



== CITY OF ==

NEWPORT BEACH

City Council Staff Report

January 27, 2026
Agenda Item No. 18

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Lena Shumway, City Clerk - 949-644-3005,
lshumway@newportbeachca.gov

PREPARED BY: Lena Shumway, City Clerk

TITLE: Certification of Referendum Petition on Resolution No. 2025-71
approving a General Plan Amendment for the Snug Harbor Surf Park
Project Located at 3100 Irvine Avenue, Newport Beach, CA and
Consideration of Council Action Options

ABSTRACT:

On October 28, 2025, the Newport Beach City Council approved the redevelopment of a portion of the privately owned Newport Beach Golf Course to allow construction of the Snug Harbor Surf Park, a surf-oriented outdoor commercial recreational facility. As part of the approval, the City Council adopted Resolution 2025-71, amending the City's General Plan to increase the allowable development limit on the site from 20,000 square feet to 59,772 square feet. Newport Beach resident Steven Vickers subsequently filed a referendum petition challenging the General Plan amendment to increase the allowable development limit. The Orange County Registrar of Voters certified that the petition contains the required number of valid signatures to place the matter on the ballot. Pursuant to California Elections Code 9241, the City Council must now either repeal the approved increase in development intensity or submit the measure to the voters at a future election.

RECOMMENDATIONS:

- a) Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080 and Sections 15060(c)(1), (2) and (3) and 15378(b)(3) of the CEQA Guidelines because the action does not constitute a project and will not result in a physical change to the environment, directly or indirectly;
- b) Authorize City staff to prepare and execute a budget amendment, as needed, to implement the City Council's selected course of action and to appropriate sufficient funds to cover associated costs based on the option approved by the City Council;
- c) Accept the certification of the Orange County Registrar of Voters as to the verification of signatures of the Referendum Petition; and
- d) Take one of the following actions:

(i) Adopt Resolution No. 2026-____ *A Resolution of the City Council of the City of Newport Beach, California, Repealing City Council Resolution 2025-71*; or

(ii) Call a Special Municipal Election. By motion, decide whether to submit an argument against the proposed referendum (pursuant to Elections Code Section 9282) and, if submitting such an argument, designate the authors; and then adopt the following resolutions: (1) *Resolution No., A Resolution of the City Council of the City of Newport Beach, California, Calling for and Giving Notice of a Special Municipal Election to be held on June 2, 2026, for the Submission of a Referendum on Resolution No. 2025-71 Approving a General Plan Amendment for the Snug Harbor Surf Park Project Located at 3100 Irvine Avenue, Newport Beach, California and Requesting the Orange County Board of Supervisors Authorize the County Elections Official to Consolidate the Special Municipal Election with the Statewide Primary Election to be Held on the Same Date*; (2) *Resolution No., A Resolution of the City Council of the City of Newport Beach, California, Directing the City Attorney to Prepare an Impartial Analysis of a Referendum to be Submitted to the Voters at the Special Municipal Election to be Held on June 2, 2026, and Providing for the Deadlines for Filing of the Impartial Analysis and Written Arguments For and Against the Referendum Measure*; and (3) *Resolution No., A Resolution of the City Council of the City of Newport Beach, California, Setting the Deadlines for Filing of Rebuttal Arguments in Response to Direct Arguments Filed For and Against a Referendum to be Submitted to the Voters at the Special Municipal Election to be Held on June 2, 2026*; or

(iii) Call a General Municipal Election. By motion, decide whether to submit an argument against the proposed referendum (pursuant to Elections Code Section 9282) and, if submitting such an argument, designate the authors; and then adopt the following resolutions: (1) *Resolution No. A Resolution of the City Council of the City of Newport Beach, California, Calling for and Giving Notice of a General Municipal Election to be Held on November 3, 2026, for the Submission of a Referendum on Resolution No. 2025-71 Approving a General Plan Amendment for the Snug Harbor Surf Park Project Located at 3100 Irvine Avenue, Newport Beach, California and Requesting the Orange County Board of Supervisors Consolidate the General Municipal Election to be Held on the Same Date*; (2) *Resolution No., A Resolution of the City Council of the City of Newport Beach, California, Directing the City Attorney to Prepare an Impartial Analysis of a Referendum to Be Submitted to the Voters at the General Municipal Election to be Held on November 3, 2026, and Providing for the Deadlines for Filing the Impartial Analysis and Written Arguments For and Against the Referendum Measure*; and (3) *Resolution No., A Resolution of the City Council of the City of Newport Beach, California, Setting the Deadlines for Filing of Rebuttal Arguments in Response to Direct Arguments Filed For and Against a Referendum to be Submitted to the Voters at the General Municipal Election to be Held on November 3, 2026*.

DISCUSSION:

On October 28, 2025, the Newport Beach City Council considered an application for the redevelopment of the central portion of the privately owned Newport Beach Golf Course located at 3100 Irvine Avenue, Newport Beach, California (Property). Following its consideration of the application, the City Council approved the proposed redevelopment of the Property.

As part of the approval, the City Council adopted Resolution 2025-71, which amended the City's General Plan to increase the allowable development limit on the Property from 20,000 square feet to 59,772 square feet.

Thereafter, Newport Beach resident Steven Vickers subsequently filed a referendum petition challenging the General Plan amendment to increase the allowable development limit. A copy of the referendum petition titled "Referendum on Resolution No. 2025-71 Approving a General Plan Amendment for the Snug Harbor Surf Park Project Located at 3100 Irvine Avenue, Newport Beach, California," is attached hereto as Attachment A (Referendum).

The Referendum only challenged the increase in allowable density approved by Resolution No. 2025-71 and does not challenge the other resolutions and approvals adopted by the City Council in connection with the project, including Resolution Nos. 2025-72, 2025-73, and 2025-74, which approved a conditional use permit, certified the environmental impact report, and overrode the Airport Land Use Commission's determination of inconsistency. These latter resolutions are not subject to referendum because they are not legislative acts.

On December 4, 2025, the Referendum petition was submitted to the city clerk. In accordance with the City Charter and the California Elections Code, the city clerk received and examined the petition. Following the *prima facie* examination required by law, the city clerk determined that the petition contained the requisite number of signatures of registered City of Newport Beach electors and, on December 5, 2025, the city clerk forwarded the petition to the Orange County Registrar of Voters for verification of signatures.

On January 20, 2026, the Orange County Registrar of Voters certified the petition contains the required number of valid signatures of City electors to qualify the Referendum for placement on the ballot. A copy of the certification is attached hereto as Attachment B (Certification).

Now that the Referendum petition has qualified for placement on the ballot, the General Plan amendment to increase the allowable development limit from 20,000 square feet to 59,772 square feet, as set forth in Resolution No. 2025-71, will not take effect unless it is approved by a majority of the qualified voters of the City of Newport Beach.

Pursuant to the California Elections Code, the City Council is now required to take one of the following actions:

1. Adopt a resolution repealing Resolution No. 2025-71, which approved a General Plan Amendment for the Snug Harbor Surf Park Project located at 3100 Irvine Avenue, Newport Beach, California; or
2. Submit the Referendum measure to the voters at one of the following elections:
 - a. A special election ordered for the purpose of considering approval of Resolution No. 2025-71, which must be held no fewer than 88 days after the City Council accepts the certification of the referendum petition; or

b. A general municipal election to consider the approval of Resolution No. 2025-71, scheduled for November 3, 2026.

If the City Council elects to call a special election, the Referendum measure may be consolidated with the June 2, 2026, Statewide Primary Election, which would result in cost savings compared to conducting a standalone special election; or it may be consolidated with the next general municipal election. The estimated cost of placing the referendum measure on the ballot is: \$113,986 – \$143,606, which includes costs associated with the voter information guide, ballot printing and postage, voting equipment, and other related election administration expenses.

FISCAL IMPACT:

Depending on whether the City Council chooses to overturn resolution 2025-71, call a special municipal election or consolidate the measure with the next general municipal election, a budget amendment will be required to cover associated election and administrative costs.

Option 1. Limited Fiscal Impact

Should the City Council choose to repeal Resolution 2025-71, there would be no election costs, and the only costs would be associated with the verification of signatures by the Orange County Registrar of Voters.

Option 2. Consolidated the General Municipal Election with the General Statewide Election of November 3, 2026, or June 2, 2026, Statewide Primary Election

\$113,986 – \$143,606 (budget augmentation will be required).

ENVIRONMENTAL REVIEW:

If the City Council decides to repeal Resolution No. 2025-71, staff recommends that the City Council find that this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Public Resources Code section 21080, on the basis that the repeal of the General Plan Amendment approved by Resolution No. 2025-71 does not constitute a “project” for purposes of CEQA.

In addition, the City Council’s action does not constitute a project under section 15378(b)(3) of the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3), because the decision to submit Resolution No. 2025-71 to a vote of the electorate pursuant to a voter-sponsored ballot measure does not involve a discretionary action and is not a project for purposes of CEQA. Furthermore, the action is exempt from CEQA pursuant to sections 15060(c)(1), 15060(c)(2), and 15060(c)(3) of the CEQA Guidelines, as it does not involve the exercise of discretionary powers, and will not result in a direct or reasonably foreseeable indirect physical change in the environment.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

- Attachment A - Initiative Petition
- Attachment B - Certificate as to Verification of Signatures on Petition
- Attachment C - Resolution, Repealing City Council Resolution 2025-71
- Attachment D - Resolution Calling and Giving Notice of June 2, 2026, Special Municipal Election
- Attachment E –Resolution Calling and Giving Notice of November 3, 2026, General Municipal Election
- Attachment F - Resolution Directing City Attorney to Prepare Impartial Analysis and Setting Deadlines for Arguments
- Attachment G - Resolution Setting Rebuttal Argument Deadlines for the 2026 Election