

# ORANGE

# COUNTY OF



# GENERAL ELECTION

TUESDAY, NOVEMBER 7, 2000

## Sample Ballot

and

## Voter Information Pamphlet

**NOTICE: APPLICATION FOR ABSENT VOTER BALLOT ENCLOSED**

In order to receive a sample ballot pamphlet in Spanish or Vietnamese for this election, and for future elections, please call (714) 567-7591.

Para recibir una muestra del folleto de la boleta en español para esta elección y para elecciones futuras, por favor llame (714) 567-7591. La dirección del lugar de votación donde Ud. va a votar esta en la última página de este folleto.

Để nhận được lá phiếu mẫu và Cẩm Nang Hướng Dẫn Cử Tri bằng tiếng Việt cho kỳ bầu cử này, cũng như cho những kỳ bầu cử trong tương lai, xin vui lòng gọi (714) 567-7591. Địa điểm bỏ phiếu của quý vị được ghi ở trang bìa sau của bản Hướng Dẫn Cử Tri này.

**FOR INFORMATION OR ASSISTANCE CALL: (714)**

ABSENT VOTER INFORMATION . . . . .	567-7561	TELECOMMUNICATION DEVICE	
DIRECTION TO POLLING PLACE . . . . .	796-8322	FOR THE DEAF . . . . .	567-7608
REGISTRATION INFORMATION . . . . .	567-7594	GENERAL INFORMATION . . . . .	567-7600
PRECINCT WORKERS . . . . .	567-7580	BILINGUAL ASSISTANCE . . . . .	567-7591

Visit our web site at [www.oc.ca.gov/election/](http://www.oc.ca.gov/election/)

**WARNING**

Your polling place may have been changed! See back cover for polling place location.

### THE LOCATION OF YOUR POLLING PLACE IS SHOWN ON BACK COVER

• **POLLS OPEN AT 7 A.M. AND CLOSE AT 8 P.M.** •

SAVE THIS SAMPLE BALLOT TO HELP YOU LOCATE YOUR POLLING PLACE ON ELECTION DAY



FULL TEXT OF MEASURE S  
CITY OF NEWPORT BEACH

Section 423. Protection from Traffic and Density.

Voter approval is required for any major amendment to the Newport Beach General Plan. A "major amendment" is one that significantly increases the maximum amount of traffic that allowed uses could generate, or significantly increases allowed density or intensity. "Significantly increases" means over 100 peak hour trips (traffic), or over 100 dwelling units (density), or over 40,000 square feet of floor area (intensity); these thresholds shall apply to the total of: 1) Increases resulting from the amendment itself, plus 2) Eighty percent of the increases resulting from other amendments affecting the same neighborhood and adopted within the preceding ten years. "Other amendments" does not include those approved by the voters. "Neighborhood" shall mean a Statistical Area as shown in the Land Use Element of the General Plan, page 89, in effect from 1988 to 1998, and new Statistical Areas created from time to time for land subsequently annexed to the City.

"Voter approval is required" means that the amendment shall not take effect unless it has been submitted to the voters and approved by a majority of those voting on it. Any such amendment shall be submitted to a public vote as a separate and distinct ballot measure notwithstanding its approval by the city council at the same time as one or more other amendments to the City's General Plan. The city council shall set any election required by this Section for the municipal election next following city council approval of the amendment, or, by mutual agreement with the applicant for the amendment, may call a special election for this purpose with the cost of the special election shared by the applicant and the City as they may agree. In any election required by this Section, the ballot measure shall be worded such that a YES vote approves the amendment and a NO vote rejects the amendment; any such election in which the ballot measure is not so worded shall be void and shall have no effect.

This Section shall not apply if state or federal law precludes a vote of the voters on the amendment.

(End of amendment. But the proposed ballot measure also includes the following "Second" through "Seventh":)

**Second. Purpose.** It is the purpose of the amendment to give the voters the power to prevent Newport Beach from becoming a traffic-congested city, by requiring their approval for any change to the City's General Plan that may significantly increase allowed traffic; and also to make sure that major changes do not escape scrutiny by being presented piecemeal as a sequence of small changes.

**Third. Findings.** 1. In planning the growth of their city and protecting its quality of life, a prime concern of the people of Newport Beach is to avoid congestion and gridlock from too much traffic.

2. The General Plan guides growth in the City of Newport Beach by designating land use categories for all lands in the City, and providing limits on the allowed density and intensity of use for each land use category.

3. The General Plan already provides for additional growth in the City; if all development allowed by the General Plan were to be built, the traffic generated in the City would increase by about 20%.

4. The people, whose quality of life is at stake, should have the power to disapprove any proposed General Plan amendment that may significantly increase traffic congestion beyond that which could already occur from development under the General Plan.

**Fourth. Implementation.** 1. It is the intent of the foregoing amendment to the City Charter of the City of Newport Beach that, to the maximum extent permitted by law, it apply to all amendments to the General Plan approved by the Newport Beach city council after the time of filing of the Notice Of Intent To Circulate Petition, provided that it shall not apply to any amendment for a development project which has obtained a "vested right" as of the effective date of the foregoing amendment to the City Charter. A "vested right" shall have been obtained if:

(a) The project has received final approval of a vesting tentative map. As to such vesting tentative maps, however, they shall be exempt only to the extent that development is expressly authorized in the vesting tentative map itself; or

(b) The project has obtained final approval of a Development Agreement as authorized by the California Government Code; or

(c) The following criteria are met with respect to the project:

(i) The project has received a building permit, or where no building permit is required, its final discretionary approval, and

(ii) Substantial expenditures have been incurred in good faith reliance on the building permit, or where no building permit is required, the final discretionary approval for the project; and

(iii) Substantial construction has been performed in good faith reliance on the building permit, or where no building permit is required, on the final discretionary approval.

Phased projects shall qualify for vested rights exemptions only on a phase by phase basis consistent with California law.

2. The city council is encouraged to adopt guidelines to implement the foregoing amendment to the City Charter of the City of Newport Beach following public notice and public hearing, provided that any such guidelines shall be consistent with the amendment and its purposes and findings. Any such guidelines shall be adopted by not less than six affirmative votes, and may be amended from time to time by not less than six affirmative votes.

3. The City shall take all steps necessary to defend vigorously any challenge to the validity of the foregoing amendment to the City Charter of the City of Newport Beach.

4. Peak hour trip generation rates shall be calculated using the most recent version of the Trip Generation Manual of the Institute of Transportation Engineers. The city may fine-tune these rates, but not to less than 95% of the rates in the Manual.

**Fifth. Attachment.** Attached to this petition is a copy of page 89 of the Land Use Element of the General Plan, showing the "Statistical Areas" of the City of Newport Beach. Note: If you desire a copy of the attachment as noted, please call the elections official's office at 949-644-3005 and a copy will be mailed at no cost to you.

**Sixth. Construction.** Nothing herein shall be construed to make illegal any lawful use presently being made of any land or to prohibit the development of any land in accordance with the provisions of the City's General Plan in force at the time of filing of the Notice of Intent to Circulate Petition.

**Seventh. Severability.** If any part of this initiative is declared invalid on its face or as applied to a particular case, such decision shall not affect the validity of the remaining parts, or their application to other cases. It is hereby declared that each part of this initiative would have been adopted irrespective of the fact that any one or more other parts be declared invalid. "Part" is generic, including but not limited to: Word, clause, phrase, sentence, paragraph, subsection, section, and provision.



## ARGUMENT IN FAVOR OF MEASURE S

### Measure S is the RESIDENTS' Greenlight "Protection from Traffic and Density Initiative"

Vote YES to keep Newport Beach the way you like it: a residential bay/beach community, not a traffic-congested high-density city like Marina del Rey.

Measure S (Greenlight) gives voters the right to decide on MAJOR General Plan amendments (such as the Dūnēs Hotel). You choose the good and reject the bad.

Is there a threat? Yes! MILLIONS of square feet of high-rise offices that generate THOUSANDS of automobile trips await approval. Over half were withdrawn because of Greenlight, but if Greenlight is defeated, they will quickly reappear.

#### GREENLIGHT WILL:

- let you vote to LIMIT traffic-generating developments.
- let you prevent office towers and convention hotels that create demand for expansion of John Wayne Airport.
- limit developer-lobbyist influence on the City Council by giving residents an equal voice.
- NEVER require a vote to rebuild or remodel your home. Greenlight preserves property rights and existing entitlements.
- keep the Traffic Phasing Ordinance requiring developers to pay for road improvements.
- be more effective because it uses BOTH the Traffic Phasing Ordinance and YOUR VOTE to limit traffic congestion. (*Developer-supported Measure T is INEFFECTIVE as it relies solely on the Traffic Phasing Ordinance that can be easily OVERRIDDEN by the City Council.*)
- protect emergency routes to Hoag Hospital.
- cause only 1 or 2 votes per year. (Judging by history)
- NEVER require special elections.

Greenlight is simple. Residents have the final say on major developments in excess of the General Plan that increase traffic and density.

Resident volunteers put Greenlight on the ballot to save the city's unique character. Developer-supported Measure T is meant to kill Greenlight.

Who do you trust? Fellow residents or developers and politicians?

Vote YES on Measure S (Greenlight) and No on Measure T.

s/ Evelyn Hart, Former Mayor, City of Newport Beach  
s/ Jean Watt, Former City Councilwoman and former President of SPON  
s/ Philip Arst, President District Residents Coalition  
s/ Tom Hyans, President District Residents Association  
s/ Allan Beek, Former Planning Commissioner

## ARGUMENT AGAINST MEASURE S

Vote NO on Measure S. It's a confusing proposal that does nothing to improve traffic or our quality of life.

Measure S would force repeated costly elections over minor projects. It abandons representative government and diverts tax dollars from priorities such as public safety.

### NUMEROUS TAXPAYER FUNDED ELECTIONS OVER MINOR AMENDMENTS

Measure S requires a citywide vote on **EVERY** General Plan Amendment once the threshold is met.

Here's the OFFICIAL SUMMARY that explains why:

A "major amendment" is defined as one that would, individually OR IN COMBINATION WITH PREVIOUS AMENDMENTS in the "same neighborhood" generate more than 100 peak hour trips, add more than 100 dwelling units, or add more than 40,000 square feet of floor area"

Measure S requires us to go back TEN YEARS and add up previous AMENDMENTS. If a neighborhood project brings the CUMULATIVE TOTAL ABOVE the threshold then EVERY FUTURE AMENDMENT must be voted on.

Under Measure S taxpayers will fund citywide elections on projects like:

- RENOVATIONS. A small businessman trying to add 100 square feet to his building.
- PARKS. Rezoning land from residential use to open space use.
- CHURCHES. A proposal to permit a church gymnasium instead of an office complex next to a church.
- FIRE STATIONS. A plan to build a fire station where housing had been zoned.

At a public meeting July 25th the sponsors admitted that Measure S would have required **AT LEAST FIFTEEN CITYWIDE ELECTIONS** in recent years. This is a very conservative estimate!

### ABANDONS REPRESENTATIVE GOVERNMENT

Measure S ignores public hearings, environmental review and careful study - in favor of expensive campaigns funded by special interests.

If we don't like the decisions of our city council let's vote them out of office! But let's not make good planning irrelevant by approving Measure S.

Vote NO!

s/ Marian Bergeson

s/ Clarence Turner  
Newport Beach Mayor, 1993 - 1994  
Newport Beach Mayor Pro-Tem, 1991 - 1992

s/ Reed Royalty  
President, Orange County Taxpayers Association

s/ Paul Salenko  
Treasurer, Newport Beach Police Employees Association

s/ John Marder  
Headmaster, Harbor Day School, 1967 - 1993



FULL TEXT OF MEASURE T  
CITY OF NEWPORT BEACH

Section 423: NEWPORT BEACH TRAFFIC PLANNING AND IMPROVEMENTS;  
TRAFFIC PHASING ORDINANCE

(a) The residents of Newport Beach believe that the current Traffic Phasing Ordinance (Ordinance 99-17 - the "TPO") protects our quality of life and the quality of life for our children. The TPO protects neighborhoods from traffic, controls development and saves taxpayer money by requiring the developer to pay for important road improvements. The TPO has three key Sections that provide protection against neighborhood traffic congestion and excessive development. These three Sections of the TPO, which are described in Subsections 1, 2 and 3, shall not be amended or repealed except by a majority of those voting on an amendment or repeal at a regular general municipal election held pursuant to Section 1000 of this Charter.

**1. 90 Percent Capacity Maximum.**

Section 15.40.040 (Q) of the TPO defines an "Unsatisfactory Level of Service" at specified intersections as traffic that exceeds 90 percent (90%) of the intersection's anticipated capacity, during either any morning or evening Peak Hour Period, (i.e. any four consecutive fifteen (15) minute periods between 7:00 a.m. and 9:00 a.m. (Morning) or any four consecutive fifteen (15) minute periods between 4:00 p.m. and 6:00 p.m. (Evening) with the highest traffic volumes for each of the specified intersections on weekdays between February 1 and May 31). Section 15.40.040 (Q) of the TPO shall not be amended or repealed except by a majority vote of the people of the City of Newport Beach.

**2. One Percent Trigger Mechanism.**

Section 15.40.040 (F) of the TPO defines the threshold at which specified intersections are deemed impacted by a Project. That threshold is where Project trips increase the volume of traffic on any leg by one percent (1%) or more during any Peak Hour Period. Section 15.40.040 (F) of the TPO shall not be amended or repealed except by a majority vote of the people of the City of Newport Beach.

**3. Development Funding.**

Section 15.40.030(A)(3) of the TPO requires Project Proponents to make or fund traffic improvements, or make the contributions to fund traffic improvements, that are necessary to make the Findings for Approval and to comply with all Conditions of Approval identified through application of the TPO. Section 15.40.030(A)(3) of the TPO shall not be amended or repealed except by a majority vote of the people of the City of Newport Beach.

**(b) AIRPORT AREA EXCEPTION**

To ensure that this Section does not impact the ability of the City of Newport Beach to prevent further expansion of John Wayne Airport (JWA) or to prevent an increase in commercial jet operations at JWA, this Section shall not apply to any modification of the TPO with respect to the Airport Area (the area bounded by Jamboree Rd, Bristol St. and Campus Drive).

**General Provisions**

**Competing Initiatives.** It is the intent of the people that the provisions of this Initiative be deemed competing and conflicting with the provisions of a similar initiative known as the "Protection from Traffic and Density" initiative (a.k.a. "Greenlight Initiative"). In the event both initiatives are adopted at the same election, the initiative receiving the highest number of affirmative votes shall prevail and the other initiative shall have no force or effect whatsoever.

**Repeal of Conflicting Charter Provisions.** Should the Greenlight Initiative be in effect on the effective date of this Charter Amendment, the Greenlight Initiative is hereby repealed.

**Severability.** If any provision of this Charter Amendment, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Charter Amendment, including the application of such provision to other persons or circumstances, shall not be affected by such a holding and shall continue in full force and effect. To this end, the provisions of this Charter Amendment are severable.

**Initiative Petition Attachments.** Attached to the initiative petition proposing this Charter Amendment are true and correct copies of Ordinance No. 99-17 (the TPO), and the Greenlight Initiative. Note: If you desire a copy of the attachments as noted, please call the elections official's office at 949-644-3005 and a copy will be mailed at no cost to you.



## ARGUMENT IN FAVOR OF MEASURE T

Ten thousand people signed petitions to place Measure T on the ballot because they want tough traffic regulations and traffic improvements. Join them in voting YES on Measure T.

Measure T is necessary because some people want to change or repeal the major provisions of the Traffic Phasing Ordinance (TPO). Measure T places the essential regulations of the TPO into the City Charter so they can only be changed by voters.

### TOUGH TRAFFIC REGULATIONS ONLY VOTERS CAN CHANGE

The goal of the TPO is to relieve traffic congestion by requiring every new development that adds ONE PERCENT or more new peak hour traffic to an intersection to fund for improvements to keep traffic flowing. If a development ADDS one percent more traffic then it must fund for improvements to ensure traffic does not exceed NINETY PERCENT of the capacity of the intersection.

These standards HAVE helped relieve traffic congestion in Newport Beach despite the fact that our community is inundated with REGIONAL traffic and BEACH traffic that has nothing to do with local development.

Measure T ensures these TPO regulations cannot be changed - except by the voters.

### DEVELOPMENT INTERESTS PAY - NOT TAXPAYERS

Measure T covers major intersections in the city. The developer funded traffic improvements required by Measure T are IN ADDITION to the road improvements required during normal citizen, environmental and city review of proposed projects.

The Traffic Phasing Ordinance (TPO) has raised literally tens of millions of dollars from developers to pay for street improvements in Newport Beach. Without the TPO the taxpayers would have been on the hook for these improvements - and money for priorities such as public safety and senior services would have been significantly reduced.

Give the voters control over tough traffic standards. Ensure developers pay for needed improvements. Vote YES on Measure T.

s/ Marian Bergeson

s/ Bob Wynn  
Newport Beach City Manager, 1971 - 1991

s/ Rich Thomas  
President, Newport Beach Firefighters Association

s/ James DeBoom  
President, Trustee of Newport Mesa School District, 1983 - 1996

s/ William Ficker  
America's Cup Skipper, 1970

## ARGUMENT AGAINST MEASURE T

Measure T cancels Measure S (Greenlight).

Measure S (Greenlight) gives YOU the right to decide what is reasonable growth. Measure T is supported by developers solely to invalidate the benefits of Measure S, the residents' Protection From Traffic and Density Initiative.

Aside from canceling Greenlight, Measure T really does nothing new:

- It brings no new money for street improvements.
- It adds no new rules to control traffic. (Greenlight does.)
- The Traffic Phasing Ordinance already exists. It doesn't need Measure T.
- Measure T pretends to protect the Traffic Phasing Ordinance, but there is only one threat to the Traffic Phasing Ordinance — THE CITY COUNCIL CAN OVERRIDE IT AT ANY TIME. Measure T does nothing about this.

Measure T fails to balance growth and is actually harmful:

- By canceling Greenlight, it allows for overdevelopment (like the Dunes Hotel) without voter approval. Millions of square feet of offices are on hold hoping for Greenlight's defeat so they can reappear.
- Measure T will create more pressure to expand John Wayne Airport: Permitting more office towers and convention centers means more demand for air travel and more flights overhead.

The development community is spending massively on Measure T to defeat Greenlight. (They spent over \$100,000 while getting their initiative on the ballot.)

Measure T does not preserve representative government, unless you believe developers need more representation.

In contrast to Measure T, Greenlight (Measure S) goes to the root of our problems: TRAFFIC. Traffic comes from development. Greenlight gives YOU the right to decide how much development to have over and above the City's General Plan.

The world has hundreds of office towers and convention hotels, but only one Newport Beach. Protect it by voting Yes on S and No on T.

s/ Jean Watt  
Former Newport Beach City Councilwoman  
Founder of SPON

s/ Tom Houston  
Former President, Balboa Island Improvement Association  
President, Financial Benefits Group

s/ Elaine Linhoff  
Member, Newport Beach's Environmental Quality Advisory Committee (EQAC)  
Board Member and Former President, Balboa Peninsula Point Association

s/ Nancy Skinner  
Water Quality Activist

s/ Mel Mann  
Board Member, Residents Community Association

