

Attachment G

Resolution No. 2024-54 Calling Election

RESOLUTION NO. 2024-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, CALLING FOR AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 5, 2024, FOR THE SUBMISSION OF A PROPOSED AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN

WHEREAS, under the provisions of Section 1000 of the City of Newport Beach Charter (“Charter”), a General Municipal Election shall be held in the City of Newport Beach on the first Tuesday after the First Monday of November in each even-numbered year for the election of officers and for such other purposes as the City Council may prescribe;

WHEREAS, on June 11, 2024, the City Council adopted Resolution No. 2024-33 calling a General Municipal Election to be held on Tuesday, November 5, 2024, for the purpose of the election of members of the City Council to represent the Second, Fifth and Seventh Districts, for a term of four years, which resolution is incorporated herein by this reference;

WHEREAS, Charter Section 423 and the Measure S Guidelines require voter approval of any amendment to the General Plan that exceeds certain thresholds;

WHEREAS, by adoption of this resolution, the City Council has determined that a proposed amendment to the Land Use Element of the General Plan should be submitted to the voters for approval pursuant to the provisions of Charter Section 423 and the Measure S Guidelines; and

WHEREAS, under the provisions of Charter Section 1000, the City Council of the City of Newport Beach desires to call and give notice of a General Municipal Election to be held on Tuesday, November 5, 2024, for the purpose of submitting to the voters a proposed amendment to the Land Use Element of the General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: Pursuant to its right, title and authority under Charter Section 1000, there is hereby called and ordered to be held in the City of Newport Beach, California, on Tuesday, November 5, 2024, a General Municipal Election for the purpose of voting on a proposed amendment to the Land Use Element of the General Plan, as provided for in this resolution.

Section 2: The City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election on Tuesday, November 5, 2024, the following question:

<p>MEASURE ____</p> <p>CITY OF NEWPORT BEACH GENERAL PLAN - AMENDMENT</p> <p>Shall the General Plan’s Land Use Element be amended so the City of Newport Beach can avoid fines of up to \$600,000 per month, losing local control over land use decisions, suspension of authority to issue building permits, and access to state funding, by adding the following State of California mandated residential housing opportunity units in Coyote Canyon (1,530), Dover-Westcliff (521), West Newport Mesa (1,107), the Airport Area (2,577), and Newport Center (2,439)?</p>	<p>Yes</p>
	<p>No</p>

Section 3: The proposed ballot measure to be submitted to the voters consists of the revisions to the City’s General Plan Land Use Element (Policies LU 4.4. and LU 4.5) adopted as part of the Land Use Element Amendment to the General Plan, which are attached hereto as Exhibit 1 and incorporated herein by this reference.

Section 4: The vote requirement for the ballot measure to pass is a majority (50% +1) of the votes cast.

Section 5: The ballots to be used at the election shall be in form and content as required by law.

Section 6: The City Clerk is authorized, instructed, and directed to contract with the County of Orange Registrar of Voters to procure and furnish any and all services, official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary to properly and lawfully conduct the election.

Section 7: In accordance with the provisions of law governing Statewide General Election, including Elections Code Section 10418, the precincts, ballot drop box locations and hours of operations, vote center locations and hours of operations, vote-by-mail procedures and timing, the election officers, and all other services, staff, and procedures for the General Municipal Election shall be the same as those utilized by the County of Orange and in compliance with the Elections Code of the State of California.

Section 8: In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

Section 9: Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

Section 10: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 11: The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City of Newport Beach upon presentation of a properly submitted bill.

Section 12: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 13: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 14: The City Council finds the adoption of this resolution to submit to voters a ballot measure that amends the Land Use Element of the General Plan is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Additionally, the Housing Element Implementation Program Amendments Final Program Environmental Impact Report (“PEIR”) (SCH No. 2023060699) addresses all environmental impacts associated with this action in compliance with CEQA as set forth in the Public Resources Code Sections 21000 *et seq.*, the CEQA Guidelines, and City Council Policy K-3 (Implementation Procedures for the California Environmental Quality Act). Specifically, Resolution No. 2024-__, which is hereby incorporated by reference, was adopted by the City Council on July 23, 2024, to certify the PEIR as complete and adequate, inclusive of all required findings, a statement of overriding considerations, and a mitigation monitoring reporting program. The City received two public comment letters during the statutory public comment period and the City responded to each comment and fully addressed all environmental impacts. Council hereby finds that the action to adopt this resolution was considered within the PEIR and no additional environmental review is required.

Section 15: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

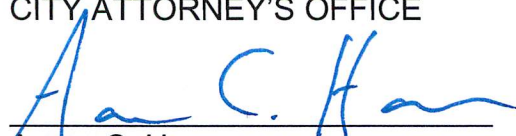
ADOPTED this 23rd day of July, 2024.

Will O’Neill
Mayor

ATTEST:

Leilani I. Brown
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY’S OFFICE



Aaron C. Harp
City Attorney

Attachment: Exhibit 1 - General Plan Land Use Element Policies LU 4.4 and 4.5

EXHIBIT 1

General Plan Land Use Element Policy LU 4.4 is added in its entirety as follows:

LU 4.4 Rezoning to Accommodate Housing Opportunities

Accommodate housing opportunities through the adoption of housing opportunity overlay zoning districts or other land use regulatory policy. The following areas are intended to be consistent with the Housing Element's focus areas. Properties within each overlay district should include, but are not limited to, sites identified in the Housing Element; however, not all sites must be included, and other sites or adjustments may be identified in the future through rezoning unless precluded by state law. The goal is to ensure an adequate number of sites Citywide to accommodate the City's overall allocation of the Regional Housing Needs Assessment:

- **Airport Environs:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 2,577 total dwelling units within the area.
- **West Newport Mesa:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 1,107 total dwelling units within the area.
- **Newport Center:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 2,439 total dwelling units within the area. units per gross acre.
- **Dover / Westcliff:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to 521 total dwelling units within the area.
- **Coyote Canyon:** the intent is to allow a density between 20 and 60 dwelling units per gross acre of viable land to accommodate up to 1,530 total dwelling units within the area.

General Plan Land Use Element Policy LU 4.5 is added in its entirety as follows:

LU 4.5 Residential Uses and Residential Densities

Residential use of any property included within an established housing opportunity overlay zoning district is allowed regardless of and in addition to the underlying land use category or density limit established through Policy LU 4.1, Table LU 1 and Table LU 2, or any other conflict in the Land Use Element. A general plan amendment is not required to develop a residential use within an established housing opportunity zoning overlay district. The maximum density specified for the various overlay districts specified in Policy LU 4.2 is an average over the entire property or project site. For example, a portion of a development site may be developed at a higher density than specified by Policy 4.4 provided other portions of the site are developed at lower densities such that the average does not exceed the maximum. Density calculations and total units identified in LU 4.4 do not include units identified as pipeline units or units permitted pursuant to State density bonus law.