

ATTACHMENT F

RESOLUTION NO. 2025-__

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 TUESDAY, NOVEMBER 3, 2026, TO SUBMIT TO THE VOTERS AN INITIATIVE MEASURE PROPOSING TO AMEND THE LAND USE ELEMENT OF THE CITY'S GENERAL PLAN AND REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE

WHEREAS, Section 1003 of the Charter of the City of Newport Beach ("City Charter") states that the provisions of the Elections Code of the State of California ("Elections Code"), as the same now exist or hereafter may be amended, which governs initiatives, shall apply to the use thereof in the City of Newport Beach ("City") so far as such provisions of the Elections Code are not in conflict with the provisions of the Charter;

WHEREAS, on April 30, 2025, pursuant to Elections Code Section 9202, the City was served with a Notice of Intention to Circulate Petition, a Proponent's Signed Statement, and a copy of a proposed initiative titled the Responsible Housing Initiative ("Initiative");

WHEREAS, on May 15, 2025, pursuant to Elections Code Section 9203, the City Attorney prepared a summary of the Initiative with the following ballot title: "Initiative to Provide Affordable Housing for 2,900 Extremely Low-, Very Low-, Low- and Moderate-Income Households";

WHEREAS, on November 18, 2025, certification was presented to the City Council that not less than ten percent of the registered voters of the City signed the petition for the Initiative;

WHEREAS, pursuant to Elections Code Section 9215, if an initiative petition is signed by not less than ten percent of the registered voters of a city, that city shall either adopt the proposed initiative, submit the proposed initiative to the voters, or order a report pursuant to Elections Code Section 9212;

WHEREAS, pursuant to Elections Code Section 1405(a), a municipal initiative that qualifies for submission to the voters shall be submitted to the voters at the next regular election occurring not less than 88 days after the date of the order of election;

WHEREAS, pursuant to Charter Section 1000, 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; and

WHEREAS, pursuant to Charter Sections 1000, 1002, and 1003 and Elections Code Sections 9215 and 1405(a), 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 3, 2026, for the purpose of submitting to the registered voters of the City of Newport Beach an initiative measure proposing to amend the Land Use Element of the City's 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 Charter Sections 1000, 1002, and 1003 and Elections Code Sections 9215 and 1405(a), there is hereby called and ordered to be held in the City of Newport Beach, California, on Tuesday, November 3, 2026, a General Municipal Election for the purpose of submitting to the registered voters of the City of Newport Beach an initiative measure proposing to amend the Land Use Element of the City's General Plan, as provided for in this resolution.

Section 2: The City Council does hereby order submitted to the registered voters of the City of Newport Beach at the General Municipal Election on Tuesday, November 3, 2026, the following question:

MEASURE ____	
CITY OF NEWPORT BEACH GENERAL PLAN - AMENDMENT Shall the measure to amend the City of Newport Beach's General Plan Land Use Element allowing 2,900 new affordable housing units (2,160 reserved for extremely low-, very low-, and low-income households; and 740 for moderate-income households) with densities of 20 - 50 dwelling units per acre, plus State of California allowed housing density bonuses, in Dover/Westcliff (174), Newport Center (870), West Newport Mesa (406), Airport Area (929), and Coyote Canyon (521), be adopted?	Yes
	No

Section 3: The text of the Initiative and proposed amendment to the Land Use Element (Policy LU 4.4) of the City's General Plan is 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 hereby requests, pursuant to Elections Code Section 10403, that the Orange County Board of Supervisors consent and agree to the consolidation of the City's General Municipal Election with the Statewide General Election to be held on Tuesday, November 3, 2026, for the purpose of submitting to the registered voters of the City of Newport Beach an initiative measure proposing to amend the Land Use Element of the City's General Plan.

Section 7: The City recognizes that additional costs will be incurred by the County of Orange by reason of consolidation, and the City agrees to reimburse the County of Orange for such costs.

Section 8: The City Clerk is authorized, instructed, and directed to contract with the County of Orange 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 9: In accordance with the provisions of law governing Statewide General Elections, 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 10: In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for the holding municipal elections.

Section 11: 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, the time, and in the form, and manner as required by law.

Section 12: The City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 13: 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 14: The Orange County Elections Official is hereby authorized to canvass the returns of the General Municipal Election.

Section 15: The City Clerk shall receive the canvass from the Orange County Elections Official as it pertains to the Initiative and shall timely certify the results to the City Council in accordance with law.

Section 16: If the voters approve the Initiative, the amendment to the Land Use Element of the General Plan shall be adopted as of the date that the vote is declared by the City Council and shall go into effect 10 days after that date in accordance with Elections Code Section 9217 or as otherwise required by law.

Section 17: The City Clerk shall deliver certified copies of this resolution, including the full text of the measure attached hereto as Exhibit 1, to the Clerk of the Board of Supervisors of Orange County and the Orange County Registrar of Voters.

Section 18: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 19: 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 are declared invalid or unconstitutional.

Section 20: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code Section 21080(b)(1) because submission to the voters of a voter-sponsored initiative is a ministerial duty required by Elections Code Section 9215, and is therefore not subject to CEQA pursuant to Sections 15060(c)(1) (the activity does not involve the exercise of discretionary powers by a public agency), 15060(c)(3) (the activity is not a project as defined in Section 15378), and 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3.

Section 21: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

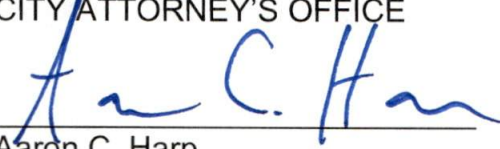
ADOPTED this 18th day of November, 2025.

Joe Stapleton
Mayor

ATTEST:

Lena Shumway
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp
City Attorney

Attachment: Exhibit 1 – Responsible Housing Initiative

Exhibit 1

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The People of the City of Newport Beach do hereby ordain as follows:

Section 1. Title

This initiative measure shall be known as the “**Responsible Housing Initiative**” (the “Initiative”).

Section 2. Purpose and Findings.

A. Purpose. This Initiative seeks to balance responsible urban development with protecting the environment, public health and safety, and the quality of life for the residents and businesses of the City of Newport Beach (the “City”). This Initiative amends the City’s General Plan to allow for more residential housing in a manner that fully satisfies, but does not unduly exceed, the requirements of California housing laws, including the State Housing Element Law and Housing Accountability Act.

B. Findings. The residents of the City find that this Initiative promotes the public interest in light of its Purpose and the following facts and circumstances:

1. In November 2000, City residents voted to approve the Greenlight Initiative, which added Section 423 to the Newport Beach City Charter. Section 423 prevents the Newport Beach City Council from amending the City’s General Plan to significantly increase allowed development without first securing approval from City residents. Section 423 specifically requires, among other things, that any amendment to the City’s General Plan allowing for the development of more than 100 dwelling units must be approved by a majority vote in a City election.

2. When the City was preparing its 2021 - 2029 6th Cycle Housing Element (the “Housing Element”) in response to State law, the City repeatedly assured the community it would allow new development only to extent required by State law. Under State law, the City was asked to update its Housing Element to allow for 4,845 new dwelling units at varying levels of affordability (e.g., low income, moderate income). This is commonly referred to as the City’s Regional Housing Needs Allocation or “RHNA.”

3. In September 2022, the City adopted the Housing Element. That Housing Element specified that implementation of the Housing Element “will require a companion Land Use Element amendment that will be subject to a vote of the electorate pursuant to Charter Section 423.” In October 2022, the California Department of Housing and Community Development (“HCD”) reviewed the City’s Housing Element and informed the City that it must implement all programs identified in the Housing Element, including “Initiating a Ballot Measure for a Charter Section 423 Vote.”

4. Between October 2022 and April 2024, City officials and staff worked to implement the Housing Element. The City stated that such implementation would require several major land use approvals, including significant amendments to the Land Use Element of the City's General Plan, the City's Zoning Ordinance, and the City's Local Coastal Program. These approvals were referred to collectively as the "Housing Element Implementation Program Amendments."

5. Throughout the process to implement the Housing Element, the City consistently told residents they would have an opportunity to vote on proposed amendments to the Land Use Element, as required by Section 423. Prior to July 2024, the City never suggested to voters that the Newport Beach City Council ("City Council") would not send this issue to a vote under Charter Section 423.

6. In April 2024, the Housing Element Implementation Program Amendments were presented to the Newport Beach Planning Commission for review and recommendation. The Planning Commission recommended approval of the Housing Element Implementation Program Amendments. The Resolution adopted by the Planning Commission stated that final adoption would "require a majority vote of the electorate" under Section 423. (Resolution No. PC2024-006.)

7. The Housing Element Implementation Program Amendments presented to the Planning Commission proposed allowing for development of at least 8,174 new dwelling units. That proposal reflected a 68% increase above the RHNA requirement, or 3,329 excess dwelling units.

8. On July 23, 2024, the City Council held a meeting purporting to approve the proposed Housing Element Implementation Program Amendments and purporting to authorize a dramatic increase in the scale, height and density of residential development in Newport Beach. The City Council also purported to adopt proposed amendments to the Land Use Element. Those purported amendments include the addition of Policy LU 4.4, which is intended to exceed the City's RHNA through the adoption of Housing Opportunity (HO) Overlay Zoning Districts and other land use policies. Local voters did not approve of any of those purported amendments.

9. During that same July 23 meeting, the City Council asserted without legal support that a Charter Section 423 vote on the proposed Land Use Element amendments was purportedly "precluded" by State law.

10. On September 24, 2024, the City Council adopted— again, without voter approval—Ordinance No. 2024-16, which purports to amend the City's Zoning Code and associated maps to add HO Overlay Zoning Districts. These HO Overlay Zoning Districts alone purport to allow for more than eight thousand additional dwelling units to be developed throughout six large areas of Newport Beach.

11. The decision to adopt any major amendment authorizing thousands of additional dwelling units belongs to the voters, not the City Council.

12. Unlike Newport Beach, the City of Yorba Linda chose to honor its local voter approval requirements when adopting its Housing Element implementation strategy. In November 2024, Yorba Linda voters overwhelmingly approved Measure JJ, a measure the Yorba Linda City Council placed on the ballot in June 2024 to comply with Yorba Linda's "Right-to-Vote Amendment" (Measure B). Under Measure JJ, Yorba Linda will satisfy its RHNA of 2,415 units by relying on pipeline projects (181 units) and underutilized sites (569 units), and then rezoning specific properties to accommodate additional units (1,747 units). In total, Yorba Linda plans to accommodate 2,497 units through its Housing Element and associated implementation program. This will result in no more than 82 units beyond what State law requires, or an approximately three percent (3%) increase above Yorba Linda's RHNA of 2,415 units.

13. Like the approach taken by the City of Yorba Linda, this Initiative would allow the City to achieve housing objectives while ensuring the local community has a voice in major land use decisions.

14. The table below shows how this Initiative would meet the requirements of State law.

	Extremely Low / Very Low Income	Low Income	Moderate Income	Above Moderate Income	Total
Total RHNA	1,456	930	1,050	1,409	4,845
Total RHNA	2,386		1,050	1,409	4,845
Pipeline Units ¹	348		0	2,597	2,945
Accessory Dwelling Units (ADUs)	163		72	5	240
5 th Cycle Sites	0		287	40	327
Subtotal	511		359	2,642	3,512
Remaining RHNA (Net RHNA)	1,875		691	0	2,566
Airport Environs Overlay ²	692		237	0	929
West Newport Mesa Overlay ²	302		104	0	406
Dover-Westcliff Overlay ²	130		44	0	174
Newport Center Overlay ²	648		222	0	870
Coyote Canyon Overlay ²	388		133	0	521
Total Rezone	2,160		740	0	2,900
Total Development Capacity	2,671		1,099	2,642	6,412
Surplus (units)	285		49	1,233	1,567
Surplus (%) (RHNA buffer)	12%		5%	88%	32%
Notes:					
¹ Total units in projects that received entitlements from the City before December 2024.					
² Figures in the Total column represent the "Development Limit" for each overlay zone.					

Section 3. **Amendment to the *City of Newport Beach General Plan*.**

The voters hereby amend and readopt Policy LU 4.4 of the Land Use Element (Chapter 3) of the *City of Newport Beach General Plan* as follows (new language to be inserted into the General Plan is shown as underlined text; language shown in regular or bold (not underlined) type reflects the existing General Plan text and is provided for informational/reference purposes only):

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~~ 929 total dwelling units within the area. All dwelling units must be affordable to "moderate income" households, and at least 692 units must be affordable to "low income" households, as those terms are defined in Government Code 65582.
- **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~~ 406 total dwelling units within the area. All dwelling units must be affordable to "moderate income" households, and at least 302 units must be affordable to "low income" households, as those terms are defined in Government Code 65582.
- **Newport Center:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to ~~2,439~~ 870 total dwelling units within the area. All dwelling units must be affordable to "moderate income" households, and at least 648 units must be affordable to "low income" households, as those terms are defined in Government Code 65582.
- **Dover / Westcliff:** the intent is to support a density between 20 and 50 dwelling units per gross acre to accommodate up to ~~521~~ 174 total dwelling units within the area. All dwelling units must be affordable to "moderate income" households, and at least 130 units must be affordable to "low income" households, as those terms are defined in Government Code 65582.

- **Coyote Canyon:** the intent is to allow a density between 20 and ~~60~~ 50 dwelling units per gross acre of viable land to accommodate up to ~~1,530~~ 521 total dwelling units within the area. All dwelling units must be affordable to “moderate income” households, and at least 388 units must be affordable to “low income” households, as those terms are defined in Government Code 65582.

The maximum number of dwelling units for each focus area set forth above shall serve as the Development Limit for each overlay district. The Development Limits shall not include density bonus units. Once the maximum number of units have been approved under the applicable focus area’s Development Limit, no housing opportunity overlay zoning district or other land use regulatory policies or programs developed pursuant to this Policy (LU 4.4) shall be available for future development in that focus area unless City voters approve a further major amendment to the General Plan.

Section 4. Implementation of this Initiative.

A. This Initiative is considered adopted and effective upon the earliest date legally possible after the elections official certifies the vote on the Initiative by the voters of the City (the “Effective Date”). Upon the Effective Date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any and all City ordinances, codes, maps, figures, and any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative. Such administrative steps shall include, but not be limited to, amending Section 20.28.050 of the City of Newport Beach Zoning Code to be consistent with this Initiative.

B. Upon the Effective Date of this Initiative, the General Plan provisions of Section 3 of this Initiative are hereby inserted into the General Plan; except that if the four amendments of any mandatory element of the General Plan permitted by State law for any calendar year have already been utilized in the year in which this Initiative becomes effective, the General Plan amendments set forth in this Initiative shall be the first amendments inserted into the General Plan on January 1 of the next year. The City may reorganize, renumber, and/or reformat the General Plan provisions set forth in Section 3 of this Initiative, provided that the full text is inserted into the General Plan Land Use Element without alteration.

C. The General Plan in effect on the date of filing of the Notice of Intention to Circulate Petition (“Filing Date”), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City’s General Plan remains an integrated, internally consistent, and compatible statement of policies for the City, any provision of the General Plan that is adopted between the Filing Date and the Effective Date of the General Plan amendment adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the General Plan amendment adopted by this Initiative, be amended as soon as possible and in the manner and time required by State law to ensure consistency with this

Initiative.

Section 5. Effect of Other Measures on the Same Ballot.

If this Initiative and another measure on the same subject matter appear on the same ballot, and a majority of the voters vote in favor of both measures but this Initiative receives more votes than the other measure, this Initiative alone shall become valid, binding and adopted in its entirety, and the other measure shall be null and void in its entirety. If a majority of the voters vote in favor of both measures but this Initiative receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflict with the provisions of this Initiative shall control, and all other provisions of this Initiative shall become valid, binding and adopted. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 6. Interpretation, Severability, and Legal Defense.

A. This Initiative must be interpreted so as to be consistent with all federal and State laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Newport Beach indicate our strong desire that: (i) the Newport Beach City Council use its best efforts to sustain and re-enact that portion, and (ii) the Newport Beach City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.

C. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

D. The People of the City of Newport Beach desire that this amendment to the General Plan, if approved by the voters and thereafter challenged in court, be defended by the City. The People, by approving this General Plan amendment, hereby declare that the proponent(s) of this

General Plan amendment have a direct and personal stake in defending it from constitutional or statutory challenges to its validity or implementation. In the event the City fails to defend this General Plan amendment, or the City fails to appeal an adverse judgment against its constitutionality, statutory permissibility or implementation, in whole or in part, in any court of law, the proponents shall be entitled to assert their direct personal stake by defending its validity and implementation in any court of law and shall be empowered by the People through this measure to act as agents of the People.

Section 7. Amendment or Repeal.

General Plan Policy LU 4.4 as amended by this Initiative can be amended or repealed only by a majority of the voters of the City voting in an election held in accordance with applicable State and City law. For the avoidance of doubt, this Section only limits the power to amend General Plan Policy LU 4.4 and does not limit the power of the City to amend or repeal other portions of the City of Newport Beach General Plan in a manner that is consistent with this Initiative.

Section 8. Judicial Enforcement.

Any aggrieved person shall have the right to bring an action to enjoin any violation of this Initiative or to enforce the duties imposed on the City by this Initiative. The proponents of this Initiative may defend the provisions of this Initiative in any litigation brought to challenge the Initiative.