

March 7, 2019, Planning Commission Item 4 Comments

These comments on a Newport Beach Planning Commission [agenda item](#) are submitted by:
Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229).

Item No. 4. ANNUAL GENERAL PLAN/HOUSING ELEMENT PROGRESS REPORT 2018 (PA2007-195)

In my view, this is an item that has never been given the attention it deserves. With the City embarking on a [General Plan Update](#), it seems more important than ever.

Since **Implementation Program 1.3** (“Prepare Annual General Plan Progress and Housing Element Implementation Reports”, GP page 13-5, staff report handwritten page 15) says “*the Report must specify the degree to which the approved general plan complies with the General Plan Guidelines published by the Governors Office of Planning and Research (OPR) and the date of its last revision,*” one might hope it would provide one of the key pieces to the puzzle: namely, the degree to which our present General Plan *needs* to be updated due to changes in state law.

Unfortunately, the report to be submitted by this City fails to deliver on that promise. The only information it provides in response to this mandate from **Imp. 1.3** is the terse statement on handwritten page 48 that “*The Annual Report for 2017 was reviewed by the City Council and submitted to OPR and HCD in April 2018*” (and that an annual report is “*Pending for 2018*”). That sheds no light that I can detect on when our general plan was last revised and whether it complies with the current state guidelines.

Indeed, these reports fail to deliver, as well, on the promise in the second paragraph on GP page 13-2 (handwritten page 12) that **Imp. 1.3** will provide a mechanism to review the Implementation Program itself, and make updates to it as necessary. In particular, had **Imp. 1.3** been reviewed, it would have been discovered that its opening statement (“*The California Government Code §65400(b)(1) requires all cities and counties to submit an annual General Plan Progress Report to their “legislative bodies,” the State Office of Planning and Research (OPR), and the State Department of Housing and Community Development (HCD)*”) has been obsolete since at least 2008. There no longer is a “§65400(b)(1).” The requirement to submit an annual report by April 1 (with, it would appear, a 60-day grace period) is currently found, instead, in Gov. Code [Sec. 65400\(a\)\(2\)](#). [what is meant by the reference to “Section 65400(a)(2)(c)” on handwritten page 47 is even more mysterious]

In past years I have made much more extensive comments about these reports than I feel I have the energy to do today.

As previously noted, **Imp. 1.1** (“Ensure that Private Development and Capital Improvements are Consistent with the General Plan,” GP pages 13-3 to 4, handwritten pages 13 to 14) assures the public that pursuant to state law the Planning Commission will review City’s proposed public works for consistency with the General Plan. The report’s response to **Imp. 1.1**, on handwritten page 48, assures us that a requirement to do that was deleted from the City Charter in 2012. These requirements have not, however, ever been deleted from the General Plan.

The report's response to **Imp. 1.1** further assures the public and the state that "*In June 2018, the City Council confirmed that the 2018-2019 Fiscal Year Capital Improvement Program (CIP) was consistent with the General Plan when it approved the CIP with the adoption of the budget.*" To the best of my knowledge, the Council made no review of the CIP's consistency with the General Plan. The FY2018-19 budget was adopted by Council [Resolution No. 2018-38](#) on June 12, 2018. I can find no mention of any such review in the resolution or the [staff report](#).

The present report does little to increase confidence when in response to **Imp. 1.2** ("Update and Revise the General Plan to Reflect Changing Conditions and Visions," also on handwritten page 48) it says (in two places) "*2018*" when it seems to mean "*2019*." Nor, even after correction of the years, does the response explain why the needs for updating spelled out in **Imp. 1.2** (GP page 13-4, handwritten page 14) have been largely ignored.

Regarding **Imp. 2.1** ("Amend the Zoning Code for Consistency with the General Plan"), as noted in previous years the statement on handwritten page 48 that "*Comprehensive Zoning Code Update, consistent with the General Plan, was adopted by City Council in October 2010*" does not mean the program is "*Complete*." Even a cursory reading of the actual **Imp. 2.1** (GP page 13-5, handwritten page 15) indicates the term "Zoning Code" was to have included documents subsidiary to it, such as Specific Plans and Planned Community Development Plans. Despite that, it does not appear all, or even most, Planned Community texts have been reviewed or amended for consistency with the current General Plan. For example, it is my understanding the [Koll Center PCD](#) still needs to be amended to allow for the residential development assigned to it by the General Plan in 2006.

The status report for **Imp. 3.1** ("Preparation of New Specific Plans," handwritten page 49) continues to fail to explain why the City repealed all but one of the specific plans that existed in 2006 (and were lauded in the General Plan), and failed to create any of the ones recommended in **Imp. 3.1** (GP page 13-7, handwritten page 17).

My comments on the remainder of the report would be much as they have been in previous years. One new thing I don't understand is the comment on handwritten page 3 regarding the new Housing Element forms, of which it says "*The forms are too large to copy for this report and are available online at the following link: www.newportbeachca.gov/APR.*" Yes, they may be difficult to read, but the PDF at that location is just 15 pages in length, and 5 of those pages appear to duplicate handwritten pages 83 to 103. It would not have seemed difficult to add those to a report that is already 103 pages long.