

**CITY OF NEWPORT BEACH
GENERAL PLAN UPDATE STEERING COMMITTEE AGENDA
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE**

**AUGUST 24, 2022
REGULAR MEETING – 6 P.M.**

I. CALL MEETING TO ORDER – 6:00 p.m.

II. WELCOME AND ROLL CALL

Present: Chair Nancy Gardner and Committee Members Kimberly Carter and Phillip Brown

Absent: None

Staff: Deputy Community Development Director Jim Campbell and Principal Planner Ben Zdeba

III. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Deputy Community Development Director Campbell announced that the Housing Element Draft has been deemed substantially compliant with State law by the State Department of Housing and Community Development (HCD) and will be brought to the City Council for adoption on September 13, 2022.

Jim Mosher, resident, noted better sound quality in the City Council Chambers and a small General Plan Update Steering Committee (GPUSC) size.

IV. CURRENT BUSINESS

a. Minutes of August 8, 2022

Motion made by Chair Gardner and seconded by Committee Member Carter to approve the minutes of August 8, 2022, with edits made by a member of the public.

With Committee Member Brown abstaining, the motion carried unanimously 2-0.

b. Formation of a General Plan Advisory Committee

Staff drafted a City Council resolution to create the General Plan Advisory Committee (GPAC) based on feedback from the GPUSC on August 8, 2022 and shared it with the GPUSC for review.

Chair Gardner commented on areas of the resolution with confusing language, and together with Deputy Community Development Director Campbell, clarified the following:

- One member from each of the City boards, commissions, or committees total six members are part of the sample membership.
- Non-City boards can be expanded by GPUSC and individual commissions will identify representatives.

Chuck Fancher, resident, suggested including in the GPAC enablers and actors who will bring the General Plan to life, such as, developers, regional transportation agencies, Lyft, and Uber. Chair Gardner reminded him that the GPUSC agreed that the GPAC will consist of Newport Beach residents, and staff will arrange for speakers to provide educational opportunities, which Committee Member Brown thought was a great idea.

Jim Mosher recommended creating a combined GPAC composition category titled “diverse at large membership with an emphasis on geographic diversity” to replace the existing last two rows in the GPAC Composition table, addressing the GPAC selection process and structure in the resolution, and a different GPAC application than the standard City application form.

David Tanner, resident, thought that applicants should be considered based on their qualifications, understanding of the topic, and transparency and supported public workshops by independent outside experts.

In response to Council Member Brenner’s suggestion to use Council districts for geographic areas, Deputy Community Development Director Campbell stated that it could be done, and Chair Gardner noted that district representation on the GPAC will be required as well as representation for unique areas.

Chair Gardner expressed an indifferent opinion to combine the GPAC composition categories suggested by Mr. Mosher and while Committee Member Carter was also indifferent, she thought it would provide for more flexibility.

Deputy Community Development Director Campbell favored the suggestion by Mr. Mosher to prepare and use a supplemental questionnaire in addition to the standard City application that is geared toward the General Plan, target areas, qualifications, and time commitment.

Chair Gardner and Committee Members Brown and Carter agreed that the GPUSC will recommend to the City Council a GPAC chairperson.

Chair Gardner summarized that the GPUSC will create a new GPAC application and combine the last two GPAC composition categories in the table for greater flexibility.

In response to Chair Gardner’s inquiry to adding additional non-City boards other than Oasis, the school district, and the historical societies, Chuck Fancher suggested the Water Utilities Commission and Chair Gardner identified it as a guest speaker topic.

Chuck Fancher indicated that the provision of water to the City over the next 20 years and forward is critical and needs to be included in the General Plan. Deputy Community Development Director Campbell noted his attention to water sourcing, relayed that the General Plan Update will involve all City departments and the community, and stated that staff will provide expertise to the GPAC.

Jim Mosher suggested reducing the selection number from the non-City boards, commissions, and committees and increasing the selection number from the environment interest groups category.

The GPUSC and members of the public brainstormed on ideas for additional non-City boards, commissions, and committees including reducing the number of non-City boards, commission, and committees to three and adding to another area from the environmental interest group, differing perspectives from non-City representatives versus similar perspectives of environmental groups, an omission of the Newport Bay Conservancy, adding the newly formed Newport Beach Fire Safe Council, consideration for the Balboa Chamber of Commerce, a flexible approach, and sending notices to as many groups as possible.

Chair Gardner reviewed the current list and, with the Committee in agreement, she announced that a representative from each Council district will be accounted for.

Deputy Community Development Director Campbell used a presentation to review the GPAC selection process and noted interest in including any overlooked areas in the GPAC composition and using the process as a guide with the goal of producing a diverse group of people that represent many issues. He reminded the GPUSC that they have the latitude to make recommendations to the City Council.

In response to Chair Gardner's questions, Deputy Community Development Director Campbell indicated a two-week period to process applications, suggested application questions, indicated that the recommendations need to be done at a noticed public meeting, noted challenges related to the Brown Act, and after favoring Committee Member Carter's suggestion to rank the applications, he stated that the rankings could be reviewed at a public meeting followed by a recommendation.

In response to resident Dennis Baker's inquiry of organizations recommending a representative, Chair Gardner and Committee Member Carter suggested groups consider the GPAC qualifications and encourage more than one applicant to apply.

Jim Mosher shared the public interview process in Costa Mesa and Laguna Beach.

Nancy Scarbrough, resident, noted the challenges related to interviewing large numbers of applicants and in response to her question, Chair Gardner confirmed that all recommended candidates will be required to complete an application.

At the request of Deputy Community Development Director Campbell, the GPUSC agreed for Chair Gardner to review an edited document containing the additional parameters from this meeting, provide direction, and allow staff to submit a revised document to the City Council. Furthermore, the GPUSC agreed to meet again in late September to review a questionnaire draft prepared by staff before attaching it to the application and any other agenda items.

c. Update on Housing Element and Land Use Element Approach

Deputy Community Development Director Campbell used a presentation to present an updated approach to revising the Land Use Element as part of implementing the Housing

Element consistent with the adopted Section 4 (Housing Plan) and State law, update for consistency only, and a commercial intensity retention concept.

In response to Committee Member Brown's questions, Deputy Community Development Director Campbell noted that the overlay process is an additional opportunity for housing that is in the existing fabric of the General Plan and included in the Environmental Impact Report (EIR) baseline. He further noted that additional housing will be added to the General Plan with known impacts and will not subtract from the nonresidential intensity, a substantial number of units and traffic trips in the Charter Section 423 vote, and a net reduction in trips in the event of a loss of nonresidential intensity post EIR. Additionally, Deputy Community Development Director Campbell confirmed that underlying zoning will be kept with the opportunity to change the property use, meet commercial needs, and provide flexibility and an examination of zoning issues per focus area is included in the Land Use Element Update and associated zoning overlays with unique solutions to minimize conflicts and keep it all as simple as possible. Lastly, he noted the goal of showcasing this approach to the GPUSC because it is different from what he shared at the last meeting and provides an opportunity to retain what is there and repurpose it.

In response to Committee Member Brown's question, Deputy Community Development Director Campbell relayed the assumptions in the EIR and the EIR amendment processes.

Jim Mosher questioned the feasibility of adding 40,000 people without adding new commercial opportunities, expressed concerns for litigation from the State and a potential nullified Greenlight provision from a rejected vote, and proposed providing two or three plan options on the ballot that meet the minimum amount of residential density required by the State mandate.

Chair Gardner recapped that staff is aware of the issues surrounding a Greenlight vote and the Council's decision to move forward and shared the same concerns as Mr. Mosher.

In response to Nancy Scarbrough's question, Deputy Community Development Director Campbell explained that a discussion took place in a City Council Study Session with no specific "weigh-in" from the Council regarding the termination of zoning overlays once the Regional Housing Needs Assessment (RHNA) numbers are reached. Ms. Scarbrough noted the merits of Mr. Mosher's concern and idea and offered an idea to include private money and grants that are a high percentage of affordable for a more palatable solution and potentially more agreeable by the public. Deputy Community Development Director Campbell stated that the Housing Element includes a policy that encourages 100 percent inclusionary, but it does not affect the housing analysis.

David Tanner thanked staff for their efforts to gain approval of the Housing Element draft, wished for a housing unit cap in the General Plan, and favored the overlay zones with an option to turn them off. Furthermore, he questioned the involvement of the California Department Of Housing And Community Development's (HCD) and the City's discretionary action over the Land Use Element and all other elements in the municipal code once the Housing Element draft is approved, density bonus units or other housing incentives in the

8,174-housing unit count, of which Deputy Community Development Director Campbell indicated they are not accounted for, and protection measures to ensure the total number of housing units will not be exceeded. Additionally, he expressed concern for a CEQA document that underestimates the impact.

Chair Gardner stated that the City Council makes final decisions with advisement from staff.

Deputy Community Development Director Campbell presumed that additional housing development would be required if the housing unit goal was reached without satisfying the affordable housing goals, does not anticipate the housing unit goal will be built within the horizon of this General Plan, and thought the traffic increases over time are never going to reach the amounts that are predicted in the EIR.

Chair Gardner noted that perception is as important as reality, particularly during an election, and needs to be addressed.

David Tanner believed that the City needs to prepare an adequate environmental document based on a project description and assess the cumulative effects of RHNA to neighboring cities and traffic.

Chuck Fancher suggested the City allow the marketplace to determine the use and reuse of buildings and favored the idea of transferable development rights.

V. COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

None

VI. ADJOURNMENT

The next meeting is tentatively scheduled for September 19, 2022, at 6:00 p.m. in the City Council Chambers.