

From: [Jim Mosher](#)
To: [City Clerk's Office](#)
Cc: [Dept - City Council](#)
Subject: Comments on Council agenda items (4/28/2026 meeting)
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Attachments: [2026-04-28_CC_Agenda_Comments_JimMosher.pdf](#)

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Madam Clerk,

Please find attached some written comments regarding selected items on tomorrow's Newport Beach City Council agenda.

Yours sincerely,

Jim Mosher

April 28, 2026, City Council Agenda Comments

The following comments on items on the Newport Beach City Council [agenda](#) are submitted by:

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Item II. STUDY SESSION: Introducing the Newport Beach 2050 General Plan (PA2022-080)

The last comprehensive General Plan update, in 2000-2006,¹ included revisions to the Housing and Circulation Elements as integral parts of the effort.

While the present effort differs in that those elements were regarded as separate matters approved in 2022, the difference in Council and public interest in the remainder of the proposed new General Plan is stunning.

The preamble to the former General Plan Update adopting [Resolution No. 2006-76](#) lists 15 Planning Commission meetings and 17 Council meetings as it progressed through the GPAC process, and another 10 Planning Commission hearings and 8 Council hearings after the GPAC wrapped up its work with a recommendation at its March 13, 2006, meeting.² The Planning Commission and Council meetings went over every Element and most policies in depth, and [video records](#) of the last 12 months of Council meetings, which were generally long and well-attended, survive.

By contrast, this first Council study session, to be followed by a single hearing on June 23, was preceded by a brief Planning Commission review of the Land Use and Safety Elements, followed by a single Planning Commission study session and hearing on the complete final GPAC recommendation, each lasting barely 15 minutes.

For what it may be worth, I submitted some [written comments](#) at the April 23 Planning Commission hearing, at which I believe I was the only member of the public in attendance. I have not had time to expand on them since.

PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

I continue to miss the City providing printed copies of Council agenda materials for the public to study, and have to refer to at the meetings, as most other City bodies continue to do.

The experience of seeing materials in printed form is quite different from that of seeing them only on electronic devices. In my experience, the latter discourages relevant participation in the meetings. It certainly complicates preparing these comments, which are significantly less thorough than they would formerly have been.

¹ Records of the meetings of the earlier [General Plan Advisory Committee](#) from 2002-2006 are part of the City's Boards & Commissions archive. If the meetings of the General Planning Update Committee, which began "steering" the process before that (see [Resolution No. 2000-45](#)), are archived, it is not obvious where.

² Unfortunately, as often happens with limited term committees, minutes of the final meeting do not seem to exist.

Item 4. Resolution No. 2026-23: Undergrounding Utility Assessment Loan Program

It is surprising to me that this significant new program does not come to the Council with a recommendation from the Finance Committee.

And given the Council's recent interest in having more public discussion of financial matters, it is even more surprising it is scheduled on the Consent Calendar, where, if it proceeds as planned, it will be approved with no discussion at all, and not even the item title will be publicly announced.

Regarding the proposed program, on page 2, it does not seem to me that the sorts of documentation described would be adequate to establish an applicant's assets. For example, a tax return would not reveal stock ownership unless the stock paid dividends.

Item 5. Resolution No. 2026-24: Approving a Legislative Platform

Many of the planks in the current and proposed legislative platforms support legislation that enhances local control and oppose legislation that reduces it.

While I'm sure the state and federal legislative bodies will be interested in hearing this, are there really a lot of California cities that take the opposite position, seeking to have bills passed that will reduce their power?

Item 13. Planning Commission Agenda for the April 23, 2026, Meeting

The Council may notice from the Planning Division's [Tentative Agenda](#) (which does not seem to be part of the currently posted single-file [Agenda Packet](#)) that between now and when it will be asked to approve a comprehensively revised General Plan on June 23, only two of their four meetings have any items scheduled. One might wonder why the Council would not want them to use some of that downtime to more carefully review the proposed General Plan revisions, especially since two of the Commissioners were absent from the one 17-minute long review they did conduct on April 23.

Item 14. Resolution No. 2026-26: 300 Newport Center Drive Condominiums Appeal (PA2025-0102)

I think the public's consternation is understandable regarding the Planning Commission's approval of a project very similar to the Council's approval of the same developer's "Museum House," which was rescinded by the Council in 2017 in response to a voter initiative against it (see [Item 15](#) from February 28, 2017).

Since, like that, it involves a drastic change in land use, one might have expected the entire proposal for land use change and project approval to have come before the Council for public consideration as a complete package. Instead, it has been pursued in a piecemeal fashion evading proper public knowledge or close environmental scrutiny of what might change.

That tortured history is only partially disclosed in the March 5 Planning Commission staff report, which is only [linked](#) to in the present one.

In particular, it seems important to note this property has never, to the best of my knowledge, been recognized in our General Plan as a site needed to meet our RHNA requirements. It is not recognized as a “Housing Opportunity” site in the Housing Element.

Instead, when the “Housing Overlay Districts” implementing the opportunity sites were added by ordinance to the Zoning Code, it and a couple of other sites were rather surreptitiously included – even though there was no prediction of how many units in what income categories it was intended to support, making a “no net loss” evaluation of the present approval difficult, if not impossible. One had to dive deep into the map accompanying [Ordinance No. 2024-16](#) to discover that sites not in the Housing Element, including the Edwards Cinema property, had been slipped into the EIR and added to the overlay map being approved.³

Then last year (see [Item 18](#) from the June 10, 2025, Council meeting) the height limit for the property was drastically increased from 32 to 270 feet, not as a project-specific consideration, but as part of a more generalized change to height limits on a variety of properties in Newport Center and other locations, said to be necessary to make feasible construction of the housing being required by the state. However, what the height increase made possible was the large luxury units presently being proposed, which are *not* being required by the state. Keeping the original height limit would actually have served as an incentive for the affordable workforce housing that *is* being required by the state, because only if affordable (as opposed to luxury) housing was being proposed could a height waiver sufficient to make it feasible have been demanded.

Because of the large number of properties potentially impacted by these overlays and height increases, notices of these meetings were not mailed to surrounding neighbors. Instead, notice was confined to an obscure ad in the print edition of the *Daily Pilot*.

These little-noticed Council pre-approvals left the full project needing only a Planning Commission sign-off, and I believe it is this lack of any clear and transparent airing of major land use changes that is the source of much of the public’s current frustration – being told, now, that, unknown to them, what they might object to was previously approved, leaving no further recourse.

Regarding the adequacy of the CEQA analysis, the Council may wish to be aware of the recently California Court of Appeals opinion in *SAVE OUR ACCESS v. City of San Diego*, [115 Cal. App. 5th](#), 388, which found a generalized program environmental impact report was not an adequate substitute for a more substantial review of the potential impacts of major height limit increases.

³ I could have missed it, but I am unable to find anything in the [July 23, 2024, staff presentation](#) warning that the overlay maps being presented for approval included opportunity sites not identified in the previously-approved Housing Element. Likewise, I see nothing about new sites being added in the [September 24, 2024, staff presentation](#), when the ordinance returned for adoption. Instead, the presentations focused on what was claimed to have been an extraordinary amount to public engagement.

Item 15. Resolution No. 2026-25: Notice of Intent to Override Orange County Airport Land Use Commission's Determination of Inconsistency for the Comprehensive General Plan Update (PA2022-080)

It is unusual, as is the case here, for the Airport Land Use Commission to review an item before the local Planning Commission has made a recommendation about it.

It is also unusual that the staff report spends some time on the history and process for overriding the ALUC's finding of inconsistency with the AELUP for JWA, but as best I can tell, does not disclose what they found inconsistent.

I believe, as explained in the accompanying Resolution of Intention, the controversy centers around the City's insistence on using for planning purposes noise contours that differ from those specified in the AELUP. The City's preferred contours are those shown in Figure N-3 of the proposed General Plan Update that is the subject of today's Council study session.

The City's skepticism about the AELUP contours is justified, since they were computed in around 1985 to project what conditions would be like in 2005. Any resemblance to the current or future reality might be expected to be largely coincidental.

On the other hand, the City's preferred contours also have their problems. For one, they are not compliant with state law⁴ which requires General Plan Noise Elements to identify both current and projected future contours. Figure N-3 is, without further explanation, labeled "2014 Settlement Agreement Airport Noise Contours." ALUC staff assumed it represented the contours observed in 2014. I believe it shows the contours projected in 2014 for when the Agreement ends on December 31, 2030.

Additionally, the footnote at the bottom of page 5 of 11 of the proposed resolution, quoting from the EIR containing the contours and saying "*Airport noise contours were generated using the INM Version 7.0d. The latest version, INM Version 7.0d, was released for use in May 2013 and is the state-of-the-art in airport noise modeling*" is misleading. The INM modeling software is no longer the state of the art. It was superseded in 2015 by something called [AEDT](#), which has itself gone through many generations since. Additionally, since the 2014 Agreement and EIR related to commercial jets, it is unclear if the modeling included the effects of the smaller piston planes, which are frequently a matter of controversy regarding noise in what the City calls "the Airport Area" (and where neither JWA nor the City collect actual measurements to verify the predictions). Also, for reasons unknown to me, City staff refuses to include in the Noise Element the current JWA noise contours, even though they are [publicly posted](#) by the airport and including them is a requirement of state law.

By sheer coincidence, when the actual [measured 2025 contours](#) are compared to the disputed planning contours, the 1985 projections for the location of the 65 db CNEL contour in the vicinity of Mesa Drive are much closer to the current reality⁵ there than the 2014 projection, which

⁴ [Government Code Section 65302\(f\)](#)

⁵ The agreement is unique to that contour and that area. At other locations and other noise levels, the 1985 projections are a poor match to the current reality as reported by the airport.

underestimates the aircraft impacts there, but overestimates them in the area to the east of the runway.

In short, neither agency (the ALUC or the City) has an easily defensible reason for basing planning decisions on the aviation noise contours it uses (which may change significantly when alternate modes of air transportation become common).