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I BELIEVE THIS
IS THE LETTER
WE RELIED UPON
FOR FOOTNOTE 7.

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CALIFORNIA COA.
SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036

February 3, 1994

Benjamin B. Nolan
Public Works Director, City of Newport Beach
City Hall
3300 Newport Boulevard
Newport Beach, CA. 92659-1768

Subject: San Joaquin Hills Transportation Corridor - Newport Coast Drive
toll road issue

Dear Mr. Nolan:

Pursuant to our telephone discussion a couple of weeks ago, and in follow-up to our October 1, 1993 letter to Councilman Sansone, this letter will confirm what I expressed to you on the telephone. Coastal Commission staff has concluded our review of the Irvine Coast Local Coastal Program (LCP) and the coastal development permit issued for that portion of Newport Coast Drive located in the coastal zone, and our conclusion is that neither document includes policies, terms or conditions which would prohibit the charging of a toll for portions of the Transportation Corridor that overlay Newport Coast Drive:

As I mentioned in our October 1st letter, the portion of Newport Coast Drive where a toll is proposed is not in the coastal zone. As such, we cannot assert jurisdiction based on the toll issue without a direct tie to the adopted provisions of either the Irvine Coast LCP and/or the coastal development permit. Our research shows no such tie.

Again, as stated in our October 1st letter, 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,
Charles Damm
Charles Damm
District Director

cc: Councilman Sansone
City Manager
Mark Nelson

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