

## February 24, 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 2. Minutes for the February 10, 2026, City Council Meeting***

The passages shown in *italics* below are from the [draft minutes](#) with suggested corrections shown in ***strikeout underline*** format. The page numbers refer to Volume 66.

**Page 496**, paragraph 5 from end: “***Jaylee Hilleabaugh Coeli Hylkema*** noted that the management of public tidelands has been an ongoing issue and expressed concerns regarding equity.”

**Page 497**, Public Comments on Consent Calendar, paragraph 2: “Jennifer ***Greston Krestan*** read aloud two letters to the editor in *Stu News*.”

**Page 501**, Public Comments, paragraph 1: “Jennifer ***Greston Krestan*** inquired about speed bumps in residential areas affecting fire department equipment.”

### ***Item 3. Ordinance No. 2026-2: Amending Various Sections of the Newport Beach Municipal Code to Address Illegal Activity During High-Risk Periods***

#### **Confusing Noticing**

This ordinance was introduced as [Item 3](#) on the February 10 consent calendar under the agenda title “Safety Enhancement Zones Expansion and Enforcement During Peak Activity Periods.” It is, at best, confusing to see the same matter come back for possible adoption under the different agenda title above, leaving the public to wonder if it is the same item they previously saw, or something new.

That said, the new agenda title seems a bit misleading since while much of the proposed ordinance seems intended solely to increase penalties for activities that are already deemed “illegal,” it would also, if adopted, make illegal certain activities that are currently legal, including permissible activities on public beaches. Moreover, it would make several changes to the Municipal Code that would be in effect all year, not just during “High-Risk” or “Peak Activity” periods. In addition to the new year-round beach activity rules, short-lodging permits will, at all times, now require the owner or agent, and the person on the rental agreement, to appear at the rental location within two hours of receiving verbal notice of a suspected violation from a City officer.

#### **Mission Creep**

More generally, it is likely a truism that it is easier to lose freedoms than to regain them, especially when a law primarily impinges on the freedoms of persons other than those with the power to enact them.

In Newport Beach, the idea of creating a “Safety Enhancement Zone” with enhanced penalties, introduced by [Ordinance No. 2003-5](#), was initially confined to a small area on a single day, the 4th of July. And although its revisions to NBMC Sec. 1.04.010 tripled fines for *any* violation of the Municipal Code during the Zone’s effective time, it was presumably intended to be selectively enforced to limit objectionable behavior by visitors and their hosts.

The single day and single location for enhanced remained the case for 22 years, until last year’s [Ordinance No. 2025-3](#), which created a new Enhancement Zone consisting of the entirety of the old Corona del Mar “Village,” from Fifth Avenue to the ocean, and while retaining a single day on the 4th of July (which the findings said had been “very successful”), it extended the time of restricted activity to include three-day Memorial Day and Labor Day weekends, for a total of seven days a year. A significant part of the concern regarding CdM was said (in the findings to the ordinance) to stem from potential disruptions involving short term lodgings, although it is unclear why there would not be a similar concern regarding Balboa Island, with its even [higher concentration](#) of STL permits.

The present proposal substantially increases the size of the “West” Newport Enhancement Zone and increases the length of enhanced penalties around the 4th of July from one day to (intentionally or not) as many as four days, adds another day (Friday) to the 3-day Memorial Day weekend and introduces an indefinite number of additional Spring Break days, currently two 9-day periods established for 2026 by adoption of Resolution No. 2026-8 at the last Council meeting.

In other words, in a single year, we have gone from thinking we need a single day a year of enhanced fines in single area to thinking we need seven days a year over a larger area, and now to 29 days a year in which we feel an ever-growing area of the city is so under siege by unruly visitors that we need to control them, and their enablers, with the prospect of triple fines. We have gone from what seemed to be widely regarded as a *necessary* restriction of freedoms on one day in one area addressing a *known* problem, to what looks like an ever-widening imposition of *pre-emptive* restrictions addressing times and in areas where problems *could* develop.

## **Broad Sweep**

It might be noted that while the Council may feel this widened scope affects primarily visitors, there is nothing in the proposed code that ensures that. The warning notices it requires to be sent go not just to short term lodging owners, but to all property owners. And the tripling of fines applies to all violations of the Municipal Code, not just visitor-related ones. A resident of CdM who may be considering washing their car in their driveway without ensuring no runoff goes into the street, or doing some minor noise-generating home maintenance on a Sunday (or a myriad of other things that are violations of the Municipal Code) needs to check their calendar to see if it is one of the 29 days. For if it is, a complaint from an unfriendly neighbor will result in a triple fine.

## **Incorrectly Expanded Fourth of July?**

As to the rationale for increasing the days of enforcement around the 4th of July, I am not sure the authors carefully considered what they are proposing. The current NBMC [Subsection](#)

[1.04.060](#) defines the single day of enhanced fines as running “*from 12:01 a.m. on July 4th to 3:00 a.m. on July 5th.*” The proposal is to replace this with “*from 12:01 a.m. on Friday until 11:59 p.m. on Monday when the Fourth of July falls on a Friday, Saturday, Sunday or Monday; (3) from 12:01 a.m. on July 4th to 3:00 a.m. on July 5th when the Fourth of July falls on a Tuesday, Wednesday or Thursday.*” Under federal law, Monday is a holiday only when the 4th of July falls on a Sunday or Monday. If it falls on a Friday or Saturday, Monday is not a holiday. So, there is never more than a 3-day 4th of July weekend. What possible rationale could there be for including Monday in the enhancement period when the 4th of July falls on a Friday or Saturday and the revelers have presumably cleared out and returned to work or school on that Monday? It is similarly unclear why a Friday before the 4th of July is being included in years when it is not a holiday (and why Friday is being included for the Memorial Day weekend, but not the Labor Day one).

The public may also be interested to know if it can expect operational changes corresponding to the newly-expanded days around the 4th of July. The Police Department has long asked for permission to close certain streets in West Newport on the 4th, most recently in 2025, with the 4th falling on a Friday, with [Resolution No. 2025-35](#), but only for one day. It has also asked for enforcement assistance from other city and county agencies. This year, with the 4th falling on a Saturday, but the Enhancement Zone running for a full four days, from Friday through Monday, will it want to close the roads all four days (even though Monday will be a normal work day)? And will the outside law enforcement agencies be present all four days, and not just on the 4th?

## **Mandatory STL Permit Revocation**

Regarding the controversial proposed new mandatory revocation of short term lodging permits for selected violations in active Enhancement Zones, that seems a rather severe penalty of some violations that seem inherently subjective and likely to lead to uneven enforcement. For example, violations of NBMC [Chapter 10.28](#) (Loud and Unreasonable Noise) are inherently judgement calls on the part of the responding officer. Others involving the renter’s conduct seem difficult for the permit holder to control – such as amplified sound audible at the property line or operates any device reproducing sound outside the lodging, even if not audible, between 10:00 p.m. and 10:00 a.m.<sup>1</sup> (per NBMC [Subsection 5.95.047.A.4.b](#)) – making immediate revocation of the permit a severe penalty in the absence of a clear pattern of renting to persons ignoring the rules. It seems like the wrong person is being penalized. This will also provide neighbors with an opportunity to get STL permits removed by strategically lodging complaints on one of the 29 days when mandatory revocation, rather the possibility of suspension, is the consequence of a relatively minor violation – and that opportunity will, unfairly, be available only for STL’s in selected areas.

## **Shade Structures**

Regarding the proposed new year-round restrictions on allowable use of personal shade structures at the beach, it is curious that staff is asking the Council to adopt them without a recommendation from our Parks, Beaches and Recreation Commission. City Charter [Section](#)

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<sup>1</sup> It is difficult to guess where the “10:00 a.m.” came from. The “quiet hours” for Newport Beach, found in NBMC [Chapter 10.26](#) (Community Noise Control), normally run from 10:00 p.m. to 7:00 a.m.

[709](#) places on that body a requirement to “*Act in an advisory capacity to the City Council in all matters pertaining to parks, beaches, recreation, parkways and street trees.*” These new rules would certainly appear to be a matter involving beaches and recreation. This Charter-imposed requirement to advise the Council seems even stronger and less avoidable than the Council’s self-imposed requirement for proposed Zoning Code amendments to always come to Council with a recommendation from the Planning Commission.

As to the substance of the new shade structure rules, the February 10 staff report said the revised code “*Clarifies spacing, height, placement and visibility requirements to ensure unobstructed emergency access, public safety visibility and safe pedestrian movement during periods of heavy beach use.*” However, the extensive [redlining](#) indicates the revisions are not confined to clarifying existing rules, but impose new and more restrictive ones:

- For example, the existing rules allow structures, or groups of structures, providing up to 100 square feet of shade. The proposed code prohibits grouping and limits the allowed single structure to a width, and its point of maximum width, of 6 feet, which would correspond to a 6-foot diameter circular umbrella (28 square feet) or a square shade with a 6-foot diagonal (4.2 feet on a side, or 18 square feet). Those are both much smaller than currently allowed.
- It requires anchoring, while simultaneously prohibiting many commonly used methods of anchoring.
- It introduces a new prohibition on anything that “*obstructs line-of-sight access from the surrounding beach or shoreline.*” I do not know what obstructing “line-of-sight access” is intended to mean, but if it prohibits anything obstructing any visual line of sight that would exist without the structure, then this would seem to prohibit the erection of any opaque structure at all. If it means obstructing physical access (by foot or vehicle) along any possible straight line (“sight” is along straight lines) that, too, would seem to prohibit any structures, opaque or not.

Apparently small, transparent coverings will still be allowed on Newport Beach beaches, but they would not seem to provide much protection from the sun.

#### ***Item 4. Resolution No. 2026-13: Limiting the Parking of Vehicles on Certain City Streets***

Curiously, the Google Street Views of the golf cart parking areas west of Marine Avenue at [Balboa Avenue](#) and [Park Avenue](#), which are available for a number of years, do not document a problem. They do show the number of spaces increasing over the years. They do not show them being overutilized. They most frequently show a single parked cart or none at all.

Has something changed in the last year? Or does the problem exist at a time of day or time of year not represented by the photos?

As to the proposed resolution, it is not clear why it refers to the “*South side of Park Avenue*” but the “*North curbside of Balboa Avenue.*” Is some distinction intended between “side” and “curbside”?

**Item 6. Citywide ADA Improvements - Award of Contract No. 9943-1 (26R12)**

Is the funding for this contract dependent upon the Council's approval of dedication of CDBG funds to ADA improvements in Item 11 on the present agenda? If so, isn't it being voted on out of sequence? Doesn't the funding mechanism need to be approved before a contract dependent on it can be approved?

**Item 8. Amendment to Professional Services Agreement for Video Production and Programming Services with TV Pro Gear, Inc. (Contract No. 9488-1)**

The staff report is confusing in that the Abstract says "*The remaining contract balance is sufficient to complete the services through the current term,*" yet the Discussion says it is "*insufficient,*" and a \$60,000 increase in the not-to-exceed amount is being requested.

Is the "*sufficient*" in the Abstract a misprint for "*insufficient*"?

Assuming that is correct, since the existing contract referred to in the item title has not previously received Council review, it would have been helpful to disclose what the "[scope of work](#)" referred to in the Discussion as "not modified" is.

Although the contract appears to call only for the filming of City Council and Planning Commission meetings, I believe it may have been used to produce videos of the General Plan Advisory and Update Steering Committee meetings, as well. Is that the reason for the cost overrun? If that is not the reason, what is?

That said, if the City was truly interested in improving communication with the public it might consider creating and posting videos of additional City meetings, possibly using a lower cost method, such as a fixed camera position that would not require manual operation and editing.

As an example to consider, since 2020, the City of Rancho Palos Verdes (with a population about half that of Newport Beach), appears to stream and [post timely videos](#) of essentially all its public meetings. The City of Stockton (about four times the population of Newport Beach) appears, since 2021, to use two fixed cameras to record and [post videos](#) of all its board, commission and committee meetings. The City of Pasadena (with a population about 50% larger than Newport Beach) has, since 2021, often [posted](#) videos, but at least audio recordings, of all its board, commission and committee meetings.

In Newport Beach, by contrast, short of submitting a Public Records Act request, the public who were unable to attend in person have to wait, as an extreme example, three months (sometimes six, if the next meeting was cancelled) to see a written record of what happened at the last Aviation Committee meeting (and a month or more for other commissions and committees). Frustrated parties, such as the Newport Mooring Association, appear to be filming, at their own expense, meetings of the Harbor Commission to have a complete and accurate record.

***Item 10. Cultural Arts Grants Fiscal Year 2025-26***

Comparison with the recommendations from last year, [Item 12](#) at the March 11, 2025, meeting, indicates a great deal of similarity. Grants were recommended to be awarded to eight organizations each year. The only difference is the Balboa Island Improvement Association and the Newport Theatre Arts Center have dropped off the list, while the Choral Arts Initiative and Wildlife Jewels have been added.

***Item 11. Resolution No. 2026-14: Substantial Amendment to the 2025-2026 Annual Action Plan for the Federal Community Development Block Grant Program***

Table 1 of the staff report indicates the \$750,000 recommended to be dedicated to ADA improvements would come from the unallocated balance in the current fiscal year plus balances from two previous years.

It would have seemed helpful to put these numbers in the context of the total funding received in each year that could be used for this purpose. Will this proposal be using all the funding that was received and could be used for physical improvements? Or only a part of it?

***Item 12. Approval of Proposed Revisions to Various Council Policies*****Overview**

As the staff report indicates, on January 14, 2025, (as consent calendar [Item 6](#)) the City Council appointed a three-member subcommittee which was allowed to meet privately to review the [City Council Policy Manual](#) and was asked to report back any recommended changes to the full Council before the end of 2025. The committee failed to report back, but the present item purports to reflect the changes they would have recommended if they had recommended changes.

It is good to see City staff has placed the recommendations on the regular agenda for discussion, as opposed to the consent calendar, and that a redline of the proposed changes has been provided.

It is much less good that staff has provided no table indicating which of the proposed changes are substantive, and for the policies affected by those, why they are being changed and how their interpretation would, after each proposed change, differ from how they operate today.

It is also problematic that the redlining cannot be trusted to be accurate. For example, the redline of the proposed Council Policy A-17 (Newport Beach City Council Airport Policy) suggests that the only changes to the existing policy are a new paragraph added on page 1 and a minor change to one sentence within a paragraph on page 3. Yet the entire existing policy has been rearranged (and even the name changed), condensing eleven pages of existing text (plus many pages of attachments) down to slightly over three.

## Missing Review by Boards, Commissions and Committees

According to the staff report, one purpose of the review was to ensure the policies are consistent with our City Charter. Yet, even though the Charter requires certain boards and commissions to advise the Council on policy matters, only two of the proposed policies, to the best of my knowledge, have been shown to any other body before asking the Council to adopt them.

One of those is the new Council Policy A-17 (Newport Beach City Council Airport Policy), a version of which was seen by the City's recently-restructured Aviation Committee at its [January 26 meeting](#). While the City Charter does not require the Council to seek their advice, the meagre redlining noted above may represent some of the committee members' suggested additions to the draft changes they saw – although for the reasons stated in my comments on Item 8, above, it is difficult to tell because a written record of what happened at the January 26 meeting will not be available until the Aviation Committee meets again, which will be no sooner than April 27.

One body that *is*, in the City Charter scheme of government, expected to advise the Council is our Parks, Beaches and Recreation Commission, established by Charter [Section 709](#). Of the five revised policies relevant to them (B-1, B-9, B-13, G-1 and G-6), the only one they were shown was Policy G-1 (Retention, Removal, and Maintenance of City Trees), which they saw at their [February 3, 2026, meeting](#). Again, we do not yet have a written record of their discussion, but my recollection they found the proposed changes so extensive that they requested more time to consider them before making any recommendations, and also asked to communicate with the Council reviewing committee (which they assumed was still reviewing its own recommendations, unaware it had ceased to exist).

One of the features of PB&R meetings, for many years, has been that when public hearings end, the chair tells the audience *"If anyone is not happy with our decision, you can appeal to the City Council."* Under the proposed revisions to Policy G-1, that will need to be changed (at least for trees) to *"If anyone is not happy with our decision, it is final, but you can always sue us."*

**Why would PB&R's request for more time to review Policy G-1 be denied? And do any of the Council members really want to deny their constituents the ability to appeal commission decisions to them? Are they even aware this change is being proposed?**

None of the other revised policies relevant to PB&R were even seen by them. Similarly, I am doubtful that most of (or even any?) of the revisions relevant to the Planning Commission or the Finance Committee were seen by them.

## Deletion of Policy D-4 (Innovation/Improvement Incentive Program)

The only proposal for which the staff report provides any specific reason is the proposed deletion of Policy D-4, for which it says the committee *"concluded that it functions better as an administrative policy than a formal Council policy. Rescinding Policy D-4 will help keep the Council Policy Manual focused on governance matters while allowing staff to manage innovation initiatives administratively."*

There are at least two problems with that reasoning: (1) nearly all the Council policies exist to establish rules determining how the City is expected to be administered (so why shouldn't they all be deleted?); and (2) the internal administrative policies promulgated by the City Manager and department directors are not publicly posted, nor are they (at least in recent years) reviewed by, let alone approved by, the Council.

In the present case, while the details of the "Innovation/Improvement Incentive Program"<sup>2</sup> might be left to City staff to work out, I would think the Council would want to set the policy as to whether such a program should exist, who should be eligible for the incentives, and how much of the City's money can be spent on it. The latter, in particular, is a budget matter which is a quintessential Council oversight function, and should not be left to those spending the money on themselves.

### Comments on Specific Policies

I am unlikely to be able to review all the changes before these comments are due, but here are a few thoughts about a few of the proposed revisions. Proposed policy revisions that I have not had a chance to review are indicated by ellipsis ("...").

#### Policy A-1 (City Council)

One might wonder why continue to start Council meetings at 4:00 p.m., an hour at which many working residents will be unable to attend. That hour was originally intended for non-action study sessions, followed by the closed session, with the regular meeting starting at a later hour.

Placing public comments on non-agenda items at the beginning of the meeting is a welcome innovation, allowing persons wanting to make them to not have to wait hours to do so.

Allowing public comment on agenda items before the matters are heard is also welcome, but only if the comment can be continued when the item comes up for discussion. At the very least, a person using only a small part of their 3 minutes to comment at the beginning of the meeting about an agenda item should be allowed to use the remainder of their 3 minutes<sup>3</sup> to finish their comments about the item when the Council discusses it later in the meeting. But that does not appear to be spelled out in the proposed policy.

The proposed restriction on advocating for or against a ballot measure during non-agenda public comments, especially if it is a city ballot measure, is highly problematic. A city ballot

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<sup>2</sup> If I ever knew of it, I did not remember the City had an "Innovation/Improvement Incentive Program" offering cash to its employees, and I do not know if it is currently active. As best I can tell there is no line item in the currently-approved [budget detail](#) indicating any funds allocated to be spent on "Innovation" or "Improvement" "Incentives" or rewards. I am aware of a "[Rewarding Ideas Program](#)" at the [Costa Mesa Sanitary District](#) (from whom I receive sewer service). But it is part of board-approved Administrative Policies and the actual award to an employee requires board approval (which not only provides oversight, but public recognition of the employee's innovations).

<sup>3</sup> Only a few of those participating in today's meetings may recall that during most of the City's history, the time allowed for public comments, if there was any limit, was 5 minutes. Why it went to "3" and why "4" was never considered is unclear. As to the value of having two opportunities to speak, even fewer may recall that in 2014, [AB-194](#), which would have required all Brown Act bodies to provide an opportunity for public comment *both before and during* the consideration of every agenda item, overwhelmingly passed the California legislature but was vetoed by Governor Jerry Brown.

measure is indisputably a matter within the subject matter jurisdiction of the City Council, and Government Code [Section 54954.3\(a\)\(1\)](#) of the Brown Act requires the Council to “*provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public ... that is within the subject matter jurisdiction of the legislative body.*”

In the proposed new rule for selecting the Presiding Officer in the absence of the Mayor and Mayor Pro Tem, if the most senior member is to be chosen, it is quite likely there could be more than one “most senior” member. The rule should be refined to defer to the one who received the most votes at their most recent election.

The requirement for the Presiding Officer or (now) City Clerk to state the question before a vote is taken on any Council motion (other than to approve the staff recommendation found in the agenda) is also most welcome, although the existing provision to that effect has almost never been enforced. Will the revised one be honored?

The rule that a “*motion is a proposal in that it sets forth something the person making the motion favors*” is proposed to be deleted. I do not understand why.

It is not clear why the rules allowing extra time for spokespersons for a group have been deleted, or the “Limitation on Debate” rule requiring rotation between speakers on the dais when some are waiting a turn to speak.

The new requirement to disclose ex parte communications is welcome, provided it is understood the disclosure is supposed to summarize the information received, not just that a communication took place. Without a summary, there is no chance to challenge the misinformation that may influence a decision.

It is strange the “Voting Procedure” paragraph does not seem to mention the electronic system that is most often used, but only oral and hand-raising votes.

It is unclear why a new limit of a single substitute motion has been introduced.

Under “Ordinances, Resolutions and Contract,” why is the Planning Commission being stripped of its authority to initiate Zoning Code amendments? That authority is found in Municipal Code [Section 20.66.020](#), and one of the stated goals of the present exercise is to improve consistency of the policies with the NBMC, not to create new inconsistencies.

Why is the entire section on “City Council Member Requests for Research or Information” proposed to be deleted? This is an important issue which must be dealt with consistent with the restrictions imposed by [City Charter Section 406](#). It is hard to see how deletion of the rules helps ensure actions will be consistent with the Charter.

## **Policy A-2 (Boards, Commissions, and Committees)**

Under “Boards and Commissions (Permanent),” it is unclear why “*or resolution*” is proposed to be deleted. City Charter [Section 700](#) was amended in 2012 to allow new boards and commissions to be created by resolution. Unless the Council does not want to exercise that power, this change seems to be a reversion to a now obsolete rule.

Under “City Council/Citizens’ Committees (Standing or Ad Hoc)” the word “Annually” has been moved without deleting the original occurrence of it, resulting in it appearing twice in the second sentence.

As a general comment, the intended distinction between the various kinds of committees does not seem universally followed. For example, under [Boards, Commissions and Committees](#) on the City’s website, the City Clerk lists four committees under “Citizens Advisory Committees” even though all four are chaired by Council members, which would seem to make them “Council/Citizens Ad Hoc Committees” under the Policy A-2 definitions. It has been a number of years since Newport Beach has had a true Citizens Advisory Committee, consisting solely of ordinary citizens.

Under “New Boards, Commissions, or Committees – Citizen Appointment,” why is the “*enabling*” ordinance or resolution here called a “*formation*” one?

Under “Annual Appointment List,” if by “posting” at the Central Library, that means on the bulletin board, I don’t think that happens. It may be in some binder at the Reference Desk, but I don’t know.

Under “Qualifications,” there should be a requirement for the City Clerk to notify applicants when their application has been destroyed. Otherwise people, unaware of this policy, will imagine they have an application on file when they don’t and need to re-file.

The “Limit on Service” provisions may be outdated. I believe the Council has established committees with terms other than four years.

**I am very concerned about the proposed changes under “Optional Ad Hoc Appointments Committee.”** If I understand the revisions, it looks like there will no longer be a confirmation of recommendations at the meeting prior to the one at which appointments are made, and that on the night of appointment, there may be only a single nominee to consider for each position. Compared to other cities, we already have a very opaque system in which applicants are not publicly interviewed. It looks like these revisions, if adopted, will take the Council members not on the Ad Hoc Appointments Committee completely out of the process, expecting them to rubberstamp the selections made privately by the Committee.

The provisions under “Business Improvement District Appointments” have always been problematic. They defer to the California Streets and Highways Code, but if I recall correctly, that code defers to the city’s appointments policy.

Under “Recording of Open Meetings,” I have never understood why we are so anxious to destroy recordings after one year. That seems far too short, and I don’t think electronic storage costs make it necessary.

In the title to “Use of City Stationary,” the misspelling of “Stationery” was noticed and corrected for Policy A-1. Why is it not being corrected here?

### **Policy A-12 (Discretionary Grants)**

Why is the provision allowing an audit of the use of granted funds being deleted?

### **Policy A-17 (Newport Beach City Council Airport Policy)**

As noted in the "Overview" above, the redlining is deceptive. This policy has been completely rearranged, rewritten and even retitled. The small bits of redlining may represent further additions suggested by members of the Aviation Committee.

### **Policy B-1 (Park Fee Policy)**

This policy was not reviewed by PB&R.

In the last sentence of the first paragraph under "Service Criteria," was "*as those trails*" intended to read "*and those trails*"?

Where and how is the extent of the listed trails defined?

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### **Policy G-1 (Retention, Removal, and Maintenance of City Trees)**

This policy is the subject of extensive redlining, which may or may not be comprehensive or accurate.

As noted above under "Missing Review by Boards, Commissions and Committees," it was presented to the Parks, Beaches and Recreation Commission at their February meeting, but they did not have time to make recommendations about it.

Why would the Council rush to adopt it prior to PB&R's review?

Personally, I am concerned about the deletion of the existing ability to appeal PB&R tree decisions to the City Council. I would think at least some of the Council members would be concerned about that as well.

Without having time to adequately review any of the other provisions, but should it be adopted, I would simply note the proposed new policy title ("RETENTION, REMOVAL OF CITY TREES") seems ungrammatical. For consistency with the titling of other policies, shouldn't it at least be "Retention *and* Removal of City Trees"?

### **Policy G-6 (Maintenance and Planting of Parkway Trees)**

This policy was not reviewed by PB&R, although their providing the Council with advice regarding park and parkway trees is arguably required by the City Charter.

The changes may be primarily a moving of tree maintenance rules from Policy G-1 to Policy G-6, but why was "Parkway" removed from the section title of "STANDARDS AND SPECIFICATIONS FOR PLANTING PARKWAY TREES." Isn't that section still exclusively about parkway trees?

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## **Policy L-23 (The Siting of Wireless Telecommunications Equipment on City-Owned Property)**

This policy is of particular interest to me since it resulted, in 2009, in City staff approving, without any public notice, the placement of cell antennas at eye level atop a City streetlight pole in front of my home's Upper Back Bay view windows, resulting in my involvement in City policy issues.

Since I understand the City is currently in the process of comprehensively reviewing its cell siting regulations, I have trouble understanding why this part of that is coming forward separately, and even if there were a reason for that, why it is being wrapped together with revisions to 15 unrelated policies, and, like those other 15, being presented for approval with no explanation of how it is being changed, or why.

That sounds like poor policy making to me.

For starters, while I gather that "personal wireless service facilities" may be a term defined in federal law, I think the inclusion of the word "personal" in this City policy is confusing. Most readers will assume it regulates things like a home WiFi connection, which I don't think is its intent.

In addition, the proposed new title ("REDUCING BARRIERS TO WIRELESS SERVICE FACILITIES ON PRIVATELY OWNED PROPERTY, ON CITY-OWNED AND CITY-HELD TRUST PROPERTY, AND THE PUBLIC RIGHT-OF-WAY" – 20 or 24 words depending on how one counts hyphens) seems inconsistent with the other Council Policy titles, both as to length (many of which are just 2 or 3 words, and longest is 15) and to tenor. Something as simple as "WIRELESS SERVICE FACILITIES" (3 words) would be more in keeping with the other titles.

The new inclusion of "private property" in the title and first two paragraphs is particularly confusing since the third paragraph under "Policy" on page 1 seems to say the policy does *not* apply to private property. Why is it being added if the policy continues to be only about City property?

Next, without explanation, I do not understand how the City can exclude installations on City property and trust lands from any permit requirements, including coastal development permits. I don't believe the City has the latter power.

I continue to not understand the prohibition on adding cell service antennas to traffic signal poles. They seem to me, in many cases, the most logical and unobtrusive option. Doesn't the basis for this restriction need to be reevaluated?

It seems irresponsible to me to adopt the proposed changes to the rent structure without any explanation of where this proposal came from and what, if any, other options are available.

I do not understand why there would be no notification or opportunity for appeal.

I do not understand why encroachment permits would not still be required. Is the City completely abandoning any control over use of our public rights-of-way? What happened to our interest in "maintaining local control"? Do we assume all telecom companies have our best interests at heart?