

July 1, 2020, HEUAC Agenda Comments

The following comments on items on the Newport Beach [Housing Element Update Advisory Committee agenda](#) are submitted by:

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Item III. PUBLIC COMMENTS ON NON-AGENDA ITEMS

1. The committee's enabling [Resolution No. 2020-21](#) calls for the Mayor to appoint a chair and vice-chair (possibly subject to confirmation of the Council?). I do not see a vice-chair identified on the agenda.
2. It would likewise be good to clarify the significance of the Mayor's non-voting status. The enabling resolutions refer to ten members, which would normally mean a quorum is six. However, there are only nine voting members. What is a quorum? And how many members (including the Mayor?) can confer without being regarded as a majority of the committee?
3. From the "[Memo to Housing Element Update Advisory Committee](#)" attached to agenda Item IV.a, I gather the chair, at least, sees the committee as a group of real estate professionals volunteering their time to do something City staff lacks expertise in doing, namely connecting property owners with developers to create opportunity sites. That seems a task rife with potential for conflicts of interest, and it would be good to know how such conflicts will be disclosed and handled. Possibly there has been some delay, but to date, I have been able to find FPPC Form 700's [posted](#) only for O'Neill, Tucker and Kiley.

Item IV.a. Three-Pronged Strategy of City Council and Focus of the Committee

1. At some point, I have to say I disagree with the basic premise of the committee's existence, which is to comply with a state mandate that seems, itself, to be based on three "prongs," none of which I agree with:
 - a. That perpetual growth in population is both inevitable and a positive good;
 - b. That (despite California's population growth being at historic lows) we have to plan not just to eradicate existing deficiencies, but to create a housing surplus (apparently to encourage still more growth; and
 - c. That (at least on a county level) housing should be equally affordable in all locations, independent of their desirability.
2. Beyond that, this item, which references multiple documents but contains no formal staff report, will apparently touch on the role assigned to the committee by the City Council when it created the committee by adopting the (apparently staff-written) [Resolution No. 2020-6](#) and later amended that with [Resolution No. 2020-21](#).

In defining that role, I think it should be noted that under "Purpose & Responsibilities," both resolutions continue say the committee is being appointed, in part, to "*Review responses to the Request for Proposal for services to update the Housing, Land Use, Circulation, and*

other Elements deemed necessary” and to “Make a recommendation to the City Council regarding the selection of consultants.”

Yet despite that direction from Council, provided as requested, staff appears to have proceeded with those two tasks without involving the committee.

Since two the committee’s six “Purposes & Responsibilities” can evidently be taken to mean something other than what they say, one has to wonder what significance, if any, attaches to the other four.

3. Regarding the “Memo to Housing Element Update Advisory Committee,” it is refreshing to see the chair’s vision of the committee’s purpose laid out in such detail before the first meeting. I was also invited to participate in his online chat, on Monday, with a group of community members, which I greatly appreciate.

It should be noted, however, that while the chair is expected to facilitate the meetings, absent some other instruction in the enabling resolution (which I don’t see here) the chair is (at least in my view) just one co-equal member of the committee. So, the vision must, I think, be a jointly arrived at and jointly agreed to one.

In particular, although I am not a committee member, I have difficulty seeing how the committee can avoid making recommendations about policy (something it was supposedly formed to do), or how it can expect to treat the Housing Element (or Housing + Land Use + Circulation elements) in isolation, simply adding sites to it (or them).

My understanding is the General Plan has to be an integrated and consistent whole. It is hard to see how a large amount of new housing can be added in any honest way without reassessing our commitments to Safety, Recreation, Noise, Natural Resources and all the others.

4. As to the City’s troublesome RHNA allocation, I believe some think it is too high, in part, because Newport Beach has not been given credit for all the housing it currently provides, whether they be uncounted bootlegged units or people sharing homes. If this phenomenon of uncounted existing dwellings is unique to Newport Beach (which I rather doubt), then I think it needs to be communicated to SCAG at once, before the RHNA numbers are made final, as it would logically require an adjustment of them.

~~Item IV.b. Discuss Methods to Identify Possible Housing Opportunity Sites~~

- ~~1. The public outreach effort overseen by the now dissolved [General Plan Update Steering Committee](#) (the predecessor of the present committee) seemed to point to the Airport Area and Banning Ranch being the most popular sites for future residential development (possibly because none of the participants lived there).~~

~~With regard to Banning Ranch, the majority of the acreage is unincorporated Orange County land, and according to SCAG’s explanation of its RHNA methodology, that acreage was used to determine the County’s RHNA rather than the City’s. As such, it seems unlikely the City could claim credit toward its RHNA allocation for any opportunity sites identified on that~~