

Stop Polluting Our Newport

From: Kiff, Dave <DKiff@newportbeachca.gov>
Sent: Thursday, March 3, 2016 4:39 PM
To: undisclosed-recipients:
Subject: Insider's Guide for Tuesday, March 8, 2016

A happy Thursday to you. I can't believe it's March already. Here's what's on the schedule for the Newport Beach City Council meeting of **Tuesday, March 8, 2016**. There is both a Study Session and a Regular Session. The City Council's meeting information **and a link to the full Council agenda** is at the end of this e-mail. I don't summarize every item on the agenda.

Here are a few items worthy of highlighting. During the 4:00 p.m. Study Session, the Council will delve into two interesting subjects:

- **Encroachments into public property along the beach at Balboa Peninsula Point.** About 58 homes here have improvements outside of their property lines that stretch out to public property and beach. Generally, the area within the first 15' past their property is City right-of-way. Many of these improvements have been there for years – in fact, City policy includes a declaration that part of the landscaping is not an encroachment at all. The area beyond the 15' is Tidelands, and is owned by all Californians. A few years ago, the California Coastal Commission sent notices to about 15 property owners at BPP that the encroachments were not legal without a Coastal Development Permit. The City offered to step in and assist in resolving the issue, but it's taken a long time to do so. The concept we'll discuss with Council is this – should the first 15' of encroachments on City right-of-way be legal (like West Newport Beach's beach encroachments) and a fair market value-based fee paid, and should the rest of the improvements beyond 15' be remediated back to a more native look (coordinated by the City but funded by the residents there)? If so, what should the encroachment fees be used for, in terms of improved public access?

It is fairly typical that the Coastal Commission, if they approve these encroachments at all, would require that the fee be paid and allocated to meaningful public access improvements. Those possible improvements could run the gamut – from improving street end paths and parking nearby, to funding a shuttle service to the Balboa Pier or to The Wedge, or to funding the completion of a bikeway and walkway to The Wedge. Many of these ideas are very controversial with Balboa Peninsula Point residents, and understandably so. Which is in part why this issue hasn't been resolved yet. Not a fun issue to deal with, but it is not going away anytime soon.

- The second item is our annual **"Early Look"** at the planned capital projects (CIP) for the upcoming budget year. Lots of interesting things are in the proposed plan – like finally redoing the pavement at Cameo Shores. Starting design work on the Lido Marina Village Fire Station's replacement. The early look is the chance for the Council and community to take a look at what staff believes should be done, and to add, subtract, or bless the elements in the draft plan. It would come back in a few months for more formal consideration.

The nighttime **Regular Session** at 7:00 p.m. is a little quieter, but has a few items worth telling you about:

- Time to buy a **new lifeguard boat**. Those things cost \$394,000. Wow.
- The Council will be asked to enter into an exclusive negotiating agreement with a top bidder on the **Newport Pier concession**. This is a group affiliated with the Bluewater Grill. Yes, that old building out there will need to come down in any new use.
- The only item that might cause a bit of a discussion is the last one of the evening. It involves **Fire Rings** once again (admit it – you were sad this subject went away, weren't you?). Folks might have followed in the news back in November 2015 of a change in the Governing Board majority at the South Coast Air Quality Management District (AQMD). The July 2013 vote that adopted new rules on beach fire rings was a close one. After it passed, we knew we had to spread out the rings and/or change some of the fuel that could be burned there. I'm not telling you

anything you don't know, but the issue really ignited from there, and over the next two years, many dollars were combusted and many s'more opinions expressed. A little less than a year ago, we landed on a plan that complied with the rule but required a lot of administration and oversight ("sorry, scouting group, you can burn this in this ring, but not that in that ring..."). It's a tolerable but expensive (\$165,000 per year) long-term program now. It is hard to enforce and hard to keep people happy as we do so. But it likely does have some air quality benefits, and that's important too. The request before the Council asks if the City should send a letter to AQMD asking for a reset button on the 2013 changes. If the AQMD Board approved that, the City would again have some leeway to move the rings back to where they were before all of this started. They could all be wood, or some could be charcoal – the latter decision (what goes where, what fuel) would have to come back to the City Council and then before the Coastal Commission again.

Some notes:

- **Movie in the Park!** This time, **Minions** at Channel Place Park in West Newport Beach on Friday, March 4th. This is a changed location from the one originally scheduled at Sunset Ridge Park. Festivities start at 5:30 p.m., with the movie starting at 6:15 p.m. Remember that gentlemen do not steal ladies' crowns, folks.
- **The Dover Drive Car Pursuit.** At the 3-8 Council meeting after 7:00 p.m., Police Chief Jay Johnson will give a brief report about what went on there, where a CHP pursuit ended in our town, resulting in the closure of Dover Drive for a while as well as the subject of the pursuit scrambling off into Castaways Park. I've appreciated the comments of those of you who noted how complicated this one was – it involved a family with two very young kids, their own dad kidnapping them and their mom, lots of bystanders, fog that grounded the helicopter, and several jurisdictions (CHP, Huntington Park Police, us, more).
- **Dog Beach!** We sure got a lot of emails about the unofficial dog beach at the Santa Ana River mouth. The Parks, Beaches, and Recreation Commission on Tuesday night voted 7-0 not to enter into an agreement with the County to have our PD's animal control officers enforce the County's rules there. Many people spoke at the meeting, almost all in favor of trying to keep it as is. We staff members have conferred further, and we will be bringing a recommendation to the City Council that would ask the County to allow that to be an off-leash area, improve signage and trash containers and doggie bags on the City's side of the boundary, better delineate the boundary, and ask the good Dog Beach lovers to form a volunteer group to help self-police the beach (meaning peer-pressure compliance on dog waste, on dogs and dog owners that shouldn't be in an off-leash environment, and not letting any off-leash dogs onto City beaches where that's not allowed). Stay tuned on this issue.
- If anyone wants to, um, hound me in person about any of these items, you can find me in a favorite neighborhood on Saturday, March 5th, at 1:00 p.m. for the **Newport Shores Association's** annual meeting. I am told that Council Member Tony Petros will be there, too, hanging out by the cookie table.
- For those following the Coastal Commission's consideration of the **Banning Ranch proposal**, that is now moved to the May 2016 Coastal Commission meetings (they meet for three days each month). The meeting may be held here in Newport Beach at City Hall or down in Dana Point.
- **OCMA's Museum House Project.** A bit of rumor control here. The Council has received a number of e-mails about this project, but there seems to be some confusion on the senders' part (that's OK – it's a confusing process). First, the project has not been approved – it's barely even started through the process. And lots of public comments are ahead. News stories recently were about public comments on just the Notice of Preparation (NOP)/Initial Study for a Draft EIR (DEIR). The NOP is the earliest phase of the DEIR timeline. After the NOP's comments come in, the DEIR itself takes many months to prepare. Once prepared, the DEIR goes through its own public hearing process, finally ending up before the City Council at another public hearing after a 30-45 day public comment period. If you have any questions at all about it, please click here: <http://newportbeachca.gov/Home/Components/News/News/5644/2720>

As always, thanks for reading. Feel free to forward this e-mail to family, friends and members of your HOA if you represent one. I always like hearing from you, too, so please don't hesitate to ask a question or offer a comment.

Sincerely,

Dave Kiff

City Council Meeting Information: The Newport Beach City Council meets on the 2nd and 4th Tuesdays of most months (the exceptions are August and December). Typically, there is a **Study Session** that starts at 4:00 p.m. Study sessions are times for the Council to take a deeper look at a specific issue, or hear a presentation, that might eventually lead to a specific and more formal action. A **closed session** often follows the Study Session. Closed sessions are typically to address legal, personnel, and other matters where additional confidentiality is important. The **Regular (evening) Session** typically starts at 7:00 p.m., and often has a specific listing of 20-40 different items ready for formal votes. Items on the “Consent Calendar” are heard all at once, unless a Council member has removed (aka “pulled”) an item from the Consent Calendar for specific discussion and separate vote. If an item on the agenda is recommended to be “continued”, it means that the item won’t be heard nor voted on that evening, but will be pushed forward to another noticed meeting.

Public Comment is welcomed at both the Study Session and the Regular Session. The public can comment on any item on the agenda. If you want to comment on a Consent Calendar item that was not pulled from the Consent Calendar by a Council Member, you will want to do so at the time listed on the agenda – right before the Council votes on the entire Consent Calendar (it’s Roman Numeral XIII on the posted agenda). If an item is pulled, the Mayor will offer that members of the public can comment as that specific item is heard separately. Additionally, there is a specific section of Public Comment for items not on the agenda, but on a subject of some relationship to the city government.

The Council meets in the Council Chambers at 100 Civic Center Drive, off of Avocado between San Miguel and East Coast Highway. There is plenty of parking in the parking structure behind City Hall. You are always welcome to attend in person, but you can also watch on TV (Channels 3/31) or on your computer.

This *Insider’s Guide* is not an attempt to summarize every item on the Agenda – just the ones that seem of specific interest to Dave. You are encouraged to read the full agenda if you’d like – to do so, click here:

<https://newportbeach.legistar.com/Calendar.aspx>