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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 IN AND FOR THE COUNTY OF ORANGE

12 NEWPORT BEACH STEWARDSHIP  
ASSOCIATION,

13 Petitioner and Plaintiff,

14 v.

15 CITY OF NEWPORT BEACH,

16 Respondent and Defendant.  
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Case No. 30-2024-01428295-CU-WM-CXC

**[PROPOSED] ORDER GRANTING  
MOTION FOR JUDGMENT**

Date: May 22, 2025

Time: 2:00 p.m.

Dept.: CX104

Judge: Hon. Melissa McCormick

Date Filed: Sept. 24, 2024

1 The Court, having considered Petitioner Newport Beach Stewardship Association's  
2 Motion for Judgment, the exhibits attached thereto, all associated pleadings and papers, and  
3 argument of counsel, hereby rules as follows:

4 IT IS HEREBY ORDERED that Petitioner Newport Beach Stewardship Association's  
5 Motion for Judgment is **GRANTED**. The Court orders and enters judgment as follows:

6 1. On the First Cause of Action for writ of mandate, judgment shall be entered in  
7 favor of Plaintiff and Petitioner Newport Beach Stewardship Association. A writ of mandate shall  
8 issue directing the City of Newport Beach to set aside Resolution No. 2024-51, which enacted an  
9 amendment to the City of Newport Beach's General Plan Land Use Element without a Section  
10 423 vote, and Resolution Nos. 2024-58 and Resolution No. 2024-73, which adopted an  
11 amendment to the City of Newport Beach's Sixth Cycle Housing Element to remove a Section  
12 423 vote requirement for its implementation. The writ of mandate shall further require the City of  
13 Newport Beach to promptly hold a vote pursuant to Section 423 to approve the proposed  
14 amendments to the General Plan Land Use Element.

15 2. On the Second Cause of Action for Declaratory Relief, final judgment shall be  
16 entered in favor of Plaintiff and Petitioner Newport Beach Stewardship Association because the  
17 consequences the City used to justify bypassing a Section 423 vote misinterpreted the application  
18 of state law. The Court hereby declares that, as a matter of state law:

19 i) The City will remain in substantial compliance with state housing laws  
20 even if it misses the February 12, 2025 deadline to implement the Housing Element if such delay  
21 is caused by an attempt to obtain voter approval under Section 423 and the City has proposed and  
22 has made good faith efforts to implement a plan for obtaining such approval on a reasonable  
23 timeline; and

24 ii) The City may reject builder's remedy applications submitted pursuant to  
25 Government Code § 65589.5 to the extent such applications are based on the City's purported  
26 failure to meet the February 12, 2025 deadline for implementation of the Housing Element, and  
27 so long as the City has proposed and makes good faith efforts to obtain voter approval under  
28 Section 423 on a reasonable timeline.

1           3.       The Court maintains continuing jurisdiction over this case. (*See City of Carmel-*  
2 *By-The-Sea v. Bd. Of Supervisors* (1982) 137 Cal.App.3d 964, 971; Code Civ. Proc § 1097.)

3           4.       As the prevailing party, Plaintiff and Petitioner Newport Beach Stewardship  
4 Association is entitled to costs and attorneys' fees as permitted by statute pursuant to Code of  
5 Civil Procedure Sections 1021.5 and 1032. Plaintiff and Petitioner Newport Beach Stewardship  
6 Association may submit a memorandum for costs and a motion for an award of attorneys' fees  
7 following entry of judgment.

8           5.       Final judgment is hereby entered, fully and finally adjudicating all causes of action  
9 before this Court.

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12           IT IS SO ORDERED:

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14           DATED:

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HONORABLE MELISSA MCCORMICK