

March 5, 2020, Planning Commission Item 3 Comments

These comments on a Newport Beach Planning Commission [agenda](#) item are submitted by:

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Item No. 3. ANNUAL GENERAL PLAN PROGRESS REPORT (PA2007-195)

I appreciate the effort that goes into preparing these annual reports.

Although the Planning Commission has not historically paid much attention to this item, I have always felt it is an important one. This year (and last), the status of the General Plan, and in particular the state of housing development in Newport Beach, seems especially important in view of the City's [Housing Action Plan](#), which includes revising the Housing, Circulation and Land Use elements of the General Plan in response to its 6th Cycle [Regional Housing Needs Assessment](#) allocation from the Southern California Association of Governments.

I have these comments:

1. As I have indicated in past years, much of what are now called Appendix A (the "General Plan Implementation Program Status" starting on handwritten page 21) and Appendix B (the "Housing Element Implementation Program Status" starting on handwritten page 52) is boilerplate that is repeated from year to year. It would expedite the review by the Planning Commission, City Council and public if the words that are new compared to the previous year could be highlighted in some way.
2. I am not sure why Program 1.3 ("Prepare Annual General Plan Progress and Housing Element Implementation Reports"), and only that, is listed as "pending" (rather than "on-going") in Table 1 starting on handwritten page 10 (APR page 4). The preparation of the APR's would seem to be ongoing activity in the same sense many of the other programs are. By contrast, I believe if one read the [General Plan's Implementation Program](#) one would find a number of implementation sub-programs not mentioned in the APR on which no progress has ever been made (or which were started, but put on hold) so that any outcome at all is truly still "pending." And regarding Program 3.1 ("Preparation of New Specific Plans"), I'm not sure why it is the only one to be listed as "N/A" – which, from handwritten page 22 means there was no activity in 2019, despite numerous public calls for the City to develop a comprehensive specific plan for the Airport Area, as well as other areas). Program 15.1 ("Encourage Annexation of Banning Ranch Prior to Development") would surely be an example of program with no activity in 2019. And I would guess there are others¹.
3. The HCD-dictated tables introduced last year and summarized on handwritten pages 13 through 16 (pages 7 through 10 of the APR), but provided as a separate on-line PDF, definitely provide new information, but they are difficult to read in that format. And they do not seem to give as accurate a picture of the status of changes to housing in the city since

¹ In others, the description of activity for calendar year 2019 in Appendices A and B is not activity that took place during that time. For example, Program 14.5 ("State of California Department of Housing and Community Development (HCD)") says "The 2019 General Plan Annual Progress Report, including the Housing Element Report, was sent to HCD in April 2020." But that is anticipated 2020 activity. What happened in 2019 was submission of the **2018** report in **April 2019**.

they do not appear to track units lost due to demolition, which is a big factor in older cities, like ours.

The net effect of construction versus demolition was more clearly indicated in the City's pre-2018 Housing Element reports. See, for example, [page 70](#) from City Council Item 11 from March 27, 2018, which shows 716 new units and 172 demolished in calendar year 2017, for a net increase of 544 units.

"Demolished/Destroyed Units" in Column 20 of [Table A2](#) in the new HCD forms has been left blank in the first two years of this new reporting. And the instructions make no sense to me: they appear to say to subtract demolished units on a project-by-project basis when the result for that project is positive, but otherwise not. I don't see how that tracks anything accurately. A huge number of lost units can go unreported. And according to the footnote on handwritten page 15, units are now counted as soon as they are permitted, even if they never lead to actual construction and a certificate of occupancy.

4. Regarding the City's voluntary commitment to report compliance with OPR's General Plan Guidelines (handwritten page 16 = page 10 of the APR), the Memorandum from Dyett & Bhatia dated November 11, 2019, attached as Appendix C starting on handwritten page 72, is generally useful, but contains some errors:

Pages 8, 10, 11 of the memo: Bills [AB 1763](#), [AB 1255](#), [AB 1486](#), [AB 881](#), [AB 68](#), [SB 13](#) and [AB 671](#) were signed on October 9, 2019, *not* October 10.

Page 10 of the memo: The reference to [AB 671](#) in the section heading near the bottom of this page is incorrect. As explained in the memo's next section, AB 671 had to do with accessory dwelling units, not surplus land. It is not clear what third bill the memo may be referring to – or if there were only two. The only other bill from the 2019-2020 legislative session that mentions "surplus land" appears to be [AB 1824](#), signed on October 2, and it does not appear to have made any changes relevant to cities.

While these errors may seem trivial, I don't know what other errors the memo may contain.

5. Regarding the Harbor Code revisions mentioned on page 12 (handwritten 18), they were introduced to the Council on January 28, 2019, but adopted at the February 11 meeting.
6. As to the link on page 14 (handwritten 20) to the City's [General Plan Update](#) page for "*all information regarding the General Plan update efforts*," that page, in fact, says nothing about the [Housing Action Plan](#) which has replaced the GPU – and vice versa. Likewise, those visiting the City's separate [Newport, Tomorrow](#) website would have no idea the GPU process has shifted gears or what its current status is.
7. As to the specific program status reports starting on handwritten page 21, I think one really has to check the [Implementation Program](#) document (Chapter 13 of the [General Plan](#)) to know if the status of all the elements of a particular program are being reported.
 - a. Program 1.1 (page 21): The statement that "*In June 2019, the City Council confirmed that the Fiscal Year 2019-20 Capital Improvement Program (CIP) was consistent with the General Plan when it approved the CIP with the adoption of the budget*"

seems distinctly disingenuous to me, especially since the Planning Commission's duty to evaluate the consistency of the CIP with the GP was removed from the City Charter in 2012. The Council's budget adoption [Resolution No. 2019-54](#) contains no statement that I can find regarding consistency with the GP, nor do the two paragraphs discussing the CIP in the staff report urging the resolution's adoption (see June 11, 2019, Item 21, [page 10](#)).

- i. Not reported here is the portion of Program 1.1 that says "*When the City or any external agency responsible for the planning or implementation of public works within the City prepares its annual list of proposed public works and its five-year Capital Improvement Program (CIP), these must be submitted to the Planning Commission for review for conformity with the adopted General Plan (Government Code [§65401](#)).*" I do not recall such lists from external agencies ever having been reviewed by the Planning Commission.
 - ii. Moreover, the 2012 removal from the Charter of the PC's duty to review the City's own CIP did not remove it from Program 1.1.
- b. Program 1.2 (page 21): Again, the hyperlinked General Plan Update page does not provide any information on the new GP update effort focused on the Housing, Circulation and Land Use elements.
- c. Program 1.3 (page 22): Overlooked here is the admonition in the second paragraph in the introduction to GP Chapter 13 ("Implementation Program") that the Annual Reports should include recommendations for revisions to the Implementation Program itself. I do not believe any revisions to the Implementation Program have yet been made.

I am unable to review any more of this item by the 5:00 p.m. deadline for comments.