

## ATTACHMENT A

### RESOLUTION NO. 2020- 6

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DISSOLVING THE GENERAL PLAN UPDATE STEERING COMMITTEE AND ESTABLISHING THE HOUSING ELEMENT UPDATE ADVISORY COMMITTEE**

**WHEREAS**, on January 22, 2019, the City Council of the City of Newport Beach ("City") adopted Resolution No. 2019-7 creating the General Plan Update Steering Committee ("Committee") to consider amendments to the City's General Plan and Local Coastal Program;

**WHEREAS**, Resolution No. 2019-7 was repealed and replaced by Resolution 2019-20, which maintained the same purpose but revised the number of members of the Committee;

**WHEREAS**, the Committee's primary purpose is to ensure there is sufficient public outreach and stakeholder input regarding the proposed General Plan Update and to guide the initial public outreach effort;

**WHEREAS**, the Committee began meeting in February 2019, worked with City staff and the City's outreach consultant, Kearns & West ("K&W"), and guided the community engagement and outreach process ("Listen and Learn") during this time;

**WHEREAS**, the Committee received regular updates from City staff regarding the California Department of Housing and Community Development ("HCD") Regional Housing Need Determination for the Southern California region of 1,344,740 housing units and the City's estimated Regional Housing Needs Assessment ("RHNA") from the Southern California Association of Governments ("SCAG") for the sixth cycle (2021-2029);

**WHEREAS**, City staff and K&W officially launched the Listen and Learn on October 26, 2019, with a community-wide fair event hosted at the Civic Center followed by a series of seven (7) identical workshops conducted within each of the seven (7) council districts in November and December;

**WHEREAS**, as an element of the General Plan Update, the Committee sought input from the community and discussed the RHNA as part of the City's Housing Element during the Listen and Learn;

**WHEREAS**, also during this time, SCAG's RHNA Subcommittee worked to identify a recommended methodology for distributing HCD's Regional Housing Need Determination that would result in an estimated RHNA allocation of 2,751 new housing units for the City;

**WHEREAS**, on November 7, 2019, the SCAG Regional Council voted to adopt a substitute methodology resulting in an increased RHNA estimate of 4,832 new housing units ("Proposed RHNA Methodology"), which has been submitted to the California Department of Housing and Community Development ("HCD") for final consideration;

**WHEREAS**, recognizing the significant impact of SCAG's allocation of housing units to the City in the Proposed RHNA Methodology, the Committee met on November 6, 2019, and December 4, 2019, and recommended the Committee focus on the Housing Element, Land Use Element, and Circulation Element and to retain a qualified consultant to assist with preparation of amendments to these elements;

**WHEREAS**, the Housing Element requires immediate focus in light of the fact that the City will likely be required to obtain voter approval of the sixth cycle Housing Element Update (2021- 2029), in accordance with Section 423 of the City of Newport Beach Charter, by October 2021;

**WHEREAS**, with the Committee's guidance, City staff worked to release a Request for Proposal ("RFP") for consultant services related to updating the City's General Plan Housing Element, Land Use Element, and Circulation Element on December 20, 2019; and

**WHEREAS**, the aforementioned circumstances require the establishment of a new Committee titled the Housing Element Update Advisory Committee ("Housing Element Update Advisory Committee") to provide community input on the Housing Element update. The Housing Element Update Advisory Committee will be well-suited to help articulate the community's values and vision while providing guidance on shaping policies and goal for the Housing Element.

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

**Section 1:** The City Council hereby creates the Housing Element Update Advisory Committee to serve as a forum for public participation, to guide a focused update of the Housing, Land Use and Circulation Elements of the General Plan, and to build upon the progress already established by the General Plan Update Steering Committee.

**Section 2:** The Housing Element Update Advisory Committee shall be an ad hoc committee and the term, qualification of appointees, selection of appointees, appointment process, membership, and responsibilities shall be done in conformance with this resolution and Attachment 1, which is incorporated herein by reference.

**Section 3.** The City Council hereby repeals Resolution No. 2019-20 effective upon appointment of the Housing Element Update Advisory Committee Members, at which time the General Plan Update Steering Committee is dissolved.

**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 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 and the formation of a committee is not a project.

**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 14th 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

Attachment 1: Description of the Housing Element Update Advisory Committee

## ATTACHMENT 1

### Housing Element Update Advisory Committee

**AUTHORIZATION:** Established by Resolution No. 2020-\_\_ adopted on January 14, 2020.

**MEMBERSHIP:** Ten (10) total. The Mayor, or a City Council Member designated by the Mayor, shall be an ex officio member without the right to vote. Nine (9) residents appointed by the Mayor and confirmed by the City Council.

**MEMBERSHIP TERM:** The person elected as Mayor, or the City Council Member designated by the Mayor, shall be a member of the Housing Element Update Advisory Committee ("Committee"). The term of the appointed members of the Committee shall be indefinite pending City Council action, or expiration of the Committee.

**MEETINGS:** Meetings shall be held as required by the business needs of the Committee in such locations, dates and times as allowed by the Ralph M. Brown Act.

**QUALIFICATIONS  
OF APPOINTED  
MEMBERS:**

Appointed Committee Members shall be:

- A. A resident of the City of Newport Beach ("City");
- B. A registered voter in the City of Newport Beach;
- C. Appointed by the Mayor; and
- D. Confirmed by the City Council.

The Committee shall have a Chairperson and a Vice Chairperson appointed by the Mayor.

**SELECTION  
OF APPOINTED  
MEMBERS:**

Selection of Committee Members shall be done as follows:

- A. The City Clerk shall prepare a notice letting members of the public know of the opportunity to serve on the Committee and the application process. The notice shall include, but not be limited to, details regarding what information is necessary to be considered for appointment, where to submit an application, and the application deadline.
- B. The application notice shall be published at least once in a newspaper of general circulation in the City and posted in the City's normal posting location for agendas, as well as the Newport Beach Public Library located at 1000 Avocado Avenue.
- C. The deadline to submit applications for the Committee shall be one (1) week after the application notice is published in a newspaper of general circulation in the City.
- D. The Mayor shall form an ad-hoc Appointments Committee, which shall be comprised of the Mayor and two (2) Council Members to review the applications, the applicants' answers to any questions, and to conduct any necessary interviews.
- E. In conducting their review of applications and interviews with the individual applicants, if any, the ad-hoc Appointments Committee shall attempt to determine if there exists a potential conflict of interest, which might interfere with the performance of the applicant's duties in an impartial manner free from bias.
- F. After the applications have been reviewed and any necessary interviews conducted, the two (2) Council Members on the ad-hoc Appointment Committee shall make a recommendation to the Mayor regarding who should be appointed to the Committee. In making a recommendation to the Mayor, the two (2) Council Members on the ad-hoc Appointment Committee shall

endeavor to avoid recommending appointments of applicants with a substantial conflict of interest, which would require repeated disqualification from voting on issues that are likely to come before the Committee.

- G. The Mayor shall consider the recommendation of the two (2) Council Members on the ad-hoc Appointment Committee and, after consideration of the recommendation, decide, in the Mayor's discretion, whom should be appointed to the Committee.
- H. The Mayor shall inform the City Clerk of the names of the members to be appointed to the Committee and the City Clerk will submit the names of the appointees to the City Council, at an open and noticed meeting, to be considered for confirmation by the City Council.
- I. Except as otherwise required by law, the process for selecting, appointing and confirming members to the Committee shall follow the process set forth herein.

**PURPOSE &  
RESPONSIBILITIES:**

- A. Ensure there is sufficient public outreach and stakeholder input regarding the update to the Housing, Land Use, and Circulation Elements of the City of Newport Beach General Plan and any other Elements deemed necessary;
- B. Review responses to the Request for Proposal for services to update the Housing, Land Use, Circulation, and other Elements deemed necessary;
- C. Make a recommendation to the City Council regarding the selection of consultants to assist in the update of the Housing, Land Use, Circulation, and other Elements deemed necessary;
- D. Provide guidance to City staff and the consultant through the outreach process;

- E. Provide guidance to City staff, and the consultant, on goals and policies related to the update of the Housing, Land Use, Circulation Elements, and any other Elements deemed necessary by the Committee or City Council; and
- F. Make other recommendations to the City Council regarding the update of the General Plan, as necessary.

**COMMITTEE  
EXPIRATION:**

The Committee shall expire and sunset without further action upon completion and submittal of a certifiable Housing Element to the California Department of Housing and Community Development.