

Letter to Attorney General

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Attorney General
1300 I Street
Sacramento, CA 95814

Request for review of Opinion No. 93-1205 per information and documentation below.

January 16, 2008

INTRODUCTION

***** I believe Opinion No. 93-1205 was neither based on correct facts nor correct Statutes.*****

The A. G. Opinion of Daniel E. Lungren, dated May 12, 1994. Analysis of page 2 narrowly refers to a "development agreement executed by the County of Orange and the Irvine Company, a private land developer," and "to the last approximately two miles of the corridor consisting of the northerly portion of Newport Coast Drive," and totally ignores the LCP Findings, of the original Irvine Coast Development Agreement of June 9, 1988. The result of this error is costing the public millions of dollars in illegal toll charges to use a Local Coastal Plan (LCP) Mitigation Public Road, which was built by the developer and open to the public then torn up by the San Joaquin Hills Transportation Corridor (TCA) and replaced by their Toll Road.

[Exhibit A] - OPINION - To be published in The Official Reports Office of the Attorney General Daniel Lungren, Attorney General OPINION No. 93-1205, May 12, 1994, page 6. footnote 7. "A separate aspect of this question concerns the local coastal program for the area of the Irvine Company's development and requirements imposed under the California Coastal Commissions." The Commission's staff has determined that placing a toll booth at Newport Coast Drive will not violate any requirements imposed under the Coastal Act of 1976. We have been presented with no evidence or legal arguments requiring a contrary conclusion."

The history of this footnote 7 is found in [my exhibit 11] as mailed to me by A. G. officer Rodney Lilyquist, Esq. "Ron, I believe this is the letter we relied upon for footnote 7. Rod." My research exhibits 11 to 13 list different high quality documentation with Mr. Damm's name on them, which clearly call out an LCP Road Mitigation. Why was false information given and this critical LCP question not authenticated by the Attorneys General's Office?

The Seminal Question Is: Whether Pelican Hills Road, now called Newport Coast Drive from Pacific Coast Highway in the Coastal Zone to MacArthur Boulevard outside the Coastal Zone, is actually called out in the original Irvine Coastal Development Agreement & LCP Findings as Road Mitigation. WHICH IT IS AND NEGATES TOLL CHARGES.

The A. G. Opinion 93-1205 footnote 7 opined that there was no Coastal LCP Issue, allowing the County of Orange and the San Joaquin Hills Transportation Corridor Agency (TCA) to toll part of Newport Coast Drive in carrying out their own parochial/ alter-ego toll road partnership plans. The TCA plans to toll were revised, approved, and certified on October 17, 1988 [my exhibit 30] AFTER the original "Irvine Coast Development Agreement County of Orange &

Exhibit C Irvine Coastal Local Coastal Plan Findings Of Approval And Supporting Documents June 9, 1988." were Approved and Certified by the California Coastal Commission. The LCP Road Mitigation is FIRST IN TIME & FIRST IN RIGHTS.

Public Resources Code 30334 calls out your good offices as Legal Council for the California Coastal Commission. And Code 30820 persons violating this subdivision may be held for Civil Liability.

STATEMENT OF "DEMONSTRATED EXHIBIT FACTS".

The San Joaquin Hills Transportation Corridor Agency ("TCA") and County of Orange. And there Lawyer's I believe are knowingly in violation or Ignorant of the Findings in the Development Agreement of the "Irvine Coast Development Agreement County Of Orange & Exhibit C. Irvine Coastal Local Coastal Plan Findings Of Approval And Supporting Documents. June 9, 1988." The LCP Traffic Mitigation's are clearly shown in the Finding of exhibit C. a total of 63 pages alone for resolving LCP Questions. TCA Lawyers Nossaman, Gunther, Knox & Elliott As Lawyers for the TCA & Officers of the Court ignored these clear callouts' of Exhibit C. As the Irvine Coastal Local Coastal Plan Findings would show. Which is a Fraud on the TCA, California Coastal Commission & the Court's of California if done for a fee?

[Exhibit 1] The **IRVINE COAST DEVELOPMENT AGREEMENT COUNTY OF ORANGE And Exhibits C. & D. Below**

Recorded in Official Records of Orange County, California # 88 - 272903 June - 9 1988. [Note at bottom gives Orange County contact information for a certified copy]

Page -3- --- "COUNTY and the Coastal Commission have determined that the Development plan meets the various objectives of the California Coastal Act, "

Page -11- 2.2 " Consistency with County's General plan and Certified Local Coastal Program "

Page -11- 2.3 " Summary of Major Public Benefits.

Page -12- 2.3.1 " Transportation Improvements. (a) Pelican Hill Road." (later renamed Newport Coast Drive) "(i) Relieves congestion — by providing a bypass rout around Corona Del Mar "

Page -20- 2. 4. 1 " Cost of Pelican Hill Road Construction. The requirements for the early completion of four lanes of Pelican Hill Road by the OWNER necessitates major construction activities with ultimate costs of approximately \$40 million (which amount includes the cost of certain related infrastructure) "

Exhibit C. Irvine Coast Local Coastal Plan Findings Of Approval And Supporting Documentation

Page -21- 3)" Pelican Hill Road, in Particular, Provides Regional Traffic Benefits in Excess of Project Needs "

Page -22- (top of page) "recreational access capacity by connecting inland areas directly to Crystal Cove State Park (see Exhibit 13 in the Executive Summary). "

Irvine Coast Development Agreement. " Exhibit C. Irvine Coast Local Coastal Plan Findings Of Approval And Supporting Documentation " on page 22 call's out "(see Exhibit 13 in the **EXECUTIVE SUMMARY**)." Which is the Irvine Coast Proposed Land Use Plan Amendment, EXECUTIVE SUMMARY March 1987. (my exhibit # 4. below.) on page 22. The MAP Yellow Road on Green Fields shows just what actually was promised for all to see clearly regarding Pelican Hills RD. / Newport Coast Drive Shortest Direct Bypass link. From Pacific Coast Highway (PCH) to MacArthur Boulevard. As proposed by The Irvine Company (TIC). Land Owner & Developer as part of there Quid Pro Quo for a LCP Coastal Development Permit.

Part of Pelican Hills / Newport Coast Drive P. 22 . was dedicated & built out side the Coastal zone as offsite mitigation. And was planed to be part of the Orange County TCA. Corridor as a Free of Charge Free Way, or a separate county free road link. In their early county planing road evaluations.

The TCA Amended its plans to build a Toll Road and Certified this amendment " On October 17, 1988, " (exhibit 30 page 4) after the original LCP & Irvine Coast Development Agreement had been Certified. Newport Coast Drive was opened to Free Public use by The Irvine Company in 1991 as required by the IRVINE COAST LCP. In 1994 the Northerly portion was Closed by the County. Moved farther north & re opened in 1997 by the TCA as a Toll Road. Or as TCA Lawyers would say Free to use after paying a Toll.

Irvine Coast Development Agreement Exhibit D

Page D-1. Benefits to the County and its Residents.

Page D-9 11. Previously Exacted Benefits: " Coastal Act Consistency and Overall Findings and Conclusions ". D." Early construction of four lanes of Pelican Hill Road from Pacific Coast Highway to MacArthur Boulevard; "

Page D-10 1. transportation Improvements. a. Pelican Hill Road. --- --- " Under the 1988 Local Coastal Program, Pelican Hill Road will be constructed at four lanes from Pacific Coast Highway to MacArthur instead of the two lanes provided for under the 1982 Land use plan. "

(i) " Relives congestion on and allows for significant diversion of traffic from Pacific Coast Highway and sections of MacArthur Boulevard by providing a bypass rout around Corona Del Mar in Newport beach, "

Page D-11 b. "Circulation Improvements Phasing Plan."--- --- ---" and beyond the Project's needs. As is specifically provided in the 1988 Local Coastal program, Chapter 3, Section E, Transportation Policies 22: "

" The highway improvements and phasing as defined in this Section E and on Exhibit Q, which are required by this LCP , have been determined to be of significance beyond normal project requirements so as to meet the objectives of the County's Growth Management Program " --- ---

The TCA is violating the Irvine Coast LCP of 1988. Code 30820.

"persons violating this subdivision may be held for Civil Liability." I belive the TCA should pay all Legal and Court Cost's, Time spent on brining this Issue to light and an additional amount equal to tolling of users of the original alignment of Newport Coast Drive forced to pay a toll and additionally dollar sums as long as a toll is charged to this class of drivers. And Punitive Damages. These funds used in part for Crystal Cove State Park one of the original destination points of Newport Coast Drive as called out in the IRVINE COAST LCP.

Pelican Hills Rd. renamed Newport Coast Drive from PCH to Mac Arthur Blvd. was given & built as LCP mitigation for the " June 9, 1988 Irvine Coast Development Agreement & LCP Findings in the County of Orange" The TCA at this time was still planing to build a free San Joaquin Hills Transportation Corridor road called a Free Way not a pay to use Toll Road.

[Exhibit 2] Regarding off site mitigation out of the LCP zone The 1988 LCP plan exhibit 1. above was built & amended off the Irvine Coast Planed Community Development Plan Certified LCP Land use Plan of January 19, 1982.

Page IV-35 " D. Public Works / Infrastructure in order to support and provide services to the public recreation, commercial, and residential areas contained in this Local Coastal Program, a variety of infrastructure and public works facilities will be required." ----- " these systems are automatically made a part of this LCP. "

Page IV-36 " The construction of the arterial highway system will be phased with development in order to meet the demands generated by development on the Irvine Coast. In addition, The Irvine Company has agreed to provide roadway capacity beyond the needs attributable to

development on the Irvine Coast in order to enhance public access to coastal recreation areas and further mitigate off-site transportation impacts."

next page (exhibit IV-5) shows a map " Pelican Hill Road Concept Plan " this map also shows the road out side the coastal zone.

[Exhibit 3] Irvine Coast Local Coastal Program. Presented by the applicant The Irvine Company dated October 23, 1987 stamped as " Received California Coastal Commission OCT 27 1987 " & California Coastal Commission South Coast District OCT 28 1987. page 1. " The **EXECUTIVE SUMMARY** is provided to out line the major features of the plan " — # 3. Roads/Recreational Access --- " This road will also serve as a bypass for Pacific Coast Highway traffic, providing relief for present and future heavy use of Pacific Coast Highway." It is clearly implied in writing & shown in the Executive summary photo & Map's as partially Off Site Road Mitigation from PCH to Mac Arthur Blvd. Planed from the beginning as part of the Quid Pro Quo for Coastal Development Rights for The Irvine Company. The owner, and controller of the total road right of way's. Note : page two cc to Chuck Damm California Coastal Commission.

[Exhibit 4]The Irvine Coast Proposed Land Use Plan Amendment **EXECUTIVE SUMMARY** March 1987. Note: this document is frequently called out by County & Coastal Commission as "see Exhibit 13 the **EXECUTIVE SUMMARY** ."

Title page . Table Of Contents List of Exhibits cover page at bottom.
" THIS DOCUMENT HAS BEEN PREARD BY THE IRVINE COMPANY AS A SUMMARY OF THE PROPOSED LAND USE PLAN AND IS BASED ON ORANGE COUNTY'S COASTAL PROGRAM SUBITIMATL FOR THE IRVINE COAST "

This " Executive Summary " was given to Coastal Commissioners at the time of hearings for the " Irvine Coast Development Agreement County Of Orange & Exhibit C. Irvine Coastal Local Coastal Plan Findings Of Approval And Supporting Documents " This is the applicant's "The Irvine Company's" (TIC) Quid Pro Quo for a Coastal Development Permit. It was a done deal after its approval. And now it is called out / memorized in the Coastal Findings for the Coastal Development Agreement. ----- WHY HAS THIS BEEN QUESTIONED?

page 21. " Pelican Hill Road will connect the state park entry at Pelican Point to the coastal hills and join with MacArthur Boulevard " " In addition to its recreational access function, Pelican Hill Road will provide direct access from the Irvine Coast to the commercial centers of Orange County. " " The proposed plan future reduces the traffic impacts of the development with in the Irvine Coast in three ways. " " These factors combined to result in an overall reduction in total project traffic by 10% with significant reduction in peak- hour traffic generation."

page 22. Exhibit 13 Map with Pelican Hill Road shown as a Yellow line on a Green Field from PCH to MacArthur Blvd. exhibit 13. this exhibit is called out in other Coastal Commission & Orange County Documentation as shown in some exhibits below. Part of this road is clearly shown as given out side the Coastal Zone as off site mitigation. Why was such a clear Visual Representation & Wrietten Fact's ignored in Opinion 93-1205 ?

Note: Bonita Canyon Drive is land earlier given to the County of Orange for Road Development by the Irvine Company for Development. With there first right of usage. Note: pages: 21, 22, Are all partially out side the Coastal Zone and shown as part of the Findings Mitigation for a LCP Development Permit. And with out coastal zone separation dedication lines or word phrasing's. This road from Pacific Coast Highway to Mc Arthur Blvd was built and paid for by The Irvine Company (TIC) Not the County. And opened as a free of charge direct traffic By Pass in 1991.

[Exhibit 5 - A] Original Grant Deed recorded Orange County California August 22 1988 as document # 88-417100." Irrevocable offer of dedication "

page 1. " THIS IRREVOCABLE OFFER OF DEDICATION ('offer') of the right-of-way for the proposed San Joaquin Hills Transportation Corridor 'the ('Corridor') between future Sand Canyon Avenue and MacArthur Boulevard is made as of August 1, 1988, by The Irvine Company, a Michigan corporation the ("Offeror") . "

page 7. " (a) covenant 1: use of Property. The property shall be used solely for the purpose of public highway Improvements "

page 12. (page 11. " (b) Corridor Credits." page 12. "Notwithstanding any prior portion of the property which is a part of Pelican Hills Road is used in the computation of property eligible for credit under the Fee Program, "

page 13. " (4) Effects of Legal Action Preventing Development. County's power to accept this Offer and the conveyance of title shall be automatically suspended if Offeror is prevented from developing its coastal development under the Irvine Coast Local Coastal Program by operation of local, state or federal law "

The Irvine Company the Offeror here makes clear Pelican Hills Road is part of the Quid Pro for a LCP & Fee Credits for the Pelican Hills road right of way & partially Outside the Coastal Zone. This is also Visually shown "page 15 ATTACHMENTS D. Legal Description of the Pelican Hill Road Construction Easement " as also shown in [my exhibit 2] = (exhibit IV-5)

[Exhibit 5 - B] Amend Second IRREVOCABLE OFFER OF DEDICATION for the same exact land rights giving it to the San Joaquin Hills Transportation Corridor Agency by the County of Orange & The Irvine Company agreeing. Dated March 12, 1993. " Amended And Restated Irrevocable offer Of Dedication (San Joaquin Hills Transportation Corridor - Newport Coast segment) ". DOC # 93-0174937.

The first Dedication was for LCP Coastal Zone Mitigation for Public Benefits. The second Dedication was for the TCA Benefits in Selling for Profit Bonds & Paying them back through Toll Road fees paid by the public. There was no public Coastal Zone Hearings on changing the original LCP Mitigation from Public benefits to Giving it to the TCA. for bond investors financial benefits.

There also a Question regarding The Irvine Company Receiving the same Final benefits from the TCA & Cal Trans for Land Road Right of Way as they would have received from the County of Orange for these same lands originally given to the Public First? as Quid Pro Quo for a LCP Coastal Development Permit. The County processed the LCP for " The Irvine Company "

Question did the County have the legal authority to give the LCP land mitigation right of way (road bed & part of the previous constructed Newport Coast Drive) to the TCA in 1993 Did not the County of Orange have a fiduciary responsibility to carry out the LCP mitigation as they were the ones who processed the Irvine Coast development agreement with the California Coastal Commission for the applicant The Irvine Company?

Also are there new different higher financial benefits for The Irvine Company From Cal Trans & the TCA in this Second Amended Irrevocable Offer of Dedication?

Regarding: Nossaman, Gunthner, Knox & Elliott lawyers for the TCA Opinion letter to The Honorable Daniel Lungren. dated March 25, 1994. [my exhibit 30 below]. on page 12. The TCA here has the Chutzpah to suggest " The California Attorney General has opined that the powers held by a joint powers authority, such as the TCA , include "not only the powers expressly enumerated by law, but also those implied powers which are necessary to the exercise of the powers expressly granted."--- " In this instance, the Legislative bodies of the County and cities have authorized the TCA to exercise their common powers to "fund, plan, acquire and construct the Corridor. "

TCA Lawyers are Totally Wrong in there thinking they have powers by their argument to: alter, change, amend or nullify the Powers expressed by the Citizens of the State California in Creating the California Coastal Commission's Powers Through a Referendum Vote. To Receive

Road Mitigation for a Local Coastal Development Permit's. In our out side the actual Coastal Zone, or any other type of LCP mitigation. The TCA has no Law to site to alter " LCP Mitigation " at a later time with their so called parochial Police Powers. They are totally wrong in their argument's:

as found in [my exhibit 30]

page 4. " On October 17, 1988, the County and the city members of the TCA amended the Joint Powers Agreement to exercise the power authorized by the legislature to impose and collect tolls on the Corridor."

Note: { There argument is late in Date and Time also as the Memorialized LCP Mitigation was first by four months. **Irvine Coast Development Agreement of June 9, 1988.** Also the 1988 LCP is an Amendment of the 1982 LCP certified plan [my exhibit 2] }

I do not belive there is a new Amending Coastal Commission approval of the original Irvine Coast Development Agreement Coastal Commission approval of the 1988 Findings? [my exhibit 1]

page 11. " On October 17,1988, the TCA also has the authority to exercise this power under the Joint Exercise of Powers Act and the Joint Powers Agreement as necessary to construct the Corridor."

page 12. " In this instance, the Legislative bodies of the County and cities have authorized the TCA to exercise there common powers to "fund, plan, acquire and construct" the Corridor."

page 29 "In addition the Corridor has received approvals from over 25 Federal, state and local agencies, including the California Coastal Commission"

Note } I have requested a Copy of this Coastal Commission approval from the A. G. office your reply of September 5, 2007 " we do not have any records within our control or custody responsive to your request." [my exhibit 34]. Also I do not belive there is a new Amending Coastal Commission approval of the original Irvine Coast Development Agreement and Coastal Commission approval of the 1988 Findings? [my exhibit 1]

The Police Powers amending argument assumed by TCA Lawyers & County Lawyers [my exhibit's 30 and 31 below] for the Opinion 93 - 1205 regarding Irvine Coast LCP. Irvine Coast Development Agreement is a terrible wrong headed assumption by: Nossaman, Gunther, Knox & Elliott. And County Lawyers.

This wrong headed assumption has been repeated by the Appellate Court [my exhibit 29] at Page 11. " The argument is utterly without merit. As a joint powers agency, the Agency may exercise any power common to its constituent agencies. (Gov. Code, ;; 6502 & 6508.)" This Appellant Court Opinion to leave unchallenged by your good offices as the Attorney General. And Legal Council to the State Coastal Commission. That LCP Mitigation can be Altered by County, City / State, using Police Powers at a later time must be corrected so it can not be used as a PRESIDENCS by future: City, County, State's arguments in Court's of Law to take LCP Mitigation from the "Public's Domain" .

//////// The EXECUTIVE SUMMARY, MAP my exhibit 4 above. and the Original Grant Deed of 1988, exhibit 5 . visually & literly answers the seminal question that the entire Pelican Hill / Newport Coast Drive was given & built as Mitigation for the Irvine Coastal Development Agreement, Local Coastal Plan & Finding's. The below: Representations Exhibits & Documentations, support's this only Germane question I have argued from day one regarding Opinion No. 93-1205.

The GRAVE STONE STATEMENTS are found in exhibit 1. **Irvine Coast Development Agreement Exhibit C & D**

Page D-10 1. Transportation Improvements. a. Pelican Hill Road. --- --- " Under the 1988 Local Coastal Program, Pelican Hill Road will be constructed at four lanes from Pacific Coast

Highway to MacArthur instead of the two lanes provided for under the 1982 Land use plan." And :

---- [my exhibit 4] page 21. "In addition to relieving traffic on Pacific Coast Highway during peak commute hours, the construction of Pelican Hills Road in particular will provide significant recreational access capacity by connecting inland areas directly to Crystal Cove State Park (see EXHIBIT 13 in the EXECUTIVE SUMMARY)"----

--- [my exhibit 6] " Orange County Environmental Management Agency Planning," ---D. "Early construction of four lanes of Pelican Hill Road (PHR) from Pacific Coast Highway (PCH) to MacArthur Boulevard. "

---- [my exhibit 7]. " The TIC-proposed Pelican Hill Road improvements involve the initial construction of four lanes from PCH to MacArthur Boulevard, a portion of which is outside the coastal zone. Existing LCP policy links the improvement of a minimum of two lanes of Pelican Hill Road to the construction of the 101st dwelling unit or 351st hotel room. "

---- [my exhibit 8]. California Coastal Commission — " the 1987 LCP circulation improvements provided significant relief to the most congested links of the adjacent arterial system (primarily Pacific Coast Highway and MacArthur Blvd.)" //

San Joaquin Hills Transportation Corridor Agency TCA a joint powers authority formed by the County of Orange, Cities, and State of California DO NOT HAVE THE RIGHT TO USE THEIR POLICE POWERS TO: Alter, or Amend Bargained for Mitigation after the LCP has been Approved and Certified. With out having New Coastal Commission Hearings and giving new equal value LCP Mitigation. This was not done before the TCA taking of the original direct Pelican Hills Rd / Newport Coast Drive. direct alignment bypass as Originally Built. And replacing part of it with a Toll Road.

The " Irvine Coast Development Agreement County Of Orange & Exhibit C. Irvine Coastal Local Coastal Plan Findings Of Approval And Supporting Documents " of June 9, 1988. Wear certified first Prior to Certifying the TCA Corridor as a Toll Road October 17, 1988. And also all Development Agreement Traffic Studies in the LCP wear done from PCH to Mac Arthur Blvd. As stated in the Development Agreement & LCP Findings Supporting Documents And that part of this continues through road was acknowledge as out side the Coastal Zone and given as off site Mitigation. Which is the only way the LCP traffic studies wear done to be correct. There never wear any studies done as a Toll Road for the LCP Traffic Mitigation for the Irvine Coast Development Agreement. TCA. has no Police Powers or factual Law Sited to Alter or Amend-- Prior Approved LCP Mitigation's.

After a Public Bond Vote failed for financing the TCA Corridor as a free of charge Freeway in Orange County. A new plan by the TCA Board of Directors and other's to build the San Joaquin Hills Transportation Corridor as a Toll Road was agreed on. Then a new Grant Deed 93-0174937 by the County gave the same Valuable Land right of way to the TCA as a public gift? Allowing the TCA to leverage the Grant Deed right of way as TCA cooperate collateral for selling Bonds for private profiteering of Public And LCP Assets On upper Newport Coast Drive road right of way.

Originally the County's plan was to give the TIC Fee Credits for development in the County of Orange which would partly go to the TCA to build a free Public Corridor called a "Freeway". And Newport Coast Rd. might be connected to this free no charge TCA Corridor win built. And other Developers would equally pay fee credits per a formula of land & usage. This trail needs to be found and mapped by the bean counters to verify the Public is not again being short changed by a Grand Fraud in wright of way payments to the TIC per the Original Grant Deed call outs. as memorized in the " Irvine Coast Development Agreement County Of Orange & Exhibit C Irvine Coastal Local Coastal Plan Findings Of Approval And Supporting Documents" June 9, 1988."

The San Joaquin Hills Transportation Corridor Agency TCA is illegally taking millions of dollars from the Public on a portion Newport Coast Drive which they never had a right to Toll.

Also The Irvine Company (TIC) is now being paid Millions of Dollars for Road Right of way by the Cal Trans and the TCA they originally gave to the County in a Grant deed 88-417100 for the "Irvine Coast Development Agreement". Corridor fee credits minimum \$ 43,940,950 and any portion of the Property which is a part of Pelican Hill Rd pages 12 referring to page 11 of [my exhibit 5.] above.

As our new Elected Attorney General I Pray you will look at these question's asked in this opinion and the answer's given in the Opinion for being Correct & Germane.

[Exhibit 6] " Orange County Environmental Management Agency Planning, to Honorable Board of Supervisors. subject Irvine Coast Development Agreement, dated April 20, 1988. " talks about the Certified Irvine Coast local Coastal Program.

page 2. "Summary Of Development Agreement."— " This agreement is proposed in consideration of the substantial public benefits required in the LCP, including early commitments in the dedication of regional open space and improvements to master planned arterial roadways, and contributions to public facilities beyond the requirements of the LCP" exhibit A, page 1. "Summary of Public Benefits"----"The development agreement will further assure the following major public benefits to be realized from implementation of the 1988 Irvine Coast Local Coastal Program (1988 LCP)." there's eleven specific items listed

C. " Dedication of San Joaquin Hills Transportation Corridor (SJHTC) right -of -way from future Sand Canyon to MacArthur Boulevard prior to recordation of the first development tract map." the SJHTC was only planed & Approved as a free Free Way at this time. No toll road was Approved at this Time.

D. "Early construction of four lanes of Pelican Hill Road (PHR) from Pacific Coast Highway (PCH) to MacArthur Boulevard. (Two lanes from San Joaquin Hills Road (SJHR) to MacArthur Boulevard are creditable toward public benefits proposed in consideration of the development agreement.)" hear they are again talking about off site out of the LCP zone. this is clearly called out hear. " Two lanes from San Joaquin Hills Road (SJHR) to MacArthur Boulevard are creditable toward public benefits proposed in consideration of the development agreement ". This is given as part of the Quid Pro Quo out of the coastal zone for a LCP in the coastal zone.

[Exhibit 7] Additional of site mitigation documentation. " Environmental Management Agency Report May 19, 1987 " regarding the " First Amendment to the Irvine Coastal Local Coastal Program and Zone Change ". refers to the Certified LCP of 1982 . page 3.

Transportation/Circulation " The approved and proposed development plans include the construction of two arterials, six-lane Pelican Hill Road and two-lane Sand Canyon Avenue. The TIC-proposed Pelican Hill Road improvements involve the initial construction of four lanes from PCH to MacArthur Boulevard, a portion of which is outside the coastal zone. Existing LCP policy links the improvement of a minimum of two lanes of Pelican Hill Road ".

[Exhibit 8] California Coastal Commission. Filed 10-19-87. Regular Calendar Staff Report, And Recommendation. Applicant : The Irvine Company.

page 1. " Construction of a 2.6- mile long, 6 - lane arterial roadway" (This part is in the Coastal Zone requiring a coastal permit to build it. rk.)

page 6. C." Purpose and Regional Context. a. "Provide early construction of four lanes of Pelican Hills Road in advance of LCP land use needs"---

page 7. D. Project Description. "The overall project has a length of 6.1 miles from MacArther Boulevard (Out of the Coastal Zone) to Pacific Coast Highway"--

page 15. Recreational Access Function. " The construction of Pelican Hill Road will provide significant recreational access benefits for inland residents by providing a new access route from inland residential area to Crystal Cove State Park."---

" the 1987 LCP circulation improvements provided significant relief to the most congested links of the adjacent arterial system (primarily Pacific Coast Highway and MacArthur Blvd.) "----

" In addition to relieving traffic on Pacific Coast Highway during peak commute hours, the construction of Pelican Hills Road in particular will provide significant recreational access capacity by connecting inland areas directly to Crystal Cove State Park (see EXHIBIT 13 in the

EXECUTIVE SUMMARY)"---

" in this way, the construction of Pelican Hill Road not only meets the requirements of Coastal Act Section 30250 but also furthers the policy concerns of Coastal Act Section 30254 both by creating new recreational access capacity directly and by freeing up additional recreation access capacity on Pacific Coast Highway through the inland diversion effect."

This Coastal Commission Staff Report page 1 also calls out Substantive File Documents: # 4 Pelican Hill Road Project Report, prepared by: Robert Bein, William Frost & Associates February, 1987

[Exhibit 9] Pelican Hill Road Project report Robert Bein, William Frost & Associates February, 1987.

page 24. Highway Design Criteria " Segment 2- Alternate A and Segment 3 extend along Bonita Canyon Drive from MacArthur Boulevard to the location of a possible future interchange between the San Joaquin Hills Transportation Corridor and Pelican Hill Road. This portion has been specifically designed to be compatible with the criteria established for the San Joaquin Hills Transportation Corridor, since it is possible that portion of pelican Hill Road project may ultimately be incorporated into the Transportation Corridor. Design criteria for the San Joaquin Hills Transportation Corridor meet the standards established by the California Department of Transportation (Caltrans) for an urban Freeway, " (at this time a free public road is planned only rk)

[Exhibit 10] "The Irvine Coast Planned Community. Master Coastal Development First Amendment."

September 1989. County of Orange. Environmental Management Agency. Land Planning. Coastal Planning Section.

Page 1V-1 " A hierarchy of roadways will ultimately serve The Irvine Coast, including regional freeways and highway networks, subregional arterial highway networks, "

Page 1V- 3 " The construction of Pelican Hill Road is governed by a Coastal Development Permit which has been approved by the County and Coastal Commission with separate environmental documentation. 1 "

Page 1V-22 " Conceptual Roadway Phasing " --- " The Irvine Coast LCP addresses the phasing of major infrastructure, " — " early completion of Pelican Hill Road to Mac Arthur Boulevard. "

[Exhibit 11] California Coastal Commission February 3, 1994. Damm letter copied to me by the Attorneys General Office, Rodney Lilyquist Esq. on June 8, 1998 mailed me a copy of a letter (hand written note at top "Ron I believe this is the letter we relied upon for foot note 7. Rod".) dated February 3, 1994 from Charles Damm district director California Coastal Commission. to Mr. Benjamin Nolan Public Works Director, city of Newport beach. Mr. Damm states " As I mentioned in our October 1st letter the portion of Newport Coast Drive wear a toll is proposed is not in the coastal zone. As such, we cannot assert jurisdiction based on the toll issue with out 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. "

BUT MR. Damm presented the below Coastal Commission Documentation's: exhibits 12 & 13 . And he is copied with " Irvine Coast Local Coastal Program. Presented by the applicant The Irvine Company dated October 23, 1987 " [my exhibit 3 above.]

[Exhibit 12] Memorandum From; Chuck Damm, District Director South Coast District. December 4, 1987. page 2. talks about LCP.

page 2. (look at 4 page in) middle of page "Findings of approval adopted by the Commission on November 19, 1978 "

page 3 (look at 5 page in) top page **Findings** Recreational Access Function " The construction of Pelican Hill Road will provide significant recreational access benefits for inland residents by providing a new access rout from inland residential areas to Crystal Cove State Park. Pursuant to the requirements of the approved Irvine Coast LCP, "-----" The 1987 LCP circulation improvements provide significant relief to the most congested links of the adjacent arterial system (primarily Pacific Coast Highway and MacArthur Blvd)."

page 4 (look at 6 page in) "the construction of Pelican Hill Road in particular will provide significant recreational access capacity by connecting inland areas directly to Crystal Cove State Park " (see Exhibit 13 in the **EXECUTIVE SUMMARY**). " green Map yellow road line look at [my exhibit 4].

[Exhibit 13] From Chuck Damm to Commissioners and interested Persons November 19, 1987 page 4 " A hierarchy of roadways will serve the Irvine Coast, including regional freeway and highway networks "

page 6. " The Irvine Coast Plan Proposed Land Use Plan Amendment - **EXECUTIVE SUMMARY** dated March 1987. ----- Irvine Coast Visual Analysis "

page 22 " Pelican Hill Road. in Particular , Provides Regional Traffic Benefits in Excess of Project Needs. The 1987 LCP circulations improvements provide significant relief to the most congested links of the adjacent arterial system (primarily Pacific Coast Highway and Mac Arthur Blvd .) "---- " the construction of Pelican Hill Road in particular will provide significant recreational access capacity by connecting inland areas directly to Crystal Cove State Park (see exhibit 13 in the **EXECUTIVE SUMMARY**)." green Map yellow road line.

page 23 " 4) The early construction of Pelican Hill road at four lanes provides significant Public Benefits." talks about the San Joaquin Hills Transportation Corridor & Pelican Hills Road and traffic studies in Section 4. All traffic studies wear done using a free Freeways and Roads for use by all. A Toll Corridor was not studied at this time as it was not Planed or Approved by the TCA. at this time.

page 47 " b. Preparation and Approval of the 1987 Irvine Coast LCP. In order to enhance the visitor -serving uses proposed for the Irvine Coast and to improve on relationships between development areas and open space areas, the landowner initiated a proposed set of revisions to the 1982 LUP which were reviewed and refined by County staff and published for public review in March 1987. the main features of the proposed plan were highlighted in the **EXECUTIVE SUMMARY** for the Irvine Coast Proposed Land Use Plan Amendment (dated March 1987)." green Map yellow Road line [my exhibit 4.]

The Attorney General Opinion No. 93-1205 Foot note seven is based on Mr. Damm's statement " the portion on 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. " as reflected in my exhibit 11. above. But Documentation in my exhibit: 3, 12 & 13 show's that not to be reflected in Documentation he received, and Documentation he presented to " Coastal Commissioners and interested Persons He further states in my exhibit 11. [" the portion of Newport Coast Drive wear 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 .] He uses a scape goat he calls " OUR " But in fact he MR. Dam is directly named on

these Hi Quality Coastal Commission Documentation's. And in fact [exhibit 13] he presented to Coastal Commissioners.

Was MR. Damm dragooned in to making false statement's by Political Pressures above his pay grade? Which is now costing the Public Citizens Millions of Dollars in paying Tolls to the SJHTCA & also building of a free of charge second longer by pass road which only the Tax Payers are again being forced to pay? WHY ARE THERE SO MANY: CLEVAR & FRAUDULENT ANSWERS GIVEN REGARDING THE LCP QUESTION'S IN OPINION 93-1205 ?

[Exhibit 14] Assembly California Legislature. Gilbert W. Ferguson assemblyman, Seventh District request for a Opinion. A. G. Opinion # 93 - 1205 Was never properly or fairly reviewed regarding the clear questions asked by Assemblyman Gilbert W. Ferguson regarding his request for a legal Opinion And the LCP Mitigation questions he originally directly asked.

he writes Honorable Dan Lungren requesting this Opinion in his Facts & Issues, second paragraph he states " The Coastal Development Permit approved by the Coastal Commission for (THE IRVINE COMPANYS) TIC's down-coast development, was based on construction of Newport Coast Dr. as a free public road. The certified LCP mitigation did not concenter the impacts of a toll road " The Irvine Coastal Local Coastal Plan Findings Of Approval in exhibit 1. are clear if read to answer the Main Issue Mr. Ferguson asked of the Opinion to answer.

There's also a question of two important pre opinion documents which are missing from your A. G. files. And no A. G. file index to show if they wear ever received or read [my index 34] A. G. letter May 16, 2007 Patricia Freeman:

(1) Assemblyman Ferguson December 9, 1993 exhibit 14 "Request for investigation and a legal opinion has a list of "ATTENDEES:" which calls out "Olivia Maiser, Special Assistant to Attorney General Dan Lungren" Her report on what she herd & Saw that day from the principles at the Pacific Club in Newport Beach is missing.

(2) Also Jim Toledano Esq. letter/fax for the Opinion review is also missing . as further detailed in exhibit's: 15 & 16. Regarding no A. G. File index of letters received. Pleas refer to A. G. letter May 16, 2007 Ms Patricia Freeman [my exhibit] 34

(1) = [Exhibit 15] Ms Maiser of the Attorney Generals Office requested the documentation I had presented in my rebuttal to the TCA Lawyer & County of Orange at the Pacific Club in Newport Beach on December 8, 1993 Mr. Ferguson had hear sitting on his right side as his special guest for hear report back to the Honorable Dan Lungren on what she had wittness ed that day. Wear is hear report on what she Heard and Saw? Assemblyman Gilbert W. Ferguson After hearing no answers to my rebuttal to the County & TCA Asked with a past Combat U.S. Marine smile "are these document correct" hearing no answer he stood looked at Ms Olivia Maiser and in a loud voice " requested an Opinion." As the TCA Lawyers and there supporters wear leaving the room. also in [my Exhibit 34], Communications with the Attorney General Office. Letter dated September 20, 2007 Mr. Gloriamalia Perez Stated " Unfortunately, all of these efforts have failed to yield any of the records identified in your request. "

(2) = [Exhibit 16] Jim Toledano of Toledano & Wald May 4, 1994 Letter or Fax is also missing from the A. G. Files. He was my lawyer for Newport Coast Drive Defense Fund.

Mr. Roach Esq had put the word out after he had so many letters from concerned Citizens who had been earlier asked to comment by the A. G. office he would not read them and only read Legal Briefs from Lawyers. Toledano as far as I know was the only Lawyer writing for the Citizens of Orange County not to toll regarding this Opinion. Also as I understand Jim Toledano Esq's work was not read by the trial court. as is sited by the Appellant Court in my exhibit 29 below " The trial court declined to consider the late opposition. " Did Mr. Roach read any

of the Letters & Copied Documentation from the Citizens or Lawyer who Commented on not putting a Toll on Newport Coast Drive for the pending Opinion?

A copy of Jim Toledanos ESQ was also requested for the A. G. office. And on April 11, 2007 an answer was received from Ms Patricia Freeman bottom of page 1. " You also requested a copy of a letter to Daniel Lungren from Toledano & Wald. A letter was not found in the file. Reaffirmed May 16, 2007" [my exhibit 34]

I ask again for a Opinion Correction under Public Resources Code 30820.(b)

[Exhibit 17] State of California Department of Justice " We have received a revised request from Assemblyman Gilbert Ferguson for an opinion of the Attorney General on the following questions:" dated February 10, 1994 at 2. " to develop its coastal property" In his original request above exhibit 14. he made clear "The Coastal Development Permit approved by the Coastal Commission" what happened here? Why would he drop the key legal question and no longer call out the Coastal Commission Certified LCP.

Were the big powers starting to play hard ball in the best Government money can buy in lining up the only misleading answers they could make to put the fix in play ?

[Exhibit 18] the letter to Deputy Attorney General Clayton Roche regarding opinion no. 93-1205 by the land applicant & owner The Irvine Company TIC
Dated April 1, 1993 (typo 1994 correct rk)

page 2 "Newport Coast Drive was constructed and dedicated by the Company.----at the time the Company entered into the development agreement and agreed to construct and dedicate Newport Coast Drive, the decision to toll it had not been made."

Hear the applicant TIC for the Coastal Development Agreement states no Toll Road was planned when they built the road with their Dollars as a LCP Condition of Mitigation from PCH to MacArthur Blvd. Damm and Roach just failed in carrying out their oversight jobs. And now the Public is paying Millions of Dollars for their failures. Wear they just overwhelmed as many other Public Leaders wear by orchestrated Misinformation & Pressure by paid lobbyist others for the Millions of Dollars at play here in Toll's and land repayments . Is this just a Grand Fraud on the public's rights in OC. Also did the TCA Lawyers understand the significance of the **Irvine Coast Development Agreement " Exhibit C. Irvine Coast Local Coastal Plan Findings Of Approval And Supporting Documentation " ?**

[Exhibit 19] Letter from Wynn & Associates to Mr. Clayton Roche Bob Wynn was a very Honorable City Manager of Newport Beach from 1971 to 1991. page one " I was aware that the E.I.R.- E.I.S. listed many alternatives in the project but I was never aware that a toll was being seriously considered on Newport Coast Drive."

[Exhibit 20] My comments for Opinion 93-1205 were presented in two parts 1. Newport Coast Road Comments. And 2. Incorrect misleading information in disclosure, in bonds sold using Newport Coast road destination trips to pay a portion of bond repayments a separate deliberate misinformation in it's self.

[Exhibit 21] Newport Beach /Costa Mesa Daily Pilot December 9, 1993 A 13. Ferguson Urges Toll Road Investigation " If I showed you the chronology of how I was going to rob a bank, and then showed you the environmental impact report for how it's going to be done nicely, that still doesn't make it legal" He was right on point. His LCP question's have not been answered with back up authenticated documentation.

[Exhibit 22] Newport Beach /Costa Mesa Daily Pilot February 26, 1993 A 5. San Joaquin Hills toll way forges ahead. Officials ready to issue bonds that will finance project. Meanwhile Sansone continues fight. "The Councilman said in his memo that he was told not to "muddy the water" with complaints, as toll way officials are negotiating with bond representatives"

[Exhibit 23] July 12, 1996 M. Stephen Coontz ESQ . Using Eighty Six pages of Court prepared documentation using Orange County own Resolutions & Documents to support the "Irvine Coast Development Agreement County Of Orange & Exhibit C Irvine Coastal Local Coastal Plan Finding Of Approval And Supporting Documents" June 9, 1988 as shown in [my exhibit 1] . to authenticate are argument that Newport Coast Road from PCH to MacArthur Blvd was built as required by LCP Mitigation. As documented in Orange County's own Resolutions of there board of Supervisors. This exhibit is given as a searchable index source for Orange County Resolutions relating to the Road LCP Mitigation question only.

Note: M. Stephen Coontz. ESQ was not the lawyer of record for Newport Coast Drive Defense Fund I hired him to put this information I found in County Resolutions in our Court record's for trial at the time of discovery. MR Toledano ESQ refused to put it in discovery per my request's. " we don't want to tell them what we have" I never understood his legal thinking on this tack ?

[Exhibit 24] California Coastal Commission letter to San Joaquin Hills Transportation Corridor Agency. by Mark Delaplaine Federal Consistency Supervisor dated February 11, 1991

Page K-13 "for the Local jurisdictions with certified LCP's the coastal development permit authority has been delegated to these local governments." **this would be County of Orange** " Permit authority should be complied with by you in coordination with the applicable local governments (for local jurisdictions with certified LCP's) **County of Orange again**

Page K-15 (or a letter indicating that the information is contained with a document previously submitted, such as the DEIS or FEIS): " -- " (c) (1) a detailed description of the activity and its associated facilities which is adequate to permit an assessment of their probable Coastal Zone effects, " Why was Newport Coast Drive LCP Mitigation not put forward for the review ?

Was this " Detailed Description in the EIR/EIS " requirement met by the TCA that they intended to Alter / Amend the Development Agreement of the "Irvine Coast Development Agreement County Of Orange & Exhibit C. Irvine Coastal Local Coastal Plan **Findings Of Approval And Supporting Documents. June 9, 1988.**" Altering past LCP Mitigation's regarding Newport Coast Drive from a free to use road, To a pay to use Toll Road in a detailed Description.

In [my exhibit 30] the TCA Lawyers again have the chutzpah on there page 6. to site The Spyglass Hill Community Association comments as an example of the Communities understanding of the TCA plans by siting part of their letter to them " [i]nstallation of two toll booths will impact upon the Pelican Hills bypass rout constructed by the City of Newport [Beach] " In fact it is a TCA project in taking LCP Road Mitigation. The City of Newport Beach did not: Process the Irvine Coast Development Agreement at the Coastal Commission or, Build the Pelican Hills / Newport Coast Drive bypass route. And this is the best TCA example of community understanding. What a total Sham from top to bottom?

[Exhibit 25] " Final Environmental Impact Statement And Section 4 (F) Evaluation " Proposed Construction of State Roul 73 Extension " financed by tools "

Known As The San Joaquin Hills Transportation Corridor. April 1992

Page K-3 " A described in the Final EIS and below. the Corridor is consistent with the approval LCPs for Aliso Creek, Irvine Coast, and the cities of Irvine and Newport Beach. " **They approve there own FEIS. which is required in exhibit 24 above. and certify they meet the "Irvine Coast Development Agreement County Of Orange & Exhibit C. Irvine Coastal Local Coastal Plan**

Findings Of Approval And Supporting Documents. June 9, 1988." The LCP Mitigation's . THIS IS A Factual FALSE STATEMENT BY THE TCA.

Page " Appendix K - Coastal Act Issues And Correspondence" the Corridor helps attain these Coastal Act objectives. The Corridor enhances alternative access to Crystal Cove State Park and Laguna Beach via Pelican Hill Road and Sand Canyon Avenue," **yes the corridor brings more traffic to Pelican Hill Road. But they still did not have the right to put a Toll on part of it. Question I never have been able to find & read a copy of the " approved LCPs for---Irvine Coast " as sited hear on page K - 3 as required for taking approved Coastal Mitigation.**

[Exhibit 26 & 27] These Public Notices " San Joaquin hills Transportation Corridor. Fast Corridor Facts." the two Document Map,s are identical except for dates: " Information accurate as of . 7 / 1 / 90 " & " Information accurate as of 11 / 15 / 90 " The Proposed Toll Corridor & (Pelican Hills RD / Bonita Canyon Drive) Newport Coast Drive. hear are shown as Two Separate Road Rout's Alignments. Which gave the Public a completely wrong picture of the San Joaquin Hills Transportation Corridor Agency desires to put a Toll on Newport Coast Drive. There Notice's are factually misleading & incorrect for the Public to understand TCA intentions regarding placing a Toll on Pelican Hill RD to Bonita Canyon Drive renamed latter to Newport Coast Drive.

[Exhibit 28] Official Statement \$1,078,692,411.05 San Joaquin Hills Transportation Corridor Agency
(Orange County, California) Senior Lien Toll Road Revenue Bonds. The date of this Official Statement is March 4, 1993. at bottom

Their has been much made about Tolling the upper part of Newport Coast Drive as required to help pay of these for profit speculation Bonds. But on looking at this Bond Prospective the Wilbur Smith Associates letter to TCA February 9, 1993 and a part of this perspective. I ask again was Newport Coast Drive misrepresented hear also. Was the TCA aware or Ignorant of the Six incorrect Maps Figure's: 1, 2, 12, 5, 9, 19, Which depict falsely Newport Coast Drive as a dead end unfinished Road. Which in fact was opened to MacArthur Boulevard in 1991 as a free of charge road to use as required by the Irvine Coast Development Agreement of 1988. Also on page 24 it leaves out any mention of the By Pass known Community Wide as Newport Coast Drive in the " Current Traffic Patterns " Also it's interesting as a Senator at the time Christopher Cox who carried legislation for the TCA, Toll Road. And with his offices at this time with in a mile of Newport Coast Drive that he did not see this glaring false misrepresentation in this Bond Prospectuses. And now he is the head of the SEC ?

[Exhibit 29] Court of Appeal- 4 TH District. Div 3. Silts P. J. Judge, " OPINION " OCT 12, 1999, as received from TCA July 12, 2004. page 2. Cover letter to me siting A. G. approval of TCA .
page 3 my letter to Councilman Hernandez. asking for help. page 5. cover letter from Nossaman, Gunther, Knox & Elliott, LLP TCA Lawyers dated July 9, 2004. to MR Walter Kreutzen.

Page 4. "NCDDF's complaint is premised on assertions that Newport Coast Drive was constructed by the Irvine Company as a mitigation measure for the Newport Coast development. In May 1988, the County and The Irvine Company entered into a statutory development agreement (Gov. Code, S 65864 et seq,) by which The Irvine Company agreed to construct Newport Coast Drive.'

Page 7. " On April 23, 1993 the California Coastal Commission issued a Coastal Development permit for the Corridor, and in May 1993, issued a Consistency Certification. "

Page. 10. " Here, the Coastal Commission issued a coastal development permit for the Corridor and certified the Corridor as being consistent with the Coastal Act in April 1993."

Page 11. " As a joint powers agency, the Agency may exercise any power common to its constituent agencies. (Gov. Code, SS 6502 & 6508.) the Agency's members include the County

and several cities. Counties and cities have express statutory authority to make any portion of a street in their jurisdiction part of a freeway or expressway. "

Pleas Note. Mr W. Kreutzen TCA. CEO. Did not answer paragraphs one & two of my email dated 9/6/04 to Mr. Hernandez as forwarded to him, regarding LCP. Coastal Findings. He was clearly put on Notice of the LCP Mitigation Issue. By his letter July 12, 2004 back to me stating " has asked me to respond to your e - mail. "

The Police Powers of (Gov. Code, SS 6502 & 6508.) Sited on page 11. CAN NOT TAKE NEWPORT COAST ROAD AS IT IS IRVINE COAST LCP. DEVELOPMENT MITIGATION.

[Exhibit 30] Nossaman, Guthner, Knox & Elliott TCA Lawyers letter to Honorable Daniel Lungren regarding Opinion 93 - 1205 March, 1994

page 1. paragraph one. " This firm is general council to the San Joaquin Hills Transportation Corridor Agency ("TCA"). The TCA is a joint powers authority formed by the County of Orange ("County") and ten cities in the County to plan, design, finance and construct the San Joaquin Hills Transportation Corridor "

page 4. " On October 17, 1988, The County and city members of the TCA amended the Joint Powers Agreement to exercise the power authorized by the Legislature to impose and collect tolls on the Corridor "

page 5. " In June 1988, the County entered into a Development Agreement with The Irvine Company regarding the development of the Irvine Coast area. The Development Agreement specifically contemplated that a portion of pelican Hills Road (now Newport Coast Drive) would serve as an interim facility until the construction of the Corridor. "

These statements on page 5 are correct as far as they go. But the TCA Corridor and Pelican Hill road connection to it was planned at this time June 9 1988 as a non toll free to use Freeway as reflected in the LCP EIR from 1982. And Amendment to it of June 9 1988. As memorialized in the "Irvine Coast Development Agreement County Of Orange & Exhibit C. Irvine Coastal Local Coastal Plan Findings Of Approval And Supporting Documents. June 9, 1988." as shown in exhibit 1. above. October is always after June which means: the June LCP Mitigation Development Agreement Findings and Road Mitigation are First in Law and First in Rights.

Regarding page's 1. & 4. Police Powers by County or Cities' can Not be used to take LCP Road Mitigation. Only new Public LCP Hearings on Mitigation Alternatives for a specific LCP , or any other type of mitigation's given for a LCP approval permit is required first by Law. " This blanket covering all argument" used extensively in Court Brief & Argued to the A. G. in Opinion Briefs has been wrong headed from day one by TCA Lawyers & others. County, City Police or Combined Powers can not Alter Coastal Commission Laws or change/alter LCP Mitigation's accepted for Development Permit's after Certification by all parties.

[Exhibit 31] The County Counsel County of Orange. to Daniel E. Lungren for Opinion 93 - 1205 March 24, 1994

page 1, paragraph 3, " The Agency is a joint is a joint powers agency created by agreement between the County of Orange and a number of cities pursuant to " ---

page 3, " Question 3 raises the issue of The Irvine Company's development rights under its Local Coastal plan and Development Agreement and whether they are jeopardized by the advent of the Corridor as a toll facility. We do not believe that they are jeopardized. "

These statements page 1. that they are parroting the Police Powers " blanket covering all argument " Again this argument Can Not be used. And then on page 3. They site the " rights under its Local Coastal plan and Development Agreement " to protect Developer Rights to Build.

But they completely ignore Public rights to Traffic Mitigation as called out in the vary same LCP they site.
Chutzpah at the grandest Government level against the Public they are supposed to protect & serve.

[Exhibit 32] Irvine Co. Officials Sing 'Song of the Open Road' OPENING OF NEWPORT COAST DRIVE Daily Pilot November 16, 1991. front page bottom right " Although the Irvine Co. funded road was a necessary component of the 2,600 - home Newport Coast development, Irvine Co. Senior Vice President Gary Hunt said ".

There's no Question it was a Necessary Component of the Irvine Coast Development Agreement County Of Orange & Exhibit C. Irvine Coastal Local Coastal Plan Findings Of Approval And Supporting Documents. June 9,1988. as part of the The LCP Mitigation's . Also compare this 1991 map showing Newport Coast Drive from PCH to MacArthur Blvd. with the maps shown in the TCA toll Bond Perspectives in my [exhibit 28] showing the Road in 1993 as not being completed or open for Public free use to travel on. Why would the TCA give such clear false information to the SEC in there Toll Bond Perspective for placing tolls on Newport Coast Drive ?

[Exhibit 33] Attorney Generals Office. Department of Justice. Letter August 22, 2007. from Ms Patricia Freeman. " you refer to a letter from Nossaman, Guthner, Knox & Elliott" — " In addition the Corridor has received approvals from over 25 federal. state and Local agencies including the California Coastal Commission." you have requested a copy of the California Coastal Commission's approval to build a toll road. Pleas find enclosed a copy of the California Coastal Commission's letter dated October 19, 1987."

The Coastal Commission document dated 10 -19 - 87 sites the Applicant: " The Irvine Company " refers to a 2.6- mile long road built from Pacific Coast Highway in the Coastal Zone. which required a Coastal Zone Construction separate permit. the rest of the road was built out side the Coastal Zone requiring a County Construction permit to MacArthur Boulevard. the TCA is not mentioned? On asking again for this phantom missing Coastal Commission Permit that amended the original **Irvine Coast Development Agreement. " Exhibit C. Irvine Coast Local Coastal Plan Findings Of Approval And Supporting Documentation.** On August 28, 2007 letter sorry that's the only document in the file [my exhibit 34] .

I asked again under the Brown Act Freedom of Information. Receiving a reply from MR. Jamee Jordan Patterson " We have conducted a search of our records and have determined that we do not have any records within our control or custody responsive to your request." [my exhibit 34]

Wear is the "Complete Coastal Commission File" on this CC Permit as cited by TCA Lawyers. How can an A. G. Opinion No. 93-1205 be based on unsubstantiated Claims?

[Exhibit 34] Communications from the Attorney General Office

[Exhibit 35] Nossaman, Guthner, Knox & Elliott fax copy February 20, 1996 to William Woollett, Jr.CEO TCA. The City Council of Irvine was making a game fight in trying to preserve free public use of the Newport Coast Drive road right of way for public citizens free use. But the \$ 225,000 per day dollar threat implied on page two swung the City Council to give up there Nobel efforts in the next City Council meeting.

page 3. Second paragraph: I agree the TCA has full a right to use SJHTC. But further down " The easements do not fall into any protected class of public property; " TCA Lawyers are mistaken hear though. The public had first rights to use this Road right of way easement as called out in the **Irvine Coast Development Agreement. Exhibit C. Irvine Coast Local Coastal Plan Findings Of Approval And Supporting Documentation** As documented above to MacArthur Boulevard AS A PUBLIC FREE EASMENT. Again the Attorney General Opinion No. 93 - 1205 was devastating in not Supporting the Newport Coast Drive LCP Road Mitigation Findings in the Irvine Coast Development Agreement.

[Exhibit 36] four page letter with & thirteen exhibits to Chief Deputy Attorney General Peter Siggins Office of Attorney General Legal Affairs dated May 10, 2000. Asking for a review and correction of Opinion No. 93 - 1205. (exhibits not included hear)

Reply from Mr. Peter Siggins dated June 9, 2000 " The opinion was well researched. and you have presented no basis upon which to revisit the questions that wear resolved in the opinion. Accordingly, we must decline your request.

ADDENDUM Once upon a time I had a meting with three Attorneys at the City Of Newport Beach back room next to the City Council Chambers. The City Councilman stated after I made my presentation of the LCP Issue " You may have the facts but you wont be able to do anything with them." The City Attorney stated " He would follow the wishes of the City Council " And My Attorney smiled. What did that City Council Man know which all the Citizens interested in this issue and going to countless meetings did not know?

Ronald Douglas

Kennedy January 16, 2008
4741 Sleeping Indian RD
Fallbrook CA. 92028-8875
760-723-4357
otrkenedy@aol.com

Note: For authenticated copies of the "Irvine Coast Development Agreement County Of Orange & Exhibit C Irvine Coastal Local Coastal Plan Finding Of Approval And Supporting Documents June 9, 1988." Is Recorded as the " Irvine Coast Development Agreement County of Orange # 88-272903 June- 9 1988." the Finding C. are included in the same document with the same recording # on each page. County Resolutions in [my exhibit 23]. wear also received from this Office.

[Clerk Of The Board Of Supervisors, Hall Of Administration, 10 Civic Center Plaza, P.O. Box 687, Santa Ana, California 92702-0687 Telephone 714 834-2206]

CC to

Sacramento Bee
2100 Q ST,

EXHIBIT INDEX

[Exhibit A] --- OPINION --- To Be published In The official Reports Office Of the Attorney General Daniel Lungren Attorney General OPINION No. 93 - 1205 May 12, 1994

[Exhibit 1] The **IRVINE COAST DEVELOPMENT AGREEMENT COUNTY OF ORANGE And Exhibits C. & D. Below**

[Exhibit 2] Regarding off site mitigation out of the LCP zone The 1988 LCP plan exhibit 1. above was built & amended off the Irvine Coast Planed Community Development Plan Certified LCP Land use Plan of January 19, 1982.

[Exhibit 3] Irvine Coast Local Coastal Program. Presented by the applicant The Irvine Company dated October 23, 1987 stamped as " Received California Coastal Commission OCT 27 1987 " & California Coastal Commission South Coast District OCT 28 1987.

[Exhibit 4]The Irvine Coast Proposed Land Use Plan Amendment **EXECUTIVE SUMMARY** March 1987. Note: this document is frequently called out by County & Coastal Commission as "see Exhibit 13 the **EXECUTIVE SUMMARY** ."

[Exhibit 5 - A] Original Grant Deed recorded Orange County California August 22 1988 as document # 88-417100." Irrevocable offer of dedication "

[Exhibit 5 - B] Amend Second **IRREVOCABLE OFFER OF DEDICATION** for the same exact land rights giving it to the San Joaquin Hills Transportation Corridor Agency by the County of Orange & The Irvine Company agreeing. Dated march 12, 1993. " Amended And Restated Irrevocable offer Of Dedication (San Joaquin Hills Transportation Corridor - Newport Coast segment) ". DOC # 93-0174937

[Exhibit 6] " Orange County Environmental Management Agency Planning, to Honorable Board of Supervisors. subject Irvine Coast Development Agreement, dated April 20, 1988. " talks about the Certified Irvine Coast local Coastal Program.

[Exhibit 7] Additional of site mitigation documentation. " Environmental Management Agency Report May 19, 1987 " regarding the " First Amendment to the Irvine Coastal Local Coastal Program and Zone Change ". refers to the Certified LCP of 1982 .

[Exhibit 8] California Coastal Commission. Filed 10-19-87. Regular Calendar Staff Report, And Recommendation. Applicant : The Irvine Company

[Exhibit 9] Pelican Hill Road Project report Robert Bein, William Frost & Associates Febuary, 1987.

[Exhibit 10] "The Irvine Coast Planed Community. Master Coastal Development First Amendment." September 1989. County of Orange. Environmental Management Agency. Land Planning. Coastal Planing Section.

[Exhibit 11] California Coastal Commission February 3, 1994. Damm letter copied to me by the Attorneys General Office, Rodney Lilyquist Esq. on June 8, 1998

[Exhibit 12] Memorandum From; Chuck Damm, District Director South Coast District. December 4, 1987. page 2. talks about LCP.

[Exhibit 13] From Chuck Damm to Commissioners and interested Persons November 19, 1987
page 4 " A hierarchy of roadways will serve the Irvine Coast, including regional freeway and highway networks "

[Exhibit 14] Assembly California Legislature. Gilbert W. Ferguson assemblyman, Seventh District request for a Opinion. A. G. Opinion # 93 - 1205 Was never properly or fairly reviewed regarding the clear questions asked

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[Exhibit 31] The County Counsel County of Orange. to Daniel E. Lungren for Opinion 93 - 1205 March 24, 1994

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Sacramento 94299