

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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February 28, 2014

Dave Kiff, City Manager  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach, CA 92660

RE: Limitation on Use of Beach Fire Rings

Dear Mr. Kiff:

Thank you for your letter of February 11, 2014 wherein you identify the interim actions the City of Newport Beach may take in early March to meet the requirements of the Air Quality Management District's (AQMD) Rule 444 relating to Open Burning. As you acknowledge, Commission staff is committed to continuing to work with the City and AQMD toward an alternative solution that meets the requirements of both the Coastal Act and Rule 444 with regard to location of the City's wood-burning fire rings.

You indicate, after March 1, 2014, if the existing rings are left in place, only a limitation on the type of fuels used will achieve compliance with Rule 444. As you know, Commission staff has determined a limitation on the fuels used is a change in use of the fire rings requiring a coastal development permit (CDP) and there is not sufficient time for the City to obtain a CDP prior to March 1<sup>st</sup>. We believe there are alternatives available to the City that combine relocation of the rings and use of alternative fuels that can result in no net loss in number of rings and compliance with both laws (see letter to City Council from Commission staff dated November 26, 2013). We urge the City to continue to pursue such a solution to be reviewed by the Commission through a CDP application. Submittal of an application in the near future could result in scheduling a public hearing at the Commission's June meeting in Orange County.

The pending Assembly Bill 1102 would delay implementation of Rule 444 until such time as a local government who seeks to comply obtains a CDP from the Commission for removing or restricting the use of a beach fire ring. If the Bill passes as currently drafted, the City would not be required to comply with Rule 444 until a CDP is obtained for removing or restricting the use of a beach fire ring; therefore, in this interim period until the outcome of the Bill is known, we urge the City to not take any actions toward limitation of public use of the rings and to work toward submittal of a CDP as soon as possible.

Coastal Act public access and recreation policies protect ongoing public use of the beach fire rings as a lower cost visitor-serving and recreational opportunity. We will work with the City, AQMD and the author of the Bill as necessary to make clear how the existing laws can be implemented to protect

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the rings and address air quality concerns. Again, we believe there are options that would result in no net loss in number of rings while still allowing the use of firewood and exploring alternative fuels, to meet the new requirements of Rule 444. Coastal Commission staff would be willing to expedite the permit process for Rule 444-compliant spacing with no net loss of fire rings should the City submit such an application. Please don't hesitate to call me to discuss continued efforts toward a mutually agreeable solution.

Sincerely,

A handwritten signature in cursive script, appearing to read "Karl Schwing for".

Sherilyn Sarb  
Deputy Director  
South Coast District, Orange County

cc: Barry Wallerstein (via email)  
Jeff Rabin  
Karl Schwing