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March 5, 2018

PRESIDENT

Marko Popovich

Seimone Jurjis

Director, Community Development

VICE PRESIDENT

Dorothy Kraus

City of Newport Beach

100 Civic Center Drive

Newport Beach, CA 92660

TREASURER

Dennis Baker

RE: SPON Comments: Community Development Open House & Forum

SECRETARY

Allan Beek

Dear Director Jurjis:

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Thank you very much for the opportunity to meet with and start a conversation with the Community Development Department, and in particular its Planning Division, as there have been so many changes in leadership recently – as well as so much interest in land use decisions by the community.

Although there are a mind-boggling number of details we could and may want to discuss further, for the purposes of this meeting we would like to have you consider presenting some information about the following matters which essentially have to do with Chapter 13, the **Implementation Program**, of the City's **General Plan**.

- Starting on the first page of the Implementation Program, a **Development Management System** is described which is supposed to *“encompass the policy and regulatory documents and procedures that guide land use development and resource conservation in accordance with the goals and policies specified by the General Plan.”* The word System implies a systematic approach and we wonder if you can be more explicit about how you implement and monitor this system. In particular, how do we ensure this System of regulatory documents reflects the citizens’ (and Council’s) current vision of the City? And how do we ensure individual project applications comply with them?



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RE: SPON COMMENTS FOR PLANNING DEPARTMENT OPEN FORUM – 2/26/18

- **Imp 1.2 Update and Revise the General Plan to reflect Changing Conditions and Vision.** This Implementation includes the statement that: *“Fundamentally, this should sustain the City’s intentions to be a residential community, balanced with supporting retail uses, job opportunities”* In our view, recent developments which have been rejected by the community do not seem to reflect attention to this policy. Many of us believe that too often a project that is not consistent with the vision as a “residential community” and various descriptions of what that is, is allowed to proceed through the planning process only to result in lawsuits or referendums. Is there a way that you think members of the residential community can be more effective at the planning level?

- **Imp 2.1 Amend the Zoning code for Consistency with the General Plan.**

d. This Implementation states in part: *“Review and amend the Code, as necessary , to achieve specific objectives of the General Plan such as ,.....more environmentally sustainable buildings and site planning.”*. Many of us have been concerned that the City does not yet have a Sustainability Element for our General Plan to guide the Zoning (and Building?) Code revisions and Nancy Gardner has facilitated a planning process and proposed element. We wonder if the Planning Department has any information as to the status of that plan?

- **Imp 3.1 Implementation of New Specific Plans.** This Implementation Plans says: *“Specific Plans may also be considered to implement the regulatory planning requirements for the residential villages for the Airport Area and the integration of the mix of medical-related, housing, commercial and industrial uses in West Newport Mesa. In these cases the Specific Plans would serve as an important tool to guide the development of multiple properties into a cohesive district.”* In our view these two areas especially need the guidance of a vision plan to carry out an optimal built environment for future residents and businesses. While the specific plans for these areas are still lacking, developers see an opportunity and bring piecemeal development plans to be processed. The effect of that is spot zoning to benefit the developer but at the detriment of the community in general. What can we do to make this important planning happen?



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IN ADDITION TO THE ABOVE, many people in the community are concerned with the answers to some difficult questions:

1. The development allocation tables in the General Plan, in particular Tables LU1 and LU2 of the Land Use Element, do not appear to reflect the reality of land uses that have been approved in the City since 2006. For example, in Statistical Area L1 (Newport Center), alone, they do not reflect the removal of office potential in San Joaquin Plaza and its replacement with housing, the removal of the hotel expansion opportunities promised in the General Plan and its replacement with new office entitlements at the PIMCO and TIC HQ Tower sites, or the removal of tennis court opportunities and their replacement with other allowed uses. Not only does this seem to contradict the idea of the General Plan as the ultimate authority on allowed development in the City, but it is of immediate concern to citizens, and especially SPON, because our Greenlight protections rely on those tables being kept up to date with timely amendments reflecting each new proposal that exceeds the limits previously approved by voters. Without that, questions of whether a Museum House or a PIMCO Tower proposal needs a Greenlight vote are inevitably going to lead to great public discord and legal exposure to the City. What can citizens and the Planning Division do to bring the Land Use Tables of the General Plan up to date to accurately reflect which limits have been approved by voters and which have not, and put Greenlight back on its proper track?
2. Closely related to this, and assuming the General Plan allocation tables can be brought up to date, there is a widespread concern that citizens and decision makers have no clear picture of how close the current built environment is to the limits in those tables – that is, how much development potential is left – a transparency effort that seems to have been long promised in Implementation Program 10, Database Management and Development Tracking and Monitoring. What progress is being made in bringing that information to citizens and decision makers?

as well as many simpler ones, such as:

3. What is the City doing to address the concerns about mansionization? A discussion about homes being built too big and too close together in the Cliff Haven area was scheduled and then canceled. What is the status of that?



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- 4. How does the City incorporate the desires of the residents into its planning decisions?
- 5. City staff has indicated that they have no authority to decline an application and have to process any application for any project that comes to them. In some cases this seems to result in a waste of staff time which could have been avoided with more clear policies. Are there other cities which have a better way of dealing with that issue?
- 6. How can we avoid the impression of planners being advocates solely for the development applicants?

Obviously, there are many more issues and questions to be considered as the new year gets underway and we thank you, as always, for Planning Division staff’s willingness to meet with us as we all try to do justice to our City’s future.

Sincerely,

Dorothy Kraus
Vice President

cc: Planning Commission
Jim Campbell, Deputy Community Development Director
City Council
Leilani Brown, City Clerk
Dave Kiff, City Manager

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