



**CITY OF NEWPORT BEACH  
ENVIRONMENTAL QUALITY AFFAIRS  
COMMITTEE**

**AGENDA**

**DATE/TIME: MONDAY, JUNE 16, 2003 – 7:00 P.M.**

**LOCATION: Police Department Auditorium  
870 Santa Barbara Drive**

Roll Call

1. Minutes of April 14, 2003
2. Communications Subcommittee Discussion of Web Page - *Continued from May 12* (Attachment)
3. Presentation on Draft Local Coastal Program Land Use Plan and report from subcommittee (Attachment)
4. Discussion of EQAC subcommittee system of developing comments, alternative methods for developing comments, and function of EQAC and subcommittees
5. Report from EQAC Member on GPUC
6. Report from EQAC Members on GPAC
7. Report on LCP process
8. Report from staff on current projects
9. Council Member Reports
10. Public Comments
11. Future Agenda Items

**NEXT MEETING DATE:**

**July 21, 2003**

**LOCATION:**

**Police Dept Auditorium**



## CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

Draft Minutes 05-12-03

Minutes of the Environmental Quality Affairs Citizens Advisory Committee held at the City Council Chambers, 3300 Newport Boulevard, on May 12, 2003.

### Members Present

Richard Nichols, Council member	Jim Miller
Robert Hawkins, Chairperson	Marge Pantzar
Barry Eaton, Vice Chairman	Dolores Otting
Barry Allen	Nancy Raney
Brent Cooper	Richard Rivett
Thomas Eastmond	Cris Trapp
Ray Halowski	Louis Von Dyl
Carol Hoffman	Christopher Welsh
Tom Hyans	Jennifer Wynn
Elaine Linhoff	

### Staff Representatives

Dave Kiff, Assistant City Manager  
Rich Edmonston, Transportation/Development Services Manager  
Niki Kallikounis, Planning Department Assistant

### Others Present

Dr. and Mrs. Skinner

### Members Not Present

Gary Borquez	Laura Dietz
Steve Bromberg, Mayor	Phillip Lugar
Gus Chabre	

The meeting was called to order at 7:05 p.m.

1. Minutes of April 14, 2003

Carol Hoffman **moved** to approve the minutes. Louis Von Dyl seconded the **motion**.  
**Motion passes.**



## CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

Draft Minutes 05-12-03

2. Traffic Model Update discussion – Mr. Rich Edmonston (*PowerPoint of Exec. Summary - <http://www.city.newport-beach.ca.us/trafficmodel.pdf>*)

Mr. Edmonston showed a PowerPoint presentation of the Executive Summary of the Traffic Model, explained the traffic model, and answered questions from the committee.

3. Natural Treatment System Draft Environmental Impact Report

The Committee discussed and made changes to the subcommittee's draft report.

Barry Eaton **moved** to delete "...and IRWD" from the last sentence in the second paragraph of Section 2.3.2. Jim Miller seconded the **motion**. **Motion** passes. Carol Hoffman abstained.

A committee member **moved** to delete the first paragraph under section 3-B and to include the second, third and fourth paragraphs. Jim Miller seconded the **motion**. **Motion** passes. Carol Hoffman abstained.

A committee member **moved** to send the report with all of the changes to the City Council. Cris Trapp seconded the **motion**. **Motion** passes. Carol Hoffman abstained.

4. Report from EQAC Member on GPUC

Barry Eaton reported the following:

- The consultant's proposal for the General Plan Update, a program that is costing more than a million dollars, was recommended by the committee to the Council.
- GPUC recommended three names to the Council for GPAC from District 2 because of a resignation of one of the members.
- A summary presentation of the fiscal impact model, was given by the fiscal impact consultant.

5. Report from EQAC Members on GPAC

Mr. Eaton reported that GPAC reviewed the traffic model and had the presentation we had tonight.



## CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

Draft Minutes 05-12-03

6. Report on LCP

Elaine Linhoff reported that the LCP subcommittee met and divided the LCP and all committee members have been notified of their assignments and are working on their comments, which will be collected on May 26 and sent to the full committee on June 7.

7. Council Member Reports

None

8. Communications Subcommittee Web Page Discussion

Dolores Otting suggested adding an index to make it easier to find the variety of work that this committee has submitted to staff, City Manager, Planning Commission and City Council. Chairman Hawkins agreed that a link to reports that EQAC generates would be helpful. Discussion of the website ensued.

Chairman Hawkins suggested that the committee members review the web page content so that they could offer suggestions at the next committee meeting. This agenda item is continued to the next meeting.

9. Public Comments

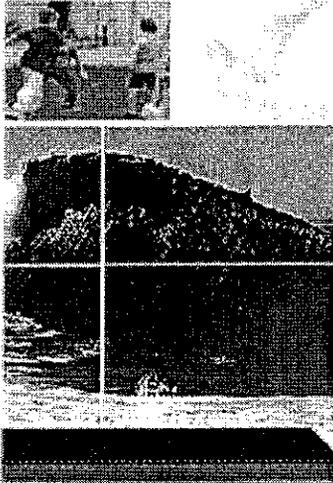
Dr. and Mrs. Skinner expressed appreciation for the time and effort EQAC members put into their reports.

10. Future Agenda Items

Thresholds of Significance for General Plan Environmental Impact Report  
Report from Membership Subcommittee  
Communications Subcommittee Discussion of Web Page *Continued to June 16*

Chairman Hawkins adjourned the meeting at 10:00 p.m.

City Council      Departments      City Web Sites      Jobs

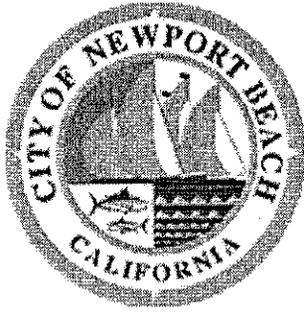


Council Home Page	
Agendas & Minutes	> All Agendas, Minutes, & Reports
Boards and Commissions	Arts Commission
City Charter & Municipal Code	Board of Library Trustees
Council Policy Manual	Coastal/Bay Water Quality
GPAC Member Selection	Council
Ordinances & Resolutions	Economic Development Com.
	Environmental Quality Affairs Com.
	Finance Committee
	General Plan Advisory
	General Plan Update
	General Plan Update Scoping
	Harbor Commission
	Newport Coast Advisory Com.
	Parks - Beaches & Recreation
	Planning Commission
Telecom Ad Hoc Committee	
Tree Committee	

News/Events      General Info

city of newport beach, california - 3300 newpor

7



# Environmental Quality Affairs Committee Agendas

Prior Years

The following Environmental Quality Affairs Committee Agendas and Minutes Packets are available:

<b>Agendas</b>		
<a href="#">ag02-24-03.htm</a>	<a href="#">ag03-17-03.htm</a>	<a href="#">ag01-13-03.htm</a>
<a href="#">ag05-12-03.htm</a>	<a href="#">ag04-14-03.htm</a>	

<b>Minutes</b>		
<a href="#">mi 01-13-03.htm</a>	<a href="#">mi 03-17-03.htm</a>	<a href="#">mi 02-24-03.htm</a>
<a href="#">mi 04-14-03.htm</a>		

Program Last Updated: March 19, 2003 JCone

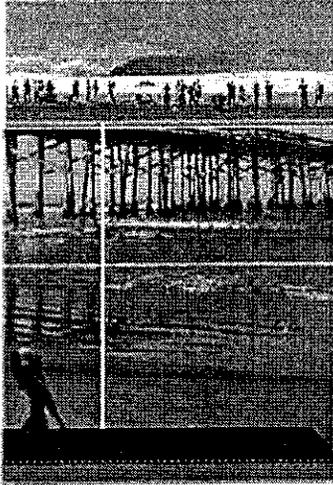
4

[City Council](#)

[Departments](#)

[City Web Sites](#)

[Jobs](#)



<a href="#">Organization Chart</a>
<a href="#">Administrative Services &gt;</a>
<a href="#">Building</a>
<a href="#">City Attorney</a>
<a href="#">City Clerk</a>
<a href="#">City Manager</a>
<a href="#">Fire</a>
<a href="#">General Services</a>
<a href="#">Harbor Resources/Tidepool</a>
<a href="#">Human Resources</a>
<a href="#">Library Services</a>
<a href="#">Planning</a>
<a href="#">Police</a>
<a href="#">Public Works</a>
<a href="#">Recreation &amp; Senior Services</a>
<a href="#">Utilities</a>

[News/Events](#)

[Virtual FAQs](#)

city of newport beach, california -

port beach, califor

9



# Planning Department

--PLANNING DEPARTMENT--

---

The function of the Planning Department is to promote and enhance the well-being of residents, visitors, property owners, and businesses of the City of Newport Beach. The department accomplishes its mission through programs that encourage high quality development as well as maintenance and revitalization of existing neighborhoods. The Planning Department consists of two divisions: Planning and Economic Development.

## Planning

## Economic Development

## Environmental Quality Affairs Committee

---

**Last Updated: May 01, 2003**

10

# ENVIRONMENTAL QUALITY AFFAIRS CITIZENS ADVISORY COMMITTEE

[EQAC]

## **PURPOSE**

**EQAC** Composed of citizens, the Environmental Quality Affairs  
**RESOLUTION** Citizens Advisory Committee [EQAC] has grown from its  
origins in 1987 when its focus was anti-litter campaigns,  
recycling, and beautification.

## **Agenda and Minutes**

In 1998, its membership was expanded to allow for more  
inclusion of residents' opinions, as a balance to the  
successful and productive business based advisory  
committee known as the Economic Development  
Committee (EDC).

## **Committee Members**

Today, the EQAC is an active advisory committee,  
providing information directly to the City Council. Its  
members review Environmental Impact Reports (EIRs) on  
projects being reviewed by the City or other agencies that  
may impact Newport Beach. That has included to date  
housing projects, office buildings and hotel projects.

Two members of the City Council, currently Steve  
Bromberg (Balboa Island) and Richard Nichols (Corona  
del Mar), attend meetings. Assistant City Manager Sharon  
Wood is the staff liaison member. Minutes are taken and  
are available on this website.

EQAC (often abbreviated verbally as "e-quack") has over  
the past few years reviewed EIRs for the Conexant  
expansion, the Koll building Project, the proposed hotel  
and conference facility at Newport Dunes, the Cannery  
Lofts project, the Church of Latter Day Saints Temple, the  
San Joaquin Reservoir, and the El Toro Airport. The  
committee receives presentations from City staff as  
requested, as well as from various volunteer organizations,  
e.g. Surfrider Foundation, and consultants with expertise in  
current issues.

[Click here for Agendas and Minutes](#)

## **EQAC RESOLUTION** **MEMBERSHIP**

ll

### Committee Members

Representing Council districts, homeowners associations, with expertise from professional backgrounds including land use planning, architecture, and the law, City Council members nominate three (3) citizens to serve on EQAC who, after completion of an application, are approved by City Council. A representative of the Economic Development Committee (EDC) is a member, and conversely, the chairman of EQAC is a member of EDC.

The chairman is appointed by the mayor and serves at the mayor's discretion.

[Click here for Committee Members](#)

## HOW TO GET INVOLVED and MEETING TIME

If you are interested in an appointment to EQAC, contact the **City Clerk's office (949-644-3005)** and request an application. Once submitted, an application is kept on file for two years and used by the City Council as openings occur.

EQAC meets on the third Monday evening of each month in the Newport Beach Police Department auditorium, at 7:00 PM. **The public is welcome.** To confirm dates and location, telephone Niki Kallikounis, Planning Department Assistant at **949-644-3225**.

[Top of Page](#)

12

## ENVIRONMENTAL QUALITY AFFAIRS CITIZENS ADVISORY COMMITTEE

### AUTHORIZATION:

The Environmental Quality Affairs Citizens Advisory Committee (Committee) established by Resolution No. 87-14, adopted on January 12, 1987; amended by Resolution No. 88-105, adopted October 24, 1988 and blanket Resolution No. 90-123. Committee restructured by adoption of Resolution No. 98-17, adopted on February 23, 1998 (repeals all other resolutions). Membership revised by adoption of Resolution No. 98-60 on August 24, 1998 (amends Res. 98-17). Appointment of officers clarified by adoption of Resolution No. 2000-10 on January 25, 2000. Membership, Rules, and Purpose and Responsibilities revised by adoption of Resolution No. 2000-90 on October 24, 2000. Membership revised by adoption of Resolution No. 2001-61 on July 10, 2001. Revised by adoption of Resolution No. 2001-73 on August 14, 2001. Membership provisions amended by adoption of Resolution No. 2003-18 on March 25, 2003.

### MEMBERSHIP:

- A. Two (2) Council Members.
- B. The Chair (or Chair's designee) of the Economic Development Committee.
- C. Chairperson of Committee shall be a citizen (at large) appointed by the Mayor.
- D. Seven (7) members, one from each City Council district, nominated by the District Council Member and confirmed by the City Council. If a Council Member chooses, he/she may appoint a person who does not reside in his/her District. If a Council Member does not fill a vacancy within sixty (60) days, the Committee shall recommend two (2) candidates for the City Council's consideration. Candidates recommended by the Committee need not reside in the District in which there is a vacancy.
- E. Seven (7) citizens at large, one nominated by each City Council Member and confirmed by the City Council. At the request of a Council Member, or if a Council Member does not fill a vacancy within sixty (60) days, the Committee shall recommend two (2) candidates for the City Council's consideration.
- F. Four (4) members who are on the board of directors of homeowners or community associations, appointed by the City

Council from two (2) recommendations from the Committee for each member submitted by the Committee.

G. Three (3) members who have knowledge of CEQA administration or environmental issues of concern to Newport Beach (e.g., water quality, airport noise, traffic), appointed by the City Council from two (2) recommendations from the Committee for each member submitted by the Committee.

Staff: Assistant City Manager or Designee

**TERM:**

District and at-large members shall have terms that coincide with the terms of the Council Members nominating them. Association and special expertise members shall have terms of four (4) years, and may serve no more than two (2) consecutive terms. All members shall serve at the pleasure of the City Council.

**RULES:**

A. All members, other than Council Members shall have one (1) vote on the committee.

B. The officers of said Committee shall be comprised of a Chairperson and Vice-chairperson. The Chairperson shall be appointed by the Mayor and the Vice-chairperson shall be elected by the Committee.

C. A quorum shall consist of a majority of the currently appointed members of the Committee, not counting the Council Members.

D. If a member is absent from three (3) consecutive meetings, this fact shall be reported to the Mayor so that replacement of the appointee can be considered.

Reports and recommendations from the Committee shall be made to staff, the Planning Commission or the City Council. Committee comments on projects by other agencies shall be distributed to such agencies only after the comments are approved by the City Council, or the City Manager if City Council approval is not practicable.

F. Any publications of the Committee shall require authorization from the City Council.

G. Any letter written by a member of the Committee that represents the position of the Committee, or stating any recommendation made, or action taken by the Committee, shall be authorized by the Committee during a duly noticed public meeting. In the event the Committee has, at a duly noticed public meeting, delegated the responsibility for any task to a

Subcommittee, the Subcommittee may authorize one or more of its members to perform that task and subject to the Rules applicable to the Committee, prepare and submit comments and/or state the position of the Committee.

H. The Committee, or a Subcommittee designated by the Committee shall interview each candidate or prospective member before recommending that candidate to the City Council. If the Committee is unable to recommend two candidates for any specific membership, the Committee may recommend, and the City Council may appoint, only one candidate for membership.

**PURPOSE &  
RESPONSIBILITIES:**

A. To review and submit comments during the public review period (upon publication of the Notice of Preparation (NOP) and/or the Notice of Completion (NOC) with respect to any Environmental Impact Report (EIR) prepared by the City.

B. To review and, subject to the approval of the City Council or City Manager, submit, on behalf of the City, comments on any NOP or NOC for an EIR prepared by another public agency for a Project that has the potential to cause significant adverse environmental impacts in the City of Newport Beach.

C. If requested by the City Council or the City Manager, review and submit comments on any environmental document, including a Negative Declaration or Environmental Impact Statement, prepared by the City or any other public agency for projects that could have a significant adverse environmental impact on the City of Newport Beach. The Committee may review and submit comments on any negative declaration prepared by the City for any project that is not subject to the review and/or approval of any other Board, Commission or Committee without first receiving a request from the City Council or City Manager.

D. To request the City Manager to schedule presentations from City staff relative to activities with the potential to adversely impact the environment.

E. To request the City Manager and/or City Council to schedule a presentation from members of the Committee to the City Council relative to any action of the Committee or any activity that the Committee has determined could have a significant effect on Newport Beach.

F. To receive, review, and transmit to the City's community associations (COAs) and homeowners associations (HOAs) information relative to projects that have the potential to have a significant adverse impact on the association(s).

15

G. To receive the City Manager's weekly newsletter (1 copy).

H. To recommend to the City Manager subject matter and key questions for inclusion in the City's quarterly newsletter to residents.

16

# ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

<p style="text-align: center;"><b>Steven Bromberg</b> Mayor</p> <p style="text-align: center;">949-640-2001</p> <p style="text-align: center;"><a href="mailto:dandee@earthlink.net">dandee@earthlink.net</a></p>	<p style="text-align: center;"><b>Richard A. Nichols</b> City Council Member</p> <p style="text-align: center;"><a href="mailto:nbcouncil@rainchols.info">nbcouncil@rainchols.info</a></p>
---	--

<p><b>Robert Hawkins</b> Chairman</p>
---

<p><b>Sharon Wood</b> Assistant City Manager</p> <p>(949) 644-3222 Tel.</p> <p>(949) 644-3020 Fax</p> <p><a href="mailto:swood@city.newport-beach.ca.us">swood@city.newport-beach.ca.us</a></p>
---

## CITY COUNCIL APPOINTMENTS

<p style="text-align: center;"><b>District 1</b></p> <p style="text-align: center;"><b>Tod Ridgeway</b> Mayor Pro Tem</p>	<p style="text-align: center;"><b>Louis Von Dyl</b></p>
<p style="text-align: center;"><b>District 2</b></p> <p style="text-align: center;"><b>Gary Proctor</b></p>	<p style="text-align: center;"><b>Jim Miller</b></p>
<p style="text-align: center;"><b>District 3</b></p> <p style="text-align: center;"><b>Don Webb</b></p>	<p style="text-align: center;"><b>Vacant</b></p>
<p style="text-align: center;"><b>District 4</b></p> <p style="text-align: center;"><b>Gary Adams</b></p>	<p style="text-align: center;"><b>Richard Rivett</b></p>
<p style="text-align: center;"><b>District 5</b></p>	<p style="text-align: center;"><b>Brent Cooper</b></p>

17

<b>Steven Bromberg Mayor</b>	
<b>District 6 Richard Nichols</b>	<b>Laura Dietz</b>
<b>District 7 John Heffernan</b>	<b>Dolores Otting</b>

### AT LARGE MEMBERS

<b>District 1 Tod Ridgeway Mayor Pro Tem</b>	<b>Gary Borquez</b>
<b>District 2 Gary Proctor</b>	<b>Nancy Raney</b>
<b>District 3 Don Webb</b>	<b>Christopher Welsh</b>
<b>District 4 Gary Adams</b>	<b>Phillip Lugar</b>
<b>District 5 Steven Bromberg Mayor</b>	<b>Martge Pantzar</b>
<b>District 6 Richard Nichols</b>	<b>Cris Trapp</b>
<b>District 7 John Heffernan</b>	<b>Thomas Eastmond</b>

### COMMUNITY ASSOCIATION

Barry Allen

Tom Hyans

18

**Elaine Linhoff**

---

**ENVIRONMENTAL EXPERTISE**

**Barry Eaton, EQAC Vice Chair**

**Jennifer Winn**

**Ray Halowski**

---

**EDC REPRESENTATIVE**

**Carol Hoffman**

[Back to Top](#)

19

# M E M O R A N D U M

To: Planning Department, City of Newport Beach

From: Environmental Quality Affairs Advisory Committee  
City of Newport Beach

Subject: Draft Land Use Plan of the Local Coastal Program

Date: June 11, 2003

The committee has examined the draft Local Coastal Land Use Plan from the viewpoint of how it carries out the goals of the CA Coastal Act of 1976. We recognize the inherent conflicts of interest within the Coastal Act itself, and appreciate the efforts made to balance these conflicts. We feel that the City has done a good job in putting together the LCP; it is well organized and comprehensive. Our comments are intended to strengthen the document. We hope that our committee will be able to review the draft Implementation Plan when it is finished

## COMMENT ON LAND USE SECTION OF NEWPORT BEACH DRAFT LOCAL COASTAL PLAN

### Section 2.0

Page 2-1 The Harbor Element of the General Plan should be referenced in this chapter as the LCP is closely related to it.

Page 2-1 The issue of precedence in the first paragraph is confusing. Will this sentence be removed when the General Plan update is completed?

Page 2-9 Section 2.2.1-1 refers to development intensity. How does the reader know what is the allowable development intensity when the ranges defined in the Land Uses are so wide? For example, the Visitor Serving Commercial (CV) category ranges from .3 to 1.25 floor area ratio. The upper end of the range is four times greater than the lower end. This does not appear to be a true standard.

Page 2-13 Section 2.2.3-1 does not stand alone. The next section completes the thought. The phrase "with the following exceptions" should be added to the last sentence and the section should be combined with section 2.2.3-2. The subsequent sections should then be re numbered.

Section 2.2.3-3 should read "... the portion of the Corona del Mar commercial area located on the south side of Coast Highway..." The present sentence implies that all of the commercial use is on the south, which is not the case.

Page 2-14 Section 2.2.4-1. Add the phrase "as follows:" to the end of the introductory sentence.

Page 2-14 Section 2.2.4-2 should read, "...legally established non-conforming uses shall be limited..."

Page 2-16 Section 2.3.1-3 as written does not fulfill the intent of the Coastal Act. It should be changed to read: "Recreational and visitor serving uses shall have priority over all other uses except coastal dependent/coastal related uses."

Page 2-19 Many readers will undoubtedly want to know the location of a peak summer hotel room that can be had for \$59 per night. Please inform.

Page 2-22 The policies related to land use need to be strengthened to fulfill the intent of the Coastal Act. Section 2.4.1-1 should read: "Coastal dependent and coastal related uses shall have priority over all other uses on or near the shoreline." Section 2.4.1-2 should read: "Prohibit land use changes that would adversely impact coastal dependent, coastal related, recreational and visitor-serving land uses, including not only the proposed change on the subject property but also the potential to limit existing coastal dependent and coastal related uses on adjacent properties." Section 2.4.1-4 should read: "Encourage and maintain facilities that serve marine related businesses and industries."

Page 2-26 The discussion of second units should include references to state law which will become effective in July and will allow guest units without discretionary review.

Section 2.6-1 is very vague. It should be changed to read: "Enforce Zoning Ordinance development standards for setbacks, density, floor area and height limits for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources. Allow modification for individual cases only when the findings for a variance can be made pursuant to California Government Code section 65906.

Page 2-31 The first sentence under Storm Surges actually introduces the entire section and should be placed above the subtitle.

Page 2-33 Seiche is misspelled in the third line of the second paragraph.

Page 2-33 Section 2.7.3-6 is unclear. We suggest it be changed to read "Encourage the use of methods such as dune restoration and sand nourishment as alternatives to structures such as groins and sea walls."

Page 2-43 The last line would be more accurate if the word "reasonable" is inserted before "safe."

Page 2-49 We suggest that the following policy be added to better fulfill the intent of the Coastal Act: "Develop and implement a long-range plan for public Class 2 bike lanes to access all appropriate commercial and recreational areas of the harbor. If feasible, provide Class 2 bike lanes on both sides of Pacific Coast Highway through Newport Beach."

Bikeways and Trails exhibit. The word *separate* is misspelled.

22

## Section 3.0 PUBLIC ACCESS and RECREATION

Generally, the LCP and our General Plan Update need to be coordinated and we seem to be in a "chicken and egg" situation.

Next, the main issue in the "Special Planning Areas" i.e. Banning Ranch, may be that it should, or could be designated a special study zone or something similar. Possibly a special designation as an endangered habitat, or as open space land in the public trust where no development would be planned. The area appears to be so sensitive and difficult that development it is not possible.

That said, the LCP is well written and the only suggested word correction is in section 2.7.3-6, p2-33, the word "structures" should be changed to "methods".

### Coastal Land Use Plan – Section 4.0 Coastal Resource Protection

#### General Comments

The LCP focuses on the bay and the beach from the land side. The beach, from the sand out to the ocean, could be viewed as an ESHA. It is as environmentally sensitive as are all the other ESHA study areas that are discussed in the LCP. The beach too needs constant maintenance and supervision, and the ocean water quality that needs to be watched closely and continuously. For example, we know that the OCSD sewage plume comes within 1/4 to 1/2 mile of our shore. What if it breaks through one day? We should have a plan of action as to how we will handle any such a catastrophic emergency. We should not be caught unawares like Huntington Beach was three years ago.

Even though the beach is mentioned throughout the LCP, and many of the measures taken affect water quality and the beach, it is not considered as a separate and needy entity that on its own requires a plan of action. Having such a designation would focus all efforts that are currently being done on the beach and the water and ensure nothing is missing.

#### 4.1.2 Environmental Study Areas

It would assist the reader to reference the figure illustrating the location of each of the ESHA study areas in the first paragraph of this subsection.

##### Study Area No. 7: Mouth of Big Canyon

The discussion of this study area states that the "site provides an opportunity to establish an interpretive area that allows public access to a broad range of habitats and plant community areas that should be reestablished as a destination for the public." However, in listing the potential impacts to the study area, "increased human activity" is included. In light of this potential impact to the ESHA, in discussing the opportunity for an interpretive area, it would be beneficial to emphasize that any public access would be of a controlled nature.

##### Study Area No. 9: Buck Gully

A substantial portion of the gully has been modified by the construction of a golf course or is under private ownership as part of the residential lots between Fifth Avenue and Little Corona Beach. As such, it will be very difficult to enforce the proposed mitigation measures 4.1.2-11 B, C, D, E, F, and G. The enforcement of the proposed mitigation measures should be limited to the small fresh water wetland at the mouth of the gully as it merges with Little Corona Beach and the middle section of Buck Gully where the land has not been disturbed by development. To do

otherwise will cause substantial conflict with the property owners adjacent to the gully and probably will not be effective.

#### Study Area No. 10: Morning Canyon

Morning Canyon is under private ownership by the adjacent residential lot owners along the canyon. A substantial number of non-native and ornamental tree and shrub species have invaded the canyon from the adjacent residential lots. It will be difficult, if not impossible, to restore the canyon to a natural habitat due to its fractured ownership. Therefore, we recommend that Morning Canyon be eliminated as an ESHA designated area.

#### Policy 4.1.2-3

"The Planning Commission and/or City Council will determine ESHA boundaries based on the site-specific environmental studies." We suggest a special committee or task force that would include individuals with the expertise to evaluate the environmental studies. In addition, in a letter from the Coastal Commission to the City, dated October 5, 2001, which addresses issues from the City's LCP that was certified in 1990, the Coastal Commission suggests that the determination of ESHAs be made based on Coastal Act standards or Coastal Commission input.

#### Policy 4.1.2-10

The last sentence of this policy statement refers to "nature vegetation/fuel modification buffers." Is the reference intended to be to native vegetation?

#### Policies 4.1.2-11 F and G

"Require native vegetation on blufftops" and "Require irrigation practices on blufftops that minimize erosion of bluffs." It is not clear, but these two policy statements should apply to private property as well as public.

#### Policies 4.1.2-11.H, M, O and U

These three policy statements deal with implementing TMDLs to address water quality problems. However, TMDLs are explained and discussed for the first time in the document in the subsection dealing with water quality. Since it hasn't been addressed at this point in the document, the reader could be confused by its inclusion here. At the least, the policy statement should refer the reader to the discussion of TMDLs in Subsection 4.3.1. TMDLs are again briefly mentioned in policy statement 4.1.2-13 in the discussion dealing with the Newport Bay Watershed Executive Committee. Again, a reference to the full discussion and explanation in Subsection 4.3.1 would be helpful to the reader.

#### 4.1.2-11.J

Provide a description/definition of Marine Protected Area. The regulations for trampling and the take of intertidal and subtidal plants and animals should be discussed in the section on Study Area No. 11: Newport Beach Marine Life Refuge.

#### 4.1.2-11.Q, R, S and T

These four subsections address eelgrass enhancement programs and *Caulerpa* infestations. Eelgrass is briefly discussed in the introduction of the environmental study areas; however, it hasn't been fully addressed at this point in the document. Consider moving these policy statements after the full discussion of eelgrass. *Caulerpa* does not appear to be addressed at all in the LCP except for this policy statement reference.

#### 4.1.2-14

Provide a description/definition of the Upper Newport Bay Ecological Reserve and the Upper Newport Bay Nature Preserve.

#### 4.1.3 Eelgrass

Although the eelgrass habitat has not been classified as a formal ESHA habitat, a large-scale eelgrass restoration program is currently being planned for Newport Harbor and will be accorded an ESHA-like status. Most of the areas of Lower Newport Bay were developed during the first half of the 20<sup>th</sup> Century. These waters have been continuously used for a wide variety of recreational activities, including boating, swimming, rowing, wind surfing and sailing. The development of the lower bay has been in the form of marinas, moorings and piers, providing recreational opportunities and access to the water by a large percentage of the public. Extensive eelgrass meadows exist under these conditions.

Lower Newport Bay is a boat harbor and should not be treated as ESHA habitat. The recent policies of the California Coastal Commission have made it difficult to maintain the lower bay's docks, bulkheads and moorings when eelgrass is near the proposed dredge site. Eelgrass is abundant in several sections of the lower bay and has had an expanded distribution in the lower bay over the past several years due to favorable growing conditions caused by more stringent water quality. The implementation of mitigation measures 4.1.2-11 S and T should be restricted to Upper Newport Bay if Lower Newport Bay is to be properly maintained as a boating harbor. The continued improvement in water quality will provide an extensive distribution of eelgrass in the lower bay even though dredging is permitted.

#### 4.2.2 Bulk and Height Limitation

There is a need to be very strict on height limitations in areas with public view corridors.

#### 4.2.3 Coastal Bluffs

In addition to preserving open space along the bluff space, any development needs to be set back far enough to allow for natural erosion to take place without impending whatever development has been allowed.

#### 4.2.4 Signs and Utilities

Based on the letter received from the Coastal Commission, dated October 5, 2001, provide a policy statement addressing cellular phone antennas.

### 4.3 Water Quality

The primary focus of this section is water quality in Newport Bay with little attention given to the ocean shoreline. Ocean water quality needs to be planned for as well. Also, there is little mention of the Santa Ana River, which is a major factor in our ocean water quality.

#### 4.4.1 Upper Newport Bay

The last paragraph of this subsection refers to moving the "Least Tern islands." Where are these islands located? They don't appear to have been addressed anywhere else in the document.

#### 4.4.2 Lower Newport Bay/Harbor

The first paragraph states that the U.S. Army Corps of Engineers does annual surveys to determine if additional dredging is necessary and has only performed three dredging operations since the Lower Newport Bay was first dredged between 1934 and 1936. However, the City has performed maintenance dredging operations in Lower Newport Bay as recently as this spring. Why has a discussion of the City's maintenance dredging operations in the Lower Newport Bay been omitted from this discussion?

#### 4.5.2 Historical Resources

The Rendezvous Ballroom was destroyed by fire in 1967.

### Local Coastal Program Certification

#### Proposition 20

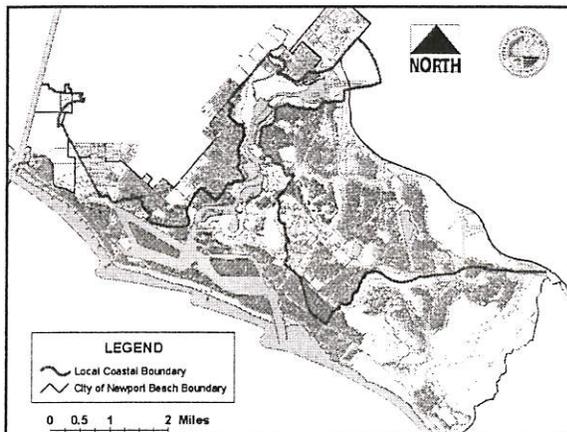
- Approved by voters in 1972
- Established temporary state and regional commissions
- Permit required for development within 1000 yards of mean high tide line
- Prepared statewide plan for coastal protection

#### Coastal Act

- Passed by the Legislature in 1976
- Established a permanent, statewide California Coastal Commission (CCC)
- 12 voting members – four each appointed by the Governor, Senate Rules Committee, and Speaker of the Assembly

#### Goals of the Coastal Act

- Protect, maintain and enhance natural and artificial coastal resources
- Balance utilization and conservation of coastal resources
- Maximize public access and recreational opportunities
- Priority for coastal-dependent/-related development



#### Local Coastal Programs

- Coastal Act policies are primarily implemented through the preparation of Local Coastal Plans (LCPs)
- Each local government is required to prepare a LCP for that portion of the Coastal Zone within its jurisdiction
- LCPs must be certified by the CCC
- LCPs consist of a Land Use Plan and a Implementation Plan



The land use plan portion of the Newport Beach's LCP was first certified by the CCC in 1982. However, the implementation plan was never prepared

### After Certification

- Coastal development permit authority is delegated to the local government
- CCC retains original permit jurisdiction over certain specified lands (public trust lands, such as tidelands)
- CCC serves as an appellate authority over development approved by local government in specified geographic areas

### CCC Retained Permit Jurisdiction

- Submerged lands (lands below MLT line)
- Tidelands (lands located between MHT and MLT lines)
- Other public trust lands (historic tidelands that are presently filled or reclaimed – Newport Dunes, Balboa Bay Club, Beacon Bay, Marina Park, etc.)

### CCC Appeal Area

- Lands between the sea and the designated first public road paralleling the sea
- 300 feet from inland extent of any beach or of the Mean High Tide Line, whichever is greater
- 100 feet of streams and wetlands
- 300 feet of top of seaward face of coastal bluffs

### Why certify the LCP now?

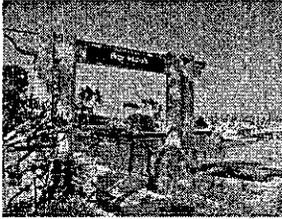
- Mandated by SB 516 (Newport Coast Annexation)
- Must submit LCP by June 30, 2003
- Short term: late fee of \$1,000 per month
- Long term: CCC could impose LCP (Malibu)

### Land Use and Development



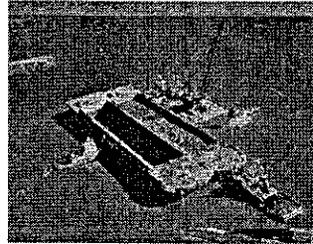
- Visitor-serving
- Recreational
- Coastal-dependent
- Coastal-related
- Hazards
- Transportation

### Public Access/Recreation



- Vertical access
- Horizontal access
- Blufftop access
- Vessel launching
- Support facilities
- Impediments

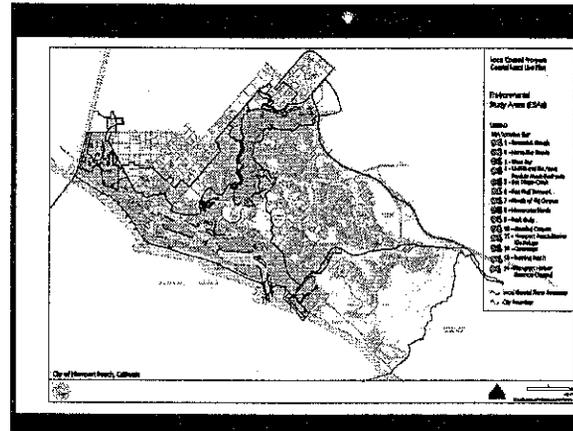
### Protection of Coastal Resources



- Sensitive habitats
- Scenic and visual qualities
- Landforms
- Historic
- Water quality
- Dredging

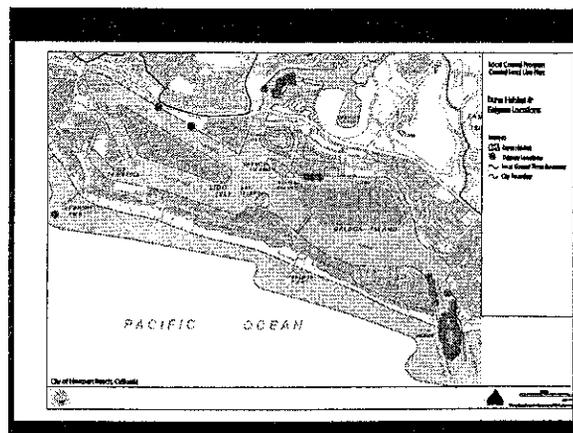
### Environmentally Sensitive Habitats

- Identifies 14 study areas in the Coastal Zone that contain environmental sensitive habitat areas (ESHAs)
- Overview of habitats
- Identifies threats and mitigation measures
- Sets forth policies to guide future decisions



### Other Habitats

- Eelgrass meadows
- Dune habitats
- Not formal ESHAs, but worthy of protection



**What's Next**

- LCPCC review of comments from CCC staff, EDC, GPAC, Harbor Commission
- Local public hearings (Planning Commission & Council)
- Formal application to the CCC
- CCC hearings
- Adoption of CCC revisions - ?

