

CITY ATTORNEY'S IMPARTIAL ANALYSIS

CALIFORNIA ELECTIONS CODE SECTION 9280

MEASURE __

State law requires the City of Newport Beach to maintain a Housing Element identifying adequate sites to accommodate its Regional Housing Needs Allocation by income category.

If adopted, this measure would amend the City's General Plan (Policy LU 4.4) to impose limits and affordability requirements for up to 2,900 dwelling units within five housing opportunity areas. Of those units, 2,160 would be reserved for extremely low-, very low-, and low-income households, with the remainder designated for moderate-income households. The measure also establishes a density range of 20 to 50 units per gross acre, plus any additional density permitted by state law, which may affect how residential development is distributed among sites.

State housing law requires local governments to identify and address governmental constraints to housing development and to maintain sufficient capacity to meet housing obligations by income category. The measure's affordability requirements and development limitations could constrain the City's ability to satisfy these obligations. If the California Department of Housing and Community Development determines that the measure reduces housing capacity or constrains housing production, or if the City is otherwise required to identify additional housing capacity under state law, the City may be required to amend its Housing Element, identify additional housing sites, or take other actions to maintain compliance with state housing law.

Because the measure would establish voter-approved limitations on housing locations, densities, and affordability requirements, the City's ability to modify housing capacity, designate replacement sites or respond to future state housing requirements may be limited without voter approval. If the City is unable to maintain compliance with state housing law, it could be subject to administrative or judicial enforcement actions authorized by state law, including limitations on certain local land use authority, court-ordered remedies and monetary penalties.

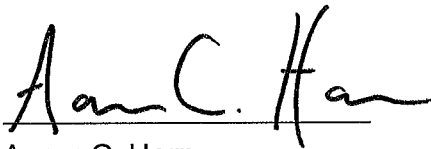
The measure does not approve any specific development project. Future projects would remain subject to applicable review and approval requirements.

A "YES" vote is a vote in favor of the amending the General Plan.

A "NO" vote is a vote against amending the General Plan.

The measure was placed on the ballot by a petition signed by the requisite number of voters

The above statement is an impartial analysis of Measure _____. If you desire a copy of the measure, please call the elections official's office 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.newportbeachca.gov.

A handwritten signature in black ink, reading "Aaron C. Harp". The signature is written in a cursive style with a horizontal line underneath the name.

Aaron C. Harp
City Attorney for the
City of Newport Beach