

## **RESOLUTION NO. 2020-93**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, AMENDING THE PURPOSE & RESPONSIBILITIES OF THE HOUSING ELEMENT UPDATE ADVISORY COMMITTEE RELATED TO THE CIRCULATION ELEMENT OF THE GENERAL PLAN AND DELEGATING THOSE RESPONSIBILITIES TO THE PLANNING COMMISSION**

**WHEREAS**, on January 14, 2020, the City Council of the City of Newport Beach ("City") adopted Resolution No. 2020-6 creating the Housing Element Update Advisory Committee ("HEUAC"), to serve as a forum for public participation, to guide a focused update of the Housing, Land Use and Circulation Elements of the City of Newport Beach General Plan ("General Plan"), and to build upon the progress already established by the General Plan Update Steering Committee;

**WHEREAS**, the HEUAC's purpose and responsibilities include ensuring sufficient public outreach and stakeholder input regarding the update to the Housing, Land Use, and Circulation Elements of the General Plan; reviewing responses to Requests for Proposal and recommending to the City Council the selection of consultants to update the Housing, Land Use, and Circulation Elements; guiding City staff and the consultant through the public outreach process in updating the Housing, Land Use, and Circulation Elements; and making other recommendations to the City Council regarding the update of the General Plan, as necessary;

**WHEREAS**, the Committee has been meeting since July 2020 and received regular updates from City staff regarding the City's Regional Housing Needs Assessment ("RHNA") allocation from the Southern California Association of Governments ("SCAG") of 4,834 new units for the Sixth Cycle Housing Element covering the period October 2021 through October 2029 ("Sixth Cycle Housing Element");

**WHEREAS**, several changes in State Housing Law have made it more challenging to find appropriate sites to meet the City's RHNA allocation for the Sixth Cycle Housing Element;

**WHEREAS**, revising the Purpose and Responsibilities to allow the HEUAC to focus on the Housing and Land Use Elements of the General Plan is appropriate given the October 2021 deadline to adopt the Sixth Cycle Housing Element;

**WHEREAS**, the City's Planning Commission routinely reviews development projects, which often involve a consideration of traffic and circulation matters, including traffic studies pursuant to Chapter 15.40 (Traffic Phasing Ordinance) of the Newport Beach Municipal Code; and

**WHEREAS**, Section 707 of the Charter of the City of Newport Beach vests the power to make recommendations to the City Council on the adoption, amendment or repeal of a General Plan, or any part thereof, for the physical development of the City with the Planning Commission.

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

**Section 1:** The City Council hereby amends the Description of the Housing Element Update Advisory Committee, attached hereto and incorporated by reference as Attachment 1, to remove proposed revisions to the Circulation Element of the General Plan from the Purpose and Responsibility of the HEUAC and hereby delegates those duties to the Planning Commission.

**Section 2:** The City Council hereby repeals Resolution No. 2020-21.

**Section 3:** 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 4:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**Section 5:** 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.

**Section 6:** 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 13th day of October, 2020.

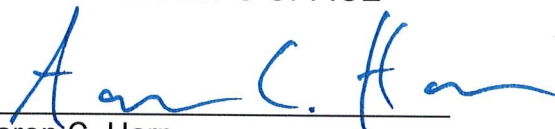
  
\_\_\_\_\_  
Will O'Neill  
Mayor

**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. 2020-6 adopted on January 14, 2020, amended by Resolution No. 2020-21 on February 25, 2020 and Resolution No. 2020-\_\_ on October 13, 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 of the City of Newport Beach ("City") 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 meet the following qualifications:

- A. One (1) member with experience in the development of affordable housing and/or senior housing;
- B. One (1) member with knowledge and experience in the application of the California Environmental Quality Act and other related environmental laws;
- C. One (1) member with architectural and/or land use and planning knowledge and experience;
- D. One (1) member with knowledge and experience in stakeholder outreach for the purpose of engaging individuals

and/or organizations within the City in the Housing Element Update process;

E. One (1) member with knowledge and experience in real estate financing;

F. One (1) member with knowledge and experience financing unique housing projects other than affordable and/or senior housing projects;

G. One (1) member with a legal background; and

H. One (1) chairperson highly experienced in leading public meetings.

The Committee Chairperson and a Vice Chairperson shall be 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 and Land Use 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, 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, 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, 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.

***History***

Adopted January 14, 2020 - Resolution No. 2020-6  
Amended February 25, 2020 - Resolution No. 2020-21  
Amended October 13, 2020 - Resolution No. 2020-93

STATE OF CALIFORNIA                     }  
COUNTY OF ORANGE                    }  
CITY OF NEWPORT BEACH                }       ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2020-93, was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 13<sup>th</sup> day of October, 2020; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Will O'Neill, Mayor Pro Tem Brad Avery, Council Member Joy Brenner, Council Member Diane Dixon, Council Member Duffy Duffield, Council Member Jeff Herdman, Council Member Kevin Muldoon

NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 14<sup>th</sup> day of October, 2020.



Leilani I. Brown  
City Clerk  
Newport Beach, California

