



City of Newport Beach

General Plan/LCP Implementation Committee Agenda
Newport Beach Civic Center - 100 Civic Center Drive
Newport Coast Meeting Room (Bay E, Second Level, Room 2017)
Wednesday, November 27, 2013 - 12:30 p.m. to 2:30 p.m.

Committee Members:

Edward Selich, Council Member (Chair)
Rush Hill, Mayor Pro Tem
Nancy Gardner, Council Member
Bradley Hillgren – Planning Commission Chair
Fred Ameri – Planning Commissioner
Jay Myers – Planning Commissioner
Michael Toerge – At-Large Member

Staff Members:

Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director
Patrick Alford, Planning Manager
Leonie Mulvihill, Assistant City Attorney

1) CALL MEETING TO ORDER

2) ROLL CALL

3) APPROVAL OF MINUTES

Recommended Action: Approve October 23, 2013 Minutes (attached)

4) CURRENT BUSINESS

- A. **Coastal Commission Update.** A discussion of recent interactions with the Coastal Commission

Recommended Action: Informational Item; no action required

- B. **Revised Schedule.** A revised schedule for the certification of the Implementation Plan (attached)

Recommended Action: Review revise schedule; provide direction to staff, as necessary

- C. **Coastal Canyons.** A discussion of potential regulations for coastal canyons (attached)

Recommended Action: Review draft regulations; provide direction to staff

5) COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

6) PUBLIC COMMENTS

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Committee. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers.

7) NEXT MEETING

8) ADJOURNMENT

This Committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Committee's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Committee. The Committee may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or cityclerk@newportbeachca.gov.

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**City of Newport Beach
General Plan/LCP Implementation Committee Minutes**

Date: October 23, 2013

Location: Newport Beach Civic Center – 100 Civic Center Drive
Corona del Mar (Bay E, First Level, Room 1016)

Members Present: Edward Selich, Council Member (Chair); Nancy Gardner, Council Member; Bradley Hillgren, Planning Commission Chair; Jay Myers, Planning Commissioner; and Michael Toerge, Member At-Large

Members Absent: Rush Hill, Mayor Pro Tem and Fred Ameri, Planning Commissioner

Staff: Dave Kiff, City Manager; Kimberly Brandt, Community, Development Director; Patrick Alford, Planning Manager; Dan Campagnolo, Systems and Administration Manager; and Leonie Mulvihill, Assistant City Attorney

CCC Staff: Sherilyn Sarb, Deputy Director; Teresa Henry, District Manager, and Karl Schwing, Orange County Area Supervisor

Public: Shawna Schaffner, Tom Mathews, Philip Bettencourt, Steve Rosansky, Jim Mosher, and Steve Ray

1) CALL MEETING TO ORDER

The meeting was called to order at 12:30 p.m.

2) ROLL CALL

Chair Selich welcomed members of the California Coastal Commission staff. He then related a recent meeting that he and Council Member Michael Henn had with Coastal Commission Executive Director Dr. Charles Lester and Vice-Chair Steven Kinsey and commented on the increased appreciation of the Coastal Commission staff's workload.

He then invited everyone to introduce themselves. Mayor Pro Tem Rush Hill and Planning Commissioner Fred Ameri were absent.

3) APPROVAL OF MINUTES

The minutes of the September 25, 2013, meeting minutes were approved.

4) CURRENT BUSINESS

A. Introductions

As everyone had already introduced themselves, Chair Selich invited staff to proceed with the next item.

B. LCP Certification Overview

Planning Manager Patrick Alford stated that staff had prepared a PowerPoint presentation to serve as an introduction to each topic and to facilitate discussion. He then presented a set of statistics about the City's coastal zone to provide an indication of the scope of and challenges to the preparing the Implementation Plan.

1. Implementation Plan

Mr. Alford proceeded to describe the format of the Implementation Plan (IP) and outline its contents. In response to a question from Chair Selich, Mr. Alford said that the IP will contain site plans for old Planned Communities that have no development plan texts and were approved by use permits.

2. Coastal Zone Boundary Adjustments

Systems and Administration Manager Dan Campagnolo presented a series of maps depicting potential adjustments to the Coastal Zone boundary.

Deputy Director Sherilyn Sarb stated that boundary adjustments were unusual and suggested that the issue be discussed with their mapping unit.

Chair Selich gave examples of areas where the boundary adjustments reflected development that occurred since the boundary was originally drawn. He also expressed his concerns about having two sets of regulations and procedures for the Corona del Mar business district, which the boundary divides down Coast Highway.

A discussion ensued about the process and the City's previous discussions with the Coastal Commission Mapping Unit. Ms. Sarb suggested that the boundary adjustments be pursued on a separate track from IP, at least initially. She stated that land uses, appeal areas, and similar issues would need to be considered. She suggested that the changes could be addressed through the Mapping Unit's update of the Post-Certification Maps, unless the changes presented issues relating to land use or appeal areas.

Orange County Area Supervisor Karl advised that there may be issues with the proposed boundary changes around Hoag Hospital Lower Campus, given past permitting and access issues.

3. Coastal Bluffs & Canyons

Mr. Alford gave an overview of the City's Bluff Overlay regulations.

A discussion ensued regarding the bluff development issues associated with the Evensen Residence coastal development permit.

Chair Selich commented that the City's intent was to provide a degree of certainty to property owners, while the Coastal Commission staff was looking for more generalized criteria that would be analyzed on a case-by-case basis.

A discussion ensued regarding the differences between the Bluff Overlay and the policies of the Coastal Land Use Plan (CLUP), how to address existing development that does not conform to the bluff setbacks, and approaches to establishing the predominant line of existing development (PLOED).

Mr. Alford presented an overview of the issues relating to coastal canyon development using Lower Buck Gully as an example.

A discussion ensued on the difficulties involved with establishing a PLOED.

Mr. Alford stated that staff was investigating restricting new development to the existing footprints for principal and accessory structures. Ms. Sarb responded that it might make sense to do so. Mr. Schwing pointed out that it might necessitate an amendment to the CLUP.

Chair Selich summarized that they were looking at two sets of circumstances: 1) such as on Hazel Drive, where homes were hanging out over the canyon edge that would not be able to be built today under any circumstances; and 2) principal and accessory structures, which do not conform to the PLOED.

4. Schedule

Mr. Alford presented a tentative schedule for the certification of the IP. In response to a question from Chair Selich, he stated the need to work with Coastal Commission staff now to resolve the outstanding issues. Ms. Sarb stated that new staff resources should be on board by December. She thought that completing the draft IP by February 2014 was ambitious and felt that more time may be needed to for the respective staffs work out these issues.

A discussion ensued about the permitting process after certification. In response to a question from Mr. Alford, Ms. Sarb stated that the Coastal Commission would always maintain permit authority for areas below the mean high tide line. Mr. Schwing gave examples of the streamlined review process for simple dock replacements and dredging.

Chair Selich inquired about a master permit for projects like the Balboa Island seawall replacement. Referring to the Naples seawall example, Ms. Henry replied that they did not have sufficient engineering to approve the project beyond the first phase. Ms. Sarb added that a master permit is not out of the question, but it depends on the degree of specificity.

C. Newport Coast LCP

Mr. Alford presented an overview of the Newport Coast Local Coastal Program (LCP) and stated that it was the City's intent to translate the LCP from a County to City document and assume permit authority.

Ms. Henry asked if the City was anticipating any changes to the LCP. She stated that this has happened before in Orange County where an LCP was certified under the County, annexed to a city, and the city simply changed references from the Board of Supervisors to the City Council. Mr. Alford replied that it would be a translation, but the LCP currently references the County zoning code for much of the administration, so those sections would have to be added and reference changed to the City.

A discussion ensued about Newport Coast becoming a segment of the Newport Beach LCP and how permitting is conducted presently.

5) PUBLIC COMMENTS

In response to a question from Ms. Shawna Schaffner, a discussion ensued regarding whether the special legislation (SB 516) requires that the City submit an LCP ahead of the Newport Coast LCP.

Mr. Jim Mosher commented on proposed adjustments to the Coastal Zone boundary and the requirement for coastal development permit for condominium conversions.

Mr. Steve Ray commented on including Banning Ranch in the LCP.

6) **COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

None

7) **NEXT MEETING**

The next meeting will be at 12:30 p.m. on Wednesday, November 27, 2013.

8) **ADJOURNMENT**

The meeting adjourned at approximately 1:55 p.m.

Edward Selich, Chair

City of Newport Beach Local Coastal Program Certification Schedule, Work Program and Benchmark Schedule

SCHEDULE

Proposed starting date: October 2012.

Estimated completion: January 2016.

WORK PROGRAM	
TASKS	COMPLETION DATE
Task 1. Advisory Committee	
Objective: Establishment of an advisory committee to oversee the drafting of the Implementation Plan	
1.1 City Council Study Session	
1.2 Appointment of Committee	
Outcome/Deliverables:	Completed: October 2012
Task 2. Draft Implementation Plan	
Objective: Prepare an administrative draft of the Implementation Plan	
2.1 Administration/General Provisions	Completed: June 2013
2.2 Land Use Regulations	Completed: September 2013
2.3 Resource Protection Regulations	
2.4 Access Regulations	
2.5 Harbor Regulations	
2.6 Subdivision Regulations	
Outcome/Deliverables: Administrative Draft Implementation Plan	Projected Date: April 2014
Task 3. Collaborate with CCC Staff	
Objective: Early collaboration with Coastal Commission staff on key components of the Implementation Plan	
3.1 Bluff Protection Issues	
3.2 Canyon Protection Issues	
3.3 Exemptions/Exclusions	
3.4 Public Trust Lands	
3.5 Permit Jurisdiction and Appeals Map	
3.6 Lower-cost Visitor-serving Uses	
Outcome/Deliverables: Consensus on key issues	Projected Date: July 2014
Task 4. Community Outreach	
Objective: Maximize opportunities for the participation of the public and all affected governmental agencies in the preparation of the Implementation Plan	
4.1 Distribute Notice of Intent	
4.2 Community Workshops	
4.3 Commission/City Council Study Sessions	
Outcome/Deliverables: Feedback from the public and affected government agencies	Projected Date: October 2014
Task 5. Finalize Implementation Plan	
Objective: Review comments received during public outreach; revise, as necessary	
5.1 Finalize Draft Implementation Plan	
Outcome/Deliverables: Public Hearing Draft Implementation Plan	Projected Date: December 2014
Task 6. City Public Hearings	
Objective: Continue public participation process by conducting	

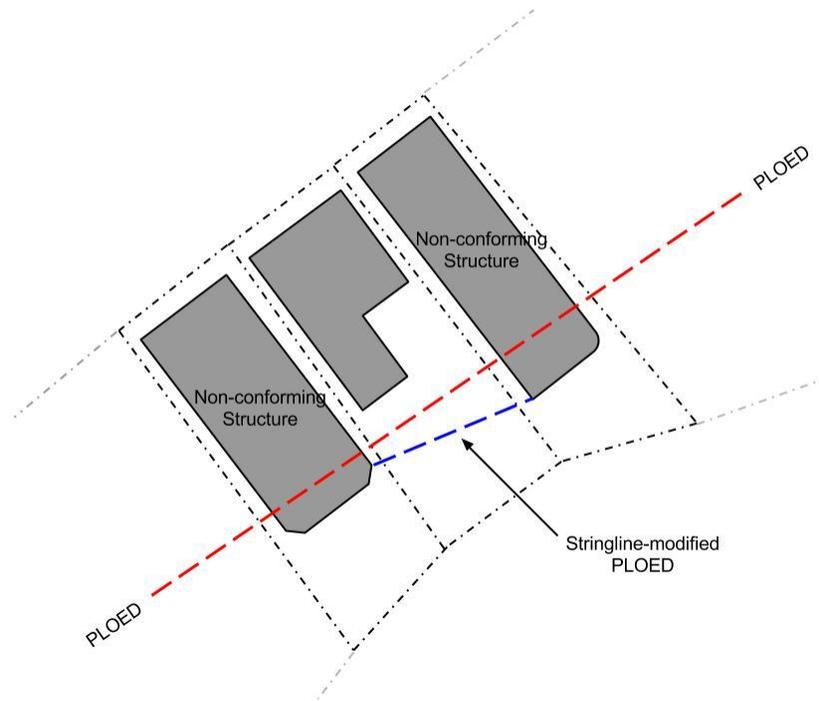
WORK PROGRAM	
TASKS	COMPLETION DATE
public hearings pursuant to the Municipal Code	
6.1 Planning Commission Hearings	
6.2 City Council Hearings	
Outcome/Deliverables: City approval of the Implementation Plan	Projected Date: March 2015
Task 7. Coastal Commission Review	
Objective: Coastal Commission review of the Implementation Plan	
7.1 Application Submittal	
7.2 Application Review by CCC Staff	
7.3 Application Deemed Complete	
7.4 IP Review by Coastal Commission Staff	
7.5 Coastal Commission Hearing(s)	
Outcome/Deliverables: Coastal Commission approval of the Implementation Plan	Projected Date: September 2015
Task 8. City Council Adoption	
Objective: City Council review and adoption of the Implementation Plan with any modifications made by the Coastal Commission	
8.1 Final Language from CCC	
8.2 Review of CCC modifications by the GP/LCP Implementation Committee	
8.3 Adoption of IP with CCC Modifications	
Outcome/Deliverables: Resolution adopting the Implementation Plan as modified by the Coastal Commission	Projected Date: November 2015
Task 9. Certification	
Objective: Certification of the Implementation Plan	
9.1 Transmittal of City Council Action	
9.2 CCC Staff Review	
9.3 Certification by CCC	
Outcome/Deliverables: Certified Local Coastal Program	Projected Date: January 2016

BENCHMARK SCHEDULE	
ACTIVITY	COMPLETION DATE
Administrative Draft Implementation Plan I	April 2014
Administrative Draft Implementation Plan II	July 2014
Administrative Draft Implementation Plan III	September 2014
Public Hearing Draft Implementation Plan I	December 2014
Public Hearing Draft Implementation Plan II	February 2015
City-approved Draft implementation Plan	April 2015
Coastal Commission-approved Implementation Plan	September 2015
Certified Implementation Plan	January 2016

Outline of Proposed Canyon (C) Overlay

Development Areas

- Based on Predominant Line of Existing Development (PLOED)
- 3-4 Development Areas
 - Area A (principal and accessory structures)
 - Area B (accessory structures)
 - Area C (limited accessory structures)
 - Area D (no development)
- A Development Area may be modified using the stringline method on a property that is flanked on one or more sides by structures that extend beyond the PLOED



Coastal Development Permits (CDP)

- Not required for new development within PLOED
- Required to modify a PLOED
- Required for new development to extend beyond PLOED

Nonconforming Structures

- New development permitted within existing footprints
 - Principal structures
 - Accessory structures

Outline of Proposed Canyon (C) Overlay

Grading

- Slopes in excess of 50% (2:1 slope) with a minimum elevation differential of 25 feet
 - Employ site design/construction techniques to minimize alteration
- Erosion Control Plan

ESHA

- Biological assessment for new development located within 100' of ESHA
- 50 feet buffer (may be reduced)

