



# CITY OF NEWPORT BEACH ENVIRONMENTAL QUALITY AFFAIRS COMMITTEE

## AGENDA

**DATE/TIME:** Monday, October 18, 2004 7:00 p.m.

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

### Roll Call

1. Minutes of August 16, 2004 (*draft minutes attached*)
2. Introduction of new member
3. Discussion of CEQA process and Committee review of DEIRs (*attachments*)
4. Report from Membership Subcommittee
5. Report from EQAC Representative to GPUC
6. Report from EQAC Members on GPAC
7. Economic Development Committee (EDC) Representative's Report
8. Report on LCP Process
9. Council Member Reports
10. Report from staff on current projects
11. Public Comments
12. Future Agenda Items
13. Adjournment

**NEXT MEETING DATE:** **November 15, 2004**

**LOCATION:** ***Police Department Auditorium***

\*Attachments can be found on the City's website <http://www.city.newport-beach.ca.us>, once there, click on **City Council**, then scroll to and click on **Agendas and Minutes** then scroll to and click on **Environmental Quality Affairs**. If attachment is not on the web page, it is also available in the City of Newport Beach Planning Department, 3300 Newport Boulevard, Building C, 2<sup>nd</sup> Floor.



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

*Minutes 08-16-04*

**DRAFT**

Minutes of the Environmental Quality Affairs Citizens Advisory Committee held at the City of Newport Beach Police Department Auditorium, 870 Santa Barbara Drive, on August 16, 2004.

**Members Present**

Cris Trapp, Vice Chairperson	Ray Halowski
Richard Nichols, Council Member	Carol Hoffman
Steven Bromberg, Council Member	Tom Hyans
Kristine Adams	Walter Lazicki
Barry Allen	Phillip Lugar
Brent Cooper	Dolores Otting
Laura Dietz	Christopher Welsh
Kenneth Drellishak	Jennifer Winn
Thomas Eastmond	

**Staff Present**

Sharon Wood, Assistant City Manager

**Guests Present**

Scott Barnard - Project Manager  
John Benner - Church Member  
Shelly Hyndman - Architect  
Erik Katzmaier - Landscape Architect  
Kelly Nolan - Civil Engineer

**DRAFT**

**Members not present**

Robert Hawkins – Excused	Richard Rivett
Gus Chabre	Merritt Van Sant
Sandra Haskell	

Cris Trapp called the meeting to order at 7:02 p.m.

No quorum present. Meeting began with Item 2: St. Mark Presbyterian Church Draft Environmental Report (DEIR). Presentation made by the following:

Shelly Herman, Architect  
Scott Barnard, Project Manager  
Rick Katzmeyer, Landscape Architect  
Kelly Nolan, Civil Engineer

Quorum present.

**DRAFT**

1. Minutes of July 19, 2004

**Motion:** Carol Hoffman to approve minutes with recommended changes:

- Christopher Welsh excused

Seconded: Ray Halowski.

**Motion** passes unanimously.

2. Report from Subcommittee on St. Mark Presbyterian Church Draft Environmental Report (DEIR)

**Motion:** Carol Hoffman to accept report with changes:

Seconded: Dolores Otting.

**Motion** passes. 16 Ayes, 1 Nay.

Members departed at 9:25 p.m.:

Kristine Adams, Council Member Bromberg, Thomas Eastmond, Tom Hyans, Christopher Welsh, and Jennifer Winn.

3. Report from Subcommittee on Pelican Hill Resort DEIR

Due to lateness of the hour, Committee reached a consensus to delete "a" from summary of concerns and recommended that Staff and City Council focus on "b – e".

4. Subcommittee appointed to review Newport Lexus DEIR:

Dolores Otting  
Phillip Lugar  
Matthew Wylie  
Brent Cooper  
Christopher Welsh  
Kristine Adams

**DRAFT**

5. Report from Membership Subcommittee

Dolores Otting reported on the meeting of August 13, 2004.

6. Meeting was adjourned at 9:40 p.m.

**DRAFT**

# CEQA

The California Environmental Quality Act

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- The basic goal of the California Environmental Quality Act (CEQA) (Pub. Res. Code §21000 *et seq.*) is to develop and maintain a high-quality environment now and in the future, while the specific goals of CEQA are for California's public agencies to:

- 1) identify the significant environmental effects of their actions; and, either
- 2) avoid those significant environmental effects, where feasible; or
- 3) mitigate those significant environmental effects, where feasible.

- CEQA applies to "projects" proposed to be undertaken or requiring approval by State and local government agencies.

"Projects" are activities which have the potential to have a physical impact on the environment and may include the enactment of zoning ordinances, the issuance of conditional use permits and the approval of tentative subdivision maps.

- Where a project requires approvals from more than one public agency, CEQA requires one of these public agencies to serve as the "lead agency."

A "lead agency" must complete the environmental review process required by CEQA. The most basic steps of the environmental review process are:

- 1) Determine if the activity is a "project" subject to CEQA;
- 2) Determine if the "project" is exempt from CEQA;
- 3) Perform an Initial Study to identify the environmental impacts of the project and determine whether the identified impacts are "significant". Based on its findings of "significance", the lead agency prepares one of the following environmental review documents:

- a) Negative Declaration if it finds no "significant" impacts;
- b) Mitigated Negative Declaration if it finds "significant" impacts but revises the project to avoid or mitigate those significant impacts;
- c) Environmental Impact Report (EIR) if it finds "significant" impacts.

While there is no ironclad definition of "significance", the State CEQA Guidelines provides criteria to lead agencies in determining whether a project may have significant effects in Article 5.

The purpose of an EIR is to provide State and local agencies and the general public with detailed information on the potentially significant environmental effects which a proposed project is likely to have and to list ways which the

significant environmental effects may be minimized and indicate alternatives to the project.

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Both the [CEQA Statute](#) and [CEQA Guidelines](#) are available on-line. Print copies are available to the public in all county libraries, as well as some colleges and university libraries, in the government publications section.

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| [CERES](#) | [CEQA Home](#) | [CEQA Statute](#) | [Environmental Law](#) | [Wetlands](#) | [LUPIN](#) |

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*Document URL: [http://ceres.ca.gov/topic/env\\_law/ceqa/summary.html](http://ceres.ca.gov/topic/env_law/ceqa/summary.html)*

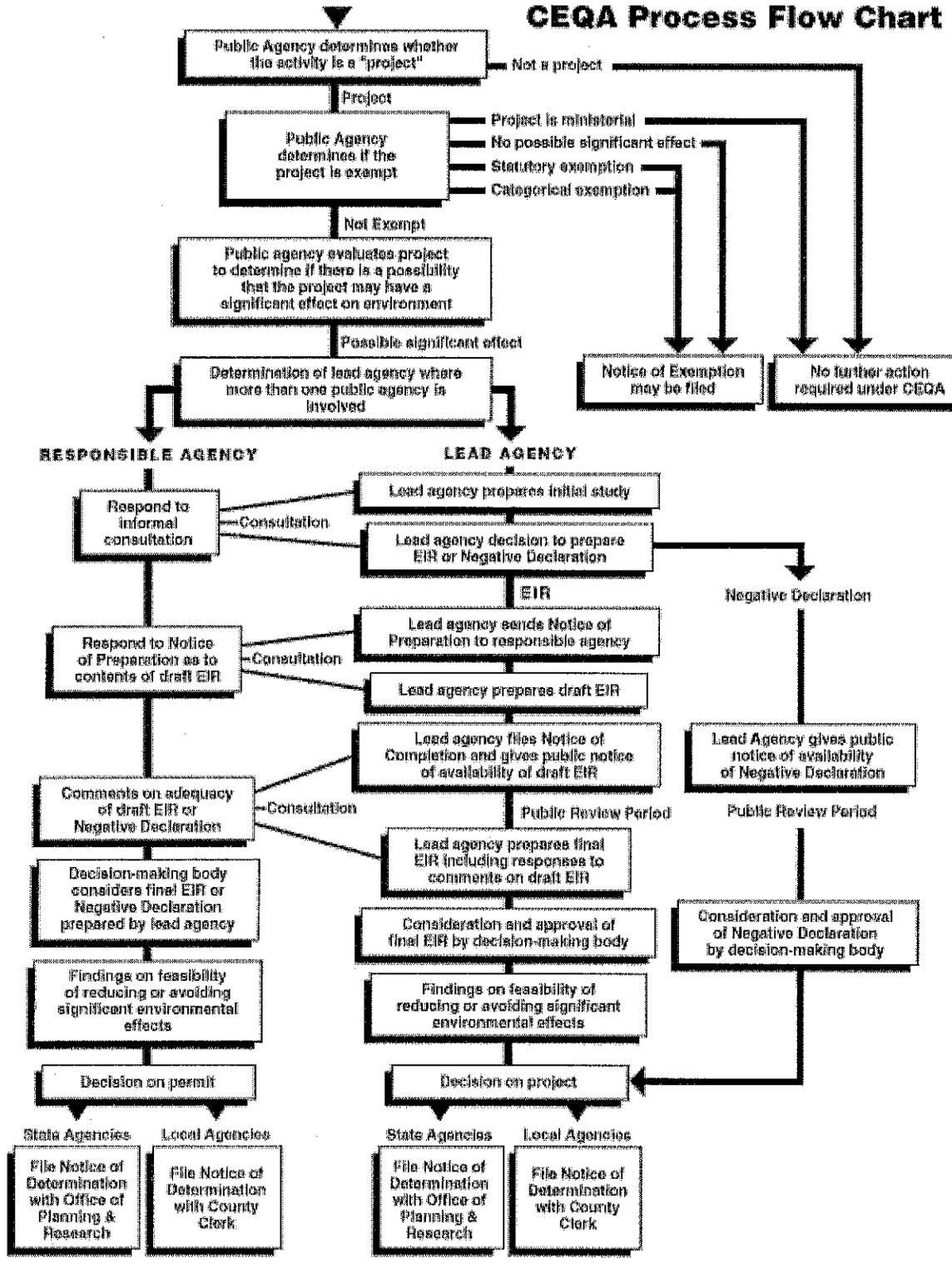
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# CEQA

The California Environmental Quality Act

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## CEQA Process Flow Chart



# CEQA

The California Environmental Quality Act

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## Frequently Asked Questions About CEQA

What is CEQA?

When and why was it enacted?

Who must comply with CEQA?

If it applies, what are the basic requirements of environmental review under CEQA?

What are the CEQA Guidelines?

How are the Guidelines crafted?

How often are the Guidelines amended?

Who enforces CEQA? What role does the Resources Agency have in enforcement of CEQA?

What aspects of CEQA compliance is the Secretary for Resources responsible?

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What is CEQA?

CEQA, or the California Environmental Quality Act, is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible.

When and why was it enacted?

The impetus for CEQA can be traced to the passage of the first federal environmental protection statute in 1969, the National Environmental Policy Act (NEPA). In response to this federal law, the California State Assembly created the Assembly Select Committee on Environmental Quality to study the possibility of supplementing NEPA through state law. This legislative committee, in 1970, issued a report entitled *The Environmental Bill of Rights*, which called for a California counterpart to NEPA. Later that same year, acting on the recommendations of the select committee, the legislature passed, and Governor Reagan signed, the CEQA statute.

Who must comply with CEQA?

CEQA applies to certain activities of state and local public agencies. A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a "project." A project is an activity undertaken by a public agency or a private activity which must receive some discretionary approval (meaning that the agency has the authority to deny the requested permit or approval) from a government agency which may cause either a direct physical change in the environment or a reasonably foreseeable indirect change in the environment.

Most proposals for physical development in California are subject to the provisions of CEQA, as are many governmental decisions which do not immediately result in

physical development (such as adoption of a general or community plan). Every development project which requires a discretionary governmental approval will require at least some environmental review pursuant to CEQA, unless an exemption applies.

#### If it applies, what are the basic requirements of environmental review under CEQA?

The environmental review required imposes both procedural and substantive requirements. At a minimum, an initial review of the project and its environmental effects must be conducted. Depending on the potential effects, a further, and more substantial, review may be conducted in the form of an environmental impact report (EIR). A project may not be approved as submitted if feasible alternatives or mitigation measures are able to substantially lessen the significant environmental effects of the project.

#### What are the CEQA Guidelines?

The Guidelines are the regulations that explain and interpret the law for both the public agencies required to administer CEQA and for the public generally. They are found in the California Code of Regulations, in Chapter 3 of Title 14. The Guidelines provide objectives, criteria and procedures for the orderly evaluation of projects and the preparation of environmental impact reports, negative declarations, and mitigated negative declarations by public agencies. The fundamental purpose of the Guidelines is to make the CEQA process comprehensible to those who administer it, to those subject to it, and to those for whose benefit it exists. To that end, the Guidelines are more than mere regulations which implement CEQA as they incorporate and interpret both the statutory mandates of CEQA and the principles advanced by judicial decisions.

#### How are the Guidelines crafted?

The Governor's Office of Planning and Research prepares and develops proposed amendments to the Guidelines and transmits them to the Secretary for Resources. The Secretary for Resources is responsible for certification and adoption of the Guidelines and amendments thereto. Prior to final certification and adoption, and pursuant to the procedures in the Administrative Procedure Act, the Secretary for Resources makes the proposed language available to members of the public, provides for at least a 45 day written comment period, and provides public hearings in which to receive oral testimony on the proposals. All public comments, whether received in writing or orally at a public hearing, are considered by the Secretary in determining whether to adopt the proposed amendments prepared by the Office of Planning and Research. Once edited and enriched by the practical experience and wisdom of individual public comments, amendments are adopted and sent to the Office of Administrative Law (OAL) for review and final approval. Guidelines approved by OAL are deposited with the Secretary of State and go into immediate effect.

#### How often are the Guidelines amended?

Revision of the CEQA Guidelines is an on-going process. By statute, the Secretary

of Resources is required to review and consider amendments to the Guidelines every two years. Annual changes to CEQA and evolving case law make revision to the Guidelines necessary on a continual basis. By the time one revision is completed, another one begins. Because the subject is so large and complex, a definitive, one-time revision is not possible. The actual process of amending the Guidelines is governed by the Administrative Procedure Act and is the same as that described above in "How are the Guidelines crafted?"

Who enforces CEQA? What role does the Resources Agency have in enforcement of CEQA?

CEQA is a self-executing statute. Public agencies are entrusted with compliance with CEQA and its provisions are enforced, as necessary, by the public through litigation and the threat thereof. While the Resources Agency is charged with the adoption of CEQA Guidelines, and may often assist public agencies in the interpretation of CEQA, it is each public agency's duty to determine what is and is not subject to CEQA. As such, the Resources Agency does not review the facts and exercise of discretion by public agencies in individual situations. In sum, the Agency does not enforce CEQA, nor does it review for compliance with CEQA the many state and local agency actions which are subject to CEQA.

What aspects of CEQA compliance is the Secretary for Resources responsible?

In addition to adopting the CEQA Guidelines and amendments thereto, the Secretary for Resources possesses the following responsibilities:

- 1) Makes findings that a class of projects given categorical exemptions will not have a significant effect on the environment;
- 2) Certifies state environmental regulatory programs which meet specified standards as being exempt from certain provisions of CEQA;
- 3) Receives and files notices of completion, determination, and exemption; and
- 4) Provides assistance in interpreting the provisions of CEQA and the CEQA Guidelines.

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# CITY OF NEWPORT BEACH

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*Mayor Pro Tem*

Garold B. Adams

*Council Members*

Steven Bromberg

John Heffernan

Richard A. Nichols

Steven Rosansky

Don Webb

August 25, 2004

Mr. Chuck Shoemaker  
County of Orange, Planning and Development Services  
300 North Flower Street, Third Floor  
Santa Ana, CA 92702-4048

### Draft SEIR for the Pelican Hill Resort

Dear Mr. Shoemaker:

The City of Newport Beach appreciates the opportunities we have been given to participate in review of the proposed Pelican Hill Resort. Although, pursuant to agreements concerning the annexation of Newport Coast, the County of Orange retains land use regulatory authority, the Pelican Hill Resort will be an important addition to Newport Beach, and the City wants to ensure that the project will be well done and well received by the community.

Newport Beach has an Environmental Quality Affairs Committee (EQAC), to which the City Council has given the charge of reviewing EIRs on projects in Newport Beach. EQAC reviewed the Draft SEIR for the Pelican Hill Resort and offered comments for the Council's consideration. The comments in this letter are based on EQAC's work and review by City staff, and identify areas of the document that the City Council believes warrant further review as the Final SEIR is prepared.

#### Excavation and Grading

Section 2.2.2 of the DSEIR states that, "The project will require approximately 979,000 cubic yards of excavation and 1,540,000 cubic yards of remedial grading." However, Table 2.2-5 entitled "Pelican Hill Preliminary Earthwork Quantities" shows that excavation will move over 1,750,000 cubic yards of material and include remedial excavation of 1,400,000 cubic yards. The City suggests that the preparer of the DSEIR confirm and clarify the excavation and grading quantities, and verify the traffic, air quality and noise impacts that may be generated by the correct quantities.

Also with regard to excavation and grading, the DSEIR does not provide the locations for either export or import of soil. These locations could affect impacts in the areas noted above, in particular traffic on City streets. The City requests that haul routes be reviewed and approved by our Public Works Department before construction begins.

### Aesthetics

Additional discussion of the aesthetic impacts of the golf cart bridge would be helpful. Figure 3.1-5d shows the Project from Pelican Hill Road at the entrance to the Pelican Hill Driving Range. The visual quality rating system indicates that contrasts are weak. However, in this view, the bridge cuts across the viewshed with what appears to be a blank wall.

### Biological Resources

The DSEIR states that biological resources were documented in previously certified EIRs for the Newport Coast Planned Community. It also indicates that a verification of resources on the proposed project site was conducted by LSA Associates, Inc. in January of 2004 to document the current conditions, which information is summarized in the DSEIR. We were unable to find a reference to the LSA report; it should be included in the Final SEIR

### Noise

The DSEIR states that construction noise and interior noise levels will comply with the more restrictive City noise ordinance restrictions on construction. However, Mitigation Measures MM-2 and MM-3 state that the applicant shall provide the County with evidence that construction and its attendant noise will comply with the County's ordinance. These mitigation measures should be changed to require compliance with the City's noise ordinance.

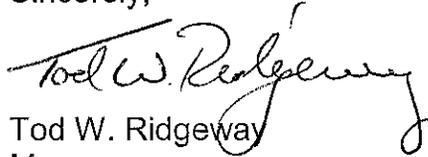
### Transportation/Circulation

In earlier comments on the Coastal Development Permit, the City expressed some concern that the golf cart bridge could hinder the visibility of the signal indications for vehicles traveling south on Pelican Hill Road South toward the signalized intersection at Newport Coast Drive. In addition, it could obstruct visibility of vehicles stacking in the left-turn pocket from vehicles approaching the intersections on Pelican Hill Drive South. We did not see this traffic safety issue addressed in the DSEIR, and encourage you to consider it.

Thank you for the opportunity to comment on the DSEIR. I hope the City's comments help to strengthen the document. We look forward to continuing

to work with the County and the applicant as this project proceeds through the permitting process and construction.

Sincerely,

A handwritten signature in cursive script that reads "Tod W. Ridgeway". The signature is written in black ink and is positioned above the printed name and title.

Tod W. Ridgeway  
Mayor



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