

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Click here to go to
original staff report

Th13b

ADDENDUM

June 9, 2015

TO: Coastal Commissioners and Interested Parties

FROM: South Coast District Staff

SUBJECT: ADDENDUM TO **ITEM TH13B**, COASTAL DEVELOPMENT PERMIT APPLICATION NO. **5-14-1213 (City of Newport Beach Fire Rings)** FOR THE COMMISSION MEETING OF **June 11, 2015**.

A. REVISIONS TO THE STAFF REPORT

The applicant submitted a Fire Ring Management Plan dated May 29, 2015 providing more detail about the fire ring sign program, sale of charcoal, citation authority, and enforcement of the fuel restrictions. Commission staff recommends revisions to the special conditions and findings of the staff report dated May 29, 2015 to acknowledge this plan. Language to be deleted from the staff report is identified by ~~strike through~~ and where language is to be added, the font is in **bold, underline**.

1. Revise Special Condition 3 beginning on page 6 as follows:

3. Submittal of Final Signage Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a revised final sign program for the proposed fire rings that is in substantial conformance with the applicant's proposal, including, but not limited to, the preliminary plan dated 05/15/2015 **and the Fire Ring Management Plan dated 05/29/2015**, but which shall be modified as follows:

2. Add Special Condition 9 as follows:

9. Conformance with Fire Ring Management Plan. The applicant shall conform to the proposed Fire Ring Management Plan dated 05/29/2015. Any proposed changes to the approved plan shall be reported to the Executive Director. No changes to the approved plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Revise the second to last paragraph on page 2 (Summary of Staff Recommendation) to add the following after the last sentence:

Finally, to ensure that the fuel restrictions are enforced and impacts to air quality are minimized, the Commission imposes Special Condition 9 requiring the applicant to implement the proposed fire ring management plan.

4. Revise the final paragraph on page 3 (Summary of Staff Recommendation) and the third sentence of the final paragraph on page 23 of the findings (Section IV.J. California Environmental Quality Act (CEQA)) to reflect the addition of Special Condition 9 (Conformance with Fire Ring Management Plan).
5. Revise the following findings on page 11 (Section IV.A. Project Location & Description):

The applicant's permanent proposal includes plans for signage, sale of charcoal ~~and wood~~, **fire ring management**, and maintenance of the fire rings. The proposed signage plan indicates that the charcoal-only rings will be painted green with red stenciling in English and Spanish saying "Charcoal Only/Solo El Carbon/Danger Hot Coals." The applicant also proposes to install a total of three 18 inch by 24 inch pole signs on 8 foot posts to designate charcoal-only fire rings (one pole sign at each location) and put up one or two 36 inch by 24 inch A-frame or sandwich board signs within each charcoal-only fire ring area to make the fuel restriction clear to fire ring users. The applicant would remove the pole signs after the first summer season following issuance of the permit and stop putting out the A-frame signs after the second summer season following issuance of the permit. The ADA accessible fire rings would be marked with 10 inch by 10 inch decals noting that the rings are ADA accessible and asking the public to make them available to persons with disabilities when present. The applicant proposes to install one 30 inch by 24 inch interpretive/educational panel sign along the concrete paths adjacent to the fire rings to the east and west of Balboa Pier and at Corona del Mar State Beach that provide an overview of the fire ring layout, more detail about the fuel restrictions and air quality considerations, where to purchase charcoal and wood nearby, and safe fire ring practices (Exhibit #4, page 9). At the Newport Dunes Waterfront Resort & Marina, the applicant proposes to install signs in the public parking lot and at any pedestrian access points from Back Bay Drive, Back Bay View Park, and Bayside Drive. Finally, the applicant proposes to post information on both its website and on the Newport Dunes Waterfront Resort & Marina website advertising the availability of the fire rings.

The applicant proposes to make charcoal available for purchase "at-cost" near the fire rings at Corona del Mar State Beach and Balboa Pier **during high use periods**. Charcoal would be sold at the concession stand at Corona del Mar State Beach. At Balboa Pier, the City is looking for a **vendor to provide a kiosk or other self-service device to allow fire ring users to purchase charcoal and paraffin starters**~~retailer in the vicinity that will be open during evening hours to make charcoal available.~~ **The applicant proposes to update its website, Facebook page, and websites of related visitor-serving parties (e.g., Visit Newport Beach, Chambers of Commerce) regarding the fuels allowed and where charcoal can be purchased. The applicant also proposes to conduct outreach to area stores with a handout for persons purchasing s'mores kits, firewood, and charcoal for fire ring use (Exhibit #14).**

The applicant's proposed fire ring management plan summarizes the signage, information outreach and sale of charcoal described above, and proposes enforcement and supervision of fire ring use at Balboa Pier and Corona del Mar State Beach (Exhibit #14). The applicant proposes to update the City municipal code to allow charcoal, natural firewood, and low-smoke wood logs to be burned in appropriately-designated fire rings and describe an enforcement protocol. City staff will be able to issue Notices of Violation and Police Department staff will issue citations. The applicant will hire a supervision firm to provide visitor-friendly education, issue informational warnings for possible violations, call on-duty Police Department staff to issue citations when appropriate, and keep records of informational warnings issued. The applicant proposes to create a database of notices, warnings and citations issued to set appropriate monetary penalties for repeat offenders. The proposed management plan clarifies that persons using the ADA accessible fire rings without a disabled person present will not be subject to a warning or citation. The applicant will also provide notice to the public of and enforce "no burn days" in the winter when no beach burning is allowed. Finally, the applicant proposes that a minimum of two supervision staff will work at both Corona del Mar and at Balboa Pier during the following hours:

- **Busiest Season (Memorial Day to October 15) – Monday-Thursday from 5:00 p.m. to 11:00 p.m. or as needed depending on weather and crowds; Friday-Sunday from 1:00 p.m. to 11:00 p.m. or as needed depending on weather and crowds;**
- **On major holidays/ holiday weekends (Memorial Day, July 4th, Labor Day) – from 10:00 a.m. to 11:00 p.m.;**
- **Shoulder Seasons (October 16 to Thanksgiving Weekend and March 15 to Memorial Day Weekend) – Friday, Saturday from 5:00 p.m. to 11:00 p.m. or earlier if no one is at the beach; and**
- **Off-season (End of November to March 15) – supervision as needed when City staff observes or anticipates higher demand for the rings based on favorable weather conditions.**
- **NOTE: In any cold, wet or foggy or otherwise inclement weather during any period of the year, no staff nor supervision will be present.**

The applicant's proposed maintenance plan only applies to the fire rings near Balboa Pier and at Corona del Mar State Beach. According to this maintenance plan, fire rings will be soaked and cleaned on a daily basis during summer months. Outside of summer months the rings will be inspected Monday through Friday and cleaned as needed....

6. Revise the following findings on page 16 (Section IV.C. Public Access and Recreation):

...Recognizing that wood-burning rings may be more popular than charcoal-only fire rings, and that charcoal fuel generally costs more than wood fuel, the applicant's proposal also includes the sale of charcoal "at cost" at nearby retailers **during high use periods and posting of information about where charcoal can be purchased in the area on signs and on the City website** so that a fire ring user who only brought wood to the beach could purchase charcoal and still enjoy use of a fire ring **(Exhibit #14)**. Although a charcoal fire ring experience is not equivalent to a traditional wood bonfire enjoyed by many Californians, the applicant is trying to balance the need to protect the fire rings as existing lower cost recreational facilities under Section 30213 of the Coastal Act, comply

with the AQMD's Rule 444 spacing requirements for wood-burning fire rings, and ensure that other existing beach uses and public safety functions can coexist. The proposed permanent plan offers the best solution to these competing interests

7. Revise the second paragraph of the findings on page 21 (Section IV.F. Hazards):

....The applicant asserts that its permanent proposal—including some ADA accessible wood-burning fire rings, some charcoal-only fire rings, and some non-ADA accessible wood-burning fire rings—complies with AQMD Rule 444. **In addition, the applicant's proposed fire ring management plan provides for an enforcement protocol, tracking all notices, warnings, and citations issued, developing appropriate monetary penalties for repeat offenders, and use of supervision staff to ensure that the fire ring fuel restrictions are complied with (Exhibit #14). The AQMD submitted a letter to Commission staff on June 5, 2015 stating that the proposed permanent plan complies with AQMD rules and regulations, including Rule 444, if the applicant implements the proposed fire ring management plan. The Commission imposes Special Condition 9 requiring the applicant to implement the fire ring management plan dated May 29, 2015 to assure compliance with the management plan and AQMD regulations.**

8. Add the attached Fire Ring Management Plan dated May 29, 2015 as Exhibit 14.
9. Add the attached ex parte communication to Exhibit 13.

B. CORRESPONDENCE RECEIVED

Commission staff received five letters (see attached). The first letter is dated May 24, 2015 from the Central Newport Beach Community Association in support of the applicant's proposed permanent plan. Commission staff also received a letter dated June 1, 2015 from Denys H. Oberman requesting several text revisions to the staff report to clarify that the proposed permanent plan is shown in Exhibit #4, that the plan has community support, that the AQMD has indicated that the permanent plan meets its air quality regulations, and to incorporate the applicant's proposed Fire Ring Management Plan. Exhibit #4 is already referenced in Section IV.A (Project Location & Description) where the proposed permanent plan is described. The last paragraph of Section IV.B (Project History) notes that the proposed permanent plan was the result of consultation between the applicant and numerous interested parties, including residents of Newport Beach. Finally, Commission staff is recommending the revisions to the staff report described above in this addendum regarding the AQMD's letter and the applicant's proposed fire ring management plan.

On June 5, 2015 Commission staff received a letter from the South Coast Air Quality Management District indicating that the applicant's proposed permanent plan complies with the AQMD's air quality regulations if the applicant implements the proposed fire ring management plan dated May 29, 2015.

Finally, Commission staff received two letters on June 4, 2015 and June 5, 2015 from Newport Beach residents in opposition to wood-burning fire rings in front of residents' homes.

Fire Ring Management Plan

May 29, 2015

I – Information/Signage/Other

- A. City to comply with Signage Plan submitted to Coastal Commission.
- B. City will contract with outside firm to develop and install signage per the Plan (without diminishing coastal views) as follows:
 - Interpretive/educational user-friendly signs in Balboa Pier parking lot, CdM Parking Lot, and the Dunes that advise where to burn what (in English, Spanish, other language TBD). Signs shall state why the fire rings in NB are different from other places like HB, Dana Point/Doheny (proximity to residences).
 - Similar friendly-message via A-Frame signs that are posted at each site near the charcoal fire rings in English and Spanish.

NOTE: messages/signs will include NBMC sections to allow enforcement.
- C. City to update City web page, Facebook, and websites of related visitor-serving parties (Visit NB, Chambers of Commerce) as to the fuels that can be used, where charcoal can be purchased.
- D. City to outreach to area stores (grocery, hardware, other) with a handout for persons purchasing s'mores kits, firewood, and/or charcoal for beach burning.
- E. Rings will have different paint colors – green for charcoal, no paint for wood. ADA rings would have ADA decals near them on the hardscape noting that they are intended for ADA purposes.

II - Sale of Charcoal – Goal is to make it very simple for a beachgoer to purchase reasonably-priced charcoal without having to leave the lot/abandon a parking space/hike for very long.

- A. City will seek to contract with a vendor for high use periods to provide a kiosk, storage area, or similar self-service device to allow people to purchase charcoal and paraffin starters. For low use periods, information provided on signage and web as to where to purchase charcoal nearby if someone forgot it.
- B. At CdM, beach concession (food vendor) will sell charcoal to satisfy II-A.
- C. Charcoal to be sold at low cost similar to pricing at local Costco or Home Depot. Charcoal type will be as inexpensive and easily available as possible – Kingsford and/or Cowboy. OK to use charcoal w/lighter fluid already in it to discourage separate lighter fluid use.
- D. City's website and signage will identify where to purchase charcoal locally, what might be recommended for the best cooking experience. Provided in English, Spanish and other language TBD.

III - Ordinance Change/Citation Authority

- A. The City will update City's municipal code to:
 - a. Allow charcoal, natural firewood, and low-smoke wood logs to be burned in appropriately-designated fire rings; and

- b. Follow an enforcement protocol consistent with our administrative citation process (informational warnings, Notices of Violation, Administrative Citations of \$50, \$100 and more for subsequent offenses).
- B. NOV/Citation authority is now assigned to various City functions. City staff may issue NOVs as appropriate, but shall contact the PD for citations when appropriate.
- C. Supervision company (see IV below) will issue informational warnings where they see possible violations, and will keep a record of informational warnings issued. Supervision company staff will be instructed to call on-duty PD staff to issue citations when appropriate.
- D. Working with the supervision company's informational notices, City will build and keep a database of notices, warnings and citations to allow us City build to a citation level with monetary penalties for repeat offenders.
- E. City will provide notice to the public of and enforce "no burn days" in the wintertime when no beach burning at all is allowed.
- F. Persons using the ADA rings without a disabled person present will not be subject to warning or citation. These rings are primarily, but not exclusively, for persons with disabilities. Supervision firm will also work to attempt to accommodate disabled persons' access in as cooperative a way as possible as rings get crowded.

IV – Supervision – Fire Ring Ambassadors

- A. City will contract with a private-sector supervision firm that provides visitor-friendly education and information leading to enforcement.
- B. City will regularly train the supervision staff as to friendly customer service (if needed).
- C. As noted above, City will require the supervision firm to assist in keeping records of informational notices that could help build repeat offender databases.
- D. Generally, City will provide that the firm provide a minimum of two supervision staff each at CDM and Balboa and will work the following hours:
 - a. Busiest Season – Memorial Day – October 15 – Mon-Thursday from 5:00 p.m. to 11:00 p.m. or as needed depending on weather and crowds; Friday-Sunday from 1:00 p.m. to 11:00 p.m. or as needed depending on weather and crowds; and
 - b. On major holidays/ holiday weekends (Memorial Day, July 4th, Labor Day), from 10:00 a.m. to 11:00 p.m.; and
 - c. Shoulder Seasons – October 16 to Thanksgiving Weekend and March 15 to Memorial Day Weekend – Friday, Saturday from 5:00 p.m. to 11:00 p.m. or earlier if no one's at the beach; and
 - d. Off-season – End of November to March 15 – supervision as needed when City staff observes or anticipates higher demand for the rings based on favorable weather conditions.
 - e. NOTE: In any cold, wet or foggy or otherwise inclement weather during any period of the year, no staff nor supervision will be present.

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Carole Groom

1) Name or description of project: Th13b - Application No. 5-14-1213 (Fire Rings)

2) Date and time of receipt of communication: June 4, 2015 at 3:30 p.m.

3) Location of communication: Telephone

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: David Neish

5) Identity of person(s) on whose behalf communication was made: Coalition of
Concerned Citizens and Residents of Newport Beach

6) Identity of persons(s) receiving communication: Carole Groom

7) Identity of all person(s) present during the communication: Carole Groom, David
Neish

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

The representative of the Coalition of Concerned Citizens and Residents of Newport Beach explained that following a very long process of discussions, public meetings and negotiations between various parties, the Coalition is in agreement with staff's recommendation of Alternative #17. He indicated that the City, AQMD and residents are in support of the final proposal and special conditions. Furthermore, Mr. Neish indicated that they are in support of an additional Special Condition #9, which is the Fire Ring Supervision Protocol.

JUNE 5 2015
Date

CAROLE GROOM
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.



Central Newport Beach Community Association

PO Box 884 • Newport Beach, CA • 92661-0884

www.CentralNewport.Org

Date: May 24, 2015

To: California Coastal Commission, Sherilyn Sarb, Erin Prahler, Karl Schwing

From: Central Newport Beach Community Association (CNBCA)

Subject: CNBCCA Fire Rings Position - Enter into Public Record

Dear California Coastal Commission,

On behalf of the CNBCCA Board of Directors I would like to inform you that we have reviewed the Fire Rings "Plan 17" prepared by the City, and it is acceptable to our CNBCCA members. Additionally, the City of Newport Beach and the Friends of the Fire rings have also approved this Plan. The CNBCCA considers Plan 17 to be an acceptable and reasonable community compromise.

We appreciate your action on behalf of the community regarding this important matter and we are confident that Plan 17 will meet all requirements.

Best regards,

Scott Robinson
CNBCA President
949-280-0416
Scottrbsn@aol.com

June 1,2015

Via email

CALIFORNIA COASTAL COMMISSION
Attention: Ms. Erin Prahler, Sr. Analyst
200 Oceangate, Suite 1000
Long Beach, CA 90802

Re: City of Newport Beach-Coastal Development Permit Application no. 5-14-1213 including revisions, updates, and staff recommendations

LETTER OF COMMENT RE. CALIFORNIA COASTAL COMMISSION STAFF REPORT

Dear Ms. Prahler:

We are in receipt of and have reviewed, the Coastal Commission(CCC) Staff Report in connection with the City of Newport Beach's application for a Coastal Development Permit. We request that the following comments be included in the report and recommendations to more clearly identify the Permanent Plan requested to be approved by CCC, and the Commission's approval thereof, as well as approval of the most recent version of the Management Plan submitted by the City:

- 1) The Project Description should be clarified to read..."Request to specifically define the recommended plan as a Permanent Plan, as set forth in Exhibit #4- Plan 17"
- 2) Add to the first paragraph of Staff summary beginning at the end of line 4..."The City is seeking approval of the Permanent Plan set forth as "Plan 17" in Exhibit 4 of the Staff Report. The Permanent Plan constitutes a community compromise acceptable to the various stakeholder groups, and which the AQMD has indicated meets with air quality parameters."
- 3) The City's email to the CCC Staff dated May 13, 2015 documenting its Preferred Plan and the "Community compromise" be added to the Staff Report, and identified as Plan 17 in the Exhibit 4, which is the Permanent Plan.
- 4) We request that the Management Plan of May 29,2015 submitted by the City after preparation of the CCC Staff Report be distributed to the Commissioners as soon as possible, with a recommendation that such plan be made part of the Commission's approval, either by incorporation into Special Condition #3, or by addition as a new Special Condition #9.

We appreciate your consideration and assistance.

Sincerely,
Denys H. Oberman , on behalf of
Coalition of concerned citizens and residents of Newport Beach

RECEIVED
South Coast Region

JUN 05 2015

CALIFORNIA
COASTAL COMMISSION



South Coast Air Quality Management District

Office of the Executive Officer
Barry R. Wallerstein, D. Env.
909.396.2100, fax 909.396.3340

June 5, 2015

Via electronic mail

Steve Kinsey, Chairman
California Coastal Commission
1121 L Street, #503
Sacramento, CA 95814

RE: City of Newport Beach Fire Rings

Dear Chairman Kinsey:

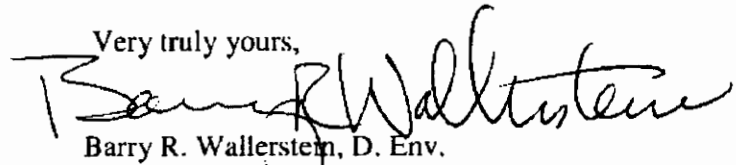
The staff of the South Coast Air Quality Management District appreciates the opportunity to comment on Item No. 13b on the agenda for the June 11, 2015 meeting of the Coastal Commission, Coastal Permit Application No. 5-14-1213 (City of Newport Beach Fire Rings).

The City of Newport Beach has submitted its preferred alternative—Plan 17—for addressing Commission and SCAQMD issues regarding fire rings located at City beaches. In addition, the City has provided the SCAQMD staff with an Implementation Protocol (Attachment 1) for Plan 17.

The SCAQMD staff has reviewed Plan 17 and the associated Implementation Protocol and believe that the combined program complies with SCAQMD rules and regulations, including Rule 444, as amended July 2013. In order, however, for the City to comply with Rule 444, it will be necessary for the City to carry out the Implementation Protocol in full.

Please do not hesitate to contact me if you have any questions.

Very truly yours,


Barry R. Wallerstein, D. Env.
Executive Officer

BRW:KW:pa
c:\share\kw\tus\L-Newport Beach-fire rings

cc: Charles Lester, Executive Director
Dave Kiff, City Manager, Newport Beach

**Implementation Protocol
(Fire Ring Management Plan*)
May 29, 2015**

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NOTE: messages/signs will include NBMC sections to allow enforcement.
- C. City to update City web page, Facebook, and websites of related visitor-serving parties (Visit NB, Chambers of Commerce) as to the fuels that can be used, where charcoal can be purchased.
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- D. City's website and signage will identify where to purchase charcoal locally, what might be recommended for the best cooking experience. Provided in English, Spanish and other language TBD.

III - Ordinance Change/Citation Authority

- A. The City will update City's municipal code to:

* Provided to SCAQMD June 2, 2015, by City of Newport Beach

- a. Allow charcoal, natural firewood, and low-smoke wood logs to be burned in appropriately-designated fire rings; and
 - b. Follow an enforcement protocol consistent with our administrative citation process (informational warnings, Notices of Violation, Administrative Citations of \$50, \$100 and more for subsequent offenses).
- B. NOV/Citation authority is now assigned to various City functions. City staff may issue NOVs as appropriate, but shall contact the PD for citations when appropriate.
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 - b. On major holidays/ holiday weekends (Memorial Day, July 4th, Labor Day), from 10:00 a.m. to 11:00 p.m.; and
 - c. Shoulder Seasons – October 16 to Thanksgiving Weekend and March 15 to Memorial Day Weekend – Friday, Saturday from 5:00 p.m. to 11:00 p.m. or earlier if no one's at the beach; and
 - d. Off-season – End of November to March 15 – supervision as needed when City staff observes or anticipates higher demand for the rings based on favorable weather conditions.
 - e. NOTE: In any cold, wet or foggy or otherwise inclement weather during any period of the year, no staff nor supervision will be present.

Item 13

Application # 5-14-1213 City of Newport Beach Fire Ring

Dear California Costal Commission,

I am a Newport Beach Resident who lives in front of the Balboa Peninsula Park West of the Balboa Pier in the 900 block of East ocean ft. My family has owned our property since 1978. My Brother owns the property next door. When we purchased the property there were 6 fire pits. Now there are 13 rings reduced down from 18 in January 2015. This number of rings was much to many for the space they occupied. In March the attempt to space the rings to 100 ft apart was somewhat accomplished however every time the sand bulldozers berm the sand, because of high surf, the spacing is not always maintained 100 ft apart. I know this because I measure it.

I am writing this letter because I am tired of reading about all the reasons why I want the rings to be lessened to as few wood burning rings as possible. The reason I want fewer rings is because of the huge amount of daily smoke that blows in my open windows when all the rings are in use. At times it is unbearable. I never needed the AQMD's report on the cancerous effects of smoke to the human body because I feel it everyday. The wheezing and shortness of breath. The coughing and chest pain. My husband was just diagnosed with Asthma. Anyone who would suggest that living less than 500 ft from 13 fire rings, burning treated wood and miscellaneous garbage everyday would not have negative health effects is uneducated and trading their political agenda for what is correct. There is no monitoring of what is burned and mostly people like to bring scraps of wood that they have no where to dispose of. I have many photographs of everyday burning. All the homes in front of these rings are being exposed to carcinogens and there are scientific studies to prove it. The Internet is full of the direct link between wood smoke and ten different cancers. The AQMD report is just one study. There is substantial evidence to the deleterious effects to damaging health. For the residents who live here it is offensive to be accused of racism or social profiling when all you want is the same clean living environment everyone else is allowed. The city and other agencies will be financially responsible to pay out claims relating to this wood exposure. Especially knowing the causation and allowing it anyway. This is not a game. I know a number of residents who have cancer and are waiting for the city to allow the concentration of rings to continue in front of the park and then will file suit against the city of Newport Beach, the AQMD and Costal Commission. All three agencies are complicit in forcing mob rule over medical evidence that will result in unnecessary deaths.

I am not against people gathering. I could care less what the people look like or how many of them there are. On any weekend there are thousands of people on the beach on both sides of the pier, removing some or all of the rings would not lessen the crowd. I have read all the different plans proposed by Newport Beach city council and all of them have too many wood burning rings in too close of a distance to each other and the homes. The Costal Commissions proposed permanent plan in front of peninsula park has 15 fire rings 30 ft apart. The is against the AQMD's requirement of 100 ft apart if they are less than 700 ft distance away from homes. The current distance from homes is less than 500 ft. this is a huge step backwards. The only plan that would really mitigate the smoke is single file rings all the way down the beach hundreds of feet apart. That way no one would be affected. There are many unused fire rings, 500 rings, on the beach in Huntington Beach, not exposing residents to cancerous smoke. Those rings have ample parking and are mostly unused and within miles of the Balboa rings. Lessening the concentrations of rings in residential areas like Balboa peninsula is the responsible way to proceed.

I implore the South Coast Air Quality Management District to do the right thing and not allow 60 or more, wood burning permanent wood burning fire rings in front of residents homes. The amount is too many, especially when there is the Huntington Beach alternative.

Most residents will not step forward because of the consequences of speaking out. I have been harassed and had eggs thrown at my home. I have been screamed at and called names outside the city council meetings and been threatened by members of the " Friends of the fire rings". The outspoken Peters family had to move because of the daily threats they were receiving. I will not give my name but am available to be contacted by email. Thank You.

RECEIVED
South Coast Region

JUN 05 2015

Agenda: Th13b

California Coastal Commission
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, Calif. 90802-4416

CALIFORNIA
COASTAL COMMISSION

RE: Fire Rings permit Application 5-14-1213

Dear Coastal Commissioners,

My house in Corona del Mar was built in 1949 and the fire rings came in 1964. For many years we have been subjected to wood smoke. However, we did not know how harmful its effects were until a few years ago, when science caught up to the problem.

We have no air conditioning and in the summer, we have never been able to sleep with our windows open.

The prevailing winds blow the smoke from the fire rings into our bedroom.

Last year, when the AQMD recommended charcoal only to be burned in the fire rings, we could finally sleep with our windows open after all these years.

I know our neighbors were as grateful as we were.

I am begging you to please look at the science behind wood smoke when making your decision and ruling.

Please do not condemn us to harmful air.

Sincerely,

Karen James



2627 Cove St.
Corona del Mar, CA 92625
kjdelmar@yahoo.com
949-675-4412

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071



Th13b

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STAFF REPORT: REGULAR CALENDAR

Application No.: 5-14-1213

Applicant: City of Newport Beach

Location: Balboa Pier Area, Corona Del Mar State Beach and Newport Dunes Waterfront Resort & Marina, Newport Beach, Orange County
(APNs 048-320-03, 052-051-23, 052-051-24, 440-132-42)

Project Description: Request to authorize existing temporary plan to reduce the number of fire rings in the vicinity of Balboa Pier and at Corona del Mar State Beach from 60 to 56, relocate fire rings, and limit fire ring fuel to charcoal-only in some fire rings to comply with air quality regulations. Request to replace temporary plan with one to make 64 fire rings available to the public by adding fire rings to a new location, relocating fire rings, including a mix of wood-burning and charcoal-only fire rings, and making access to some fire rings ADA compliant. Also included in this application are after-the-fact approval of an existing ADA access path onto the beach east of Balboa Pier and 4 existing fire rings (part of the 64 total proposed) at the Newport Dunes Waterfront Resort & Marina.

Staff Recommendation: Approval with conditions

SUMMARY OF STAFF RECOMMENDATION:

The City of Newport Beach is seeking a coastal development permit to authorize a temporary plan to reduce the number of fire rings on city beaches, relocate the remaining rings, and limit fire ring fuel to charcoal-only in some fire rings to comply with air quality regulations. The temporary plan went into effect on January 23, 2015 and reduced the total number of fire rings from 60 to 56 fire rings, including 18 charcoal-only fire rings west of the Balboa Pier, 13 wood-burning fire rings east

of the Balboa Pier, and 13 wood-burning and 12 charcoal-only fire rings at Corona del Mar State Beach. In addition, the City is seeking approval to permanently add fire rings in one new location, relocate some fire rings in the vicinity of Balboa Pier and at Corona del Mar State Beach, include a mix of wood-burning and charcoal-only fire rings, and make some fire rings ADA accessible. This permanent proposal would include a total of 64 fire rings within City limits by providing 16 wood-burning rings and 16 charcoal-only rings in the vicinity of the Balboa Pier, 16 wood-burning and 8 charcoal-only rings at Corona del Mar State Beach, and 4 new wood-burning rings at the Newport Dunes Waterfront Resort & Marina. In connection with the permanent plan, the applicant seeks after-the-fact approval of an existing concrete ADA compliant access path onto the sand east of Balboa Pier and after-the-fact approval of 4 existing wood-burning fire rings on the beach at the Newport Dunes Waterfront Resort & Marina.

The primary Coastal Act issues raised by this application relate to public access and recreation, impacts from natural hazards, and protection of scenic views and water quality. The fire rings in the City of Newport Beach have historically been free to use and available to the public on a first-come, first-served basis. Demand for the fire rings is high, especially during summer months. Although changes in the number and location of fire rings could have adverse impacts on public access to these lower cost recreational facilities, the applicant's permanent proposal will expand public access by increasing the total number of fire rings available citywide, making fire rings available in a new location, and providing ADA accessible fire rings. Further, even though the restriction of fire ring fuel to charcoal-only does not provide an equivalent experience to a traditional wood bonfire and charcoal costs more than wood fuel, the applicant's permanent proposal limits the ratio of charcoal-only fire rings to approximately 37% of the fire rings and includes the sale of charcoal "at cost" at nearby retailers to minimize any adverse impact the fuel restriction may have on use of fire rings within and outside of Newport Beach. To ensure that these facilities are protected and to maximize the public's access to the fire rings, the Commission imposes **Special Condition 1** requiring the applicant to ensure that no fewer than 64 fire rings are available to the public at no cost and on a first-come, first-served basis within the City of Newport Beach. The Commission also imposes **Special Condition 2** requiring minimum hours of public access at the Newport Dunes Waterfront Resort & Marina.

To educate the public about the fire rings and fuel restrictions, the applicant proposes a signage plan that would provide tips for fire ring use and identify the charcoal-only rings. The Commission imposes **Special Condition 3** requiring a final signage plan to ensure that the signs do not adversely impact scenic and visual resources. Due to its oceanfront location, the proposed development may be exposed to the hazard of waves, erosion, storm conditions, sea level rise or other natural hazards. The Commission imposes **Special Condition 4** prohibiting construction of protective devices (such as a seawall) in the future and **Special Condition 5** requiring that the applicant assume the risk of undertaking the development.

The City does not own the Newport Dunes Waterfront Resort & Marina. The property is public tidelands granted to Orange County and leased to a concessionaire that is developed with a recreational vehicle park, launch ramp and boat storage, marina, restaurant, publicly accessible swim lagoon with sandy beach, boat rental dock, concessions, restrooms and public parking. Neither the County nor the lessee is a co-applicant on this application. However, the Director of Orange County Parks has informally indicated agreement that the City may install fire rings on the beach at the swim lagoon. The applicant has not yet submitted a formal agreement with the County

authorizing the proposed development on the Newport Dunes property to staff to ensure that the applicant has the legal ability to comply with this permit's conditions of approval. Therefore, staff recommends the Commission impose **Special Condition 8** requiring the applicant to submit an agreement with the County establishing that the applicant can comply with the conditions of this coastal development permit.

Staff is recommending **approval** of the proposed coastal development permit with **eight (8)** special conditions regarding: **1) Public Access to Fire Rings; 2) Public Access to Newport Dunes; 3) Submittal of Final Signage Plan; 4) No Future Shoreline Protective Device; 5) Assumption of Risk, Waiver of Liability and Indemnity; 6) Submittal of Final Maintenance Plan; 7) Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris; and 8) Proof of Legal Ability to Comply with Conditions.**

TABLE OF CONTENTS

I.	MOTION AND RESOLUTION.....	5
II.	STANDARD CONDITIONS:	5
III.	SPECIAL CONDITIONS:.....	6
IV.	FINDINGS AND DECLARATIONS:	9
	A. PROJECT LOCATION & DESCRIPTION	9
	B. PROJECT HISTORY	12
	C. STANDARD OF REVIEW	13
	D. PUBLIC ACCESS AND RECREATION	13
	E. SCENIC AND VISUAL RESOURCES.....	19
	F. HAZARDS	20
	G. WATER QUALITY	21
	H. UNPERMITTED DEVELOPMENT	22
	I. LOCAL COASTAL PROGRAM (LCP)	23
	J. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).....	23

APPENDICES

Appendix A - Substantive File Documents

EXHIBITS

Exhibit 1 – Vicinity Map

Exhibit 2 – Site Plans & Historical Footprints of Fire Rings

Exhibit 3 – Temporary Plan

Exhibit 4 – Permanent Plan

Exhibit 5 – South Coast Air Quality Management District Rule 444

Exhibit 6 – Alternative Plans

Exhibit 7 – Letter from City of Newport Beach to Commission staff, dated June 24, 2013

Exhibit 8 – Letter from City of Newport Beach to Commission staff describing Charcoal-only Fire Ring Use, dated July 16, 2014

Exhibit 9 – City Website – Advantages & Disadvantages of Charcoal

Exhibit 10 – Friends of the Fire Rings Newport Beach Survey, dated September 10, 2014

Exhibit 11 – Fire Ring Distribution Map

Exhibit 12 – Public Comment Letters

Exhibit 13 – Ex Parte Communications

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 5-14-1213 pursuant to the staff recommendation.*

Staff recommends a YES vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS:

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS:

This permit is granted subject to the following special conditions:

1. **Public Access to Fire Rings.** The permittee shall ensure that no fewer than 64 fire rings are available to the general public at no cost and on a first-come, first-served basis within the City of Newport Beach.
2. **Public Access to Newport Dunes.** Fire rings at the Newport Dunes Waterfront Resort & Marina shall be available to the public at a minimum between the hours of 8am and 10pm. This permit does not regulate hours of operation of the Newport Dunes Waterfront Resort & Marina or prohibit public access to the shoreline.
3. **Submittal of Final Signage Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a revised final sign program for the proposed fire rings that is in substantial conformance with the applicant's proposal, including, but not limited to, the preliminary plan dated 05/15/2015, but which shall be modified as follows:

The plan shall demonstrate the proposed location for the signage and shall not result in the direct placement of signage poles in sandy beach areas or other sensitive resource areas.

- A. The plan shall include at a minimum, the following components: sign material, dimensions, appearance, and clearly legible wording.
- B. The plan shall demonstrate that poles and signs are placed and oriented to minimize impacts on public views of the water.
- C. The plan shall minimize the number of signs marking the charcoal-only fire rings area. Charcoal-only fire rings shall be indicated by painting and stenciling on the fire rings. The City shall install one pole sign at each of the charcoal-only fire ring areas east and west of Balboa Pier and at Corona del Mar State Beach. The pole signs shall be removed after the first summer season following implementation of the permanent fire ring plan approved by this coastal development permit. The City shall also set out temporary A-frame signs on the sand in the charcoal-only area for the first two summer seasons following implementation of the permanent fire ring plan approved by this coastal development permit.
- D. The plan shall include signage at the Newport Dunes Waterfront Resort & Marina in the public parking lot and at any pedestrian access points from Back Bay Drive, Back Bay View Park, and Bayside Drive. In addition, the plan shall include information posted on the Newport Dunes Waterfront Resort & Marina website advertising the availability and location of fire rings. Signs and the website information submitted pursuant to this plan shall comply with the requirements of

Special Condition No. 2 (Public Access to Newport Dunes) of this coastal development permit.

- E. The plan shall include information posted on the City of Newport Beach website about the availability of fire rings.

The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. **No Future Shoreline Protective Device.**

By acceptance of this permit, the applicant agrees, on behalf of itself and all other successors and assigns, that no shoreline protective device(s) shall ever be constructed to protect the development approved pursuant to Coastal Development Permit No. 5-14-1213 including, but not limited to, any of the fire rings, ADA accessible paths, and signs, and any future improvements, in the event that the development is threatened with damage or destruction from waves, erosion, sea level rise, storm conditions or other natural hazards in the future. By acceptance of this permit, the applicant hereby waives, on behalf of itself and all successors and assigns, any rights to construct such devices that may exist under Public Resources Code Section 30235.

5. **Assumption of Risk, Waiver of Liability and Indemnity.** By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from flooding, sea level rise, erosion, fire and wave uprush; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

6. **Submittal of Final Maintenance Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and approval of the Executive Director, a revised final maintenance plan for all of the fire rings that are the subject of this permit, including all fire rings located on the beach at the Newport Dunes Waterfront Resort & Marina, that is in substantial conformance with the preliminary plan dated 05/15/2015. The plan shall be revised to identify, at a minimum, the party(ies) responsible for inspecting, cleaning and replacing fire rings, and the frequency of inspections and cleaning. If the applicant is not the responsible party for the maintenance or replacement of any fire rings, the applicant shall submit an agreement from the responsible party agreeing to be bound to the terms of the final maintenance plan.

7. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.

A. The permittee shall comply with the following construction-related requirements:

- (1) No construction materials, debris, or waste shall be placed or stored where it may be subject to water, wind, rain, or dispersion;
- (2) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of the project;
- (3) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters;
- (4) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control dust and sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into coastal waters; and
- (5) All construction materials, excluding lumber, shall be covered and enclosed on all sides, and as far away from a storm drain inlet and receiving waters as possible.

B. Best Management Practices (BMPs) designed to prevent spillage and/or runoff of construction-related materials, sediment, or contaminants associated with construction activity shall be implemented prior to the on-set of such activity. Selected BMPs shall be maintained in a functional condition throughout the duration of the project. Such measures shall be used during construction:

- (1) The applicant shall ensure the proper handling, storage, and application of petroleum products and other construction materials. These shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. It shall be located as far away from the receiving waters and storm drain inlets as possible;
- (2) The applicant shall develop and implement spill prevention and control measures;
- (3) The applicant shall maintain and wash equipment and machinery in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems. Washout from concrete trucks shall be disposed of at a location not subject to runoff and more than 50-feet away from a stormdrain, open ditch or surface water; and
- (4) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during construction.

8. Proof of Legal Ability to Comply with Conditions. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall demonstrate the applicant's legal ability or authority to comply with all the terms and conditions of this coastal development permit by submitting an agreement indicating that the County of Orange has granted a legal right, interest or other entitlement to the applicant to use the County's property for the proposed development.

IV. FINDINGS AND DECLARATIONS:

A. PROJECT LOCATION & DESCRIPTION

The proposed project is located on the sandy beach to the east and to the west of Balboa Pier, at Corona del Mar State Beach, and at the Newport Dunes Waterfront Resort & Marina, in the City of Newport Beach, Orange County (Exhibit #1). All four locations are designated as Parks and Recreation (PR) in the certified Newport Beach Coastal Land Use Plan (Coastal LUP). Balboa Pier is located at the terminus of Main Street on Balboa Peninsula (Exhibit #2). The area west of Balboa Pier includes a wide sandy beach next to a large public parking lot. The fire rings are located immediately west of the parking lot. The fire rings east of Balboa Pier are on the sand in front of Peninsula Park, a large beachfront park with barbecues, picnic tables, play equipment, and restrooms/showers. The fire rings in these two locations are walking distance to retailers and restaurants in Balboa Village.

Corona del Mar State Beach is located at 3001 Ocean Boulevard (Exhibit #2). Corona del Mar State Beach has been a part of the State Parks system since the mid-1940s and has been managed by the City of Newport Beach on behalf of State Parks since the mid-1950s. The beach is managed by the City of Newport Beach through an Operating Agreement between the City and the State last updated on August 1, 1999. Corona del Mar State Beach is a half-mile long sandy beach framed by coastal bluffs and a rock jetty that forms the east entrance to Newport Harbor and is located within an existing urban area surrounded by single family residential areas. In addition to the fire rings along the western end of the beach against the jetty, Corona del Mar State Beach offers several public amenities, including a food concessionaire, restrooms/showers, and volleyball nets.

The final site is the Newport Dunes Waterfront Resort & Marina located at 1131 Back Bay Drive on a cove in Upper Newport Bay (Exhibit #2). This property is state tidelands granted to Orange County and is developed with an RV park, launch ramp and boat storage, marina, restaurant, publicly accessible swim lagoon with sandy beach, boat rental dock, concessions, restrooms and public parking operated by a lessee. A total of four unpermitted fire rings are currently located on the sandy beach at this site. The applicant reports that the property is open to the public for beach access from 8am to 10pm.¹

In this application, the City seeks after-the-fact approval of a temporary fire ring plan, an existing concrete access path on the sand east of Balboa Pier, and four existing fire rings on the beach at the Newport Dunes Waterfront Resort & Marina. The City also seeks approval of a permanent fire ring plan. The applicant began implementing the temporary plan on January 23, 2015 and it remains in effect today. The applicant removed four fire rings, reducing the total number of fire rings in the vicinity of Balboa Pier and at Corona del Mar State Beach from 60 to 56 fire rings. The applicant also relocated the remaining fire rings and limited fire ring fuel to charcoal-only in some fire rings to comply with AQMD Rule 444 (described below in the Project History section). Under the temporary plan, 18 charcoal-only fire rings are available west of Balboa Pier, 13 wood-burning fire rings are available east of Balboa Pier, and 13 wood-burning and 12 charcoal-only fire rings are available at Corona del Mar State Beach (Exhibit #3).

¹ These hours have not been reviewed or approved by the Commission, and such review is not being requested by the applicant in the subject permit application.

The applicant's proposed permanent plan would add fire rings at one new location, relocate fire rings on City beaches, limit fuel type to charcoal-only in some fire rings, and make some fire rings ADA accessible. The City proposes to provide a total of 64 fire rings, including 9 wood-burning and 8 charcoal-only fire rings west of Balboa Pier (Exhibit #4, page 1), 7 wood-burning and 8 charcoal-only fire rings east of Balboa Pier (Exhibit #4, pages 2), 16 wood-burning and 8 charcoal-only fire rings at Corona del Mar State Beach (Exhibit #4, pages 3), and add 4 new wood-burning fire rings at the Newport Dunes Waterfront Resort & Marina (Exhibit #4, page 4) in addition to the 4 unpermitted wood-burning fire rings already on the beach at the Newport Dunes Waterfront Resort & Marina. To resolve the violations of the Coastal Act associated with the 4 unpermitted fire rings at the Newport Dunes Waterfront Resort & Marina, the applicant seeks after-the-fact approval of those rings.

A total of 12 wood-burning rings on either side of Balboa Pier and at Corona del Mar State Beach (4 rings at each location) would also be ADA accessible. The ADA accessible fire rings located west of Balboa Pier and at Corona del Mar State Beach will be located adjacent to existing sidewalks and reached via access paths constructed of Trex planks (Exhibit #4). East of Balboa Pier there is an existing unpermitted concrete access path that extends from the sidewalk separating Peninsula Park and the beach through the fire ring footprint onto the sand (Exhibit 4, page 3). This path is approximately 105 feet by 7.5 feet (787.5 square feet). The applicant is seeking after-the-fact approval of this access path and proposes to place 4 ADA accessible fire rings along the access path, thereby minimizing the amount of new hardscape installed on the beach.

The ADA accessible fire rings are slightly taller than standard fire rings (a maximum of 24 inches in height). Three of the 12 ADA accessible fire rings (1 at each location) will be surrounded by a 5 foot wide concrete access path, allowing a wheelchair to sit on any side of the ring without entering sand (Exhibit #4, pages 5-8). The other 9 ADA accessible fire rings will have a concrete pad between the main access path and the fire ring. Fire ring users in a wheelchair would only be able to access one side of these fire rings without entering the sand (Exhibit #4, pages 5-8). The Trex access path proposed west of Balboa Pier will add 415 square feet of hard surface on the sandy beach and the ADA accessible fire rings and access pads will add a total of 240 square feet of concrete to the sandy beach. The Trex access path at Corona del Mar State Beach will add 365 square feet of hard surface on the beach and another 202 square feet of concrete associated with the ADA accessible fire rings and access pads. East of Balboa Pier, the new ADA accessible rings and concrete access pads will add 240 square feet of concrete on the sandy beach. The ADA accessible rings will be spaced approximately 25 feet to 30 feet apart from each other and at least 100 feet from the nearest non-accessible wood-burning fire rings. As described in Section IV.B (Project History), ADA accessible fire rings are exempt from the Rule 444 spacing requirements.

At Balboa Pier and Corona del Mar State Beach, the charcoal-only fire rings will be configured in two rows of 4 rings, approximately 30 feet apart. As described in Section IV.B (Project History), charcoal-only fire rings are exempt from the spacing requirements in AQMD Rule 444. Five of the non-ADA compliant wood-burning fire rings at Corona del Mar State Beach are located more than 700 feet from the nearest residence at the southwestern corner of the proposed configuration, near the water. Because these rings are located at least 700 feet away from residences, the applicant states that they comply with AQMD Rule 444 and are not required to be placed any minimum distance apart. All other non-ADA accessible fire rings at Balboa Pier, Corona del Mar State Beach, and at the Newport Dunes Waterfront Resort & Marina will be spaced 100 feet apart.

The applicant's permanent proposal includes plans for signage, sale of charcoal and wood, and maintenance of the fire rings. The proposed signage plan indicates that the charcoal-only rings will be painted green with red stenciling in English and Spanish saying "Charcoal Only/Solo El Carbon/Danger Hot Coals." The applicant also proposes to install a total of three 18 inch by 24 inch pole signs on 8 foot posts to designate charcoal-only fire rings (one pole sign at each location) and put up one or two 36 inch by 24 inch A-frame or sandwich board signs within each charcoal-only fire ring area to make the fuel restriction clear to fire ring users. The applicant would remove the pole signs after the first summer season following issuance of the permit and stop putting out the A-frame signs after the second summer season following issuance of the permit. The ADA accessible fire rings would be marked with 10 inch by 10 inch decals noting that the rings are ADA accessible and asking the public to make them available to persons with disabilities when present. The applicant proposes to install one 30 inch by 24 inch interpretive/educational panel sign along the concrete paths adjacent to the fire rings to the east and west of Balboa Pier and at Corona del Mar State Beach that provide an overview of the fire ring layout, more detail about the fuel restrictions and air quality considerations, where to purchase charcoal and wood nearby, and safe fire ring practices (Exhibit #4, page 9). At the Newport Dunes Waterfront Resort & Marina, the applicant proposes to install signs in the public parking lot and at any pedestrian access points from Back Bay Drive, Back Bay View Park, and Bayside Drive. Finally, the applicant proposes to post information on both its website and on the Newport Dunes Waterfront Resort & Marina website advertising the availability of the fire rings.

The applicant proposes to make charcoal available for purchase "at-cost" near the fire rings at Corona del Mar State Beach and Balboa Pier. Charcoal would be sold at the concession stand at Corona del Mar State Beach. At Balboa Pier, the City is looking for a retailer in the vicinity that will be open during evening hours to make charcoal available.

The applicant's proposed maintenance plan only applies to the fire rings near Balboa Pier and at Corona del Mar State Beach. According to this maintenance plan, fire rings will be soaked and cleaned on a daily basis during summer months. Outside of summer months the rings will be inspected Monday through Friday and cleaned as needed. Fire ring material will be trucked to and disposed of with other beach debris at the City's Corporation Yard. The City will replace fire rings when they show signs of wear, including cracks and chips in the concrete. The warnings on the charcoal-only fire rings are generally repainted three times a year. In addition the rings may be temporarily relocated to avoid inundation during high surf or tide events or to allow construction of berms (Exhibit #4, page 10). At the Newport Dunes Waterfront Resort & Marina, the applicant proposes to provide the 4 new fire rings and to replace any of those rings, but has not proposed to provide daily maintenance for the 4 new fire rings it will install or for the ongoing maintenance and replacement of the 4 existing fire rings at this location.

Note regarding the applicant's ability to comply with the conditions of approval:

The City does not own the Newport Dunes Waterfront Resort & Marina. It is public tidelands granted to Orange County and leased to a concessionaire that is developed with an RV park, launch ramp and boat storage, marina, restaurant, publicly accessible swim lagoon with sandy beach, boat rental dock, concessions, restrooms and public parking operated by a lessee. Neither the County nor the lessee operating the resort is a co-applicant on this application. The Director of Orange County Parks has informally indicated agreement that the City may install fire rings on the beach at the

swim lagoon, however, the applicant has not yet submitted a formal agreement with the County authorizing the City to use the subject property for the proposed development to staff to ensure that the applicant has the legal ability to comply with this permit's conditions of approval. With regard to the applicant's ability to comply with the conditions of approval of this permit, the Commission imposes **Special Condition 8** requiring the City of Newport Beach to demonstrate its legal ability or authority to comply with all the terms and conditions of this coastal development permit, prior to issuance of the coastal development permit.

B. PROJECT HISTORY

Based on historical research provided by the City of Newport Beach, fire rings have been on the City's beaches since the late 1940s and early 1950s in roughly the same locations described above and have been maintained in their concentrated locations due to the fact that all three locations are adjacent to accessible parking facilities and are relatively distant from nearby private homes (Exhibit #7, page 4). There is no reservation system and the City does not charge a fee for use of the fire rings.

Prior to January 23, 2015 there were a total of 60 fire rings on City beaches, including 33 fire rings in the vicinity of Balboa Pier and 27 fire rings at Corona del Mar State Beach (Exhibit #2, pages 1-2). West of Balboa Pier there were 15 fire rings and another 18 fire rings were located east of the Balboa Pier. The fire rings were located close to the water, as far away from homes as possible (Exhibit #2, page 1).

At Corona del Mar State Beach, there were 27 fire rings at the far western end of the beach next to the jetty that forms the east side of the entrance channel to Newport Harbor (Exhibit #2, page 2). These fire rings were located in the widest stretch of sandy beach, as far from the nearest homes as possible. A concession stand, snack bar, and large parking lot separate the fire rings from the homes on the bluff and in the Breakers Drive subdivision adjacent to the beach. At all three locations, the fire rings were densely packed into rows three fire rings deep. The number of fire rings in each row varied from 5 to 9, depending on the location.

In 2012, the City applied for a coastal development permit to remove all 60 fire rings from city beaches to prevent potential ill health effects to beachgoers and nearby residents due to smoke and particulate matter from wood fires within the fire rings (application number 5-12-134). Commission staff had recommended denial because removal of all the beach fire rings in Newport Beach would deny the public access to this popular form of lower cost public recreation and because removal would shift the already high demand for fire rings to other coastal locations, creating new access and recreation demands there. The City withdrew the application before the Commission could take action. On July 12, 2013, the South Coast Air Quality Management District (AQMD) amended Open Burning Rule 444 to require that wood-burning fire rings be located at least 700 feet from residences or, if closer than 700 feet from any residence, that they be spaced at least 100 feet apart (Exhibit #5, section (d)(3)(G)(ii)). All fire rings within the City of Newport Beach were located within 700 feet of residences. Rule 444 exempts fire rings from the minimum spacing requirements where charcoal or liquid or gaseous fuels are burned instead of wood (section (c)(7)), meaning that fire rings restricted to these fuels could be placed closer than 100 feet to each other. Rule 444 also exempts fire rings that comply with the Americans with Disabilities Act (ADA), regardless of fuel type, from the spacing requirements (section (h)(7)).

In an effort to comply with the AQMD rule, on February 11, 2014, the City Council adopted Ordinance No. 2014-2 limiting the fuels that can be burned in the fire rings to natural firewood, fire logs, charcoal, and natural gas. The ordinance also authorizes the City Manager to further limit fuels on an interim basis to comply with AQMD Rule 444. The City Manager determined that the use of charcoal was the best immediate solution to meet the Rule 444 requirements because it did not require construction of infrastructure to the rings (as would be required for gas fueled rings), relocation of any rings, or complete removal of rings. The City began implementing the charcoal-only rule on or after March 24, 2014. In order to implement the program, the City updated its website with information about fire ring regulations, stenciled “charcoal only” in English and Spanish on fire rings, created a web page with charcoal recommendations, hired a private sector firm to assist with education and warnings, and provided free charcoal to fire ring users who were unaware of the restriction.

On July 17, 2014 the applicant submitted this coastal development permit application. The original project description was for approval of a pilot project limiting fire ring fuel to charcoal-only. Coastal Commission staff encouraged the City to consider alternatives to the charcoal-only rule and advised the applicant that the Commission preferred alternatives that included wood-burning fire rings and achieved no net loss of fire rings (i.e., a total of 60 fire rings) within the City of Newport Beach.

On January 13, 2015 the City of Newport Beach City Council approved the temporary plan, described in Section A (Project Location and Description), to return some wood-burning fire rings to city beaches on a temporary basis while the City amended its coastal development permit application to seek approval of a permanent fire ring plan. In late January, the applicant implemented the temporary plan and amended the coastal development permit application project description to include after-the-fact approval of the temporary plan and submitted alternative plans it was considering for permanent placement of the fire rings (Exhibit #6). After further discussions with Coastal Commission staff, residents of Newport Beach and other interested parties, City staff revised the application a final time, submitting the permanent plan described in Section IV.A (Project Location and Description) as its preferred alternative.

C. STANDARD OF REVIEW

Section 30600(c) of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified Local Coastal Program for the relevant area. The City of Newport Beach does not have a certified LCP. Therefore, the Coastal Commission is the permit issuing entity and the standard of review is Chapter 3 of the Coastal Act.

D. PUBLIC ACCESS AND RECREATION

Section 30210 of the Coastal Act states, in relevant part:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to

protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30212.5 of the Coastal Act states, in relevant part:

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 of the Coastal Act states, in relevant part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30221 of the Coastal Act states, in relevant part:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Among the most important goals and requirements of the Coastal Act is the mandate to protect, provide, enhance, and maximize public recreational access opportunities to and along the coast consistent with strong resource conservation principles. The Coastal Act also emphasizes the protection of existing and provision of new lower cost recreational facilities. The fire rings in Newport Beach are available to the public at no cost on a first come, first served basis. As a result, they are an existing lower cost recreational facility.

Public Use of Fire Rings

Fire rings are one of the most popular activities enjoyed by the public at both Corona del Mar State Beach and the city beach near the Balboa Pier. The fire rings provide the opportunity for the quintessential Southern California beach experience – grilling a meal, toasting marshmallows, telling stories, strumming on a guitar, singing songs, celebrating special occasions like holidays, family reunions, birthdays, anniversaries, and baptisms. The fire rings are so popular and in such limited supply, both locally and regionally, that on summer weekends visitors arrive at 6 a.m. to claim a fire ring for use later that afternoon or evening. Because the City does not have a reservation system for the fire rings, users stake a claim by leaving firewood, charcoal, beach chairs, towels, or gear at the site. They may enjoy other beach activities during the day when the fire ring is not in use.

According to the City, the heaviest use of fire rings is typically in the summer months between Memorial Day and Labor Day. Based on vehicles entering the parking lot at Corona del Mar State Beach between 2007 and 2012, the City estimated that 100% of the fire rings were used in peak periods during June, July, and August and an estimated 5% of the fire rings were used in November, December, January, and February (Exhibit #7, pages 2-3). The fire rings also receive heavy use during certain off-peak periods. For instance, the fire rings are used on the Persian New Year in March when thousands gather at Corona del Mar State Beach and use wood-burning fires in the fire rings in their celebration festivities.

Demand for beach fire rings is high wherever they exist. There are millions of annual visitors to the beaches of Orange County. According to the AQMD, there are 718 fire rings at other beach locations in Orange County. These include 240 fire rings at Huntington State Beach, 178 at Bolsa Chica State Beach in Huntington Beach, 112 at Huntington City Beach, 7 at Orange County's Aliso Viejo Beach Park in Laguna Beach, 163 at Doheny State Beach in Dana Point, 14 on San Clemente city beaches and 4 at Orange County's Capistrano Beach Park. In Los Angeles County, there are 73 fire rings at Dockweiler State Beach near LAX and 6 at Cabrillo Beach in San Pedro (Exhibit #11). Although the other fire rings exist outside Newport Beach, Coastal Act Section 30212.5 emphasizes the importance of distributing public facilities, like fire rings, throughout an area "to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area."

The applicant's temporary plan reduced the number of fire rings from 60 to 56 fire rings on the city beach near Balboa Pier and Corona del Mar State Beach, resulting in a temporary loss of 4 fire rings citywide. This reduction in the number of fire rings within Newport Beach, were it not to be temporary, would be considered inconsistent with Section 30213's requirement that fire rings "be protected, encouraged, and, where feasible, provided." The loss of 4 fire rings, were it not temporary, would also be inconsistent with Section 30212.5. However, this temporary plan was experimental in nature to help the City select a final plan that would be compliant with newly established air quality rules, and meet the needs of the general public and City residents. The applicant's proposed permanent plan would maintain 56 fire rings on the city beach near Balboa Pier and Corona del Mar State Beach, but would add 4 new fire rings to the Newport Dunes Waterfront Resort & Marina and seeks after-the-fact approval of 4 existing and unpermitted fire rings in that location, resulting in a total of 64 fire rings citywide. Based on the number of fire rings alone, the permanent plan will be consistent with Section 30213's requirement to protect and provide lower cost recreational facilities.

However, both the temporary plan and the permanent plan proposed by the applicant limit the fuel type in some fire rings to charcoal-only. This change in fuel type could also have an effect on public access to the fire rings. In July 2014 the City submitted preliminary observations regarding the public reaction to the charcoal-only rule that went into effect on March 24, 2014. The City reported that generally the same numbers of people were using fire rings as before the charcoal-only rule and users appeared to be having a comparable experience (Exhibit #8, page 3). The City's website provides tips for charcoal-only fire ring use and describes the advantages of a charcoal fire, including less visible smoke and more even heat for cooking (Exhibit #9). In contrast, an online survey conducted by the group Friends of the Fire Rings dated September 10, 2014 found that 83.2% of respondents felt that charcoal and wood-burning experiences were not equivalent and 87.3% of survey respondents would be less likely to use fire rings if they were charcoal-only (Exhibit #10). Videos of charcoal-only fire ring users available on the Save the Fire Rings website (www.savethefirerings.org) describing the experience noted that charcoal does not provide a flame for more than a few seconds or minutes (unless continually doused with lighter fluid), the lack of flame meant that a flashlight was necessary after sunset, and the heat generated by a charcoal fire was not as strong as a wood fire. Coastal Commission staff conducted their own experiment with wood and charcoal fuel and confirmed these drawbacks to a charcoal-only fire ring experience. Commission staff also found that wood fuel tended to cost less than charcoal fuel, and provided a longer burn time than charcoal fuel. Overall, a charcoal fire ring is not equivalent to a wood fire ring experience, but there appears to be demand—though not equivalent demand—for both options.

Under the temporary plan more than 50% of the fire rings remaining within city limits are charcoal-only (30 out of 56 rings). This dramatically reduced the number of fire rings available for a traditional wood bonfire. The temporary plan's prohibition on the use of wood in some fire rings may have shifted the already high demand for fire rings to other locations, creating new access and recreational demands there. However, again, this was a temporary experiment conducted by the City to help them identify the best option. Approximately 37% of fire rings would be charcoal-only under the proposed permanent plan (24 out of 64 rings). This proposed ratio is more in alignment with the survey results noted above. Thus, the proposed permanent plan will minimize any adverse impact that the fuel restriction may have on use of fire rings within and outside of Newport Beach. Recognizing that wood-burning rings may be more popular than charcoal-only fire rings, and that charcoal fuel generally costs more than wood fuel, the applicant's proposal also includes the sale of charcoal "at cost" at nearby retailers so that a fire ring user who only brought wood to the beach could purchase charcoal and still enjoy use of a fire ring. Although a charcoal fire ring experience is not equivalent to a traditional wood bonfire enjoyed by many Californians, the applicant is trying to balance the need to protect the fire rings as existing lower cost recreational facilities under Section 30213 of the Coastal Act, comply with the AQMD's Rule 444 spacing requirements for wood-burning fire rings, and ensure that other existing beach uses and public safety functions can coexist. The proposed permanent plan offers the best solution to these competing interests.

Alternatives Analysis

The applicant considered many alternative fire ring configurations to comply with AQMD Rule 444 and with the Coastal Commission's guidance to achieve no net loss of the 60 fire rings within the City and provide as many wood-burning fire rings as possible. Among the alternatives considered and ultimately rejected by the applicant were the following (Exhibit #6):

1. **Plan 1** would place 18 fire rings at Corona del Mar State Beach, 26 near the Balboa Pier area, 9 north of the Newport Pier, and 7 at the western side of the Newport Dunes lagoon. All are spaced 100' apart.
2. **Plan 2** would place all 60 rings in generally the same locations that they are today (Corona del Mar State Beach and Balboa Pier). However, due to the 100' distancing requirement, the footprint of the fire rings would cover more beach area.
3. **Plan 3** would place some rings at Corona del Mar State Beach, some at the Balboa Pier, and then place smaller clusters of 4-10 rings along the long stretch of beach between the Santa Ana River and roughly 15th Street close to public restrooms and public parking lots.
4. **Plan 4** is like Plan 2, but it would ask the Coastal Commission to allow the City to seasonally remove half of the wood-burning fire rings, given that demand is lower during the winter months and wintertime also sees more inversion layers and "no burn" days. Sixty (60) rings would be available between March 15 and October 15 every year, and 30 rings would be available the remainder of the year.
5. **Plan 5** would place 14 fire rings at Corona del Mar State Beach, 14 at the Balboa Pier, and then place 32 fire rings in a single line, spaced about 525' from one other, from the Balboa Pier to the mouth of the Santa Ana River, provided enough beach area is available. All rings would be at least 100' apart from one another, though most would be spaced 525' apart.
6. **Plan 6** would attempt to keep the same general, current footprints of the fire rings, but intersperse charcoal-only rings with wood-burning rings (roughly 30 of each). The wood rings would be spaced 100' apart.

7. **Plan 7** is the "Charcoal-Only" approach.
8. **Plan 8** would retain a mix of wood-burning and charcoal-burning rings somewhat similar to what is in place on the beaches today. The western side of the Balboa Pier area would have 18 charcoal-only rings, and the eastern side would have 12 wood rings, the latter spaced 100' apart from each other. At Corona del Mar State Beach, 14 charcoal-only rings would be close to the East Jetty and the restrooms, while 11 wood-burning rings would be spaced 100' apart from each other or beyond 700' from homes.
9. **Plan 9** would provide 33 wood-burning rings with 18 at the Balboa Pier area (12 on the eastern side, 6 on the west) and 15 at Corona del Mar State Beach. All would be spaced 100' from each other when they are within 700' of homes. There are no charcoal-only rings in this plan, but charcoal could still be burned in a wood ring if ring users so chose.

The City considered the following factors in evaluating each alternative plan:

- Does it meet the goal of having 60 wood-burning fire rings citywide when demand exists?
- For the comfort of the fire ring users, are the rings located near public restrooms and parking?
- Is the beach wide enough so that other uses can occur near the fire rings, and so that the rings are not routinely inundated during high tide?
- Would the fire rings' placement conflict with other organized activities, like recreational programs and camps, volleyball, flag football, or Junior Guards?
- Does the fire rings' placement allow for public safety vehicle access in and around the rings? Are the rings clear of existing lifeguard towers?
- Does the rings placement present a supervision or curfew or maintenance problem?

The applicant and Commission staff received letters and emails from residents of and visitors to Newport Beach raising concerns about several of these alternative plans and the temporary plan currently in place (Exhibit #12). The comments relevant to public access and recreation focused on conflicts with other beach uses, including life guarding and other public safety needs, Junior Guards, volleyball, tanning, flag football, and others. The applicant's proposed permanent plan attempts to avoid conflicts with other beach uses by constraining the fire ring footprints to the historical footprints as much as possible while complying with the AQMD spacing requirements and achieving no net loss of fire rings citywide.

Expanding Public Access with ADA Access and Installing Fire Rings at Newport Dunes Waterfront Resort & Marina

The applicant's proposed permanent plan also includes features that would expand and improve public access to fire rings citywide. The installation of 12 ADA accessible fire rings to the city beach near Balboa Pier and at Corona del Mar State Beach (Exhibit #4, pages 1-3) improves public access to these lower cost recreational facilities for persons with disabilities. The net increase in total number of fire rings by incorporating fire rings at the Newport Dunes Waterfront Resort & Marina will expand fire ring use to a new location within the City and could help balance any adverse impact that restricting fuel to charcoal-only may have on the wood-burning fire rings within the City and fire rings outside of Newport Beach.

As described previously, the applicant does not own or control the Newport Dunes Waterfront Resort & Marina. However, the site is publicly accessible with a pedestrian promenade circling the

sandy beach and swim lagoon, and a playground in the day use area ideal for families. The site is used for day camps, scouting groups, day use visitors and guests of the RV park. There are already 4 unpermitted fire rings on the sandy beach with space to add more wood-burning rings in compliance with AQMD Rule 444. The applicant seeks after-the-fact approval of the 4 unpermitted fire rings and proposes to install 4 new fire rings for a total of 8 fire rings at this location. The beach is accessible to the general public between 8am and 10pm daily and the pedestrian promenade provides easy access to the fire rings from the public parking lot on the east side of the lagoon or from pedestrian access points on Back Bay Drive, Back Bay View Park and Bayside Drive. The following parking fees apply year-round.²

Newport Dunes Waterfront Resort & Marina Public Parking Fees	
0 – 30 minutes	Free
30 min – 1 hour	\$8.00
1 – 2 hours	\$10.00
2 – 3 hours	\$12.00
3 – 4 hours	\$14.00
4 – 7 hours	\$16.00
7 – 24 hours	\$18.00
Lost ticket	\$18.00

These parking fees are slightly higher than fees at Balboa Pier or Corona del Mar State Beach (both parking lots charge a daily maximum of \$15.00 with hourly rates that vary by the season) most of the year. However during peak holidays (Memorial Day, July 4, and Labor Day), fees at the Balboa Pier and Corona del Mar State Beach parking lots increase to a daily max of \$20.00.³ Free street parking is available within walking distance of the site on Back Bay Drive and Bayside Drive, and the pedestrian promenade is accessible from an existing City bikeway.

The level of use of the existing unpermitted fire rings by members of the public, as opposed to guests of the RV park staying onsite, is unknown, however, the applicant proposes to install signage within the public parking lot, at pedestrian access points, and post information on the City’s website and the Newport Dunes Waterfront Resort & Marina website advertising the availability of the fire rings to the public. To ensure continued public access to fire rings within the City, the Commission imposes **Special Condition 1** requiring the applicant to ensure that no fewer than 64 fire rings are available to the public at no cost, on a first-come, first-served basis. At the Newport Dunes Waterfront Resort & Marina, the Commission imposes **Special Condition 2** requiring the applicant to ensure that public access is available to the fire rings, at a minimum, between the hours of 8am to 10pm. In addition, the Commission imposes **Special Condition 3** requiring the applicant to submit a final sign plan prior to issuance of the permit. The final plan must demonstrate that the proposed location for the signage will not result in the direct placement of signage poles in sandy beach areas or other sensitive resource areas, the exact wording and location of the signs in the Newport Dunes

² This fee structure has not been reviewed or approved by the Commission, and such review isn’t being requested by the applicant in the subject permit application.

³ The fee structure at the Balboa Pier parking lot and at Corona del Mar State Beach were the subject of Coastal Development Permit Application Nos. 5-13-0506 and 5-13-0507, approved by the Commission in January and April 2014, respectively.

Waterfront Resort & Marina public parking lot and at any pedestrian access points from Back Bay Drive, Back Bay View Park, and Bayside Drive, demonstrate that poles and signs are placed and oriented to minimize impacts on public views of the water, and provide the wording of information that will be posted to the City of Newport Beach website and the Newport Dunes Waterfront Resort & Marina website describing the availability of fire rings.

Conclusion

As proposed and conditioned, the applicant's proposed project has the potential to expand visitation and public access to lower cost recreational facilities located at the Newport Dunes Waterfront Resort & Marina. The proposed project will also improve ADA access to fire rings at Balboa Pier and Corona del Mar State Beach. The proposal minimizes new adverse impacts on public access to the coast or to nearby recreational facilities. Thus, as conditioned, the proposed development conforms with the cited public access and recreation policies of Chapter 3 of the Coastal Act.

E. SCENIC AND VISUAL RESOURCES

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The proposed development includes the relocation of fire rings on the sand in the vicinity of Balboa Pier, Corona del Mar, and at the Newport Dunes Waterfront Resort & Marina and the installation of signage associated with the fire rings. The proposed ADA accessible fire rings are a maximum of 24 inches tall and do not block scenic views of the beach or ocean. In addition, because fire rings have been in roughly the same locations on City beaches since the 1940s or 1950s, there will be no new impacts to scenic and visual resources associated with the placement of the fire rings on City beaches. Similarly, at the Newport Dunes Waterfront Resort & Marina, the height of the fire rings will not adversely impact scenic and visual qualities.

The City proposes to install one pole sign (18 inch x 24 inch) on 8 foot posts in each charcoal-only area (located east and west of Balboa Pier and at Corona del Mar State Beach). These pole signs would be in place through the first summer season after issuance of the permit and then would be removed. The City also proposes to place one or two A-frame signs (36 inch x 24 inch) on the sand in each charcoal-only area. The A-frame signs would only be used for the first two summers following issuance of the permit. The applicant also proposes to install one interpretive panel sign (30 inch x 24 inch) along the concrete walkways between the parking lots and beach west of Balboa Pier and at Corona del Mar State Beach and on the concrete walkway between Peninsula Park and the beach east of Balboa Pier to inform beach users of the rules related to the fire rings (Exhibit #4, page 9). The applicant proposes to install signs at pedestrian and vehicle entries to the Newport Dunes Waterfront Resort & Marina and post information on both the City and Newport Dunes

Waterfront Resort & Marina websites. To ensure that signage will have no significant adverse impact on public coastal views, the Commission imposes **Special Condition 3** requiring the applicant to submit a final sign plan prior to issuance of the permit. The final plan must demonstrate that the proposed location for the signage will not result in the direct placement of sign poles in sandy beach areas or other sensitive resource areas, the exact wording of the signs, demonstrate that poles and signs are placed and oriented to minimize impacts on public views of the water, describe the temporary use of the pole and A-frame signs, include signs in the Newport Dunes Waterfront Resort & Marina public parking lot and at any pedestrian access points from Back Bay Drive, Back Bay View Park, and Bayside Drive, and provide the wording of information that will be posted to the City of Newport Beach website and the Newport Dunes Waterfront Resort & Marina website describing the availability of fire rings. As proposed and conditioned, the Commission finds that the development conforms to the scenic and visual protection policies of the Coastal Act.

F. HAZARDS

Section 30235 of the Coastal Act states, in relevant part:

Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger of erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply.

Section 30253 of the Coastal Act states, in relevant part:

New development shall do all of the following:

- (a) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.*
- (b) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*
- (c) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Board as to each particular development.*

Section 30414 of the Coastal Act states, in relevant part:

- (a) The State Air Resources Board and air pollution control districts established pursuant to state law and consistent with requirements of federal law are the principal public agencies responsible for the establishment of ambient air quality and emission standards and air pollution control programs. The provisions of this division do not authorize the commission or any local government to establish any ambient air quality standard, emission standard, or air pollution control program or facility, or to modify any ambient air quality standard, emission standard, or air pollution control program or facility which has been established by the state board or by an air pollution control district.*

Development adjacent to the ocean is inherently hazardous. Development which may require a protective device in the future cannot be allowed due to the adverse impacts such devices have upon, among other things, public access, visual resources and shoreline processes. The applicant acknowledges that some fire rings within City limits are already occasionally inundated due to tidal events and proposes to temporarily relocate those rings to avoid inundation during high tide and

storm events. Despite this maintenance proposal, no development in the ocean or near the shoreline can be guaranteed to be safe from hazards. All development located in or near the ocean has the potential for damage caused by wave energy, floods, seismic events, storms and erosion. Although most of the proposed development, including the fire rings and Trex access paths, can be easily relocated if threatened by coastal hazards, the existing concrete access path and the new concrete ADA accessible fire ring access pads cannot be so easily relocated. To minimize the project's impact on shoreline processes, and to minimize risks to life and property, the Commission imposes **Special Condition 4** prohibiting construction of protective devices (such as a seawall) in the future and **Special Condition 5** requiring that the applicant assume the risk of undertaking the development.

Section 30253(c) requires that new development is consistent with air quality regulations and Section 30414 of the Coastal Act clarifies that the Commission may not establish or modify air quality or emission standards or air pollution control programs. As described above in Section IV.B. (Project History), recognizing that wood-burning can have adverse impacts on human health, the South Coast Air Quality Management District amended Rule 444 related to Open Burning on July 12, 2013 to regulate open burning on beaches, including the use of wood-burning fire rings. Rule 444 prohibits use of wood-burning fire rings unless the fire rings are located at least 700 feet from residences, or if closer than 700 feet from any residence, that they be spaced at least 100 feet apart (Exhibit #5, section (d)(3)(G)(ii)). Sections (c)(7) and (h)(7) of Rule 444 exempt from the minimum spacing requirements "the use of charcoal or gaseous or liquid fuels" and fire rings "that are made available to comply with the Americans with Disabilities Act," meaning that charcoal-only and ADA accessible fire rings can be located less than 100 feet apart. The applicant asserts that its permanent proposal—including some ADA accessible wood-burning fire rings, some charcoal-only fire rings, and some non-ADA accessible wood-burning fire rings—complies with AQMD Rule 444.

As conditioned, the Commission finds that the development conforms to the requirements of Sections 30235 and 30253 of the Coastal Act regarding development in hazardous locations.

G. WATER QUALITY

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained, and where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste

water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The use of fire rings generates debris that, if not properly disposed of, could adversely impact water quality if inundated by tidal action, debris is blown out of the rings, or by contaminating runoff. To ensure that ash and other debris left in fire rings are adequately disposed of, the City proposes a maintenance plan as part of this application (Exhibit #4, page 10). The maintenance plan calls for City staff to clean out fire rings at Balboa Pier and Corona del Mar State Beach daily during summer months (May 15 through September 15) and to inspect and clean as necessary weekdays during the rest of the year. Debris will be trucked to and disposed of with other beach debris at the City's Corporation Yard. The City also proposes to temporarily relocate fire rings during tidal events to prevent inundation of the rings and contamination of coastal waters.

The City's maintenance proposal does not include the fire rings located at the Newport Dunes Waterfront Resort because it does not control this area. The beach at Newport Dunes is owned by Orange County and a lessee operates the Resort & Marina at the site, including maintaining the beach and other facilities. **Special Condition 6** requires the applicant to submit a final maintenance plan for fire rings at the Newport Dunes Waterfront Resort & Marina, identifying the party responsible for maintenance of those rings. If the responsible party will not be the City, the City shall submit an agreement from the responsible party agreeing to be bound to the maintenance plan approved with this coastal development permit to protect water quality of coastal waters.

Construction of the ADA accessible fire rings and access paths and installation of signage associated with the fire rings will occur in a location where there is a potential for a discharge of polluted runoff from the project site into coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be carried into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes **Special Condition 7** requiring the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. As conditioned, the Commission finds that the proposed development conforms with Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

H. UNPERMITTED DEVELOPMENT

Unpermitted development has occurred at the project sites subject to this Coastal Development Permit application. The unpermitted development includes: the removal and relocation of fire rings, and restriction of fuel type allowed in fire rings to charcoal-only located east and west of Balboa Pier and Corona del Mar State Beach associated with the temporary plan; installation of an approximately 105 foot by 7.5 foot concrete access path on the sand east of Balboa Pier; and placement of 4 concrete fire rings on the sand at Newport Dunes Waterfront Resort & Marina. The placement or removal of fire rings and a concrete access path on the public beach and the change in intensity of use associated with removal, relocation and change in fuel type of fire rings constitutes development under the Coastal Act and, therefore, requires a coastal development permit. Any non-exempt development activity (which is the case here) conducted in the Coastal Zone without a valid

coastal development permit, or which does not substantially conform to a previously issued permit, constitutes a violation of the Coastal Act.

The applicant is proposing after-the-fact approval of the unpermitted development noted above and described in more detail in the project description. Although the development has taken place prior to submittal of this application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit will resolve the violations identified in this section above once the permit has been fully executed and the terms and conditions of the permit complied with by the applicant.

I. LOCAL COASTAL PROGRAM (LCP)

Coastal Act section 30604(a) states that, prior to certification of a local coastal program (“LCP”), a coastal development permit can only be issued upon a finding that the proposed development is in conformity with Chapter 3 of the Act and that the permitted development will not prejudice the ability of the local government to prepare an LCP that is in conformity with Chapter 3. The Land Use Plan (“LUP”) for the City of Newport Beach was effectively certified on May 19, 1982. The certified LUP was updated in October 2005 and October 2009. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LUP for the area. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare an LCP that is in conformity with the provisions of Chapter 3 of the Coastal Act.

J. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 of the California Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The City of Newport Beach is the Lead Agency responsible for CEQA review and has determined that the proposed project is exempt from CEQA because there is “no possibility that the activity in question may have a significant effect on the environment” (CEQA Guidelines Section 15061(b)(3)).

The proposed development has been conditioned to assure the proposed project is consistent with the public access policies of the Coastal Act. The conditions also serve to mitigate significant adverse impacts under CEQA. The conditions are: 1) Public access to fire rings; 2) Public Access to Newport Dunes Waterfront Resort & Marina; 3) Submittal of final signage plan; 4) No future shoreline protective device; 5) Assumption of risk, waiver of liability and indemnity; 6) Submittal of final maintenance plan; 7) Storage of construction materials, mechanized equipment and removal of construction debris; and 8) Proof of legal ability to comply with conditions. There are no other feasible alternatives or mitigation measures available which will lessen any significant adverse impact the activity would have on the environment. Therefore, the Commissions finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally

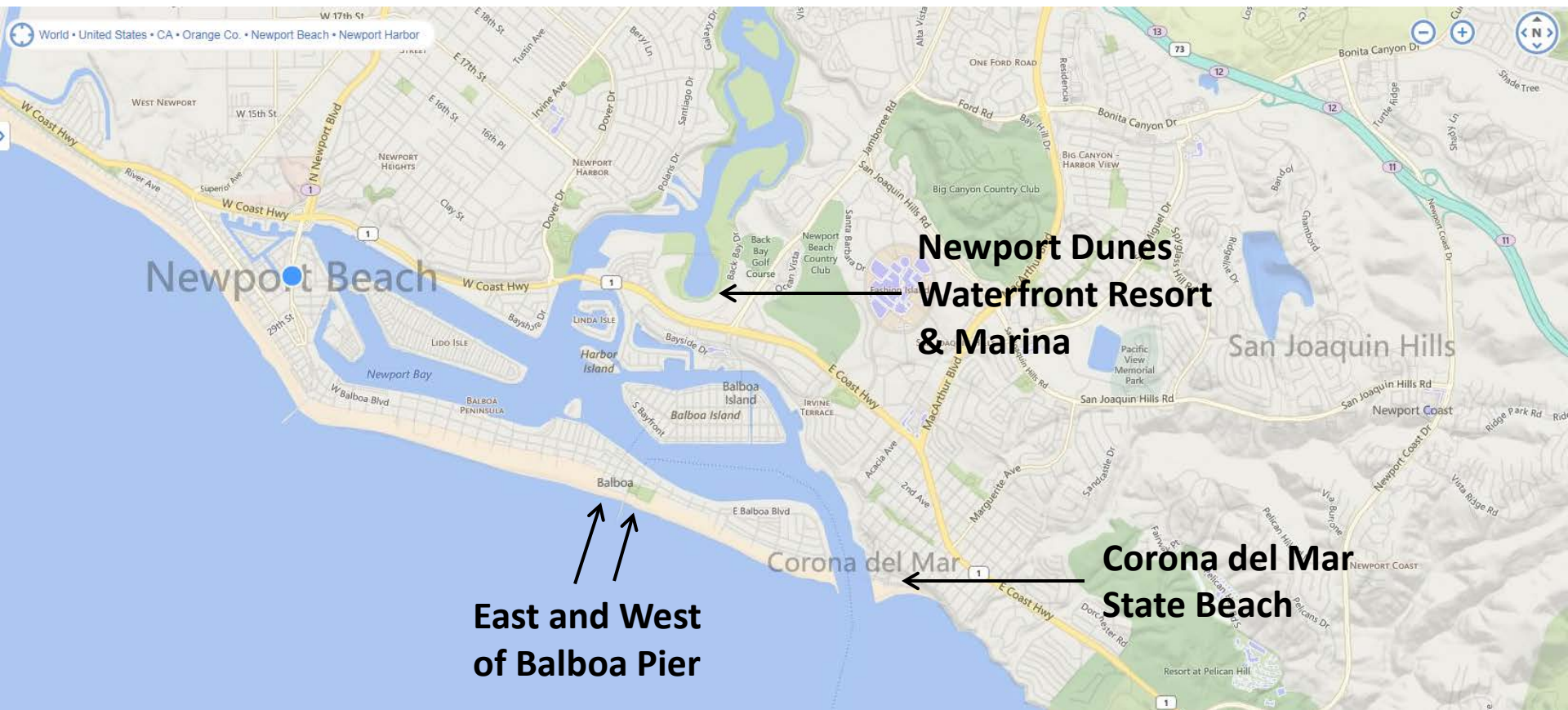
5-14-1213 (City of Newport Beach)

damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

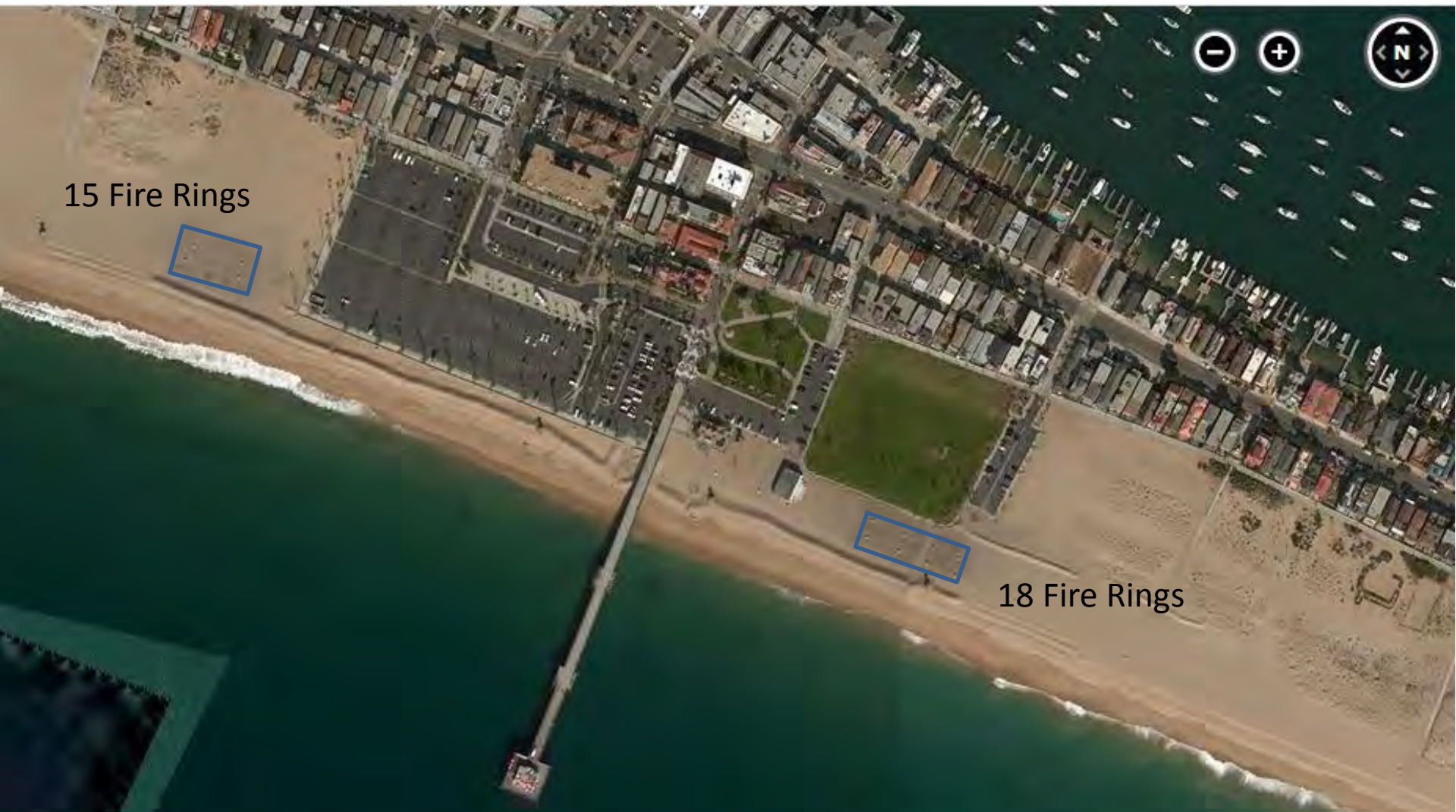
Appendix A – Substantive File Documents

- City of Newport Beach certified Coastal Land Use Plan
- Coastal Development Permit application numbers 5-14-1213 and 5-12-134
- City Council Ordinance No. 2014-2

Vicinity Map



Balboa Pier with Historical Fire Ring Footprint



Corona del Mar State Beach with Historical Fire Ring

Footprint



27 Fire Rings

Newport Dunes Waterfront Resort & Marina





Interim_Plan_Overview.mxd

"Interim Plan" Overview

- Wood Fire Rings (26)
- Charcoal Fire Rings (30)



City of Newport Beach
GIS Division
January 23, 2015



30_Ring_Plan_BalboaPier_W.mxd

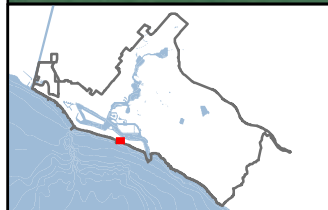
"Interim Plan" West Balboa Pier



All Charcoal-Only
Fire Rings (18)



City of Newport Beach
GIS Division
January 23, 2015



26_Ring_Plan_BalboaPier_E.mxd

"Interim Plan" East Balboa Pier



Wood Fire Rings (13)



City of Newport Beach
GIS Division
January 23, 2015



"Interim Plan" CdM State Beach



Wood Fire Rings (13)





Charcoal Fire Rings (12)



City of Newport Beach
GIS Division
January 23, 2015

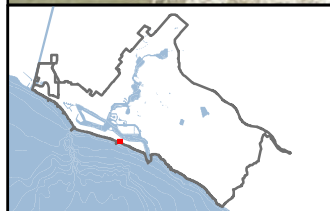


"Plan 17" West Balboa Pier

-  Wood Fire Ring (9)
-  Charcoal Fire Ring (8)



City of Newport Beach
GIS Division
May 12, 2015



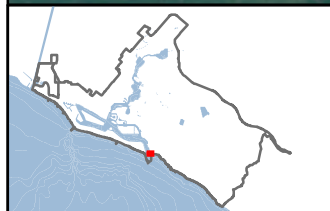
ADA_Plan17_BalboaPier_E_Design.mxd

"Plan 17" East Balboa Pier

- Wood Fire Ring (7)
- Charcoal Fire Ring (8)



City of Newport Beach
GIS Division
May 12, 2015



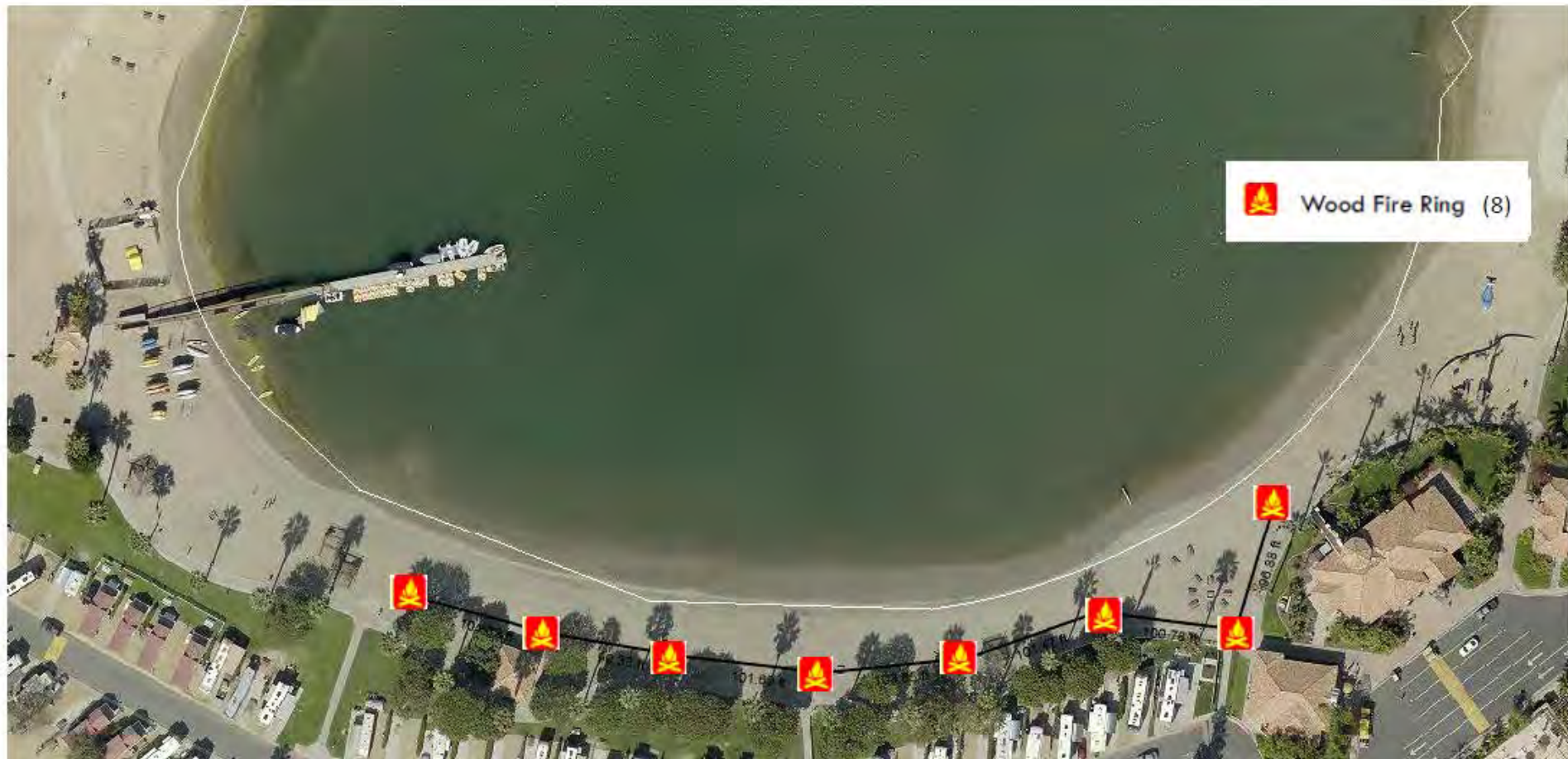
ADA_Plan17_CDM_Design.mxd

"Plan 17" CdM State Beach

- Wood Fire Ring (16)
- Charcoal Fire Ring (8)



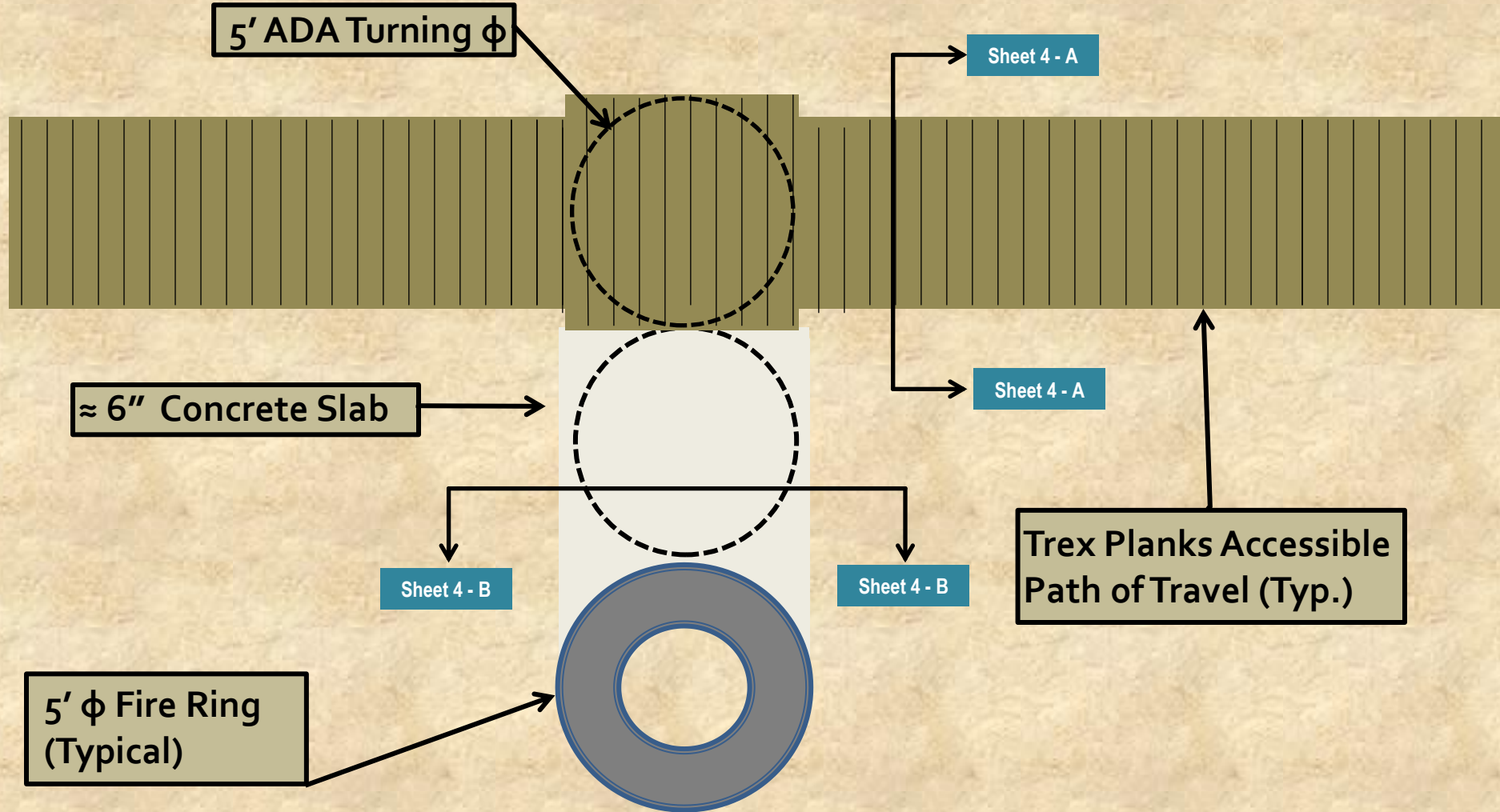
City of Newport Beach
GIS Division
May 12, 2015



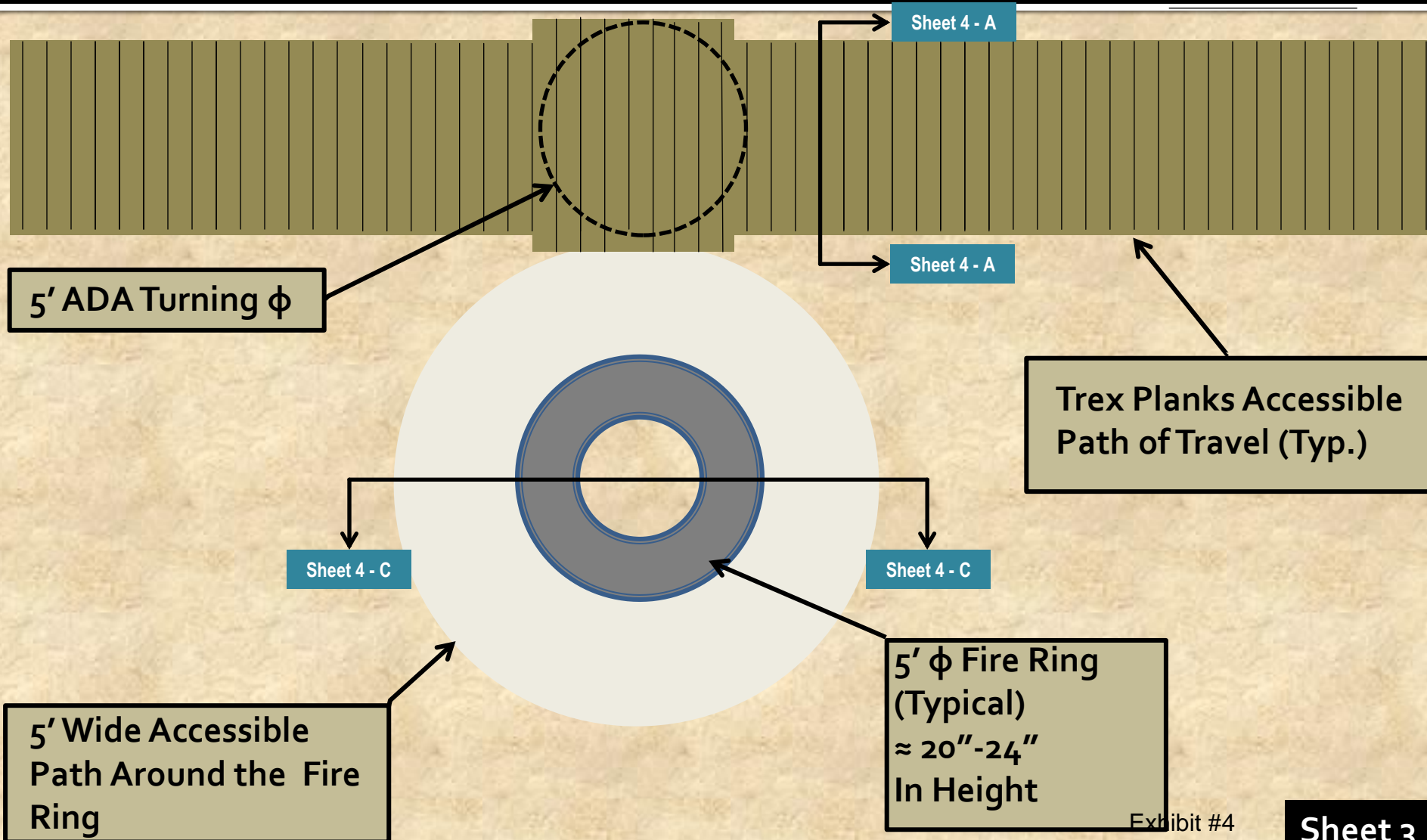
"Plan 17"
Newport Dunes

 Wood Fire Ring (8)

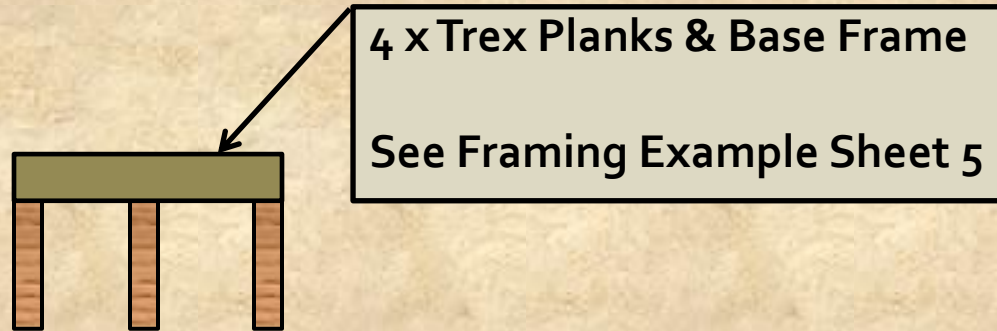
Conceptual Design



Conceptual Design



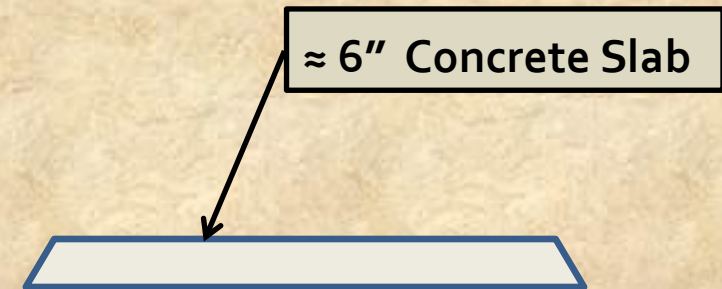
Conceptual Design



4 x Trex Planks & Base Frame

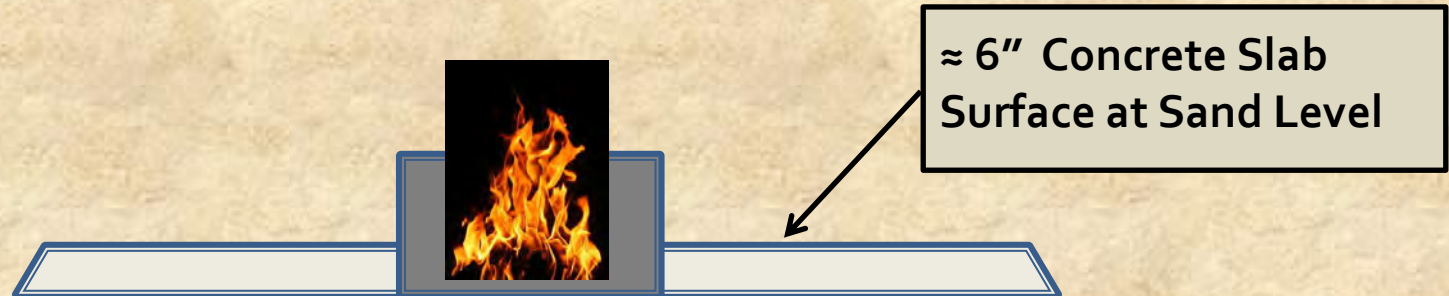
See Framing Example Sheet 5

**-A- Trex Plank
Section**



≈ 6" Concrete Slab

-B- Slab Section



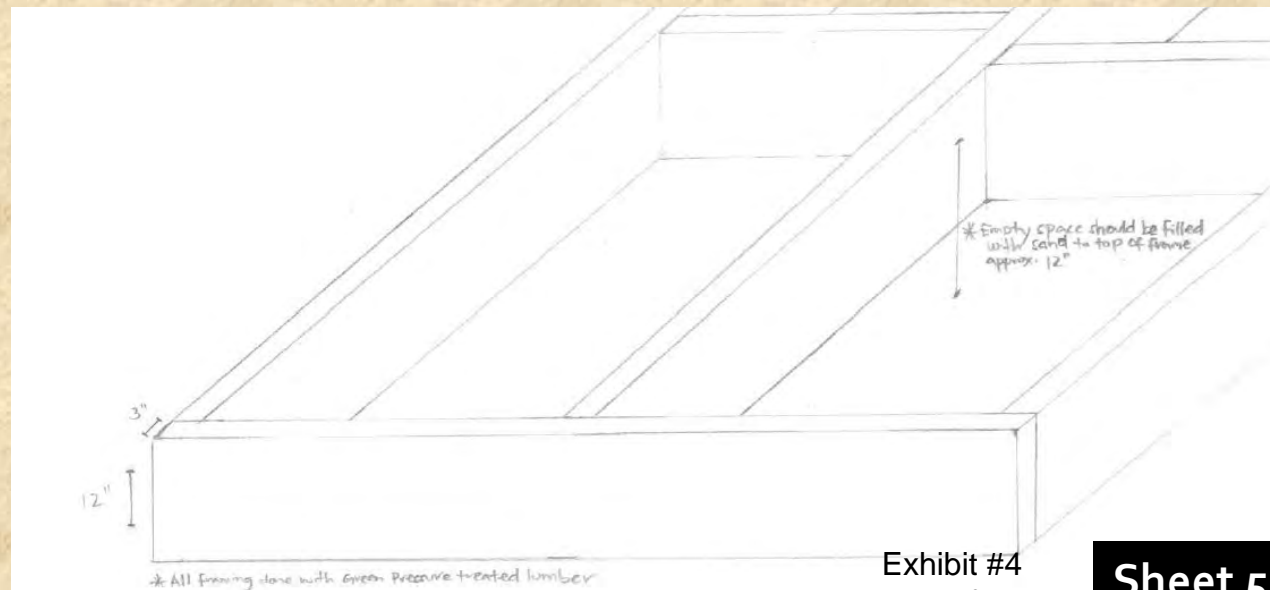
≈ 6" Concrete Slab
Surface at Sand Level

-C- Fire Ring Section



**Example of
Construction of Walkway Using
Trex Planks**

**Example of
Walkway Base Frame**



Onsite Signage Concept Plan – May 15, 2015 Draft

Goal: To maintain compliance with AQMD Rule 444 regarding beach burning as well as to provide a helpful and welcoming message to visiting beachgoers using the fire rings.

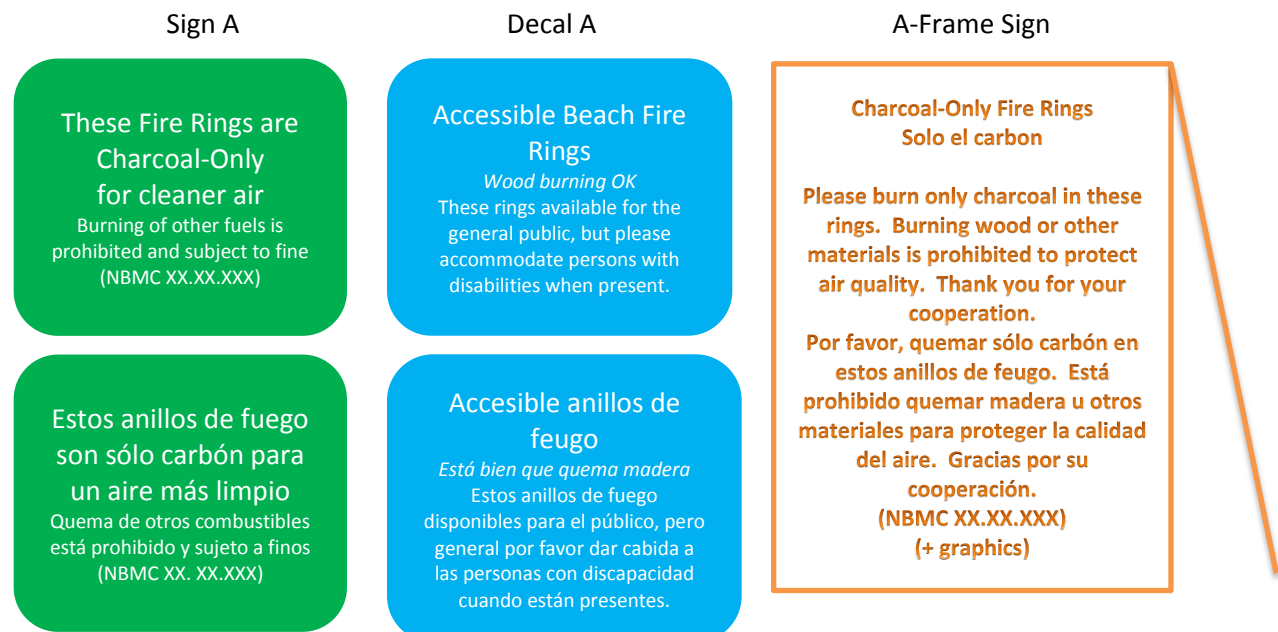
Part I – Signage/painting delineating fire ring zones

- Charcoal-only fire rings will be painted green with red stenciling in English and Spanish saying “Charcoal Only/Solo El Carbon/Danger Hot Coals” (see photo at end of Page 2).
- Wood-burning fire rings will not have any paint.
- ADA decals will be applied to nearby cement designating ADA rings as primarily (but not exclusively) for disabled persons (about 10” by 10” - See *Decal A*).
- The Charcoal-Only Area(s) will have one permanent pole sign each (white lettering, green background – dimensions of the sign to be roughly 18” x 24”) stating: “Charcoal-Only Rings” in English and Spanish, with reference to NBMC section on fuels (see *Sign A*).
- The Charcoal-Only Area(s) will have 1-2 moveable, temporary A-Frame signs put up and down by fire ring supervision staff daily or as needed that states as shown in the A-Frame Sign diagram below.

Part II – Parking Lot Signage

3 Panels of Interpretive/Educational signage – 2 in Balboa Lot, 1 in CdM Lot. To be professionally designed (and therefore not included here as an example) with graphics to emphasize:

- Which rings are where – ring zones.
- Choice in which fire rings to use – charcoal better for cooking, wood for traditional experience.
- Why to burn charcoal in the charcoal rings and wood in the wood rings – help us respect air quality at our beach and in our neighborhoods.
- Why to burn only clean firewood or other clean wood (without paint, nails, trash)
- Where to get charcoal or firewood nearby.
- How to effectively douse the coals when you’re done.
- General fire ring safety while the rings are burning and when they’re not.
- ✓ Spanish translation to emphasize key points, but signage will rely primarily on graphics/pictures to tell the story.
- ✓ Reference to MyNB app, QR code or similar to download more information.



Newport Beach, California Fire Ring Maintenance Procedures

Maintenance:

Municipal Operations Department Policy #33 describes all of the fire rings maintenance activities. During the summer period, from May 15 to September 15 staff inspects, soaks and cleans all fire rings on a daily basis. Two staff members are assigned to this task Saturday through Monday and one member from Tuesday through Friday. During the off season months, fire rings are inspected Monday through Friday and cleaned as needed.

During the cleaning process staff soaks down the fire rings, then shovels all the burnt material into a truck. The material is disposed of at the Corporation Yard with other beach debris. In addition to MOD staff, Park Patrol and Lifeguards also report information on the fire rings such as graffiti, illegal burning, and any damage.

Replacement of Rings:

Depending on their use, fire rings have a one to two year life span. Fire rings are replaced once they show signs of wear, such as cracks and chips in the concrete. The warnings on fire rings are generally repainted three times a year. Warnings **include "Hot Coals" and "Charcoal Only/Solo El Carbon" located on the side and on top** of the fire rings. Replacement of the fire rings is performed with heavy equipment such as a loader or backhoe. Each fire ring has an estimated weight of one ton.

Other Information:

Due to tidal events, a small number of the fire rings may occasionally need to be temporarily relocated to a storage area to avoid being inundated with the surf or to allow the construction of berms to protect the beach as well as public and private property. These rings are placed back in their original locations after the tidal events, provided the slope of the sand is generally the same.

- (6) APPROVED IGNITION FUELS means pipeline quality natural gas, liquefied petroleum gas, or a petroleum liquid having an API gravity of at least 30.
- (7) BEACH BURNING means any recreational, ceremonial or open burning conducted in any public coastal area marked by an accumulation of sand. For the purposes of this rule, beach burning does not include the use of charcoal or gaseous or liquid fuel.
- (8) BURN AUTHORIZATION NUMBER is the number that is assigned to a burn project upon being granted approval by the Executive Officer.
- (9) BURN MANAGEMENT PLAN means a document prepared by an agricultural operator for a project which provides a description of the project, and other information as required under subparagraph (d)(8)(D).
- (10) BURN PROJECT means an active or planned prescribed burn, agricultural burn, fire prevention/suppression training, a naturally ignited wildland fire managed for resource benefits, or any other burn approved by the Executive Officer.
- (11) EMERGENCY BURN PLAN means a document prepared by an agricultural operator for open burning as an emergency measure to protect crops from freezing which provides a description of the project, and other information as required under subparagraph (h)(4)(C).
- (12) FIELD CROP means crop, other than fruit or vegetable, which is grown for agricultural purposes.
- (13) FIRE HAZARD means a hazardous condition involving combustible, flammable, or explosive material that could present a substantial threat to life or property, as declared by a fire protection agency.
- (14) FIRE PREVENTION/SUPPRESSION TRAINING means the instruction of employees in the methods of preventing or suppressing fires.
- (15) FIRE PROTECTION AGENCY means any public agency with the responsibility and authority to protect people, property, and the environment from fire, within its respective area of jurisdiction.
- (16) HEAVY FUELS means materials that burn slowly, sustain heat, and are difficult to extinguish. Heavy fuels include large downed woody materials such as logs and branches.
- (17) IMMINENT FIRE HAZARD means a fire hazard that presents an immediate danger to property or the health and/or safety of a person or persons and for which direct abatement by fire is necessary as directed by

Asbestos Emissions from Demolition/Renovation Activities shall be required when applicable

- (J) Researching or testing fire retardant properties of materials (or enclosures) or the efficacy of fire suppression techniques or devices
- (3) A person is prohibited from open burning for:
 - (A) Residential burning
 - (B) Disposal of waste, except as specified in (d)(2) above, including hospital waste
 - (C) Disposal of materials generated as a result of land use conversion for non-agricultural purposes
 - (D) Disposal of materials from the production or storage of military ordnance, propellants, or pyrotechnics unless a fire protection agency, law enforcement agency or governmental agency having jurisdiction determines that onsite burning or detonation in place is the only reasonably available method for safely disposing of the material
 - (E) Suppression of wildland fires, except those set by fire protection agencies, for the purpose of saving life or property
 - (F) Complete burning of existing structures for fire prevention/suppression training exercises
 - (G) Effective March 1, 2014, beach burning, unless:
 - (i) PM2.5 AQI of 100 or less has been forecast for the coastal source receptor area; and
 - (ii) beach burning occurs in devices that are:
 - (I) at least 700 feet from the nearest residence; or
 - (II) at least 100 feet apart from one another; or
 - (III) at least 50 feet apart from one another, if there are no more than 15 devices per contiguous beach area within the city's boundaries.
- (4) Notwithstanding the provisions of subparagraph (d)(3)(G), if a city or county has declared, pursuant to Public Resources Code section 30005(b) or Health and Safety Code section 41509(a), that designated beach burning devices within its boundaries cause a nuisance, as defined in Civil Code section 3479 or Health and Safety Code section 41700(a), due to

- (vi) Identification and location of all smoke sensitive areas
 - (D) All site-specific conditions imposed by the Executive Officer as part of the approved Emergency Burn Plan are met; and
 - (E) The person conducting the open burn shall notify the Executive Officer no more than 24 hours following the authorized burn to report the total amount of agricultural material burned.
- (5) The provisions of this rule shall not apply to:
- (A) Open burning located on islands 15 miles or more from the mainland coast.
 - (B) Fireworks displays.
 - (C) Pyrotechnics used for creation of special effects at theme parks.
 - (D) Detonation of explosives during:
 - (i) Quarry or mining operations
 - (ii) Bomb disposal by a law enforcement agency
 - (iii) Demolition of buildings or structures
 - (E) The use of pyrotechnics, detonation of explosives, or fire effects for creation of special effects during theatrical productions, filming of motion pictures, videotaping of television programs or other commercial filming or video production activities provided that:
 - (i) Each fire effect is limited to no more than 30 minutes in duration, and
 - (ii) The fuel is untreated wood, charcoal, or Authorized Ignition Fuels.
- (6) Except for the requirements of subparagraph (d)(3) and (d)(4), the provisions of this rule shall not apply to:
- (A) Recreational fires or ceremonial fires, including fires conducted pursuant to United States Code, Title 4, Chapter 1, Section 8.
 - (B) Open burning of natural gas, propane, untreated wood, or charcoal for the purpose of:
 - (i) Preparation or warming of food for human consumption; or
 - (ii) Generating warmth at a social gathering.
- (7) The distance and spacing provisions of clause (d)(3)(G)(ii) shall not apply to beach burning devices that are made available to comply with the Americans with Disabilities Act by making the beach burning device accessible via a continuous unobstructed concrete, asphalt or other

permanent pathway that crosses the surface of the beach. This paragraph does not exempt the beach burning devices that are made available for the Americans with Disabilities Act compliance from the total device count specified in sub-clause (d)(3)(G)(ii)(III).

(i) Severability

If any provision of this rule is held by judicial order to be invalid, or invalid or inapplicable to any person or circumstance, such order shall not affect the validity of the remainder of this rule, or the validity or applicability of such provision to other persons or circumstances.



Plan1_Overview.mxd

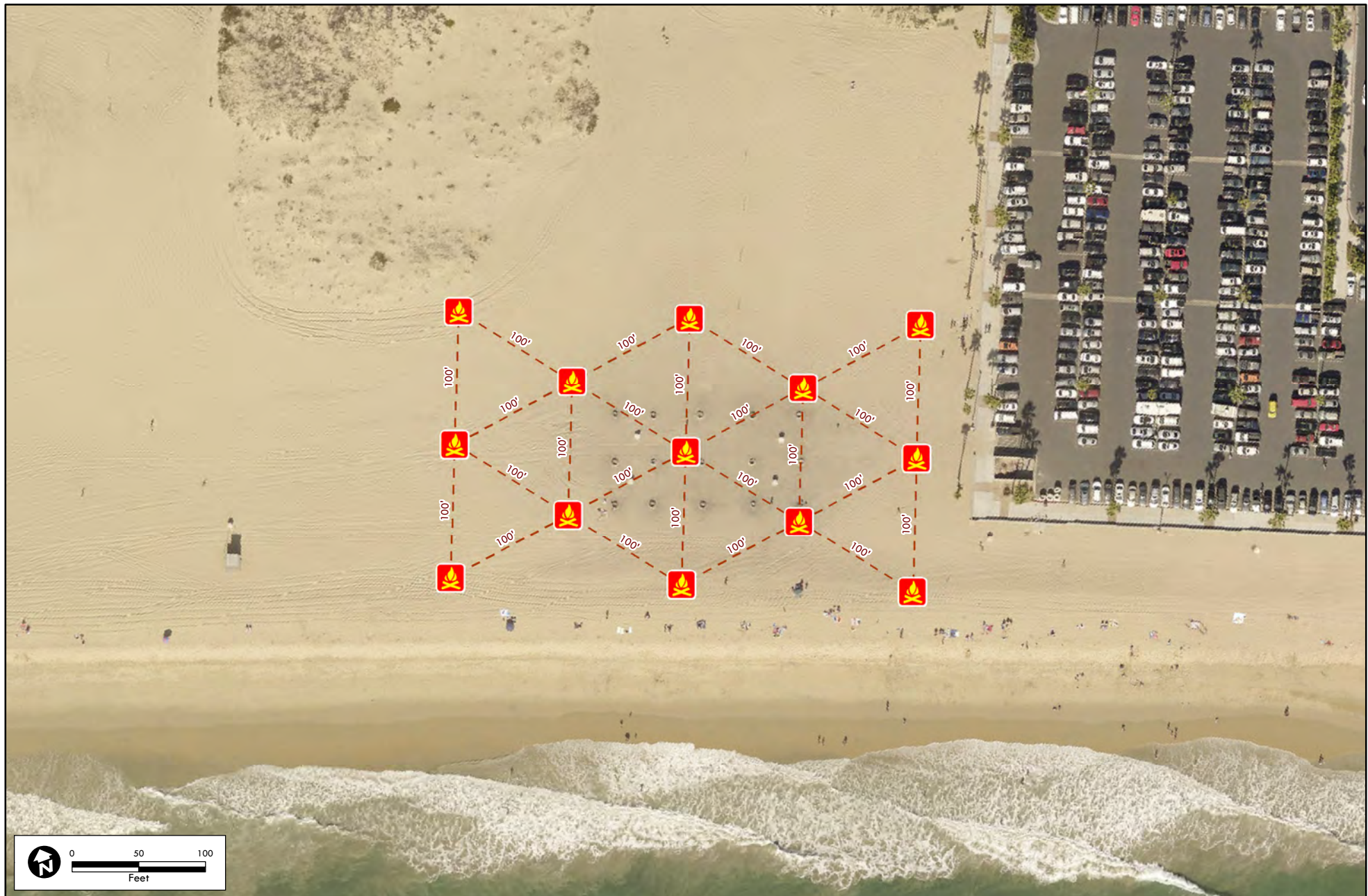
Council-Approved Plan ("Plan 1") Overview



Wood Burning
(60)



City of Newport Beach
GIS Division
January 23, 2015



Plan1_BalboaPier_W.mxd

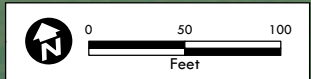
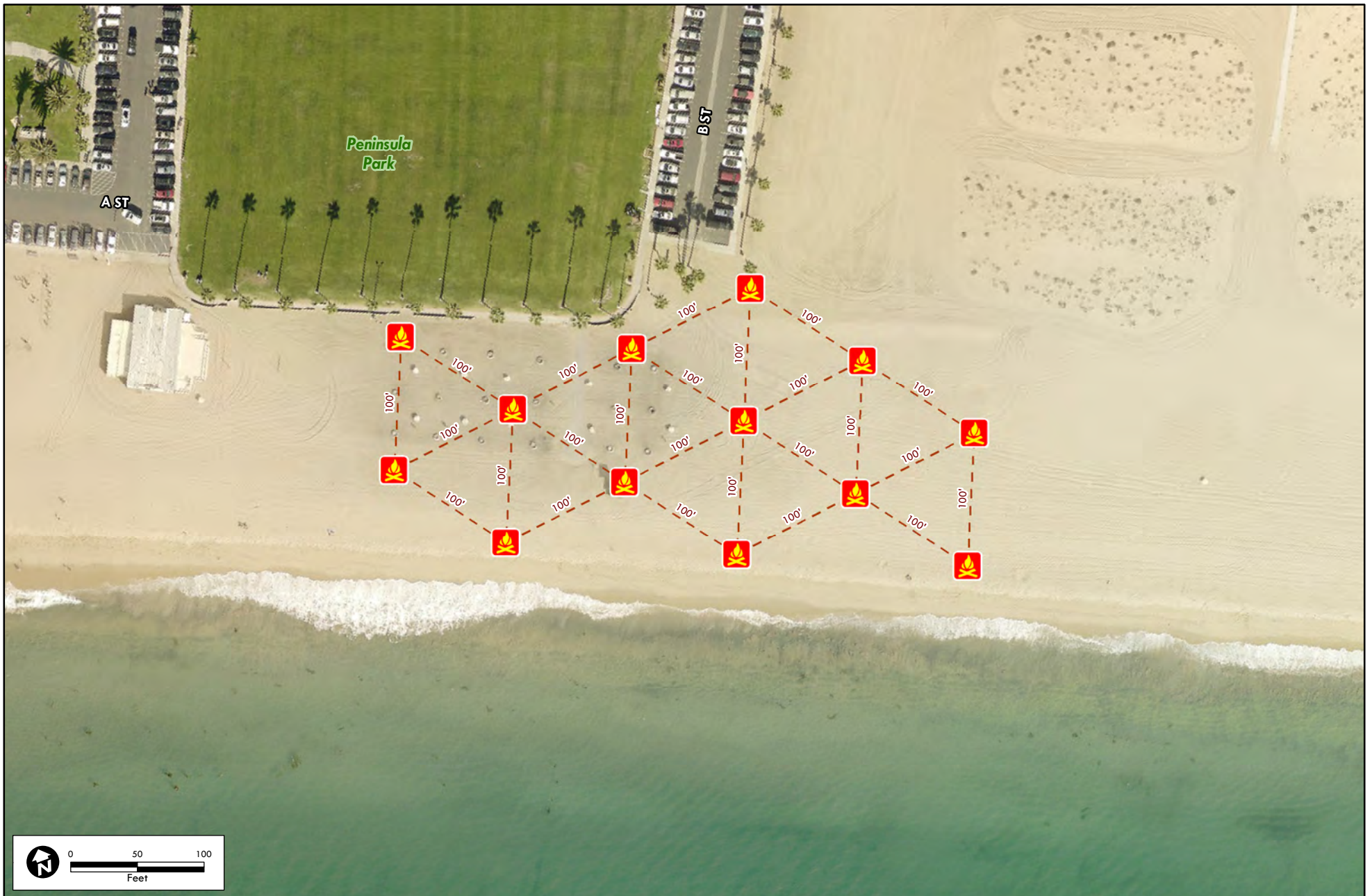
Council-Approved Plan West Balboa Pier



Wood Burning (13)



City of Newport Beach
GIS Division
January 23, 2015



Plan1_BalboaPier_E.mxd

Council-Approved Plan East Balboa Pier



Wood Burning (13)



City of Newport Beach
GIS Division
January 23, 2015



Plan1_NewportPier.mxd

Council-Approved Plan Newport Pier



Wood burning (9)



City of Newport Beach
GIS Division
January 23, 2015



Plan1_NewportDunes.mxd

Council-Approved Plan Newport Dunes



Wood burning (7)



City of Newport Beach
GIS Division
January 23, 2015



Alt_Plan2_Overview.mxd

"Alternate Plan 2" Overview

● Wood Burning
Rings (60)



City of Newport Beach
GIS Division
January 22, 2015



Alt_Plan2_BalboaPier_W.mxd

"Alternate Plan 2" West Balboa Pier



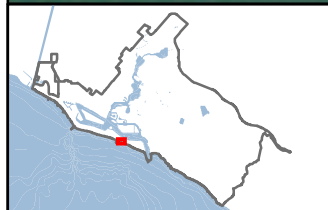
Wood Burning Rings
(22)



Public Restrooms



City of Newport Beach
GIS Division
January 21, 2015



Alt_Plan2_BalboaPier_E.mxd

"Alternate Plan 2" East Balboa Pier



Wood Burning Rings
(20)





Public Restrooms



City of Newport Beach
GIS Division
January 21, 2015



"Alternate Plan 2" CdM State Beach

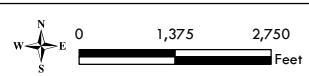
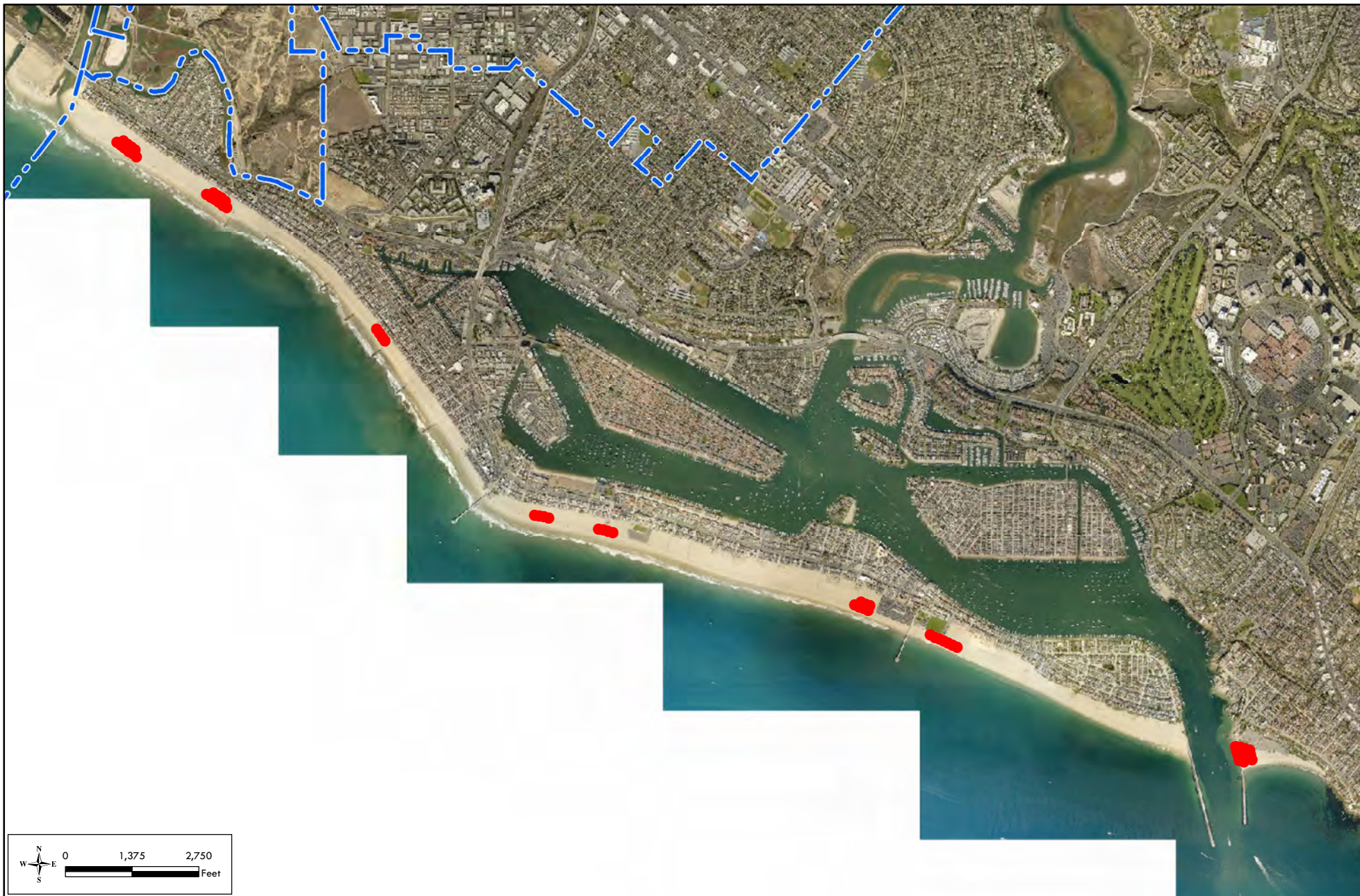
-  Wood Burning Rings (18)
-  Public Restrooms



City of Newport Beach
GIS Division
January 21, 2015



Alt_Plan2_CdM.mxd



Alt_Plan3_Overview.mxd

"Alternate Plan 3" Overview




● Wood Burning Rings
(60)



City of Newport Beach
GIS Division
January 21, 2015

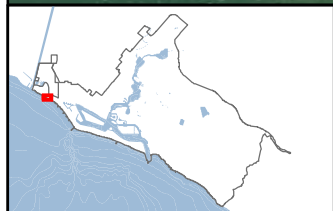
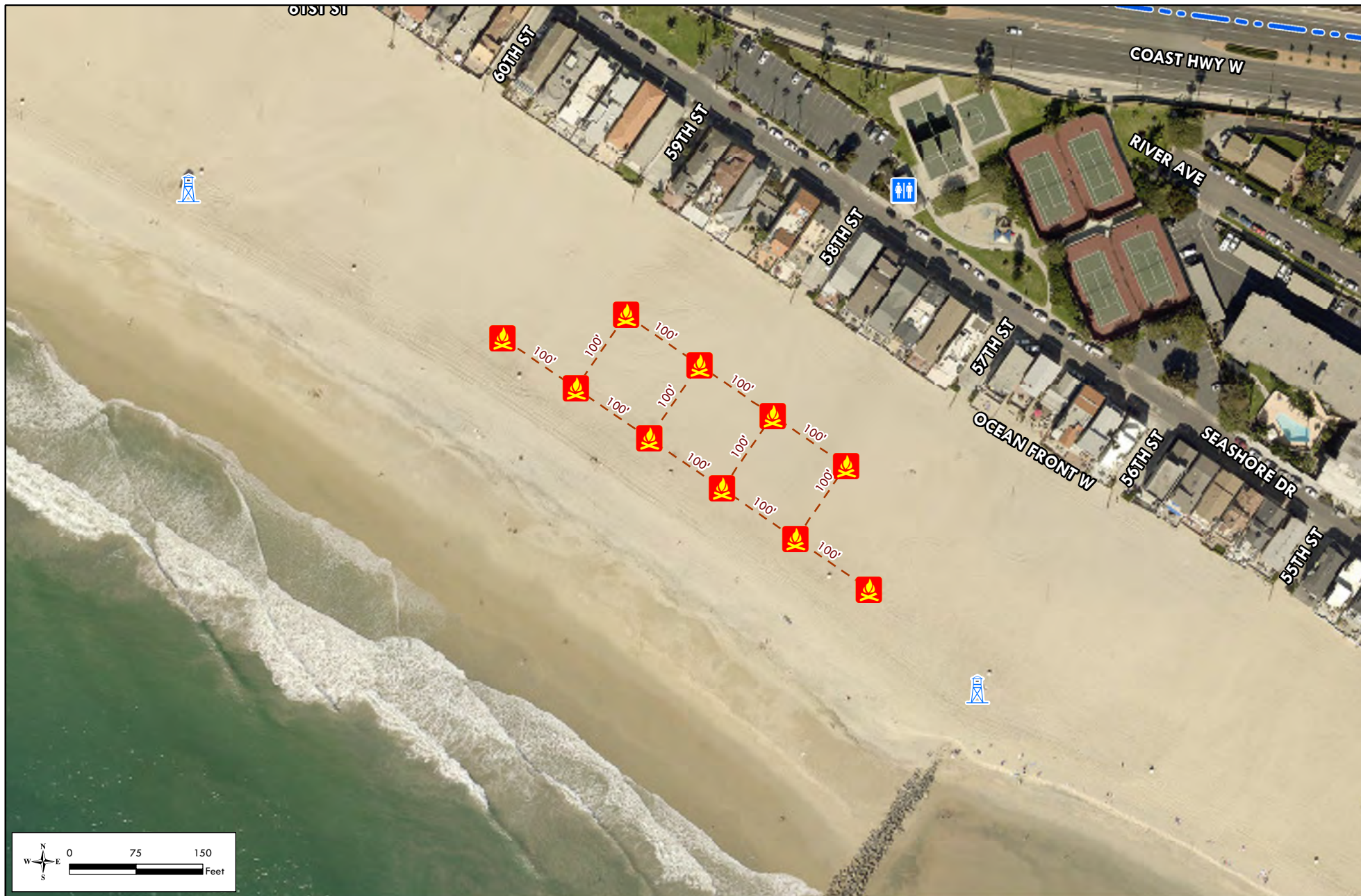


"Alternate Plan 3" Orange Street

-  Wood Burning Rings (10)
-  Public Restrooms
-  Lifeguard Towers



City of Newport Beach
GIS Division
January 21, 2015



Alt_Plan3_58th_Street.mxd

"Alternate Plan 3" 58th Street



Wood Burning Rings
(10)



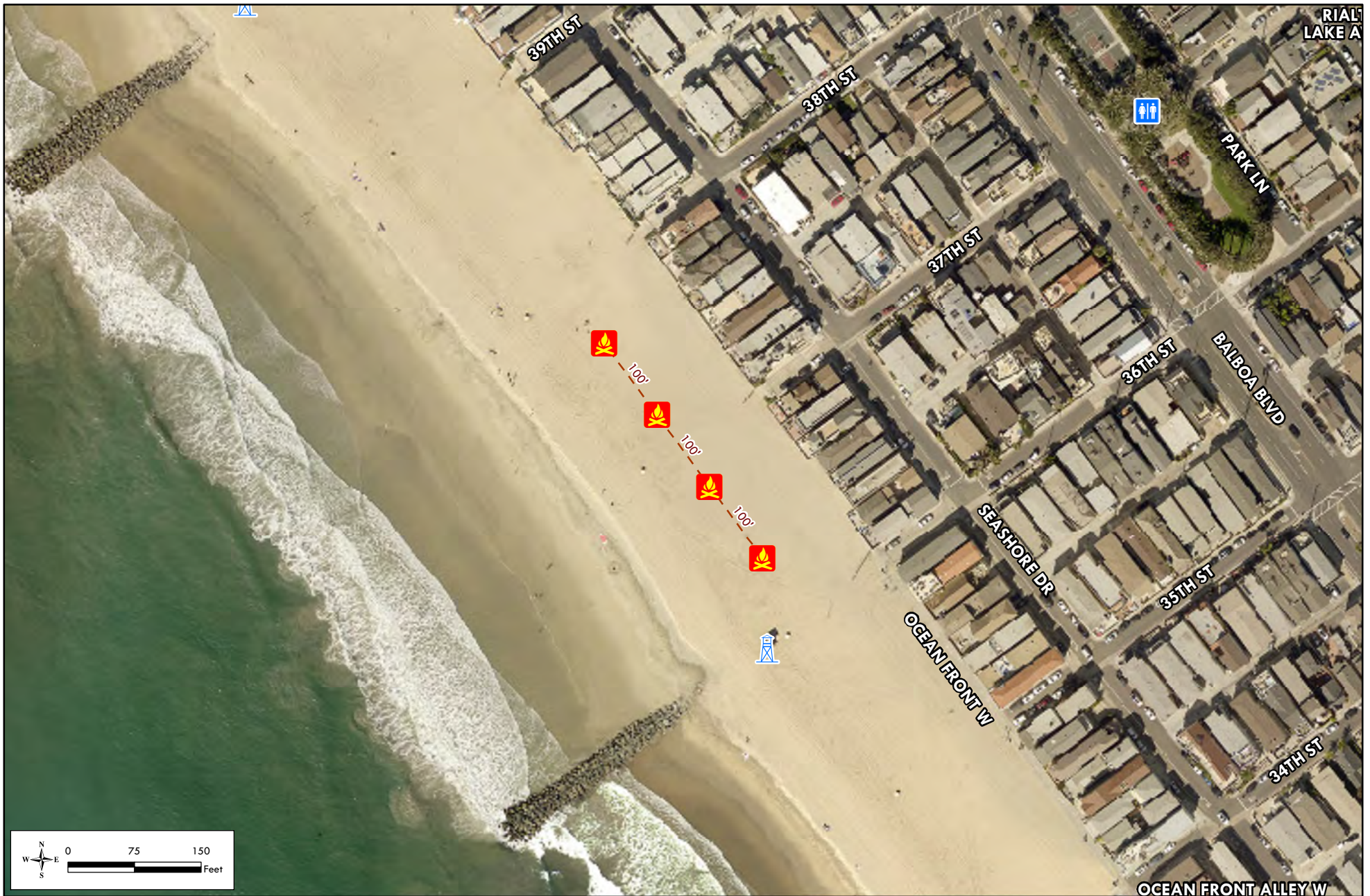
Public Restrooms



Lifeguard Towers



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GIS Division
January 21, 2015



Alt_Plan3_37thStreet.mxd

"Alternate Plan 3" 37th Street



Wood Burning Rings
(4)



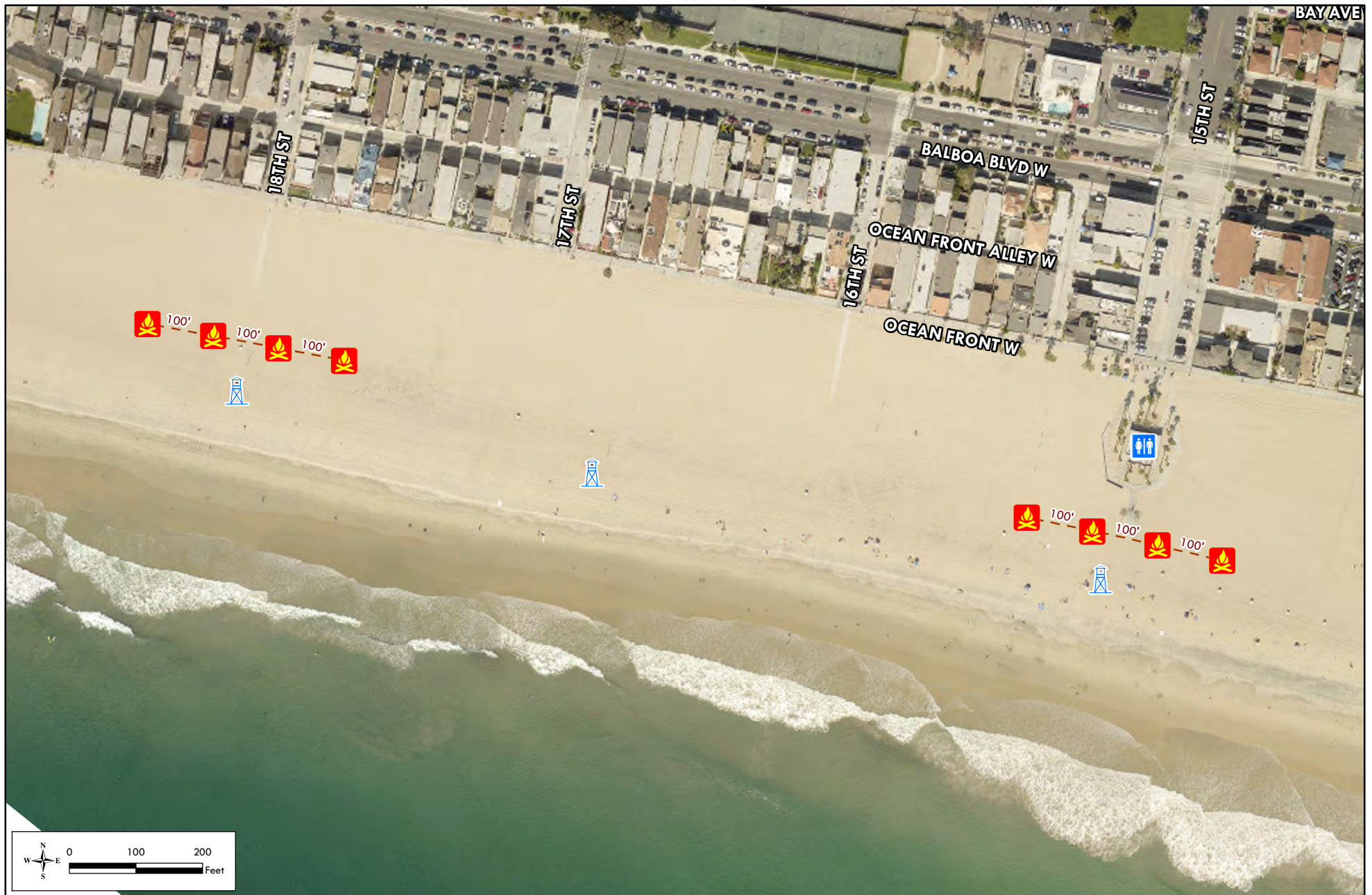
Public Restrooms



Lifeguard Towers



City of Newport Beach
GIS Division
January 21, 2015



"Alternate Plan 3" 15th & 18th Street



Wood Burning Rings
(8)



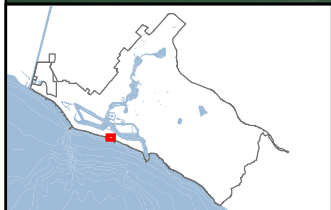
Public Restrooms



Lifeguard Towers



City of Newport Beach
GIS Division
January 21, 2015



Alt_Plan3_BalboaPier_W.mxd

"Alternate Plan 3" West Balboa Pier



Wood Burning Rings
(7)



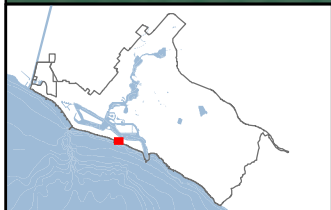
Public Restrooms



Lifeguard Towers



City of Newport Beach
GIS Division
January 21, 2015



"Alternate Plan 3" East Balboa Pier



Wood Burning Rings
(7)



Public Restrooms



Lifeguard Towers



City of Newport Beach
GIS Division
January 21, 2015



"Alternate Plan 3" CdM State Beach



Wood Burning Rings
(14)



Public Restrooms



Lifeguard Towers



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GIS Division
January 21, 2015



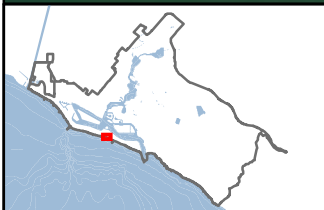
Alt_Plan4_Summer_Overview.mxd

"Alternate Plan 4" Summer (March 15 - October 15) Overview

● Wood Burning
Rings (60)



City of Newport Beach
GIS Division
January 23, 2015



Alt_Plan4_Summer_BalboaPier_WV.mxd

"Alternate Plan 4"
Summer (March 15 - October 15)
West Balboa Pier



Wood Burning Rings
 (22)



City of Newport Beach
 GIS Division
 January 23, 2015



"Alternate Plan 4"
Summer (March 15 - October 15)
East Balboa Pier



Wood Burning Rings
 (20)



City of Newport Beach
 GIS Division
 January 23, 2015



Alt_Plan4_Summer_CdM.mxd

**"Alternate Plan 4"
Summer (March 15 - October 15)"
CdM State Beach**



Wood Burning Rings (14)



City of Newport Beach
GIS Division
January 23, 2015



Alt_Plan4_Winter_Overview.mxd

"Alternate Plan 4" Winter (October 15 - March 15) Overview

● Wood Burning
Rings (30)



City of Newport Beach
GIS Division
January 23, 2015



Alt_Plan4_Winter_BalboaPier_W.mxd

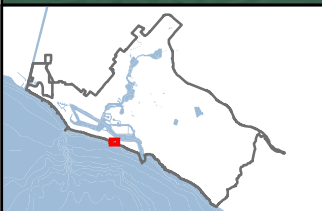
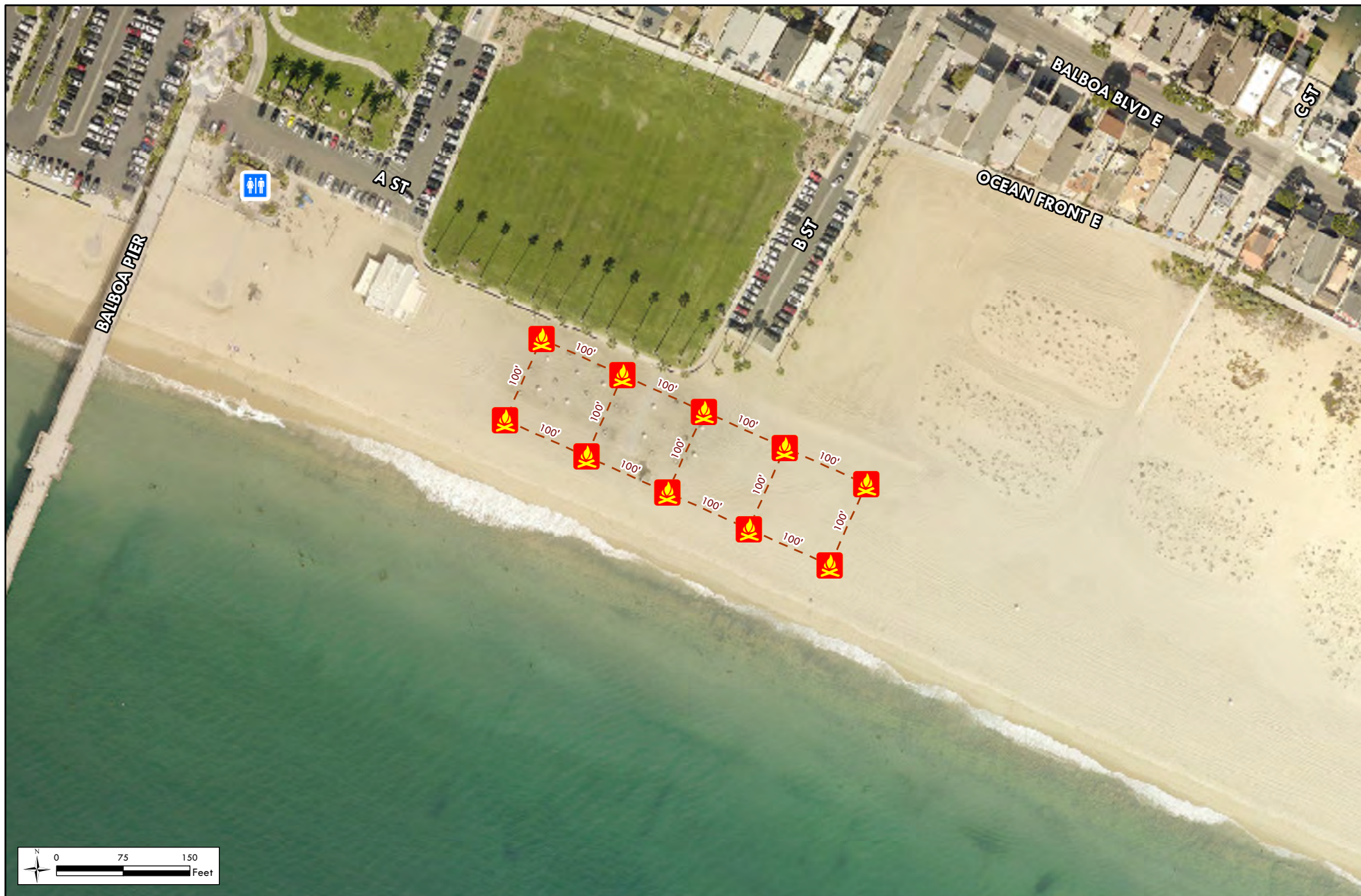
"Alternate Plan 4"
Winter (October 15 - March 15)
West Balboa Pier



Wood Burning Rings (11)



City of Newport Beach
 GIS Division
 January 23, 2015



Alt_Plan4_Winter_BalboaPier_E.mxd

"Alternate Plan 4"
Winter (October 15 - March 15)
East Balboa Pier



Wood Burning Rings (10)



City of Newport Beach
 GIS Division
 January 23, 2015



"Alternate Plan 4"
Winter (October 15 - March 15)"
CdM State Beach



Wood Burning Rings (9)



City of Newport Beach
 GIS Division
 January 23, 2015

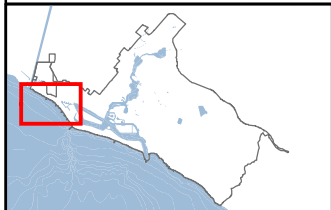


"Alternate Plan 5" Overview

● Wood Burning
Rings (60)



City of Newport Beach
GIS Division
January 22, 2015



"Alternate Plan 5" West Newport



Wood Burning
Rings (20)



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GIS Division
January 22, 2015



"Alternate Plan 5" Pier to Pier



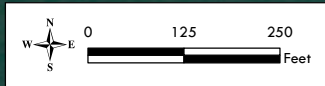
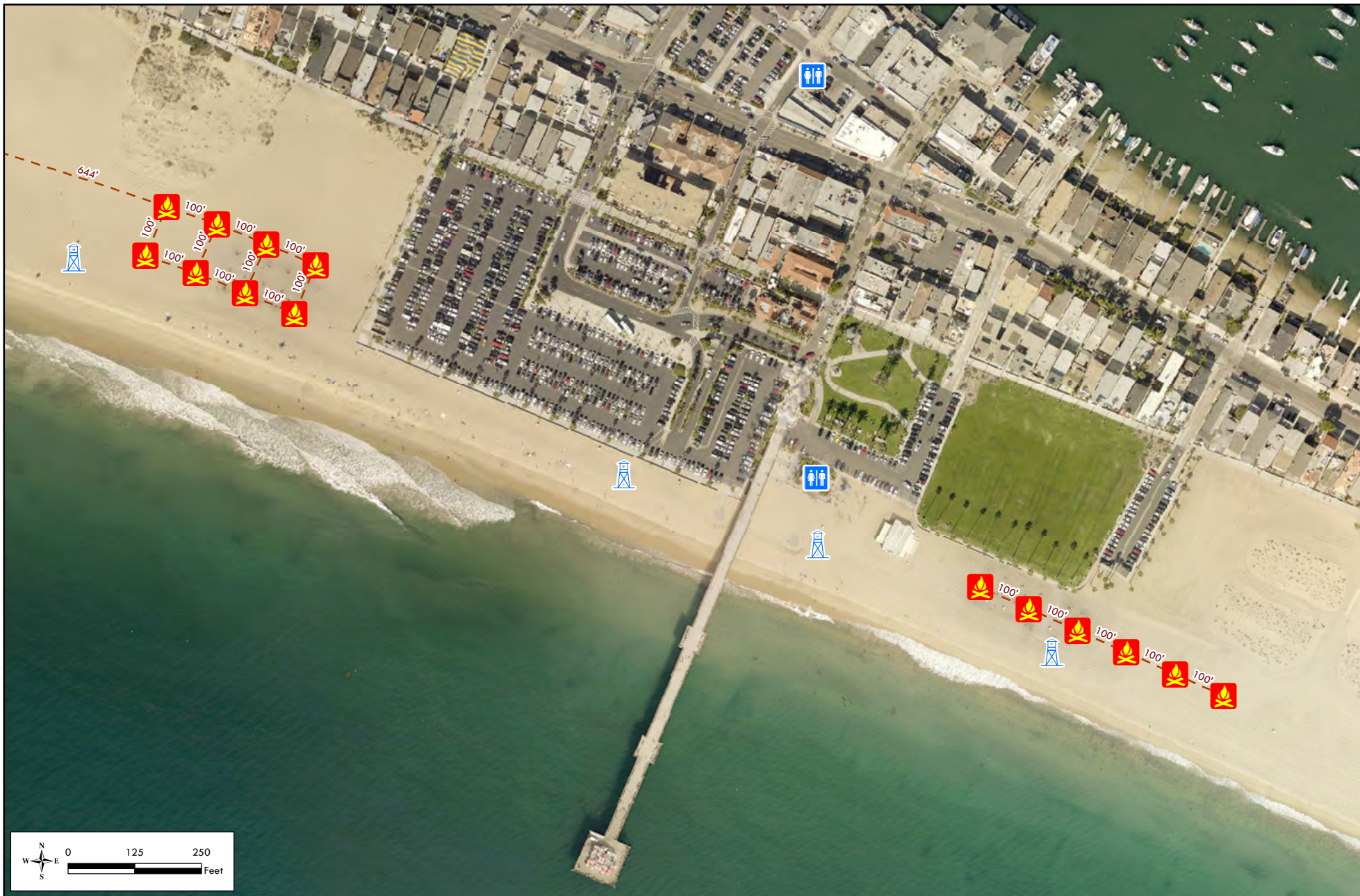
Wood Burning



City of Newport Beach
GIS Division
January 22, 2015



Alt_Plan5_Pier_to_Pier.mxd



Alt_Plan5_Balboa_Pier.mxd

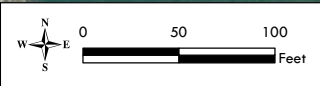
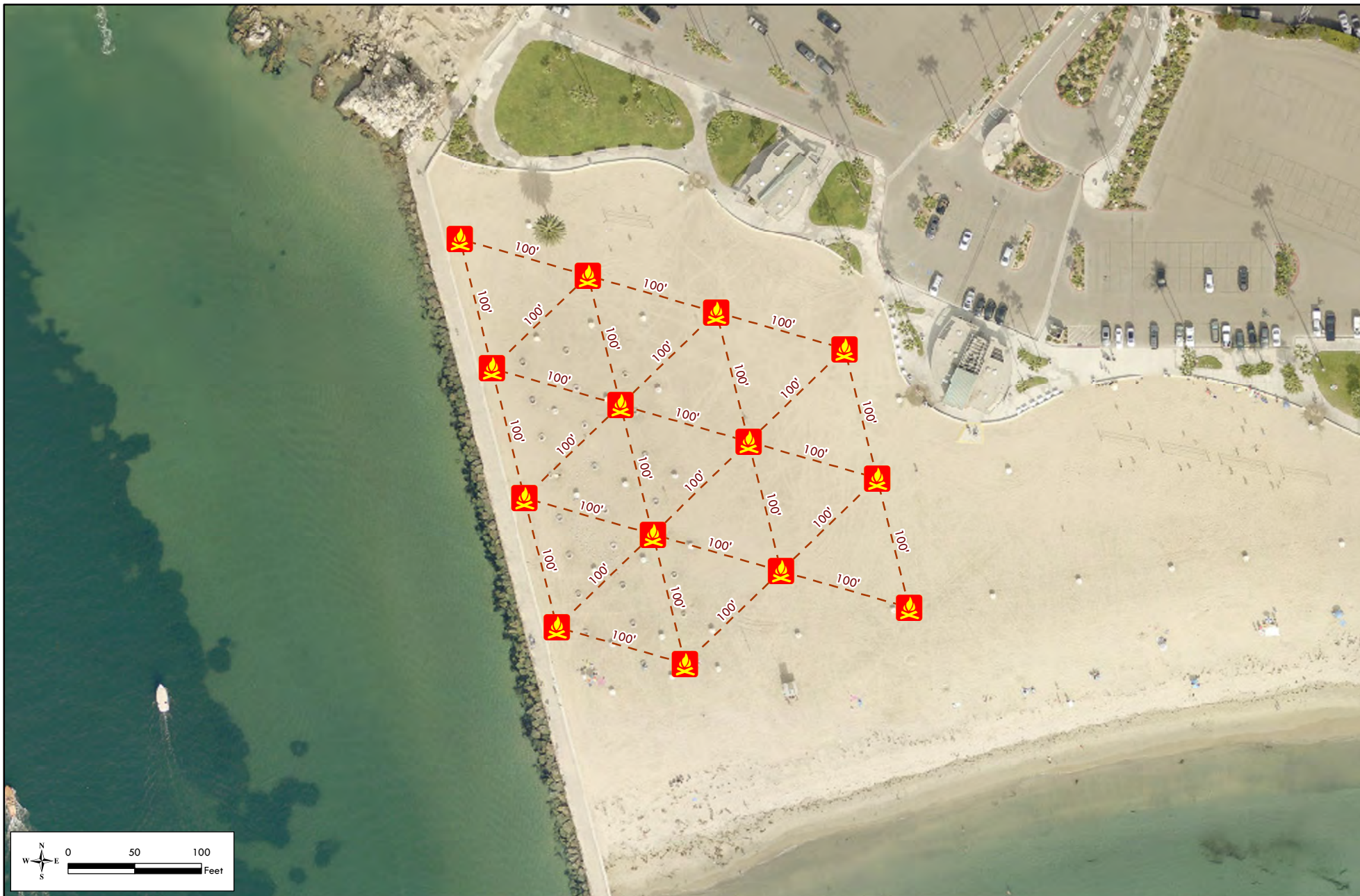
"Alternate Plan 5" Balboa Pier (East & West)



Wood Burning
Rings (14)



City of Newport Beach
GIS Division
January 22, 2015



Alt_Plan5_CdM.mxd

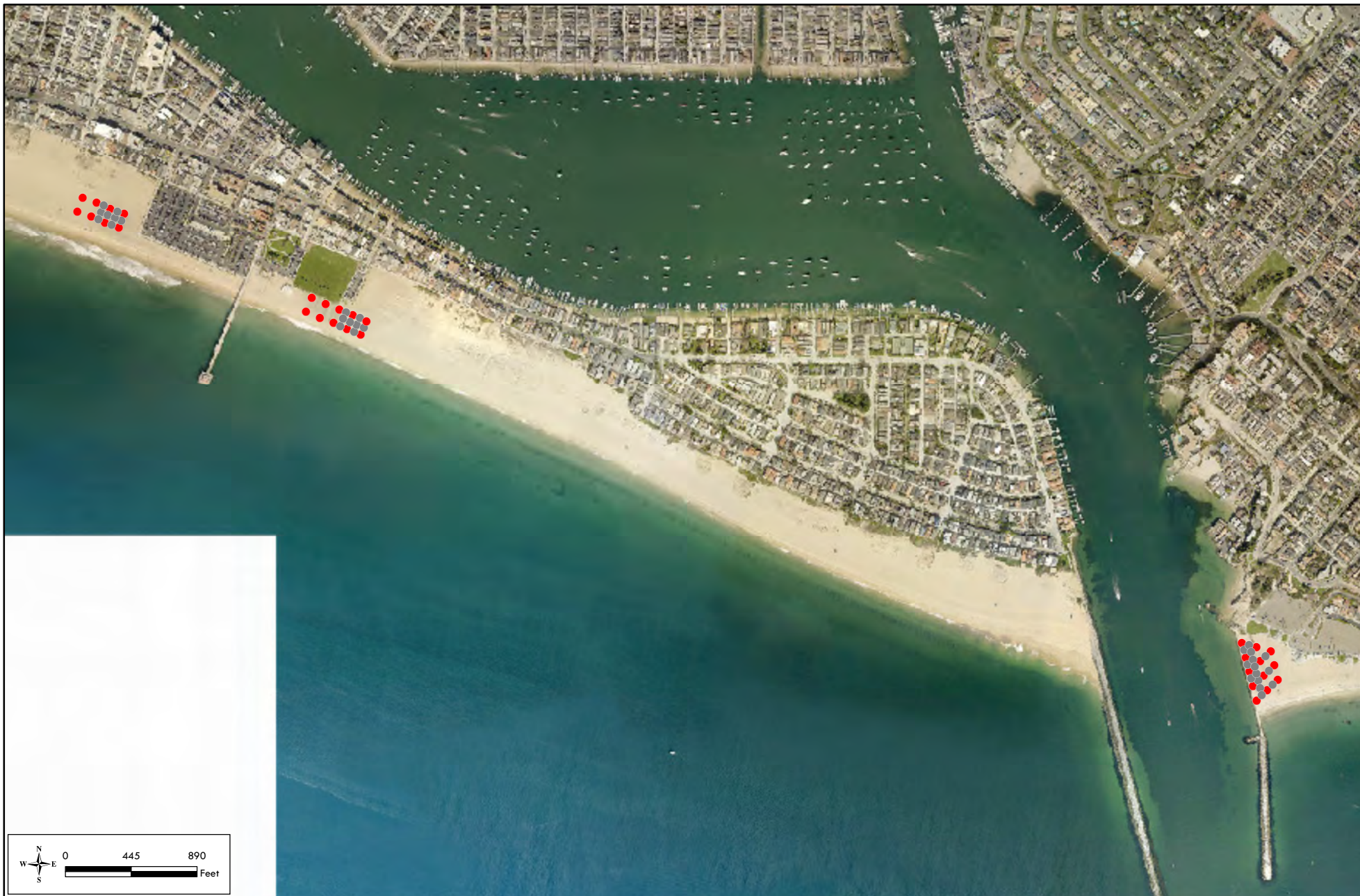
"Alternate Plan 5" CdM State Beach



Wood Burning
Rings (14)



City of Newport Beach
GIS Division
January 22, 2015

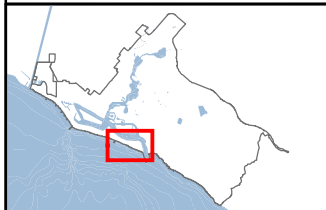


"Alternate Plan 6" Overview

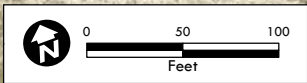
- Wood Burning (30)
- Charcoal Burning (30)



City of Newport Beach
GIS Division
January 22, 2015



Alt_Plan6_Overview.mxd



"Alternate Plan 6" West Balboa Pier



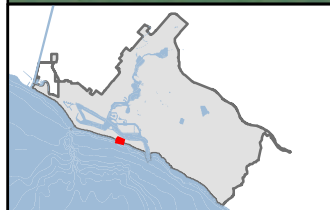
Wood Burning (8)



Charcoal Burning (8)



City of Newport Beach
GIS Division
January 22, 2015



Alt_Plan6_BalboaPier_E.mxd

"Alternate Plan 6" East Balboa Pier



Wood Burning (10)



Charcoal Burning (8)



City of Newport Beach
GIS Division
January 22, 2015



Alt_Plan6_CdM.mxd

"Alternate Plan 6" CdM State Beach



Wood Burning (12)



Charcoal Burning (14)



City of Newport Beach
GIS Division
January 22, 2015



"Alternate Plan 7" Overview

● Charcoal Burning
(60)



City of Newport Beach
GIS Division
January 23, 2015



Alt_Plan7_Overview.mxd



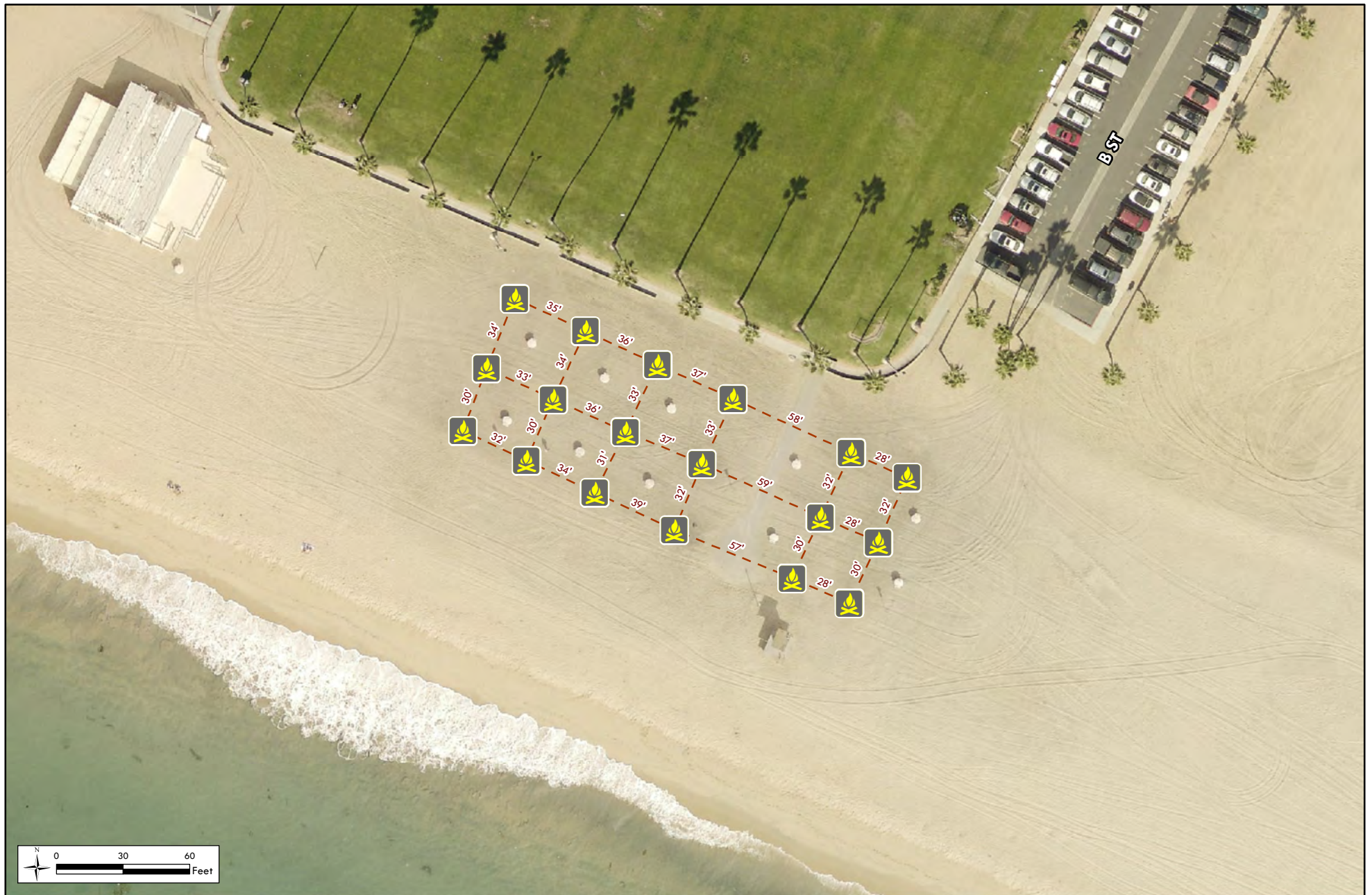
"Alternate Plan 7" West Balboa Pier



Charcoal Burning (15)



City of Newport Beach
GIS Division
January 23, 2015



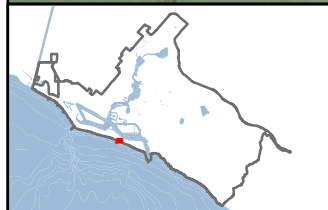
"Alternate Plan 7" East Balboa Pier



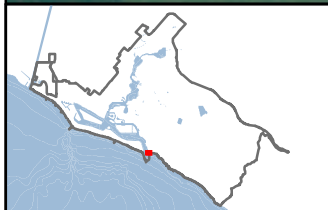
Charcoal Burning (18)



City of Newport Beach
GIS Division
January 23, 2015



Alt_Plan7_BalboaPier_E.mxd



Alt_Plan7_CdM.mxd

"Alternate Plan 7" CdM State Beach



Charcoal Burning (27)



City of Newport Beach
GIS Division
January 23, 2015



Alternate_Plan8_Overview.mxd

"Alternate Plan 8" Overview

- Wood Fire Rings (23)
- Charcoal Fire Rings (32)



City of Newport Beach
GIS Division
February 09, 2015



Alt_Plan8_BalboaPier_W.mxd

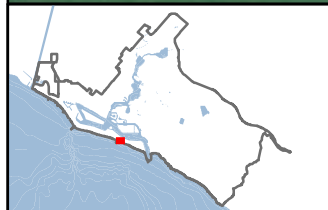
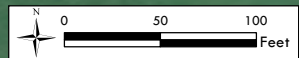
"Alternate Plan 8" West Balboa Pier



All Charcoal-
Only Fire Rings
(18)



City of Newport Beach
GIS Division
February 09, 2015



"Alternate Plan 8" East Balboa Pier



Wood Fire Rings (12)



City of Newport Beach
GIS Division
February 09, 2015



Alt_Plan8_CdM.mxd

"Alternate Plan 8" CdM State Beach



Wood Fire Rings (11)



Charcoal Fire Rings (14)



City of Newport Beach
GIS Division
February 09, 2015



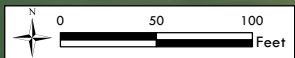
Alternate_Plan9_Overview.mxd

"Alternate Plan 9" Overview

● Wood Burning Rings (15)



City of Newport Beach
GIS Division
February 09, 2015



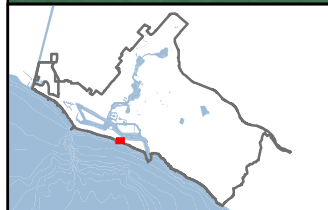
"Alternate Plan 9" West Balboa Pier



Wood Burning Rings (6)



City of Newport Beach
GIS Division
February 09, 2015



Alt_Plan9_BalboaPier_E.mxd

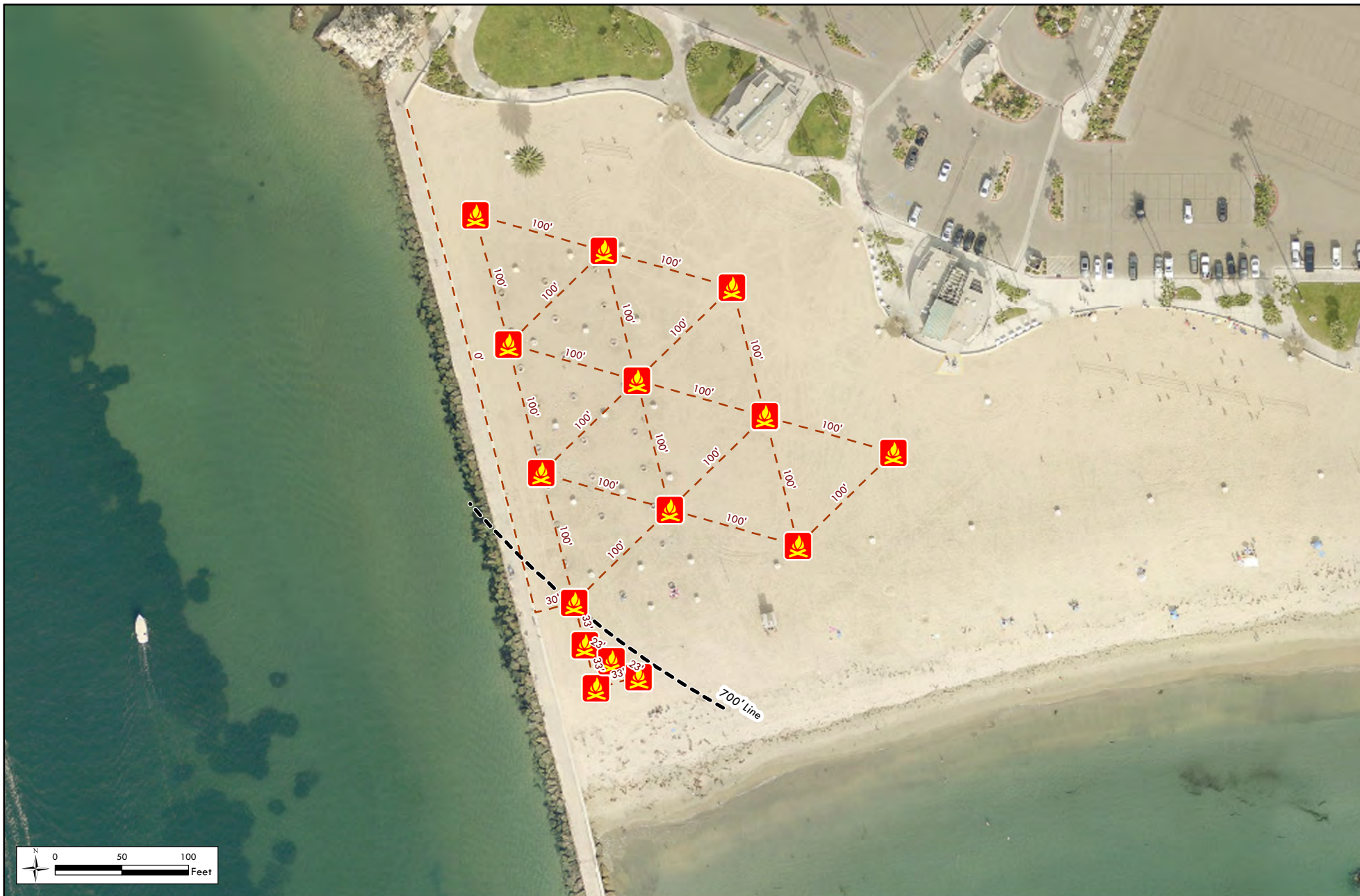
"Alternate Plan 9" East Balboa Pier



Wood Burning Rings (12)



City of Newport Beach
GIS Division
February 09, 2015



"Alternate Plan 9" CdM State Beach



Wood Burning Rings (15)



City of Newport Beach
GIS Division
February 09, 2015



CITY OF NEWPORT BEACH

COMMUNITY DEVELOPMENT DEPARTMENT Planning Division

October 19, 2012

California Coastal Commission
South Coast Area Office
Attn: Jeffrey Rabin
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

RECEIVED
South Coast Region

OCT 22 2012

CALIFORNIA
COASTAL COMMISSION

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

Dear Mr. Rabin:

On September 13, 2012, the City received your 2nd Notice of Incomplete Application pertaining to the above mentioned application. We appreciate your review and provide the following information in response. For ease of reference, we have listed and summarized your comments and our responses follow each comment.

CCC Comment: Health and safety

1. *How has the City documented the air quality impacts of the fire rings?*
 - As mentioned in our previous submittal, the City obtained input from an air quality specialist regarding potential methods for measuring the air pollutants emissions generated by the fire rings. The specialist noted that it would not be possible to definitively determine the source of the emissions in this situation because particulates may be generated by a variety of sources and would vary by weather conditions. The health impacts of wood smoke, in general, have been well documented. Our original submittal included extensive documentation pertaining to the health hazards of wood smoke. We also provided and correspondences specifically related to the concerns of the fire rings from specialists throughout the country. Additional correspondences have been received since our original submittal. These are provided as Attachment 1.
2. *Have air samples been taken at the beach or neighboring homes? If so, please provide the results of the sampling.*
 - As noted above, air samples have not been taken at the beach or neighboring homes because the result of such an analysis would be inconclusive on the basis that it would not be possible to determine the source of the particulate emissions.
3. *How does the City know definitively the source of smoke in adjacent neighborhoods?*
 - There are no other sources of wood smoke within proximity of the neighborhood and during the summer months, when the fire rings are used the most, residential fireplace use is limited.

4. *Are there regular air quality monitoring stations in Corona del Mar and the vicinity of the Balboa Pier?*
 - There are no air quality monitoring stations in the City of Newport Beach. The nearest monitoring station is located in the City of Costa Mesa.
5. *The City's applications notes that "users of the fire rings have the tendency to burn inappropriate materials such as treated paper or plastic creating toxic smoke." What evidence does the City have that this is the case?*
 - The City has not issued administrative citations for burning inappropriate materials, so quantified data is not available to substantiate the claim. The City's Park Rangers patrol the beach during peak times and witness improper burning; however, the approach is to proactively educate the public rather than issue citations. The educational materials are provided Attachment 2. The brochure informs the public of proper burning practices and cites the appropriate Municipal Code sections.
6. *In your August 10 letter you indicate that the City's Fire Code limits materials that can be burned in the fire rings to natural wood or commercial logs. Is the City enforcing this restriction? What is the penalty for failing to abide by this restriction?*
 - As stated above, the City takes a proactive approach in preventing the burning of materials other than those permitted by the Fire Code. If a user is burning improper materials, he or she will be served with a verbal warning as well as a brochure informing the user of the correct materials. If the problem persists and the user refuses to cease burning the improper materials, he or she is served with an administrative citation of \$100. If it is a second or third offence, the fee increases to \$200 and \$300, respectively. Again, the City has not had to issue an administrative citation and warnings are not tracked.
7. *The South Coast Air Quality Management District's Rule 445 exempts campfires, beach bonfires and ceremonial burning from restrictions on wood-burning fireplaces.*
 - Noted. The City's reference to SCAQMD Rule 445 was not to the rule itself, rather to the research that has been conducted and documented regarding wood burning smoke.

CCC Comment: Use of the fire rings

1. *How extensively are the fire rings used during the months of November, December, January and February?*
 - Although quantitative data is not collected for the amount of fire ring users, fluctuations in beach usage can be estimated using data collected for the number of vehicles accessing Corona State Beach. This data indicates that the peak beach usage is experienced during the months of June, July and August. And usage sharply declines in the other months with the slowest months in December, January and February. Using the peak months as a benchmark, and the observation that the fire rings are used 100% of time during the peak periods, the usage of the fire rings in the slower months can also be estimated as shown in Table 1. It should be noted that the number of fire rings users fluctuate tremendously during off-peak based on weather conditions.

Table 1				
Estimated Fire Ring Usage				
	# of Vehicles/ Average Month (1)	% of Total	Assumed Fire Ring Usage (2)	# of Fire Ring Users/Day (holiday/weekends) (3)
July	22,893	26%	100%	600 people
August	21,063	24%		
June	12,983	15%		
September	8,306	9.4%	36%	216 people
May	6,706	7.6%		
April	5,489	6.2%		
March	3,618	4.1%	14%	30 people
October	3,208	3.6%		
November	1,268	1.4%		
January	1,186	1.3%	5%	84 people
February	1,116	1.3%		
December	775	0.9%		
Total	88,611	--	--	--
(1) Vehicle counts collected at Corona State Beach between 2007 and 2012 (Attachment 3)				
(2) Usage based on monthly vehicles averages.				
(3) Assumes 60 fire rings and 10 users/fire ring.				

2. Please submit copies of the annual report covering the last five fiscal years (2007-08, 2008-09, 2009-10, 2010-11, 2011-12), which the City files each year with the California Department of Parks and Recreation. This document should include "a reasonable weekly estimate of the number of visitors to the area, as well as the number of vehicles" and a monthly attendance report.

- The requested annual reports are attached as Attachment 3.

CCC Comment: Authority to remove the fire rings

1. Please provide copies of any correspondence and/or written authorization from the California Department of Parks and Recreation related to the removal of the fire rings in Newport Beach.
 - The letter from Brian Ketterer, District Superintendent from the State Department of Parks and Recreation, dated September 26, 2012, is provided as Attachment 4.
2. Has State Parks agreed that the fire rings should be removed from the Corona del Mar State Beach?
 - The letter from Mr. Ketterer acknowledges that the City "did receive some form of permission from the State to remove the fire rings from the property."
3. Has State Parks agreed to the replacement of the fire rings at Corona del Mar State Beach with other recreational facilities such as additional volleyball nets or a children's playground?
 - Mr. Ketterer suggests in his letter that other avenues of recreational opportunities should be considered if the fire rings are removed. Suggestions offered include additional volleyball courts, an interpretive play structure and other passive recreation.

Based on these suggestions, the City presented an alternative recreation plan to the State Department. The Plan is provided as Attachment 5.

The alternative plan proposes to replace the fire rings at Corona del Mar State Beach with open access beach areas, as well as establishment of four new volleyball courts and a space net. The fire rings at Balboa Pier would be replaced with open beach access. The recreational benefits of the alternative plan are as follows:

- Open beach area provides greater flexibility for visitors. During peak summer season, when sand area is at high demand, an additional 20,000 square feet would be created at Corona del Mar and 24,000 square feet would be made available at Balboa Pier.
- Visitors would utilize the open beach area throughout the day. With the existence of fire rings, the area is primarily used in the evenings. Visitors may place their personal items next to a fire ring during the day to reserve it, but the fire rings area is not desirable for day time beach activities.
- Four new volleyball courts would be created in Corona del Mar, inland of the current fire ring location, meeting the high demand for this type of activity.
- The volleyball courts may serve a greater number of users per day, as compared to fire rings, on the basis that there would be a turn-over of users throughout the day-light hours.
- A "space net" would be located at Corona del Mar, adjacent to the proposed volleyball courts. A similar play net is located at Balboa Pier and quite popular among visitors. The net would provide an amenity to children throughout the day-light hours, while the fire rings do not.

CCC Comment: History of fire rings in Newport Beach

1. When were the fire rings installed at Corona del Mar State Beach and in the vicinity of the Balboa Pier?
 - There is not detailed documentation pertaining to the placement of the fire rings in the vicinity of the Balboa Pier; however, City Council minute archives indicate the City purchased and installed fire containers in or around 1957 on Big Corona State Beach. Discussions with individuals (i.e., retired lifeguards) working or residing in the City between the years of 1932 and 1990 recall fire pits in the Balboa Pier area being in place post World War II. Further research of City Council minute archives would suggest that the fire pits were created around this timeframe as a petition was presented in 1951 for their removal. It is not clear whether or not the fire pits referenced were City-purchased and installed containers.
2. Has the number of fire rings at those locations changed (i.e., increased or decreased) over the years?
 - The location and quantity of fire rings has not been documented overtime. However, discussions with long term residents and life guards revealed that the location and quantity of rings have varied since they were first established. See additional information below.

3. Have the fire rings always been densely concentrated as they are today? Did the City have fire rings at other beach locations prior to concentrating the fire rings at Corona del Mar State Beach and adjacent to the Balboa Pier? If so, please explain what happened to those fire rings and identify when those changes were made.

- Based on the recollection of several long-time residents and former employees, 20 to 30 fire rings were located on the east side of the Newport Pier and an additional 20 fire rings were located between 24th Street and 28th Street in the late 1940s; however, they were subsequently removed in early 1960s. Although fire rings were installed in other areas of West Newport or the Balboa Pier, the fire rings at Coronado Street and B Street at the Balboa Pier as well as those at Big Corona have not changed location since they were initially installed.

As another consideration, Peninsula Park, an active sports park is located approximately 30 feet from the fire rings east of the Balboa Pier area (see Attachment 6). Although the park is not lit, it is well-utilized throughout the day and into the early evening when the fire rings are operating.

If you require any additional information, please do not hesitate to contact me.

Respectfully submitted,



Brenda Wisneski, AICP
Deputy Community Development Director

Attachments:

- 1 Correspondences
- 2 Educational Brochure regarding open fires and barbeques at the beach
- 3 Corona del Mar State Beach Annual Report, Parking Lot Usage Data
- 4 Letter from Brian Ketterer, District Superintendant from the State Department of Parks and Recreation, dated September 26, 2012
- 5 Alternative Amenity Plan – Corona del Mar State Beach and Balboa Pier
- 6 Photos – Balboa Pier and Peninsula Park

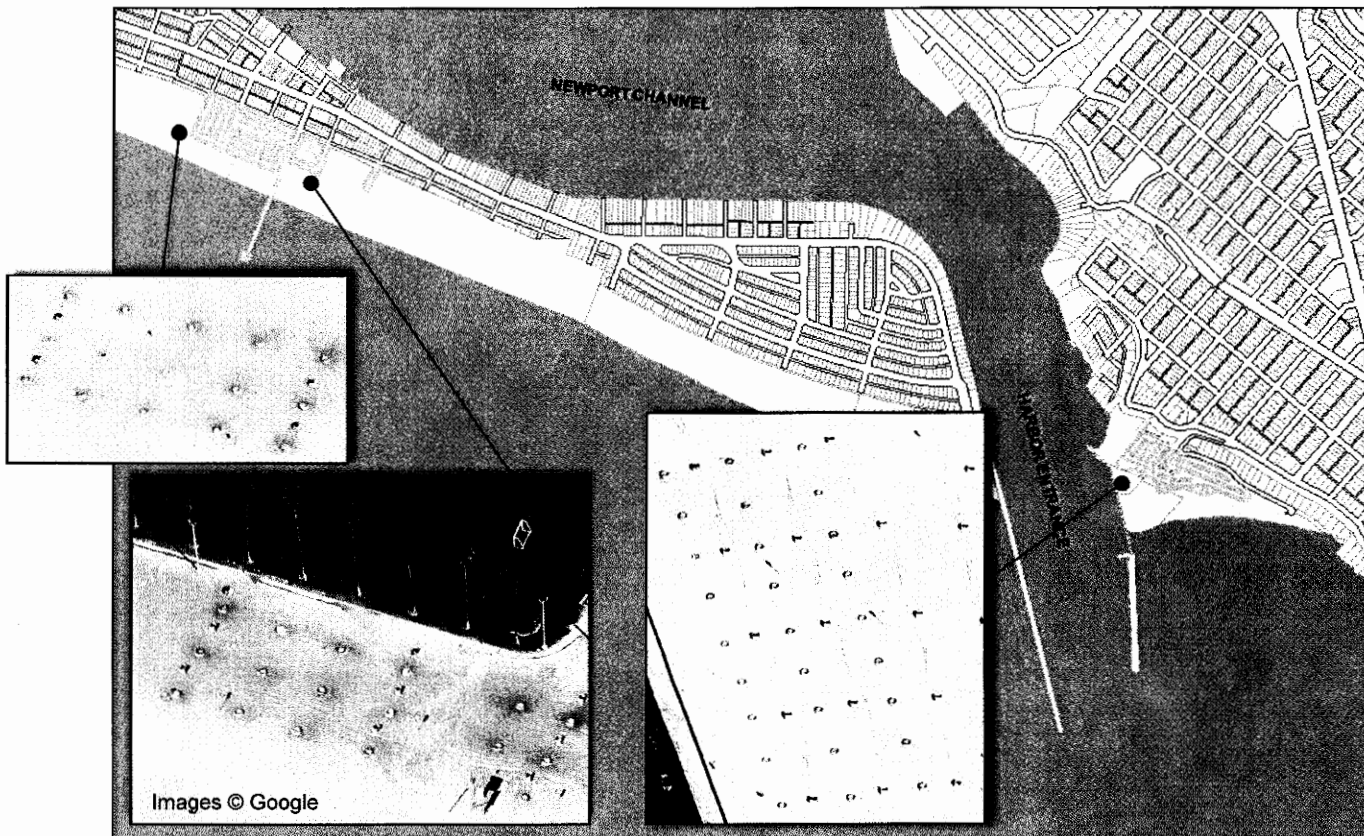
JUL 17 2014

I. **PROJECT DESCRIPTION**

The City proposes to conduct a pilot program to limit fire ring fuel to charcoal for the 60 fire rings dispersed within the Balboa Pier area and Corona del Mar State Beach.

II. **BACKGROUND**

Starting in February 2012, the City of Newport Beach proposed changes to the 60 fire rings located at Corona del Mar State Beach and near the Balboa Pier.



On July 12, 2013, the South Coast Air Quality Management District (SCAQMD) approved an amendment to Rule 444 – Open Burning. Under the measure, beach bonfires will continue to be allowed in Los Angeles and Orange Counties as long as a city has not made a determination based on state law that smoke from fire pits poses a nuisance.

In addition, Rule 444 also concludes that, effective March 1, 2014, fire pits could remain if:

1. They are located at least 700 feet from the nearest residence; OR

2. They are at least 100 feet apart (If a city has 15 or fewer fire pits, they must be separated by at least 50 feet) and air quality for fine particulates (PM 2.5) in coastal areas is not forecast to exceed 100 on the Air Quality Index. (This is expected to occur infrequently under special meteorological conditions.)

On February 11, 2014, the City Council adopted Ordinance No. 2014-2 limiting what fuels can be burned in the fire rings to natural firewood, fire logs, charcoal, and natural gas. The ordinance also allows the City Manager or his or her designee to further limit fuels on an interim bases to a fuel that complies with AQMD Rule 444 relating to Open Burning.

The City has determined that the use of charcoal is the best immediate solution that meets the Rule 444 requirements, does not require construction of infrastructure to the rings or complete removal of several rings. Charcoal types may include, but are not limited to, natural wood briquettes not infused with lighter fluid, "lump" charcoal, or coconut shell charcoal, most (if not all) available for purchase locally in and around common regional locations.

The City is also considering participating in the SCAQMD's alternative fuel fire ring demonstration program. The SCAQMD is in the development stages of the prototype and it is unclear when, or if, the demonstration program would be implemented in the City of Newport Beach. Since the alternative fuel rings would be a demonstration project, only a few rings would be installed. So a near term solution for complying with Rule 444 is needed.

III. IMPLEMENTATION

The City has implemented the charcoal-only pilot program with an expansive educational outreach. The following highlights the City's actions in unveiling the program:

- Tested charcoal types at the Corona del Mar State Beach fire rings and created a webpage showing recommendations on which types were best in terms of overall experience, food cooking, warmth, and flame. Three easily available lump charcoal brands were ideal and created minimal amounts of smoke.
- "Charcoal Only" has been stenciled in both English and Spanish on each fire ring.
- City's website has been updated with information about fire ring usage and regulations.
- Hired private sector firm to assist with education and warnings – all members have been instructed and trained communicate effectively with visitors regarding the purpose of limiting the fuel to charcoal.
- Several bags of Royal Oak brand lump charcoal have been given out to beachgoers who were unaware of the regulation and the City will continue to provide free bags of charcoal as funds permit.

IV. OBSERVATIONS TO DATE

The City has staff dedicated to overseeing the use of the fire ring areas near the Balboa Pier and on the Corona del Mar State Beach. These staff members serve not only to ensure the charcoal only rule is complied with, but also as reconnaissance in the field. The City has noted the following observations to date since beginning the charcoal-only program:

- Generally the same numbers of people are using the fire rings as before the regulation and for the same approximate duration.
- By appearance, fire ring users seem to be having a comparable experience (fun, food, warmth, and socializing) and the amount of users cooking on the fire rings has increased.
- Beachgoers tend to report that "charcoal only" has not been a deterrent to having an enjoyable time.
- Some (less than five percent) choose to go to Huntington Beach as they want to burn the wood they bring. Others who travel to use the fire rings without knowledge of the charcoal-only regulation are happy to receive free charcoal and are not deterred.
- Non-compliance still exists when staff members are not present; however, the City is of the belief that smoke levels are significantly decreased.

The educational outreach staff members who ensure compliance have also conducted counts that are indicative of a comparable fire ring usage as prior to the charcoal-only rule on various Wednesdays and Saturdays since June 28, 2014. Those counts are provided below.

<i>Date</i>	<i>Location</i>	<i>Notes</i>
Saturday, June 28, 2014	West & East Balboa Pier	All fire rings in use
Wednesday, July 2, 2014	West Balboa Pier	Eight fire rings in use
Wednesday, July 2, 2014	East Balboa Pier	Four fire rings in use
Wednesday, July 2, 2014	Corona del Mar State Beach	15 fire rings in use
Saturday, July 5, 2014	West & East Balboa Pier	All fire rings in use
Wednesday, July 9, 2014	West Balboa Pier	Seven fire rings in use
Wednesday, July 9, 2014	East Balboa Pier	Four fire rings in use
Wednesday, July 9, 2014	Corona del Mar State Beach	25 fire rings in use

V. PILOT PROGRAM

Use of charcoal fuel will be formalized into a pilot program including the following components:

Implementation

1. Maintain quantity and location of existing fire rings.
2. Limit fuel source to charcoal.

3. Continue to implement education and outreach program.
4. Continue with increased staff limits to facilitate program and monitor fire ring usage.

Monitoring

The pilot program is not anticipated to affect usage. A monitoring program has been in place since late June to document usage and enforcement actions. Documentation will address the following:

Between Memorial and Labor Day, complete the following on Wednesdays and Saturdays:

1. At dusk, number of fire rings in use and average number of people per ring.
2. Enforcement actions needed, if any, to address non-charcoal use.

Between Labor Day and Memorial, complete the following on two Saturdays per month and one weekday per month:

1. At dusk, number of fire rings in use and average number of people per ring.
2. Enforcement actions needed, if any, to address non-charcoal use.

Evaluation

Monitoring data will be compiled quarterly and evaluated to identify potential usage trends and needs to modify program to offer additional staffing or outreach.

VI. CONCLUSION

The City views the limitation of burning material to charcoal only as an improvement to users of the fire rings and the fire ring experience itself. Furthermore, this change will ensure the emission of fine particulates (PM 2.5) is lessened in furtherance of compliance with South Coast Air Quality Management District rules. The City will continue to monitor the pilot program to ensure there are no major changes to overall usage of the fire rings and will continue conducting a vast educational outreach effort to maintain ample, uninhibited access to local beaches and fire rings.

ATTACHMENTS

- A. Educational handout
- B. Web page regarding charcoal tests and costs
- C. Photo of flame experience with visiting beachgoers

RECEIVED
South Coast Region

JUL 17 2014

CALIFORNIA
COASTAL COMMISSION

07/16/2014
Page | 4

Exhibit #8
Page 4 of 4



WHAT'S NEW WITH THE FIRE RINGS? AND WHY?

What's New and Why?

On Tuesday, January 13, the Newport Beach City Council voted to once again allow wood to be burned in some of the beach fire rings near the Balboa Pier and at Corona del Mar State Beach.

Please know, though, that we have not yet realigned the rings (or painted them) to show which rings can have wood versus charcoal. We hope to get these designated within 10 days - by January 23. Marking the rings to show which can have wood versus which must have charcoal is important because wood-burning rings are required to be at least 50 feet from another wood-burning ring. Our rings currently are closer together than that.

We appreciate your patience as we get the new wood program implemented. As always, when you do burn wood on or after January 23, please use firewood not contaminated by paint, nails or other materials that can be harmful. If you have any questions about this, don't hesitate to ask us – please e-mail questions@newportbeachca.gov.

Charcoal Only Fire Rings

Visitors to our beaches will find a change in the fuels you can use in some of our 60 fire rings (27 at Big Corona and 33 at the Balboa Pier area). Some allow only charcoal to be burned. Your experience may be a little different with these rings – you will find a more even heat, even a longer heat and more heat, and almost no smoke or smoky smell. Cooking dinner seems much better over charcoal. Your eyes won't sting and your clothes won't smell like smoke for hours afterwards. If family or friends have asthma or respiratory problems with wood smoke, they might find charcoal to be a much better experience. But the flame is less – and eventually charcoal moves to glowing coals.

What's the Best Charcoal Experience?

Purchase a bag or two of “lump” charcoal at Target, Home Depot, Lowes, the supermarket, or a similar store. It should be about \$13/bag. We've found that the best kinds are Royal Oak, Cowboy, and Hardwood – again, all “lump” charcoals (not briquettes). You do not have to use lighter fluid either – to avoid the lighter fluid smell, pick up a small carton of paraffin starters (you'll find these at Home Depot and other places – they'll be about \$3.50 for a box of 24 starters). Just 3-4 starters will get your fire going. Pile the charcoal a bit, with a peak in the center, place the 3-4 starters around the pile, light them, and enjoy good consistent heat for about two hours with two bags of lump-style charcoal (click [here](#) for some samples of lump-style charcoal).

Charcoal Only

Advantages

- Much less visible smoke
- Much less smell of smoke
 - More warmth
 - Warmth lasts longer
 - More even warmth for cooking
- Fuel is lighter and easier to haul across the sand
- Easier to start with paraffin starters
- Easier to find and purchase

Disadvantages

- Less visible flame
- Lighter fluid smell
 - Paraffin starters solve this problem.

Less likely to have other hazards burned or left in the rings
- like nails, creosote, paint, plastics, and varnish.

Your experience won't be as good if you purchase briquettes or keep dumping lighter fluid on the charcoal.



HOW CAN I FIND OUT MORE?

- To read more about the charcoal-only rule, [click here](#) to read about the Air Quality action.
- After you have visited, let us know what you thought about the charcoal experience – e-mail us here questions@newportbeachca.gov.

Newport Beach Survey
September 10, 2014
Sample: 1,200

1. Are you aware that our efforts have paid off and as of today all 60 Newport Beach fire rings are still in place?

Yes	No	Not Sure
64.8 %	24.7 %	10.5 %

2. Do you believe the city should continue to try to remove the fire rings, or that the city council should leave the fire rings alone?

Remove the Fire Rings	Neutral	Keep the Fire Rings
5.5 %	2.1 %	92.4 %

3. Do you believe charcoal provides the same experience as wood for purposes of a beach bonfire?

Yes, charcoal is the same	No, wood is better	Not sure
5.5 %	83.2 %	11.3 %

4. Do you agree with the city council's recent decision to hire 8 new staff people to hand out literature at the beaches (at a cost of \$147,000 to Newport Beach taxpayers)?

Strongly disagree	Disagree	Neutral	Agree	Strongly agree
66.9 %	20.1%	7.3 %	1.7 %	4.0 %
Combined disagree	87.0%	7.3 %	Combined Agree	5.7 %

5. Do you believe the city should provide taxpayer-funded charcoal for free to any visitor that wishes to use the fire rings at the state beaches in Newport Beach?

Yes	No	Not Sure
4.3 %	90.1 %	5.6 %

6. If the City of Newport Beach does not provide FREE charcoal, and people are directed to purchase charcoal a \$13 to \$15 per 20 lb. bag, AND still not allowed to burn wood in the fire rings, do you think people will be more or less likely to use the fire rings in Newport Beach?

More likely	Less likely	Not sure
3.9 %	74.2 %	21.9 %

7. A public opinion survey shows that 89% of residents support KEEPING the fire rings as is. If the Newport Beach city council continues to ignore its residents, how likely are you to vote for a city council candidate who wishes to REMOVE the fire rings?

Much Less Likely	Somewhat Less Likely	Neutral	Somewhat More Likely	Much More Likely
70.8 %	12.8 %	6.2 %	2.4 %	7.8 %
Combined Less Likely	83.6 %	6.2 %	Combined More Likely	10.2 %

8. In order to help keep the fire rings, would you be willing to support a ballot measure that would require the city council to first obtain approval from at least 50% of residents BEFORE it could apply for a permit to remove the fire rings?

Yes	No	Not sure
87.5 %	6.6 %	5.9 %

9. Would you be more or less likely to use the fire rings if you could only burn charcoal.

More Likely	Less Likely	Makes no difference
7.6 %	87.3 %	5.1 %

Fire Rings on Los Angeles and Orange County Beaches



Graphic from AQMD PowerPoint – May 2013

Prahler, Erin@Coastal

From: Denys Oberman <dho@obermanassociates.com>
Sent: Wednesday, May 20, 2015 4:30 PM
To: Prahler, Erin@Coastal; sherilyn.sarb@coastalca.gov; Schwing, Karl@Coastal
Cc: dho@obermanassociates.com; citycouncil@newportbeachca.gov; Dave' 'Kiff; Scott Robinson
Subject: Fire Rings-Community Compromise Plan

Erin, Karl, Sherilyn-

This letter serves to advise you that we have reviewed the Fire Rings "Plan 17" prepared by the City, and it is acceptable to our (residents and merchants)community coalition.

Given that the City of Newport Beach and the Friends of the Fire rings have also approved this Plan, we consider this to be an acceptable ,fair and reasonable Community Compromise, subject to the city's pending Management Plan which we expect to receive in the next day or two.

PLEASE ENTER THIS INTO THE RECORD IN CONNECTION WITH THE CA COASTAL COMMISSION'S EVALUATION AND UPCOMING JUNE HEARING CONCERNING THIS MATTER.

Thank you for your assistance.

Denys H. Oberman
Balboa Peninsula Resident and stakeholder, Coalition of concerned citizens
.....

Regards,
Denys H. Oberman, CEO



OBERMAN Strategy and Financial Advisors
2600 Michelson Drive, Suite 1700
Irvine, CA 92612
Tel (949) 476-0790
Cell (949) 230-5868
Fax (949) 752-8935
Email: dho@obermanassociates.com

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Prahler, Erin@Coastal

From: Jonathan <jonathan@americarecpap.com>
Sent: Wednesday, May 13, 2015 1:43 PM
To: Prahler, Erin@Coastal
Subject: Big Corona State Park Fire Rings

Hello,

My wife and I live in Corona del Mar near the beach. There are certain days where the wind is just right that smoke from the fire pits makes our eyes water. We believe that air pollution caused by the fire pits is the cause. Please restrict their use and protect our air quality. Thanks

Jonathan Mote, CFA®, CFP®
Chief Financial Officer
Americare Respiratory Services, Inc.
Office 949-250-0045
Cell 949-307-5685
jonathan@americarecpap.com
www.americarecpap.com



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Prahler, Erin@Coastal

From: Denys Oberman <dho@obermanassociates.com>
Sent: Thursday, April 30, 2015 1:17 PM
To: Prahler, Erin@Coastal
Cc: Denys H. Oberman; scotttrbsn@aol.com; roybatelli@aol.com
Subject: City of Newport Beach- Fire rings

Importance: High
Sensitivity: Confidential

PLEASE ENTER THIS COMMENT FROM THE COMMUNITY INTO THE PUBLIC RECORD.

During our last meeting with you and Karl, we orally discussed the City's various proposed Alternatives, including one not included in its initial Application to the Coastal Commission, that of: Total of 60, 100% ADA spaced Wood burning rings.

Residents submit position of objection to this Alternative based on the following:

1. This approach, we believe, is specious, a thinly veiled attempt to reinstate a high number of and 100% wood burning rings, in contravention to the letter and intent of the AQMD provision for ADA accommodation.
2. This approach creates a reintensification of wood-burning rings, so as to create a significant Health hazard for residents and visitors.
3. A 100% ADA plan would require significant addition of concrete or other aggregate material onto the sand at the Balboa Pier and Corona del Mar locations. At the Dunes, there is already significant concrete which could accommodate ADA access without need for significant additional material .

We believe that a credible, equitable plan would properly restore an appropriate number of rings within the historical footprint so as to conform with AQMD regulations regarding spacing , within the historical boundary footprint for locations where rings have historically been located. ADA accommodation should be within reasonable benchmark, typically 10-20% total.

Thank you,

Regards,
Denys H. Oberman, CEO



OBERMAN Strategy and Financial Advisers
2600 Michelson Drive, Suite 1700
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Tel (949) 476-0790
Cell (949) 230-5868
Fax (949) 752-8935
Email: dho@obermanassociates.com

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Central Newport Beach Community Association

PO Box 884 • Newport Beach, CA • 92661-0884

www.CentralNewport.Org

Date: April 24, 2015
To: California Coastal Commission
From: Central Newport Beach Community Association (CNBCA)
Subject: CNBCCA Fire Rings Position - Enter into Public Record

Dear California Coastal Commission,

The CNBCCA Board of Directors, as previously stated, supports maintaining the fire rings in their historical location and footprint which is the boundary of B Street to the East of Balboa Pier and between Adams and Coronado streets to the West. This can be accomplished with a combination of wood burning rings (with some spaced for reasonable ADA accommodation) and/or charcoal fire rings.

The alternative configurations as posed by the City will greatly impact our residential areas, creating involuntary, persistent exposure to smoke contaminants. The Balboa Peninsula, other than the Piers, is a residential community with limited or no visitor parking and restrooms. Additionally, it is unfair to the residents who have lived for many years in areas without fire rings to be forced to be exposed to unhealthful air and other adverse impacts.

The CNBCCA understands the recreational value the fire rings bring to our residents and visitors and want to work with the Commission and City to find the best solution to resolve this issue. Our Association is adamantly opposed to changing the historical footprint of the fire rings and we implore the Commission to work with us on a solution consistent with that desire.

We appreciate your action on the community's behalf on this important issue, and are confident that it can be resolved.

Thank you,

Scott Robinson
CNBCA President
949-280-0416
Scotttrbsn@aol.com

Cc: Erin Prahler

Prahler, Erin@Coastal

From: John Fairborn <jsfairborn@gmail.com>
Sent: Tuesday, April 14, 2015 10:37 PM
To: citycouncil@newportbeachca.gov; Denys Oberman; roybatelli@aol.com; Bill Mais; Alison Ryffel; Prahler, Erin@Coastal
Subject: chemical analysis of Newport fire ring ash
Attachments: ash_report_pg2.rtf, ash_report_pg2.zip

Attached is a page from a report on the chemical analysis of a random sample of ash taken from a random fire ring (located between B and C street). It shows lots of heavy metals present in the ash including antimony, arsenic, and lead. The levels of antimony and arsenic are almost at EPA minimum acceptable levels. This represents one or two days of fire-ring use. Over time this stuff is blown or washed onto the sand and accumulates.

If these heavy metals are in the ash, you can assume micro particles of heavy metals were in the smoke. Your constituents breath it in and the beach gets fouled. Free recreation is not a trade off for a healthy environment. It seems to me that someone who came down with a chronic debilitating condition and lived downwind from the fire rings could use results like these to blame the city.

Perhaps you can also explain why a private citizen has to arrange for this analysis when you have been told repeatedly that the fire rings are polluting. I have sent you many emails showing fire ring pollution, and you have not acknowledged any of them. That seems to show a disregard to an obvious source of beach pollution and its health effects -- all fodder for future litigation.

John Fairborn
1021 E. Balboa Blvd.

Prahler, Erin@Coastal

From: Ryan Schaper <ryan.schaper@gmail.com>
Sent: Tuesday, April 14, 2015 7:02 PM
To: Prahler, Erin@Coastal
Subject: Fire rings

Hi Erin

The fire rings south of Balboa pier in Newport Beach are really destroying the beach area there. A beautiful pristine natural dune area of the beach has been trashed and turned into something that looks like a parking lot with junk all over it. We had about 100 yards of natural beach that the board walk runs along in Newport here and this is destroying the experience of this natural area from the board walk.

There are plenty of sections of the beach that are highly developed and the character wouldn't change by adding the fire pits in those places. But this area south of balboa pier has been pretty much left alone by development and hasn't been leveled by tractors or trampled by people and should be kept this way.

Pretty much everyone that walks by on the board walk down here thinks these fire pits here are terribly ugly and destroying the natural beach area here.

How can we get these removed or relocated?

Thank you
Ryan



P.O. BOX 826, BALBOA, CALIFORNIA 92661

Rec'd @ meeting
4/9/15

April 7, 2015

Dear Coastal Commission,

I write this letter on behalf of the Balboa Peninsula Point Association Board of Directors, to express the Board's concerns regarding the potential repositioning of the Newport Beach fire rings. As a whole, the Association has always been comfortable with the historical configuration of the fire rings. However, the recent change, spreading the fire rings 100 feet apart, now farther East at the Balboa Pier has impacted our community greatly. We do not have the accessibility to accommodate the traffic that has now impacted this small area. The area east of the Balboa Pier is a small community with a two lane, in and out road with limited access and parking. There is no access to public restroom facilities outside the Balboa Pier for beach goers. The Balboa Pier is a Commercial District in which we have long thought is an appropriate area to accommodate fire rings and large party recreation. However, now the fire rings are in a residential district, which doesn't accommodate large crowds. Moreover, it is inherently unfair to the residents who bought homes with no fire ring in front of them to now bear the burden of fire rings relocated there.

The Association in no way wishes to eliminate the fire rings and understands the happiness they bring to both local residents and beach visitors from near and far. However, our Association is adamantly opposed to changing the historical footprint of the fire rings east of the Balboa Pier or anywhere else on the Peninsula, and we implore the Coastal Commission to finalize its decision consistent with that desire.

The Association remains interested in working with the Coastal Commission to find a workable solution for both the residents and fire rings users.

Alison Ryffel
BPPA President
949.266.4268

cc:

Newport Beach City Council
Newport Beach City Manager Dave Kiff

JOSEPH ANGELO
ALYSSA MILMAN WHITE

NICOLE R. MUCKLEY
JAMES Y. YOON

ANGELO & WHITE
A PROFESSIONAL CORPORATION
LAWYERS
610 Newport Center Drive, Suite 830
Newport Beach, CA 92660-7614

TELEPHONE
(949) 640-0800

FACSIMILE
(949) 640-0887

March 17, 2015

VIA EMAIL ONLY

California Coastal Commission
C/O Erin Prahler
South Coast District Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4325
www.coastal.ca.gov
(562) 590-5071, Direct - (562) 590-5084, Fax

RECEIVED
South Coast Region

MAR 19 2015

CALIFORNIA
COASTAL COMMISSION

Re: **CALIFORNIA COASTAL COMMISSION**

To Erin Prahler:

My name is Joe Angelo, I reside at 1504 West Oceanfront Newport Beach, California. I have lived at this address for 18 years. I object to all fire rings on the beaches in the city of Newport Beach. Burning wood or any other substance is air pollution.

I bike from Newport Beach to Huntington Beach on the beach path once or twice a week. On weekends and in the summer the ride on the bike path through Huntington Beach is disgusting because of the fire pits. I often abandon my ride because I can't breathe because of smoke emanating from the fire pits.

No one has rights to pollute air notwithstanding history of wood burning fire pits on beaches. In my opinion the direction the Coastal Commission is headed on this issue is absurd, the only logical and legal conclusion your Commission should reach is a total ban on all fire pits on beaches in Newport Beach.

Very truly yours,

ANGELO & WHITE


JOE ANGELO

Cc: Diane Dixon
Dave Kiff

Prahler, Erin@Coastal

From: Ed Van den Bossche <EDVANFORTE@ROADRUNNER.COM>
Sent: Friday, March 06, 2015 5:31 PM
To: Prahler, Erin@Coastal
Subject: Newport Beach Fire Rings

Dear Coastal Analyst Prahler,

As a long-time Newport Beach resident, I'd like to tell you which of the 9 proposed plans I prefer:

2, 4, 6, 8, 9.

Thanks.

Ed Van den Bossche

Prahler, Erin@Coastal

From: Becca Standt <beccastandt@gmail.com>
Sent: Thursday, March 05, 2015 9:15 PM
To: citycouncil@newportbeachca.gov; Kiff, Dave; Prahler, Erin@Coastal
Subject: FIRE PIT PLANS NEWPORT HARBOR SURFRIDER CLUB!

Dear City Council:

I am writing you as a concerned resident of Newport Beach and a member of the Newport Harbor Surfrider Quad club.

On February 3rd Dave Kiff, attended our Surfrider meeting and discussed the current status of the fire rings issue in Newport Beach/CDM. He reviewed the history and all possible plans, including the current City Council approved plan that includes 60 wood burning fire rings: 18 at CDM State Beach, 26 near the Balboa Pier area, 9 north of Newport Pier (Blackies) and 7 at Newport Dunes Lagoon all spaced 100 feet apart.

Our club met again on the 10th and the overall consensus is that expanding and installing fire rings is not a good idea. We are especially concerned that the Council's recommended plan includes fire pits at Blackies. This is NOT a good idea.

- First of all, the beach is very narrow north of the pier and we believe that high tides would cause debris to wash into the water and pollute the beach and damage water quality. There is already a problem with litter on the beach and this would just make it worse.
- Blackies is one of the most crowded beaches in Newport and adding 9 fire pits will take away precious space from the many locals and visitors who enjoy the beach during the day.
- The fire rings will generate a lot of smoke which is a serious public health issue. Smoking is not allowed on public beaches but a single fire ring produces way more second hand smoke and carcinogens than several hundred cigarettes.
- The smoke will disturb residents and renters, and take away from the enjoyment of people visiting the area, eating in restaurants and local establishments.

Newport Harbor Surfrider Quad Club is **OPPOSED** to the Council's preferred plan. **We support plan 9.** We understand that the Coastal Act mandates the Coastal Commission to protect and encourage lower cost visitor and recreational facilities and fire rings fall into this category, however, in view of the fact that the rings pose a threat to the environment and public health don't the City Council and the Coastal Commission have a responsibility to look at the facts and weigh the benefit of having 60 fire rings against the negative impacts that we know are associated with the fire rings. **The original 60 rings were installed before these dangers were common public knowledge so doesn't it make sense to re-evaluate the number.**

We strongly oppose the Council approved plan – **No** to expanding the fire rings.

Sincerely,

Becca Standt
Michelle Williams
Christian Kent
Luke Ellis
Brooke Gehris
Cole Shattinger
Jaden Ernst
Aryton Ward
Sophia Lizarez
Max Moore
Matt Burns
Patrick Folkner
Keagan Coyne
Brigitte Yeakel
Teyha Corona
Soleil Easton
Violeta Schmieder Roth

Prahler, Erin@Coastal

From: Raoul Standt <standt@yahoo.com>
Sent: Sunday, February 22, 2015 1:02 PM
To: citycouncil@newportbeachca.gov; dkiff@newportbeachca.gov; Prahler, Erin@Coastal
Subject: Newport Beach Fire Ring Issue

Dear City Council:

I am writing you as a concerned resident of Newport Beach. Many beach lovers are very concerned about the Council's preferred plan that includes relocating 9 of the fire rings to Blackies. This is NOT a good idea.

- First of all, the beach is very narrow north of the pier and we believe that high tides would cause debris to wash into the water and pollute the beach and damage water quality. There is already a problem with litter on the beach and this would just make it worse.
- Blackies is one of the most crowded beaches in Newport and adding 9 fire pits will take away precious space from the many locals and visitors who enjoy the beach during the day.
- The fire rings will generate a lot of smoke which is a serious public health issue. Smoking is not allowed on public beaches but a single fire ring produces way more second hand smoke and carcinogens than several hundred cigarettes.
- The smoke will disturb residents and renters, and take away from the enjoyment of people visiting the area, eating in restaurants and local establishments.

I am opposed to the Council's preferred plan and **support plan 9**. I understand that the Coastal Act mandates the Coastal Commission to protect and encourage lower cost visitor and recreational facilities and fire rings fall into this category, however, in view of the fact that the rings pose a threat to the environment and public health don't the City Council and the Coastal Commission have a responsibility to look at the facts and weigh the benefit of having 60 fire rings against the negative impacts that we know are associated with the fire rings. I think the City should work with the Coastal Commission to reduce the required number of fire pits. The original 60 rings were installed before dangers were common public knowledge so doesn't it make sense to re-evaluate the number. I would support plan 8 if the city fails to negotiate with the Coastal Commission but prefer plan 9.

I strongly oppose the Council preferred plan – **No** to expanding the fire rings.

Sincerely,

Gail Standt

Prahler, Erin@Coastal

From: shari.esayian@gmail.com on behalf of shari esayian <sesayian@pacbell.net>
Sent: Saturday, February 21, 2015 10:12 AM
To: Prahler, Erin@Coastal
Subject: Fire rings in Newport Beach

Please leave them as they are. There is truly not a significant health issue here. For the few that live in the area and are bothered negatively, perhaps they could move inland away from the potential hazard to only these few individuals and not inconvenience larger numbers. We all know that the smoke issue is clearly "smoke" to try to rid the public gatherings near their homes and have the beach more to themselves. This has been a costly and ridiculous exercise.

Shari Esayian
Newport Beach, CA 92660

Prahler, Erin@Coastal

From: jskinnermd@aol.com
Sent: Friday, January 23, 2015 2:59 PM
To: Prahler, Erin@Coastal
Subject: Newport Beach's fire rings

Dear Erin Prahler:

It is my understanding that you are the staff planner processing the City of Newport Beach's application regarding the beach fire ring issue.

I am concerned about the health effects of wood burning smoke so I researched recent medical literature relating to that issue. I am disturbed enough about the conclusions of the study I found to ask you to please review the information presented below before making a final decision on the fire rings in Newport Beach. I believe the City's initial plan to allow the burning of charcoal instead of wood is a good compromise, allowing the fun without the negative health effects. There may even be other options better than charcoal -- possibly gas-burning fire rings. I am not personally affected by the wood-burning fire rings because I don't live near the beach but, as a physician, I care about people's health.

The title of the study is "Oxidative Stress, DNA Damage, and Inflammation Induced by Ambient Air and Wood Smoke Particulate Matter in Human A549 and THP-1 Cell Lines."

This link: <http://pubs.acs.org/doi/abs/10.1021/tx100407m> should take you to the abstract of the study. I purchased the entire study that I can provide to you in a hard copy if you wish. Just let me know.

This link: <http://www.environmentalhealthnews.org/ehs/news/hazards-of-wood-smoke> should take you to an easy-to-read article describing a summary of the study and its findings.

Please feel free to contact me if you have any questions.

Jack Skinner, M.D.
1724 Highland Drive
Newport Beach, CA 92660
(949) 646-8635

To: California Coastal Commission
To Erin Prahl

FAX 562-590-5084 - 3 pages

From: Surfers of Newport Beach

Re. Petition to Stop Fire Rings
at Newport Pier and along
Balboa Peninsula Surfing Beaches

Please enter into the Public
Record regarding this issue
and evaluation.

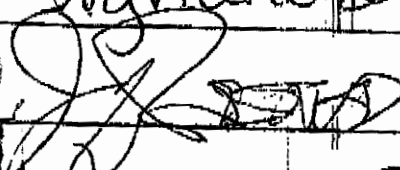
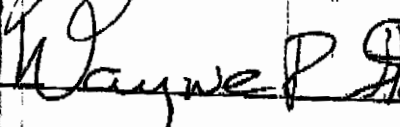
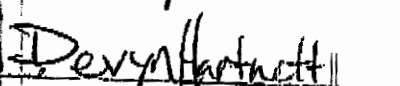
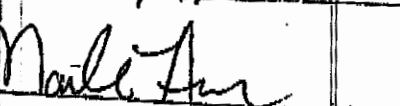
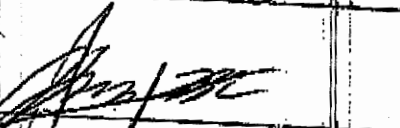
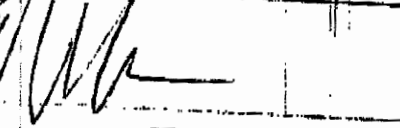
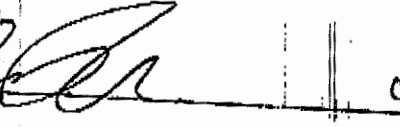

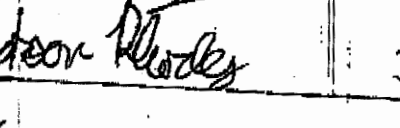
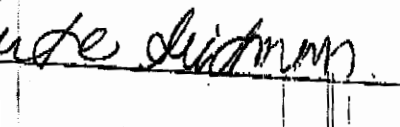
Thank You!

RECEIVED
South Coast Region

MAY 6 2015

CALIFORNIA
COASTAL COMMISSION

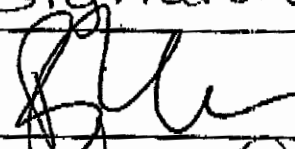
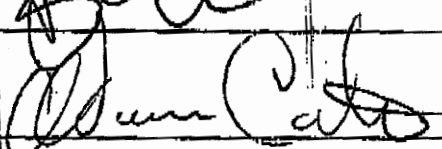
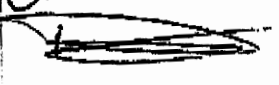
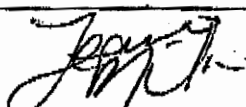
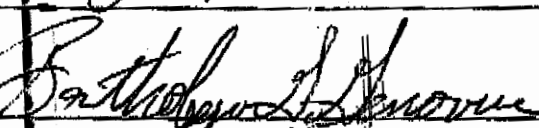

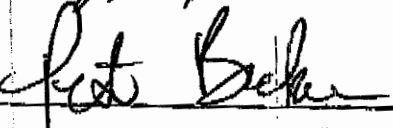
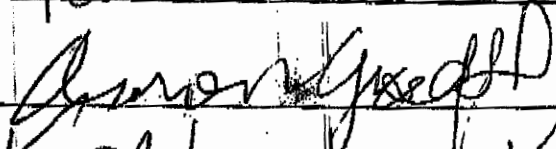
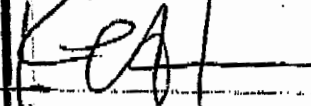
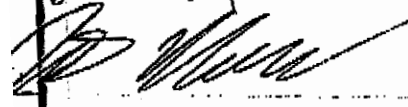
NO Fire Rings at Newport Pier or Balboa Peninsula
where Surfers + Paddlers
→ High tide will wash over Ring
→ Safety hazard, pollution

Signature	Print Name	Contact/Comment
	Jeff Rae	(surf writer o.c.)
	Wayne P. Steiner	Jane Newporterbo Irvine - comes here to surf
	Deyn Hartnett	d-hart13@yahoo.com
	Maile Anderson	from Oregon. Moved here for water, surfing. maileanderson21@gmail.com
	Kiyoshi Wada	
	Per S. Moss	
	USKAR TUFVESSON	Kali: All Star@gmail.com (from Sweden - moved here for surfing)
	Ethan Peng	visitor - comes here to surf.
	Jackson Rhodes	ironamb57@hotmail.com
	Luke Seidman	luke luke.seidman@gmail.com

May 2, 2015

NO Fire Rings at Newport Pier - other Balboa Peninsula Surfer Beaches!

- High tide will wash over Ring
- safety hazard, air pollution

Signature	Print Name	Contact & Comment
	Barry Newton	barnynewton@yahoo.com
	Adam Carleton	acarleton@prose.com
	Dave Milne	wdmilne@yahoo.com
	Leanne Milne	Lmilne@telus.net
	Bartholomew Genovese	blackbird@SBCglobal.com
	STEVE HAINES	SHAINES11@comcast.net
	Peter Becker	peter.c.becker@att.net
	Aaron JOSEPH	Aaron.Joseph73@yahoo.com
	Kent Harmon	Kentharmon@AOL.com
	JASON MOORE	Jmoore7764@gmail.com

May 2, 2015

Prahler, Erin@Coastal

From: Denise Fejtek <dfejtek@gmail.com>
Sent: Wednesday, February 18, 2015 4:53 PM
To: Prahler, Erin@Coastal
Subject: Newport Beach fire rings - homeowner concerns

Importance: High

Hello Erin,

We have been in contact with several of the City of Newport Beach staff members, including some of the City Council members with regards to the fire ring matter. After speaking with the City Manager today, he encouraged us to correspond directly with you about our concerns as a homeowner / full-time resident. We are forwarding (below) to you the correspondence we sent to Mayor Pro Tem Dixon and Council Member Curry on January 22, 2015.

Thank you for taking the time to address this important issue for all the surrounding affected residents!

Please feel free to contact us should you wish to discuss anything further.

Best regards,

Denise & Paul Fejtek

dfejtek@gmail.com

(949) 723-6406

From: Denise Fejtek [mailto:dfejtek@gmail.com]
Sent: Thursday, January 22, 2015 10:07 AM
To: 'DDixon@NewportBeachCa.gov'; 'curryk@pfm.com'
Subject: Your supporters
Importance: High

Dear Mayor Pro Tem Dixon and Council Member Curry,

Thank you both for your vote at the January 13, 2015 Council Meeting with regards to the fire ring issue! We know you have been working tirelessly on this debate and appreciate all the dedicated hours you have given to represent the public.

My husband and I were out of the country for several weeks and unfortunately were unable to attend the meeting but were able to watch the video recap. We are 20+-year residents of the Balboa Peninsula and have owned our current home since 1999 located on 24th Street. While we are extremely active and enjoy our lively neighborhood, we also are very aware of several issues and would like to communicate some of them with you.

In addition to the proven health concerns with smoke in general, I have asthma and am terribly allergic to smoke. We have several family members who have died as a direct result of smoke, both first and second hand smoking so this is a very personal issue for us as well. We do not want to be forced to close our windows and doors and not be able to enjoy our rights and freedom as a long-standing property owner. After all, we pay a high price to live by the beach and experience ideal conditions that many only dream of or simply enjoy on their one-week family vacation. We are extremely grateful for our home and always take pleasure in coming back to it after traveling. We often comment that we could never imagine living anywhere else and that Newport Beach is the greatest city to live. That said, we have been fortunate enough to travel to many third-world countries around the world and have witnessed their appalling trash disposal methods. Often in these remote destinations, it is common for them to burn trash which includes burning absolutely everything and means a tremendous amount of carcinogens in the air

as well as their water systems. From the moment we step out of the airplane or car until we leave, we are well aware of the soot and tar that enters our bodies. Blowing our noses and having black soot come out is typical. Since we have seen this air pollution so often, we take masks with us and wear them constantly. When we purchased our home on 24th Street, we never envisioned that we would be subject to these third-world conditions in our own neighborhood. That said, we are proud to live in the U.S. in a clean and progressive city but this latest controversial issue really has us concerned about such progress. We have the knowledge now to make wise choices and ban smoking in public places in the name of health and welfare for all. Aside from the argument of "tradition" I personally find it shocking that some of the pro-fire ring spokespeople are in favor of digressing to a world prior to our knowledge and education on the harmful effects of smoke and related diseases it causes. Also, since the city implemented the "No Smoking" policy on the beach, these fire pits are in direct conflict with this city ordinance, wouldn't you agree?

Additionally, we are gravely concerned with the proposed location for the 9 fire pits near the Newport Pier. We appreciated Council Member Curry's comment during the meeting about the homeowners in the Newport Pier area not given the choice as these fire pits are being brought to us versus us being able to choose where we live based on environmental considerations. This is a direct infringement on our property rights and lends itself to legal exposure for the City of Newport Beach. It is a complete disappointment to learn that this new proposal will impact a beach that can hardly handle the crowd capacity now. Is there any possibility of an appeal or any further action that can be taken to eliminate these nine proposed pits? We would love to know that residents who live with this on a daily basis have some ground to still stand on and that our rights as property owners are being protected. It is imperative to look at the long-term health effects of this decision as it directly impacts each human being in this city, whether they are a resident or visitor.

Although I did not hear it discussed during the meeting, I wonder what the Newport Beach Lifeguards position is on placing these rings right in the middle of the busiest beach in the city? Not to mention, this stretch of beach is the narrowest as well and often has high tide close to the wall adjacent to the parking area. Who will clean up the soot-filled, dirty water that is an incredibly popular surf spot? Who is going to patrol the beach closings in spite of not having adequate staff to handle all the numerous calls in this bustling part of town?

Please continue to work hard on this and represent your public office position as it is intended to protect the people and our legal rights! We implore you to prioritize the health, welfare and safety of the Newport Beach citizens.

We look forward to hearing from you.

Warm regards,

Denise & Paul Fejtek

123 24th Street

Prahler, Erin@Coastal

From: Gail Standt <gails@stratexinc.com>
Sent: Friday, February 13, 2015 10:55 AM
To: Prahler, Erin@Coastal
Subject: Re: Newport Beach Fire Rings

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for your email and referencing Section 30213 of the Coastal Act that states in part that "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided." Noted that the fire rings are an existing free visitor and recreational facility that the Commission is mandated to protect and that reducing the number of fire rings would impact the number of people who could access this type of lower cost recreational amenity. My question as a person that values health and a clean beach is are you really mandated to maintain the number of rings when we know based on present day information that they are harmful to health and the environment and may ultimately detract from the beach which is there for all to enjoy. Isn't one of the things that sets humans apart from animals is that when we realize that maybe how things are isn't good that we change them - think banning smoking in public places, burning trash, smog check test on vehicles, etc. At what point do you say you need to protect the rights of 60 groups using fire pits against other people enjoying the fresh air and clean beaches.

I guess my questions is, knowing you are mandated to protect low cost amenities are you really mandated to maintain 60 rings? You mention you are reviewing the city plans. Are you reviewing all of the proposals listed on the city web site or just the Council approved proposal? Please advise.

Sincerely,

Gail Standt
Stratex Solutions, Inc.
1938 North Batavia, Suite E
Orange, CA 92865

(714) 456-9191 office
(714) 456-9898 fax
(949) 413-9497 mobile

On Fri, Feb 13, 2015 at 9:10 AM, Prahler, Erin@Coastal <Erin.Prahler@coastal.ca.gov> wrote:
Ms. Standt,

Thank you for your email. The Coastal Commission is reviewing the City's application regarding the fire rings for compliance with the California Coastal Act. Section 30213 of the Coastal Act states in part that "Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided." The fire rings are an existing free visitor and recreational facility that the Commission is mandated to protect and reducing the number of fire rings would impact the number of people who could access this type of lower cost recreational amenity.

As we review the City's application, we will be looking at the potential impacts of the proposed plan and alternatives based on the number and location of rings.

I'm out of the office this week, but will be back in the office next week if you have further questions. I will also add

you to our list of interested parties to receive notification of Coastal Commission action on this issue.

Best,
Erin

From: Gail Standt [gails@stratexinc.com]
Sent: Friday, February 13, 2015 8:44 AM
To: Prahler, Erin@Coastal
Subject: Fwd: Newport Beach Fire Rings

Gail Standt
Stratex Solutions, Inc.
1938 North Batavia, Suite E
Orange, CA 92865

(714) 456-9191 office
(714) 456-9898 fax
(949) 413-9497 mobile

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

From: **Gail Standt** <gails@stratexinc.com>
Date: Wed, Feb 11, 2015 at 8:07 AM
Subject: Newport Beach Fire Rings
To: erin.prahler@coastal.ca.gov

Hello Erin,

I am a resident of Newport Beach and have a question regarding the fire ring issue. I have read through the information on the City of Newport Beach web site and my understanding is that the Coastal Commission has a requirement that the city to maintain 60 fire rings.

I understand that there are currently 60 rings in the city and that the current City Council wants to maintain 60 rings. Is it truly coastal a Commission requirement that the city maintain 60 rings or is this just a number that is being used since there are 60 existing rings in the city. If the City wanted to keep the current footprint of the existing rings and comply with SCAQMD spacing requirements could they space rings per SCAQMD within the existing footprint of the rings and reduce the number of rings so that they fit in this area. Would this be allowed if they applied for the appropriate permit or is there actually a requirement to keep 60 rings.

I love the beach and I understand that it is there for everyone to enjoy. I also understand that fire rings are a nice amenity. At the same time fire rings are man made (like basketball courts or volleyball poles on the beach) and not really part of the ocean and beach which should be there for all to enjoy. Some may even think that the rings take away from the beach experience by adding extra trash and debris. In view of the health risks associated with the rings and other concerns I just question if there is truly a Coastal Commission requirement to keep 60 rings or if I misunderstood this.

I would really appreciate your clarification. Don't hesitate to call me if you have any questions.

Prahler, Erin@Coastal

From: Ryan Schaper <ryan.schaper@gmail.com>
Sent: Thursday, January 29, 2015 8:12 PM
To: Prahler, Erin@Coastal
Subject: Fire Rings in Newport Beach

Hi Erin

I am told you are working on this issue for the CCC.

I am a concerned resident of the area and very environmentally concerned person particularly when it comes to oceans and coastal areas.

The area south/east of the Balboa Pier is a fairly undisturbed natural beach area. The beach North of the pier is pretty much completely groomed and trampled and developed and industrialized already sadly.

The plans to put in fire pits further south down the beach south of Balboa Pier really invades this natural beach area. This natural area isn't just appreciated by animals and mother nature, it is also appreciated by all the people that visit this beach. There is a great boardwalk down the beach and this is one of the prettiest areas of all California beaches and we should do everything we can to preserve it for everyone to enjoy for generations!

Moving fire rings down into this natural area is not only environmentally destructive it destroys the beauty that everyone that comes to this area gets to appreciate by simply walking down the boardwalk. This is a truly amazing natural resource we all get to enjoy and it should not be developed and plowed under to put in fire pits that few will enjoy. The damage caused by such fire pits will be enormous and the benefit is small if any.

You really need to understand this section of the beach and how its been left relatively undisturbed. A beautiful undisturbed beach near all this urban development is truly a treasure we should preserve.

Just yesterday as part of an interim plan to space out the fire rings further the city bulldozed dunes and really made a mess of this previously beautiful natural area of the beach. I understand this is a temporary plan while the CCC decides on a permanent placement for rings. This part of the beach has been such an undisturbed natural area that we really must reverse the damage that was just done and put the rings elsewhere where they are less damaging.

This is one of the most photographed spots in Newport Beach and CA coastline in general. Now part of it looks like a flat parking lot with big ugly cement blocks protruding into the view. Just tonight there was an amazing sunset totally damaged by a ugly skyline of fire pits.

Please preserve the beauty of this rare undisturbed beach area and do not move fire pits further south than the current foot print that has been here for many years and worked fine.

Moving pits further south is bad for:

- The environment
- Wild animals

- Residents
- Visitors and anyone else that appreciates the natural beauty of the beaches particularly with the Balboa Pier backdrop
- Fire pit users that now have to trudge across natural dunes to reach these fire pits

Nothing good comes of this fire pit placement and a lot of bad comes from it so please roll back the interim plans placement and don't let this area be spoiled permanently.

Thank you
Ryan

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: _____

1) Name or description of project: _____

2) Date and time of receipt of communication: _____

3) Location of communication: _____

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: _____

5) Identity of person(s) on whose behalf communication was made: _____

6) Identity of persons(s) receiving communication: _____

7) Identity of all person(s) present during the communication: _____

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Discussed current status of fireRings, changes on Newport City Council and pending Action Application proposed but may change w/ City Council changes. Want to maximize wood burning opportunities

Date

Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.