

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
CAMINO DEL RIO NORTH, SUITE 200
DIEGO, CA 92108-1725
(619) 521-8036



August 18, 1995

22

Ronald D. Kennedy
550 Hazel Drive
Corona del Mar, CA. 92625

Subject: Disney Vacation Development and the San Joaquin Hills Transportation Corridor - Newport Coast Drive toll road issue

Dear Mr. Kennedy:

In response to your July 26, 1995 letter addressed to Pam Emerson of our office, and also to the supplemental information you sent and this office received on August 7th, there are two major points that need to be made.

First, with regards the Disney vacation development referenced in your letter, this development is not within the geographic area of the coast where once a local coastal program (LCP) is certified projects can be appealed to the Coastal Commission. Since the LCP for the Irvine Coast is certified, the County's decision on the Disney project is not appealable to the Commission. You or anyone else not pleased with the County's action on the Disney project may seek other means of redress to the issues; however, appeal of the County's decision to the Coastal Commission is not an available course of action.

Second, regarding the issue of a portion of Newport Coast Drive becoming a toll road, once again our staff has reviewed the available information, including your letter, and our conclusion is that we do not have jurisdiction over the matter. You are correct in stating that the Commission approved the construction of Newport Coast Drive and the Irvine Coast LCP. However, neither of those actions and the documents included in the submittals address the question of Newport Coast Drive possibly having a toll road component. The documents are silent in that regard, and while I agree with you that it may be inferred that Newport Coast Drive was to be a "free" public street, that does not provide us with legal jurisdiction to require an amendment to the permit or the LCP. The segment of Newport Coast Drive where the toll would be charged is not in the coastal zone. For more information on this matter, please see the attached letters to Mr. Benjamin B. Nolan and Councilman Sansone.

In conclusion, I know this is not the answer you wish to hear; however, the fact is, the Coastal Commission does not have jurisdiction over the issue of charging a toll on that portion of Newport Coast Drive outside the coastal zone. You also can not appeal the Disney project to the Coastal Commission since that project is not located within the appeals area.

Ronald D. Kennedy
August 18, 1995
Page 2

In closing, I certainly appreciate the concern you and other residents in Corona del Mar may have with the issue of the toll road; however, we do not have the authority to assert jurisdiction over this issue, primarily because the activity is not in the coastal zone. As I've stated before, this letter should not be interpreted as a determination as to whether the Transportation Corridor Agency has met, or violated, any other Government Code sections. That is an issue which the City of Newport Beach and/or others may pursue.

Sincerely,

A handwritten signature in blue ink that reads "Charles Damm". The signature is cursive and fluid.

Charles Damm
District Director

cc: Councilman Sansone
Benjamin B. Nolan
Mark Delaplaine

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