

April 1, 2014, LUEAAC Agenda Item II.1 Comments

Comments on the Newport Beach Land Use Element Amendment Advisory Committee agenda from:
Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item II.1. Minutes of February 4, 2014

I would suggest correcting the following obvious errors, although in the absence of public access to the recording, I have no confidence the remaining words accurately or completely reflect what took place at the meeting:

1. Page 1, section II, paragraph 1: “*Watkins moved to approve the minutes from January 7th as augmented by the audio tapes and comments received from ~~Walker~~ Watkins and Jim Mosher.*”
2. Page 2, line 2: “... *additional resources for the committee members to review and clarification of projects that would and would not be ~~be~~ subject to policies.*”
3. Page 2, paragraph 5: “*LU X Land use development practices that contribute to a sustained natural environment ~~fpr for~~ use by future generations, economy, and well-being of ~~Nrewwport~~ Newport Beach’s residents, while reducing greenhouse gas emissions ~~and impact on climate change.~~*”
4. Page 2, paragraph 6: the report of the action doesn’t indicate who seconded the substitute motion.
5. Page 2, paragraph 8: “*Gardner moved, Watkins seconded*” is helpful, but the resulting vote, if one was taken, is not reported.
6. Page 2, Section IV, paragraph 2: “... *Brine and Whiteman ~~discuss~~ discussed additional detailed analysis with the committee. ... Tucker ~~recommends~~ recommended a reduced project alternative.*”
7. Page 2, Section IV, paragraph 5: “*Dorothy ~~Krauss~~ Kraus expressed concern ...*”
8. Page 2, Section IV, paragraph 5: “*Denys Oberman ~~requests~~ requested that changes ...*”
9. Page 2, paragraph 3: “*The ~~approval procees~~ approval process was discussed in further detail.*”
10. Page 2, Section V, paragraph 3: “*Gary ~~Picket Recommended~~ Pickett recommended the following ...*”

To: Land Use Element Amendment Advisory Committee
Subject: ADDITIONAL MATERIALS RECEIVED - APRIL 1, 2014

From: Paul Watkins [<mailto:paul@lawfriend.com>]
Sent: Tuesday, April 01, 2014 8:06 AM
To: Ramirez, Gregg
Cc: Wisneski, Brenda; Brandt, Kim
Subject: Agenda Packet for April 1, 2014 Meeting of Newport Beach Land Use Element Amendment Advisory Committee

Hi Gregg:

I had a chance to look at the *Agenda, Minutes from February 4, 2014, Chapter 14 Glossary, Environmental Review Findings, and Land Use Element Amendment Recommendations* for our meeting scheduled for Tuesday, April 1 at 2:30 PM in the Friends Room.

If it's OK, I wanted to pass along the following thoughts:

- (I) Agenda:
 - (1) Under II.1., was the word "test" inadvertently included?

- (II) Minutes of the February 4, 2014 Meeting:
 - (1) Under II, I believe the comments to the January meeting came from "Watkins and Jim Mosher".
 - (2) Page 2, "Public Comment", third paragraph, line 3: please change "fpr" to "for".
 - (3) Page 2, first "Action": please change the language to read: "The substitute motion was unanimously approved."
 - (4) Under IV, Page 3, last "Public Comment": please correct the spelling of "approval".
 - (5) Under V, line 1: Please correct the first three words to read: "Gary Pickett recommended".

- (III) Chapter 14 Glossary:
 - (1) Definition of "Climate Change": please revise this definition to read as follows: **"Possible increased average temperatures over the past several decades resulting in possible reduction in snowpack coverage, possible reduction in water runoff and supply, possible drier vegetative cover, and possible sea rise."** In my view, the *Glossary* for our *City's General Plan* should remain politically neutral. The term "Climate Change" seems to polarize folks; maybe it's best to "qualify" parts of the proposed definition until there is more universal acceptance

of the components of "Climate Change", e.g., increased temperatures, sea rise, etc.

- (2) Definition of "Greenhouse Gas Emissions (GHG)": please revise this definition to read as follows: **"Heat-trapping gases including water vapor, carbon dioxide (CO₂), methane (CH₄), and ozone (O₃). The primary source of GHG emissions is the combustion of fossil fuels."** In my view, the Glossary for our City's General Plan should remain politically neutral and should not include such statements as "Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat trapping gasses [sic]"
- (3) Definition of "Greenhouse Gas Emission (GHG) Reduction": please revise this definition to read: **"The California Air Resources Board (CARB) established regional targets for the reduction of GHG emissions in compliance with Senate Bill 375. These were incorporated in the Orange County Sustainable Communities Strategy (OCSCS), developed as a sub-area component of the Southern California Association of Governments (SCAG)SCS. While SB 375 and the OCSCS do not regulate land in Newport Beach, Newport Beach is obligated to comply with applicable laws including the California Environmental Quality Act (CEQA)."** In my view, the simple reference to Newport's obligation to comply with applicable GHG laws (including CEQA) is sufficient for our City's General Plan Glossary. GHG regulation is fast moving on the statutory and case law fronts. It seems to me that rather than trying to set forth in a definition the details of current evolving regulations in a Glossary that may have a 20-year life, we should simply indicate that the City's policy makers will comply with applicable Greenhouse Gas Emission Reduction laws (including CEQA) in effect at the time they make a decision on a project.
- (4) Definition of "Sustainability": I think the definition can be simplified without the reference to "the guiding principle for long term global development". How about simply borrowing from the World Commission on Environment and Development as follows (and slightly adding to it): **"Sustainability--Development that meets the needs of the present without unreasonably compromising the ability of future generations to meet their own needs. Sustainable development seeks to achieve, in a balanced manner, economic development, social development, and environmental protection."** As previously indicated, the Glossary for our City's General Plan should remain politically neutral and I would refrain from references to a guiding principle for global development.

(IV) Implementation Program Addendum:

Do you know when the actual "Climate Action Plan" will be proposed for the City?
Can you please direct me to where I can review the City's already-adopted Energy
Action Plan?

- (V) Land Use Changes:
Will the public be able to give input on the Draft Supplemental EIR including
Section 5.11 Transportation and Traffic?

- (VI) Policy Amendments:
No comments.

I look forward to seeing you at the meeting. Thanks, Gregg.

Best regards,
Paul

Paul K. Watkins for
Watkins, Blakely & Torgerson, LLP
535 Anton Boulevard, Suite 810
Costa Mesa, California 92626-7047
Telephone: (714) 556-0800, ext. 2108
Facsimile: (714) 641-4012
E-Mail: paul@lawfriend.com