

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
CITY OF NEWPORT BEACH
MEASURE Y**

The City of Newport Beach's General Plan is the main planning document for the City of Newport Beach and contains the goals, policies, and land use limitations for the development of the entire City. All zoning ordinances, coastal plans, specific plans, and development applications are evaluated for compliance with the General Plan. The General Plan currently contains the following elements: Land Use, Harbor and Bay, Housing, Historical Resources, Circulation, Recreation, Arts and Cultural, Natural Resources, Safety, and Noise.

On July 22, 2014, the City Council adopted an amendment to the Land Use Element of the General Plan. The City Council also determined that this amendment to the General Plan's Land Use Maps and Land Use Anomaly Table constitutes a "major amendment," which requires voter approval to take effect under Section 423 of the City Charter, also known as the Greenlight Initiative. As required by City Charter Section 423, the City Council placed Measure Y on the ballot.

A "yes" vote would approve the amendment of the Maps and Anomaly Table of the Land Use Element section of the General Plan. The Maps and Anomaly Table contain specific development limits and designated land uses allowed by the General Plan. If approved, Measure Y would decrease non-residential development, citywide, by 375,782 square feet from what is currently allowed under the existing General Plan and would allow, on a citywide basis, 138 more residential dwelling units than the existing General Plan.

If approved, the amended Land Use Element is projected to result in less traffic overall at build-out conditions than the projected traffic at build-out conditions for the existing General Plan. Specifically, the traffic analysis conducted for the amendment shows an estimated 2,922 fewer average daily vehicle trips citywide.

In summary, if Measure Y is approved, the Land Use Element will be amended to reduce non-residential development, such as office, retail, and visitor accommodations, currently authorized under the existing General Plan, but allow for more residential development. Also, average daily vehicle trips are expected to be reduced.

A "no" vote would reject the amendment to the Maps and Anomaly Table of the Land Use Element section of the General Plan. If Measure Y is defeated, the Maps and Anomaly Table will remain unchanged and no residential dwelling units will be added to the existing General Plan. Furthermore, there will be no reduction in the amount of non-residential development, such as office, retail, and visitor accommodations, currently authorized under the existing General Plan. The projected reduction in average daily vehicle trips at build-out conditions will also not occur.

The above statement is an impartial analysis of Measure Y. If you desire a copy of Measure Y, please call the City Clerk's Office at (949) 644-3005 and a copy will be mailed or e-mailed to you at no cost to you, or you can visit www.newportbeachca.gov/ballotmeasure for a copy.

Date: July 28, 2014

s/ Aaron C. Harp
City Attorney

ARGUMENT IN FAVOR OF MEASURE Y

For decades, we've worked to preserve the quality and uniqueness of Newport Beach neighborhoods. Reducing traffic, limiting future growth, improving water quality, increasing property values, which requires continuous refinement of the city's priorities.

Measure Y, the General Plan Land Use Element Update, continues our efforts and is a commitment to the future. It reduces traffic and future development, and funds community improvements.

A nine-person citizen's committee, with a goal of traffic neutrality, held 12 public meetings, including over 30 hours of open hearings. With recommendations from over 3,000 residents and additional citizen input, the City Council reduced future traffic.

Yes on Y reduces traffic congestion and limits development:

- Reduces traffic citywide by 2,922 daily trips, in addition to the 28,000 daily trip reduction approved in 2006.
- Removes 1,001 hotel rooms that can be built in Newport Coast - reducing traffic on PCH while protecting coastal views.
- Helps fight future vehicle traffic at John Wayne Airport by reducing current daily trips.

Yes on Y will provide increased annual revenue which, combined with Development Agreements, will provide funding for the city to deliver on its commitments of:

- Analyzing a traffic bypass system, which will free up congested lanes on PCH through Corona del Mar.
- Investing in water quality improvements in the Back Bay and Lower Bay.
- Reducing traffic and promoting safety through improved bicycle lanes and pedestrian facilities.
- Requiring future development contributions to environmental and open space investment.
- A West Newport Community Center near Hoag Hospital that includes amenities for senior citizens.
- Providing for environmentally sustainable development that meets or exceeds all standards.

Updating the General Plan by a vote of the people continues the tradition set by voters in 2000 to ensure residents remain in charge of the city's future.

We encourage you to read it for yourself at www.NBTrafficReduction.com.

Vote Yes on Measure Y.

s/ Don Webb, PE
Civil Engineer and Former Mayor

s/ Ed Selich
Mayor Pro-Tem, Urban Planner &
General Plan Update Committee Chair

s/ Robyn Grant
Chair, Newport Beach Board of Library Trustees &
Former Chair, Newport Beach Arts Commission

s/ Denny O'Neil
Former Mayor and Former Chamber of Commerce Chairman

s/ Tony Petros
City Councilmember and Transportation Planner

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE Y

Don't be fooled by proponents' deceptive arguments!

- **City Council does not need your vote to reduce development or traffic; only to INCREASE it.** The only reason this Measure is on the ballot is because the City Charter requires voter approval of General Plan amendments that significantly increase traffic, residences or square footage of development in "statistical areas," in this case Newport Center and the Airport Area.
- **New development** you are being asked to approve at Newport Center **will add significant new traffic** to PCH and major streets throughout the City – **compared to what is on the road today.**
- **Proponents' claim** to reduce traffic by 2,922 trips **is a deception.** Hotel rooms and other development "removed" do not exist now and may never exist.
- Measure Y could produce millions less in net revenue to the City each year than the current General Plan. These proposed changes will **benefit developers at our expense.**
- Mitigating traffic, improving water quality and other purported initiatives are all things the City has done over the years and can continue to do without this unwarranted Measure. **Do not accept more density and traffic** to pay for these projects and initiatives.
- Over **70%** of the 3,000 citizens' "recommendations" **urged City Council to reject the proposed amendment** - and initiate a more complete and thoughtful General Plan update. **Those recommendations were ignored.**

Exercise your General Plan **voting right** established in 2000 by Greenlight.

Vote NO on Measure Y. www.NewportVotesNo.org

s/ Nancy Skinner
SPON Board Member and Water Quality Activist

s/ Robert (Bob) Shelton
former Newport Beach City Manager and City Council Member

s/ Elizabeth Stahr
Former Chair of the Newport Beach Public Library Foundation
and Chair of the Pacific Symphony Youth Orchestra

s/ Tom Houston
Balboa Island Resident and Member Newport Beach
Water Quality/Coastal Tidelands Committee

s/ Debbie Stevens
Environmental Consultant and Former Chair Newport Beach
Environmental Quality Affairs Committee

ARGUMENT AGAINST MEASURE Y

The City Council does NOT need your vote to REDUCE development or traffic.

Don't be fooled by this deceptive ballot language!

The ONLY reason this measure is on the ballot is because the City Charter requires voter approval of General Plan amendments that significantly INCREASE traffic, residences or square footage of development in one of the City's "statistical areas", in this case Newport Center/Fashion Island and the Airport Area.

This amendment is a thinly disguised effort to obtain voter approval to:

- ADD 565,000 square feet of new development to Newport Center
- ADD 500 new residential units to Newport Center
- ADD 101,956 square feet of development to one corner near the airport

By the City's own estimates, the requests for Newport Center, if approved by you, will:

- ADD 9,120 vehicle trips per day to an already congested area
- ADD NEW YEARLY CITY COSTS that may exceed new City revenues. A COST that will be borne by Newport Beach taxpayers

Over \$820,000 in consulting fees have already been paid by Newport Beach taxpayers rather than by the developers (like The Irvine Company) who normally pay these expenses as an offset to their profits.

The City's claim of a 2,922 trip reduction is a deception. The City Council has achieved this by mixing in proposals to decrease development limits in other areas, the centerpiece of which is reducing the existing limits at Newport Coast by 1,001 hotel rooms. This is development that does not currently exist and may never exist.

Approving new development that WILL HAPPEN at Newport Center will not reduce traffic. It will INCREASE traffic from what it is today on already busy roads such as MacArthur, Jamboree, San Joaquin Hills, and PCH.

You can stop this!

Vote NO on Measure Y!

s/ Jack Skinner MD
SPON Board of Directors, Water Quality Activist

s/ Evelyn Hart
Former Mayor, City of Newport Beach

s/ Karen E. Tringali
President, Corona del Mar Residents' Association

s/ Jean Watt
Former City Council Member, City of Newport Beach

s/ Melinda Seely
President, AirFair

REBUTTAL TO ARGUMENT AGAINST MEASURE Y

Opponents falsely claim that you don't need to vote.

It's your **right** to vote on the General Plan. Newport Beach residents **fought for** and **earned** the right to vote. It's what separates Newport Beach from neighboring cities.

Measure Y is the result of a citizen-driven review of the city's priorities with the goal of protecting neighborhoods, reducing traffic, and strengthening our quality of life. The process involved 12 public meetings, 30 hours of hearings, and recommendations from over 3,000 residents — resulting in the further reductions of traffic and development.

The opponent's argue that vehicle trip reduction and city revenue projections are deceptive. That is false!

HERE ARE THE FACTS. **YOUR "YES" VOTE ON MEASURE Y WILL:**

- **Reduce traffic citywide.** The comprehensive analysis by Urban Crossroads shows an overall reduction of 2,922 daily vehicle trips ([GPU Attachment CC4](#)), including:
 - **Reduce future commercial development by 375,782 square feet and remove 2,878 daily vehicle trips.**
 - **Remove 1,001 Coastal Commission approved hotel rooms from Newport Coast** —three new hotel towers of 1,001,000 square feet and remove 7,588 daily vehicle trips.
- **Remove 53,389 square feet** of development from Newport Coast and Westcliff Plaza retail centers and remove 2,041 daily vehicle trips.
- **Remove 356 Coastal Commission approved residential units** in Newport Ridge and remove 2,371 daily vehicle trips.
- **Increase annual city revenue by over \$15 million** upon buildout according to the city's fiscal impact consultant — enhancing city services.

For more FACTS about Measure Y read the City Attorney's Impartial Analysis: www.newportbeachca.gov.

Vote Yes on Measure Y.

s/ Don Webb, PE
Civil Engineer and Former Mayor

s/ Ed Selich
Mayor Pro-Tem, Urban Planner &
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