

# **Attachment I**

Resolution No. 2024-56 Filing Written Arguments and  
Directing the City Attorney to Prepare an Impartial Analysis

**RESOLUTION NO. 2024-56**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS**

**WHEREAS**, in accordance with Article 4, Chapter 3, Division 9 of the California Elections Code, the City Council of the City of Newport Beach may file a written argument for or against any City measure; and

**WHEREAS**, a General Municipal Election is to be held in the City of Newport Beach, California, on Tuesday, November 5, 2024, at which there will be submitted to the voters the following measure:

<b>MEASURE ____</b>	Yes
<b>CITY OF NEWPORT BEACH GENERAL PLAN - AMENDMENT</b>	No
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)?	

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

**Section 1:** That the City Council authorizes the following City Council Member(s) of its body:

_____ (In Favor)	_____ (Against),
_____ (In Favor)	_____ (Against),
_____ (In Favor)	_____ (Against),

to file a written argument not exceeding three hundred (300) words regarding the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the California Elections Code. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk. A direct argument may not be signed by more than five (5) authors.

The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the "Form of Statement to be Filed by Author(s) of Argument."

**Section 2:** The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure of no more than five hundred (500) words, pursuant to California Elections Code Section 9280.

**Section 3:** The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

**Section 4:** 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 5:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**Section 6:** 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 7:** 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 23<sup>rd</sup> 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