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Patrick K. Bobko
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August 11, 2009

VIA FACSIMILE

Mr. Tom Allen
Hearing Officer
City of Newport Beach

Re: *Notice of Clarification*

Dear Mr. Allen:

I write this letter to clarify a statement made in the supplemental letter brief the City submitted to you on August 7, 2009.

The last page of that letter contains the following sentence:

“It should also be made clear that the two comments NCR plucked from the seven-page, single spaced document were not prompted by the passage of Ordinance 2008-5, but were part of a much larger, *annually required review of the City’s Housing Element*. See Declaration of Sharon Wood at ¶9 (attached to the City’s supplemental brief).”

Letter from Patrick K. Bobko to Tom Allen (August 7, 2009) (emphasis added).

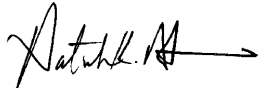
The italicized portion of this statement could be misleading. Although the Government Code says the City “shall review its housing element as frequently as appropriate” for certain of its elements, the Code requires the City conduct a formal review of its Housing Element not less than *every five to eight years*. See Gov’t C. §65588 (a) & (b). The correspondence between HCD and the City referenced above is related to the City’s 2008-14 Housing Element.¹

¹ The applicable Government Code provisions underwent a substantial revision in 2008. Prior to that, the generally applicable rule was that each city must review its Housing Element at least every 5-years.

Mr. Tom Allen
August 11, 2009
Page 2

As always, if you have any questions or require further clarification on any of the other points contained in the City's supplemental brief, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick K. Bobko", with a horizontal line extending to the right from the end of the signature.

Patrick K. Bobko

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cc: Steve Polin
Catherine Wolcott