

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
MEASURE B**

The Charter is the constitution for the City of Newport Beach. A “yes” vote would amend the Charter to add Section 425 to require City Hall, including City administrative offices and relating parking, to be located on City property located adjacent to the Newport Beach Central Library in the Newport Center area of the City. Specifically, the property is a 12.82 acre unimproved parcel bounded by Avocado Avenue on the west, San Miguel Drive on the north and MacArthur Boulevard on the east with the Newport Beach Central Library to the south.

The City’s General Plan designates the property as open space and identifies it as a site for development of a future passive park to be called Newport Center Park. The zoning regulations identify the property as open space, including a 4 acre public park as a permitted use. Neither the General Plan nor zoning regulations authorize construction of a city hall on the property.

If this Charter amendment is approved, it can only be changed by future voter approval. The Initiative states that its provisions shall supersede any conflicting provisions of the General Plan or Municipal Code, and to the extent permitted by law, authorizes and directs the City to amend the General Plan, Municipal Code and other policies and regulations to implement the Initiative as soon as possible to ensure consistency and correlation between the Initiative, General Plan and Municipal Code.

If the measure is defeated, the City would not be required to move City Hall from its current location at 3300 Newport Boulevard on the Balboa Peninsula to the property in Newport Center. City Hall and City administrative offices could stay in the current location, or be moved to another location as may be later identified by the City.

THE ABOVE STATEMENT IS AN IMPARTIAL ANALYSIS OF MEASURE B. IF YOU DESIRE A COPY OF THE MEASURE, PLEASE CALL THE NEWPORT BEACH OFFICE OF THE CITY CLERK AT 949-644-3005 AND A COPY WILL BE MAILED AT NO COST TO YOU. THE TEXT OF THIS MEASURE IS ALSO AVAILABLE ON THE CITY’S WEBSITE AT www.city.newport-beach.ca.us

ARGUMENT IN FAVOR OF MEASURE B

Newport Beach is one of the most beautiful places in the world, and we are a community that strives for excellence. The City Council has determined the need for a new centrally located City Hall. The best location would be on a site adjacent to the Central Library, proposed by the grassroots City Hall in the Park Committee, also known as the Ficker Plan.

MOST ECONOMICAL

The site is owned by the City. No need to purchase a site.

AT LEAST \$10 MILLION LESS THAN OTHER CITY ALTERNATIVE

City consultant compared costs with another location, and their official estimate found the Ficker site was at least \$10 million less in cost.

CENTRAL LOCATION

Convenient location for serving all residents.

SYNERGISM

City Hall, Central Library and Park together will provide a true sense of community.

10 ACRE PARK WITH CITY HALL

The Ficker Plan uses less than 2.8 acres of the 12.8 acre site. The 1992 Planned Community District Regulations contemplated a 4 acre park.

MORE THAN 15,000 VOTERS SIGNED PETITIONS TO VOTE ON THIS ISSUE

The City Council has been one vote apart because of political promises to special interest groups, and therefore it is logical to give citizens the vote on this important question.

FICKER PLAN RECEIVES POSITIVE STAFF ANALYSIS.

City Staff has not identified any single issue that would preclude the City Hall from going on the Ficker site.

NEIGHBORS' AND PUBLIC VIEWS PROTECTED

City View Plane Ordinance protects views.

LIBRARY PARKING INCREASED

100 needed library parking spaces included.

The combination of the City Hall, Library and Park will create a spacious, open complex that will be economically constructed, and will be highly identified with a surrounding park, creating a unique and beautiful complex.

Vote YES ON MEASURE B

For more information: www.cityhallinthepark.com

s/ Marian C. Bergeson

s/ Nancy Skinner

s/ William P. Ficker

s/ Jack Croul

s/ Ron Hendrickson

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B

The reason building sites are not in the City Charter is because things change. Since the petitions were circulated, we now have a better Newport Center site, which is **\$7 - \$10 million cheaper than the park site**.

The proponents compared costs with an old site, not **the more centrally located** Newport Center site. One of the big reasons the initiative has higher costs is that you must truck away 65,000 - 75,000 cubic yards of dirt on city streets in order to build on the park site.

City staff has not identified any issues related to the park site because traffic, groundwater, view protection, environmental and geotechnical issues have not been reviewed. Just as it bypasses Greenlight and the General Plan, **the initiative ignores the normal environmental process**. In order to "protect views" the building must be designed as a bunker, with expensive underground parking.

There is no "synergy" with facing the back wall of the library and the park plan **creates more traffic gridlock** on MacArthur and around the library.

The initiative leaves only unusable slope areas for a park. **There is no requirement for any park in the initiative**. That's why local neighborhoods oppose this initiative.

This initiative **cuts off all review** of better, lower cost sites, including leaving city hall where it is.

With one large contributor, **proponents paid \$5.00 per signature** to qualify this end run of our traffic and environmental protections.

Vote No. This plan is just not right for our city.
www.NewportersVoteNO.com

s/ **Jean H. Watt**
Former City Council Member-Newport Beach

s/ **Hugh Logan**
Community Advocate-Newport Beach

s/ **Bernie P. Svalstad**
Former Chairman-Corona del Mar Centennial Foundation

s/ **Karen E. Tringali**
Director-Parks Are Priceless Committee

ARGUMENT AGAINST MEASURE B

Don't be misled. Building a new city hall at the Newport Center Park site creates an intolerable traffic nightmare, eliminates less-costly site options, and violates voter-mandated guidelines which protect our quality of life. Vote NO on Measure B.

This ill-conceived measure will cost more than \$55.2 million. This is millions more than a better site, centrally located, only two blocks away. It also forces the city to abandon the option of leaving city hall where it is, opening up the existing site to developers for condos and hotels.

Building a city hall at the park site would cause major traffic gridlock, especially at the corner of MacArthur and San Miguel where we already have daily traffic jams. This measure bypasses traffic, environmental and planning laws. It is a change to our city charter, so poorly worded that a court will ultimately need to interpret its provisions after costly litigation.

The park, which is located between MacArthur, Avocado and San Miguel, was donated to the city as a park in exchange for development rights elsewhere, planned as a park and reaffirmed as a park by voters in last year's election. The park currently provides one of the best public ocean views in the city and will have traditional open grass areas, a gazebo for weddings and events and a tot lot. This measure violates Greenlight, the voter-approved general plan, the action of city council and the expressed position of neighborhood associations.

With a better city hall site, costing millions of dollars less and only two blocks away, why would anyone want to destroy this park which is supported by residents all across the city? Please join your neighbors in voting NO on Measure B ensuring that Newport Center Park remains our park.

Parks Are Priceless Committee Opposed To Measure To Build City Hall In Newport Center Park

Signed October 23, 2007 by:

**s/ Jean H. Watt
Former City Council Member-Newport Beach**

**s/ Hugh Logan
Community Advocate-Newport Beach**

**s/ Bernie P. Svalstad
Former Chairman-Corona del Mar Centennial Foundation**

**s/ Allan Beek
Director-Parks Are Priceless Committee**

REBUTTAL TO ARGUMENT AGAINST MEASURE B

YES ON MEASURE B The most fiscally responsible solution is placing "City Hall in the Park", next to our library, a world class location.

CITY OWNED SITE; SAVES TAXPAYERS MILLIONS OF DOLLARS

Saves the cost of purchasing an expensive site in Newport Center. Site preparation costs for the Ficker Plan are offset by the additional cost of purchasing a Newport Center site. The opposition is using a fallacious cost estimate based on a poorly conceived concept. Development fees of \$27 million are available to construct our City Hall adjacent to the library on our own City campus, along with a park.

CITY HALL NOT A BIG TRAFFIC GENERATOR

Employees have flexible time schedules. Varied work schedules allow many employees to be off Mondays or Fridays. Visitors come at off-peak hours.

TRAFFIC IMPROVEMENTS UNDERWAY IN NEWPORT CENTER

Traffic improvements will significantly improve traffic flow at the San Miguel/MacArthur/Avocado intersections, and will consist of a new traffic control center, cameras at intersections, a video monitor manned by a traffic professional, with the ability to adjust signals to increase traffic flow.

CITY WILL RETAIN ITS INDEPENDENCE AND IDENTITY

For 100 years our City has charted its own course. Constructing City Hall on city owned property next to our Central Library provides great synergism and the opportunity for Newport Beach to continue to retain its own identity, control City Hall design and landscape amenities, creating a unique civic complex.

For more information: www.cityhallinthepark.com.

s/ William P. Ficker
AIA, Architect/Planner (retired)

s/ Lucille Kuehn
Former City Council Member

s/ Pat Beek
Past Chair, Park, Beaches & Recreation Comm.

s/ John Heffernan
Former Mayor

s/ Jo Vandervort
Past Chair, Parks, Beaches & Recreation Comm.