

Rieff, Kim

From: Maryela Martinez <mmartinez@parkercovert.com>
Sent: Wednesday, June 24, 2020 3:44 PM
To: City Clerk's Office
Cc: Harp, Aaron; Spencer E. Covert; Michael Y. M. Toy
Subject: Newport-Mesa USD Correspondence re Ensign Encroachment Permit 6/25/20 Public Hearing
Attachments: LTR - Ensign Encroachment Permit Call for Review 062420.PDF

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Honorable City Clerk,

Per the District's discussion with City Attorney Harp, please email the enclosed correspondence, with attachments, to the Mayor and City Council Members, as well as the City Manager, in anticipation of tomorrow's City Council public hearing on the Ensign encroachment permit.

Please let me know if you have any questions.

Thank you,

Maryela Martinez, Esq.



17862 E. Seventeenth St · Suite 204 · Tustin, California · 92780

Phone: (714) 573-0900 · Fax: (714) 573-0998

www.parkercovert.com

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Spencer E. Covert*
scovert@parkercovert.com

Tustin

June 24, 2020

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*A Professional Corporation

Ref Our File No.:
NM-76.16

VIA E-MAIL ONLY

To: The Honorable Mayor and Members of the City Council
City of Newport Beach

From: Board of Education, Newport-Mesa Unified School District

Re: Call for Review Ensign Intermediate School
Encroachment Permit No. 2020-0366
Thursday, June 25, 2020, 3:00 p.m.
Council Chambers

Dear Honorable Mayor and City Council Members:

This correspondence is respectfully submitted on behalf of our client the Board of Education of the Newport-Mesa Unified School District.

The Project at Ensign Intermediate School is included with the School District's Districtwide safety plan. All schools have been studied and recommendations have been made to improve their safety. (NMUSD Safety Update, August 27th, 2019, **Attachment 1.**) One of the best practices for safe schools is to reduce or eliminate where possible, multiple points of entry to the school campus. The parking lot and gate projects at Ensign are designed for that purpose and have been recommended to the School District by its Project architect and safety consultant.

These safety responsibilities do not fall within the scope of the encroachment permit or review by the City Council.

The City does provide specifications for curb cuts which the District has agreed to comply. The District's compliance is demonstrated by the City Public Works Department's issuance of the permit. Three conditions pertaining to the existing City

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The Honorable Mayor and Members of the City Council
June 24, 2020
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sidewalk, installation of new striping, and planting of sidewalk trees to match the current spacing and type of existing street trees have all been agreed to by the School District.

As a result, Council cannot overrule the encroachment permit issued by the Public Works Department. To do so would be arbitrary and capricious because Council would not be following its own City standards for the permit.

The District is in agreement with the three conditions issued by the City (**Attachment 2**).

The City's Notice of Public Hearing also refers to the categorical exemption from the California Environmental Quality Act because it has no potential to have a significant effect on the environment.

In order to proceed with the Project, the District commenced removal of the trees in the front of the School that are located on School District property. Because these trees are on School District property, the City has no jurisdiction over their removal. (*Keyhoe v. City of Berkeley* (1977) 67 Cal.App.3d 666.; *Friends of Juana Briones House v. City of Palo Alto* (2010) 190 Cal. App.4th 286.)

The alternative parking lot suggestions from the City Traffic Engineer were just that. They were not requirements but suggestions for the District and the Board of Education to consider.

A great deal of time and energy has been spent on considering this Project. In addition, when COVID-19 made it difficult for public meetings, the District utilized an online "ThoughtExchange" in which more than 400 people participated with the highest principle of school safety. The results of the ThoughtExchange are published on the District website at <https://my.thoughtexchange.com/report/a301ffaf7936634611a5e0cf2e7409a0>

In spring and fall 2019, the Ensign Intermediate School Site Council reviewed this matter and unanimously endorsed the Project. See letter from President of the School Site Council in which she states:

"The Ensign SSC has been actively involved in contributing input and feedback through appropriate channels. When we had feedback, ideas or concerns we followed the protocol we were asked to follow and shared these

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The Honorable Mayor and Members of the City Council

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thoughts in our SSC forum or privately with the school principal. We have not jumped outside of this protocol because we feel our voice has been heard. If you believe it is necessary to move outside of the desired process to share our support in a more vocal manner we are happy to do so. However, we trust the process and we trust that input has been gathered and considered in a fair and appropriate way.

In conclusion, the Ensign SSC has gone through a two-year process of learning about the project, providing input and ultimately endorsing this project as what is best for our students and our school.” (**Attachment 3.**)

On May 27th the District conducted a publicized Zoom webinar for public input. At the Public Board Meeting of May 29, 2020, after discussion of the Project, the Board unanimously affirmed the Project, including replacement of removed trees. (**Attachment 4.**)

The District retained the services of Dr. Randall Atlas to review the Project’s plans and specifications with their point of single entry. Dr. Atlas, in his letter to the City Council dated June 18, 2020, stated that:

“In my opinion, the Plan meets the best practices related to school infrastructure, including the most important school security feature, a single point of entry to the campus at Cliff Drive. The Cliff Drive single point of entry provides the maximum safety and physically separates students, faculty, and staff at a single control point. This single point of entry can deter undesired individuals and vehicles.

In conclusion the health, welfare, and safety of the public including students, staff and parents will be improved by the Cliff Drive Drop-Off/Pick Up Parking Lot Plan for Ensign Intermediate School.” (**Attachment 5.**)

This Project, including the parent drop off on Cliff Drive, has also been the subject of numerous public Board meetings and interactions at the staff level between the City of Newport Beach and the Newport-Mesa Unified School District. The following is a chronological list of public and staff interactions regarding the Project.

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The Honorable Mayor and Members of the City Council

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<u>Date</u>	<u>Event</u>
10/16/2018	Tony Brine, City Traffic Engineer, discusses with Ara Zareczny the parent drop-off zone on Cliff Drive.
11/19/2018	Facilities requests from Tony Brine the City exhibits of the drop-off zone on Cliff Drive and the new signage to be posted by the City.
11/28/2018	City provides the drop-off zone exhibits to Facilities
12/11/2018	District presentation at Board Meeting regarding school site security improvements, including aerial photograph of Ensign project
1/7/2019	Facilities contacts Tony Brine due to street signage not installed over the winter break as scheduled. Tony mentions the sign installation was delayed and he will follow up. Tony responds later in the day that the signs have been installed on Cliff Drive.
3/1/2019	Ara Zareczny sends Ensign site security fencing plans to City and receives comments from Tony Brine (comments received from Brine 3/8/19) Comments from Tony are typical City standard details other than a request to shorten the Cliff Dr. lot due to the City median on Cliff Dr., which would restrict a left turn, later the District agrees to pay to have the median removed as part of the project. They also comment on the ADA stall in the Cliff Dr. lot, however, the Division of State Architect (DSA) is the lead agency and the City cannot alter ADA improvements already approved by DSA.
6/26/2019	Steve Morris, District Facilities Coordinator, emails Tony Brine the civil engineering plans for the proposed Ensign parking lots for his review.
7/3/2019	DSA approval of Ensign plans and specifications.
7/25/2019	Ara Zareczny sends Tony Brine the DSA approved plans and mentions, changes at this point would be difficult. Tony requests construction schedule.
7/31/2019	Tony Brine requests notes be added to the construction plans stating an encroachment permit is required
8/27/2019	District Report on School and Workplace Safety presented at Board Meeting
8/28/2019	Ara Zareczny notifies Tony Brine that Facilities and Mike Sciacca will meet to discuss the project schedule and advises that the only work that is scheduled to occur at the time, other than HVAC completion, is the demolition of the bus garage on 9/4/19.
9/4/2019	Facilities meets with Tony Brine and Michael Sciacca to discuss the project schedule.
9/11/2020	Notice of 9/24/19 community meeting mailed to residents within 500 feet of Project based on resident list provided by City

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9/17/2019	Presentation at Board Meeting regarding update of Summer 2019 projects, including Ensign Intermediate School
9/24/2019	Ara Zareczny holds community meeting in the library at Ensign at 6PM and presents overall project (including fencing and parking lots) and project schedule. Less than 10 participants in attendance. Tony Brine accepts the meeting request but does not attend.
12/16/2019	Bid opening date for project
12/20/2019	Letter of Intent sent to awarded contractor (TELACU)
1/16/2020	Ara Zareczny sends a Start of Construction notice to Tony Brine and provides a start date of 2/17/2020 and provides site logistic exhibits for both Ensign and CdM.
1/16/2020	Notice to Proceed issued to general contractor, TELACU
1/24/2020	Tony Brine emails Ara Zareczny, copying James Houlihan, Brad Sommers and Dave Webb, advising that the City Council will be holding a study session on 1/28/2020 and providing a link to the presentation. He advises that "NMUSD representatives are invited to attend and listen."
1/28/2020	Ara Zareczny attends the City Council Study session and is asked to come to the podium to discuss the Ensign project and City staff involvement in the project. Ara advises she has met with City staff on a regular basis during the project.
2/3/2020	In person meeting at District offices with Jim Houlihan and Tony Brine to discuss projects at Ensign and CdMHS with Facilities staff and Pinner (construction management firm) staff
2/4/2020	Steve Morris sends email to both with links to Plans and Specs for Ensign, CdM & Newport Height Parking Lot
2/5/2020	Email from Jim Houlihan acknowledging the meeting and a recap of what was discussed, 1. City requests no work start until City permits are obtained ~ Districts position is there is work on district property that can begin which does not require City permits, 2. City would like changes to the project to allow a left turn off Cliff into the Cliff Dr. lot ~ District is agreeable, 3. City requests Irvine/Beacon gate remain open ~ District objects due to single point entry and the City has no jurisdiction over on-site activities, 4. City acknowledges they have no "purview" but suggests the Cliff Drive lot comes at the expense on the neighborhood aesthetics.
2/10/2020	Email from Ara Zareczny to Jim Houlihan detailing the timeline of community notification to date and forthcoming contractor permit submittals
2/11/2020	Board of Education awards contract to TELACU
2/13/2020	Email from Tony Brine to Ara Zareczny providing information regarding the encroachment permit process

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2/13/2020	Ara Zareczny responds to Tony Brine and the above email
2/13/2020	District invites Jim Houlihan and Tony Brine to meeting 2/14/2020
2/13/2020	Tony declines meeting for 2/14/2020
2/13/2020	Ara Zareczny responds to Jim's 2/5/20 email, on which Tony is copied and reminds Tony that the District provided DSA approved plans and specifications on 2/4/20 and notes they are similar to the drawing provided early 2019. Ara Zareczny requests review of the drawings prior to the next meeting being scheduled for 2/14/2020
2/13/2020	Jim and Tony decline meeting for 2/14/2020
2/13/2020	District reschedules meeting for 2/21/2020
2/20/2020	Jim accepts meeting for 2/21/2020
2/21/2020	Jim reconfirms meeting for 2/21. Ara Zareczny email responds as well as leaves a voicemail. Meeting is held to discuss encroachment permit submission
2/23/2020	TELACU applies for encroachment permit on Cliff Dr.
2/26/2020	Meeting between District and City officials to discuss design concepts along Cliff Dr.
2/27/2020	Traffic Engineer Jim Houlihan sends the District design concepts along Cliff Drive that would preserve the trees and provides two options for Cliff Drive drop off/parking lot. One option creates tree islands in parking lot. This option proposes relocating several large trees into the parking stalls or planting 60" new trees in parking stalls and 2 others on campus. The other option eliminates on-site student drop-off and all parking stalls, eliminates the school parking lot and proposes an inlet in City right-of-way for drop off and pick up turn out. This option proposes a shared school and community sidewalk, which would be on both City and District property. Ara Zareczny responds to Jim, stating that the facilities department will review.
3/9/2020	Ara Zareczny emails Jim and Tony thanking them for coming out to Ensign to observe the traffic flow.
3/9/2020	Tony informs Ara Zareczny the review of the encroachment permits will be finished soon and plan can be picked up in a day or two
3/10/2020	Tony emails Ara Zareczny informing her that the plans and comments relating to the first submittal for the encroachment permit are ready to be picked up.
3/11/2020	Comments back to TELACU on the encroachment permits. City includes their proposed suggestions for redesign of the Cliff Drive lot. TELACU advises they are on hold until direction is provided as to how to proceed.
3/12/2020	Tim Holcomb, Jim Houlihan, Tony Brine and Ara Zareczny meet to discuss the City proposed suggestions. City staff acknowledges they have

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	no purview over the District plans, those City Options are "Suggestions" and not "conditions" on the City issuing the encroachment permit.
3/16/2020	Community meeting scheduled for community input, however canceled due to COVID-19
3/25/202	In order to receive community input a Thoughtexchange was posted for comments through March 29, 2020
4/15/2020	Jim emails Ara Zareczny and Steve and inquires regarding the survey (Thoughtexchange) on Cliff Drive Parking Lot
4/16/20	Call between Dr. Navarro and City Manager to set up a time to share information regarding Thoughtexchange. Meeting takes place between District and City representatives.
5/27/2020	The District conducts publicized Zoom webinar regarding the project and speakers provide input, which was considered by the Board on May 29 th .
5/29/2020	Board meeting open session, Board agenda provides background and contains following recommendations, which are unanimously approved: <ol style="list-style-type: none">1. Maintain the existing memorial tree in the entry plaza.2. Replace removed trees at a ratio of at least one-to-one.3. Create additional enhanced outdoor student gathering areas within the campus.4. Offer to plant additional trees and shrubs in the City right-of-way along Cliff Drive to help to shield parking lot view from nearby residents.

Respectfully submitted,


Spencer E. Covert

SEC/srb

Attachments 1-5

cc: Board of Education
Dr. Fred Navarro, Superintendent
Mr. Tim Holcomb, Assistant Superintendent
Ms. Ara Zareczny, Administrative Director, Facilities Planning Development and Design
Aaron C. Harp, City Attorney

ATTACHMENT 1



Newport-Mesa
Unified School District

NMUSD Safety Update

August 27, 2019

2

Russell Lee-Sung, Deputy Superintendent
Dr. Phil D'Agostino, Administrative Director - Student Services



Our most important priority...

Safety for all Students and Staff

❖ Being Proactive and Prepared

❖ Working Together in Partnerships



Newport-Mesa
Unified School District

Our most important outcomes...

- ❖ Everyone knows what to do and feels empowered, not fearful
 - ❖ Everyone has ownership and accepts responsibility for safety
 - ❖ Everyone works together for a caring environment



Newport-Mesa
Unified School District

K-12 School Security Study

12 Findings From the Field

Hanover Research - 2018

**How does this connect to our
safety actions?**

12 FINDINGS FROM THE FIELD

I. EMERGENCY PREPAREDNESS

- ✓ ▶ **Finding #1:** School Safety is a Cross-Functional Responsibility
- ✓ ▶ **Finding #2:** Training is the Most Critical Element to Safety Plans
- ✓ ▶ **Finding #3:** Adaptive Protocols Drive Dynamic Responsiveness
- ✓ ▶ **Finding #4:** Focus on Both Threat Prevention and Detection

II. BUILDING SECURITY

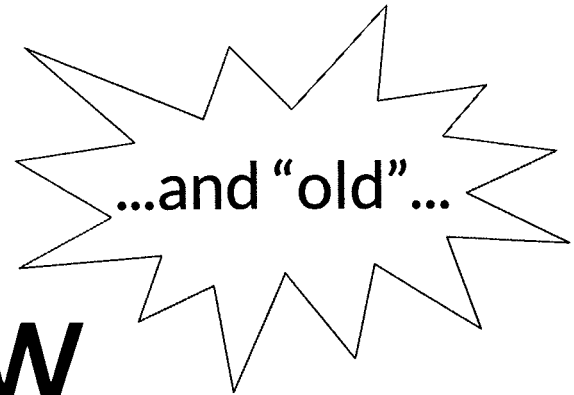
- ✓ ▶ **Finding #5:** Vulnerability Assessments Create the Roadmap
- ✓ ▶ **Finding #6:** Secured Entry Access for Buildings and Classrooms
- ✓ ▶ **Finding #7:** Use of Multi-Step Visitor Management Systems to Scan and Track School Visitors
- ✓ ▶ **Finding #8:** Investments in Next Gen Emergency Communication Tools
- ✓ ▶ **Finding #9:** Police Partnerships Create a Culture of Safety
- ✓ ▶ **Finding #10:** Prevalence of Armed Security Officers in Secondary Schools

III. COMMUNITY ENGAGEMENT

- ✓ ▶ **Finding #11:** Parents Push for More Security
- ✓ ▶ **Finding #12:** Communication and Feedback Mechanisms Reduce Anxiety



Newport-Mesa
Unified School District



What's New

In Safety @ NMUSD
(New safety items listed in red)

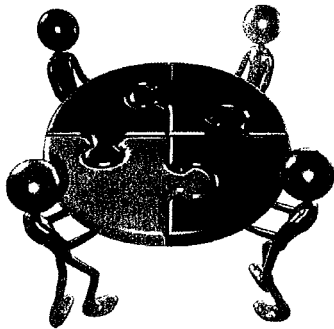


Newport-Mesa
Unified School District

Building a Culture

of Safety, Respect and Kindness

A Culture of Safety



- ★ Standing Item at Cabinet level and Principal Meetings
- ★ Challenge Success Partnership - CdMHS
- ★ Emotional/Behavioral Health Support
- ★ Suicide Prevention - Training, Signage, ID Cards
- ★ PBIS
- ★ Bullying Prevention
- ★ Restorative Practices Training, Multi-Year Initiative
- ★ Human Relations Activities and Training
- ★ Human Relations Task Force



Newport-Mesa
Unified School District

Enhancing Partnerships

10

With Local Agencies & Employee Groups



Partners in Preparedness/ Safety

- ★ SRO Program with CMPD and NBPD
- ★ Multi-Agency training exercises with NB and CM
- ★ Newport Beach Unified Command Planning
- ★ Joint Safety Meetings w/ CSEA, NMFT, NMAA
- ★ Safety & Health Committee Quarterly Meetings
- ★ School Preparedness Academy (SPA)
- ★ City Emergency Personnel Meetings
- ★ Standard Reunification Method





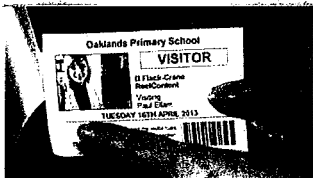
Newport-Mesa
Unified School District

Physical Environments

With Safety in Mind

Safe Physical Environments

RAPTOR
TECHNOLOGIES



- ★ Visitor Management System - Raptor
- ★ On-going Fencing and Ingress/Egress Projects
 - Ensign and CdMHS (2019)
- ★ AEDs at Elementary Schools/Lindbergh/Harper
- ★ AEDs at all secondary sites and District Office



Newport-Mesa
Unified School District

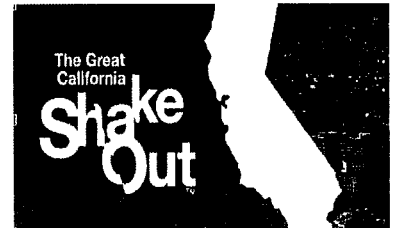
Proactive & Prepared

Training, Drills, Supplies, etc.



Training/Drills

- ★ Mandated Drills w/various scenarios
- ★ Emergency Supplies and Equipment
- ★ Great Shakeout - October 17
- ★ EOC Training - OC Sheriff Dept
- ★ School Preparedness Academy (SPA)
- ★ Districtwide Communication Drills
- ★ H.E.R.O. Pilot 2019-20 (Grades TK-6)
- 5 ★ FBI - Threat Assessment
- ★ Multi-Agency training exercises w/ NB and CM
- ★ Newport Beach Unified Command Planning





Newport-Mesa
Unified School District

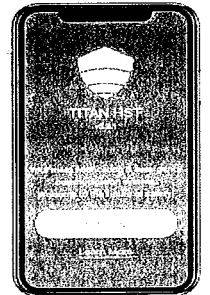
Communication

Emergency/ Non-Emergency Systems



Communication Systems

- ★ **NMUSD Safety Webpage**
- ★ **Internal Written Communication System - Safety Bulletins**
- ★ **Two-way Communications - Minimum Standard for Radios**
- ★ **Blackboard - Non-Emergency System**
- ★ **Titan - Emergency Communication System**





Newport-Mesa
Unified School District

Our most important outcomes...

- ❖ Everyone knows what to do and feels empowered, not fearful
 - ❖ Everyone has ownership and accepts responsibility for safety
 - ❖ Everyone works together for a caring environment

ATTACHMENT 2



City of Newport Beach

100 Civic Center Drive, Newport Beach, CA 92660
Permit Counter Phone (949)644-3311
Online Inspection Request - www.newportbeachca.gov / Online Services



Permit No: **N2020-0366**

Project No :

Inspection Requests Phone (949)644-3255

Job Address : 2000 CLIFF DR NB

Description : ADDITION OF 2 NEW DRIVE APPROACHES AND 1 CULVERT DRAIN; SIDEWALK REVISIONS ALONG CLIFF DR AT ENSIGN INTERMEDIATE BETWEEN IRVINE AVE AND ST. ANDREWS.
TREE INSTALLATIONS TO BE COORDINATED WITH CITY ARBORIST.

Thomas:Guide: 888J6

Parcel # : 0492-300-1 -
Legal Desc : N TR 1220 LOT 1

Owner : SCHOOL NEWPORT BEACH
Phone : 0
Address : PO BOX 1368
NEWPORT BEACH, CA

Contractor : TELACU CONSTRUCTION MANAGEMENT INC
Phone : 714-541-2390
Address : 604 N ECKHOFF ST
ORANGE CA 92868

Applicant: TELACU CONSTRUCTION MANAGEMENT INC
Phone : 714-541-2390
Address : 604 N ECKHOFF ST
ORANGE CA 92868

Contractor State Lic: 741851
License Expire : 10 31, 2021

Business License : BT30062614
Business Expire : 03 31, 2021
Workers' Compensation Insurance --
Carrier : ZURICH AMERICAN
Policy No : WC038164604
W. C. Expire : 07 01, 2020

Special Cond. : PRE-CONSTRUCTION MEETING REQUIRED

Permit Processing Fee :	\$266.00	Sewer Connection :	\$0.00	Total Fee :	\$1,358.00
Agreement Fee :	\$0.00	4TT Box Cover :	\$0.00	Paid :	\$1,358.00
Traffic control Plan Check :	\$0.00	Total Water Meters :	\$0.00	Balance :	\$0.00
Inspection Fee :	\$1,092.00	Water Meter Connection :	\$0.00	Receipt No :	
Refundable Deposit:	\$0.00	Total Water Meter Box :	\$0.00		
Street Tree Fee :	\$0.00	Adjustment :	\$0.00		

Processed By : _____

Date : ____/____/____

Other Department : _____

Date : ____/____/____

Utilities Approval : _____

Date : ____/____/____

Permit Denied : _____

Date : ____/____/____

Traffic Approval : _____

Date : ____/____/____

Issued Permit : _____

Date : ____/____/____

General Services Approval : _____

Date : ____/____/____

**WORKSHEET FOR ENCROACHMENT PERMIT
CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT**

COMPLETE THE BELOW INFORMATION

PROJECT ADDRESS: 2000 Cliff Dr. Newport Beach CA 92663

DETAILED DESCRIPTION OF PROPOSED WORK:

Addition of (2) new drive approaches and (1) culvert drain and sidewalk revisions along Cliff Dr at Ensign Intermediate between Irvine Ave and St. Andrews.

APPLICANT: Bryan Aylor

Phone: (714) 659-4569

Email Address: baylor@telacu.com

Mailing Address:

604 N. Eckhoff St

City/State/Zip:

Orange, CA 92868

OWNER: Newport-Mesa Unified School District

Phone: (714) 424-5000

Email Address: smorris@nmusd.us

Mailing Address:

2985 Bear St.

City/State/Zip:

Costa Mesa, CA 92626

ALL CONTRACTOR INFORMATION IS REQUIRED-PLEASE COMPLETE

CONTRACTOR: TELACU Construction Management

Office Phone: (714) 541-2390

Company (if different): N/A

Jobsite Phone: (714) 659-4569

Other Phone: N/A

Email Address: baylor@telacu.com

Mailing Address:

604 N. Eckhoff St

City/State/Zip:

Orange, CA 92868w

State License Number & Class: 741851

Expires: 10/31/21

City Business License Number: BT30062614

Expires: 3/31/20

WORKERS COMPENSATION INSURANCE - Certificate of Insurance (Section 3800 Labor Code)

Company: Zurich American insurance Company **Policy No:** WC038164604 **Expires:** 7/1/2020

REFUNDABLE DEPOSIT INFORMATION (If Applicable):

Refund Payable To:

Mail Refund To:

FOR OFFICE USE ONLY

Special Conditions of Permit: *See attached conditions (3) and Plans.*

ADDITIONAL APPROVAL REQUIRED FROM THE FOLLOWING DEPARTMENTS

Utilities:

Traffic:

Fire:

General Services:

Other:

Engineering Technician:

Public Works Specialist:

Date:

Permit No.

43

(Signature)

6/16/2020

17010-0366

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FEE WORKSHEET FOR ENCROACHMENT PERMIT
CITY OF NEWPORT BEACH
PUBLIC WORKS DEPARTMENT

All Fees Are Non-Refundable Unless Otherwise Stated

PROJECT ADDRESS: <u>2000 Cliff Dr.</u>	PERMIT NUMBER: <u>N2020- 0364</u>
APPLICANT: _____	

TO BE COMPLETED BY PUBLIC WORKS DEPARTMENT

Permit Processing Fee:		Qty.	Inspection Fee:		Qty.
Public Works Only	\$266.00	<input checked="" type="checkbox"/>	Public Works Field Inspection	\$182.00	<input checked="" type="checkbox"/>
Other Department	\$303.00	<input type="checkbox"/>	Utilities Field Inspection	\$133.00	<input type="checkbox"/>
			Water Quality/Artificial Turf Inspection	\$119.00	<input type="checkbox"/>
Agreement Fee:			Refundable Deposit:		
Preparation of Report/Agreement	\$901.00	<input type="checkbox"/>	Improvements	TBD	<input type="checkbox"/>
Document Recordation Fee	\$211.00	<input type="checkbox"/>		TBD	<input type="checkbox"/>
Monitoring Wells	\$553.00	<input type="checkbox"/>			
Street/Alley/Walk Closure:			Newspaper Rack Inspection		
Traffic Control Plan Check	\$72.00	<input type="checkbox"/>		\$119.00	<input type="checkbox"/>
8-1/2" x 11"	\$72.00	<input type="checkbox"/>	Sewer Connection Fee		
24" x 36"	\$157.00	<input type="checkbox"/>	4TT Box & Cover	\$250.00	<input type="checkbox"/>
Additional		<input type="checkbox"/>		\$64.00	<input type="checkbox"/>


**THE FOLLOWING ITEMS REQUIRE APPROVAL FROM THE
REVENUE DIVISION PRIOR TO PAYMENT OF FEES**

Revenue Division
Approval: _____

Water Meter:		Qty.	Installation Charge		Qty.
3/4" Meter	\$50.25	<input type="checkbox"/>		\$581.00	<input type="checkbox"/>
1" Meter	\$121.50	<input type="checkbox"/>	Water Meter Boxes:		
1 1/2" Meter	\$285.00	<input type="checkbox"/>	1" DFW Meter Box	\$96.66	<input type="checkbox"/>
1 1/2" Turbine Meter	\$700.00	<input type="checkbox"/>	2" DFW Meter Box	\$203.24	<input type="checkbox"/>
2" Meter	\$425.00	<input type="checkbox"/>			
2" Turbine Meter	\$845.00	<input type="checkbox"/>			
3" Meter	\$3,310.00	<input type="checkbox"/>			
4" Meter	\$4,730.00	<input type="checkbox"/>			
6" Meter	\$7,190.00	<input type="checkbox"/>			

MISCELLANEOUS FEES

	Qty.	Budget Number
Development Services Fee (Plan check hourly)	\$170.00	5200-5015
Final Tract Map Checking Fee	\$2,742.00	5200-5026
Final Parcel Map Checking Fee - Moderate	\$2,742.00	5200-5027
Lot Line Adjustment Fee	\$1,189.00	5200-5028
Park Dedication Fee	TBD	405-470
Street Easement/Vacation Fee (+100% of hrly over 4 hrs)	\$1,126.00	5200-5031
Street Tree Fee (\$700 Planting Fee)	TBD	MOD023

Engineering Tech:	Total Amount Due: <u>\$ 1,358.00</u>	For Finance Use Only
Permit Specialist 	Receipt No.	

Rev. 1/16/2020

f:/users/pbw/shared/encroach/masters/ep front and back masters/
epfeesheet.xls-revised 9/13/18

ALL UNDERGROUND WORK SHALL BE PERFORMED BY A LICENSED CONTRACTOR

Contact "Underground Service Alert" At Least 48 hours in Advance of Any Excavation at 1-800-227-2600 or 811

TERMS AND CONDITIONS OF ENCROACHMENT PERMIT

- Encroachment Permits may be taken out by the owner of benefited property or a licensed contractor. A licensed contractor must provide a "Letter of Authorization" to allow another party to pull a permit. An approved copy of the permit and construction plan shall be kept at the job site at all times. Work, which has been done prior to issuance of a permit, is subject to rejection/revocation. City reserves the right to void permit if work does not commence within 30 days after date of issuance.
- The Permittee agrees to defend, indemnify and hold the City, its authorized agent, officers, representatives and employees harmless from any responsibility, liability, suit or action of any description arising out of any accident, loss or damage to persons or property occurring as a result of work undertaken under this permit.
- All work shall be done in accordance with the approved plans, Standard Special Provisions and Standard Drawings of the City of Newport Beach, and in compliance with all applicable State laws and City ordinances.
- Permittee guarantees all work performed under this permit to be free of hidden and latent defects. Any failures shall be corrected within two weeks after notification to the satisfaction of the Public Works Director.
- A valid State licensed contractor must perform all construction within the public right-of-way, unless waived by the Public Works Director. A valid State Contractor License Class A can perform any work in the public right-of-way. For construction or connection to water lines a valid State Contractor License Class C-34 is required. For construction or connection to sewer lines a valid State Contractor License Class C-42 is required.
- All trenching and/or resurfacing shall conform to City Standard 105-L for parkway/roadway and City Standard 140-L, in the alley, where a minimum half-alley width resurfacing shall be provided, unless otherwise directed by the Public Works Dept. Contractors shall obtain permits to perform excavation or trench work from the California Division of Industrial Safety prior to commencing underground construction as required by State law. Walls and faces of all excavations over 5 feet in depth shall be protected by a shoring system, sloping of the ground, or other equivalent means. Trenches less than 5 feet in depth shall be guarded when hazardous ground movement may be expected.
- The Public Works Department Inspectors must inspect all work in the public right-of-way. Forms and subgrade must be inspected and approved before backfilling, or applicant may be required to excavate site. Separate inspections by the Municipal Operations Department may be required depending on scope of work performed.
- All trench restoration must be inspected by the Public Works Department. No utility installation(s) shall be allowed over or within 5 feet of any City utilities, unless approved by the Public Works Department. Locate and pothole existing City-owned utilities (ie: water, sewer, or street lighting conduits) to verify locations. Maintain a one-foot clearance over or under existing City-owned utilities. Sewer cleanouts require VCP or PVC SDR35 be used with a 4" T box over the riser.
- Properly lighted barricades must be provided and maintained around all trenches, excavations and obstructions. All signs, flags, lights and other warning and safety devices shall conform to the requirements of the current "Manual of Warning Signs, Signs and Other Devices for the Use in Performance of Work Upon Highways", issued by the California Department of Transportation. If needed, barricades can be obtained from the City at a charge of \$10.00 per barricade per day with a minimum charge of \$35.00. It is the responsibility of the applicant to place barricades to protect the general public. Access to fire hydrants must be maintained at all times.
- Work within or near beach sensitive areas will not be allowed during City holidays, spring break, Memorial Day weekend, summer between June 15 and September 15, and during the holiday season from December 19 to January 1, unless approved by the Public Works Department.
- Any work that extends into traffic or parking lanes and impedes the normal flow of traffic requires the applicant to acquire a Temporary Street Closure Permit from the Public Works Department. Access for fire, police and emergency vehicles must be maintained at all times. Traffic Control must be per Work Area Traffic Control Handbook (WATCH). No nighttime traffic lane closures, unless prior approval has been granted. Any lane(s) closure on a major street will only be allowed between 9:00 a.m. and 3:00 p.m. (Monday thru Friday), unless approved by the Public Works Department. Any work affecting the State Highway's traffic or within the State Highway right-of-way will require a Caltrans Permit. All vehicles shall be lawfully parked.
- This permit does not authorize the closure of sidewalks, streets, or alleys for construction access, storage of materials, or parking of construction vehicles unless detailed on an attached Temporary Street Closure.
- Applicant must notify USA at 1-800-227-2600 2 days before starting any underground construction. Applicant must notify all affected residents 24 hours in advance of restricted access and any inconveniences. All USA marks shall be removed prior to Final Public Works Inspection.
- Refuse or unused materials shall be removed within 24 hours after completion of the work. If not removed, the City may remove and bill the applicant. Coordinate alley closures with City's refuse pick-up days by calling 949-644-3066 for the collection schedule so service is not interrupted. To place a dumpster or materials in the public right-of-way, a Temporary Street Closure Permit must be obtained from the Public Works Department.

No work related to this encroachment permit shall be performed until the Public Works Department has issued this permit. Applicant hereby acknowledges he/she has read and understands the terms and conditions of this permit and he/she agrees to abide by them. Permit is valid if work is not commenced within 30 days after issuance, unless otherwise approved by the Public Works Department. Permit fees are nonrefundable. Please note: Preparation of Encroachment Agreement fee is non-refundable.

WORKER'S COMPENSATION INSURANCE (Section 3800 Labor Code)
I certify that I have a Certificate of consent to self-insure, Certificate of Worker's Compensation Insurance, or a Certified Copy thereof.

Date: 5/6/16 Signature: [Signature]

CERTIFICATE OF EXEMPTION (Section 3800 Labor Code)

I certify that in the performance of the work under this permit, I shall not employ any person so as to become subject to California Worker's Compensation Laws. If, after signing this certificate I become subject to the Worker's Compensation provisions of the State Labor Code, I must comply with the provisions of Section 3700 or this permit shall be deemed revoked.

Date: _____ Signature: _____

CONTRACTOR LICENSE EXEMPTION

As the Owner of the benefiting property, I certify I am personally performing all work in the Public Right-of-Way.

Date: _____ Signature: _____

HOLD HARMLESS STATEMENT

I understand that I am locating minor encroachments within the City Right-of-Way/Easement. As property owner it is my responsibility to maintain the encroachments. I will be responsible for replacing the improvements if the City removes them for maintenance of utilities or other public need. I shall indemnify and hold the City harmless for any liability associated with the minor encroachments.

Date: _____ Signature: _____

Inspections should be requested by calling the Public Works Inspection Request Line at 949-644-3255. INITIALS: BA

- All above ground facilities shall comply with the Municipal Code, including but not limited to Chapter 13.20.
- Homeowner, contractors, and subcontractors may each be liable for violations of Water discharge construction debris into the gutter and storm drain. It is against the law to Quality Laws. Best Management Practices will be enforced. Felony violations of Water Quality Laws are punishable by fines up to \$25,000 and/or up to three years in State prison plus the full cost to clean up an illegal discharge or spill.
- If a refundable deposit was paid, applicant must submit a Soils Compaction Certificate or Evidence of a Shuffled Backfill and request a final inspection from the Public Works Department. Monies may be held for six months after final inspection before a refund will be processed.
- No trees in the public right-of-way shall be planted, removed, trimmed, or relocated without approval from the Municipal Operations Department, Parks and Street Trees Division.
- All work in the public right-of-way must meet the approval of the Public Works Department or connections will be required (i.e. removals, exposing connections, etc.). Additional inspection fees may be required.
- Permit is for standard materials in the public right-of-way only, unless previously approved by Public Works and an Encroachment Agreement has been processed.
- Permit is valid for "description" of work noted on front only. Additional work performed may require issuance of a separate permit and/or additional fees.

Date: 5/6/16 Signature: [Signature]

Ensign Intermediate School

Cliff Drive Improvements

Encroachment Permit Conditions

June 16, 2020

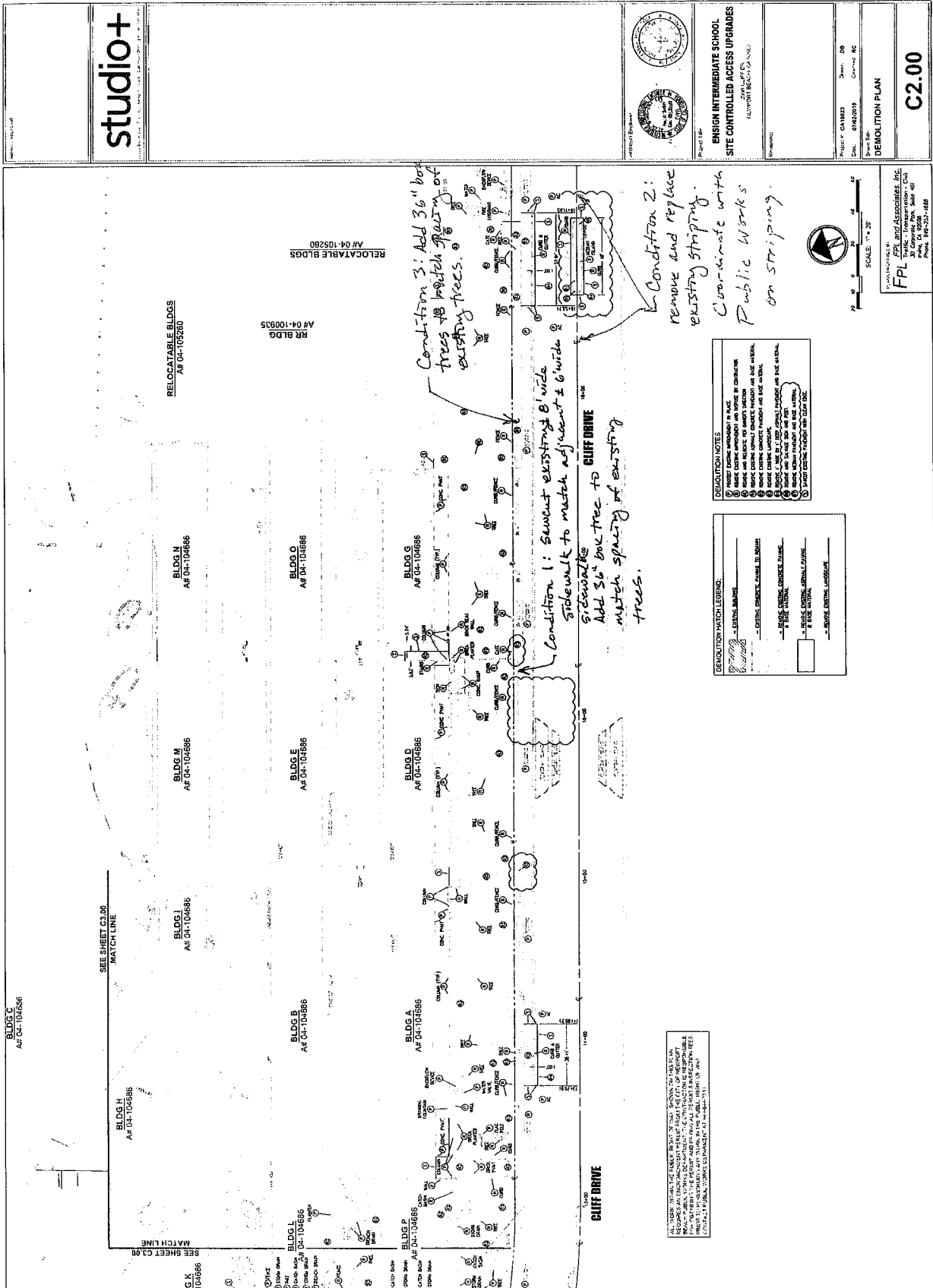
The following Conditions to the Encroachment Permit for the Cliff Drive Improvements were discussed with NMUSD staff and consultants on June 12, 2020. The attached plans also show the location of the agreed conditions.

Condition 1: Sawcut existing 8-foot wide sidewalk to match the adjacent existing 6-foot wide sidewalk, approximately street station 14+95 to 16+50. Plant 36-inch box street trees to match the spacing and type of the existing street trees. Coordinate placement and selection of trees with City of Newport Beach arborist. Work shall be per City of Newport Beach Standard Plans.

Condition 2: Remove existing striping and install new striping once the existing median island is removed per the plan. *Coordinate with Public Works on striping.*

Condition 3: In the area where contractor will remove asphalt concrete adjacent to the existing sidewalk, approximately street station 17+60 to 18+70, plant 36-inch box street trees to match the spacing and type of the existing street trees. Coordinate placement and selection of trees with the City of Newport Beach arborist. Work shall be per City of Newport Beach Standard Plans.

General: Contractor to coordinate all work adjacent to the City's trees with the City of Newport Beach arborist.



studio+



Project No. 04-104886
 Ensign Intermediate School
 SITE CONTROLLED ACCESS UPGRADES
 PROJECT DESIGN CO. INC.

Project No. 04-104886
 Sheet No. 04-104886-01
 Date: 07/20/2019
 Drawn: JEC
 Checked: JEC

DEMOLITION PLAN

C2.00

PROJECT LOCATION
 FPL EPL and Associates, Inc.
 Traffic - Transportation - Civil
 10000 N. 10th Ave., Suite 100
 Phoenix, AZ 85028
 Phone: 480-227-4888



SCALE: 1" = 20'

- DEMOLITION NOTES:
1. EXISTING DEMOLITION IS TO BE COMPLETED BY THE CONTRACTOR.
 2. EXISTING DEMOLITION IS TO BE COMPLETED BY THE CONTRACTOR.
 3. EXISTING DEMOLITION IS TO BE COMPLETED BY THE CONTRACTOR.
 4. EXISTING DEMOLITION IS TO BE COMPLETED BY THE CONTRACTOR.
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 10. EXISTING DEMOLITION IS TO BE COMPLETED BY THE CONTRACTOR.

- DEMOLITION MATCH LEGEND:
- EXISTING DEMOLITION IS TO BE COMPLETED BY THE CONTRACTOR.
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NOTES: THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PHOENIX AND THE ARIZONA DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PHOENIX AND THE ARIZONA DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF PHOENIX AND THE ARIZONA DEPARTMENT OF TRANSPORTATION AND CONSTRUCTION.

[illegible]



CITY OF NEWPORT BEACH
FINANCE DEPARTMENT

CASH RECEIPT

100 Civic Center Drive, Newport Beach, CA 92660
P.O. BOX 1768, Newport Beach, CA 92658-8915

Permit Number : N2020-0366
Today's Date : Jun 16, 2020

Plan Check Number:
Receipt Number : R000106308

Job Address: 2000 CLIFF DR NB
Description: ADDITION OF 2 NEW DRIVE APPROACHES AND 1 CULVERT DRAIN;
Owner : SCHOOL NEWPORT BEACH
Applicant : TELACU CONSTRUCTION MANAGEMENT INC

Date Paid : Jun,16,2020 02:14 PM

Total Paid : \$1,358.00

Notation: AYLOR/TELACU
Initial : DE

<u>Description</u>	<u>Payment Type</u>	<u>Check Number</u>	<u>Card Type</u>	<u>Tendered</u>
Payment	Credit Crd		VISA	\$1,358.00

FOR PLAN CHECKS ONLY:

TARGET DATE: _____

For status, please log on to www.newportbeachca.gov/building, and select PLAN CHECK STATUS or call (949) 644-3255

NOTICE: PLAN CHECK EXPIRES 180 DAYS FROM DATE OF SUBMITTAL

ATTACHMENT 3

ENSIGN INTERMEDIATE SCHOOL SITE COUNCIL

2000 Cliff Drive Newport Beach, California 92663

Newport Beach City Council,

The Ensign School Site Council (SSC) is a school advisory team consisting of parents, teachers, administrators, office staff and students. The Ensign SSC has been actively involved with the security fencing and parking project for approximately two years. Beginning in the spring of 2018, the SSC has been aware of this project and has been actively providing input and feedback with regards to this project.

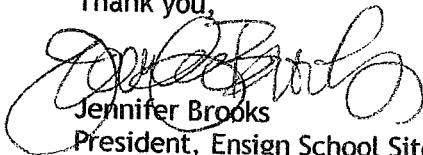
In the spring of 2019, the N-MUSD facilities team presented the details of the project to our entire SSC team. Our team was able to ask questions, receive clarification on details and provide input to the district. The security fencing and parking project has been an agenda item on almost every SSC meeting over the last two years in order to ensure the voice of SSC was prominent in the decision making process as well as to ensure our SSC members were well informed regarding the details and timeline of this project.

At our November 19th 2019 SSC meeting, we asked our members if the SSC would endorse the project in its current form. Our SSC unanimously supported the project. Our team agreed that, while there were certainly tradeoffs in this project, the benefits clearly outweighed the drawbacks. Student safety, was and is paramount, and guided our input and support. This project will significantly increase the school's ability to keep our students safe both at school and while arriving and departing.

The Ensign SSC has been actively involved in contributing input and feedback through appropriate channels. When we had feedback, ideas or concerns we followed the protocol we were asked to follow and shared these thoughts in our SSC forum or privately with the school principal. We have not jumped outside of this protocol because we feel our voice has been heard. If you believe it is necessary to move outside of the desired process to share our support in a more vocal manner, we are happy to do so. However, we trust the process and we trust that input has been gathered and considered in a fair and appropriate way.

In conclusion, the Ensign SSC has gone through a two-year process of learning about the project, providing input and ultimately endorsing this project as what is best for our students and our school.

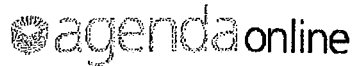
Thank you,



Jennifer Brooks

President, Ensign School Site Council

ATTACHMENT 4



Go Back

Print

Special Meeting of the Board of Education Via Teleconference**Newport-Mesa USD****May 29, 2020 10:00AM****District Education Center - Roderick H. MacMillian Board Room 2985 A Bear Street Costa Mesa, California 92626****1. Special Board Meeting via Teleconference****Quick Summary / Abstract:****NOTICE OF SPECIAL MEETING-CLOSED SESSION VIA TELECONFERENCE**

By Executive Order N-29-20, issued on March 18, 2020, NMUSD Board meetings will be closed to the public. Public Comment on the special meeting agenda items only may be submitted prior to the special meeting via electronic submissions no later than Friday, May 29, 2020 by 7:30 a.m. via the following links:

English: <https://forms.gle/NSjM9tYYhrkhqcbY7>

Spanish: <https://forms.gle/g3i2Sm8QjDwVtPvh6>

ELECTRONIC PUBLIC COMMENT OPPORTUNITIES. The following opportunities are offered to members of the public at special meetings to make comments electronically and will be read into the video record.

- **Special Meeting:** Members of the public may comment on items listed on the Special Meeting agenda only.

NMUSD Public Board Meeting (Zoom Webinar)

Join Meeting - <https://nmusd.zoom.us/j/93724611290>

2. Call to Order**2.a. Call to Order - Presiding Chairperson****3. Roll Call****3.a. Board of Education/Superintendent****4. Adoption of Agenda****4.a. Adoption of Agenda****Recommended Motion:**

It is recommended that the Board of Education adopt the agenda as presented.

5. Community Input on Special Agenda Items Only

5.a. Comment Cards are Requested to be Submitted Electronically No Later Than 7:30 a.m. on Friday, May 29, 2020

Quick Summary / Abstract:

This is an opportunity for the public to address the Board regarding items on the Special Meeting agenda only. Each speaker has 3 minutes of comment read time and per BB 9323 there is a maximum of 20 minutes of comments per topic. With Board consent the President may increase or decrease the time allowed for public comments, depending on the topic and the number of persons submitting comment.

All comments are recorded in full on the meeting video record.

Electronic comment cards must be submitted no later than 7:30 a.m. on Friday, May 29, 2020 using the following links:

English: <https://forms.gle/NSjM9tYYhrkhqcbY7>

Spanish: <https://forms.gle/g3i2Sm8QjDwVtPvh6>

6. Study Session**6.a. Board Study Session on the 2020-21 Budget****Recommended Motion:**

No recommendation, discussion only.

Financial Impact:

n/a

Comments:

Background:

The Board of Education will receive an update on the State of California and Newport-Mesa Unified School District budgets. Fiscal Services Staff will present an overview of past recessions, current affairs, and what can be expected in the future.

Current Consideration:

This information is presented to the Board of Education for their discussion.

Approved by:
Holcomb/Trader
Board Agenda
May 29, 2020

7. Closed Session

- **7.a. Conference with Legal Counsel – Anticipated Litigation - Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section 54956.9: 1 potential case, Delay in proceeding with Security Fencing and Drop-off/Parking Lot Project at Ensign Intermediate School**

8. Discussion/Action Calendar

- **8.a. Approve Revisions to the Security Fencing and Drop-off/Parking Lot Project at Ensign Intermediate School**

Recommended Motion:

It is recommended that the Board of Education approve staff recommendations for revisions to the Security Fencing and Drop-off/Parking Lot Project at Ensign Intermediate School and authorize the Assistant Superintendent, Chief Operating Officer to execute as approved.

Financial Impact:

Special reserve fund for capital outlay projects, Facilities - \$400,000-\$600,000 contingent on final scope and design

Comments:

- **Background:**
On February 11, 2020, the Board of Education ratified the award of Bid # 122-19 with TELACU Construction Management for Site Security Fencing at Ensign Intermediate and Corona del Mar High School/Middle School. The primary goals of the Ensign Intermediate School Security and Drop-off/Parking Lot project are to provide enhanced security and safety with requisite on-site drop-off and parking. The scope of the project includes: replacement of existing temporary and permanent fencing with new and enhanced permanent security fencing, reconfiguration of the existing parking lot, construction of an additional parking lot along Irvine Avenue to accommodate approximately 45 parking spaces, construction of a new pick-up/drop-off lot at the front of the school, which includes a one-way drop-off/pick-up lane and approximately 20 parking spaces, construction of a new bike enclosure, new pathways to facility student movement on campus, enhanced landscaping in affected areas and a remodel of the front office to improve security through better visibility and access control.

In April of 2020, the district conducted a Thoughtexchange to obtain input on the project from students, parents/guardians, employees and community members. More than 400 people participated in the Thoughtexchange and the following themes (highest rated thoughts) emerged as the top three: #1) safety, #2) educate and enforce, and #3) Irvine gate. Since these supported the goals of the project as currently designed and approved, staff looked for opportunities to enhance the project in keeping with the Thoughtexchange input, that would augment those goals and not conflict with them.

This agenda item from April 28, 2020 was postponed. Additional public input was obtained on May 27, 2020 via Zoom Webinar. The public input is attached and has been considered by district staff.

The following recommendations for project revisions reflect the public input that has been obtained by the district.

1. Maintain the existing memorial tree in the entry plaza
2. Replace removed trees at a ratio of at least one-to-one
3. Create additional enhanced outdoor student gathering areas within the campus
4. Offer to plant additional trees and shrubs in the city right-of-way along Cliff Drive to help to shield parking lot view from nearby residents.

In the alternative, if the Cliff Drive portion of the project is canceled, then the current improvements will not occur on Cliff Drive and the district will not be able to provide a single-point entry to Ensign Intermediate School for school year 20/21. This decision would mean the walkways (interior and exterior), single-point front entry gates, entry plaza, student drop-off lot, parking stalls, landscaping, decorative fencing, and chain link fencing on the front of the school will not occur.

Current Consideration:

Staff recommends approval of the motion.

Approved by:
Holcomb/Zareczny
Board Agenda
May 29, 2020

Attachments:

Ensign Public Comments 05-27-20 QA Report

9. Adjournment

ATTACHMENT 5



ATLAS SAFETY & SECURITY DESIGN, INC.

June 18, 2020

Honorable Mayor and City Council
City of Newport Beach
Newport Beach, CA 92660

Re: Ensign Intermediate School Project

Dear Honorable Mayor and Members of the City Council:

I have been requested by the Newport-Mesa Unified School District to examine the Division of State Architect approved Ensign Intermediate School Plan, including the District Cliff Drive Drop-Off/Pick Up Parking Lot Plan (the "Plan"). In my opinion, the Plan meets the best practices related to school infrastructure, including the most important school security feature, a single point of entry to the campus at Cliff Drive. The Cliff Drive single point of entry provides the maximum safety and physically separates students, faculty, and staff at a single control point. This single point of entry can deter undesired individuals and vehicles.

In conclusion the health, welfare, and safety of the public including students, staff and parents will be improved by the Cliff Drive Drop-Off/Pick Up Parking Lot Plan for Ensign Intermediate School.

A copy of my curriculum vitae is attached for your reference.

Respectfully yours,

Randy I. Atlas Ph.D., FAIA, CPP



ATLAS SAFETY & SECURITY DESIGN INC.
RANDY I. ATLAS Ph.D., FAIA, CPP – VITA REVISED 6/20
PRESIDENT

**SERVICES
PROVIDED:**

Crime Prevention Through Environmental Design (CPTED)/Security Design and Analysis
Americans with Disability Act Accessibility Audits, Compliance
Anti-Terrorism Security Assessment and Design
Architectural Programming and Design of Criminal Justice facilities
Expert Witness Testimony in Security Negligence Premises Liability Cases
Expert Testimony on slips, trips, falls, architectural defects, building code compliance
Risk Threat Vulnerability Assessments, Anti-Terrorism Security Master Plans
Training in CPTED, security design, accessibility, jail and prison violence/suicide

**PROFESSIONAL
REGISTRATION:**

CERTIFIED PROTECTION PROFESSIONAL (CPP) from ASIS, #5061
REGISTERED ARCHITECT, State of Florida, #15954; State of Louisiana #5287
NCARB REGISTERED, National Council Architectural Registration Board #31121
CERTIFIED in Sandia Labs Risk Assessment Methodology RAM-W (Dams), T (Power) 2002
CERTIFIED in Critical Infrastructure and Asset Protection – ACAM and PCII, April 2010
CERTIFIED Anti-Terrorism Specialist, Anti-Terrorism Accreditation Board. #100342
CERTIFIED Master Anti-Terrorism Specialist, Anti-Terrorism Accreditation Board. 2010
CERTIFIED in Quality Matters On Line ELearning Certification for FAU Course on CPTED 2013

**PROFESSIONAL
AFFILIATIONS:**

AMERICAN INSTITUTE OF ARCHITECTS (AIA), Fellowship status in 2015, AIA Architecture for Justice Committee member; AMERICAN CORRECTIONAL ASSOCIATION (ACA), Design and Technology Committee member; AMERICAN SOCIETY OF INDUSTRIAL SECURITY (ASIS), Past Chairman of the Security Architecture and Engineering Council; AMERICAN SOCIETY OF SAFETY PROFESSIONALS (ASSP); ENVIRONMENTAL DESIGN RESEARCH ASSOCIATION (EDRA) Appointed on Editorial Review Board for Environment and Behavior Magazine; NATIONAL SAFETY COUNCIL, Falls Prevention Committee, NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) Premises Security Committee 730-731; AMERICAN SOCIETY OF TESTING MATERIALS (ASTM) Technical committees F33 on Corrections and Detention Facilities, ASTM E54 Homeland Security Committee, F13 Pedestrian/Walkway Safety and Footwear, F12 Committee on Security Systems and Equipment; HUMAN FACTORS & ERGONOMICS SOCIETY; National Institute of Justice Advisory Board on AMERICANS WITH DISABILITIES ACT and CPTED., Board member representative of the FLORIDA DESIGN OUT CRIME (FDOCA); United States Regional Board member of the INTERNATIONAL CPTED ASSOCIATION (ICA), U.S. HOUSING URBAN DEVELOPMENT Technical Assistance Consultant on Security and Crime Prevention; U.S. Department of Justice NATIONAL INSTITUTE OF CORRECTIONS Technical Assistance Consultant. Dr. Atlas has been appointed to the Oklahoma City National Memorial Institute of the Prevention of Terrorism Peer Review Panel 2001; Member of the ASIS Physical Security Measures (PSM) Guideline Committee; member of INTERNATIONAL SOCIETY OF CRIME PREVENTION PRACTITIONERS; member of INTERNATIONAL ASSOCIATION OF COUNTERTERRORISM AND SECURITY PROFESSIONALS; Greater Miami & the Beaches Hotel Association; member FLORIDA CRIME PREVENTION ASSOCIATION; NATIONAL FLOOR SAFETY INSTITUTE Standards Committee B101- Safety Requirements for Slip, Trip and Fall Prevention 2010-2012; Member of Infra-Gard South Florida; Member of INTERNATIONAL ASSOCIATION OF PROFESSIONAL SECURITY CONSULTANTS; Appointed to the Guidelines Task Force for Security Design Guidelines for Healthcare Facilities with the INTERNATIONAL ASSOCIATION OF HEALTHCARE SECURITY AND SAFETY (IAHSS). ASIS Facility Physical Security Standards Task Group 2020.

EDUCATION: Doctorate of Criminology, Florida State University, 1982;
Masters of Architecture, University of Illinois, 1976;
Bachelor of Criminal Justice, University of South Florida, 1976;
Bachelor of Architecture, University of Florida, 1974.

TEACHING: ADJUNCT PROFESSOR **Florida Atlantic University**, College of Social Inquiry (Architecture, Criminal Justice and Urban Planning). Designing Safe Communities with CPTED (Crime Prevention Through Environmental Design), 1998, 2005 - Present. Fort Lauderdale and Boca Campuses, ELearning, and Continuing Education. E-Learning Course on CPTED with the FAU Institute of Design and Technology (IDAC).

ADJUNCT PROFESSOR **University of Miami**, Criminal Justice Program Dept. 1989-1991.
University of Miami, School of Architecture, courses in Crime Prevention Through Environmental Design (CPTED) 1991, 1994, 1995.

ADJUNCT PROFESSOR Criminal Justice Program - Corrections, Criminology, Criminal Justice and Crime Prevention Through Environmental Design Classes, **Florida International University**, Miami, Florida. 1984 to 1991, 1997.

VISITING INSTRUCTOR **National Crime Prevention Institute (NCPI)**, **University of Louisville**. Crime Prevention Through Environmental Design (CPTED) Classes, Design for Infrastructure Protection, Design Safe Schools. 1993 through 2008.

PROFESSOR **Keiser College**, Criminal Justice Department. Pembroke Pines, FL. Criminal Justice Classes: Deviant Behavior; Victimology; Organized Crime; White Collar Crime; Drugs in Society; Alternative Punishment; Comparative Criminal Justice Organizations; Intro to Corrections, Capstone-Independent Studies. 2006 - 2013.

PROJECT EXPERIENCE:

- CPTED CONSULTANT to SH Brandt Architects for the Pompano Pointe Apartments, Pompano Beach, FL. Public Safety Plan and Risk Assessment. May 2020
- CPTED CONSULTANT to Bellon Architects for the Oak Enclave Apartments, Miami Gardens, FL. Public Safety Plan and Risk Assessment. May 2020
- CPTED CONSULTANT to MSA Architects on Pompano Station Apartments. Pompano Beach Public Safety Plan and Risk Assessment. Pompano Beach, FL. April, 2020
- CPTED CONSULTANT for the Newport/Costa Mesa School District, re: Ensign Middle School Security CPTED review. Newport- Mesa CA. March 2020
- CPTED CONSULTANT to RDC Design Build on Pompano Beach Amphitheater Roofing Project. Pompano Beach Public Safety Plan and Risk Assessment. Pompano Beach, FL. March, 2020
- CPTED CONSULTANT to MSA Architects on Hidden Harbour at Harbourside. Pompano Beach Public Safety Plan and Risk Assessment. Pompano Beach, FL. February, 2020
- CPTED CONSULTANT for MC Harry Associates, Miami International Airport Facade Improvement Vulnerability Threat Assessment. Miami, FL January, 2020
- CPTED CONSULTANT for ADG Architecture, to City of Sanibel Island Government Center Security Risk Assessment. Sanibel, FL. January, 2020
- CPTED CONSULTANT for Zyscovich Architects, for Collier County High School. Naples, FL. January 2020
- CPTED CONSULTANT for MHKAP Architecture, to City of Naples Government Center Security Risk Assessment. Naples, FL. November 2019

From: Charlene <charlene.ashendorf@gmail.com>
Sent: Wednesday, June 24, 2020 7:41 PM
To: City Clerk's Office
Subject: PUBLIC HEARING Item #1Review of Cliff Drive Encroachment Permit

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My name is Charlene Ashendorf. My husband and I live at 3210 Montana Avenue in Costa Mesa. We are 20-year residents. Prior to that, we resided in Newport Beach for eight years.

My husband is a teacher with NMUSD. I serve on the city's Parks Arts and Community Services Commission.

We have made a life of service.

I want to express my displeasure with how the school district approached and proceeded with this project (Ensign). I believe there were other alternative solutions. I believe the public spoke to the school board and to the city. But the school board did not listen. Now you can!

The way the school district came in on Monday June 23 and cut down 15 trees halfway until they were ordered to cease is irresponsible. The devastation left behind is an image I can never shake. But the hundreds of swallows circling the debris, seeking their former homes is something I cannot un-hear.

I urge you to consider delaying this project and ordering a public hearing. While the environment has been permanently irreparable, an alternate plan could satisfy the safety issues. Fools rushed in, as the song goes... where wise men and women never go. This project could use a few angels...



Charlene M. Ashendorf

<https://about.me/cmash.oc>

Building A Better Community

Happiness comes from being completely involved in great things!

From: Jimmy Thomas <jtx12@hotmail.com>
Sent: Wednesday, June 24, 2020 10:10 PM
To: City Clerk's Office
Subject: Public Comment For 3PM Public Hearing - City Council ... Ensign Encroachment Permit

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

I am writing this letter in support of the Cliff Drive encroachment permit issued to NMUSD for Ensign. It seems much of the controversy about this permit centers around many in the community believing the school board erred in not moving forward the Newport Beach drop off alternative. They viewed this alternative as a "silver bullet" since it would simultaneously save the trees and provide quality student security and safety. The Newport Beach drop off alternative may have inadvertently fooled them. Either you save the trees, or you provide top notch student security and safety. But, you can't do both. Therefore, the school district made the correct decision at Ensign and their permit should stand.

The Newport Beach drop off alternative shouldn't be material in any decision by the city council.

A few comments in the ThoughtExchange reference the state of California's drop off building regulations for schools. Using google with the ThoughtExchange verbage, we found drop off building regulations online at the state of California's department of education's website.

After reviewing the state's rules and examples covering drop off regulations, it seems that the Newport Beach drop off alternative might not fulfill state regulations. I called Jim Houlihan, a city engineer, with my reservations. He said he did not know if the alternative fulfills the state regulations and said such a determination would require an outside expert opinion.

Furthermore, after my discussion with Houlihan, I came away with the impression that it is unknown if the Newport Beach alternative could support as many cars as the school districts banana lot.

The school district's banana lot was designed by an architect who is proficient in school design, school building regulation and security protocols. The banana lot is a standard approach that is shovel ready. In contrast, the Newport Beach alternative is just a rough sketch that likely could not provide the same level of efficiency or safety, and may not be allowed under state build regulations for schools.

Many in the community thought they had a silver bullet

Since the Newport Beach drop off alternative came from a city engineer, some community members incorrectly assumed the alternative was fully vetted and shovel ready even though the city never presented it that way. Community members voraciously supported the city's alternative to the school board and other community members as the "silver bullet" that would save the trees and provide student safety and security. In hindsight, if the city had known their rough sketch would be misread as fully vetted and shovel ready they would have put a warning on the drawing. Even better, the city could have hid their alternative unless it survived a deeper analysis. The city council could cool off tensions in the community if they would explain this to the public at Thursday's hearing.

NMUSD opted for the safety and security of students over the preservation of trees

Removing the Newport Beach drop off alternative from the running only leaves the banana lot alternative. After two years in the public forum, no other viable alternative has been presented by anyone. Since the banana lot drop off

alternative was designed by architects' proficient with state regulations and security protocols, it should provide abundant student safety and security.

Unfortunately, this leaves the community with the age old problem of selecting the lesser of two evils. Do we save the trees while we compromise student safety and security? Do we remove and replace the trees so we can keep the students safe and secure? To me the answer is clear. Student safety and security is utmost so the trees have to be removed and replaced. I think the school board was presented with a tough decision and sided on behalf of student safety and security. This was the right decision. The city council should support their decision and let the permit stand.

Jim Kociuba
Newport Beach

From: CB <bornncalif@gmail.com>
Sent: Thursday, June 25, 2020 6:37 AM
To: City Clerk's Office
Subject: Trees

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To whom it may concern,

It is come to my attention that trees on school property are being cut down without the communities permission, understanding, and or knowledge of this happening.

Why as community members did I not know that this was happening? why does Newport Mesa unified school District have the audacity to not have proper permits?

This is quite concerning.... trees are an Intercal part of any city, school's, air quality! and should have proper attention by an arborist if there is an issue with safety or other concerns.

It's not a good thing for the city and the community if things are done behind residence back's!

Thanks from a voice of concern,
Cari Ballinger
925-207-9845

Sent from my iPad

Rieff, Kim

From: Kristen Petros <petrosfam@roadrunner.com>
Sent: Thursday, June 25, 2020 7:58 AM
To: City Clerk's Office
Subject: Cliff Drive Encroachment Permit June 25 City Council Meeting

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Please forward to the Newport Beach City Council for today's meeting.

Honorable Mayor and City Council:

Thank you for the opportunity to comment on the Encroachment Permit at Ensign School. As you know, a number of large, majestic, mature trees have been removed along Cliff Drive in front of Ensign School a couple of days ago. I witnessed this and was aghast that the Newport Mesa School District would do this prior to further discussion on the matter with the City and neighbors. The trees provided screening of the old school buildings, a beautiful street scene, habitat for the birds that are still hovering over the chopped trees, and much needed shade for the campus and the children and teachers who use it.

Knowing that there were alternatives presented to the district for the driveway/circulation improvements that did not remove the onsite trees and that the District ignored them is incredibly arrogant and sad. I would suggest the City rescind the Encroachment Permit until it can condition it as follows:

1. No new Cassia(I think) trees (the orange flowering trees on Cliff and Irvine) shall be removed.
2. All trees removed, both onsite and street trees, shall be replaced with 36- inch box trees approved by the City prior to installation at a 2:1 ratio.
3. Trees shall be replaced primarily onsite and in the near vicinity if all cannot fit onsite.
4. Trees shall be of a type that provides shade and shall be approved by the City of Newport Beach prior to installation.

Note: The 2:1 ratio should be required due to the age and size of the specimen trees that were removed. The City approving the trees ahead of time ensures that small trees put into 36 inch boxes won't occur and that the type is appropriate.

CEQA Discussion

The staff report states that this permit is associated with a larger project being undertaken by the School District and would therefore be included in their CEQA review. The problem is that the District determined the entire project Exempt from CEQA without considering the fact that removal of these specimen trees could result in a significant impact. (Sec 15300.2 of Title 14.) Also Sec. 15304 states that exemption is possible for certain minor public or private alterations in land, water or vegetation "which do not involve removal of healthy, mature, scenic trees...". In addition, the District has been well aware of the controversy of potential (now real) removal of the trees and still did not elevate the CEQA determination from exempt to something higher allowing for more consideration to mitigate.

Please rescind the encroachment permit until mitigation can be added per the comments above. Thank you.

Kristen Caspers Petros
2321 Holly Lane, NB