

## **RESOLUTION NO. PC2022-025**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT THE CIRCULATION ELEMENT UPDATE (PA2017-141)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS  
AS FOLLOWS:

#### **SECTION 1. STATEMENT OF FACTS.**

1. The Circulation Element is one of the mandatory elements of the General Plan that must be periodically updated in accordance with state law.
2. The Circulation Element governs the long-term mobility system of the city. The update of the Circulation Element presents a framework to evaluate, improve and manage the circulation system to meet the current and future needs of the city.
3. The Draft Circulation Element Update ("Draft Circulation Element") incorporates the mandates of state law since the last update in 2006, including the following:
  - a. Section 65580 *et seq.* of the California Government Code ("State Housing Element Law") which requires each city and county to adopt a housing element that identifies and analyzes existing and projected housing needs within their jurisdiction and prepare goals, policies, and programs, and quantified objectives to further the development, improvement, and preservation of housing. As a result of State Housing Element Law, the City of Newport Beach ("City") is in the process of re-adopting the 6<sup>th</sup> Cycle Housing Element covering the 2021-2029 period ("6<sup>th</sup> Cycle Housing Element") to accommodate the City's Regional Housing Needs Assessment ("RHNA") allocation of 4,845 new housing units. The updated Goals and Policies in the Draft Circulation Element support the 6<sup>th</sup> Cycle Housing Element;
  - b. Senate Bill 743 ("SB 743"), which establishes Vehicle Miles Traveled ("VMT") as the metric for determining transportation impacts as part of a California Environmental Quality Act ("CEQA") analysis;
  - c. Senate Bill 32 ("SB 32") and Senate Bill 375 ("SB 375") by supporting the State's climate action goals to reduce greenhouse gas emissions through coordinated transportation and land use planning; and
  - d. Assembly Bill 1358 ("AB 1358"), commonly referred to as "The Complete Streets Act of 2008," by including goals and policies to plan for a balanced

multimodal transportation network that meets the needs of all users of streets, roads, and highways for safe and convenient travel.

6. Pursuant to California Government Code Section 65033, a robust public participation effort concerning circulation and transportation issues throughout the city started in November 2020. Since that time, the City of Newport Beach ("City") has held five community workshops and discussed the Circulation Element and the project status at eight duly noticed Planning Commission meetings to receive public input on the Draft Circulation Element.
7. The Draft Circulation Element was posted on the City's website and was available for public review from March 12, 2021, with comments accepted through the end of April 2021. A revised draft of the Draft Circulation Element was posted on the City's website on July 12, 2022, for public review with comments accepted through August 1, 2022.
8. On September 8, 2022, a public hearing was held in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and 65353 of the Government Code and consistent with City Council Policy K-1 (General Plan and Local Coastal Program). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION

1. The Draft Circulation Element is not a project under CEQA pursuant to Section 15061(b)(3) of the California Code of Regulations, Title 14, Division 6, Chapter 3 ("CEQA Guidelines"), the common-sense exemption because it involves goals, policies, and programs that would not cause a significant effect on the environment. Moreover, the Draft Circulation Element is statutorily exempt under Section 15262 of the California CEQA Guidelines, which exempts projects involving feasibility or planning studies for future actions which the City has not approved or funded.
2. Section 423 of the Charter and Council Policy A-18 require any amendment to the General Plan be reviewed to determine if a vote of the electorate would be required. If a project includes a general plan amendment, and, separately or cumulatively with other projects over a 10-year span, exceeds more than 100 additional peak hour trips (a.m. or p.m.), adds 40,000 square feet or more of non-residential floor area or adds more than 100 dwelling units in a statistical area, a vote of the electorate is required. because it involves policies, programs, and actions to meet the City's RHNA allocation that would not cause a significant effect on the environment.

3. The 6<sup>th</sup> Cycle Housing Element adds at least 100 dwelling units in several statistical areas; therefore, voter approval of amendments to the Land Use Element and the Zoning Code will be required to implement the 6<sup>th</sup> Cycle Housing Element. As currently drafted, the Draft Circulation Element is a policy document that does not include any increases in a.m. or p.m. peak hour trips subject to voter approval. It will not result in physical environmental impacts at this phase.

### SECTION 3. DECISION

#### **NOW, THEREFORE, BE IT RESOLVED:**

1. The Planning Commission of the City of Newport Beach hereby finds that the Draft Circulation Element is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment pursuant to Section 15061(b)(3)) and is statutorily exempt pursuant to Section 15262 in accordance with the recitals under Section 2 of this Resolution.
2. The Planning Commission of the City of Newport Beach hereby finds that the Draft complies with all statutory requirements set forth in Section 65302(b) of the Government Code.
3. In conformance with City Council Policy K-1, the Planning Commission reviewed and recommended the City Council approve the General Plan Amendment to update the Circulation Element by adoption of Resolution No. PC2022-025.

#### **PASSED, APPROVED, AND ADOPTED THIS 8<sup>TH</sup> DAY OF SEPTEMBER, 2022.**

AYES: Ellmore, Harris, Kleiman, Lowrey, Rosene, Weigand

NOES: None

ABSTAIN: None

ABSENT: Klaustermeier

BY:

  
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Lauren Kleiman, Chairman

BY:

  
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Mark Rosene, Secretary

Exhibit A: Circulation Element Update

**Exhibit A**

**Circulation Element Update**