

## ATTACHMENT A

### RESOLUTION NO. 2020- 3

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, INITIATING AMENDMENTS TO TITLE 20 ENTITLED "PLANNING AND ZONING" AND TITLE 21 ENTITLED "LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN" OF THE CITY OF NEWPORT BEACH MUNICIPAL CODE RELATED TO STATE MANDATED REGULATIONS OF ACCESSORY DWELLING AND JUNIOR ACCESSORY DWELLING UNITS (PA2019-248)**

**WHEREAS**, Section 20.66.020 of the Newport Beach Municipal Code ("NBMC") provides that the City Council of the City of Newport Beach ("City Council") may initiate an amendment to the Zoning Code with or without a recommendation from the Planning Commission;

**WHEREAS**, City Council Policy K-1 entitled "General Plan and Local Coastal Program" requires amendments to the City of Newport Beach certified Local Coastal Program codified in Title 21 of the NBMC to be initiated by the City Council;

**WHEREAS**, the California Legislature recently approved, and the Governor signed, Senate Bill 13 (Chapter 653, Statutes of 2019), Assembly Bill 68 (Chapter 655, Statutes of 2019), and AB 881 (Chapter 659, Statutes of 2019), which amend California Government Code Sections 65852.2 and 65852.22 to impose new limits on the City's regulation of Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs");

**WHEREAS**, Government Code Sections 65852.2 and 65852.22 conflict with the City's current regulation of ADUs and JADUs; and

**WHEREAS**, the City Council desires to amend Title 20 and Title 21 of the NBMC adopting new regulations for ADUs and JADUs that comply with Government Code Sections 65852.2 and 65852.22, to maintain local control and mitigate potential impacts to existing residential property.

**NOW, THEREFORE**, the City Council of the City of Newport Beach resolves as follows:

**Section 1:** The City Council hereby initiates amendments to Title 20 "Planning and Zoning" of the NBMC and Title 21 "Local Coastal Program Implementation Plan" of the NBMC to adopt new regulations for ADUs and JADUs.

**Section 2:** 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 3:** The recitals provided in this resolution are true and correct and are incorporated into the substantive portion of this resolution.

**Section 4:** The City Council finds the adoption of this resolution is exempt from environmental review under the California Environmental Quality Act ("CEQA"), pursuant to Section 15262 of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it involves feasibility or planning studies for possible future actions which the agency, board, or commission has not approved or adopted.

**Section 5:** This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this resolution.


**ADOPTED** this 14<sup>th</sup> day of January, 2020.

\_\_\_\_\_  
Will O'Neill  
Mayor

ATTEST:

\_\_\_\_\_  
Leilani I. Brown  
City Clerk

**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

  
\_\_\_\_\_  
Aaron C. Harp  
City Attorney