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OFFICERS

December 11, 2017

PRESIDENT

Marko Popovich

Mayor Kevin Muldoon

City of Newport Beach

VICE PRESIDENT

Dorothy Kraus

100 Civic Center Drive

Newport Beach, CA 92660

TREASURER

Dennis Baker

RE: Community-Driven Comprehensive General Plan Update

SECRETARY

Allan Beek

Dear Mayor and Council Members:

Still Protecting Our Newport (SPON) is dedicated to preserving the existing charm and beauty of Newport Beach. We were disappointed the City did not initiate a Blue Ribbon Committee to consider a General Plan Update at its November 14, 2017 meeting.

BOARD MEMBERS

Nancy Alston

Dennis Baker

Tom Baker

Bruce Bartram

Allan Beek

Don Harvey

Jo Carol Hunter

Dorothy Kraus

Donald Krotee

Andrea Lingle

Elaine Linhoff

Bobby Lovell

Jennifer McDonald

Marko Popovich

Jeanne Price

Melinda Seely

Nancy Skinner

Jean Watt

Portia Weiss

After hearing that City Council was interested in understanding how the community felt, our organization hosted two community workshops to gauge interest and understand the residents' concerns. We appreciate City staff being present at these workshops.

Based on the feedback of the residents in attendance, SPON is confident the City should initiate a comprehensive General Plan Update and should not get bogged down in creating a Blue Ribbon Committee. SPON believes this is a timely opportunity to revisit the process of the update and offers to collaborate with the City on this effort.

To assist in this effort, SPON has revised the November 14, 2017 Resolution 2017-73 and asks that the Council initiate a General Plan Update at its Tuesday, January 9, 2018 meeting. (See Attachment 1)

Fundamental to our request is, the City:

1. Embark on a comprehensive General Plan Update; and
2. Incorporate a robust public outreach effort for it.



A 501(c)(3) non-profit public education organization working to protect and preserve the residential and environmental qualities of Newport Beach.

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Mayor Kevin Muldoon

RE: Community-Driven Comprehensive General Plan Update

We are thankful Mayor Muldoon has shown great interest in updating the 2006 General Plan. This provides residents with hope for Newport Beach's future and would also provide certainty for project applicants with policies that reflect our community values.

That said, the residents outlined concerns that are summarized below for your benefit. Residents are:

- Concerned that the application of the current General Plan and its policies do not reflect the intentions of the 2006 General Plan. (For example the recent court victory overturning the Banning Ranch development approvals and the initiatives run by residents to stop projects like Museum House.)
- Fearful that baseline conditions have changed considerably—so much so that modeling and forecasts for impacts to traffic, quality of life, schools, and parks are not accurate in many areas of the City.
- Interested in setting the appropriate tone for the City's policies while simultaneously providing more assurances through stronger policy language. (For example, including more mandatory policies in the General Plan.)
- Focused on moving the City into a transparent, inclusive, empowering, and accountable policy discussion that takes a thoughtful look at lessons learned from the last General Plan Update and resident-based initiatives since the 2006 update.
- Energized to ensure this General Plan and the associated land-use diagrams, zoning code, and Local Coastal Plan implement the community's vision and safeguard that vision for the duration of the General Plan.
- Very receptive to incorporating policies that meet state mandated laws and policy changes including, but not limited to, addressing sustainability, environmental justice, climate change, sea level rise, and greenhouse gases.
- Realizing the benefits of incorporating form-based codes and utilizing data-driven technologies that promote accountability, transparency, and empowerment to make Newport Beach a "Smart City."



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Mayor Kevin Muldoon
RE: Community-Driven Comprehensive General Plan Update

This City Council has the opportunity to make real exactly what the residents want. We all know this is a big commitment for the City, but even the City recognized the need for a General Plan Update in May 2017 with a memo it provided during a public meeting. (See Attachment 2) We are very excited to work with the City and embark on a comprehensive General Plan update, incorporating comprehensive public engagement throughout the process which is an absolutely critical factor for its success.

We are simultaneously asking that the City consider our draft resolution at its January 9, 2018 meeting and based on the incongruent alignment with proposed projects in the City with the current General Plan, that Council direct staff and the City Attorney to bring back information in February on its options for withholding processing of major development projects during the General Plan update process (e.g., major projects in certain geographic areas, projects that require a general plan amendment, etc.).

Please contact me at (949) 864-6616 for questions or follow up.

Sincerely,

Dorothy Kraus

Vice President

Enclosures:

- 1 - City Memo on General Plan
- 2 - Draft Resolution for 2018

cc: City Council Leilani Brown, City Clerk Dave Kiff, City Manager Seimone Jurjis, Community Development Director Jim Campbell, Deputy Community Development Director	CityCouncil@newportbeachca.gov CityClerk@newportbeachca.gov DKiff@newportbeachca.gov SJurjis@newportbeachca.gov JCampbell@newportbeachca.gov
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Newport Beach General Plan Update Program May 2017

Background

The City last comprehensively updated its General Plan in 2006 which was a multi-year effort that included a very extensive community engagement and visioning process. Due to the extent of building intensity and residential changes that were proposed at various locations throughout the community, voter approval of the new General Plan was also required pursuant to the City's charter, and that occurred in November 2006.

The City's General Plan serves as the overarching framework for development and includes the following ten elements:

- Land Use Element*
- Harbor and Bay Element
- Housing Element*
- Historical Resources Element
- Circulation Element*
- Recreation Element
- Arts and Cultural Element
- Natural Resources Element*
- Safety Element*
- Noise Element*

will look at all elements

** State Law mandated elements*

The General Plan also includes a Vision Statement and Implementation Program.

Since 2006, there have been numerous amendments to the Land Use Element, primarily to a specific property's designation on the Land Use Map, as well as comprehensive amendments to the Housing Element as mandated by State law. The Housing Element was most recently amended (5th Cycle 2013-2021) and found in compliance with State law in October 2013. The next mandated update to the Housing Element will occur in 2021.

Proposed Program

State law encourages cities and counties to comprehensively review the various elements of their general plans every ten years to ensure that elements are both current and reflect the community's vision and goals. Furthermore there have been changes in State law in respect to the mandated Circulation and Safety Elements which Newport Beach needs to address, and new "environmental justice" provisions that are required.

Staff also recommends reviewing the General Plan Vision Statement which establishes the City's ultimate development goals and what is hoped to be accomplished over the next 20 years. While the visioning process may be lengthy and intense, over ten years has lapsed since the current vision was created. Revisiting the community's desire for the future will be an important starting point for the update process.

The Program may include the following:

1. Appoint a **General Plan Update Advisory Committee** to advise staff and the consultant team in the review and update process.
2. **Land Use Element** Policy Review and Update: As part of the 2013/2014 effort to amend the Land Use Element, all of the policies were comprehensively reviewed with many revisions proposed to reflect current community conditions; these policy revisions should be reviewed for potential inclusion in this update. Un-built development potential should also be evaluated to ensure it reflects the community's current vision.
3. **Circulation Element** Update: Review the Master Plan of Arterial Highways (e.g., deletion of the 19th Street bridge), Master Plan of Bikeways, and consistency with the new "Complete Streets" requirements of the Government Code.
4. **Sustainability Policies**: The community has expressed interest in adding a Sustainability Element to the General Plan or it could be incorporated into other General Plan elements.
5. **Safety Element** Update: Required by State Law in conjunction with Round 6 for the Housing Element (in 2021).
6. **Harbor and Bay, Historical Resources, Recreation, Arts and Cultural, Natural Resources, Noise Elements**, and the Implementation Program: Review policies and programs and update as appropriate to reflect existing efforts and consistency among policies.
7. Address **Environmental Justice**: Under SB 1000, local governments must either adopt an environmental justice element or include environmental justice goals, policies, and objectives in appropriate General Plan elements.
8. **Evaluate vision** for focused areas within the city: Community comments related to recent development applications indicate the need to review the City's vision for the Airport area and Newport Center. This may include a market and fiscal analysis.

Preliminary Timeframe

- **July – November 2017 (6 months)**: Request for Proposals for Consultant Services; City Council appointment of Advisory Committee, and Professional Services Agreement award.
- **January 2018 – September 2019 (21 months)**: Committee meetings; community outreach; visioning process; draft General Plan Amendments preparation; draft Environmental Impact Report preparation.
- **October – December 2019 (3 months)**: draft Environmental Impact Report public review
- **January – February 2020 (2 months)**: Planning Commission public hearings
- **March – April 2020 (2 months)**: City Council public hearings and plan adoption

SPON Proposed City Council Resolution
General Plan Update
2 pages following

RESOLUTION NO. 2018-XX
A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF NEWPORT BEACH, CALIFORNIA, COMMENCING
A COMPREHENSIVE GENERAL PLAN UPDATE

WHEREAS, in 2006 the City of Newport Beach (“City”) adopted a new General Plan;

WHEREAS, the General Plan provides a framework for the City’s future development and requires review and comprehensive updates from time-to-time to ensure it meets State law and matches the desires of the community;

WHEREAS, the City’s General Plan is more than a decade old and no longer represents the community’s current vision nor contains required information, warranting the City to identify and address change in the City’s and community’s needs and preferences;

WHEREAS, new state legislation has passed and the Office of Planning and Research has released new General Plan Guidelines that incorporate requirements to address environmental justice, management of greenhouse gases, climate change, and rising sea level in General Plans;

WHEREAS, the City Council recognizes the community wants a comprehensive General Plan update –one which requires active community participation;

WHEREAS, the community envisions a fair, transparent, inclusive, engaging, empowering, and accountable process for the General Plan Update where technology and data-driven decision-making in the planning process is essential, relevant, and brings the City into a leadership position;

WHEREAS, the community desires to be actively engaged in a robust comprehensive General Plan update, using leading edge participatory platforms with input in selecting the consultants during the Request For Proposals/Qualifications process through a community workshop offered by the City.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows.

Section 1. The City Council hereby initiates a comprehensive update of its 2006 General Plan.

Section 2. The City Council directs its staff to finalize the Request for Proposals for qualified consultants to submit proposals within 45-days for a comprehensive update including recommendations for a robust, inclusive, and cutting edge public participation component based on successful models.

Section 3. The City Council will hold a public workshop for the consultants to present proposals and provide an opportunity for the public to review proposals and provide input for consideration in the selection of the proposals and consultants.

RESOLUTION NO. 2018-XX
A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF NEWPORT BEACH, CALIFORNIA, COMMENCING
A COMPREHENSIVE GENERAL PLAN UPDATE

Section 4. The City Council directs staff and the City Attorney to bring back information in February on its options for withholding processing of major development projects during the General Plan update process (e.g., major projects in certain geographic areas, projects that require a general plan amendment, etc.)

Section 5: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 6: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 8: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.

ADOPTED this ____ day of January, 2018.