

**IMPARTIAL ANALYSIS BY CITY CLERK
CITY OF FULLERTON
MEASURE W**

If a majority of voters vote "yes," this measure will uphold the Fullerton City Council's adoption of Ordinance No. 3169 approving the Development Agreement between the City and Pacific Coast Homes for the West Coyote Hills (WCH) project.

If a majority of voters vote "no," this measure will repeal Ordinance No. 3169 and overturn the City Council's approval of the Development Agreement.

The WCH property comprises 510 acres of land located west of Euclid Street at the northern edge of the City of Fullerton. The property historically was used by Chevron for oil drilling/extraction and has been planned for development by the City since 1977. The WCH project authorizes development of 760 homes on 180 acres, 5 acres of retail development, 283 acres of open space for wildlife habitat, public trails and vista parks, a 17-acre multiple-use site, and improvements to the adjacent 72-acre City-owned Ward Nature Preserve.

The Development Agreement vests the owner's right to develop the WCH project in accordance with existing City land use regulations. In exchange, the Development Agreement requires the owner to provide certain "Public Benefits" in conjunction with its development, including: (1) planting coastal sage scrub and other native trees and plants in the open space areas of the WCH property and the adjacent Ward Nature Preserve in accordance with the requirements of federal and state resource agencies; (2) installing approximately 8 miles of public trails within the open space areas of the WCH property and improvements at 5 "key vista" sites; (3) designing/constructing an interpretive center in the Ward Nature Preserve up to 3,000 square feet in size with an outdoor amphitheater, assembly area, and interpretive nature garden; (4) paying endowments to the City and a qualified non-profit entity to cover their respective costs for perpetual maintenance of the open space areas and Ward Nature Preserve; (5) donating 2 off-road vehicles to the Police Department and a new fire truck to the Fire Department that are suitable for project-related purposes; (6) constructing/installing street parkway/median landscaping improvements on nearby/adjacent public streets; (7) improving/upgrading existing backbone trails in North Fullerton; (8) paying a \$176,000 "Library Technology Grant" to the City; and (9) paying a \$2,500-4,000/unit "Development Agreement Fee" to the City.

In addition to the Development Agreement, in July 2011 the City Council certified an Environmental Impact Report ("EIR") and approved a general plan amendment, zone change, specific plan amendment, and subdivision maps for the WCH project. Those other actions are *not* the subject of this referendum. If Ordinance No. 3169 is repealed, however, either party has the right to terminate the Development Agreement and in that circumstance the other project approvals would become null and void.

A lawsuit challenging the sufficiency of the EIR for the WCH project was rejected by the Orange County Superior Court on June 27, 2012, and the court upheld the validity of the EIR and all of the WCH project approvals, including the Development Agreement. That lawsuit is currently on appeal.

THE ABOVE STATEMENT IS AN IMPARTIAL ANALYSIS OF MEASURE W. IF YOU WOULD LIKE A COPY OF MEASURE W OR THE PROPOSED ORDINANCE, PLEASE CONTACT THE FULLERTON CITY CLERK'S OFFICE AT (714) 738-6350 AND A COPY WILL BE MAILED TO YOU AT NO COST OR IT IS AVAILABLE ONLINE AT www.cityoffullerton.com.

Dated: August 9, 2012

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