

**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

grade crossings in Arizona above 10,000 vehicle daily trips, which is far greater than the projected amount here. Regardless, the absence of this section of road in the Alternative Development Plans would provide additional benefits to wildlife of all sizes.

CCC Alternative Project #2 eliminates the North Bluff Road section in the northern portion of the site and includes wildlife undercrossings for Bluff Road at the project entry and the extension of 17<sup>th</sup> Street to provide habitat connectivity between the upland vernal pool restoration area and lowland habitats, and between the southernmost coastal bluff and restored habitats along the southeast property boundary and within Sunset Ridge Park. The undercrossings would be engineered to meet the needs of coyote (mule deer do not occur on the site) and any other species which might occur onsite. It is well documented that coyote will use any size crossing structure that is 3 feet in diameter and above and, once coyotes discover a safe crossing, they, like other wildlife (deer, elk, bear), will continue to use it generationally. Because mesopredators, such as raccoons and Virginia opossums, prefer much smaller culverts, undercrossings would be designed to accommodate the larger target species and thus discourage use by raccoon and opossums. The undercrossings would accommodate coyote and other mammals, making larger crossings and bridges unnecessary and less desirable given topographical and visual constraints. Where there is a potential for water flow to occur in the crossings, culverts will be designed to include a 1-foot raised area to allow use by wildlife during flow events. Even with culverts, it is expected that wildlife will make at-grade crossings if it is the most efficient means to move across the property. Should it be determined that certain at-grade crossings present risks to wildlife, these areas would be made less desirable for wildlife use by including dense plantings, cactus plantings, steep topography, and maintaining game trails and other paths away from high risk areas. Lighting and fencing impairments may be applied in interior development area; however, increased lighting and fencing will not be an option in proximity to conserved open space areas.

To minimize potential conflicts between future homeowners and maintenance of a viable coyote population appropriate for the site, homeowners shall be made aware of the possible dangers of living next to natural areas, and will be given educational materials regarding living adjacent to natural areas and pet safety. A statement that such education measures are understood and accepted shall be signed by all home buyers.

9. *Plant Palette. Thank you for the submittal of the modifications to the landscaping palette. However, it appears that the landscaping palette still contains species that are not native to Coastal Orange County. If you choose not to provide the alternative plant palette, changes in the landscaping palette will likely be required through the Coastal Development Permit process. (Page 8, ¶9)*

Response:

Noted. Plant palettes will be native.



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

10. Pocket Mouse Surveys. Thank you for the notification of forthcoming pocket mouse surveys. Submittal and review of new surveys will be required prior to the completion of the file. (Page 8, ¶10)

Response:

The surveys have been completed and are attached hereto as Attachment 7-17.

11. *Known Biological Surveys. We asked in the previous incomplete for: "all known biological surveys regarding sensitive species on the site" Although you have submitted a compilation figure of sensitive species, the submitted information did not include a) more than one year of data for some species, such as the cactus wren, and b) the copies of the full surveys, with associated reports. Please provide the full surveys/reports. (P. 9)*

Response:

A list of all known biological reports prepared for the project site is provided below. Two copies of specific reports are also included in this submittal as noted (Attachment 7). Per previous conversations with Coastal Commission Staff, it was determined that hard copies of biological reports included in the Project EIR Appendices would not be required for submittal; alternatively, a CD with the appendices was included in the original application package as noted below. We have done our best to locate and obtain all known biological survey reports for the site; however, because the project site has been subject to a significant amount of prior biological study, it would be helpful if future requests for additional copies of biological studies specify the report/s being requested, the subject matter/report and/or the preparer, to assist in a timely and accurate response. As noted in the list below, biological studies of the site date back as far as 1992. As such, methods used to observe biological resources on the site differ among the survey efforts conducted and, therefore, have resulted in variation in the type of data collected and observations documented during the surveys.

*Newport Banning Ranch Final Environmental Impact Report Biological Resource Appendices*

- Final Biotechnical Technical Report, Newport Banning Ranch, BonTerra Consulting, September 2, 2011. See EIR Appendix E, Biological Resources. The Final Biotechnical Technical Report contains the following appendices that are also included in the Biotechnical Report in Appendix E:
  - Appendix A Plant and Wildlife Compendia
  - Appendix B Site Photographs
  - Appendix C Special Status Plant Species Survey Report, BonTerra Consulting, September 23, 2009. Appendix C also includes a Plant Compendium (Appendix A) and CNDDDB Forms (Appendix B).
  - Appendix D GLA Fairy Shrimp includes the following two Reports:
    - Report of a Wet-Season Survey for Listed Branchiopods Conducted for Oil Field Features at the 401-acre Newport Banning Ranch Property, Glenn Lukos Associates, Inc. May 26, 2009

**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

- Report of a Wet-Season Survey for Listed Branchiopods Conducted for Oil Field Features at the 401-acre Newport Banning Ranch Property, Glenn Lukos Associates, Inc. July 26, 2011
- Appendix E Results of Focused Burrowing Owl Surveys for the Newport Banning Ranch Project, BonTerra, July 17, 2009.
- Appendix F Results of Coastal California Gnatcatcher Surveys for the Newport Banning Ranch Project Site, BonTerra, July 17, 2009.
- Appendix G Results of Southwestern Willow Flycatcher and Least Bell's Vireo Surveys for the Newport Banning Ranch Project Site, BonTerra, September 21, 2009.
- Appendix H Draft Jurisdictional Delineation Report, Newport Banning Ranch, BonTerra, August 23, 2011.

*Additional Biological Resource Studies (Organized by Resource Type)*

***Burrowing Owl***

- Results of 2012 Focused Breeding Season Burrowing Owl Surveys Conducted for the Newport Banning Ranch Project, Located in Unincorporated Orange County and Newport Beach, Orange County, California. GLA, January 11, 2013. - **PRINTED**

***San Diego Fairy Shrimp***

- Summary of Protocol Surveys for Federally-Listed Vernal Pool Branchiopods Conducted on Newport Banning Ranch, City of Newport Beach and Unincorporated Orange County, California. Dudek, January 29, 2013. - **PRINTED**
- Memorandum - Recommendations Regarding Fairy Shrimp Surveys for Newport Banning Ranch, Newport Beach, California. Glenn Lukos Associates, May 7, 2013. - **PRINTED**
- Results of Wet Season Surveys for the Federally Listed Endangered San Diego Fairy Shrimp, Newport Banning Ranch, Orange County, California. GLA, October 18, 2000. - **PRINTED**
- Results of Dry-Season Survey for Listed Fairy Shrimp for a Single Feature at the 412.5-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, September 19, 2011. - **PRINTED**
- Examination of Soil Samples from an Orange County, CA Site for Fairy Shrimp Cysts. Ecological Restoration Services, 2012. - **PRINTED**
- 90-Day Dry-Season Protocol Survey Report for Federally-Listed Vernal Pool Branchiopods on the Newport Banning Ranch, City of Newport Beach and



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

Unincorporated Orange County, Orange County, California. Permit Numbers TE139634-2 and TE60147A-0. Dudek, January 29, 2013. - **PRINTED**

- Report of a Wet-Season Survey for Listed Branchiopods Conducted for a Seasonal Pool at the 412.5-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, April 21, 2008. - **PRINTED**
- Report of a Wet-Season Survey for Listed Branchiopods Conducted for a Seasonal Pool at the 403-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, May 26, 2009. - **PRINTED**
- Report of a Wet-Season Survey for Listed Branchiopods Conducted for Three Seasonal Pools at the 403-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, June 14, 2010. - **PRINTED**
- Report of a Wet-Season Survey for Listed Branchiopods Conducted for Oil Field Features at the 401-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, July 26, 2011. - **PRINTED**
- Report of 2011/2012 Wet-Season Survey for Listed Branchiopods Conducted for Oil Field Features at the 401-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, September 11, 2012. - **PRINTED**

***Pacific Pocket Mouse***

- Pacific Pocket Mouse Habitat Assessment for Newport Banning Ranch. Dudek, September 25, 2012. - **PRINTED**
- 90-Day Protocol Survey Report for the Federally-Listed Pacific Pocket Mouse on the Newport Banning Ranch, City of Newport Beach and Unincorporated Orange County, Orange County, California. Permit Number TE-068072-3, prepared by Dudek, August 26, 2013. - **PRINTED**

***Raptors***

- Raptor Survey Report for the Newport Banning Ranch. Dudek, January 2013. - **PRINTED**

***Vegetation***

- Revised Grassland Assessment and Vegetation Mapping Survey Report for the Newport Banning Ranch. Dudek, May 2013. - **PRINTED**



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

***Seasonal Features/Wetlands***

- Vernal Pool Approximate Watershed Study. FUSCOE, May 15, 2013. – **PRINTED 8-1/2 x 11 Figure only**
- Jurisdictional Determination of Seasonal Features for the Newport Banning Ranch. Dudek, May 2013. – **PRINTED 11 x 17 figure only**
- Jurisdictional Determination for Saltgrass Flats and Alkali Heath “Marsh” at the Newport Banning Ranch Property, Orange County, California. Glenn Lukos Associates. - **PRINTED**
- Peer Review of Jurisdictional Determination for Saltgrass Flats and Alkali Heath “Marsh” at the Newport Banning Ranch Property Report, Orange County, California. Dudek. - **PRINTED**

***California Gnatcatcher/Cactus Wren/Least Bell's Vireo***

- Winter Raptor Survey Results. LSA, April 6, 1992. - **PRINTED**
- Results of 1994 Gnatcatcher and Wren Surveys. LSA, April 7, 1994. - **PRINTED**
- Spring 1995 California Gnatcatcher Survey, LSA. June 26, 1995. - **PRINTED**
- Spring 1996 California Gnatcatcher Survey, LSA. April 16, 1996. - **PRINTED**
- Results of Focused Surveys for California Gnatcatcher for the Newport Banning Ranch Property. PCR, September 17, 1997. - **PRINTED**
- Results of Focused Coastal California Gnatcatcher Surveys for the Newport Banning Ranch Property in Orange County, California. PCR, November 1, 2000. - **PRINTED**
- Results of Protocol Surveys for the Coastal California Gnatcatcher; West Newport Oil Property, Orange County, California. GLA, October 14, 2002. - **PRINTED**
- Submittal of a 45-Day Report for Coastal California Gnatcatcher Presence/Absence Surveys for the 412.5-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, July 25, 2006. - **PRINTED**
- Submittal of a 45-Day Report for Coastal California Gnatcatcher Presence/Absence Surveys for the 412.5-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, July 19, 2007. - **PRINTED**

**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

- Results of Coastal California Gnatcatcher Surveys for the Newport Banning Ranch Project Site, Orange County, California. BonTerra, July 17, 2009. - **PRINTED**
- Technical Memorandum - Use Areas and Carrying Capacity for Coastal California Gnatcatcher on Newport Banning Ranch with Consideration of Proposed Impacts of the Proposed Sunset Ridge Park on the Newport Banning Ranch Property, Newport Beach, California. GLA, Revised June 10, 2010. - **PRINTED**
- MEMO - Clarification Regarding CAGN Mapping from 2002 Protocol Surveys Conducted by Glenn Lukos Associates for West Newport Oil. GLA, June 14, 2011. - **PRINTED**
- Focused California Gnatcatcher Survey, Newport Banning Ranch Project, Orange County, California. Dudek, May 31, 2013. - **PRINTED**
- Dudek's 2013 Focused Least Bell's Vireo Surveys, Newport Banning Ranch Project, Orange County, California, prepared by Dudek, August 21, 2013. - **PRINTED**
- Review and Comparison of California Gnatcatcher Surveys Results for the Newport Banning Ranch Property, Orange County, California. Dudek, October 15, 2013. - **PRINTED**

*Miscellaneous Biological Reports:*

- Jurisdictional Determination for the Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, August 29, 2008. - **PRINTED**
- Biological Technical Report for the Newport Banning Ranch Property, Newport Beach, California. GLA, April 21, 2009. - **PRINTED**
- Biological Assessment for the Newport Banning Ranch Property, Newport Beach, California. GLA, May 5, 2009. - **PRINTED**

12. *Resource Constraints Map. Thank you for the submittal of the Resource Constraints map. However, the submitted map does not appear to include identification of the areas not subject to resource constraints. Please provide a second page to the resource constraints map which identifies the areas where there is a lack of the resource constraints (i.e. wetlands, vernal pools, coastal sage scrub occupied by the California gnatcatcher, raptor foraging habitat used by sensitive species,*



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

*burrowing owl burrow areas or foraging habitat, purple needlegrass grassland, and any areas occupied by sensitive plant or animal species, and buffers around these areas) After review of the resource constraint plan, further alternative development plans will need to be identified, in conjunction with the filing of the application, to ensure avoidance of ESHA and wetlands (and any other significant coastal resources that are identified). (P. 9)*

Response:

Please see additional Resource Constraints Map included in this submittal (Attachments 8, 9 and 10). The Resource Constraints Map has been revised to include potential burrowing owl burrow habitat as identified by Bon Terra during preparation of the Project EIR, coastal sage scrub habitat potentially occupied by California gnatcatcher, and raptor foraging habitat used by sensitive species. As with the prior submittal, the Resource Constraints Plan includes buffers associated with potential resource constraints and consists of three (3) separate sheets in order to 1) clearly identify areas on the site with and without potential resource constraints absent the proposed development footprint, 2) identify areas on the site with and without potential resource constraints with the Proposed Project and 3) identify areas on the site with and without potential resource constraints with the CCC Alternative Project #2 plan developed by the Project Team in response to previous comments provided by Coastal Staff and in consultation with the USFWS. All sheets of the Resource Constraints Plan also include the abandonment/remediation disturbance areas, and thus reflect anticipated site conditions for reviewing potential resource impacts pursuant to the coastal development permit process.

13. *Roadways. The submitted cut/fill map indicates that a riparian canyon would be filled to allow for the construction of North Bluff Road (either near 18th Street or between 16th and 17th Streets. Coastal Act Section 30233 limits fill to wetlands to certain allowable uses, and only when there is no feasible less environmentally damaging alternative, and when mitigation is provided. Coastal Act Section 30236 limits substantial alterations of rivers and streams to certain allowable uses, which do not include roadways. Please submit an alternative road plan which does not require the filling of riparian corridors and/or wetlands. (P. 9)*

Response:

Please see the CCC Alternative Project #2 plan included in this submittal. Consistent with Sections 30233 and 30236 of the Coastal Act, the alternative plan eliminates fill of the site's primary drainages and the majority of impacts to riparian and wetland habitat within the drainages by eliminating North Bluff Road (avoiding Drainages A and B) and by incorporating a span bridge into the design for Bluff Road where it crosses Drainage C.

14. *Storm Water Detention. Prior to completion of the file, please provide an analysis of whether the proposed stormwater detention structures would be consistent with Coastal Act Section 30231, requiring maintenance of biological productivity of streams and wetlands, Coastal Act Section 30233, regarding diking or filling of*



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

*open coastal waters and wetlands and movement of sediment, and Coastal Act Section 30236 regarding substantial alterations to streams? [Sic] Portions of these features appear to overlay existing ESHA. Please note that in similar projects, the CCC has not found that conversion of existing ESHA into water quality treatment facilities is consistent with the Coastal Act or Local Coastal Programs. Please also provide detailed plans for the proposed stormwater detention structures, including depth of the structures, their composition, and important elements such as energy dissipaters, riprap etc. (Page 9, ¶4)*

Response:

As previously reported, the location of the proposed stormwater detention basin is located in an area outside of and in avoidance of potential sensitive habitat. The proposed storm water detention basin is designed to manage storm water flows from upstream and transition flows from the upper mesa into the Lowlands in a controlled fashion to help facilitate future hydrologic connections within the Lowlands. The Basin will include energy dissipation design features for incoming pipes to manage the rates of flow entering the basin. The basin floor will be designed to provide additional water quality benefits although the entire water quality treatment volume will be satisfied upstream within the mesa and development footprint. The basin will be designed to fill up to 3-4 feet and discharge out various controlled outlet points (orifice control) to maintain existing flow rates to the Lowlands. Discharges into the Lowlands will also include energy dissipation design features to eliminate scour and erosion potential at the discharge point or downstream. The current plan identifies a maximum footprint required to effectively collect, manage and control flow discharges from the mesa, through the basin and into the Lowlands.

The proposed storm water basin is a part of a comprehensive water quality program, represents best management practices and will better existing conditions by intercepting run on from adjacent industrial areas.

*15. Fuel Modification Areas. Thank you for your comments regarding potential future reductions in proposed fuel modification areas. We look forward to reviewing revised fuel modification proposals prior to completion of the file. (P. 9)*

Response:

Comment Noted.

**C. Geology**

- 1. Bluff Edge Delineation. Thank you for the submittal of the slope analysis/bluff delineation exhibit. However, the submitted plan does not appear to be of precision sufficient to assess the bluff edge lines delineated by the applicant. The depicted bluff edge is discontinuous, appears to cross areas of steep (>20%) slopes, and does not appear to accurately depict the bluff edge in the northern part of the property. Please submit a set of large-scale topographic maps, with contours at an appropriately detailed interval, for example 2- 5 feet, to allow for the assessment of the plotted bluff*



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

*edges. Such contours should cover the entire property. In addition, please provide a plot of the surveyed bluff edge referred to in your 17 May 2013 letter. (Page 9, ¶6)*

Response:

Per your request, additional sheets are provided that include the greater level of detail requested. Please see Attachment 11, where Sheet 1 is the same as the prior submittal. Sheets 2, 3, and 4 are at a scale of 1"=50' to better show the relationship between the aerial survey contours and the defined top of bluff. The survey shots have also been added. The bluff edge was determined in conformance with both qualitative and quantitative definitions contained in "Establishing development Setbacks from Coastal Bluffs" by Johnsson, M.J., 2005. Regarding the northern part of the property, unlike the property edge facing West Coast Highway and the Semeniuk Slough, the existing terrain does not present a definitive bluff feature. As a result, this area has not been evaluated as a bluff in the prior CEQA work nor in the coastal application.

Please consider meeting John Olivier (civil) and Greg Silver (geotechnical) at the site to further understand the Bluff Edge condition.

2. *Bluff Retreat Rate. The estimated bluff retreat of 45 feet over the lifetime of the development Bluff Retreat Rate was justified by multiplying the minimum historic bluff retreat rate measured by 75 years. Other estimates based on the historical bluff retreat rates would include greater distances likely subject to erosion over the lifetime of the development. Although the 5/17/13 letter regarding effects of sea level rise stated that sea level rise would not affect bluff erosion, the submitted exhibits showed that sea level rise would affect the base of the bluff. Please clarify. Please estimate what the future bluff retreat rate over the next 75 years is likely to be, considering climate change and sea level rise, and provide a rationale for that estimate. Although structures appear to be located at least 60 feet from the bluff edge (see Master Development Plan included with 2/1/13 submittal), the parks and trails which are proposed to improve public access appear to be located within the area of the bluff estimated to erode. Please address whether -the stability of proposed park and trails along the bluff edge would be assured over the lifetime of the development. (Page 10, ¶2)*

Response:

In regards to the methodology for bluff retreat estimates and the statement above that "Other estimates based on the historical bluff retreat rates include greater distances likely subject to erosion over the lifetime of the development" we offer the following comments:

- The site's bluffs are not typical coastal bluffs with erosive wave forces at the toe. Given that the bluff toe will not be impacted even under climate change model predications and that the Santa Ana river has been channelized, the bluffs are essentially inland bluffs which happen to lie in the coastal zone. Consequently, typical coastal bluff failure mechanisms such as "Block failure of overhanging bluffs and sea caves" as discussed in Johnsson, 2005 are not applicable.



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

- The general methodology employed to determine the setback is consistent with that outlined by Johnsson in his 2005 paper entitled “Establishing Development setbacks from Coastal Bluffs”. More specifically after the bluff edge was determined, slope stability analyses were performed to address whether the bluff meets minimum requirements for slope stability. These analyses contained in the Geotechnical Report show the bluffs to be stable and that no setback is required from a gross stability standpoint both in the static and seismic cases. Following this first stage analyses the only applicable bluff retreat mechanism is the “more gradual, or grain-by-grain erosion” described in Johnsson, 2005. As discussed by Johnsson, this was evaluated by reviewing historical air photos and by overlaying historic topographic contours to determine past rates. It is our opinion that is the best and only rationale approach that can be used for the bluffs at this site.
- Most importantly, the historic bluff retreat rates determined from our analysis are heavily influenced by conditions which are either no longer present (i.e. Santa Ana river Flooding) or will be mitigated as part of the development (uncontrolled run-off from oil field activities). This is especially true for the upper portions of the rate range.
- Consequently, the lower end of the range in our opinion represents the best, and yet still conservative (i.e. it still contains the effects of conditions that will not be present), estimate of bluff retreat going forward.
- Thus, extrapolating the upper portions of the range would be incorrect and unjustified.
- This determination is also consistent with City of Newport Beach bluff set-back requirements which are based on decades of experience at this locale.
- The only thing in the future that may increase the bluff retreat rate would be “postulated” sea level inundation at the toe of the slope. As explained in our previous response, the bluff toe will be above the postulated sea level rise elevation. Consequently, no significant effect is projected. However, to add a safety factor in this regard and to solidify the bluff retreat estimates, it is recommended that armoring of the slope toe with rip rap be used to mitigate any bluff retreat accelerated by toe-of-slope erosion should sea level rise exceed that postulated by the climate change model other solutions that may be available in the next 75 years should also be considered to optimize protection if an adaptive management strategy is deemed necessary.
- Elimination of pipelines and the proposed bluff restoration will result in reducing short and long term erosion.

Regarding, the stability of the proposed parks and trails, there are not setback criteria established as there is for structures. It is expected that the maintenance entity will maintain the trail and park features throughout the lifetime of the project to optimize access and use.

3. *Alteration of Natural Landforms. The 5/17/13 letter states that bluff remediation is not required to: a) protect existing development, or b) to protect proposed development, but rather to address erosion of the bluff. Bluffs are naturally subject to erosion, and new development should take such erosion into account by avoiding*



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

*areas of hazard as much as possible. Drainage improvements might limit anthropogenic erosion without the need for grading of the bluff face or edge. The proposed project does not include sufficient justification for the need to alter the existing landform by grading of the bluff face or edge. (P. 10)*

Response:

Comment noted. The Project Team understands that the Commission's review of the coastal development permit application will evaluate this project feature and supporting documentation for consistency with applicable Coastal Act policies.

*D. Development.*

1. *Project Heights. CLDP section 4.4.2 states: Outside of the Shoreline Height Limitation Zone, heights up to 50 feet are permitted within the planned community districts. However, the proposed structures appear to exceed 50 feet due to parapets. Please submit alternative plans which include heights of all structures on all plans, and which do not include any portions of the structure greater than 50 feet height.*

*Additionally, the 5/17/13 letter states that the proposed heights of the structures proposed in this Coastal Development Permit application would be consistent with the character of the surrounding areas, and uses as reference various structures located in the vicinity of the project site. Please provide a map of the structures chosen, along with their respective heights, and an assessment of the average height of the buildings in each area. (Page 10, ¶4)*

Response:

The City of Newport Beach approved PCDP for Newport Banning Ranch allows for the heights indicated in the Project Application. Buildings of varying heights are found throughout the city in the Coastal Zone – Mariner's Mile, Newport Center, Hoag Hospital – to name a few. Specifically, adjacent to the project both Mariner's Mile and Hoag Hospital exceed the 50' height referenced in Staff's comment. (Attachment 12)

2. *Lower Cost Visitor Serving Overnight Accommodations. The proposed hotel does not appear to provide low to moderate cost overnight accommodations. Mitigation such as the provision of such lower cost accommodations on-site and/or payment of an in-lieu fee will likely be required through the coastal development permit process. (Page 10, ¶5)*

Response:

Comment noted.

3. *Pedestrian Bridge. If the pedestrian bridge is proposed as part of the project, the following will be required prior to the completion of the file: 1) detailed plans and engineering studies 2) view simulations from multiple perspectives, both near and far away, and 3) clarification of whether the proposed structure would be located on the bluff face or within the bluff top setback, or in any way result in alteration to natural land forms. (Page 10, ¶6)*

**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

Response:

Included in this resubmittal (Attachment 13) re the following:

- An enlarged scale drawing of the pedestrian bridge. This exhibit reflects the location of the top of bluff and bluff setback area. Detailed plans and engineering studies are not available at this time because the CDP has not yet been approved. It is our expectation that Special Conditions will require this matter be addressed, prior to commencement of bridge construction.
- Additional view simulations have been prepared to show near and distant views of the bridge from both directions.

5. *Development Agreement. Thank you for your comments regarding the development agreement. For clarity, please state whether the development agreement is a formal part of the subject application, or whether the agreement is excluded from the subject application and will be submitted as a separate application. (Page 11, ¶2)*

Response:

The Development Agreement is part of the CDP Application and pursuant to Government Code Section 65869, the Agreement is submitted as part of the CDP Application for formal Coastal Commission approval.

6. *Approvals from other agencies. Please provide the status of the approvals process for each of the agencies listed on page l-4 of the CDP application letter. The CDP Application states that the majority of the site is currently located within unincorporated Orange County. What approvals are necessary from Orange County and have those approvals been received? Please provide a copy of the Statement of Intent filed with the Local Agency Formation Commission'(LAFCO)*

Response:

Annexation of the site will not occur until after a CDP is issued.

- U.S. Army Corps of Engineers (USACE)  
Early coordination and a site visit conducted with USACE in 2008/2009 resulted in a jurisdictional determination for USACE wetlands as identified in GLA's March 2009 wetland delineation report.; USACE personnel have indicated they would like to see the delineation data for additional seasonal pools.
- State of California Department of Conservation, Department of Oil, Gas and Geothermal Resources (DOGGR)
- Orange County Health Care Agency
- Local Agency Formation Commission (LAFCO)  
Annexation of the site will not occur until after a CDP is issued. The Development Agreement, previously provided, states:



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

*In addition to the foregoing, the Parties mutually acknowledge and agree that Landowner shall not be required to consent to completion of the annexation of any portion of the County Property into City prior to the date that the California Coastal Commission approves a Coastal Development Permit for the Project consistent with the Development Plan and such approval becomes "final"*

- California Department of Transportation (Caltrans)
  - U.S. Fish and Wildlife Service (USFWS)  
Ongoing coordination with the USFWS is being conducted to address potential project impacts and mitigation for federally-listed species. This coordination has included preliminary consultation on the Draft HCCMP strategy, required impact analysis, and other potential project design features that will be applicable to the Biological Assessment/Biological Opinion process.
  - California Department of Fish and Game
  - Regional Water Quality Control Board (RWQCB)
7. *Co-Applicant Invitation: The sole applicant identified in the permit application is Newport Banning Ranch LLC (NBR LLC). Two other entities, Aera Energy LLC and Cherokee Newport Beach LLC, were identified as property owners. If there are any other entities that have any property interest in the area proposed for development, those entities must also give NBR LLC the authority to apply for and to undertake the proposed development. Furthermore, please demonstrate that all individuals signing on behalf of any LLC (or similar type entity) have the legal authority) to do so on behalf of those LLCs.*

*The submitted evidence for the authority) to undertake development off-site include the City' of Newport Beach Council resolutions, City of Costa Mesa Traffic Mitigation Agreement (which according to a public comment received has been postponed from the June 4th hearing), and MOU between NBR LLC and the Newport-Mesa Unified School District. Proof of the authority' to undertake development on off-site locations does not appear to have been submitted for: 1) the footing of the pedestrian bridge on the seaward side of Coast Highway, or CalTrans approval (if required) for encroaching over the highway 2) approvals from property owners for the widening of 15th, 16th, and 17th Streets. Please state whether the applicant has the authority to undertake development in these areas.*

*Please distribute the co-applicant invitation form to any party which has a property interest in the subject site or the areas subject to off-site development, and return the completed forms stating whether those parties wish or do not wish to be a co-applicant.*

**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

*Also please note that the proposed road leading from the subject site to Sunset Ridge Park may require a separate proof of authority to undertake development from the City of Newport Beach (as it is located outside of the public right of way).*

*Additionally, the proposed road would likely require an amendment to Coastal Development Permit No. 5-11-3 02. (Page 11, ¶4)*

**Response:**

The development agreement for Newport Banning Ranch, approved in July and August 2012, states the following:

“Landowner” shall mean Aera Energy LLC, a California limited liability company, as to an undivided one-half (1/2) interest in the Property, and Cherokee Newport Beach, LLC, a Delaware limited liability company, as to an undivided one-half (1/2) interest in the Property, and any successor or assignee to all or any portion of the right, title, and interest of Aera Energy LLC and Cherokee Newport Beach, LLC, in and to ownership of all or a portion of the Property. In this regard, Landowner has represented to City that Landowner previously granted to Newport Banning Ranch Limited Liability Company, a California limited liability company in which Aera Energy LLC and Cherokee Newport Beach, LLC, are the sole voting members (“NBR”), the exclusive right and option to purchase the Property from Landowner pursuant to that certain Restated and Amended Purchase Option Agreement dated as of December 20, 2005, and City acknowledges that if NBR acquires fee title to the Property pursuant to said agreement or otherwise NBR will at that time become the “Landowner” as referred to herein.

In connection with the above, Aera Energy LLC and Cherokee Newport Beach, LLC authorized NBR to act on all aspects of the CDP. NBR submitted proper authorization for Michael A. Mohler and George L. Basye with the initial CDP application on February 1, 2013.

With respect to the City of Costa Mesa, the Applicant and the City of Costa Mesa worked together to prepare a Traffic Fee Mitigation Agreement. Subsequently, the City of Costa Mesa tabled the matter until sometime in the future when approval of a CDP was more imminent. The Applicant will continue to work with the City of Costa Mesa to finalize the agreement at the appropriate time.

The associated impacts from the failure to implement off-site improvements in the City of Costa Mesa were overridden by the City’s project approval. They do not require the City of Costa Mesa’s approval to proceed. The Landowner has proposed to extend fees to the City of Costa Mesa as a “good neighbor” measure; however, it is not required for the project to proceed. The City of Newport Beach’s project approval includes a mitigation measure that requires the applicant work in good faith with Costa Mesa, but does not mandate an agreement or MOU with Costa Mesa as a condition of development. The City of Costa Mesa has indicated that they wish to proceed with any agreement after the CDP has been issued.



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

No offsite improvements are required from private property owners. The City of Newport Beach in approving the project, Mitigation Monitoring Program and conditions of approval, include the City's cooperation with offsite improvements.

NBR LLC is the applicant for the project. No other entities have surface rights, and therefore no other entities have a legal interest in the property/development subject to the CDP application. No other entities are required to consent to these proceedings.

8. *Tentative Map Approval. As part of the proposal, staff interprets the application submittals as including approval of a land division(s) as part of the proposed development. In light of this, the Commission requires strict compliance with the Subdivision Map Act (SMA) before it considers approval of divisions of land subject to SMA regulation. The submitted Tentative Tract Map No. 17308 for Condominium Purposes includes the subdivision of the subject property into approximately 251 lots. The application proposes 1,375 residential units, with some commercial units mixed into that matrix. In consideration of this, please provide documentation that the applicant has complied with the SMA for all proposed divisions of land necessary for the proposed development, including but not limited to, approved tentative maps for all subdivisions to accommodate development of all proposed residential development. In addition, please provide any resolutions adopted by relevant local governments that have approved tentative tract maps related to the proposed development. The submitted Tentative Tract Map No. 17308 for Condominium Purposes does not include such resolution, approving the map. (Page 12, ¶1)*

Response:

Included for your reference are a stamped approved tentative tract map and the approved resolution.

9. *Chain of Title. Thank you for the notification that the chain of title requested in the 3/1/13 notice of incomplete application is forthcoming. Please note that submittal of the chain of title information will be required prior to completion of the application. (Page 12, ¶2)*

Response:

Acknowledged. The chain of title is included as Attachment 16.

10. *Plans. The submitted plans are unclear as to the landscaping species proposed, the total amounts of impervious surface, and what water quality management features are proposed on each lot. Please submit an analysis of the amount or locations of water which can safely be infiltrated into the soils, and detailed plans detailing the water quality management features. Additionally, the plans should depict the amounts of landscaping on the site, with a clear note that the plant palette will be consistent with the plant palette requested above. Please also clarify whether the garden court homes (which appear to include 2 separate garages), and each of the other dwelling units on site, include 2 parking spaces per unit? (Page 12, ¶3)*



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

Response:

As previously reported, the 401 acre site is 89% pervious and 11% impervious under the existing conditions. Under the proposed conditions, the pervious area is reduced to 75% and the impervious areas increases to 25%. This results in an approximate increase in impervious surfaces of approximately 56 acres across the mesa and proposed development areas.

Infiltration opportunities within the Upper-Mesa where the development footprint is proposed has been ruled infeasible due to bedrock constraints, slope stability constraints and soil characteristics. Based on the high susceptibility of bluff top seepage, any water quality feature designed to promote infiltration within the Upper-Mesa development area is prohibited based on geotechnical considerations. Infiltration is feasible within the Lowlands based on soil characteristics and storage opportunity areas. Run-on from adjacent properties will be improved and Project runoff volumes will be delivered to the Lowlands in similar fashion as occurs under existing conditions and infiltration potential will remain similar to existing conditions.

Although lot by lot design details are not available at this time, measures to direct runoff from impervious surfaces to pervious surfaces will be integrated through site design measures during final design. Where applicable, the site design measure noted above such as rain gutters discharging into landscaped areas and selective porous materials will be evaluated for each lot and integrated where appropriate. More specifically, the use of rain barrels is anticipated to be an optional item for new homeowners. Individual landscaping species for each lot will be required to conform with the Master Development Plan, the Master Landscape Plan and Appendix C, Master Plant Palette.

From a regulatory perspective, the entire water quality volume and flow attenuation requirements will be met through the community-based biotreatment basins integrated throughout the development footprint. Low flows will be routed directly or diverted from main storm drain lines for treatment and flow attenuation within the biotreatment basins.

From a maintenance perspective, consolidating the biotreatment BMPs into community facilities versus lot by lot implementation is highly preferred based on the ability of trained HOA landscaping staff to maintain the biotreatment basins versus the reliance on individual homeowners to maintain their own biotreatment features.

Implementation of the proposed project will result in an overall reduction in annual pollutant concentrations as compared to existing conditions and annual mass loadings of total suspended solids will also decrease under existing conditions. Implementation of the project will also reduce excessive sedimentation and erosion of tributaries to the arroyos which deliver significant amounts of sediment to the Semeniuk Slough. Stabilization of these tributaries will reduce the rate of erosion to more natural conditions and reduce pollutant loads associated with sediment (i.e bacteria/pathogens) greater than 50% as compared to existing conditions.



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

- *Agriculture. Please clarify whether any grading or soil remediation would occur at any of the potential agricultural lands defined in the 5/17/13 submittal. Is the maintenance of agricultural lands possible in any of these areas through the introduction of agriculture, such as creation of a community garden? (P. 12)*

Response:

As described in detail in our May 17, 2013 letter, three (3) portions of the project site are underlain by soils that could potentially meet the prime agricultural land standards (if irrigated) pursuant to Coastal Act Section 30241. The large majority of these lands are located in two distinct areas within the lowlands and an immediately adjacent transition/upland area in the northern portion of the project site; both of which would be subject, in part, to abandonment and remediation activities for existing oil access roads, pipelines, oil well pads and other oil-related facilities. These two areas are not contiguous with other agricultural lands, are not in active agricultural uses, and the proposed project would not convert or otherwise commit these areas to non-agricultural uses as they are proposed to be maintained as open space within the NBR Open Space Preserve. Introducing agricultural uses in these areas of the site would preclude the restoration and enhancement opportunities proposed to establish and protect significant and contiguous onsite and offsite habitat areas. The third area containing potential agricultural soils is an isolated occurrence in the southeast portion of the site adjacent to urban development. This area is not contiguous with other agricultural lands, is not in active agricultural use, and is immediately adjacent to existing residential development. As such, the viability of establishing a new agricultural use on this portion of the site is limited by potential conflicts with surrounding urban uses, and would preclude use of the area for upland, active recreation.

- *Mitigation Phasing. Please note that the Coastal Development Permit process will address the phasing of different parts of the development. Specifically, the required mitigation will likely be required at the first stages of the project, and/or at certain points such as prior to the construction of residences, and/or prior to the issuance of the certificate of occupancy. Therefore, staff recommends that the project schedule be modified to ensure that completion of mitigation will be prioritized. (Page 12, ¶5)*

Response:

Noted. The schedule is based upon the City's adopted Mitigation Monitoring Program. As such time as special conditions are adopted by the Coastal Commission requiring the implementation of mitigation at an earlier point in time than identified by the City, the project schedule will be modified to incorporate the timing set forth in the CDP's Special Conditions.

*E. Archaeological Resources*

1. *The submitted letter states that archaeological site ORA 906 would be impacted by the construction of North Bluff Road, but that there are alternative road designs that do not impact ORA 906. Avoidance of impact is a type of reasonable mitigation that may be required for development projects which would impact archaeological resources. If there is an alternative project designs that would avoid impacts to*



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

*sensitive resources, staff recommends that the applicant incorporate the alternative into the project proposal. (P. 13)*

Response:

Comment noted. Again, in addition to the Project Alternative #1 design included with our last resubmittal package, the Project Team has prepared an additional CCC Project Alternative #2, included in this submittal, that is responsive to comments received by Commission Staff regarding archaeological resources, and which further responds to comments provided by Commission Staff and in consultation with the USFWS relative to protection of sensitive habitat areas and special-status species. We look forward to discussing the merits of the submitted Project Alternative and receiving additional guidance from Staff.

*F. Public Access*

- *Trails and Sea Level Rise. Thank you for your comments regarding trail design. Please provide analysis of how often trails will be subject to flooding, whether the trails are expected to last at least 75-100 years, and what design features of the trails are included to ensure that trails in flood prone locations will be able to withstand occasional flooding. Would the location of proposed trails allow for gradual landward migration of wetlands with increases in sea level over time? Similarly, is space provided for the gradual landward migration of the trails as well? (Page 14, ¶3)*

Response:

You're welcome. The elevation of the lowland trails varies from approximately 7' to 10'. The trail locations proposed are coincident with oil site access roads that have been operable for the last 30-40 years except in cases of storms. It is anticipated that temporary trail closures will occur after storms similar to other open space parks. Trail management techniques include limiting access to trails during storm events and immediately thereafter. Design features include constructing the trails out of decomposed granite or other suitable materials, and providing for erosion control. The trail systems would need to recede easterly with any landward migration of wetlands and/or increase in sea level over time. Adaptive management strategies for long-term maintenance of public access trails include making all public access trails subject to rolling easements to allow for landward relocation of trails with corresponding migration of wetlands and bluff erosion, consistent with the need to protect sensitive resources and private property, and/or employing design techniques such as elevated berms or boardwalks in the lowlands to accommodate changing tidal or flood conditions while avoiding temporal loss of the public access facilities and minimizing facility maintenance and reconstruction efforts.

- *A full Transportation Demand Management Plan, with analysis by a qualified professional, will be required prior to completion of the project. Please provide all agreements between the applicant and any governmental entity that would contribute to meeting the goals in the final TDM plan, including but not limited to, an agreement that will ensure compliance with section 30252(1) of the Coastal Act of "facilitating the provision or extension of transit service." Your resubmittal refers to a*



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

*commitment to coordinate with OCTA for a transit route. Please submit evidence of this commitment. (Page 14, ¶4)*

Response:

The Project includes implementation of a Transportation Demand Management Ordinance specific to the proposed development, which promotes and encourages the use of alternative transportation modes through development of the facilities to support alternate modes of travel. Consistent with the TDM Ordinance, the Project includes several TDM project design features including more than 7 miles of off-street multi-use public trails, on-street public bike trails, and paths for pedestrians, which serve as an alternative form of transportation to the use of vehicles. The trails would provide connections to on-site land uses and habitat areas and would connect to the existing regional trail system, other parks, and open space areas. The proposed pedestrian and bicycle bridge over West Coast Highway would provide access to bike lanes and pedestrian walkways on the south side of West Coast Highway and to the beach. The project also includes support facilities to facilitate access to and use of the alternate modes of transportation, including ample public parking, bicycle racks and staging areas.

The TDM project design features are the equivalent of a Transportation Demand Management Plan that has been integrated as a distinct element of the project description. The TDM project design features were carefully vetted and analyzed during the project's environmental review process by a number of qualified professionals, including Kimley-Horn and Associates, Inc. and the City of Newport Beach Transportation and Development Services Division. The findings of the certified Project EIR, associated technical appendix, and City Staff Reports confirm and detail the results of the professional analysis of the proposed project TDM features.

Consistent with Section 30252(1) of the Coastal Act, the project will facilitate the provision or extension of transit service via a coordinated effort with OCTA to allow for a transit route through the Project site and to provide bus stops and/or shelters as needed by OCTA to support the new service route. The City-approved Master Development Plan and the Newport Beach Planned Community Development Plan require that the Project be coordinated with OCTA for this purpose. Compliance with the provisions of the Master Development Plan and the Newport Beach Planned Community Development Plan is required as part of the Mitigation Monitoring Program for certified Project EIR and prior to issuance of City permits for the Project, which sufficiently demonstrates and confirms the Project's commitment to this proposed project element.

- *Proposed Commercial Uses. What is the estimated square footage of the proposed commercial uses? What portion of that would be primarily visitor serving, and what portion would be primarily resident serving? Would the commercial uses accommodate a variety of price ranges? Please provide an analysis of how the total amount of commercial and visitor serving commercial uses were determined to be appropriate for the amount of residential uses on the site and in the surrounding area, and how the proposed amounts of these uses would be sufficient to reduce vehicle miles traveled. (Page 14, ¶5)*



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

Response:

The proposed commercial uses approved by the City allows for 75,000 square-feet. It is not known at this time what the commercial uses would specifically be; however a list of the approved allowed uses are in the Planned Community Development Plan. It is anticipated that the uses would be both visitor serving and resident serving. It is entirely speculative to respond to the price ranges of the future uses, but one would assume that any commercial use would be priced to attract customers from a variety of financial ranges. The project includes a visitor serving component in the 75-room Coastal Inn and open space, parks and trails plan. The amount of commercial allowed on site and the uses permitted were determined by the City of Newport Beach in their 2006 General Plan Update and codified by the voters.

- *Parking. Does the Guest parking indicated on attachment 33 to the 5/17/13 letter composed of parking which is available to the general public, or to the specific owners of the residential units? (Page 14, ¶6)*

Response:

All parking indicated is available to the General Public.

- *Fees. Based on the information submitted to date, Commission staff has determined that the proposed project will be processed on the Regular Calendar. The fee for processing the proposed project is \$265,250. You have submitted a fee of \$159,150, and requested a reduction in permit fees pursuant to California Code of Administrative Regulations Section 13055 (h) (3). This section states, in part:*

*After registering a project with an approved third-party certification program, applicants expecting to obtain a certification that qualifies for the above-mentioned fee reduction must submit 60% of the filing fee required pursuant to section 13055 and a letter of credit or other cash substitute approved by the executive director in the amount of the remainder of the required filing fee.*

*Please submit either: 1) proof that you have registered your project with mi approved third-party certification program and a letter of credit or other cash substitute for the approval of the Executive Director, or 2) the balance of the remaining permit fee, at \$106,100. Please note that this is the fee based on the current fee schedule. Fees are adjusted annually based on CPL. The required fee will continue to be adjusted until the application is deemed 'filed'. (Page 15, ¶2)*

Response:

Please find our LEED registration forms as Attachment 17 to this response. Additionally we have included a Letter of Credit (Attachment 19).



**Attachments Inventory**  
**CCC Response #2**

<b>Attachment</b>	<b>Description</b>
1	CCC Alternative Project #1 (May response)
2	CCC Alternative Project #2
3	May Response (Letter Only), May 17, 2013
4	Hori (Threshold Issues) Letter, July 3, 2013
5	CCC Meeting Request Letter, August 21, 2013
6	Habitat Conservation and Conceptual Mitigation Plan (HCCMP)
7	Biological Resource Studies (see Bio Index below)
8	Resource Constraints Plan, October 2013
9	Resource Constraints Plan with Oil Field Abandonment and Site Remediation
10	Abandonment/Remediation, October 2013
11	Bluff Edge Delineation (Slope Analysis/Bluff Delineation Map)
12	Height Inventory Vicinity Map
13	Pedestrian Bridge View Simulations
14	City of Newport Beach Resolutions of Approval of Tentative Tract Map
15	Tentative Tract Map
16	Chain of Title (NOT PRINTED, INCLUDED ON CD – 2,000+ PAGES)
17	LEED Registration Forms
18	Letter of Credit

**Biological Resource Studies Index**  
*(Organized by Resource Type)*

*Additional Biological Resource Studies (Organized by Resource Type)*

***Burrowing Owl***

1. Results of 2012 Focused Breeding Season Burrowing Owl Surveys Conducted for the Newport Banning Ranch Project, Located in Unincorporated Orange County and Newport Beach, Orange County, California. GLA, January 11, 2013. - **PRINTED**

***San Diego Fairy Shrimp***

2. Summary of Protocol Surveys for Federally-Listed Vernal Pool Branchiopods Conducted on Newport Banning Ranch, City of Newport Beach and Unincorporated Orange County, California. Dudek, January 29, 2013. - **PRINTED**
3. Memorandum - Recommendations Regarding Fairy Shrimp Surveys for Newport Banning Ranch, Newport Beach, California. Glenn Lukos Associates, May 7, 2013. - **PRINTED**

## **Coastal Development Permit Application 5-13-032**

### **Newport Banning Ranch**

---

4. Results of Wet Season Surveys for the Federally Listed Endangered San Diego Fairy Shrimp, Newport Banning Ranch, Orange County, California. GLA, October 18, 2000. - **PRINTED**
5. Results of Dry-Season Survey for Listed Fairy Shrimp for a Single Feature at the 412.5-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, September 19, 2011. - **PRINTED**
6. Examination of Soil Samples from an Orange County, CA Site for Fairy Shrimp Cysts. Ecological Restoration Services, 2012. - **PRINTED**
7. 90-Day Dry-Season Protocol Survey Report for Federally-Listed Vernal Pool Branchiopods on the Newport Banning Ranch, City of Newport Beach and Unincorporated Orange County, Orange County, California. Permit Numbers TE139634-2 and TE60147A-0. Dudek, January 29, 2013. - **PRINTED**
8. Report of a Wet-Season Survey for Listed Branchiopods Conducted for a Seasonal Pool at the 412.5-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, April 21, 2008. - **PRINTED**
9. Report of a Wet-Season Survey for Listed Branchiopods Conducted for a Seasonal Pool at the 403-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, May 26, 2009. - **PRINTED**
10. Report of a Wet-Season Survey for Listed Branchiopods Conducted for Three Seasonal Pools at the 403-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, June 14, 2010. - **PRINTED**
11. Report of a Wet-Season Survey for Listed Branchiopods Conducted for Oil Field Features at the 401-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, July 26, 2011. - **PRINTED**
12. Report of 2011/2012 Wet-Season Survey for Listed Branchiopods Conducted for Oil Field Features at the 401-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, September 11, 2012. - **PRINTED**

### ***Pacific Pocket Mouse***

13. Pacific Pocket Mouse Habitat Assessment for Newport Banning Ranch. Dudek, September 25, 2012. - **PRINTED**
14. 90-Day Protocol Survey Report for the Federally-Listed Pacific Pocket Mouse on the Newport Banning Ranch, City of Newport Beach and Unincorporated Orange County,



**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

Orange County, California. Permit Number TE-068072-3, prepared by Dudek, August 26, 2013. - **PRINTED**

***Raptors***

15. Raptor Survey Report for the Newport Banning Ranch. Dudek, January 2013. – **PRINTED**

***Vegetation***

16. Revised Grassland Assessment and Vegetation Mapping Survey Report for the Newport Banning Ranch. Dudek, May 2013. – **PRINTED**

***Seasonal Features/Wetlands***

17. Vernal Pool Approximate Watershed Study. FUSCOE, May 15, 2013. – **PRINTED** 8-1/2 x 11 Figure only
18. Jurisdictional Determination of Seasonal Features for the Newport Banning Ranch. Dudek, May 2013. – **PRINTED** 11 x 17 figure only
19. Jurisdictional Determination for Saltgrass Flats and Alkali Heath “Marsh” at the Newport Banning Ranch Property, Orange County, California. Glenn Lukos Associates. - **PRINTED**
20. Peer Review of Jurisdictional Determination for Saltgrass Flats and Alkali Heath “Marsh” at the Newport Banning Ranch Property Report, Orange County, California. Dudek. – **PRINTED**

***California Gnatcatcher/Cactus Wren/Least Bell's Vireo***

21. Winter Raptor Survey Results. LSA, April 6, 1992. - **PRINTED**
22. Results of 1994 Gnatcatcher and Wren Surveys. LSA, April 7, 1994. - **PRINTED**
23. Spring 1995 California Gnatcatcher Survey, LSA. June 26, 1995. - **PRINTED**
24. Spring 1996 California Gnatcatcher Survey, LSA. April 16, 1996. - **PRINTED**
25. Results of Focused Surveys for California Gnatcatcher for the Newport Banning Ranch Property. PCR, September 17, 1997. - **PRINTED**
26. Results of Focused Coastal California Gnatcatcher Surveys for the Newport Banning Ranch Property in Orange County, California. PCR, November 1, 2000. - **PRINTED**
27. Results of Protocol Surveys for the Coastal California Gnatcatcher; West Newport Oil Property, Orange County, California. GLA, October 14, 2002. - **PRINTED**

**Coastal Development Permit Application 5-13-032**  
**Newport Banning Ranch**

---

28. Submittal of a 45-Day Report for Coastal California Gnatcatcher Presence/Absence Surveys for the 412.5-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, July 25, 2006. - **PRINTED**
29. Submittal of a 45-Day Report for Coastal California Gnatcatcher Presence/Absence Surveys for the 412.5-acre Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, July 19, 2007. - **PRINTED**
30. Results of Coastal California Gnatcatcher Surveys for the Newport Banning Ranch Project Site, Orange County, California. BonTerra, July 17, 2009. - **PRINTED**
31. Technical Memorandum - Use Areas and Carrying Capacity for Coastal California Gnatcatcher on Newport Banning Ranch with Consideration of Proposed Impacts of the Proposed Sunset Ridge Park on the Newport Banning Ranch Property, Newport Beach, California. GLA, Revised June 10, 2010. - **PRINTED**
32. MEMO - Clarification Regarding CAGN Mapping from 2002 Protocol Surveys Conducted by Glenn Lukos Associates for West Newport Oil. GLA, June 14, 2011. - **PRINTED**
33. Focused California Gnatcatcher Survey, Newport Banning Ranch Project, Orange County, California. Dudek, May 31, 2013. - **PRINTED**
34. Dudek's 2013 Focused Least Bell's Vireo Surveys, Newport Banning Ranch Project, Orange County, California, prepared by Dudek, August 21, 2013. - **PRINTED**
35. Review and Comparison of California Gnatcatcher Surveys Results for the Newport Banning Ranch Property, Orange County, California. Dudek, October 15, 2013 - **PRINTED**

***Miscellaneous Biological Reports:***

39. Jurisdictional Determination for the Newport Banning Ranch Property, City of Newport Beach and Unincorporated Orange County, Orange County, California. GLA, August 29, 2008. - **PRINTED**
40. Biological Technical Report for the Newport Banning Ranch Property, Newport Beach, California. GLA, April 21, 2009. - **PRINTED**
41. Biological Assessment for the Newport Banning Ranch Property, Newport Beach, California. GLA, May 5, 2009. - **PRINTED**