8948
Email: Msinacori@newportbeachca.gov
Public Works Department ~ A Well-Engineered Machine
Protecting and providing quality public improvements and services
[attachment "7511-PlantingDesign -Package 03-11-2010.pdf" deleted by
Christine Medak/CFWO/R1/FWS/DOI]

Sinacori, Mike

From: Sinacori, Mike
Sent: Monday, January 04, 2010 4:56 PM
To: 'Dana Privitt'
Cc: Brown, Janet; Webb, Dave (Public Works)
Subject: FW: Weed Abatement at Sunset Ridge Park

Hi Dana,

Thought this information would be helpful and could provide you enough to write an appropriate response to the question about weed abatement/fuel modification.

Michael J. Sinacori, P.E.

Assistant City Engineer

City of Newport Beach

Phone: 949-644-3342 * Fax: 949-644-3308 * Cell: 949-795-8948

Email: Msinacori@newportbeachca.gov

Public Works Department ~ A Well-Engineered Machine

Protecting and providing quality public improvements and services

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

Sinacori, Mike

From: Bunting, Steve
Sent: Tuesday, June 22, 2010 5:26 PM
To: Sereno, Dan; Ramirez, Paul
Cc: Sinacori, Mike; Gamble, Ron
Subject: Annual Weed abatement; Sunset Ridge View Park

Sirs:

Recently it has come to our attention that the weeds and other vegetation at the Sunset Ridge Park has turned to dead and dying and now poses a fire hazard to the Newport Crest Condominiums.

On Monday, June 21st, I met with Mr. Barron Hurlbut at the site. I told Mr. Hurlbut that the entire site east of the chain link fence and south of the Newport Crest condominiums needed to be cleared.

I also told Mr. Hurlbut that the vegetation on the sloped portions of the lot that are directly adjacent to Superior Ave and West Coast Highway should not be abated in order to prevent erosion damage to the slope.

This order to proceed with the annual abatement of this lot is in accordance with the Newport Beach Fire Code, Section 304.1.2.

Steve Bunting

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

Sinacori, Mike

From: Kearns, Randy
Sent: Tuesday, May 19, 2009 8:24 AM
To: Sinacori, Mike
Cc: Pisani, Mike; Sereno, Dan
Subject: FW: Sunset Ridge Park fire abatement clearing

Mike,

Barron's guys have started the work for me of knocking down all of the brush 100' from all structures as directed by the Fire Department for fire abatement. I routed the 2 bids for your work, so if you want to move forward just sign/approve them and let Barron know to proceed.

Randy

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

Sinacori, Mike

From: Bunting, Steve
Sent: Friday, October 24, 2008 4:05 PM
To: Pisani, Mike; Sinacori, Mike
Cc: Michael, Steve
Subject: Sunset View Park

I've approved a proposal from Southland Landscape to cut and treat the existing combustible vegetation within the Sunset View Park.

The cost for this semi-annual maintenance is approximately \$3875.00 and will come from the Fire Department's Hazard Reduction funds. This represents a significant savings when compared to annual clearing and treatment, which cost \$13,000 in May of 2008.

Thanks for your assistance.

Steve Bunting

Fire Marshal

Newport Beach Fire Department

Safety, Service, and Professionalism

1-949-644-3353



Sinacori, Mike

From: Sinacori, Mike
Sent: Wednesday, February 13, 2008 1:28 PM
To: Bunting, Steve
Cc: Pisani, Mike; Kearns, Randy
Subject: RE: Sunset Park Hazard Reduction
Attachments: 0560-8_mem_Park Site.pdf

Just in case you need this.....here is the letter from our Biologist. Weed whack away!

Michael J. Sinacori, P.E.

Assistant City Engineer

City of Newport Beach

Phone: 949-644-3342 * Fax: 949-644-3308 * Cell: 949-795-8948

Email: Msinacori@city.newport-beach.ca.us

Public Works Department ~ A Well-Engineered Machine

Protecting and providing quality public improvements and services

From: Bunting, Steve
Sent: Monday, February 11, 2008 2:13 PM
To: Sinacori, Mike
Cc: Pisani, Mike; Kearns, Randy
Subject: Sunset Park Hazard Reduction

Mike S.,

The quote for the park came in Friday:

For the flat top, the price is \$7775.00.

The slope surrounding the flat top is \$31,175.00

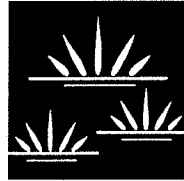
I can pay for the flat top. I say we leave the slope for now.

Barron said that his quote is only good for 10 days because the vegetation is growing so fast. Please let me know how you want me to proceed.

-Steve

GLENN LUKOS ASSOCIATES

Regulatory Services



Michael J. Sinacori, P.E.
Assistant City Engineer
City of Newport Beach
P.O. Box 1768
Newport Beach, California 92658

Subject: Vegetation Cover at Sunset Ridge Park, Newport Beach, California

Dear Mr. Sinacori:

On December 18, 2007, I conducted a site visit to the above-referenced site to evaluate the site for areas that could potentially meet the City of Newport Beach Coastal Land Use Policies definition of Environmentally Sensitive Habitat Areas (ESHA).

The irregularly shaped subject parcel covers approximately 11.2 acres and is bounded by Superior Avenue, Pacific Coast Highway, existing development and a flood-control channel. The site has been subject to significant disturbance, including grading in the past during construction of Pacific Coast Highway. Currently, the site occurs at two general elevations with the eastern end of the site raised above the remainder of the site.

Since the site was modified in the late 1960s or early 1970s, it has been subject to regular maintenance to ensure fire protection due to the adjacent development along the entire northeast boundary. Approximately 5.4 acres support non-native ruderal habitat consisting of non-native grasses and forbs with essentially no native species present. The non-native ruderal areas consist of black mustard (*Brassica nigra*), red brome (*Bromus madritensis rubens*), Russian thistle (*Salsola tragus*), tocalote (*Centaurea melitensis*), and hottentot fig (*Carpobrotus edulis*). This area exhibits no potential for supporting habitat that could be considered ESHA and is not further addressed in this report.

Approximately 5.8 acres support areas that are most accurately described as disturbed coastal scrub dominated by coast sunflower (*Encelia californica*) and is the area evaluated for potential ESHA status. The remainder of the report is organized as follows:

Discussion of the Applicable City of Newport Beach Coastal Land Use Policies (CLUP);

Detailed description of the area that supports coast sunflower-dominated scrub;

Analysis of the coast sunflower-dominated scrub using the CLUP

Applicable City of Newport Beach Coastal Land Use Policies (CLUP)

The disturbed coast sunflower-dominated scrub on the site was evaluated in accordance with the policies set forth below under Coastal Land Use Policies Section 4.1.1 (et seq.). The following criteria were used to determine whether the subject disturbed scrub habitat would be considered ESHA under Section 4.1.1:

- *The presence of natural communities that have been identified as rare by the California Department of Fish and Game.*
- *The recorded or potential presence of plant or animal species designated as rare, threatened, or endangered under State or Federal Law.*
- *The presence or potential presence of plant or animal species that are not listed under State or Federal law, but for which there is other compelling evidence of rarity, such as designation as a 1B or 2 species by the California Native Plant Society.*
- *The presence of coastal streams.*
- *The degree of habitat integrity and connectivity to other natural areas.*

In addition, in accordance with section 4.1.1, CSS is specifically identified by the City as potential ESHA as follows:

“Another important habitat within the City of Newport Beach is coastal sage scrub (CSS). Although CSS has suffered enormous losses in California (estimates are as high as 85%), there are still thousands of acres in existence and this community type is no longer listed as rare by CDFG. Nevertheless, where CSS occurs adjacent to coastal salt marsh or other wetlands, or where it is documented to support or known to have the potential to support rare species such as the coastal California gnatcatcher, it meets the definition of ESHA because of its especially valuable role in the ecosystem. CSS is important transitional or “edge” habitat adjacent to salt marsh, providing important function such as supporting pollinators for wetland plants and essential habitat for edge-dependent animals like several species of butterflies that nectar on upland plants but whose caterpillars require wetland vegetation. CSS also provides essential nesting and foraging habitat for the coastal California gnatcatcher, a rare species designated threatened under the Federal Endangered Species Act.”

Areas of CSS, *“are presumed to be ESHA unless there are strong site-specific reasons to rebut that presumption. Factors that should be considered when making site-specific assessments include:*

- Patch size and connectivity. Very small patches of habitat that are effectively isolated from other natural areas may lose many of their natural ecological functions. Functional patch size is dependent upon both the ecological needs of the species of importance supported by the habitat and the spatial scale of the habitat. For example, what is isolated for a small mammal may not be for a bird and what is small for a coyote may not be for some insects.
- Dominance by invasive, non-native species. Non-native species often provide poorer habitat for wildlife than native vegetation and proliferation of exotic plant species alters ecosystem processes and may threaten certain native species with extirpation. However, there are probably no habitats in southern California that have not been invaded by exotic species, and the remaining stands of native grassland are almost always dominated by non-native annual species. Only where exotic species are so overwhelmingly dominant that the native community can no longer perform its functions in the ecosystem should the presence of exotic species rebut the presumption of ESHA.
- Disturbance and proximity to development. Disturbance is the negative effect of human activities such as dumping, vegetation removal, development, pollution, etc. Habitat areas bordering development may be subject to impacts from negative edge effects, such as lighting, non-native invasive plant species, domestic animals, and human activity. The negative effects of disturbance are strongest immediately adjacent to development and decline with distance from the edge. However, where very small patches of habitat are effectively surrounded by development, these impacts may be severe. In general, disturbance by itself is not enough to rebut the finding of ESHA. Disturbance that is clearly reversible (e.g., presence of trash or illegal dumping) is not determinative.
- Fragmentation and isolation. Where there are large areas of more-or-less continuous development, native communities may be reduced to small islands of habitat that are distant from other natural habitats. This fragmentation and isolation can create barriers to migration, reduce wildlife food and water resources and generally compress territory size to reduce existing wildlife populations to non-viability.

The smaller a particular habitat patch is, the greater the proportion of its area that experiences negative edge effects.”

Description of Coast Sunflower Dominated Scrub

As note above, approximately 5.8 acres of the 11.2-acre site support areas most accurately characterized as disturbed coast sunflower-dominated scrub. Specifically, coast sunflower (*Encelia californica*) is the dominant shrub with deerweed (*Lotus scoparius*) as the only other shrub, occurring only occasionally. Shrub cover varies from approximately 20 percent to locally dense areas with up to 80-percent cover. I estimate that the shrub cover for the subject area averages between 50 and 60 percent overall. The understory consists almost entirely of non-native grasses and forbs including black mustard (*Brassica nigra*), red brome (*Bromus madritensis rubens*), Russian thistle (*Salsola tragus*), tocalote (*Centaurea melitensis*), telegraph weed (*Heterotheca grandiflora*), castor bean (*Ricinus communis*), and hottentot fig (*Carpobrotus edulis*).

While this area does not exhibit a clear correspondence with published habitat definitions considered ESHA by the CLUP (e.g., coastal sage scrub, maritime succulent scrub, or southern coastal bluff scrub, it exhibits at least some correspondence with “Maritime Succulent Scrub” as described in the Orange County Habitat Classification System (OCHCS)¹ as well as the “California encelia series” in *A Manual of California Vegetation*.²

Maritime Succulent Scrub

The OCHCS describes Maritime Succulent Scrub as occurring “on exposed slopes near the immediate coast” and dominated by cacti. Coast sunflower (*Encelia californica*) is the first species noted along with five additional characteristic shrubs and two species of cactus, none of which occur on this site. Given that none of the other species characteristic of Maritime Succulent Scrub occur on the site including cactus, it is not appropriate to designate this highly disturbed habitat as Maritime Succulent Scrub.

California Encelia Series

A Manual of California Vegetation describes the California encelia series as “California encelia sole or dominant shrub in canopy”. This is a reasonably accurate description of the scrub on the

¹ Gray, John and David Bramlet. May 1992. Habitat Classification System: Natural Resources Geographic Information System (GIS) Project.

² Sawyer, John O. and Todd Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society, Sacramento, CA.

Michael J. Sinacori, P.E.
City of Newport Beach
December 26, 2007
Page 5

park site. The California encelia series is broadly included with coastal sage scrub and as such could be considered a CSS series or association making it a potential ESHA as noted in the section above. However, application of the City's CLUP guidelines clearly leads to the conclusion that the subject site is not ESHA as described below.

Analysis of the Coast Sunflower-Dominated Scrub Using the CLUP

Patch Size and Connectivity. The encelia-dominated scrub within the park site is limited and low quality, covering approximately 5.8 acres. More importantly, the patch is nearly surrounded by development with approximately 84-percent of the park site perimeter already developed with the remaining adjacent area subject to substantial disturbance related to historic road construction activities and ongoing oil operations. The adjacent Banning Ranch site contains pockets of maritime succulent scrub, which provides limited connectivity to the Banning site as well as Talbert Regional Park to the north of Banning Ranch; however, this because the park site is itself a "cul-de-sac" with no connections other than the limited connection to Banning Ranch, the site provides no connectivity to other open space areas.

Dominance by Invasive non-native species. The encelia-dominated scrub exhibits a very high percentage of non-native species, including invasive species within the understory such as hottentot fig. The high percentage of non-native species is consistent with the long history of disturbance on the site including ongoing fuel modification and weed abatement activities conducted by the City.

Disturbance and Proximity to development. The past soil disturbance has eliminated the potential for the site to support any rare or otherwise special-status plants known from this portion of Orange County.

Historical disturbance combined with ongoing disturbance associated with fuel modification and weed abatement have prevented the establishment of native habitats with the exception of the disturbed encelia-dominated scrub. I have been conducted surveys on the Banning Ranch site over the last ten years, including comprehensive vegetation mapping on two occasions and have always observed that the park site is regularly maintained, most commonly by mowing.

These factors have precluded the establishment of habitat functions consistent with ESHA as defined by the Coastal Act, including the ability to support special-status plants or animals.

Fragmentation and Isolation. As noted above, the park site is developed along 84 percent of its perimeter and is essentially a fragment with no substantial habitat values. While the site does connect to the Banning Ranch site, the park site itself is a "cul-de-sac" with no other connections, making it essentially isolated.

Michael J. Sinacori, P.E.
City of Newport Beach
December 26, 2007
Page 6

Conclusions

The proposed park site has a long history of disturbance and continues to be subject to ongoing fuel modification and weed abatement activities that have precluded establishment of native habitat that exhibits measurable habitat values for state or federally listed plants or animals or other special-status plants or animals. The site is a "cul-de-sac that does not provide any corridor functions or connectivity functions. The park site supports a predominance of non-native grasses and forbs and the area where coast sunflower has become established is characterized by an understory that is essentially 100-percent non-native. Based on these characteristics, the site does not exhibit habitat functions consistent with the City's CLUP ESHA requirements. Finally, the site does not contain any plant or animal life that is either rare or especially valuable because of their special nature or role in an ecosystem, which is the Coastal Act requirement for an ESHA.

If you have any questions regarding this report, please feel free to contact me at (949) 837-0404 ext. 41.

Sincerely,

GLENN LUKOS ASSOCIATES



Tony Bomkamp
Senior Biologist

0560-8_mem_park site.doc

Sinacori, Mike

From: Webb, Dave (Public Works)
Sent: Wednesday, December 26, 2007 9:10 AM
To: Badum, Steve
Cc: Sinacori, Mike
Subject: RE: Sunset Ridge Park Weed Abatement

Does General Services handle weed abatement for the City? If this is the case, I would suggest we request that they put the Sunset Ridge property on their list for annual abatement until the new park is constructed.
Dave

From: Sinacori, Mike
Sent: Thursday, December 20, 2007 1:20 PM
To: Badum, Steve; Webb, Dave (Public Works)
Cc: Sereno, Dan
Subject: FW: Sunset Ridge Park Weed Abatement

Hi Steve and Dave,

I know the company that Steve speaks of and have worked with them in the past. We you like PW to coordinate this effort or should we defer to G.S.? It should be in the \$10,000 range and we have funds available in the Sunset Ridge Master Plan CIP, if you choose to use those.

I also have a call into Tony Bomkamp to prepare the letter report you requested.

Michael J. Sinacori, P.E.

Assistant City Engineer

City of Newport Beach

Phone: 949-644-3342 * Fax: 949-644-3308 * Cell: 949-795-8948

Email: Msinacori@city.newport-beach.ca.us

Public Works Department ~ A Well-Engineered Machine

Protecting and providing quality public improvements and services

From: Bunting, Steve
Sent: Thursday, December 20, 2007 9:05 AM
To: Sinacori, Mike
Cc: Pisani, Mike; Lewis, Steve (Chief)
Subject: Sunset Ridge Park Weed Abatement

Hi Mike (Sinacori),

Prior to the City taking possession of the Caltrans land at Superior and the Highway, Caltrans was very diligent about clearing the property of vegetation at least once a year. Occasionally, usually after a wet fall, we would ask them to clear it a second time and they always did.

I'm concerned that the property is again becoming overgrown with non-native, invasive vegetation. I suspect that the land has not been cleared since the transfer to the City.

I strongly encourage abatement of the vegetation as soon as possible. As soon as the vegetation starts to die off, we start getting calls from concerned citizens in the adjacent development.

The City has a contract with Mr. Barron Hurlbut for the annual hazard abatement of City owned property. Mr. Hurlbut's company also does our hazard abatement of privately owned land. If you would like, I'd be happy to meet with you and Mr. Hurlbut at the site and review the necessary work.

Thank you for your attention to this matter.

Steve Bunting

Fire Marshal

Newport Beach Fire Department

Safety, Service, and Professionalism

1-949-644-3353

Sinacori, Mike

From: Harmon, Mark
Sent: Thursday, December 20, 2007 1:45 PM
To: Sinacori, Mike; Badum, Steve; Bunting, Steve
Cc: Pisani, Mike
Subject: FW: Sunset Ridge Park Weed Abatement

If it is a fuel modification issue, I suggest the Fire Dept work with Barron to get this completed. The FD knows better than anyone what needs to be done.

Mark

From: Pisani, Mike
Sent: Thursday, December 20, 2007 1:32 PM
To: Harmon, Mark
Subject: FW: Sunset Ridge Park Weed Abatement

From: Sereno, Dan
Sent: Thursday, December 20, 2007 1:22 PM
To: Pisani, Mike
Subject: FW: Sunset Ridge Park Weed Abatement

FYI-I will await your direction.

Thank you,
Dan

From: Sinacori, Mike
Sent: Thursday, December 20, 2007 1:20 PM
To: Badum, Steve; Webb, Dave (Public Works)
Cc: Sereno, Dan
Subject: FW: Sunset Ridge Park Weed Abatement

Hi Steve and Dave,

I know the company that Steve speaks of and have worked with them in the past. We you like PW to coordinate this effort or should we defer to G.S.? It should be in the \$10,000 range and we have funds available in the Sunset Ridge Master Plan CIP, if you choose to use those.

I also have a call into Tony Bomkamp to prepare the letter report you requested.

Michael J. Sinacori, P.E.

**Assistant City Engineer
City of Newport Beach**

Phone: 949-644-3342 * Fax: 949-644-3308 * Cell: 949-795-8948
Email: Msinacori@city.newport-beach.ca.us

From: Bunting, Steve
Sent: Thursday, December 20, 2007 9:05 AM
To: Sinacori, Mike
Cc: Pisani, Mike; Lewis, Steve (Chief)
Subject: Sunset Ridge Park Weed Abatement

Hi Mike (Sinacori),

Prior to the City taking possession of the Caltrans land at Superior and the Highway, Caltrans was very diligent about clearing the property of vegetation at least once a year. Occasionally, usually after a wet fall, we would ask them to clear it a second time and they always did.

I'm concerned that the property is again becoming overgrown with non-native, invasive vegetation. I suspect that the land has not been cleared since the transfer to the City.

I strongly encourage abatement of the vegetation as soon as possible. As soon as the vegetation starts to die off, we start getting calls from concerned citizens in the adjacent development.

The City has a contract with Mr. Barron Hurlbut for the annual hazard abatement of City owned property. Mr. Hurlbut's company also does our hazard abatement of privately owned land. If you would like, I'd be happy to meet with you and Mr. Hurlbut at the site and review the necessary work.

Than you for your attention to this matter.

Steve Bunting

Fire Marshal
Newport Beach Fire Department
Safety, Service, and Professionalism
1-949-644-3353

Sinacori, Mike

From: Sinacori, Mike
Sent: Thursday, December 20, 2007 1:20 PM
To: Badum, Steve; Webb, Dave (Public Works)
Cc: Sereno, Dan
Subject: FW: Sunset Ridge Park Weed Abatement

Hi Steve and Dave,

I know the company that Steve speaks of and have worked with them in the past. We you like PW to coordinate this effort or should we defer to G.S.? It should be in the \$10,000 range and we have funds available in the Sunset Ridge Master Plan CIP, if you choose to use those.

I also have a call into Tony Bomkamp to prepare the letter report you requested.

Michael J. Sinacori, P.E.

Assistant City Engineer

City of Newport Beach

Phone: 949-644-3342 * Fax: 949-644-3308 * Cell: 949-795-8948

Email: Msinacori@city.newport-beach.ca.us

Public Works Department ~ A Well-Engineered Machine

Protecting and providing quality public improvements and services

From: Bunting, Steve
Sent: Thursday, December 20, 2007 9:05 AM
To: Sinacori, Mike
Cc: Pisani, Mike; Lewis, Steve (Chief)
Subject: Sunset Ridge Park Weed Abatement

Hi Mike (Sinacori),

Prior to the City taking possession of the Caltrans land at Superior and the Highway, Caltrans was very diligent about clearing the property of vegetation at least once a year. Occasionally, usually after a wet fall, we would ask them to clear it a second time and they always did.

I'm concerned that the property is again becoming overgrown with non-native, invasive vegetation. I suspect that the land has not been cleared since the transfer to the City.

I strongly encourage abatement of the vegetation as soon as possible. As soon as the vegetation starts to die off, we start getting calls from concerned citizens in the adjacent development.

The City has a contract with Mr. Barron Hurlbut for the annual hazard abatement of City owned property. Mr. Hurlbut's company also does our hazard abatement of privately owned land. If you would like, I'd be happy

to meet with you and Mr. Hurlbut at the site and review the necessary work.

Than you for your attention to this matter.

Steve Bunting

Fire Marshal

Newport Beach Fire Department

Safety, Service, and Professionalism

1-949-644-3353