

Banning Ranch Battle Continues in Supreme Court

Mary Carreon, Orange County Weekly, 1-6-17

Just as we suggested after the Banning Ranch Coastal Commission hearing last September, the fight for the 401-acre chunk of land in Newport Beach still isn't over. Last Wednesday the California Supreme Court heard arguments from the Banning Ranch Conservancy, a non-profit dedicated to the preservation and maintenance of the property, and the City of Newport Beach. The lawsuit was filed in July of 2012 by the Banning Ranch Conservancy after the city council approved the development of the 401-acre land off of PCH.

According to Terry Welsh, the president of the Banning Ranch Conservancy, the Newport Beach City Council didn't go through the proper environmental examination prior to approving the project. Thus, the city violated its General Plan, which consists of specific language protecting Banning Ranch by requiring that the city work with various resource agencies to identify wetlands and habitats to be preserved, restored and developed on the land. "Had [the city council] done the proper procedures prior to their decision, they wouldn't have been able to approve the project," says Welsh. "Any local or state agency would have had to take into consideration environmentally sensitive habitat areas, which is known as ESHA, and you can't build in these areas. The city of Newport Beach did not take this into consideration before their decision."

The developer, Newport Banning Ranch LLC., originally proposed to build 1,375 homes, a 75-room hotel and a commercial area on about 95 acres of the 401-acre sprawl of land. The revised project—the one the Coastal Commission declined last September—consists of nearly 900 homes, a shopping center, hotel and hostel.

Since Last September's hearing, Banning Ranch LLC has filed suit against the Coastal Commission for their disapproval of the project. But if the Banning Ranch Conservancy wins the case they filed in 2012 against the city of Newport Beach, there's a chance the developers suit against the Coastal Commission will become obsolete. "I don't know for certain if that would happen," Welsh explains, "but it could. If we win, it would require the Coastal Commission and other agencies to evaluate the land properly. Any environmental agency

Welsh adds that the Coastal Commission has to have a city approved project before they can consider anything. If the Banning Ranch Conservancy wins the case, a re-evaluation of the land has to occur, which Welsh believes won't be approved by the city the second time around. "This could alter the lawsuit Banning Ranch LLC. filed against the Coastal Commission, which would keep the land from being built on."

The results from the case will likely be announced in three months. If the Banning Ranch Conservancy wins, the Newport Beach City Council will have to revise its Environmental Impact Reports and present the new findings to the Coastal Commission. If the City of Newport Beach wins, the case will stand as is.