

January 8, 2019, City Council Item SS2 Comments

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

Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item SS2. General Plan Update (PA2017-141)

General Concerns:

1. My biggest concern is that any General Plan Update be conducted in a manner compatible with the intent of City Charter [Section 423](#) (Greenlight).
 - a. Over running 10-year windows, Greenlight gives the Council discretion to add a designated amount of development to the General Plan for each of the City's 51 statistical areas. Additions beyond those limits are supposed to require voter approval on an area-by-area, and ideally a project-by-project, basis.
 - b. The 2006 GPU was seen by many as a ploy to avoid Greenlight. It ended in voters being asked in a poorly-explained, and even more poorly understood, measure to give, in a single yes-no vote, a blanket approval to all the development the Council had added in the previous 10 years plus pre-approve generous new allocations for vaguely defined future projects. Approval was given by a mere [53.6% of voters](#).
 - c. Measure Y in 2014 was a similar effort to use a GPU to gain voter approval both of past changes made by the City Council (most notably in Newport Center) and to new Greenlight goal posts in multiple areas in a single vote. It was [rejected by 69.2%](#) of the voters.
 - d. The present situation is complicated by the large amounts of development constructed since 2006 (especially in Newport Center) that are inconsistent with what the 53.6% of voters approved in 2006. At least for me, it is not a very pleasant prospect that this GPU might, like the one that led to Measure Y, be used as a ploy to forgive and forget the Greenlight implications of all past approvals with a single vote and simultaneously pre-approve everything that *might* happen in the next 20 or 30 years. I do not think that is how Greenlight was supposed to work.
2. My second biggest concern is with the tone of the staff report and its inconsistency with the direction the Council has given regarding the GPU.
 - a. The staff report (largely resurrecting the proposal presented and rejected at the [November 14, 2017, study session](#)) is written as if staff has finished deciding how the GPU is going to proceed and is informing the Council of what staff has decided, rather than asking the Council what it wants staff to do.
 - b. On November 14, the Council considered, but later seems to have abandoned, the idea of first appointing a "blue ribbon committee" to evaluate the current General Plan.
 - c. Based on new options presented by staff at the [January 29, 2018, Planning Session](#), the Council then directed that before hiring a GPU consultant and deciding what they

should do, City staff should itself conduct a “Listen and Learn Tour” (the start of which was put off to 2019 by [Resolution No. 2018-7](#)).

- d. Contrary to that direction, the current proposal asks the consultant hired to update the plan to conduct the tour.
 - e. Has staff decided they cannot conduct the tour on their own?
 - f. Is it not still better to separate the tasks, as previously decided?
3. A third overarching concern is whether embarking on so significant an undertaking as a comprehensive GPU at this time is an efficient use of taxpayer money and City resources.
- a. The plan approved in 2006 claims to have been intended to guide the City through 2025.
 - b. The present staff reports anticipates putting a new GP in place by 2021, four years prior to the “expiration” of the existing 20 year plan.
 - c. In an ideal world, it would seem most efficient to put new plans into effect just as the old ones expire, and not years before.
 - d. By that standard, if City staff’s estimates are realistic, we are starting four years too soon.
 - e. The early start seems especially of concern if it means much of the planning will be taking place without the public, planners or decision makers knowing what kind of [Regional Housing Needs Assessment](#) the “vision” and details may need to accommodate.
 - i. Closely related to this, what steps are we taking to influence the RHNA process?

General Comments on Process:

1. If staff’s proposal is followed, this will be the third time the City has gone through a consultant-led “visioning” process: the first having been 1969’s “[Newport Tomorrow](#)” effort ([PDF here](#)), and the second being 2002’s “[Newport Beach: current conditions, future choices: step up to the future!](#)” (which is the visioning that led to the current General Plan).
2. At least to me, it is not obvious why one would expect a community that sees itself as “nearly built out” to want to completely reinvent itself every 15 or 20 years.
 - a. The more relevant current question would seem to me to be what the Council hopes for staff to learn during their “Listen and Learn Tour,” and what it then expects them to do with that information.
 - b. Committing to a final contract before doing that seems premature.
 - c. And if one is truly expecting a different future, 20 year plans seem rather short if it is not being thought of in the context of some much longer range vision.
3. I personally find it unlikely the new visioning effort, as proposed by staff, will lead to a substantially different vision than we already have and I think even more emphasis (than

can be found in staff's proposal) should be placed on assessing whether the previous General Plans, especially the current one, achieved their goals, and if not, how it could be made more effective.

4. In a related vein, during the process that led to Measure Y in 2014, the public was told a General Plan "*is a living, breathing document.*" And we are told it is now out of date. Yet despite the many changes that have been made since 2006 to the voter-approved development limits in the Land Use Element, to the best of my knowledge not a single change has been made to its text or policies. I'm not sure I understand the reason for this reluctance to make policy changes, but it has to make me wonder if a culture of on-going incremental refinement wouldn't be better (as well as more compatible with Greenlight and more thoroughly debated) than a system of massive all-in-one revision?
5. Conversely, when asking why some development could be approved without modifying the policies or development limits found in the published General Plan, the public has been told the content of a General Plan does not have to keep step with development because its tables are understood to represent nothing more than "*a snapshot in time*" – an understanding which makes General Plan updates, comprehensive or otherwise, seem rather pointless.

General comments about the RFP:

1. I agree with the Council's previous direction that staff should consider engaging a consultant only **after** conducting its own "Listen and Learn Tour" to find out what the community is looking for in a GPU (or if it is looking for one at all).
2. When the City *is* at the point of publishing an RFP:
 - a. I think the present one is too specific in telling potential applicants what we want them to do.
 - b. I think the result would be better if it were left more open-ended. We should tell applicants the goal we are trying to get to, and ask for ideas on how to get there.
 - c. In that connection, many GPU's are taking place in California at any moment. Have we asked if any of those are employing innovative approaches that might benefit Newport Beach?

Specific comments about draft RFP:

1. **Page SS2-8**, end of paragraph 1: "... *and complete the process in the late of 2021.*"
 - a. The highlighted phrase is unfamiliar, at least to me. Should it be something more conventional such as: "... *and complete the process before the end of 2021*"?
 - b. More substantively, if the GPU includes changes to the land use limits that require a Greenlight vote, is the plan to hold a special election? Or if not, would the drop-dead completion target really be August 2022 (that is, in time for the November 2022 ballot)?
 - c. More generally, the RFP does not seem inform potential consultants about the Greenlight constraints under which they would be operating should they propose

increases in land use densities or intensities. Knowing about that and any other unique planning conditions in Newport Beach seems important.

2. **Page SS2-8**, paragraph 2, sentence 2: “*Second, the City’s General Plan needs to **be** examined to see how it meets ...*”
3. **Page SS2-8**, paragraph 2: Does the all-inclusive community include **visitors**?
4. **Page SS2-8**, paragraph 3: Per page SS2-18, the consultant may be amending the Arts and Cultural element. Will the City Arts Commission not be involved in that?
 - a. Similarly, the present GP promises to contain the airport. Shouldn’t the City’s Aviation Committee be consulted regarding that.
5. **Page SS2-9**, under “Definitions,” bullet 5 says: “*“Project”: The preparation of the **Land Use Element Amendment.***”
 - a. Similarly, on **Page SS2-23**: The opening “No Exceptions” refers to the task being “*to prepare an amendment to the Newport Beach **Land Use Element.***”
 - b. In both cases, isn’t the project more general in scope than just the Land Use Element?
6. **Page SS2-9**, under “Proposal Evaluation Criteria,” line 3: “***criterion***” should be “***criteria***”
7. **Page SS2-17**: The consultant is asked to refresh the existing General Plan Vision Statement, but that would require establishing a new time horizon for it (currently 2025). As best I can tell, **the RFP fails to inform the consultant of what planning horizon the City has in mind**. Specifying it seems important. What year is the updated GP to be a vision for?
8. **Page SS2-18**: The idea that the Circulation Element is to be contracted separately is disturbing. Will that separate process include public outreach and involvement? If so, what will that entail?

