



Measure Y Frequently Asked Questions

Contents

What is a General Plan?	2
What is a Greenlight?	2
How is Measure Y related to the General Plan?	2
What exactly does Measure Y do?	3
Why are opponents against having a public election?	3
Doesn't The Irvine Company have a right to do whatever they want on the property they own? Isn't it un-American to deny them that freedom?	3
Why should voters be skeptical of the ballot arguments and the city attorney's impartial analysis?	4
Won't Measure Y reduce traffic?	4
What does the Greenlight traffic analysis show?	4
Won't Measure Y bring needed money to the city to build new infrastructure?	5
When was the city's General Plan last updated?	5
Did Measure V reduce traffic?	5
How did the new office towers at Newport Center get approved?	5
What's this I hear about eliminating hotel rooms at Newport Coast?	6
What's this I hear about eliminating housing at Newport Ridge?	6
How does Measure Y benefit The Irvine Company?	7
What are the main reasons to vote NO on Measure Y?	7
How is the Airport Area affected by Measure Y?	7
Didn't I hear the Airport Land Use Commission vetoed the City's efforts to change the General Plan?	8
Were there allegations of legal improprieties in connection with the city council's adoption of the Land Use Element amendments?	8
Didn't a judge say the ballot statement is fair and impartial?	8
What was the result of the state mandated environmental review process?	9



What's this I hear about the thousands of residents participating in the Land Use Element update process?	9
What is The Irvine Company's position in all of this?.....	10
What exactly will the new development in the Newport Center/Fashion Island area look like?....	10
Isn't growth and new development good in the sense that it creates jobs?	10
Doesn't Measure Y have a lot of good stuff in it?.....	10
Where can I find additional information on the Land Use Element update process?	11

What is a General Plan?

A general plan is a long range planning document required by state law. For a city, it describes the city's vision of itself for the next couple of decades including how it plans to cope with expected growth. A general plan has seven required elements covering such topics as housing, land use, circulation and safety. The city's laws and regulations, especially its zoning regulations, are expected to be consistent with the general plan. The general plan can be amended by the City Council, but only through a public process of hearing and adoption.

What is a Greenlight?

Greenlight is the voter initiative which added Section 423 to the City Charter in 2000 in an effort to curtail unbridled growth. Section 423 divides the city into neighborhoods called statistical areas, and requires voter ratification, by a separate and distinct vote, of changes to the general plan that add development exceeding specified limits to any one of those areas. The limits are 40,000 square feet of new development, 100 new dwelling units or 100 new peak hour vehicle trips. Section 423 has been further elaborated by Council Policy A-18, which sets agreed-to methods for evaluating the traffic impacts of various kinds of proposed development.

How is Measure Y related to the General Plan?

Measure Y is a disguised effort to obtain the required Greenlight approval for new development exceeding the Greenlight limits proposed to be added to the Newport Center/Fashion Island area and the Airport area as part of a package of general plan amendments adopted by the City Council on July 22, 2014.



What exactly does Measure Y do?

Measure Y would give voter approval to the council approved maps and so-called Anomaly Table in the Land Use Element of the General Plan. The parts requiring voter approval are:

- ADDING 565,000 square feet of new non-residential development to Newport Center (area L1)
- ADDING 500 new residential units to Newport Center (area L1)
- ADDING 101,956 square feet of new development to one corner near the airport (area L4)

In addition, the city council has made adoption of the remainder of their July 22 package of general plan amendments contingent upon voter approval of Measure Y. The larger package includes changes to general plan policies, the glossary and implementation plan as well as reduction of theoretical development limits in other statistical areas that are claimed to offset the increase in which voter approval is being sought.

It is also possible that the City will regard Measure Y as giving voter Greenlight approval to a series of earlier amendments to the Anomaly Table which the City Council has adopted since 2006. These did not require voter approval since they individually increased development by amounts below the Greenlight thresholds for the neighborhoods affected. An example would be the out-sized retail establishment being developed at the corner of Dover and PCH. If interpreted in this way, passage of Measure Y will reset Greenlight baselines throughout the City, as happened in 2006, giving voters less control over development in all neighborhoods.

Why are opponents against having a public election?

The opponents are not against having an election. They are against having a dishonest election in which voters not intimately familiar with the issues will think voting "yes" will reduce development and traffic from what they are today, when in fact it will approve massive new future development (and traffic) that could not exist without their "yes" vote.

Doesn't The Irvine Company have a right to do whatever they want on the property they own? Isn't it un-American to deny them that freedom?

Land planning, and Planning Commissions, have been with us for nearly a hundred years, and in urban areas they are universal. Voters who are Newport Beach homeowners will appreciate that what they can do on their lots is extremely constrained. They could not build an office or retail building, or even apartments in most areas – and if they attempted to have their zoning changed, they would pay all the entitlement costs.



Why should voters be skeptical of the ballot arguments and the city attorney's impartial analysis?

Proponents of Measure Y claim their arguments in favor are supported by "facts" corroborated by the city attorney's impartial analysis. One should be suspicious of this because both the arguments and impartial analysis fail to anywhere mention the new development exceeding Greenlight limits for which voter approval is being sought. As to the city attorney's analysis, it should be understood that he is not an advocate for voters or the residents' interests. He was hired by the City Council and his job is to support and defend any action taken by them – in this case to defend a deceptively written ballot measure. See our Facts vs. Fantasies page.

Won't Measure Y reduce traffic?

The ballot statement, city attorney's impartial analysis and the arguments in favor all sure voters that a "yes" vote will reduce traffic by 2,922 average daily trips, which, although not stated, is said to include a reduction of 200 A.M. and 271 P.M. peak hour trips. We regard this as a blatant and purposeful deception for two reasons. First, the number was arrived at by subtracting from the traffic increases for which voter approval is required the supposed theoretically possible increases in future traffic in other parts of the city "removed" by reducing future limits there. Second, even if such subtractions were allowed by Greenlight, which they are not, the official council policy A-18 analysis, when applied citywide, yields a completely different result showing not a decrease, but a substantial increase in vehicle trips. Aside from the unfavorable light in which it casts Measure Y, we can think of no justification for hiding the official traffic result and showing some other one.

What does the Greenlight traffic analysis show?

Although the proposed new development near the Airport, which is larger than the city's massive new city hall, is said to be "traffic neutral," the official Greenlight/Policy A-18 analysis indicates that the new Measure Y sanctioned development at Newport Center will, if built, generate 1,950 additional A.M. peak hour trips and 2,570 additional P.M. peak hour trips in that statistical area. Even if one allows for the theoretical reduction in future traffic possible in other areas, a "yes" vote on Measure Y will, by that analysis, generate 1,076 A.M. and 1,561 P.M. new peak hour trips citywide at build-out compared to the existing general plan. Traffic is not going down, it is going up both locally and citywide according to the formulas required to be used to determine if your approval of the new development is required.



Won't Measure Y bring needed money to the city to build new infrastructure?

Proponents suggest that passage of Measure Y will bring a \$15,000,000 per year windfall to the city which can be used to finance a host of improvements. This is completely false. When the city's general plan was comprehensively updated in 2006, a fiscal analysis was performed to estimate if the execution of the proposed land use changes would be a good deal for the city in terms of new revenue to the government exceeding new expenses. It also required that the same analysis be applied to future amendments. The conclusion in 2006 was that build out of that plan would yield a city \$21,000,000 per year more than build out of that an existing plan. According to the city's own analysis, passage of Measure Y will diminish that expectation to \$15,000,000 per year. That is not a windfall; that is a loss.

When was the city's General Plan last updated?

The general plan has been frequently amended by the city council. The city maintains a list of the amendments on its web site. The last time the new development exceeding the Greenlight limits was approved was in the comprehensive update of 2006, which was supposed to provide a plan good at least through 2025. The portion requiring voter approval was placed on the ballot as Measure V.

Did Measure V reduce traffic?

Measure V, much like Measure Y, promised to reduce non-residential development by 449,499 square feet and traffic by an estimated 28,920 average daily trips sent to include 1121 a.m. and 958 p.m. peak hour trips. This was achieved largely by scaling back an earlier plan for the vacant Banning Ranch property in West Newport from something much much bigger than the Coastal Commission would ever have approved to something only slightly larger, and taking credit for that as a reduction in development and traffic. Even allowing for this sleight of hand, the promised reduction in the potential for future traffic appears to have been seriously eroded over the years since 2006. A PowerPoint slide shown at the July 8 and July 22 city council meetings indicated that build-out of the current general plan would result in traffic generation only about 11,000 ADT less than the plan it replaced. No explanation was offered of what happened to the 28,920 ADT reduction promised to voters in 2006.

How did the new office towers at Newport Center get approved?

We're not quite sure. Measure V (2006) provided for modest increases in office development at Newport Center, but the policy overview in the Land Use Element said the new allocations could be used only to expand existing office buildings, not to build new ones. The two new towers constructed since 2006 appear to have been built in violation of the policy and vision for the area



approved by voters in that year. Measure Y, by indirectly approving changes to the General Plan made by the City Council, will reverse the 2006 policy and encourage development of new office uses at Newport Center, increasing the allocation by 500,000 square feet – five times the size of the new City Hall and roughly the size of one of the post-2006 towers.

What's this I hear about eliminating hotel rooms at Newport Coast?

In developing the deceptive ballot language, the city council has taken credit for "removing" 1,001 hotel rooms at Newport Coast. At a rate of 1,000 square feet per room, this is claimed to reduce development by 1,001,000 square feet and traffic generation by 7,588 ADT. But as with the Banning Ranch "reductions" in 2006, this is taking credit for development that does not exist and is unlikely to ever exist. Instead of reducing future development it is moving the limits around to ensure that development can continue, somewhere, unabated. The allotment of hotel rooms that is being "removed" is in the area of the existing Pelican Hills Resort. Some believe The Irvine Company has plans to build new hotel towers there. However The Irvine Company's own progress report to the city Council on September 10, 2013, indicated they regard the existing 1,104 hotel rooms as the build-out condition and have no plans to use the remaining allotment. They **do** indicate they may add up to 219 new dwelling units at Newport Coast, but there is nothing in Measure Y proposing to remove that possibility. A further complication is that if the city attempted to revise the County's Coastal Plan (something actually has no jurisdiction over) to lower the theoretical hotel limit to match the current reality, the Coastal Commission would quietly likely ask for that theoretical visitor serving allocation to be moved elsewhere in the city's coastal zone. Taking credit for something the city most likely can't deliver on seems a very dishonest to us.

What's this I hear about eliminating housing at Newport Ridge?

Although the ballot statement says that a "yes" vote on Measure Y will hand it just 138 new dwelling units to the city, those who carefully studied the maps and anomaly table will see the proposal is actually to add 500 new dwelling units at Newport Center plus an unknown number of units in the "congregate care" facility at the corner of Campus and Jamboree (congregate care being a senior type apartment complex with that shared meals). For reasons understood only to planners, congregate care units are not counted as dwelling units, and although it's a very difficult to detect a potential for its six dwelling units that do not currently exist on the King's Liquor parcel has been designed out of existence by re-designating that parcel as commercial. That results in a net increase citywide of 494 units. Why does the ballot statements say 138? The reason is that the project description in the Supplemental EIR mentions the removal of 356 dwelling units at Newport Ridge, and with that 2,371 average daily trips. The problem is that no map or text approved by the City Council, nor in Measure Y, makes any changes to the housing allocations at Newport Ridge (which



may be under the jurisdiction of the County and protected by Development Agreements, anyway). Although the City Council can amend the General Plan to reduce development allocations without voter approval, we believe that in the absence of any changes to Newport Ridge, the ballot statement and the “impartial” analysis about it are erroneous. Even lumping everything together citywide (contrary to Greenlight), a “yes” vote will approving increasing housing by 494 units, and traffic by at least 2,371 ADT more than the number stated.

How does Measure Y benefit The Irvine Company?

Measure Y benefits The Irvine Company by moving development allocations from areas where they have no intention of building (Newport Coast, probably because of barriers put in their way by the Coastal Commission) to areas where they do (Newport Center/Fashion Island). In addition, The Irvine Company benefits by having all the entitlement costs paid for by taxpayers (more than \$820,340 in consulting fees alone) as well as having the matter placed on the election as a “citizen driven” initiative rather than the private benefit measure it is. Finally, the City will assume the burden of finding a new home for the 1,001 visitor serving accommodations TIC finds unprofitable to build.

What are the main reasons to vote NO on Measure Y?

Many of us will be voting “no” simply because we don’t like being lied to in the ballot booth. Measure Y has been purposely phrased to make voters think a “yes” vote will reduce development and traffic from what they are today. Many of the rest of us will be voting no because we don’t think adding 1,000,000 square feet of development to Newport Center, however profitable it may be for The Irvine Company, is in our best interest.

How is the Airport Area affected by Measure Y?

The most obvious change to the Airport Area, if Measure Y passes, will be voter approval of a “congregate care” facility of up to 148,000 square feet at the southwest corner of Jamboree and Campus, replacing the smaller bank and office building that exists there now. The more subtle change is that the existing plan has a floating pool of 2,200 multi-family residential units that can be used throughout the airport area. The existing plan limited the quantity of housing that could replace parking lots and open space outside what was called the “Conceptual Development Plan Area” – a kind of self-contained urban village visualized as being developed in a large area near Jamboree. A last minute change to General Plan Policy 6.15.4 (renumbered 7.14.5) by Council member Selich to accommodate requests from the “Saunders properties” adjacent to the Airport along Campus, changed that parcel from Airport Supporting uses to Mixed Use Horizontal (MU-H2) and eliminated the “Conceptual Development Plan Area,” allowing the replacement of parking lots with housing to occur anywhere within the much larger MU-H2 area – significantly changing the



City's vision for the Airport Area. This change was not discussed, nor was it (as would seem to be required by the City Charter) reviewed by the Planning Commission prior to the Council's action on it.

Didn't I hear the Airport Land Use Commission vetoed the City's efforts to change the General Plan?

Yes. Changes to the City's General Plan normally have to be approved by the independent County-appointed Airport Land Use Commission. City staff asked the ALUC to review a more ambitious version of the present General Plan amendment package, and on April 17 the ALUC found it inconsistent with what is called the Airport Environs Land Use Plan, expressing special concern about the new allotments proposed to be assigned to the Saunders properties, which at that time included adding 238,077 square feet of new office space and 329 residential units. Part of the proposed area is within a take-off safety zone. Rather than sending a scaled-down proposal back to the ALUC for their review, a super-majority of the City Council chose to use the authority granted them by state law to preemptively override the ALUC whatever they might decide. Most people assume this means the City will be taking over the financial and moral liability for any airport-related accidents that might occur.

Were there allegations of legal improprieties in connection with the city council's adoption of the Land Use Element amendments?

Yes. The City Charter requires that all changes to the General Plan be reviewed by the Planning Commission prior to their consideration by the City Council. The Stop Polluting Our Newport organization supplied Council with an outside legal opinion expanding on that point. Despite that advice, substantial last minute changes that had not been reviewed by the Planning Commission were made to the General Plan amendment on July 8 and still more when it was adopted on July 22. Since it would have been difficult to obtain Planning Commission review in time to submit the Measure Y materials to the County Registrar of Voters, City staff's response was to make a declaration that the last-minute changes weren't "significant" enough to require review by the Planning Commission.

Didn't a judge say the ballot statement is fair and impartial?

As the media have reported, Newport Beach residents Susan Skinner and Bert Ohlig filed a petition with the Superior Court, and within the timeframe set by the Orange County Registrar of Voters, requesting the ballot statement be changed to clearly state what voters are being asked to approve (that is, new development in two statistical areas exceeding the Greenlight limits). On August 25th,



Judge Franz Miller denied the petition, ruling that the papers had not been filed in time. Although he went to on to comment that he would likely have not ordered a change in the language, that matter was not argued in detail, and the comments were more an expression of a feeling that the electorate is in a better position than a judge to decide the merits of electoral issues. We continue to believe the ballot question as written by the City Attorney is false (by reporting numbers based on Newport Ridge housing reductions that are not part of the measure), misleading (by not disclosing the increased development allocations for which approval is being sought) and biased (by choosing to report only an outside consultant's analysis showing a decreased citywide traffic impact, when the official analysis required by City Council policy predicts a large traffic increase for the same General Plan changes).

What was the result of the state mandated environmental review process?

The City's review required by the California Environmental Quality Act led to the conclusion that adoption of the General Plan Amendments would have significant adverse effects on the environment compared to sticking with the existing General Plan. As a result, to pass the amendments, the City Council had to adopt what is called a Statement of Overriding Considerations. Among other things, the CEQA findings note that Newport Beach already has considerably more housing than anything required by the state, making the 500 new homes The Irvine Company wants to build at Newport Center, and the population growth that goes with that, an unnecessary strain on the infrastructure. It is also claimed that the City is jobs rich, making the 500,000 square feet of new office unnecessary.

What's this I hear about the thousands of residents participating in the Land Use Element update process?

This is a myth being created by the proponents of Measure Y. In an effort to garner support for the proposed changes, in April, *after* the Land Use Element Amendment Advisory Committee had completed its work a committee of the Newport Beach Chamber of Commerce calling itself the "Coalition for General Plan Accountability" sent out a letter to Newport Beach voters over the signature of ex-Mayor and ex-Public Works Director Don Webb. The letter did not disclose what LUEAAC had decided, but included a return card in which respondents were invited to name the most important issue in their neighborhood. Don promised to keep residents informed. To the best of our knowledge, the responses were not communicated to any decision makers prior to the July 8 City Council hearing at which photocopies of 694 cards were submitted as public comment. Copies of additional cards were submitted on July 22, for a total of 869. These are apparently the "thousands" of resident participants proponents refer to, unless one were to include the petitions protesting the General Plan Amendment process gathered by the Stop Polluting Our Newport



organization. SPON volunteers collected roughly 2,000 such signers in about three weeks. The petitions all asked the City Council to set aside the recommendations it was evaluating, and restart the process with true citizen involvement. Without much explanation, a follow-up letter from Don Webb assured residents their concerns had been addressed, presumably by the City Council scaling back the grandiose plan of allocation increases that came out of LUEAAC to essentially the original proposal benefiting The Irvine Company.

What is The Irvine Company's position in all of this?

Measure Y continues to be touted as a City-originated proposal to amend the General Plan. To the best of our knowledge, The Irvine Company has never been publicly asked, nor offered, an opinion as to whether they would welcome reductions in land use allocations in certain areas they control in return for increases at Newport Center.

What exactly will the new development in the Newport Center/Fashion Island area look like?

We have no idea. Many assume the plan is to use the 500,000 square feet of new office allocation to build a new office tower similar to the two that have been built since 2006, but no one on any of the City groups that have reviewed the proposed amendments has asked, nor has The Irvine Company offered any vision for the future of Newport Center. So it could be relatively low-rise office, or it could be anything. It might be noted that the new allocations are not assigned to specific parcels, but rather to the statistical area as a whole (which becomes a new "anomaly" on top of existing parcel-specific anomalies), so the increased development could go anywhere.

Isn't growth and new development good in the sense that it creates jobs?

Most people feel job creation is good. However according the City's Planning Division, Newport Beach is already "jobs rich" meaning it has an excess of jobs compared to the workers living in the City. This means new office space will both put more commuters on the City's streets (people coming to the new jobs from other cities) and place upward pressure on rental prices in Newport Beach by placing increased demand on the limited housing stock. The few workers who could afford to live here will no longer be able to do so.

Doesn't Measure Y have a lot of good stuff in it?

We are unable to find any good stuff in Measure Y, however many have applauded some of the new policy changes the Council adopted, along with the land use allocation changes that need voter approval, on July 22nd. These include an increased commitment to "sustainable communities" and programs to combat climate change. Although the City Council voluntarily made adoption of these



contingent upon passage of Measure Y, these policy changes are all things the Council has the power to adopt at any time in the future, on its own. None of them require Greenlight approval. In fact, many of the land use changes for which voter approval is being sought with Measure Y run counter to these new policies. For example, The Irvine Company will be asked to give up the possibility of adding new retail square footage at several neighbor shopping centers in return for consolidating the development at Fashion Island. This will require residents to drive to get to goods and services which could have been within walking distance, and is completely contrary to the idea of walkable, sustainable communities.

Where can I find additional information on the Land Use Element update process?

The City has a page on its website with limited resources devoted to the Land Use Element Amendment.