

May 6, 2021, OC Parks Commission Comments

These comments on an [Orange County Parks Commission agenda](#) are submitted by:

Jim Mosher (_____), _____

Item No. II. PUBLIC PARTICIPATION

Like many county residents I have only recently become aware of the proposed sale of a portion of the Upper Newport Bay Nature Preserve, which was reviewed by this Commission as Item IV.D on its [January 7, 2021, agenda](#).

Having reviewed the [video](#) and [minutes](#) of that meeting, I am concerned about misinformation conveyed.

- The minutes imply the land is (or was?) County right-of-way owned for a possible future road extension. They do not mention it is currently owned as dedicated public park land. **I do not believe Orange County ever owned the land prior to its donation for park purposes.**
- The video more accurately reports the property was “reserved” by The Irvine Company as possible right-of-way in the case of future need for a road through the area, but when those plans were abandoned, conveyed the potential right-of-way to the County for passive recreational uses.
- The video, however, also says the adjacent homeowner, now asking to purchase the property from the county, had owned it prior to The Irvine Company. **I do not believe this correct.**
- The commissioners were also told fencing that currently exists in the county park land had existed prior to the homeowner’s previous ownership and has never changed. **I do not believe this correct.** Aerial photos show the segment of fence running close to the western edge of what is a recently-constructed City of Newport Beach drainage detention basin was added sometime between 2001 and 2006 (likely by the homeowner). And the final segment connecting to the homeowner’s current property line was added by the City at the completion of their project to assist the homeowner in completely “securing” his nearby property (even though the fence doing the securing is on County Nature Preserve property).
- The commissioners were also told the land behind the fence was degraded land of no habitat or recreational value. Given the outpouring of petitions protesting the sale, I do not think the Orange County public in general agrees with this assessment. Moreover, I believe the current state of the parcel is largely the result of what appears to be a private fence that OC Parks has allowed to stand (and be expanded) on public park land.
- Additionally, the commissioners were told the conservation group associated with the area, the Newport Bay Conservancy, “supports” the transaction. **My understanding is that is incorrect: the NBC Board is instead staying “neutral” on the sale.**
- **I hope the Commission will consider having all the fencing removed from the public land.**

Like many, I am equally concerned about the extremely low valuation County staff puts on “surplus” county-owned land. The appraisal of \$13,000 for 0.32 acres of Upper Bay front property is extremely difficult to reconcile with the Orange County Tax Assessors valuation of exactly comparable properties. In particular, the two extremely similar landlocked parcels owned by the neighboring homeowner (marked by red stars in the following adaptation of county staff’s abandonment exhibit) are [APN 439-051-10](#), 0.36 acres abutting the potential purchaser’s property, valued at \$1,186,852 and [APN 439-051-09](#), 0.16 acres valued at \$587,931:



Those (land only) valuations by the county figure to roughly \$3.5 million per acre.

Assuming the County Tax Assessor is even roughly right, the addition of the abandonment parcel will add around \$1 million to the future resale value of the recipient homeowner’s holdings.

I have put in a Public Records Act request to inspect the appraisal that resulted in the \$13,000 recommended sale price, but after 10 days have had no response.

However that price was arrived at, **I do not think OC Parks or any county agency should be selling public property for less than it will add to the recipient’s resale value.**

For more background information on this transaction see the Stop Polluting Our Newport [web post](#) devoted to it.

Item No. IV.B. CONVEYANCE OF REAL PROPERTY IN DANA POINT

As the commissioners may guess from the previous comment, I have concerns about the accuracy of information being conveyed to them, and ultimately to the Board of Supervisors.

The staff report, on 12 of the 38-page PDF, refers to "*the City's Resolution No. 18-06-11-17, approving the California Coastal Commission's Coastal Development Permit (CDP) for the Project,*" purportedly requiring a developer "*to consolidate the underlying legal lots.*"

I have not researched the history of this transaction in the same depth as the one commented on under Item II, above. But as far as I know, cities do not "approve" (or disapprove) coastal development permits issued by the California Coastal Commission.

Instead, it looks like [Resolution No. 18-06-11-17](#) refers to the Dana Point Planning Commission's approval of a CDP (see Item 2 on their [June 11, 2018 agenda](#)). But that approval was rendered void by an appeal to the Coastal Commission, which ultimately approved its own CDP. The number, according to the recommended motion in the staff report for Item 12a on the CCC's [February 10, 2021, agenda](#), was "Coastal Development Permit No. A-5-DPT-18-0046."

Although that CDP refers to "A Tentative Tract Map is also proposed to consolidate five underlying legal lots that comprise the larger site to allow construction of the proposed hotel," I was unable to find an exhibit clearly identifying the parcel being considered by the OC Parks Commission as one of those, or that the entire parcel is required.

In any event, whatever the merit of the proposal from a parks perspective, **I share the same concern expressed above about the prices at which the County is selling public real estate and its apparent lack of relation to the resale value it will add to the private recipient's holdings.**

In the present case, county staff is recommending selling 1,800 square feet of apparently buildable (as the aerial photo seems to show an existing building on top of it) blufftop, harbor view property for \$3,700. **That figures to about \$2 per square foot or \$90,000 per acre.**

By comparison, the private parcel it will be added to (34344 Street Of The Green Lantern, [APN 672-232-06](#)) appears to consist of about 38,000 sf (slightly under an acre) and is currently appraised by the County itself as having a land value of \$425,991 or about **\$11 per square foot**. And (likely as a result of Proposition 13) that seems to be an old and low appraisal. The immediately adjacent and comparable, roughly 11,600 sf Blue Lantern Inn property, [APN 672-232-03](#), is currently assessed with a land value of \$906,934,991 or about **\$78 per square foot**. And even that could be low, for the reasonably near 10,500 sf residential property at 24332 Santa Clara Ave, [APN 682-071-04](#), is shown with a land value of \$3,824,822 or some \$364 per square foot.

It would appear from this that the County is providing a substantial gift to adjoining land owners by selling public land at a price much lower than the resale value it will immediately add to the private property.