



CITY OF

NEWPORT BEACH

City Council Staff Report

November 30, 2021
Agenda Item No. 7

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Resolution No. 2021-120: Supporting Initiative No. 21-0016 to Amend Article XI of the California Constitution to Provide That Local Land Use and Zoning Laws Override Conflicting State Laws

ABSTRACT:

For the City Council's consideration is the adoption of a resolution to register the City of Newport Beach's support for Initiative No. 21-0016, which aims to amend the California Constitution to restore local control over zoning and land use planning matters, especially related to the production of housing.

RECOMMENDATION:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Adopt Resolution No. 2021-120, *A Resolution of the City Council of the City of Newport Beach, California, Expressing Support for Initiative No. 21-0016 to Amend Article XI of the California Constitution to Provide That Local Land Use and Zoning Laws Override Conflicting State Laws.*

DISCUSSION:

In recent years, the State of California's (State's) Legislature has put forward and signed many bills addressing a range of land use planning and housing issues. Most of the bills enact a "one-size-fits-all" approach and override the local land use authority of local jurisdictions. This approach has removed the ability of individual jurisdictions to determine the land use policies and practices best suited for their community and its residents, considering the community's unique needs and differences.

While the bills are aimed at producing affordable housing to help solve the State's affordable housing crisis, most do not provide any incentives or requirements for low-income or moderate workforce housing. Instead, they impose new policies that serve to incentivize speculation and seemingly result in the addition of more market-rate or luxury housing. This, in turn, eliminates a local jurisdiction's opportunity to implement efficient policies that will create more affordable housing and affirmatively further fair housing practices, which is counterproductive to the State's housing goals.

Initiative No. 21-0016 was filed to ensure that zoning and land use authority rests with the local jurisdictions that represent the communities in which the residents reside. In doing so, local jurisdictions will be better positioned to implement solutions that effectively address the unique needs and conditions of each community whilst moving toward combatting the affordable housing crisis. By amending Article XI of the State's Constitution, this initiative would effectively restore local control over zoning and land use planning matters.

Council member Brenner requested, and City Council approved, consideration of supporting this initiative. For more information, visit www.ourneighborhoodvoices.com.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 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.

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).

ATTACHMENT:

Attachment A – Resolution No. 2021-120