



Via Email Transmission

March 15, 2012

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*In Memoriam*

Karl Schwing  
California Coastal Commission  
Long Beach, CA 90802

Dear Karl,

I want to thank you, John and Andrew for meeting with me and other representatives of the Banning Ranch Conservancy ("BRC") on Tuesday, March 13, to review the proposed application by the City of Newport Beach ("City") for the new Sunset Ridge Park project ("SRP"). We know you at the California Coastal Commission ("Commission") are very busy and we do appreciate your valuable time spent with us.

As I mentioned at the meeting, BRC will submit a detailed letter of comment on the new proposed SRP in the very near future. This letter shall serve as a summary review of the SRP, with specific comment on the scheduling and processing of the application.

As noted in the Commission's file, the SRP application was received from the City on December 16, 2011. The Commission responded with a Notice of Incomplete Application on January 18, 2012. The City challenged that Notice on the basis that it had not been timely filed by the Commission. It appears that the Commission acquiesced to that challenge, making the official date of receipt of complete application December 16th. Since the City has no certified Local Coastal Plan ("LCP"), this application must be heard by the Commission, who retains original jurisdiction. In conformance with requirements of the Streamlining Act, the last date for the Commission to hear the matter would be June 13, 2012.

BRC herewith strongly recommends that the Commission schedule the SRP application for hearing on Wednesday, June 13, 2012, in Huntington Beach. You mentioned that the SRP might be scheduled at an earlier hearing, even as early as the next Commission meeting in April in Ventura. We take exception to this early scheduling and recommend the June 13 hearing date for the following reasons:

- a) The hearing would be in Huntington Beach, making it accessible to the concerned public. A great percentage of the members of the public most interested in this project are from the adjacent cities of Newport Beach and Costa Mesa as well as Huntington Beach and other nearby cities. The California Public Resources Code not only requires a public agency such as the Commission to allow public participation, but to "encourage" the fullest and widest public participation. To schedule this for hearing at a venue inconvenient to the concerned public members when a more accessible site and time is available does not fulfill this Code requirement. I know that the Commission is a strong advocate of public participation. We ask that commitment be honored in this case.

- b) South Coast items are normally scheduled on the Wednesday of Commission hearings. June 13 is a Wednesday. Therefore, that date conforms with normal scheduling and requires no special treatment on behalf of the applicant, the public, the Commission or staff.
- c) Given that Commission staff is already in the process of preparing its report and recommendation for the April Commission hearing, BRC has serious reservations that there is sufficient time for staff to fully review and analyze the outstanding issues being raised by BRC and others and that the review and recommendations may, therefore, not be fully vetted. While BRC will provide more detail in our later communication, we will provide a brief synopsis of some of these unresolved major issues in the following paragraph.
- d) A prime issue is what BRC alleges to be the continuing intentional and unpermitted mowing and destruction of coastal sage scrub / Encelia / potential California gnatcatcher / ESHA on the SRP site, in violation of the Coastal Act. Another issue is the recent discovery by BRC that the SRP site may contain suitable habitat for the rare and endangered Pacific Pocket Mouse; more time is needed to properly evaluate this potentially significant finding and to conduct appropriate protocol field studies. Yet another issue is the proposed access for emergency and maintenance vehicles. A careful reading of the SRP application shows that the City also intends to provide public access to the SRP for "shuttle buses" and, who knows, whatever else they may decide to allow. This public access would be from Pacific Coast Highway (raising safety issues) through the already Commission-declared ESHA on the adjacent Newport Banning Ranch property ("NBR"). This public access alone raises questions about potential impacts to those sensitive resources (plus there are additional questions about this "emergency and maintenance" access road on the SRP site and on both ends of its interface with the adjacent NBR). Additional disclosure, study and review for traffic, safety and resource impact issues are probably necessary.

BRCA is very pleased that the City has positively responded to the challenges that we and Commission staff and, indeed, the Commissioners raised to the original (and now withdrawn) application for a Sunset Ridge Park project. Having been among the original advocates for a park on Sunset Ridge, we look forward to the opportunity to fully support an appropriate park project that serves the public need and provides maximum resource protection. This new SRP application has much to like. But there are some new issues that need to be fully reviewed, analyzed and resolved. We simply ask that the Commission fully utilize the available time to do so. This will ensure that the process and the hearing are fair to both the applicant and the public. It will also permit staff and the Commissioners the opportunity for careful and complete evaluation of any outstanding issues.

BRC most certainly appreciates all the hard work and concern for the public and applicant displayed by every member of the Commission staff and the Commissioners. As stated above, we will provide a more detailed letter of comment on the SRP application in the very near future, but we felt it necessary to express our immediate concern for the process.

Again, BRC respectfully requests that the hearing on the new SRP application be scheduled for hearing on June 13, 2012, in Huntington Beach, for all the reasons stated herein. We look forward to your careful and thoughtful consideration

Please contact the undersigned at 310/961-7610, or via email at [steve.banningranch@hotmail.com](mailto:steve.banningranch@hotmail.com) for questions or for further information.

Thank you.

Sincerely,

*Steve Ray* /s/

Steve Ray  
Executive Director  
Banning Ranch Conservancy

cc: Honorable Chair and Commissioners, California Coastal Commission  
Dr. Charles Lester, Executive Director, California Coastal Commission  
Sherilyn Sarb, Deputy Director, California Coastal Commission  
Teresa Henry, District Manager, California Coastal Commission  
Dr. Terry Welsh, President, Banning Ranch Conservancy