

**SPEAK UP NEWPORT WEBINAR JANUARY 13, 2021  
QUESTIONS**

Question This is Larry Tucker and I will attempt to answer most of the questions. A few were specific questions about people's personal assets and Seimone already answered those. In reading the responses, keep in mind that the Committee that I chair has been charge by the City Council with coming up with a plan to comply with the City's Regional Housing Needs Allocation (RHNA) that has been established by the Southern California Association of Governments with guidance from the State Department of Housing and Community Development. Given the limited scope of the Committee, I won't attempt to respond to questions that are not the Committee's to deal with, even if they are legit and interesting questions. Those questions should be taken to the City Council, or to your representative in the State Assembly or State Senate. If you have follow-on questions, feel free to contact me at: [ltucker@newportbeachca.gov](mailto:ltucker@newportbeachca.gov). LT

#	Asker Name	Asker Email
1	Robyn Grant	rbgrant@cox.net
2	Sandra Ayres	ssayres@mac.com
3	David Tanner	dave@earsi.com
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- Seems like the high numbers of required housing are related to financial capacity of each municipality. If it's about the money, can NB "buy credits" from other municipalities? Can NB, for example, pay Santa Ana to plan for some of the NB requirement?
- 6 what is the purpose of requiring affordable housing if we don't have some restrictions with it to keep it affordable for future owners or renters? We don't want to keep replacing affordable housing over and over if we can begin to keep rental units affordable for a few decades at least. This may need NB to create some type of housing authority committee. The State has been asked about just such an arrangement (i.e. to allow agencies to "buy credits") and would not allow that to happen. The State believes that providing affordable housing ought to be equitably allocated. I don't see the State approving of something that looks like a City was allowed to "buy its way out of an obligation."
- 7 Will the city and/or the state consider a higher density of d/u per acre as a method of meeting the RHNA unit goal with a limited number of potential housing-use sites? The State has published a Guidebook that contemplates higher density as a way to allow more units to be developed. The more units allowed, the more can be affordable units, or so the thought process seems to go. So higher density will likely have to be considered by the City to follow the State's guidance.
- 8 Can NB get county land near UCI? Probably not. The County has its own RHNA challenges (and is also appearing its RHNA) so it is not likely that land outside the City can help solve the City's RHNA issues.
- 9
- Anonymous Attendee
- Anonymous Attendee
- Bill bill.hanck@gmail.com
- Anonymous Attendee

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\_The RHNA Calculation is fairly Simple they took Population Density / Area = RHNA.. I did the math and looked at the area calculation, The State Did NOT take into consideration that we have 8 Miles of Beach, The Harbor, and Backbay Wetlands that Can Not Be Built on and yet they took the TOTAL Area of Newport Beach of 52.92 mi<sup>2</sup> and use the Total Number for their calculation.... Has Anyone Questioned The RHNA Methodology? The State did NOT take into consideration Parks, Schools, Golf Course etc....

I understand that the calculation is a bit more nuanced than that. State law allows SCAG to set the methodology and it is not primarily based upon population density. - Can You Tell me

the what the miles square of "Open space" we have in Newport Beach?

No, but that shouldn't matter since Open Space does not affect the

10 RHNA allocation methodology.

bob smith mybeach949@gmail.com

How can Newport Beach and its Citizens be forced to devalue their Property Values by building More Low Income Units without "Just Compensation". The State Is asking The City Of Newport Beach to Build More Housing Units, hence Lower or Devaluing Their Property Value in Direct Violation of Eminent Domain. Good questions but the answers are well beyond the purview of the Housing Element Committee. The Committee has been charged with coming up with a plan to comply that will be forwarded to the City Council to decide what to do once they have a suggested plan before them. Has The City Of Newport Beach Questioned The States Requirement to Provide Just Compensation?

Not that I am aware of. This is a legal question that is well beyond the scope of the Committee's assignment (to come up with a plan to comply with or RHNA). The whole concept of government action and takings

11 under the 5<sup>th</sup> Amendment is very complicated.

bob smith mybeach949@gmail.com

Does following that guide book release the city from any penalties for failing to meet its quota? It should, but probably doesn't. That is exactly why we are going to be doing our best to comply with the Guidebook. We would like to have a defense if the State makes a claim against us, that we did everything they recommended and it still didn't

12 work (if that is the case).

Joseph Benson joseph.benson@alumni.usc.edu

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Follow-up question: If yes, what are the maximum densities that would be considered? It depends on where we find sites for the units. But the densities might have to be quite a bit higher than what we are used to in the City. Once we identify the likely sites, the density question will come into better focus.

13 Bill bill.hanck@gmail.com

Rather than making the public wait until the last minute to tell the public how staff plans for the City to comply. Please tell us how are we going to get to 4,800 du where are the sites? That is what the Committee has been focused on -- where will the sites be located. We don't have an answer yet.

14 David Tanner dave@earsi.com

if you don't know where the 4,800 units will go, what will the Draft Housing Element say? Since we don't yet know if we will not know where the units could go, we can't answer that question at the moment.

15 David Tanner dave@earsi.com

Where and when does your committee meet, Larry? Our standing meetings are the first and third Wednesdays of the month, but we only meet if there is enough of an agenda to merit a meeting. The Committee is named the Housing Element Update Advisory Committee and you can find us on the City website. www.newportbeachca.gov. Our meetings are by Zoom presently but when we go back to in person meetings they will be at the City Council chambers. They start at 6:00 pm and I try (and usually succeed) to have them completed by 8:00pm.

16 Anonymous Attendee

If the City has a Responsibility to Protect its Citizens, according to this Article in OC REGISTER FEB 13 Orange County had 12,854 "seriously underwater" homes in last year's fourth quarter. Most of the Top 10 Cities are In Newport and Laguna, how can we as a City Place these Citizens in a worse Position Orange County had 12,854 "seriously underwater" homes in last year's fourth quarter.

1. Laguna Beach 92651: 410 mortgages or 6.01% of all home loans
2. Newport Coast 92657: 148 or 5.71% — No. 911 statewide.
3. Newport Beach 92663: 236 or 5.39% — No. 894 statewide.      4.

17 Corona Del Mar 92625: 177 or 5.27% — No. 885 statewide bob smith mybeach949@gmail.com

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- |    |   |    |                 |                      |
|----|---|----|-----------------|----------------------|
| 7. | Trabuco Canyon 92679: 296 or 3.10% — No. 695 statewide.   | 8. |                 |                      |
| 18 | Newport Beach 92660: 229 or 3.06% — No. 682 statewide. <u>While an interesting question, this is beyond the purview of the Committee.</u><br>Is it Possible For The City Of Newport Beach to Withhold The Property Tax Revenue, to Protect Its Citizens? Can We use that Property Tax Revenue for the \$600k Fine? <u>The property taxes are collected by the County and if we are fined, the State could divert those funds from the County before they ever get to the City. The State will use the funds to apply towards our fines (if we have any)</u>   |    | bob smith       | mybeach949@gmail.com |
| 19 | <u>The Housing Element is no longer a policy document if it identifies specific sites for housing. It takes the status of a Land Use Element</u> <u>No comment on that characterization. The Committee’s job is to have a plan to comply with the mandates of the State. The State is requiring the City to fill out a form listing each site by APN, and the housing by income category of our RHNA that each such site is expected to help satisfy. Based upon that information, a Sites Inventory will be prepared for inclusion in the Housing Element Update per the State’s requirements.</u>   |    | bob smith       | mybeach949@gmail.com |
| 20 | <u>if there is a change in leadership in Sacramento might there be a reduction forth coming in the required houssing units for the State in total and therefore a reduction for Newport? Possbily somethig reasonable? This statutory framework is a Sacramento creation so if it changes, the change will have to come from Sacramento. I have real questions about how this framework can actually work. So here is my prediction: When 191 cities and 6 counties in SoCal file their Housing Elements with the State for certification, we will find out how this is really going to work. I expect many agencies will have difficulty meeting their RHNA (and that may include Newport Beach). I am not sure how the State forces agencies to do the impossible - - but I believe it will be up to the agencies to demonstrate they did everything they could and were unable to comply despite that good faith effort. I am hopeful that Newport Beach will be able to find enough sites to comply but we’ll have to wait and see.</u> |    | David<br>Tanner | dave@earsi.com       |
| 21 |   |    | Rush Hill       | Rush@NRMSservice.com |

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|----|---|-------------------------|-----------------------------|
| 22 | Can you give us a list of the legislator who vote for the affordable unit numbers? <a href="#">It wasn't the legislature that voted on this. It came from the State of CA Department of Housing and Community Development.</a>  | Deborah<br>Christiansen | dchristiansen09@gmail.com   |
| 23 | The "shortage" of 3,000,000 was determined several years ago before so many large companies decided to leave the state. The City of San Francisco is down 50,000 families just last year. <a href="#">Various SoCal agencies have raised an issue with the State about the validity of its assumptions.</a>   | Jeanne<br>Massingill    | jeannemassingill4@gmail.com |
| 24 | Is a R-2 property required to place two units?<br>What is the status of the Car Wash project (opposite Muldoon's) - as far as qualification?<br>Will "low cost" housing be included? <a href="#">Seimone answered these questions.</a>  | David<br>Campbell       | dmcampbell3501@gmail.com    |
| 25 | What about height limits in Newport Center? <a href="#">There are a variety of height limits in Newport Center. Generally, the closer to San Joaquin Hills Road a property is located, the higher the height limit.</a>   | Nicole<br>Reynolds      | nfreynolds@yahoo.com        |
| 26 | I've heard that if I want to change my duplex to a single unit that state law prevents this. Is this true? <a href="#">Seimone answered this one.</a><br>Is there a thought to litigate on the basis of climate change issues???<br>water needs? <a href="#">The Committee has been assigned the task of coming up with a plan to comply. It is possible that the Council might not like that plan but nonetheless they still could come to the conclusion that compliance is the best option available to the City. The Council will look at the plan and consider its options at that time.</a> | Richard<br>Luehrs       | Richardrluehrs@gmail.com    |
| 27 |   | Sandra<br>Ayres         | ssayres@mac.com             |

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- Since the pandemic, future of office use has changed. Occupancies are low and may continue to diminish. Can office be considered as a potential residential use site? [Sure. That could have happened even if there had not been a pandemic. Here is one to contemplate: What if a Museum House type operation wanted to take over an existing high rise office tower and convert it to condos?!](#)
- 28 Anonymous Attendee
- I apologize if you have already answered this question. Is the Irvine Co. one of the largest single land owner's in NB and has the committee or City had discussions with them already? The city has been very good to the Irvine Co. and we could use their help. [The Irvine Company is aware of the Housing Element update but so far they have not come forward with any ideas about Newport Center. Hopefully we will hear from them after we get a little further into our search for sites.](#)
- 29 Anonymous Attendee
- Has any thought been given to grandfathering existing garage or bootleg units into legitimate housing units that would likely meet very low affordable unit mandates? [Yes, that is being looked at.](#)
- 30 Anonymous Attendee
- 31 that should be where this housing should go, not a private golf course  
Given the decline in brick and mortar retail shops and the realization by major corporations during the C-19 situation that work at home is a viable alternative to commercial space rentals; has the committee considered approaching large retail owners and commercial property owners. [Yes. Obsolete uses or otherwise underutilized property would be ideal, but we have precious little of that in town. Small out of date retail doesn't really provide an opportunity to generate a lot of units and most of the bigger retail locations are not obsolete because they are largely fully occupied. Fashion Island may present some opportunities but that depends on what the Irvine Company has in mind.](#)
- Elizabeth Wiley eb\_wiley@yahoo.com
- 32 Anonymous Attendee

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- You would really take my golf. course site and fill it with housing? No we wouldn't do that to you! The location for housing is not where the golf course is proposed. Part of that County land has never been a landfill and that is the site that might be able to accommodate a fair amount of housing, hopefully an affordable housing site too. The ground lessee of the site from the County has begun to interface with staff on this potential site.
- 33 potential site. Rush Hill Rush@NRMservice.com
- why did a hotel go in former city hall that was slated for these ynits? Because that is what the community wanted and the Council went along with the community.
- 34 with the community. Elizabeth Wiley eb\_wiley@yahoo.com
- Do the property's identified for the RHNA allocation have to be zoned prior to the certification of the Housing Element? No. However, once the housing element is certified, then the City will have to change the land use element so those sites can be used as contemplated in the Housing Element.
- 35 Housing Element. David Tanner dave@earsi.com
- Are you only answering question that suit you? If I were to do that, I might not answer this question! Keep in mind that I had not seen these questions before the program started (they were proposed as I was putting on the program) and so I attempted to identify, on the fly, those questions that looked like they would be most interesting to the most people. Sorry if I skipped over some questions you wanted answered, but hopefully these answer cover what you wanted to know about. If not, feel free to send me an email.
- 36 not, feel free to send me an email. Elizabeth Wiley eb\_wiley@yahoo.com
- Can Speak Up Newport remind all members and offer up the Zoom connection on the Wednesdays when your committee meets??
- 37 connection on the Wednesdays when your committee meets?? Anonymous Attendee
- HOW MANY CITIES ARE APPEALING THEIR NUMBERS?
- 38 IS THERE ANY JOINING TOGETHER OF THE CITIES? CAROL Lind calind729@gmail.com
- 39 Can we have a workshop on Plan B or C. If we need one. David Tanner dave@earsi.com

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- Is Crystal Cove State Park included in Newport Beach 52sqm Calculation? How are Newport Beach Schools, Parks, Golf Course included in our 52sqm calculation? For the reasons set forth above, I do not believe this really is pertinent to the Housing Element update.
- 40 bob smith mybeach949@gmail.com
- What about the obligation of the City Council to protect the health and safety of the Community? If the City Council wants to pursue that type of approach, of course then they will. The Committee has been asked to come up with a plan to comply with our RHNA. The Council will receive what the Committee comes up with and decide what to do with it at that time.
- 41 David Tanner dave@earsi.com
- What are the boundaries of the coastal zone? It meanders. It is on the City's website.
- 42 Anonymous Attendee
- Would It Be Possible to Convert some of the Commercial Business Properties by the Airport to Residential? Especially because the Commercial real estate Market is taking a Huge hit Since Covid? That would be possible, but most of those properties are very valuable -- even the ones that look like maybe they should not be. If you owned one of those office properties what would it take for you to switch the use over to a residential use (i.e. tear down what you had to make way for something new)? For most people, they would have to believe that a residential use would be worth a material amount more than their existing use to go through the time and trouble to change uses. Otherwise, why bother? That is one of the challenges the City is facing in finding sites. The value of what is in place is an impediment to changing to a housing use in a lot of locations. But we are contacting a lot of property owners in the airport area to see if we can find some interest. It might also interest you to know that there are several commercial building owners in the airport area that do not want residential put in next to them. They want to be in a business environment. So while many people like the idea of residential in the
- 43 bob smith mybeach949@gmail.com

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airport area so it is not near our existing neighborhoods, that is not a unanimous sentiment among business property owners.

44 Didn't NB get stuck with more units because Riverside & S Bernardino got less Yes. Riverside in particular wanted to see more units pushed to the coast where more jobs and higher quality transportation facilities are located.

Nicole  
Reynolds      nfreynolds@yahoo.com

Sorry must leave the meeting for my next meeting! Siemon and Larry have done a great job. Very tough task that has little to no positive outcome. Change at the top will become more possible as we get closer to the next election session. Congradulations to all. Thank you.

45 rush

Rush Hill      Rush@NRMSservice.com