

## Stop Polluting Our Newport

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**From:** Kiff, Dave <DKiff@newportbeachca.gov>  
**Sent:** Saturday, April 23, 2016 1:16 PM  
**To:** undisclosed-recipients:  
**Subject:** Insider's Guide for Tuesday, April 26, 2016 (Special Saturday Edition because Dave got lazy)

Happy Saturday to you. The *Guide* is both late and purple this weekend. And it appears to be unapologetic about both. The *hutzpah!*

Here's what's on the schedule for the Newport Beach City Council meeting of **Tuesday, April 26, 2016**. After the relatively tame agenda of the last meeting, this one is more meaty. For you vegans, it's more tempeh-y.

More detailed meeting information is at the end of this e-mail, and here is [a link to the full Council agenda](#). I don't summarize every item on the agenda.

The **Study Session starts at 4:00 p.m.** with a couple of interesting items:

- A discussion about what to do regarding the **Coastal Commission's** not-too-recent concerns over possible **unpermitted uses** on the beach area at **Balboa Peninsula Point (BPP)**. Many of the beach-adjacent properties there have improvements onto the City right-of-way and on State Tidelands that have been there many years. The Coastal Commission hasn't (to our knowledge) ever taken the position that the improvements are allowed, even though the City has said (dating back many years) that basically they're not actually encroachments, and that any member of the public is entitled to pull up a chair and an umbrella and crack open a cold one (a Coke Zero, I mean – what did you think I meant?) anywhere there on the public property. About 15 of the properties received Notices of Violation (NOVs) from the Commission back in 2013, and the City staff has been working with the Commission staff and residents there to see what, if anything, can be made legal and possibly put under an encroachment permit system (with a fee) like we do in West Newport Beach. WNB and BPP are not the only areas of town that have encroachments – other areas need to be looked at, too, such as Newport Shores. No, this is not our favorite issue to deal with.
- After that, there is a presentation and discussion from neighbors who want the City to adopt a “**Newport Beach Sustainability Plan**” to help prioritize energy efficiency, waste reduction, improved transportation, better water quality, water conservation, walkability and bikeability, and more. This is not an action item at this point in time.

The nighttime **Regular Session at 7:00 p.m.** continues the theme of challenging topics:

- Um, except for this first one. There is a consent item about water conservation progress. And it was great in March! A 29% (purple smiley emoji!!) water use reduction in March 2016 when compared to March 2013. That's better than any month previous to this one – helped by some rain, but still good news. More good news is that overall, our 28% water use reduction directive from the State will go to 21% through October 2016, and that seems like it's more doable in the longer term. And I guess that's the bad news – as our drought continues, the restrictions (and penalties) likely will continue too. So please keep working hard to save water. Those Navy showers are getting to be the new normal, right?
- Then we really dive into it. You're aware of the **Museum House Project** (100 residential units) in Newport Center at the OCMA site. And the **150 Newport Center Drive/Newport Center Villas** project (49 residential units) at the Beacon Bay car wash site. Both are in the same Newport Center “Statistical Area” under **Greenlight (Measure S)**. I'm going to generalize here: Greenlight requires a public vote on a project if that project involves a General Plan Amendment (GPA) and triggers one of three density/traffic/intensity measures – adding 40,000 or more square feet of commercial, 100 or more peak hour trips, or over 100 residential units to a Statistical Area. You can do the math just as well as I can. One of the projects, if both stay the same size, will require a Greenlight vote – and the order of

processing them matters. Greenlight votes happen at the END of a development approval process – if a project that involves a GPA and any one of the 3 triggers makes it through the Planning Commission, has an approved CEQA document (typically an EIR) and gets Council approval, then it goes to a Greenlight vote.

Anyway, the issue before the Council on Tuesday night is NOT the merits of each project, or whether the community loves or dislikes either one or both. It's to make sure the process is clear and to ask whether or not the Council wants to set an order for the two projects. Right now, the 150 Newport Center project is slightly ahead (about 2 months) of the Museum House project. The Council may not give any direction at all as to order, and that's OK too.

Before I close on this item, **I wanted to reiterate something I wrote last time.** To all who have written in (sometimes in all caps! ☺) and said, “ why are these being processed at all?”, remember that any property owner has a right to request that his or her project be considered, including asking for a GPA. But these are discretionary reviews – meaning that a legislative body can say yes or no to that amendment (and therefore the project). The discretion comes at the Planning Commission and City Council level, when it truly is at these bodies' discretion to recommend approval or denial of all or aspects of each project. Those actions come at public hearings where anyone can speak. They also come with the aforementioned CEQA document that can be deemed approved and satisfactory or not. Neither of these two projects even has its CEQA document out for public review – so it's still early.

- Once that's done, we'll talk about **Sunset Ridge Park and its long-needed parking lot.** Disclaimer: You are about to hear *the Guide's* bias. I think the park needs its parking lot. It remains inadequate to ask park users to walk across Superior and PCH to access this park. Yes, I'd love to have some ped bridges up there, but the park's original design and EIR had a parking lot and a lot access road in it. The park's Coastal Commission review was challenging, and the Coastal Commission ended up approving the park but only because we pulled out the access road to the parking lot. At this meeting, we'll ask the Council if we can submit the parking lot and the park access road to the Coastal Commission once again to see if the Commission will approve it, likely to be months following the Commission's determination on the Newport Banning Ranch project. FYI, the Commission meeting on **Banning Ranch appears to be set for Thursday, May 12, 2016 here at the Newport Beach Civic Center.** Coastal Commission meetings start at 9:30 a.m. and can go until late at night, as this one might.
- Staying close-by that neighborhood, we will also ask the City Council to enter into a design contract for work associated with **Lower Sunset View Park** (this is the hillside on the east side of Superior, inland of PCH up to the existing linear Sunset View Park) to consider adding amenities like more parking, a possible dog park for this side of town, a ped bridge over Superior (and maybe one over PCH), and a bike node (among other things). Design work is the first step that will also involve greater community input as to what might be appropriate here. This project will also have to go to the Council and Coastal Commission as a part of the approval path.
- Finally, at the close of the meeting, there is an item involving the City's **Finance Committee.** To paraphrase what my clever brother would say to our family at this point, “Hey, how about those Ducks?!”

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 Manager  
[dkiff@newportbeachca.gov](mailto:dkiff@newportbeachca.gov)  
949-644-3001

**City Council Meeting Information:** The Newport Beach City Council meets on the 2<sup>nd</sup> and 4<sup>th</sup> 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. If you cannot attend a meeting and/or want to communicate with the City Council directly, this e-mail gets to all of them: [CityCouncil@newportbeachca.gov](mailto:CityCouncil@newportbeachca.gov). Please know that I get a copy of that e-mail, too, because in almost all cases it’s something that the City Manager follows-up on. It’s my head-start.

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. I encourage you to read the full agenda if you wish.